



AIHS

Australian
Institute of
Health & Safety

Think forward

Construction Industry Cultural Standard:
Consultation Submission

20 December 2021

Acknowledgement of Indigenous Peoples

We acknowledge the Traditional Owners of Australia and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work, and we acknowledge that sovereignties of these lands and waters were never ceded. We pay our respects to Traditional Owners' Elders past and present, and commit to supporting them and Indigenous emerging leaders to create more equitable, healthy, and safe workplaces for all Australians, and in particular for those most disadvantaged.

About the AIHS

The Australian Institute of Health and Safety (AIHS) is the national association for people who work in generalist health and safety roles (practitioners and professionals). The AIHS represents more than 1,800 occupational health and safety (OHS) practitioners and professionals in Victoria and New South Wales, and more than 4,000 nationally. Beyond our membership, we advocate for the >20,000 people who work in health and safety across Australia.

On 1 July 2019 our name changed from the Safety Institute of Australia to emphasise the importance of occupational health as well as safety. For more than 70 years we have worked towards our vision of safe and healthy people in productive workplaces and communities.

Our voice as a profession and association of health and safety experts is often distinct from those of government, employers, and workers. Our focus is on the science- and risk-based practice of health and safety based on best available evidence, to create safer and healthier workplaces.

As the peak body representing those who advise workplace stakeholders on health and safety risks in construction settings, we support the Cultural Standard in principle. We do note concerns around 1) duplication of existing regulatory requirements, and 2) challenges in implementation.

We thank you for the opportunity to contribute.

Yours sincerely,

Sajan James

AIHS Victorian Branch Committee – Construction Lead

Our Responses

1. *Do you support the Culture Standard concept? Is this something you would proactively implement?*

The AIHS recognises that cultural improvements within the construction industry will lead to better occupational health and safety (OHS) outcomes for workers and organisations. Specifically, the 'Wellbeing' and 'Time for Life' pillars have direct links to OHS outcomes. The 'Diversity' pillar also has links, as we know that workplaces with less diversity of thought and lived experience generally mean fewer ideas for improvement are raised, meaning they are less likely to be healthy and safe. Psychosocial risks are also more likely to be realised in settings where discrimination, harassment and bullying are less likely to be challenged.

We note that the term 'safety culture' is problematic, in terms of definition, rigour and measurement. There has been much debate over the past several decades on safety culture, and whether such a thing actually exists. Whilst far from there being consensus, a contemporary view is that organisations or workplaces have cultures, from which OHS outcomes are emergent properties. We encourage Standard designers to consider work on 'safety climate vs safety culture', and the nuances and differences between the two. We direct you to resources in the OHS Body of Knowledge at <https://www.ohsbok.org.au/bok-chapters>, including work developed by Mr David Borys.

We foresee challenges with the implementation of the Culture Standard concept, not the least because OHS for decades now has grappled with measuring (and reporting on) the human condition. Whether quantitative or qualitative metrics are used (the Culture Standard includes a mix of both), stakeholders will seek to use a system's rules to meet their own objectives. What gets measured, gets managed. And what gets managed, can be manipulated. We support the concept of requiring contractors to effectively manage workload pressures through (indicative/high level) project schedules within tender documentation to the client. However, success will ultimately be driven by how much focus clients (e.g. governments) place on this area.

Overall, we support the Culture Standard concept. We are concerned parts of it can be considered duplication to existing regulatory requirements. We do foresee challenges with its implementation.

2. *Will the Culture Standard's three focus areas address existing cultural problems that are preventing the construction industry from being an employer of choice? Are there any other areas that should be considered?*

We believe focusing on and achieving progress across the three focus areas would make significant inroads in addressing cultural problems within the industry.

We note that whilst the Discussion Paper refers to government investment in infrastructure, we note there was no acknowledged that governments as a client play a critical role in 'over-heating' the construction industry. A cursory 'macro root-cause-analysis' points to client demand exceeding the industry's capacity to deliver being a critical contributory factor in the issues outlined, particularly the Time for Life pillar. We believe there are opportunities for governments to 1) better collaborate in infrastructure project selection, through the depoliticization and reliance on various jurisdictional 'bodies' (e.g. Infrastructure Victoria), and 2) invest in the industry workforce supply pipeline through

initiatives such as subsidised training and education (e.g. apprenticeships, TAFE courses), to increase the supply pool of domestically-based workers to meet the forecast shortfalls.

- 3. Are there any aspects of the Culture Standard that would be difficult to implement or would impact competition for projects tendered by government clients?*

We believe widespread adoption of these requirements would encourage a whole-of-market response. Competition would be nullified if all tenderers needed to meet the same requirements.

- 4. What additional guidance or resources would support the implementation of the Culture Standard?*

See below.

- 5. Are 'Mental Health' and 'First Aid' training courses readily accessible to organisations in the construction industry?*

These courses are readily available. However, there is still stigma associated with requesting time/resources to complete mental health first aid training. This situation would have been improved by specifically including reference to this training in the recently updated Victorian First Aid in the Workplace Compliance Code, which makes scarce reference to mental health. Similarly, the SafeWork NSW First Aid in the Workplace Code of Practice only makes brief reference to 'additional training may be required where... you have identified psychological risks'. Construction is typically a compliance focused industry. Without regulatory drivers, significantly increasing uptake in mental health first aid training will be difficult.

- 6. Regarding the draft requirement 'The Construction Industry Works Monday – Friday', are you supportive of caps on the number of hours worked per week? Why/Why not?*

We support this requirement. Typically, the construction personnel work 50+ hour weeks. This includes working on Saturdays. Management representatives ("white collar workers") often work even more hours.

We believe that consistent overtime hours of this nature do not give workers or management the opportunity to take appropriate care of their mental and physical wellbeing, and negatively impacts workers' health and safety.

Our view is that any Monday-Friday style restrictions need to be counter-balanced against the desires of some individuals to work flexibly, for example in part time, night shift or weekend roles.

- 7. Should the requirement against 'offensive material' on site be extended to include offensive language and behaviour?*

We support the requirement for the removal of offensive material on construction sites. We do note however that under existing Victorian law gender identity, sex and sex characteristics are already protected attributes under the Equal Opportunity Act (2010) (<https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/023>). Whilst NSW does not have explicit equal opportunity or human rights laws, state bodies already make it clear that sexual harassment, including 'sexually explicit pictures, posters or gifts that make you feel offended', are against the law

<https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/discrimination/sexual-harassment>).

We therefore question the need for a separate process, and we challenge the Taskforce on whether emphasising and supporting the enforcement of existing laws would be a more efficient approach.

This issue of replication occurs in other places throughout the Standard. For example, requirement 3.3 goes to the issue of 'ensuring appropriate amenities and PPE are provided on the project'. This is already a legislative requirement. If this is not being adhered to and regulators are not resourced well enough to enforce it, or aren't enforcing it for some other reason, we don't believe adding this requirement to the Standard will address the issue.

To the question at hand, expanding this requirement to language and behaviour may introduce challenges for site supervisors/managers, where 'offensive' is *potentially* more subjective. Therefore, we support the provision of examples of offensive language and behaviour, to support site managers in this space. These may be in written/diagrammatic media, and/or in video format.

8. *Do you support the inclusion of targets under the requirements 'Women are Represented in the Construction Industry' and 'Women hold Leadership Positions in the Construction Industry'? Which of the three options provided in each of these requirements do you believe will drive change whilst enabling innovation and competition? Are any of the three options unfeasible? If a specific target should be applied, what should this be and why?*

The AIHS recognises the many women amongst the profession who have contributed to health and safety within the construction industry and supports the continuous improvement of female representation in the industry. We believe that given the historical inertia on this issue over decades, bold targets are required to rapidly shift the dial. To this end we support Option 2 for requirements 3.4 and 3.5. We don't support Option 3 specific targets of 20%, since some smaller individual organisations may already exceed this target.

9. *It is envisaged that the Culture Standard will change over time to reflect different focus areas and requirements. What governance processes are needed to ensure the Culture Standard reflects the most relevant issues impacting industry?*

We believe that a national body, such as a Ministers forum or Safe Work Australia, should take ownership of this Standard. The governance must be appropriately resourced. Over time, the Standard requires jurisdiction-level enforcement through Treasury procurement policies and/or Ministerial Directions, subject to the issues highlighted in our response being resolved through pilot trial processes.

We note that there are already OHS considerations in Victorian procurement Ministerial Directions. Again, we question why stakeholders do not look to emphasising and/or updating these requirements, rather than creating parallel requirements (<https://www.dtf.vic.gov.au/ministerial-directions-and-instructions-public-construction-procurement/mandatory-evaluation-criteria-occupational-health-and-safety-management-attachment-1-instruction-37>).

10. *Implementation of the Culture Standard will be critical to its success in changing industry culture. What implementation processes are important to provide confidence that the Culture Standard will be effective?*

It is important to pilot the culture standard with willing organisations, to demonstrate positive real-world results and improvements to project outcomes.

11. What additional guidance or resources would support the implementation of the Culture Standard?

The construction industry, from top to bottom, are visual creatures that understand information by demonstration and practical learning. Therefore, we believe that communications and supporting guidance/resources need to be as visual as possible. Any written guidance needs to be considered from the perspective of time-poor industry representatives. We also think the Standard would benefit from real stories showcasing and highlighting the benefits of the industry improving in these areas. For example, we believe that many industry workers would rather be spending time with family and enjoying life on weekends rather than working.