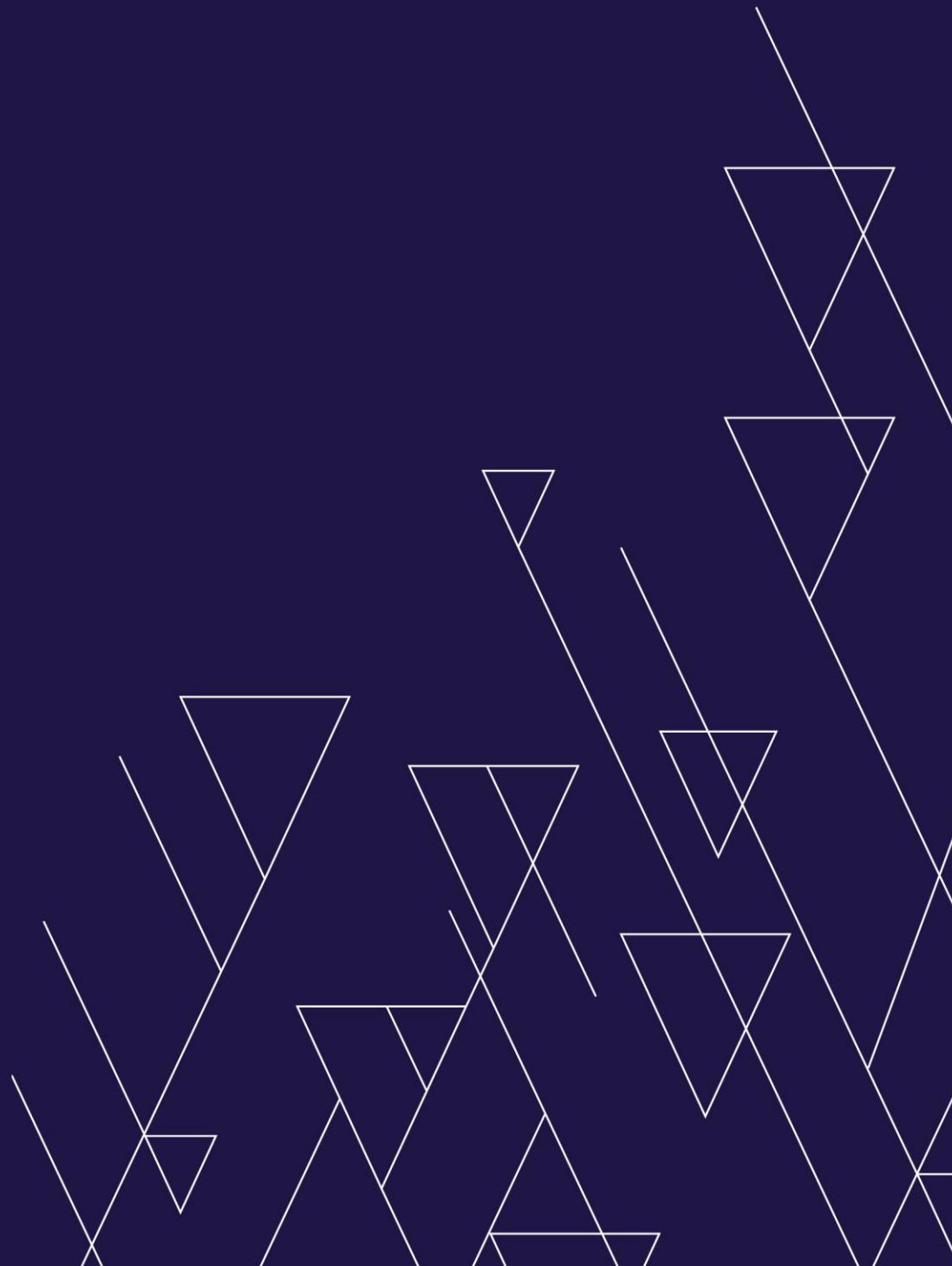


# Annual Report 2021–22

Workplace Incidents Consultative Committee



Justice  
and Community  
Safety





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# 1. Introduction

## 1.1 Foreword from the Committee Co-Chairs

The Workplace Incidents Consultative Committee (Committee) is pleased to present its inaugural annual report to the Minister for Workplace Safety.

The Committee is a lived experience forum for people affected by a workplace incident involving death, serious injury or serious illness to drive system improvements to workplace health and safety in Victoria. It also makes recommendations on how best to support injured workers and the families of those who die due to their work, prevent serious workplace incidents and initiatives to make Victorian workplaces safer. The Committee is established under the *Occupational Health and Safety Act 2004* and Occupational Health and Safety Regulations 2017.

The formation of this Committee is the first time the expertise and importance of the lived experience of those affected by serious workplace incidents has been enshrined in law in Victoria. This annual report is our first, marking an important milestone for the Committee and showcasing the vital role of lived experience in policy-making. The Committee's driven group of members has worked hard to ensure that strategies, policies

and programs are improved to create a more people-centred and accountable workplace safety system that achieves better outcomes for Victorian workers and their loved ones.

In our first year of operation, we have been greatly influential in the delivery of significant improvements to Victoria's workers compensation scheme, and important initiatives that will prevent Victorians from being injured or losing their lives at work. This has included legislative reforms to improve financial and practical household support for the families of those who have died at work, providing extensive advice to inform the implementation of the recommendations from Peter Rozen QC's Independent Review into Complex Workers' Compensation Claims, and contributing lived experience expertise to WorkSafe Victoria's advisory committees and inspector induction program.

We are proud to lead a diverse committee of lived experience experts to represent the voice of Victorians who have been killed or injured at work and their families. We acknowledge the ongoing impact these incidents have on them and their loved ones.



We look forward to playing an important and enduring role in the provision of high-quality advice to the Minister for Workplace Safety to create meaningful and systemic change to ensure that all workers come home alive and well, both physically and mentally.

**Dr Lana Cormie**

Workplace Incidents Consultative Committee Co-Chair

**Bronwyn Halfpenny MP**

Parliamentary Secretary for Workplace Safety

Workplace Incidents Consultative Committee Co-Chair



## 1.2 Members

The Committee has consisted of the following members since establishment in July 2021.

### **Dr Lana Cormie – Non-Government Co-Chairperson and Lived Experience Member**

Lana currently works in OHS Training and Support. Her background includes work as a Veterinary Surgeon and in Animal Welfare. Lana's husband, Charlie Howkins, was one of two men killed in the Delacombe Trench Collapse while working for Pipecon Pty Ltd. Since 2018, Lana has been an active advocate for workplace safety reform. She brings significant experience to the Committee as a previous member of the Families Reference Group Interim Committee (FRG) and the Workplace Manslaughter Implementation Taskforce (Taskforce), as well as bringing relevant OHS qualifications and professional experience.

### **Ms Bronwyn Halfpenny MP – Government Co-Chairperson**

Bronwyn is the State Member for Thomastown in Victoria's Legislative Assembly and has been the Parliamentary Secretary for Workplace Safety since June 2020. Before entering Parliament, Bronwyn worked as the Secretary of Australian Manufacturing Workers' Union Food and Confectionary Division, and as the Industrial Officer at Victorian Trades Hall Council. These roles provided hands-on experience of workplace safety legislation and how the system supported people injured at work. She was also chair for the inquiry into the CFA Training College at Fiskville and co-chair of the Victorian Government's Ministerial Taskforce on Workplace Sexual Harassment.

### **Ms Samantha Burns – Deputy Non-Government Co-Chairperson and lived experience member**

Samantha's brother, Shaun Burns, was killed at work in September 2018 when a crane failed, dropping concrete on him and another worker. She brings to the Committee strong advocacy experience as an FRG member and is motivated to improve compensation and support for close family members of persons killed in workplace incidents who are not dependents. As a Clinical Neuropsychologist, she also has experience seeing the issues that arise for workers and families following a serious injury.

### **Dr Sarah Anderson – Lived experience member**

Sarah lost the use of her left arm after suffering a workplace injury in 2004. She has firsthand experience of returning to work following an injury. She has completed a PhD examining workplace injuries and contributes valuable professional skills to the Committee, including strong board, leadership and healthcare experience, along with knowledge of regulatory systems and research and evaluation skills.

**Mr Dave Brownlee – Lived experience member**

Dave's son, Jack Brownlee, was killed in the Delacombe trench collapse, along with his friend Charlie Howkins in March 2018 while working for Pipecon Pty Ltd. Dave has significant experience with WorkCover processes and was a member of the FRG and Taskforce.

**Ms Janine Brownlee – Former lived experience member (up to December 2021)**

Janine is the mother of Jack Brownlee and wife of Dave Brownlee (see above). She was also a member of the FRG and Taskforce and brought significant advocacy and system experience to the Committee.

**Mr Neil Kermeen – Lived experience member**

Neil's son, Jake, died in a trench collapse in East Cranbourne in 2015 while working as a labourer for R.S. Connell and Sons Pty Ltd. He has experience providing constructive, well-reasoned advice as a member of the FRG. He also adds the perspective of being an employer and is passionate about the prevention of workplace deaths and serious incidents.

**Mr Francis Malek – Lived experience member**

Francis suffered a serious hand injury in 2011 while working for an abattoir. He has also suffered psychological trauma as a result of the incident. In addition to his lived experience, Francis is an active member of the Sudanese community and provides support and education to Sudanese families and recent migrants. He brings a valuable perspective to the Committee on how the system can provide better support to people from migrant cultures.

**Mr Elvis Martin – Lived experience member**

Elvis Martin is a young leader who has overcome very difficult circumstances and inspires many with his advocacy for social justice. The recipient of awards such as Young Community Achiever of the Year 2021 (India Australia Business and Community Awards), Elvis has worked, volunteered and spoken publicly in many roles, addressing mental health, homelessness, family violence, workplace safety and LGBTIQ+ community issues. Elvis also sits on various community and government boards. He uses his platform, including a large social media following, to promote inclusion, diversity and equality for all.

Elvis is particularly passionate about:

- bringing a youth and multicultural lens to inform the Committee's work
- workplace safety for young people, including raising awareness around safety issues in the workplace and making sure employees and employers understand their respective rights and obligations
- advocating for better support to victims of sexual assault, bullying and harassment.

**Ms Catherine Mok – Lived experience member**

Catherine's partner, Helen, died by suicide while working as a paramedic with Ambulance Victoria. Prior to her death, Helen suffered musculoskeletal injuries over a 16-year period and struggled with mental health issues related to her job. Catherine has experience with different aspects of the WorkCover system and court and coronial inquest processes. She contributes to the Committee the unique perspective of being impacted by a workplace suicide and also brings lived experience as a member of both the CALD and LGBTQIA+ communities.

**Mrs Bette Phillips-Campbell – Lived experience member**

Bette's son died in 1991 after being electrocuted while working as an apprentice. In the 30 years that have passed since the incident, Bette has made a significant contribution to workplace safety reform as a member of the FRG and also contributes strong experience working with families affected by workplace fatalities as a counsellor for GriefWork, Uniting. She also brings a regional perspective to the Committee.

**Ms Annmarie Saffin – Lived experience member**

Annmarie is the carer for her husband, Mark, who sustained serious injuries in 2015 when an elevated work platform he was on fell from 11 meters. Mark suffers ongoing secondary mental health and physical injury as a result of his accident. Annmarie offers the Committee the unique perspective of being a caregiver who has had to navigate the system on behalf of her husband. She has more than 20 years' experience working in public health as a Clinical Nurse Consultant and currently works in a management role within the local government sector.

**Mr Ralph Snider – Lived experience member**

Ralph suffered pain in his forearms resulting in a chronic pain condition while working as a Senior Analyst Programmer in 1992 and suffered a recurrence in 2004. His lived experience managing a long-term injury ultimately led him to change careers in 2005 to become a Disability Employment Consultant. He subsequently worked as a Vocational Consultant in the Occupational Rehabilitation Industry assisting people on WorkCover and Traffic Accident Commission cover to find work. He completed a Graduate Diploma in Careers Education and Development in 2010 and a Feldenkrais Training program in 2001.

**Mr Michael Stone – Lived experience member**

In July 2020, Mick's workmate was fatally crushed in a workplace incident whilst working at an engineering facility. In 2019 he lost his mate to a farming incident that occurred on his mate's own property. Mick's mother-in-law is a partial paraplegic from a workplace incident. Mick brings to the Committee the unique perspectives of being affected by a farm fatality, experiencing the impacts on mental health in his workplace as well as understanding issues for those with life changing injuries. Mick has experience with ComCare, working in a supervisory role and as a Health and Safety Representative.

**Mr Brett Struhs – Lived experience member (WAC observer)**

Brett's son, Kyle, died in November 2018 from head injuries sustained falling from a ladder while installing solar panels for Solar 2.0. He brings valuable experience from being an FRG member, has experienced the whole WorkCover process from death to court case and brings a regional perspective to the Committee.

**Mr James Wood – Lived experience member (OHSAC observer)**

James was seriously injured in a workplace incident that resulted in him being paraplegic. He is a prominent lived experience workplace health and safety advocate and established CNBSafe, a safety information and training consultancy that connects injured workers as safety speakers at workplaces to share their "real life" experiences with both employees and employers.

## 2. Establishment and structure

The Committee is established under Part 9A of the *Occupational Health and Safety Act 2004* (Act) and Chapter 7A of the Occupational Health and Safety Regulations 2017 (Regulations). The Committee's model and regulations were informed by the lived experience of members of the Families Reference Group Interim Committee (FRG) convened in October 2019 to support development of workplace safety reforms.

The Committee comprises up to 15 members with lived experience of a serious workplace incident involving death, serious injury or illness, and one government member. Members are appointed by the Minister for Workplace Safety (Minister).

The Committee's function is to provide advice and recommendations to the Minister about:

- the needs of persons affected by workplace incidents involving death, serious injury or serious illness, and
- the development, review and improvement of policies, practices, strategies and systems relating to serious workplace incidents and occupational health and safety more generally.

The Committee is well-positioned to provide valuable insights into the needs of people affected by serious workplace incidents to drive person-centred improvements to the system, informed by lived experience perspectives, by directly advising Government.

The Committee is chaired by a Government Co-Chairperson and a Non-Government Co-Chairperson, who is elected from within the lived experience membership.

The Committee's work is supported by the Victorian Government's Families and Injured Workers System Reform Fund (Fund), which provides \$4 million over four years to support reforms and initiatives recommended by the Committee.

The Department of Justice and Community Safety (Department) provides secretariat support to the Committee.





### 3. Key achievements for the 2021–22 financial year

The Committee developed its governance arrangements and internal policies and procedures to support its operation. This includes a Code of Conduct and Principles for Consultation and Engagement to support engagement with external stakeholders. Despite holding many of its meetings online due to the COVID-19 pandemic, the Committee has been able to hold extensive and effective discussions resulting in practical outcomes under its workplan. These foundations have supported the Committee to contribute to important legislative, policy and program reforms throughout 2021–22.

The Committee provided advice to WorkSafe Victoria (WorkSafe) to influence legislative amendments included in the *Workplace Safety Legislation and Other Matters Amendment Act 2022*, passed March 2022. This included the duration of household support available to families following a work-related death being extended to six months following a worker's death. This change ensures important practical support is available to help families when they are going through one of the most difficult times in their life, and is more realistic about the duration for which families may need support following the death of a loved one.

Other changes included extending compensation to cover costs incurred outside of Australia related to a funeral, burial, cremation, or repatriation of a deceased worker's body, meaning that the families of workers killed in Australia can be supported to honour their loved ones.

In late 2021, the Committee provided advice to WorkSafe on the design of the bereavement support service provided to families after a workplace death. The Committee's advice that the service should be based on a companion model of support, with one central point of contact staying with the bereaved family throughout their journey to provide them with tailored care, was incorporated in the final service model. The Committee's advice also ensured families with complex needs or ongoing court matters can continue accessing support beyond 12 months, as this is often only the beginning of a family's need for bereavement support.

The Committee appointed observers to WorkSafe's Occupational Health and Safety Advisory Committee (OHSAC) and the Workplace Advisory Committee (WAC). The observers provide valuable lived experience perspectives to these committees and report back to the Committee to inform its own work.

#### 3.1 Priority focus areas

The Committee determined two priority focus areas for 2022:

- Preventing serious workplace incidents from occurring, and
- Improving post-incident support and system guidance for affected workers and families.



The Committee established two Working Groups in February 2022 to drive targeted work in each of these areas.

The Committee will also track recommendations made about improvements to the workers compensation system and advocate for any changes to be designed and delivered in a person-centred way, putting families and injured workers at the centre of decision making.

## 3.2 Working Groups

### Prevention Working Group

Through research and engagement with relevant stakeholders, the Prevention Working Group identified priority areas to drive changes to prevent serious workplace incidents, including:

- improving occupational health and safety education for young people, including in school and through apprenticeships
- expanding methods available for reporting occupational health and safety risks, and
- enhancing enforcement and licensing requirements in civil construction.

The Prevention Working Group progressed work to address these priority areas, including:

- consulting youth experts to identify ways of supporting young people
- providing advice to inform WorkSafe's programs on occupational health and safety programs aimed at high school students
- engaging with SafeWork NSW to examine their implementation of an occupational health and safety risk reporting app and inform analysis of operational considerations, benefits and challenges for implementing a similar model in Victoria
- examining the legislative and operational framework in place in the civil construction industry, including licensing requirements and enforcement, to identify gaps and improvements within this high-risk industry.

In addition, Committee members with lived experience of serious workplace incidents have supported prevention by participating in WorkSafe's inspector induction programs to share their personal stories with new inspectors. This input is considered an integral part of inspector training and has been highly valued by new inspectors.

The Prevention Working Group intends to make a number of recommendations to the Minister on potential areas for reform in 2022–23.



### Post-Incident Support Working Group

The Post-Incident Support Working Group is developing advice to the Minister on implementing a best practice model of support following a serious workplace incident. Whilst changes have been made to improve support for injured workers and the families and colleagues of those killed or injured at work, a person-centred, tailored approach is needed.

The Committee has engaged an external consultant to support the Post-Incident Support Working Group to develop the model. To drive this work, the Post-Incident Support Working Group:

- identified key stakeholders to provide their insights to inform the model's design and test early findings. This included lived experience advocacy groups, WorkSafe and its agents, government agencies (i.e. Coroners Court) and other relevant service sectors (allied health, counselling and support services).
- guided the consultant's research in identifying key elements of a best practice model for post-incident support, taking into account evidence from other Australian jurisdictions and internationally to address limitations of the current Victorian support model.
- provided feedback on a literature review, including how best to apply these findings to the Victorian context and assessing potential opportunities for reform across the post-incident journeys of an injured worker, family members and co-workers respectively.

The Post-Incident Support Working Group intends to finalise the first phase of its advice to the Minister in late 2022.

### 3.3 Advice on implementing the Independent Review into Complex Workers' Compensation Claims Management

The Committee's work includes responding to requests from government departments, external agencies or individuals for consultation and feedback on relevant policy reforms and proposals.

In May 2022, WorkSafe sought the Committee's advice to support the implementation of the Government Response to Peter Rozen QC's review, *Improving the experience of injured workers: A review of WorkSafe Victoria's management of complex workers' compensation claims* (Review). The Review found the workers' compensation system is failing injured workers and made 22 recommendations on necessary improvements to complex workers' compensation in Victoria.

The Committee welcomed the Review and the opportunity to provide advice and feedback to guide the implementation of the recommendations. The Committee has already provided advice to WorkSafe on several recommendations, including the design of a code of injured workers' rights, improvements to feedback procedures and training requirements for return to work coordinators. The Committee looks forward to ongoing



consultation and providing further advice to WorkSafe and the Government on the remainder of the Review's recommendations.

One recommendation from the Review was greater transparency on the operations of legislated occupational health and safety advisory committees, including this Committee. The tabling of this annual report responds to this recommendation and the Committee is also developing a webpage to make information about its work more publicly available.

#### **4. Financial information: Families and Injured Workers System Reform Fund (Fund)**

The Fund provides \$4 million over four years to support reforms and initiatives recommended by the Committee as part of its workplan. Recommendations must support the Fund's objective to improve:

- support for those affected by serious workplace incidents, and
- health and safety outcomes at Victorian workplaces.

In the 2021–22 financial year, the Committee spent \$75,000 (GST inclusive) from the Fund towards its project to develop a best practice model of support following a serious workplace incident (as detailed at [section 3.2](#)). Financial commitment to this project followed a competitive tender process over April and May 2022. The remainder of this project's cost will be paid in the 2022–23 financial year.

A further \$1.4 million in operational funding has been provided to the Committee by WorkSafe to support the Committee's operations (including member sitting fees) over the four year period. The Department is responsible for administering this funding through a Memorandum of Understanding with WorkSafe.



## 5. Conclusion

In its first year of operation, the Committee has established itself as an influential voice for those affected by serious workplace incidents. Through its lived experience expertise and advice, the Committee has driven improvements to the safety of Victorian workers and support for those injured at work and families who have had loved ones killed in workplace incidents.

In 2022–23, the Committee looks forward to finalising advice to the Minister on its Prevention and Post-Incident Support priorities and engaging in new initiatives to contribute to the delivery of meaningful system change. In particular, the Committee looks forward to continued engagement with WorkSafe on the implementation of the recommendations of the Independent Review into Complex Workers' Compensation Claims Management, a landmark reform agenda which has the potential to significantly improve the experience of injured workers.

The Committee will continue to advocate for change that puts the experience and needs of injured workers and their families at the centre of the system.