



Ms Marie Boland
Chief Executive Officer

**Committee Secretariat
House Standing Committee on
Employment, Education and Training**

Dear Committee members

Submission to the Inquiry into the Digital Transformation of Workplaces

As Chief Executive Officer of Safe Work Australia, I welcome the opportunity to make a submission to the Standing Committee's Inquiry into the Digital Transformation of Workplaces (the inquiry).

By way of background, Safe Work Australia develops national policy to improve work health and safety (WHS) and workers' compensation arrangements across Australia. Safe Work Australia led the development of the model WHS laws in 2011 to harmonise the regulation of WHS across Australia. The model WHS laws comprise the model WHS Act, the model WHS Regulations and model Codes of Practice. For the model WHS laws to become legally binding, the Commonwealth, states and territories must separately implement them as their own laws. Jurisdictions are also responsible for regulating and enforcing WHS laws in their respective jurisdictions. All jurisdictions except Victoria have implemented a version of the model WHS laws.

The model WHS laws are principle-based and intentionally designed to be flexible and capable of dealing with changes to work design, processes and the work environment. The primary duty, imposed on persons conducting a business or undertaking (PCBU) is broad in scope and application. PCBUs must ensure so far as is reasonably practicable, the health and safety of workers while they are at work in the business or undertaking. PCBUs must also ensure, so far as is reasonably practicable, that other persons are not put at risk from work carried out as part of the business or undertaking. In managing risks PCBUs must seek to eliminate, or if not possible, minimise risks to health and safety (both physical and psychological), so far as reasonably practicable. Management of risk must be undertaken in consultation with workers.

Designers, manufacturers, importers and suppliers of plant (including software) have duties under the model WHS Act to ensure the plant is without risk to persons who are at the workplace.

The digital transformation of workplaces

I encourage the Committee to consider the impact on WHS when examining digital technologies in the context of work and appropriate safeguards or regulatory interventions to guide implementation.



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Safe Work Australia previously worked with [CSIRO's Data61 team](#)¹ to identify megatrends on WHS and workers' compensation over the next 20 years. Digital transformations including the use of artificial intelligence, automation and robotics are the next step in the evolution of work and the work environment.² As the Committee would no doubt be aware, the extent to which automated decision making (ADM) and machine learning will re-shape workplaces, including work processes and organisational management, is still unfolding. Generally, such advance technologies are changing work processes, organisational structures and workers' role and agency.

Any change to the workplace as a result of workers (and other persons at the workplace) engaging with or being exposed to advance technologies is likely to have an impact on workers' health and safety. These changes may have a positive impact on reducing worker exposure to physical risks, for example, by reducing hazardous manual tasks undertaken by workers. However, advance technologies such as ADM and machine learning may also increase workers' exposure to psychosocial risks. Workers may be at risk of psychosocial harm due to reduced human interaction when performing tasks, be subject to algorithmic management and organisation of their work and have decreased job control. Risk of psychosocial harm could also emanate from organisational change itself as new technology is introduced.

Consistent with the principles-based approach that underpins it, the model WHS legislative framework can broadly accommodate the digital transformation of workplaces. PCBUs must manage both physical and psychological risks to workers and other persons that arise from use or exposure to advance technologies, just as they must with any other type of physical or psychological risk. However, as set out in the [Australian Work Health and Safety Strategy 2023-2033](#), a focused effort is needed to increase the awareness of PCBUs about their WHS duties in the context of digital transformation, and to build the capability of PCBUs and regulators to ensure compliance with these duties.

The [Australian Work Health and Safety Strategy 2023-2033](#) also acknowledges the model WHS legislative framework will be tested over the next 10 years and may require updates to keep pace with the changing work environment. Deepening our knowledge of WHS risks, improving our evidence base and innovative thinking will enable us to develop appropriate regulatory and policy responses to challenges that arise from the digital transformation of workplaces. To support this, Safe Work Australia will be reinvigorating its role in supporting research and evaluation. We will also continue to monitor the model WHS legislative framework to ensure it remains sufficiently flexible to accommodate the evolving nature of work and changing work relationships.

Other key enablers to achieving safe and healthy workplaces throughout the digital transformation include embedding good WHS practices, collaboration and education. Jurisdictional WHS regulators, PCBUs and individuals in the broader WHS ecosystem all

¹ Horton, J et al [Workplace Safety Futures: The impact of emerging technologies and platforms on work health and safety and workers' compensation over the next 20 years](#) CSIRO, Canberra

² Horton, J et al [Workplace Safety Futures: The impact of emerging technologies and platforms on work health and safety and workers' compensation over the next 20 years](#) CSIRO, Canberra



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have a role to play in lifting WHS practices to manage changes in workplaces. Greater consultation and collaboration between PCBUs and workers at the local level, and between governments, industry and unions at a national level, will be essential in driving consistent improvements. Jurisdictional WHS regulators in particular will play a key role in sharing knowledge and practical insights arising from the implementation of advanced technologies in workplaces to inform wider policy and regulatory responses. Union and employer representatives can also channel local insights into building PCBU and worker capability through WHS promotion and education.

The outcomes of the inquiry will help inform the work of Safe Work Australia as well as that of WHS regulators in assisting PCBUs to meet their WHS obligations when adopting advanced technologies. To this end, Safe Work Australia welcomes the inquiry and notes the importance of its work.

I hope the above information is of assistance to the Committee.

Yours sincerely

Marie Boland
Chief Executive Officer
Safe Work Australia

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