

c2025-124D
GRNS--The Greens

LEGISLATIVE COUNCIL

Industrial Relations and Other Legislation Amendment (Workplace Protections) Bill 2025

Second print

Proposed amendments

No. 1 **Duty to manage psychosocial and digital work environment risks**

Page 21, Schedule 3. Insert after line 10—

[1A] Section 19A

Insert after section 19—

19A Duties of persons conducting businesses or undertakings to manage psychosocial and digital work environment risks

- (1) Without limiting section 19, a person conducting a business or undertaking must ensure, so far as is reasonably practicable, that work is designed, organised and managed in a way that does not expose workers to the following—
 - (a) unsafe, excessive or unreasonable work demands or workload allocation,
 - (b) unsafe or unreasonable performance metrics, monitoring or surveillance systems, including performance metrics, monitoring or surveillance systems imposed or administered through digital platforms, algorithms or artificial intelligence systems,
 - (c) any other system of work or organisational practice that poses a risk to psychological or physical health.
- (2) A person conducting a business or undertaking who allocates work by software, platform, code, algorithm or application, must allocate work in a way that—
 - (a) is not unsafe or excessive, and
 - (b) does not create unreasonable workloads, and
 - (c) complies with any requirements of industrial instruments applicable to the workers, and
 - (d) does not use discriminatory attributes in the distribution of work, and
 - (e) promotes a fair and equitable distribution of work, with systems promoting a right to disconnect within the meaning of the *Fair Work Act 2009* of the Commonwealth through a fair rotational allocation of work.

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- (3) For this Act, exposure to one or more of the above hazards is taken to be a risk to health and safety and must be eliminated or minimised as far as is reasonably practicable.

No. 2 **PCBU compliance with codes of practices**

Page 21, Schedule 3[2], proposed section 26A, lines 15–20. Omit all the words on the lines.

Insert instead “a code of practice for the purposes of this Act, comply with the code.”

No. 3 **Work health and safety disputes**

Page 23, Schedule 3[4], proposed section 102D, line 9. Omit all the words on the line. Insert instead—

- (b) notice of the dispute is given under section 102C(1), and
- (c) the notice does not state an immediate or imminent exposure to a workplace hazard as a WHS matter the subject of the dispute.

No. 4 **Duty to manage psychosocial and digital work environment risks**

Page 25, Schedule 3. Insert after line 15—

[5A] Section 118(5)

Insert after section 118(4)—

- (5) The WHS entry permit holder may exercise a function under subsection (1) in relation to another contravention of this Act relating to or affecting a relevant worker that the WHS entry permit holder comes to reasonably suspect while at the workplace under this division.

No. 5 **Duty to manage psychosocial and digital work environment risks**

Page 25, Schedule 3. Insert before line 16—

[5B] Section 118A

Insert after section 118—

118A Right to inspect digital systems

- (1) Without limiting section 118, the WHS entry permit holder may, while at the workplace under this division, inspect or examine the following in relation to the suspected contravention of this Act—
 - (a) a digital system,
 - (b) records, data, logs or audit trails produced by or through a digital system if the permit holder reasonably suspects the digital system is contributing to one or more of the following—
 - (i) unreasonable work demands or work intensification,
 - (ii) psychosocial hazards,
 - (iii) the imposition of unsafe performance metrics or surveillance measures,
 - (iv) other contraventions of this Act relating to the health and safety of workers.
- (2) The relevant person conducting a business or undertaking at the workplace must give the WHS entry permit holder—
 - (a) access to the records, data, logs, audit trails or other information referred to in subsection (1) in a readily understandable format, and
 - (b) reasonable assistance to interpret or navigate the information or digital system.

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- (3) The relevant person conducting a business or undertaking at the workplace is permitted to disclose information to the WHS entry permit holder in the course of giving access to the information for the purposes of an inspection or examination under this section if—
 - (a) the information relates to a suspected contravention, and
 - (b) access is reasonably necessary for the inspection or examination.
 - (4) In this section—
digital system means one or more of the following used or operated at a workplace—
 - (a) a digital platform,
 - (b) a software application,
 - (c) an automated system,
 - (d) an algorithm.

No. 6 **WHS civil penalty proceedings**

Page 26, Schedule 3. Insert after line 23—

[15A] Section 260

Omit the section. Insert instead—

260 Proceedings may be brought by regulator, inspector or industrial organisation

Proceedings for a contravention of a WHS civil penalty provision may only be brought by—

- (a) the regulator, or
- (b) an inspector with the written authorisation of the regulator, either generally or in a particular case, or
- (c) a registered organisation on behalf of the person affected by the contravention.

[15B] Section 262

Omit the section. Insert instead—

262 Recovery of monetary penalties

- (1) The court may order that the monetary penalty under a civil penalty order is paid to—
 - (a) the State, or
 - (b) a registered organisation if the proceedings were brought by the registered organisation.
- (2) The provisions of any Act relating to the recovery of penalties imposed for an offence apply in the same way for a recovery of a monetary penalty.