

Submission to the inquiry into the importance of a viable, safe, sustainable and efficient road transport industry

Introduction

Safe Work Australia (SWA) welcomes the opportunity to provide a submission to the Senate Rural and Regional Affairs and Transport References Committee inquiry into the importance of a viable, safe, sustainable and efficient road transport industry.

SWA leads the development of national policy and strategies to improve work health and safety (WHS) and workers' compensation across Australia. SWA was established as a statutory agency on 1 November 2009 under the *Safe Work Australia Act 2008 (Cth)*. SWA is an inclusive, tripartite body, comprised of 15 Members; an independent Chair, nine Members representing the Commonwealth and each state and territory, two Members representing the interests of workers, two representing the interests of employers and the Chief Executive Officer of SWA. The staff of SWA and various committees and groups for technical and policy matters support the SWA Members.

As a national policy body, SWA does not regulate WHS laws or manage workers' compensation schemes. The Commonwealth, states and territories have responsibility for implementing, regulating and enforcing WHS laws and managing workers' compensation schemes in their respective jurisdictions. For road transport, national bodies such as the National Transport Commission and the National Heavy Vehicle Regulator have been established to encourage nationally consistent regulation of the sector.

SWA undertakes research and collates, analyses and reports national data to help the Commonwealth, states and territories and employers and workers in Australia achieve the national vision of *healthy, safe and productive working lives*.

The Australian Work Health and Safety Strategy 2012-2022

The *Australian Work Health and Safety Strategy 2012–22* (the Australian Strategy) provides a 10-year framework to drive improvements in WHS in Australia. It was agreed by Commonwealth, state and territory ministers with responsibility for WHS (WHS ministers), the Australian Industry Group, the Australian Chamber of Commerce and Industry, and the Australian Council of Trade Unions.

The Australian Strategy aims to coordinate and focus effort by influencing those who are in a position to advance WHS in Australia. All WHS stakeholders are encouraged to develop and implement measures that align with the vision and priorities in the Australian Strategy.

The Australian Strategy identifies seven national priority industries that have high rates of injury and fatalities, or are hazardous by their nature. The road transport industry is one of the priority industries. Within this diverse industry, the road freight transport sector was identified as an area requiring additional focus over the first five years of the current Australian Strategy.

In recognition of the Strategy's focus, additional activities were carried out in the sector, for example, Workplace Health and Safety Queensland developed the *Road freight industry action plan 2014-2017*. This led to collaboration with industry and businesses in the sector, on safety projects including loading and unloading, falls from trucks, coupling and decoupling, and safety immobilising vehicles.

The success of the Australian Strategy's vision of 'healthy, safe and productive working lives' will be measured through a number of targets to be achieved by 2022. These include:

- a reduction in the number of worker fatalities due to injury of at least 20 per cent
- a reduction in the incidence rate of claims resulting in one or more weeks off work of at least 30 per cent, and
- a reduction in the incidence of claims for musculoskeletal disorders (MSD) resulting in one or more weeks off work of at least 30 per cent.

Progress against all three targets is on track. The reduction in worker fatalities during the first five years of the Australian Strategy has exceeded the reduction required to meet the target. If current trends continue, the reduction in serious injury and MSD claims will exceed the reduction required to meet the targets by 2022.

The targets are also on track to be met and exceeded with respect to reductions in worker fatalities and serious claims in the Road transport industry.

The model WHS laws

In 2011, SWA developed a single set of 'model' WHS laws to be implemented across Australia. For the model WHS laws to become legally binding, the Commonwealth, states and territories must separately implement them as their own laws. The model WHS laws have been implemented in the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania and the Commonwealth. Victoria and Western Australia have not yet implemented the model WHS laws.

The aim of the model WHS laws is to provide all workers in Australia with the same standard of health and safety protection regardless of the work they do or where they work. The model WHS laws are intended to be broadly applicable to all organisations regardless of the size of their industry. The laws are duty-based and allow organisations to tailor their approach to safety to suit their circumstances.

The model WHS laws comprise the model WHS Act, model WHS Regulations and model Codes of Practice. The model WHS Act provides a framework to protect the health, safety and welfare of all workers at work and of other people who might be affected by the work.

The model WHS laws cover, among other things, a person conducting a business or undertaking (PCBU), workers and workplaces. These are deliberately broad terms to ensure the Act applies to all types of modern working arrangements, including those that extend beyond the traditional employer/employee relationship (for example, labour hire).

The model WHS Regulations are made under the model WHS Act and cover a wide range of specific WHS matters, including managing risks to health and safety posed by hazardous work (for example, work involving noise, confined spaces, demolition) and materials (like chemicals and asbestos), major hazard facilities and high risk industries (for example, construction and mines).

The model Codes of Practice provide practical guidance on how to meet the standards set out in the model WHS Act and the model WHS Regulations. Codes of Practice are admissible in proceedings as evidence of whether or not a duty under the model WHS laws has been met. They can also be referred to by an inspector when issuing an improvement or prohibition notice.

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Work health and safety risks in the road transport industry

Vehicles used for work purposes are considered a workplace and that means the model WHS laws apply. It is important for all PCBUs and workers to be aware of the hazards of driving vehicles and working around them. Those with a WHS duty need to ensure they have systems and processes in place to eliminate the risks or minimise them as far as reasonably practicable.

The types of hazards that make road transport in Australia a high risk industry include:

- **Time pressures.** Tight deadlines within the transport industry can make drivers feel pressured to speed and skip breaks.
- **Environmental factors.** Bad weather, poor road surfaces, limited visibility, sun position and the unpredictability of other road users can all impact on driver safety on the road.
- **Shift work, fatigue and physical fitness.** Shift work is common in the road transport industry and working irregular hours can cause fatigue and have adverse effects on health and safety. Transport work, especially driving, offers workers only brief periods of physical activity, for example when they are loading and unloading. This means workers are at a higher risk of being overweight or obese, are less active and sit for long periods.
- **Poor vehicle design.** Transport drivers' workplace is their vehicle, and so the design of the seat and vehicle controls as well as the duration and frequency they drive will affect their risk of musculoskeletal discomfort. Poor vehicle design and driving over rough roads can increase exposure to vibration, which increases risks for disorders to the musculoskeletal system and organs.
- **Manual handling of heavy weights.** Loading and unloading vehicles often involves lifting heavy weights.
- **Working at height.** Drivers of trucks regularly climb onto and off their vehicle and falls are a cause of serious incidents. If the worker is required to access the load from the top of the vehicle appropriate fall protection needs to be in place.
- **Gases and fume exposure.** Workers in the transport industry are more likely to report being exposed to airborne hazards such as gases and fumes than workers in other industries.

More information about identifying and managing these types of hazards and risks can be found on the Safe Work Australia [website](#).

2018 Review of the model WHS laws

In 2018, WHS ministers asked SWA to review the content and operation of the model WHS laws. SWA appointed independent reviewer, Ms Marie Boland, to conduct the review. The *Review of the model Work Health and Safety laws: Final report* was provided to WHS ministers in December 2018. The Review's central finding is that the model WHS laws are largely operating as intended, but the final report includes 34 recommendations to improve clarity and consistency. The Review did not make any recommendations specific to the road transport industry, however recommendations for changes to the legislative framework and the penalties may affect a broad range of business and undertakings, if implemented.

SWA released a Consultation Regulation Impact Statement on 24 June 2019, seeking comments on the benefits and costs of the Review recommendations. SWA is currently preparing a Decision Regulation Impact Statement for WHS ministers, reflecting the feedback and evidence received during consultation.

The future of work

In 2018, SWA worked with the CSIRO's Data61 team to consider the impacts of a number of megatrends on WHS and workers' compensation over the next 20 years and produce the *Workplace Safety Futures* report. Digital technologies, including automation, artificial intelligence and augmented reality, are becoming more common in the workplace. For example, the road transport industry is seeing the introduction of commercial unmanned vehicles. Employment patterns and structures are also shifting with the introduction of freelance task-based work. These changes are happening within the broader context of Australia's ageing workforce and rising levels of stress and chronic disease.

New technologies and ways of working introduce new risks and challenges for WHS and workers' compensation, but they also have the potential to make work safer and reduce workplace injury. The *Workplace Safety Futures* report has provided insights and identified areas for further consideration and monitoring. The report is available on the Data61 [website](#).

Latest data: Worker fatalities and workers' compensation claims

A key statutory function of SWA is to collect, analyse and publish relevant data to inform the development and evaluation of WHS and workers' compensation policies and strategies. The Agency compiles and maintains key national data sets which contain information on work-related fatalities and workers' compensation claims for work-related injuries and disease.

Provided below is an overview of the key findings from the latest SWA data on work-related fatalities and workers' compensation claims. More detailed data are included in [Attachment A](#).

Work-related fatalities

SWA compiles the Work-related Traumatic Injury Fatalities (TIF) data set, which includes detailed information on all work-related traumatic injury fatalities in Australia. The data set draws on information sourced from media and other initial reports of fatalities by relevant authorities, the National Coronial Information System, notifications from jurisdictional authorities and compensated worker fatalities from the National Data Set for Compensation-based Statistics (NDS).

The worker fatality data includes all persons who were traumatically fatally injured as a result of a work activity. This includes workers on all types of employment arrangements, including contractors, labour hire workers, owner operators, family workers and volunteers. The data does not include workers who died as a result of occupational diseases, natural causes (unless there was a direct link to a work activity), or suicide. This is primarily due to the difficulty in establishing a causal link to specific work activities or determining that work factors were the main cause.

Key findings from the latest fatalities data

- In 2018, there were 28 worker fatalities in the Road transport industry – all of these occurred in the Road freight sub-sector.
- This is the lowest number of fatalities in the Road transport industry since 2003.
- The industry continues to account for 1 in 5 worker fatalities in Australia.
- The fatality rate for the Road transport industry in 2018 was 9.5 fatalities per 100,000 workers – almost nine times higher than the total Australian worker fatality rate (1.1 fatalities per 100,000 workers).
- The fatality rate has declined significantly since the peak of 26.4 fatalities per 100,000 workers in this industry in 2007.
- Over the five years to 2018, the majority of worker fatalities in the Road transport industry were caused by vehicle collisions (77 per cent) and being hit by moving objects (8 per cent).
- Over the same period, truck drivers accounted for the vast majority (89 per cent) of worker fatalities in the industry.
- Older workers aged 45-54 and 55-64 accounted for the highest proportion of fatalities (29 per cent and 27 per cent respectively).

Serious workers' compensation claims¹

SWA compiles and maintains the National Data Set for Compensation-based Statistics (NDS), which contains detailed information on workers' compensation claims in Australia and New Zealand. The NDS is compiled annually from data supplied by jurisdictional workers' compensation authorities.

The NDS only covers those workers that are eligible for workers' compensation and only where a claim has been made and accepted under a jurisdictional workers' compensation scheme.

While definitive data is not readily available, based on anecdotal information and other estimates, a reasonably substantial proportion (25 to 50 per cent) of the Road transport industry workforce is likely to be made up of independent contractors or operators. These workers are unlikely to be covered by workers' compensation schemes and therefore not captured in the NDS. Notwithstanding this limitation, the NDS remains an important available indicator of the incidence of work-related injuries and diseases in the industry.

¹ Serious workers' compensation claims refer to accepted claims where the work-related injury or illness resulted in five days or more days off work. Data for 2017-18 is preliminary (denoted by a 'p') and therefore subject to revision as further claims are finalised.

Where relevant and available, the Agency also draws on other broader data sources to supplement our analysis on particular issues. This includes data from the Australian Institute of Health and Welfare (AIHW), the Australian Bureau of Statistics (ABS), and the Bureau of Infrastructure, Transport and Regional Economics (BITRE).

Key findings from the NDS data

- Over the five years to 2017-18p, an average of 4,200 serious workers' compensation claims were made in the Road transport industry each year.
- This equates to a frequency rate of 9.9 serious claims per million hours worked, which is considerably higher than the rate for all industries of 5.7 serious claims per million hours worked.
- The frequency rate of serious claims in the industry, however, has been trending downward over the last decade, falling by 38 per cent between 2008-09 and 2017-18p.
- Over the period, the Road freight transport sub-sector accounted for 83 per cent of all serious workers' compensation claims, while Road passenger transport accounted for the remaining 17 per cent.
- Road freight transport also had a higher serious claim frequency rate (10.9 claims per million hours worked) than Road passenger transport (7.1 claims per million hours worked).
- Truck drivers accounted for the majority of serious claims in the Road transport industry over the period (55 per cent or an average of 2,285 claims per year), followed by Automobile, bus and rail drivers (14 per cent or an average of 595 claims per year).
- The main causes of injuries leading to serious claims in the Road transport industry were 'muscular stress while handling objects' (19 per cent of serious claims), followed by 'muscular stress while lifting, carrying or putting down an object' (14 per cent of serious claims), and 'falls on the same level' (13 per cent of serious claims).

Workers' Compensation

As a national policy body, SWA does not have a role in determining coverage or eligibility for benefits in workers' compensation schemes. This is the responsibility of the Commonwealth, states and territories.

Workers' compensation arrangements differ across jurisdictions, as detailed in Safe Work Australia's annual [*Comparison of workers' compensation arrangements in Australia and New Zealand*](#) report.

Specific questions relating to the coverage of schemes for workers in the road transport industry should be directed to the relevant jurisdictional workers' compensation authority.

Attachment A

Latest Data for the Road Transport Industry

A key statutory function of Safe Work Australia is to collect, analyse and publish relevant data to inform the development and evaluation of WHS and workers' compensation policies and strategies.

The Agency compiles and maintains two key national data set which contain information on work-related fatalities and workers' compensation claims for work-related injuries and disease:

- Work-related Traumatic Injury Fatalities (TIF) data set; and
- National Data Set for Compensation-based Statistics (NDS)

Further information about the scope and details of these data sets can be found in [Explanatory notes for Safe Work Australia datasets](#).

Outlined below are the latest data on work-related fatalities and serious workers' compensation claims in the Road transport industry.

Work-related fatalities

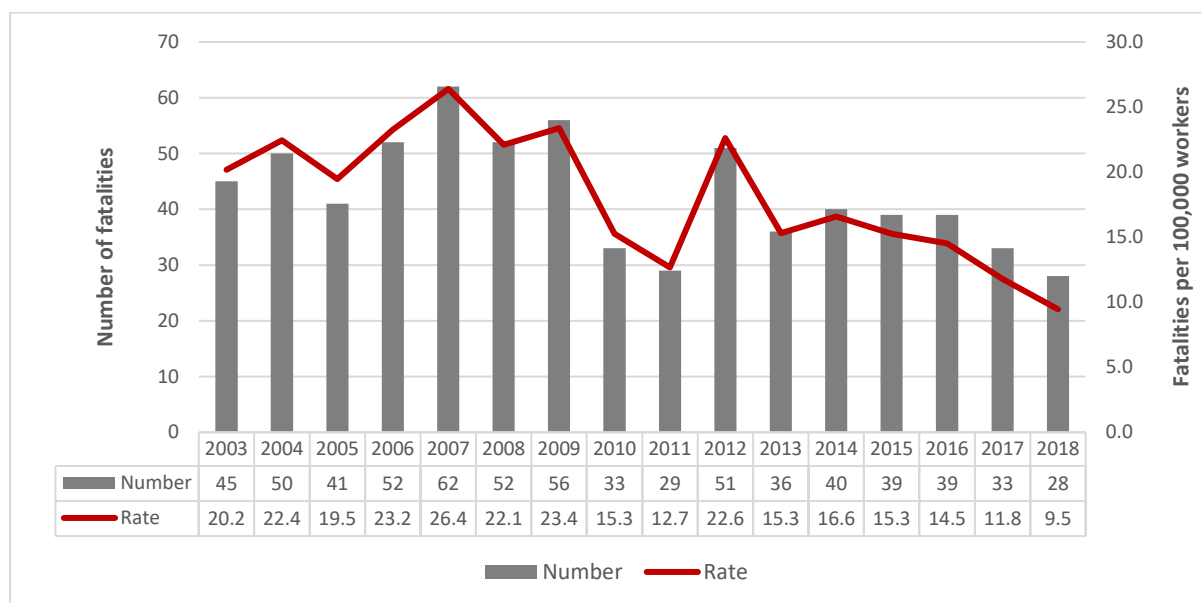
The TIF data set includes detailed information on all work-related traumatic injury fatalities in Australia. The data set draws on information sourced from media and other initial reports of fatalities by relevant authorities, the National Coronial Information System, notifications from jurisdictional authorities and compensated worker fatalities from the National Data Set for Compensation-based Statistics (NDS).

In 2018, there were 28 worker fatalities in the Road transport industry, all of which were in the Road freight sub-sector. As shown in Figure 1 below, this is the lowest number of fatalities in the industry since 2003.

The fatality rate for the Road transport industry in 2018 was 9.5 fatalities per 100,000 workers, which is almost nine times higher than the total Australian worker fatality rate of 1.1 fatalities per 100,000 workers.

Both the number and rate of fatalities in the industry have declined substantially since the peak recorded in 2007, where there were 62 Road transport industry fatalities equating to a rate of 26.4 fatalities per 100,000 workers (Figure 1).

Figure 1 - Worker fatalities: number and rate of fatalities, Road Transport, 2003 to 2018



Over the period from 2014 to 2018, there were 179 worker fatalities in the Road transport industry, which accounts for 19 per cent of all worker fatalities over the period. The vast majority (169 fatalities; 94 per cent) occurred in the Road freight transport sub-division, with 10 fatalities in the Road passenger transport industry.

The majority of fatalities in the Road transport industry over the five years to 2018 were due to vehicle collisions —130 in the Road freight transport industry and seven in the Road passenger transport industry (Table 1). Being hit by moving objects caused a further 14 fatalities in the Road freight transport industry.

Table 1 - Worker fatalities in Road transport industry groups by mechanism of incident, 2014 to 2018 (combined)

Industry group and mechanism of incident	No. of fatalities	% of fatalities
Road freight transport	169	94%
Vehicle collision*	130	73%
Being hit by moving objects	14	8%
Being hit by falling objects	7	4%
Being trapped between stationary and moving objects	7	4%
Falls from a height	3	2%
Other mechanisms	8	4%
Road passenger transport	10	6%
Vehicle collision*	7	4%
Other mechanisms	3	2%
5 year total	179	100%

* Vehicle collisions include fatalities that occurred as a direct result of a vehicle crash. Vehicles include not only road vehicles such as cars and trucks, but also machines such as aircraft, boats, loaders, tractors and quad bikes.

Note: The percentages shown in this table have been rounded to the nearest whole number; therefore the sum of percentage figures for each column may not equal the total.

Table 2 shows that 164 worker fatalities (92 per cent) in the Road transport industry involved a vehicle, with the majority (140 fatalities) occurring while driving the vehicle. A further nine fatalities occurred while the worker was loading or unloading a vehicle, and four occurred while the worker was conducting repairs or maintenance on a vehicle. Fifteen fatalities occurred in the Road transport industry which did not directly involve a vehicle.

Table 2 - Worker fatalities: Road transport by vehicle involvement and activity of the deceased, 2014 to 2018 (combined)

Vehicle involvement/Deceased activity	No. of fatalities	% of fatalities
Vehicle involved	164	92%
Driving/moving freight/people	140	78%
Loading/unloading	9	5%
Repair/maintenance	4	2%
Other	11	6%
No vehicle involved	15	8%
5 year total	179	100%

Note: The percentages shown in this table have been rounded to the nearest whole number; therefore the sum of percentage figures for each column may not equal the total.

Older workers aged 45-54 and 55-64 accounted for the highest proportion of worker fatalities in the Road transport industry over the five years to 2018 (29 per cent and 27 per cent respectively) (Table 3).

Table 3 - Worker fatalities: Road transport by age group, 2014 to 2018 (combined)

Age Group (years)	No. of fatalities	% of fatalities
15-24	9	5%
25-34	23	13%
35-44	34	19%
45-54	52	29%
55-64	48	27%
65 & over	13	7%
5 year total	179	100%

Note: The percentages shown in this table have been rounded to the nearest whole number; therefore the sum of percentage figures for each column may not equal the total.

Over the five years to 2018, Truck drivers accounted for the vast majority (89 per cent) of worker fatalities within the Road transport industry, with a further 7 per cent being Automobile, bus and rail drivers (Table 4).

Table 4 - Worker fatalities: Road transport by occupation, 2014 to 2018 (combined)

Occupation	No. of fatalities	% of fatalities
Truck drivers	159	89%
Automobile, bus and rail drivers	12	7%
Delivery drivers	3	2%
Mobile plant operators	2	1%
Clerical and office support workers	1	1%
Freight handlers and shelf fillers	1	1%
Miscellaneous labourers	1	1%
5 year total	179	100%

Note: The percentages shown in this table have been rounded to the nearest whole number; therefore the sum of percentage figures for each column may not equal the total.

Workers' compensation claims²

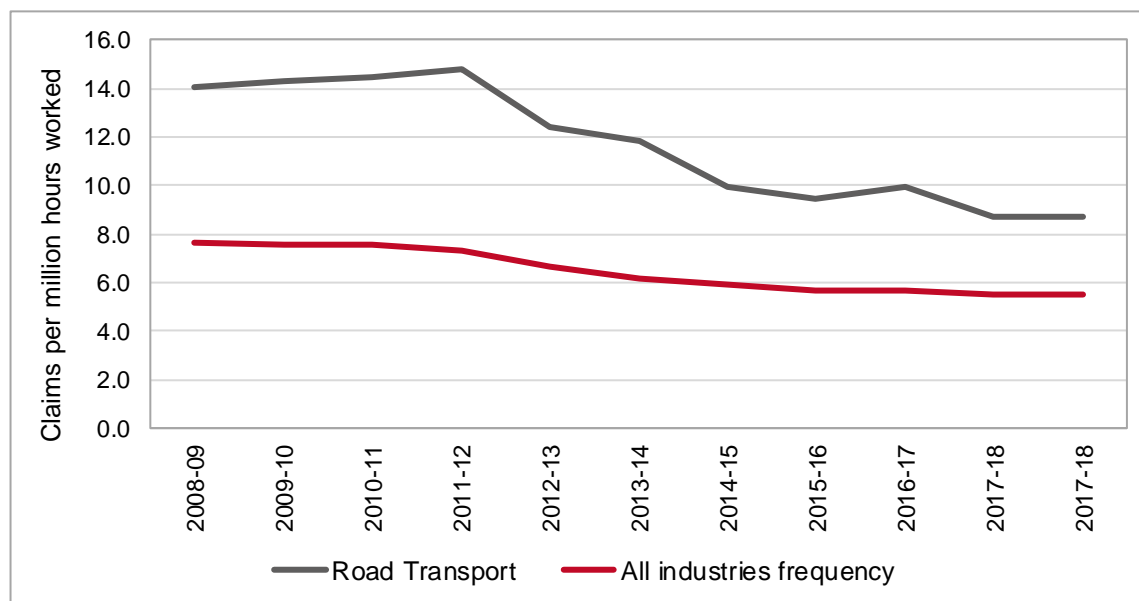
The NDS contains detailed information on workers' compensation claims in Australia and New Zealand. The NDS is compiled annually by Safe Work Australia from data supplied by jurisdictional workers' compensation authorities.

Over the five years to 2017-18p, on average there were 4,200 serious workers' compensation claims made in the Road transport industry each year. Over the same period, the frequency rate of 9.9 serious claims per million hours worked was considerably higher than the rate for all industries of 5.7 serious claims per million hours worked.

The frequency rate has been trending downward, falling by 38 per cent from 2008-09 to 2017-18p (Figure 2).

² Serious workers' compensation claims refer to accepted claims where the work-related injury or illness resulted in five days or more days off work. Data for 2017-18 is preliminary (denoted by a 'p') and therefore subject to revision as further claims are finalised.

Figure 2 - Frequency rate of serious workers' compensation claims in Road transport industry and all industries, 2008-09 to 2017-18p (combined)



The road freight transport sub-industry accounted for 83 per cent of all serious workers' compensation claims over the period, while road passenger transport accounted for the remaining 17 per cent of serious claims. Road freight transport also recorded a higher serious claim frequency rate (10.9 claims per million hours worked), compared to road passenger transport (7.1 claims per million hours worked) (Figures 3 and 4).

Figure 3 - Proportion of Road transport sub-industries: Number of serious claims, 2013 14 to 2017-18p (combined)

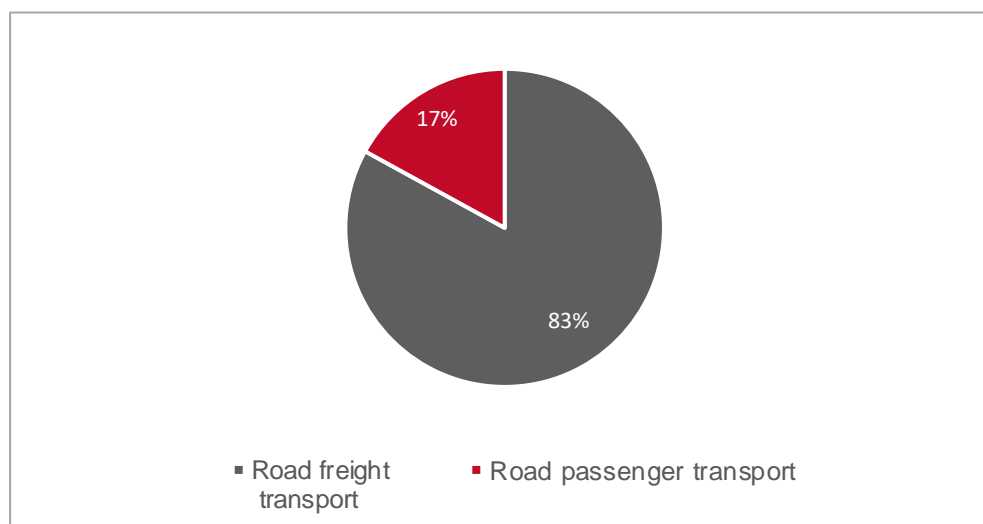
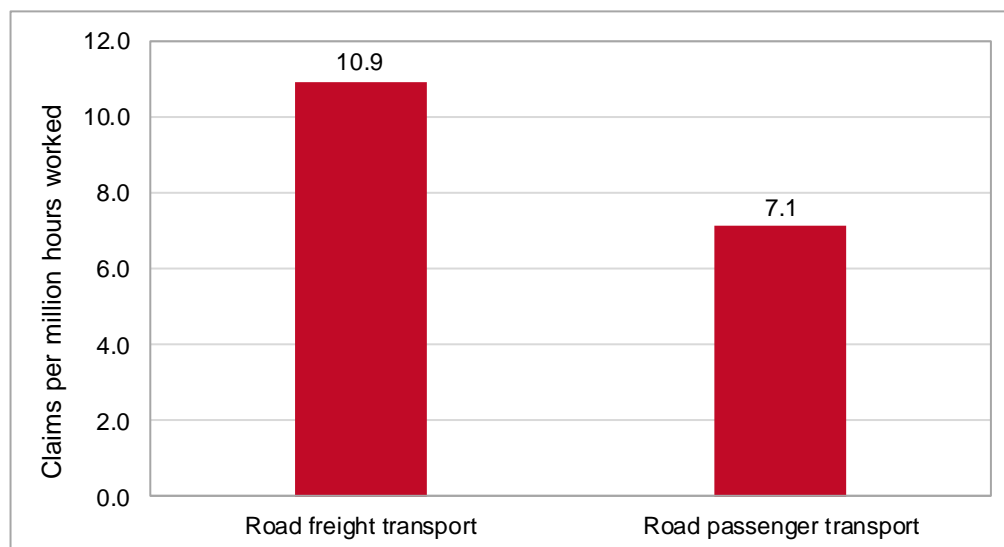
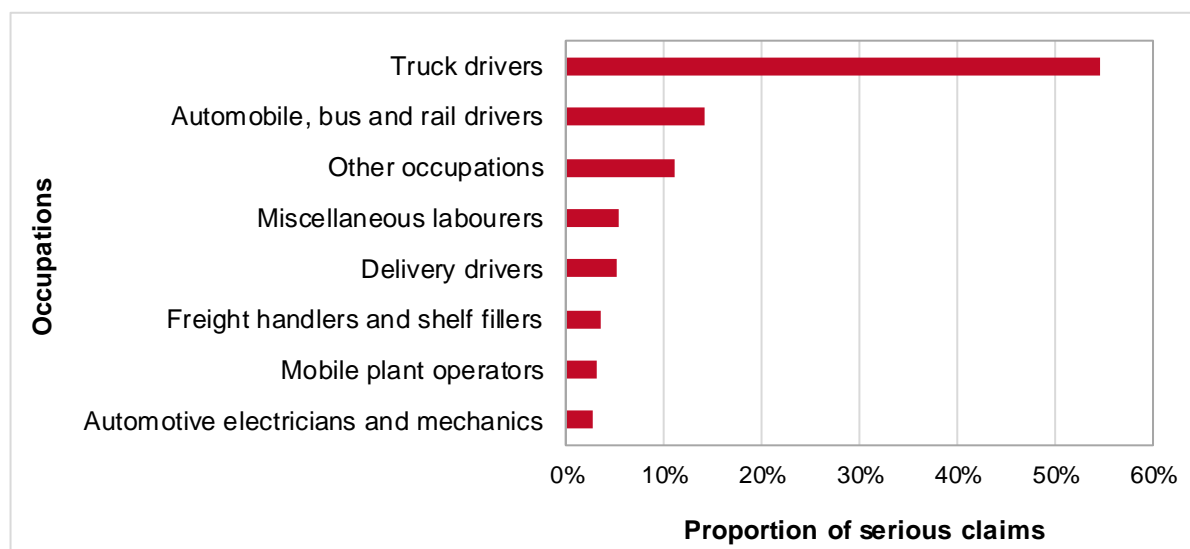


Figure 4 - Frequency rate (serious claims per million hours worked) of Road transport sub industries, 2013-14 to 2017-18p (combined)



Over the period from 2013-14 to 2017-18p, Truck drivers accounted for the majority of serious claims in the Road transport industry (55 per cent of serious claims or an average of 2,285 claims per year), followed by Automobile, bus and rail drivers (14 per cent or an average of 595 claims per year) (Figure 5).

Figure 5: Proportion of serious claims on Road transport industry by occupation, 2013-14 to 2017-18p (combined)



Note: Other occupations include all occupations within the road transport industry at three-digit ANZSIC level which do not account for the highest proportion of serious claims.

The main causes of work-related injuries leading to a serious claims in the road transport industry were: 'muscular stress while handling objects' (19 per cent of serious claims), 'muscular stress while lifting, carrying or putting down an object (14 per cent of serious claims), and 'falls on the same level' (13 per cent of serious claims) (Table 5).

Table 5 - Main causes of injuries leading to serious claims, Road transport industry by mechanism, 2013-14 to 2017-18p (combined)

Mechanism	% of serious claims
Muscular stress while handling objects	19%
Muscular stress while lifting, carrying, or putting down objects	14%
Falls on the same level	13%
Falls from a height	11%
Vehicle accident	8%
Being hit by moving or flying objects	4%
Muscular stress with no objects being handled	4%
Being hit by falling objects	4%
Other mechanisms	23%
Total	100%

Note: Other mechanisms include all remaining mechanisms accounting for less than 4 per cent of serious claims.