

**Standing Committee on Law and Justice
2019 Review of the Dust Diseases Scheme
Questions on Notice from 11 February 2020 hearing**

Question

- 1) On what basis is a health screening required? What is the source of authority?
In what circumstances does this arise?**

Answer

Division 6 of Part 7.1 of the *Work Health and Safety Regulation 2017* provides that a person conducting a business or undertaking has a responsibility to ensure that health monitoring is provided to workers. Health monitoring is to be provided when it is deemed that the worker's health is at considerable risk due to occupational exposure to dust, including crystalline silica.

Guidance published by SafeWork Australia provides some parameters around the frequency and nature of the screening that should be provided. This was last updated in February 2020.

icare has taken on responsibility for screening people in NSW who are concerned that they may have been exposed to harmful dust in the workplace. This provides employers a mechanism to meet their obligations to their workforce. It also provides an option for self-employed individuals who have past exposure to dust as an NSW worker or retired people seeking screening.

Question

- 2) What are the details of the arrangements in relation to referrals for health screening with icare?**

Answer

SafeWork NSW provides information to employers about icare's subsidised health monitoring service. In particular, this information is provided to employers who SafeWork have issued with an improvement notice.

There are no formal arrangements in place for SafeWork NSW to refer employers to icare's health monitoring service. Employers have the right to choose a health monitoring provider for screening their employees. icare provides screening at heavily subsidised rates in an effort to support employers in complying with their obligation to have their employees screened.

Question

- 3) What mechanisms are in place to confirm that employees from inspected sites are referred and have attended for health screenings following a referral?**

Answer

Data on screening and diagnoses has been shared with SafeWork NSW in the past. This has related to the sites inspected and the employers for whom screening has been mandated. Further information on data sharing is contained in the answer to question 4.

Question

4) What data is shared on this process between SafeWork and icare?

Answer

icare has shared high level statistical data with SafeWork NSW and is in the process of developing a regular report to provide high level monitoring of silica related cases. The data provided to date related to health monitoring activities and screening results for employers who have been issued a SafeWork NSW improvement notice. Going forward it will reflect all silica related screening and diagnoses.

SafeWork NSW may also request additional information from icare under section 155(2) of the *Work Health and Safety Act 2011*. Information sought under these notices is used by SafeWork NSW to assess the risk level of workplaces. This is then used to determine whether further inspections are required to ensure compliance with work, health and safety standards for working with silica containing product.