

Summary Impact Analysis Statement

Details

Lead department	Department of State Development and Infrastructure
Name of the proposal	Improving facilities and amenities for women working on construction projects.
Submission type	Summary Impact Analysis Statement
Title of related legislative or regulatory instrument	Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024.
Date of issue	August 2024

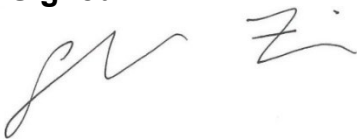
Proposal type	Details
Cabinet exemptions	<p>Background</p> <p>This proposal gives effect to part of Recommendation 30 of the 2022 <i>Review of the Work Health and Safety Act 2011</i> (WHS Act Review) by improving facilities and amenities for women working on construction projects.</p> <p>Recommendation 30 of the WHS Act Review, in part, recommended elevating existing requirements for facilities in the <i>Work Health and Safety Regulation 2011</i> (WHS Regulation) by better aligning with those in the <i>Managing the work environment and facilities Code of Practice 2021</i> (Facilities Code of Practice).</p> <p>Currently, section 41 of the WHS Regulation imposes a duty on a person conducting a business or undertaking to ensure, so far as reasonably practicable, the provision of adequate facilities for workers, including toilets, drinking water, washing facilities and eating facilities.</p> <p>Schedule 5A of the WHS Regulation also includes additional requirements for principal contractors of construction projects over \$250,000 to provide specific amenities for construction work. Construction work is defined broadly as 'any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantle of a structure' (section 289), and which includes a range of works, such as buildings, roads, foundations, airfields, docks and sewerage works (section 290). There are also exclusions, such as prefabrication or assembly of structures at another site and mining (section 289(3)).</p> <p>Despite the existing regulatory framework, the WHS Act Review found that there were ongoing issues in workplaces being provided with inadequate facilities and amenities. Further, insufficient, unsafe and poorly located toilets were particularly impacting women working in the construction industry. These factors are a significant barrier to encouraging women to work in male-dominated industries, such as construction, and the WHS Act</p>

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	<p>Review considered that the robust regulation of facilities for women may help drive cultural changes in industry behaviour to reduce these barriers.</p> <p>Regulatory changes to implement recommendations of the WHS Act Review were granted an exemption from further regulatory impact analysis (RIA) in recognition of the significant and fulsome consultation with industry representatives during the WHS Act Review.</p> <p>Given the evidence and submissions provided through the WHS Act Review, as well as the Queensland Government's commitment to meeting the National Association for Women in Construction's target to increase female participation to 11% in frontline roles on Queensland Government construction projects, Government decided to progress Recommendation 30 in part to improve facilities and amenities for women in construction.</p> <p>The Honourable Steven Miles MP, Premier, approved extending the existing exemption from RIA to include the amendments improving female facilities and amenities on construction projects, subject to targeted consultation not identifying a significant adverse impact on the construction sector and including any amendments in a post-implementation review within two years of the Amendment Regulation commencing.</p> <p>Scope of the Proposal</p> <p>This proposal will give effect to part of Recommendation 30 and support the Queensland Government's broader commitment of increasing the participation of women in frontline roles on Queensland Government construction projects by amending the WHS Regulation to:</p> <ul style="list-style-type: none"> • ensure that principal contractors continue to have a duty to provide toilets, and now including designated female toilets, that are reasonably available to construction persons performing construction work; • build on the existing minimum number of toilets specified in the WHS Regulation (i.e. 1 toilet for each 15, or part of 15, construction persons) to specify the minimum number of toilets and designated female toilets that are required on small construction projects (construction work costing less \$7.5 million), large construction projects (construction work costing over \$7.5 million), and multilevel buildings; • set out a range of factors that a principal contractor should consider when determining if toilets, including designated female toilets, are reasonably available; • specify additional requirements to ensure the needs of female construction persons are met, including safe, secure and timely access to designated female toilets and that these facilities include fit-for-purpose amenities, such as sanitary bins; and • provide examples of how a principal contractor may meet their duty of ensuring adequate numbers and placement of toilets for construction projects. <p>Consultation outcomes</p> <p>The submissions and outcomes of the WHS Act Review were considered in developing the regulatory proposal, and from May to August 2024, the Office of Industrial Relations undertook further targeted consultation with</p>

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	<p>construction industry representatives on the regulatory proposal, specifically.</p> <p>The following construction industry representatives across Government, unions and industry were consulted: Queensland Council of Unions; Construction, Forestry, Mining and Energy Union; Electrical Trades Union; Plumbing and Pipe Trade Employees Union; Australian Workers' Union; Australian Manufacturing Workers' Union; Master Builders Queensland; Business Chamber Queensland; Local Government Association of Queensland; Australian Industry Group; National Association of Women in Construction; and the Housing Industry Association; Department of the Premier and Cabinet ; Queensland Treasury; Department of Justice and Attorney-General; Queensland Health; Queensland Police Service; Queensland Corrective Services; Youth Justice; Department of Transport and Main Roads; Department of Education; Queensland Building and Construction Commission; Department of Housing, Local Government, Planning and Public Works; Department of Regional Development, Manufacturing and Water; and the Office of Best Practice Regulation.</p> <p>Consultation was generally supportive of the proposal.</p> <p>Submissions focused on issues such as:</p> <ul style="list-style-type: none"> • ensuring gender inclusivity; • the minimum number and location of toilets to ensure they were reasonably available to workers, particularly for expansive and multilevel projects; • safe and secure access to fit-for-purpose toilets and related amenities, such as hand and face washing facilities and sanitary bins, and particularly the need for minimum standards in the Facilities Code of Practice to be reflected in the WHS Regulation; and • appropriate monetary thresholds to categorise small and large construction projects. <p>Feedback received was incorporated into the regulatory proposal where practicable and in-line with the policy objectives.</p> <p>Construction projects over \$250,000 have existing requirements to provide suitable facilities and amenities for construction persons, including to specify a minimum number of toilets, generally, but also to specify the number and placement of toilets on multilevel buildings; when toilets must be connected or can be portable; and to provide for privacy, ventilation and access to like amenities.</p> <p>Consultation did not identify any significant issues for industry to adapt to the expanded requirements of the proposal. Construction industry representatives provided feedback about the thresholds for small and large construction projects which was addressed in the regulatory proposal by categorising small construction projects as being construction work costing less than \$7.5 million, and large construction projects as being construction work costing more than \$7.5 million. Construction projects less than \$250,000 remain out-of-scope for the proposal.</p> <p>It is noted that the proposal will not commence until 1 January 2025 and industry representatives did not identify a need for transitional arrangements.</p>

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	<p>Conclusion</p> <p>Targeted consultation did not identify significant adverse impacts for the construction industry. The Office of Industrial Relations also commits to ensuring this proposal is included in a post implementation review to be undertaken by 1 January 2027.</p> <p>Therefore, in accordance with the existing exemption, this regulatory proposal is exempted from further impact analysis.</p>

Signed



Graham Fraine
Director-General

Date: 29 August 2024



The Honourable Grace Grace MP
Minister for State Development and Infrastructure
Minister for Industrial Relations and
Minister for Racing

Date: 2 September 2024