

WorkSafe Victoria submission to the review of duplication between agricultural and veterinary chemical and work health and safety legislation

To whom it may concern,

WorkSafe Victoria (WorkSafe) is making a submission as Victoria's occupational health and safety regulator. WorkSafe would like to address the following specific questions posed by Deloitte Touche Tohmatsu in their call for public submissions document.

Do you have a preferred option? If so, what option and why?

WorkSafe supports the retention of Option 1. Agricultural and veterinary (AgVet) chemical label content often does not include information on chronic hazards such as carcinogenicity and sensitisation. It is important that complete hazard and precautionary information is available to everybody who handles AgVet chemicals. This is consistent with a key principle of the International Labour Organization (ILO) Convention 170 that workers have a right to information about the chemicals they use at work.

Safe Work Australia (SWA) indicates in its policy statement and information sheets that agvet chemical label content often doesn't include information on chronic hazards such as carcinogenicity or physio-chemical hazards such as flammability. SWA also indicated that this information is only included in the chemical's safety data sheet, which is often not immediately accessible to workers. Do you agree with SWA's position on these matters?

WorkSafe agrees with the SWA policy statement.

Should the labels of agvet chemicals communicate the same hazard information as is required of workplace hazardous chemicals, regardless of the risk?

AgVet chemicals should contain the same label information as all other workplace chemicals in that they should include information on intrinsic hazards. Absence of this type of information may impact employer decision making when looking to meet obligations under OHS legislation. This may lead to workers in the AgVet sector being exposed to unnecessary hazards. Workers in the AgVet sector should have access to the same type of information as those working with chemicals in other sectors.

Is the use of personal protective equipment the only form of risk mitigation available to workers in agvet chemical industries? What information is required for workers to effectively utilise other controls? What is the best way to communicate this information?

The primary duty to control risks associated with AgVet chemicals is on the employer and not the worker. The duty imposed on an employer to ensure health and safety requires the employer to eliminate risks to health and safety, so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks to health and safety, then to reduce those risks so far as is reasonably practicable. The duty is framed as a hierarchy of control with elimination of the risk to health and safety at the top of the hierarchy. Controls can be categorised as engineering (e.g. minimising the hazard by design or isolating a hazard), administrative (e.g. written operating procedures or installation of signs) or personal protective equipment (PPE) (e.g. respirators). Engineering controls reduce the behavioural component and therefore offer a higher level of protection and reliability than administrative or PPE risk controls measures. While the duty to apply the hierarchy of control exists regardless of the control suggested on an APVMA approved label, the fact that APVMA labels often prescribe PPE as a suggested risk control may lead employers to apply lower order controls such as PPE without considering higher level controls such as engineering controls.

Thank you for the opportunity to submit to this review.

Yours sincerely,

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