

Media Release

Ingrid Stitt MP
Minister for Workplace Safety
Minister for Early Childhood



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LAWS PASS TO BOOST SAFETY AT WORK

New laws will pave the way for expanded workplace safety rights and protections, stronger employer accountability and more efficient enforcement processes.

Victorian workplaces will be safer under the Andrews Labor Government's reforms in the *Occupational Health and Safety and Other Legislation Amendment Bill 2021*, which passed Victorian Parliament today.

Labour hire workers will benefit from increased rights and safety conditions, ensuring they have the same level of protections as other workers.

These workers are employed by a labour hire company or agency but perform work at the worksite of a "host" employer, often supervised by the host or their staff. Under current laws, the host employer does not owe labour hire workers all the same health and safety duties as they do their own staff.

The new laws will address this gap by extending the definition of "employer" and "employee" in the *Occupational Health and Safety Act 2004* to ensure labour hire workers are considered employees of the host, as well as employees of the labour hire agency.

It also means that labour hire workers will be protected if a host employer discriminates against them for raising health and safety concerns.

Under the new laws, labour hire providers and host employers will need to work cooperatively on their shared responsibility to ensure the safety of labour hire workers. Any breaches of this duty will result in fines of up to \$32,713 for individuals and \$163,566 for businesses.

Employers will no longer be able to evade liability for breaching workplace safety laws, with a ban on contracts that insure or indemnify a person against financial penalties under the state's workplace safety laws.

Such clauses undermine our strong workplace safety laws – including the new workplace manslaughter offence – by shielding employers from tough penalties and reducing their deterrent effect.

When the new laws begin, individual and businesses will have a year to unwind from existing contracts. Entering, offering to enter or holding such a contract after this time will attract penalties of up to \$54,522 for individuals and \$272,610 for businesses.

Under the reforms, health and safety representatives and authorised employee representatives will also be empowered to take photographs, measurements, make sketches or recordings, assisting them to raise health and safety issues with employers and WorkSafe.

The reforms were developed in consultation with industry and employee groups and deliver on recommendations from key reviews, including the Inquiry into the Labour Hire Industry and Insecure Work and the Boland Review into the Model Work Health and Safety Act.

Quotes attributable to Minister for Workplace Safety Ingrid Stitt

"Labour hire workers perform vital work and deserve the same safety rights and protections as other workers."

"This legislation will make important improvements to our existing OHS laws – closing gaps that were being exploited by unscrupulous employers and imposing fines for those who continue to do the wrong thing."

Media contact: Casey Lodge 0410 964 928 | casey.lodge@minstaff.vic.gov.au