Modern laws close sliding doors

By Owen Whittle

Secretary, Unions WA

The WA economy has always relied on some of the most hazardous industries in Australia – such as agriculture, construction, transport and resources. However, despite working people in WA being most at risk, up until late March, we've shamefully had the weakest workplace safety laws in the country.

This represents a sliding door moment – seemingly unimportant but in reality so – for nearly all 1.4 million working Western Australians. Nobody knows whose life will be saved by adopting the strongest workplace safety laws in the country. Maybe yours or someone you know?

What we do know is that these laws were a long time coming.

Sadly, misinformation has surrounded this law's passage. Only a few weeks ago a prominent construction company boss was on radio quoting a legal provision that doesn't exist in the law and claiming construction companies face penalties if drug affected workers caused an accident in the workplace. It's the kind of fake news usually reserved for social media.

The truth is that for too long we have watched as prosecutions for horrific and preventable workplace fatalities have led to penalties of only a few 10s of thousands of dollars – well below community expectations and in many cases below the cost of implementing safety systems which would have saved those lives.

In advance of these laws the WA government raised penalties for safety breaches and it saw the highest ever safety penalty handed down against a WA government repeat offender – the Department of Corrective Services – which was fined $900,000 for a safety breach which resulted in serious and preventable injuries to a worker.

Importantly, our new laws and higher penalties have been backed up by a historic increase in funding for WorkSafe. There's now more likely to be a cop on the safety beat than has been the case for decades.

Much of the debate on these laws has been taken up by industrial manslaughter. That's understandable. It's important to recognise the commitment of family members of those whose lives were lost through work. They had to relive their trauma to be advocates. The coverage of these family members and their harrowing stories in the media also deserves acknowledgement.

However, there are other new provisions in the laws that will also make a difference. No longer must whistle- blowers have to put their name to safety complaints and be fearful of workplace retribution for doing so. That's important in an age of high job insecurity.

It sounds glib to say how important it is that elected workplace safety representatives are empowered, trained and consulted, but these are workplace- level improvements that really matter.

The value of saving a life is self-evident, the flow-on effects of focusing on preventing workplace injuries is less obvious but also in the interests of all parties. While in the short term, consultation, training and ensuring adequate staffing and safe equipment is a current cost, it will lead to reduced workers' compensation premiums and less workforce down-time in future. This doesn't capture the headlines.

The acknowledgement in the Act – and under new codes – of workplace violence, bullying and mental health impacts, updates these laws. They also make workplaces more accessible for women and young people who are too often the subject of unacceptable workplace behaviours.

At the end of the working day, we all want to get home safely. With these new laws, working people and unionists that support them can rest a bit easier knowing that the sliding door moment will not see them end up as another horrific statistic that costs so much in so many ways.

Authorised by Sally Dennis, General Secretary, The State School Teachers' Union of W.A.
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