

## **New OHS laws turn up the heat for employers with temporary staff**

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The way Australians are working today is different to any other time in history. The modern day workplace includes a mix of 'traditional' permanent employees, as well as contractors, consultants and on-hired workers.

However, under long-awaited legislation introduced to Federal Parliament earlier this month, to harmonise Occupational health and Safety (OHS) laws across Australia, employers and recruiters with contingent workforces could be caught out by new health and safety laws without adequate preparation.

The harmonisation reforms will unify safety standards across Australia and reduce red tape for recruiters and employers with national businesses, bringing us one step closer to a truly borderless workforce. The reforms, which will become law as of January next year, will also save businesses time and money, not having to sort through nine different OHS Acts and more than 400 pieces of legislation, reducing costs by an estimated \$180million nationwide.

While this aspect has been widely reported, much less attention has been given to the finer details of the Government's push to bring archaic OHS legislation in line with modern work practices and expand workplace safety rights for the increasing contingent workforce in Australia.

Essentially the new laws will redefine the employer/employee relationship. For instance, the Government proposes to expand the definition of an employer to 'anyone conducting a business or undertaking', and a 'worker' will reflect 'anyone involved in the undertaking of work'.

It might sound like a trivial point, but these definition changes are important as they will increase the onus on *all* employers to communicate, consult with, and respond to the safety concerns of 'all workers' on their sites, whether permanent, on-hired or outsourced.

Temp and permanent recruiters, who need to share and manage risk with their clients, will need to think about their 'total workforce' rather than simply their own employees.

There's no doubt employers are likely to experience some transitional headaches, but the challenge for business and Government over the next six months is to start reviewing their current systems and procedures to ensure they are able to meet the new requirements by 1<sup>st</sup> January 2012.

This will take more attention and consideration than many would anticipate, yet there has been surprisingly little industry focus on what's required.

At the very least, companies with national operations will need to find new ways of streamlining and automating their systems so as to deliver a consistent approach to OHS across the organisation.

Technology is helping to make this possible, and cost-effective, for on-hire recruiters and employers, given the majority of pre-employment training can now be done online. For instance, when we developed WorkPro seven years ago, it was designed to cater for a contingent and mobile workforce

and was one of the first online solutions to completely centralise pre-employment screening and OHS training for employers and candidates.

Even before the OHS harmonisation laws come into play, employers can switch to delivering a standardised OHS training model through WorkPro, which can be accessed by any employee, at any time and from any location, through one central portal. In addition, the system and each of its modules is regularly updated in accordance with changing state and national legislation, so clients have peace of mind knowing they are automatically meeting most of their OHS compliance obligations through WorkPro.

Most recently, we've modified the system in accordance with the proposed OHS harmonisation laws so current clients can engage workers of any variety and continue their daily business of recruiting, rather than agonising over the changes.

For everyone else, now is the time to be thinking about what the requirements mean for the way they continue to manage occupational risk. Those who fail to acknowledge the full scope of the new legislation early could be in for a harsh and costly New Year.

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