



Heads of Workplace Safety Authorities
Australia and New Zealand

Australian Work Health and Safety Regulators

Framework for a common approach to inspection work

(Adopted by Heads of Workplace Safety Authorities on 1 February 2011)

1. Introduction and context

Inspectors have a critical role to play in reducing the incidence of work-related death, injury and disease in Australia. Inspectors are appointed under the respective Commonwealth, State or Territory work health and safety (WHS) laws which set out their powers, functions and obligations. WHS regulators may issue directions to their inspectors about the exercise of compliance powers. Relevant codes of conduct and the *Global Code of Integrity for Labour Inspection* also govern the approach to inspection work.

An intergovernmental agreement provides for:

- common WHS laws to take effect across Australian jurisdictions from 1 January 2012, and
- WHS regulators to take a common approach to administer these laws.

A nationally consistent experience with the WHS laws, by persons conducting a business or undertaking and other workplace parties across Australia, relies on a clearly articulated set of principles by which regulators can guide inspection work within their jurisdiction in the lead up to and after 1 January 2012.

This document sets out a framework to guide the approach to WHS inspection work¹. This framework supports the *National Work Health and Safety Compliance and Enforcement Policy*, which sets the overarching policy on how compliance and enforcement will be carried out by WHS regulators, and is, in turn, supported by the common operational procedures agreed to by WHS regulators about inspectors' functions, powers and obligations.

The document can be used as an ongoing reference document for inspectors appointed by WHS regulators, and by WHS regulators to recruit and train new inspectors.

2. Inspection work

While inspectors perform a range of tasks to support WHS regulators, inspection work is their main function.

Inspection work involves:

- conducting inspections in workplaces, or elsewhere
- making enquiries
- interviewing workplace parties and other relevant persons
- providing information and advice about how to comply with the WHS laws, and
- enforcing compliance with the WHS laws where necessary.

Inspection work improves WHS by:

- ensuring compliance with WHS laws
- promoting systematic management of WHS in workplaces
- helping build capability and willingness of duty holders to comply with WHS laws in a sustained way, and
- assisting workplace parties and other relevant persons to effectively manage WHS issues.

¹ The document has not been developed to apply to inspection work under workers' compensation laws. However, those WHS regulators who also regulate workers' compensation laws and other workers' compensation regulators in Australia may separately determine to adopt this framework or adapt it to suit the workers' compensation inspection functions.

Inspection work can be:

- triggered by events notified directly to the regulator, such as incidents, complaints about workplace conditions, or requests for inspector attendance under certain provisions of WHS laws, and
- part of a broader program designed by the regulator after analysing health and safety data, and information identifying hazards, or industry sectors with the highest level of risk.

3. Common principles for inspection work

The national compliance and enforcement principles require WHS regulators to be:

- consistent
- constructive
- transparent
- accountable
- proportionate
- targeted.

The common principles for inspection work, which have been agreed to by WHS regulators are outlined below.

Transparency:

- Duty holders and other workplace parties will be informed about why inspection work is occurring².
- The process and outcomes of the inspection will be explained.
- Records will be appropriately maintained.

Constructive:

- Relevant workplace parties will be engaged by the inspector during inspection work and informed about the outcomes.
- All relevant duty holders will be considered in the application of the inspection work, particularly those who have created the highest WHS risk and have the greatest opportunity to mitigate the risk.
- Ongoing involvement of all relevant workplace parties in WHS decision-making will be promoted.
- Positive actions taken by duty holders to manage WHS will be acknowledged.
- Duty holders will be informed about what compliance looks like (i.e. examples of how they could comply will be provided).
- Duty holders and other workplace parties will be informed about how to obtain more information about WHS services available from the regulator, employer and industry associations, unions, and the commercial market of WHS service providers³.
- Notices issued, or other actions recommended at a workplace will be followed up.

² When informing workplace parties about the reason for an inspection that has been triggered by a person making a complaint to the regulator about that workplace, care is to be taken to not disclose any information which may identify that person if they have expressed a desire for their identity to remain confidential to the regulator.

³ Only information about the 'type' of service provider that may be needed is given, because it is not appropriate for an inspector or the regulator to recommend any particular service provider.)

Accountability:

- Duty holders and other workplace parties will be informed of their statutory rights to seek a review of decision made during inspection work.
- All relevant facts will be taken into account, and decisions made during inspection work, will be made without bias.
- Inspection work will not be compromised by conflicts of interest, corruption or fraud.
- Duty holders and other workplace parties will be treated with respect and in a fair and just way.

Consistency:

- Relevant operational policies and procedures for inspection work will be adhered to.
- The same approach to, and outcome of, inspection work will be applied in comparable circumstances.

Inspection work can be most effective, if it is approached in the following way, consistent with the principles listed above:

- The inspector takes all reasonable steps to notify the person conducting a business or undertaking, and any relevant health and safety representatives that the inspector has entered the workplace and an inspection is to occur.
- Relevant health and safety representatives are advised of their right to accompany the inspector during an inspection, in a place where any member of their work group works.
- Relevant health and safety representatives are advised of their right to be present when the inspector interviews a member of their work group provided that person consents to the health and safety representative's presence.
- The work environment and relevant work processes and plant in use are observed during an inspection.
- Workers, health and safety and management representatives are asked open-ended questions (not leading questions) to find the most relevant information.
- Validation/verification of what any one party says is undertaken if the inspection is relevant to an assessment of compliance.
- Relevant documents, including incident registers, health and safety committee minutes, policies and procedures and records of training, are requested and examined to assess the extent to which work health and safety is being managed systematically and whether workplace consultation arrangements are effective.
- The inspector seeks assistance, either at the workplace or from the work health and safety regulator's resources where necessary, to understand the issues encountered.
- Potential sources or root causes for identified non-compliance are considered beyond the specific issue/s that may have triggered the inspection.
- Guidance or other assistance is provided to help build capability for systematic management of work health and safety where appropriate.
- Compliance with relevant WHS laws is achieved while the inspector is present or, where relevant, improvement or prohibition notices are issued with guidance and advice provided on how to fix non-compliance and serious risks.
- Infringement notices are issued or other necessary action is taken (with a view to prosecution taking place or enforceable undertakings being negotiated) when a higher level enforcement response is considered appropriate.

4. Inspector attributes

The particular attributes required by inspectors, either existing or to-be-recruited, to achieve the strategic objectives and outcomes of inspection work outlined above, have been identified by WHS regulators.

These attributes provide a framework for capability assessment and selection and include:

- influencing and communicating
- driving for results and problem solving
- client focus
- adaptability and responsiveness
- ability to both self-manage and work as part of a team
- a constructive approach to the role
- technical/professional knowledge and skills
- commitment to continuous learning and professional development.

Some of these attributes will be innate to the person, some will have been developed before coming to work for the WHS regulator, and others may need to be acquired and honed through ongoing learning and development opportunities. These attributes are outlined in greater detail in Appendix A.

Role competencies for inspection work, consistent with these attributes, have been identified and incorporated into the learning outcomes of the Diploma of Government (Workplace Inspection) and Diploma of Government (Investigation) which WHS regulators have adopted as an integral part of inspectors' ongoing learning and development.

5. Inspectorial support

WHS regulators provide a range of support to assist inspectors carry out their role effectively and efficiently, including:

- providing induction at the commencement of employment and access to ongoing technical training and professional development opportunities
- providing operational policies and procedures
- providing information technology and associated systems to support record-keeping and products of inspection work, such as notices issued by inspectors and investigation briefs, and to enable efficient reporting and monitoring of inspection work
- providing clarity on strategic direction and focus areas through forward business and operational planning
- providing access to technical and specialist support for advice and competency development
- providing feedback on evaluations undertaken into the effectiveness of inspection work to assist learning and future approaches
- engaging with and motivating inspectors to perform their functions competently to assist the regulator achieve the overall goals and objectives, and
- minimising risks to health, safety and wellbeing associated with inspection work, and providing support to assist inspectors' resilience.

Appendix A

Inspector attributes

Influencing/communicating

Conveys information and ideas clearly and confidently and displays effective interpersonal skills and insight; engages interest and acceptance from others. Takes specific action to persuade or gain acceptance of ideas. Adapts discussion to appeal to the interest and level of the other party. Picks up on non-verbal cues and has the ability to understand people. Develops an understanding of others' positions and anticipates and prepares for their reactions. Gathers support for ideas and initiatives. Relates well to all kinds of people – up, down, and sideways, inside and outside the organisation; builds appropriate rapport; builds constructive and effective relationships; uses diplomacy and tact; can diffuse even high-tension situations comfortably. Can negotiate skilfully in tough situations with both internal and external groups; can settle differences with minimal agitation; can win concessions without damaging relationships; can be both direct and forceful as well as diplomatic; gains trust quickly of other parties to the negotiations. Demonstrates effective written communication skills.

Driving for results and problem solving

Demonstrates a commitment to analysing and problem solving and achieving results. Resolution focused. Makes insightful and timely decisions to resolve issues and situations, responding independently without requiring instruction or request. Anticipates problems and gathers relevant information, which will enhance the provision of service or resolve a problem more satisfactorily and quickly. Considers course of action, taking into consideration resources, constraints, legislative requirements and regulator values. Sets personal challenging goals. Takes and models personal responsibility for outcomes and commitments.

Client focus

Dedicated to better understanding the attitudes, beliefs, capabilities, behaviours and motivators of those that the regulator is seeking to influence to make workplaces safer and healthier. Establishes and maintains effective relationships with clients and gains their trust and respect. Demonstrates effective prioritising of client needs and takes action to build a client-focused environment. Actively works with clients to understand their needs, and also anticipates and identifies client requirements. Models a committed approach to educating clients and to enforcing legislative and regulatory requirements fairly and appropriately. Seeks feedback from stakeholders and uses it for improvements in products, interventions and services. “Clients” include employers (and other PCBUs), managers, supervisors, workplace health and safety representatives, workers, employer associations, unions and the community.

Adaptability and responsiveness

Works effectively in changing environments and when undertaking different roles or tasks. Interacts effectively with a range of diverse people and groups. Adapts quickly and responds positively to change. Sees change as an opportunity. Able to deal with ambiguity. Has a flexible work style and is able to alter approach to clients. Open-minded when approaching different workplaces, and able to adapt style to meet requirements, knowing when to use advisory and enforcement roles where appropriate. Supports the change process, helping others to cope with change.

Self management and working in a team

Demonstrates an ability to manage competing priorities, exercise good time and resource management skills. Ability to cope with a large client workload, yet deal with routine duties. Comfortable with using discretion in decision making. Remains highly motivated and demonstrates emotional resilience. Recovers from setbacks and continues to work effectively. Maintains a positive outlook and enthusiasm, exercising tact and diplomacy when faced with difficult situations. Concerned with assisting other members of the team and freely shares information and ideas. Defines and understands team goals, shares wins and successes, fosters open dialogue. Able to integrate own work with the work of others.

Constructive approach to role

Demonstrates a constructive approach that reflects initiative, composure, resilience, enthusiasm and professionalism. Displays a positive persona and has personal impact. Derives personal motivation and satisfaction from job characteristics such as frequent change, ongoing stakeholder interaction, learning new skills, diverse interpersonal interactions, high work pace, employment security, resolving challenging workplace issues, achievement recognition and cooperation between functional areas.

Technical/professional knowledge and skills

Having and maintaining an acceptable level of technical and/or professional knowledge and skills in job-related areas. Able to apply this knowledge and skill effectively in role as inspector. Understanding of and experience in management systems and systems processes.

Commitment to continuous learning and professional development

Seeks opportunities to achieve better personal and team outcomes. Demonstrates openness and willingness to learn new information and processes. Shares information freely to assist other team members. Effectively sets challenging goals, suggests improvements, and seeks ways to provide higher quality results and service. Actively supports initiatives from team members. Advocates and demonstrates a continuous improvement culture.