



Workplace Incidents Consultative Committee

Annual Report 2022-23

Department of Treasury and Finance
1 Treasury Place
Melbourne Victoria 3002
Australia
Telephone: +61 3 9651 5111
dtf.vic.gov.au

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1 Treasury Place, Melbourne, 3002

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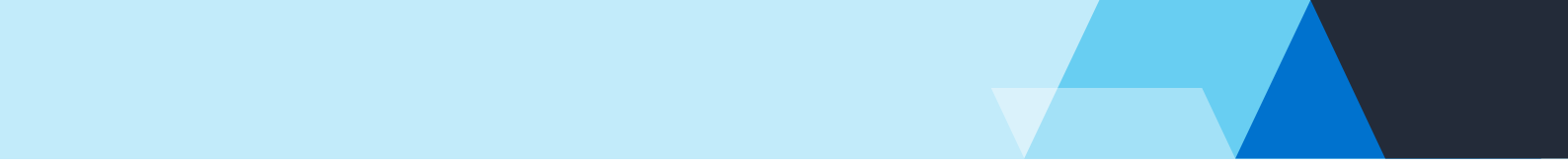


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The Workplace Incidents Consultative Committee would like to pay our respects to those killed and injured at work. We recognise the ongoing impact of these events on them and their loved ones. Every worker deserves to come home alive and well, both physically and mentally. We honour the dead and continue to fight for the living.

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1. Foreword from Committee Co-Chairs

The Workplace Incidents Consultative Committee (Committee) is pleased to present its second annual report to the Minister for WorkSafe and the TAC.

The Committee is a lived experience advisory committee comprised of people affected by a workplace incident involving death, serious injury or illness. Its aim is to inform system improvements to post-incident support for affected people, as well as improvements to workplace health and safety more generally in Victoria. Our members come from a broad range of backgrounds, experiences and industries, and we are proud to represent these diverse lived experience perspectives.

As the Committee's Co-Chairs, speaking on behalf of the whole Committee, we strongly believe in the value of lived experience voices in policymaking. As the saying goes, 'Nothing about us without us': it is crucial that policy decisions include affected people, recognising our unique insights into how policies impact people on the ground. We are proud that the Committee's ongoing advice and achievements continue to demonstrate the crucial value of lived experience in creating better policy outcomes.

In our second year of operation, the Committee has progressed a major piece of advice for the Minister's consideration – our report *A Best Practice Model of Post-Incident Support*. The report identifies a number of reform opportunities to improve the experience of affected families, injured workers and co-workers. We have also continued to give crucial lived experience insights to implementation of the Government Response to the Independent Review into Complex Workers' Compensation Claims (or 'Rozen Review'), as well as during our consultation with the Sentencing Advisory Council on their upcoming review of occupational health and safety (OHS) sentencing.

There have been significant changes to the portfolio over the last year, including the appointment of a new responsible Minister. In May 2023, the Government announced plans to modernise the WorkCover scheme and establish Return to Work Victoria. We are looking forward to engaging with Government to ensure its implementation of these major reforms are informed by crucial lived experience perspectives.

All workers deserve to come home alive and well, both physically and mentally. We look forward to continuing to provide high-quality advice to the Minister for WorkSafe and the TAC to create positive change for workers, their loved ones, their co-workers, and the whole Victorian community.



Dr Lana Cormie

Non-Government Co-Chairperson

Workplace Incidents Consultative Committee



Gary Maas MP

Government Co-Chairperson

Workplace Incidents Consultative Committee

2. List of members

The Committee has consisted of the following members during the 2022-23 financial year.

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.

Mr Gary Maas MP – Government Co-Chairperson

Gary was elected as Member for Narre Warren South in 2018. Before entering Parliament, Gary worked as a musician, teacher, lawyer, organiser, union secretary, and board director on commercial and not-for-profit boards. Gary was appointed as Government Co-Chairperson of the WICC in April 2023.

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 (up to February 2023)

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 (OHSAC observer)

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.

Mr Neil Kermeen – Lived experience member (up to May 2023)

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 LGBTIQIA+ 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 (up to March 2023)

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 LGBTIQIA+ 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 (up to April 2023)

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 (WAC observer)

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

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

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.

3. 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 was established in 2021 to strengthen the voice of Victorians who have been affected by a serious workplace incident, it has an important role in providing a mechanism for lived experience perspectives to directly inform government policy making.

The Committee's model and regulations were informed by the lived experience of members of the Families Reference Group Interim Committee (FRG), which was convened in October 2019 to support development of workplace safety reforms, notably new workplace manslaughter laws introduced in Victoria in 2020.

The Committee comprises from eight 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 WorkSafe and the TAC (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 – whether those be emotional, financial, physical or other needs, 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 chaired by a Government Co-Chairperson and a Non-Government Co-Chairperson who is elected from within the lived experience membership.

The Department of Treasury and Finance (Department) provides secretariat support to the Committee as of 1 January 2023, following machinery of government changes. This function was previously provided by the Department of Justice and Community Safety.

4. Key achievements for the 2022-23 financial year

Over the 2022-23 financial year, the Committee provided advice to the Minister on a broad range of issues related to the needs of persons affected by workplace incidents and were directly consulted by government agencies to provide lived experience input to a number of important initiatives.

Delivering on its own strategic priorities, the Committee continued to pursue a range of actions in focus areas for workplace incident prevention and post-incident support. These actions were established through the WICC's inaugural 2022 workplan and carried through in 2023.

The Committee's key achievements are outlined in further detail below.

A Best Practice Model of Workplace Incident Support

In late 2022, the Committee successfully completed its report *A Best Practice Model of Workplace Incident Support* (report).

The Committee initiated this report with the aim of identifying how a best practice model for meeting the support needs of families, injured workers and co-workers affected by serious workplace incidents could be achieved in Victoria. The report synthesised research into best practice across academic literature and the practices of other jurisdictions and drew on Committee members' unique lived experiences of navigating their post-incident journey.

The report outlines 14 reform opportunities that could significantly improve the experience of affected families, injured workers and co-workers following a serious incident.

The report was written in conjunction with Nous Group, who were engaged to support this project. The report has now been presented to the Minister for his consideration.

Workplace hazard reporting smartphone application (app)

The Committee also provided advice to the Minister on the benefits of adopting a workplace hazard reporting app for implementation in Victoria. The Committee considers such an app would expand the channels for workers to safely and anonymously report OHS risks, thereby improving prevention of workplace incidents across the state. The Committee's advice noted the positive policy evidence from other jurisdictions, such as New South Wales, where anonymous OHS reporting apps have successfully been implemented.

Advice to inform implementation of the Government Response to the Rozen Review

The Committee provided further advice to WorkSafe and the Department on the implementation of the Government Response to the Independent Review into Complex Workers' Compensation Claims Management (Rozen Review).

As part of this, the Committee provided feedback to inform the implementation of WorkSafe's new feedback system, which responds to recommendation 10 of the Rozen Review. The Committee's advice provided a unique insight into the experience of navigating post-incident support and feedback systems, and focused on ensuring the new surveys are accessible to a wide range of affected people and take their individual needs into account, in line with the biopsychosocial model of support.

The Committee welcomed these further opportunities to provide a necessary lived experience perspective on the implementation of the Government Response to the Rozen Review, and looks forward to continuing to inform this important reform package to ensure the best outcomes for affected people.

Engagement with the Coroners Court

The Committee engaged with the Coroners Court in late 2022 to better understand the coronial recommendations process, recognising its importance in preventing future work-related deaths. This engagement may inform future work or advice from the Committee.

Advice to the Sentencing Advisory Council on OHS sentencing

The Committee's initial views were sought by the Victorian Sentencing Advisory Council (SAC) to inform its review into the sentencing of OHS offences in Victoria. The Committee welcomes this review and looks forward to further opportunities to contribute lived experience perspectives to the process.

Contribution to OHSAC and WAC

Throughout 2022-23, nominated Committee members attended meetings of WorkSafe's Occupational Health and Safety Advisory Committee (OHSAC) and Workplace Advisory Committee (WAC) as observers, providing a link between the three advisory committees and ensuring informal lived experience representation during these proceedings.

Inspector inductions

Committee members also participated in WorkSafe's inspector induction sessions by invitation, providing new inspectors with unique insights into the importance of the role they will play in workplace incident prevention.

Publication of the Committee's webpage

The Committee published a webpage in September 2022 to increase public visibility of its work and the vital role of lived experience voices in policy more generally. The webpage provides background information, a full list of members, and operational documents for public access. It is hosted on the Department's website and can be found here: [Workplace Incidents Consultative Committee | Department of Treasury and Finance Victoria](#).

This webpage, in conjunction with the Committee's annual reports, also addresses a recommendation of the Rozen Review for there to be greater transparency about the operations of legislated occupational health and safety advisory committees.

5. Review of the Committee's Regulations

Chapter 7A of the Regulations governs operational requirements of the Committee such as membership criteria, co-chairing arrangements, meeting operations and probity. The Regulations (Regulation 553O) require that the Minister ensure a review of the Regulations governing the WICC is undertaken within two years of the appointment of the initial committee members. This is intended to assess whether the Regulations are supporting the Committee so that it can operate effectively in delivering its legislated function of providing advice to the Minister.

An independent reviewer was appointed to conduct the Review in May 2023 and Committee members have contributed to this process along with other stakeholders. The Committee welcomes the review process. The report is to be presented to the Minister for consideration in August 2023.

6. Future priorities

Moving into the next financial year (2023-24), the Committee will continue to exercise an important role advising the Minister, providing trusted advice and recommendations that focus on delivering better outcomes for people affected by workplace incidents.

The Committee looks forward to being consulted during implementation of the reforms Government announced in May to modernise the WorkCover Scheme, where it can play a key role providing insight into how the WorkCover Scheme and associated support systems are experienced firsthand by Victorian workers and families.

As part of these reforms, the Committee will continue to foster awareness and seek to embed key principles from our Best Practice Model for Workplace Incident Support to improve services and supports for affected people. Other activities will include continuing to provide advice on relevant issues relating to implementation of the Government Response to the Rozen Review, building greater awareness of the impacts of incidents, and proactively giving advice to the Minister about issues the Committee would like to draw to the attention of government.

The Committee welcomes opportunities to contribute further to the Sentencing Advisory Council's work in relation to OHS sentencing and other initiatives across government to ensure the voices of affected people are incorporated into the making or review of OHS policy and related services.

Importantly, the Committee looks forward to the findings of the Regulations Review. The Committee is committed to providing targeted advice in line with Government priorities, where government and the Victorian community can most benefit from its lived experience expertise.

7. Financial information

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 Fund provides \$4 million until June 2025 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 2022–23 financial year, the Committee spent \$175,000 (GST inclusive) from the Fund towards its project to develop its Best Practice Model report (as detailed at section 4), for a total project cost of \$250,000 (GST inclusive) across the 2021-22 and 2022-23 financial years.

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

8. Conclusion

In its second year of operation, the Committee has continued to mature in its role as an effective lived experience advisory body. It has shared the lived experience perspectives of its members to influence positive change for people affected by serious workplace incidents in Victoria and contribute to improving safety for Victorian workers. It looks forward to continuing this work into the next financial year.

The Committee notes that the coming year will see the WorkCover scheme undergo significant change, as the Government seeks to modernise the scheme and ensure it is sustainable into the future so that workers and their families can continue receiving the support they need. The Committee will continue to advocate that the needs of affected people are central to the scheme and to focus on prevention and moving towards safer workplaces with zero harm.

The Committee thanks the Minister for WorkSafe and the TAC and the Victorian Government for their ongoing recognition of the importance of lived experience in policymaking.

