

Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Grace Grace, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing provide, this human rights certificate with respect to the *Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024* (the Amendment Regulation) made under the *Work Health and Safety Act 2011*.

In my opinion, the Amendment Regulation is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The objectives of the Amendment Regulation are to give effect to part of Recommendation 30 from the 2022 *Review of the Work Health and Safety Act 2011* (WHS Act Review) and support the Government's commitment to increasing the participation of women in frontline roles on Queensland Government construction projects.

Recommendation 30 of the WHS Act Review, in part, recommended elevating existing requirements for facilities in the *Work Health and Safety Regulation 2011* (WHS Regulation) by better aligning with those in the *Managing the work environment and facilities Code of Practice 2021* (Facilities Code of Practice).

Despite the existing regulatory framework for work health and safety, 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 Review considered that the robust regulation of facilities for women may help drive cultural changes in industry behaviour to reduce these barriers.

The Amendment Regulation achieves the policy objectives by amending the WHS Regulation to meet the specific needs of women working in construction, and better aligning with the standards established by the Facilities Code of Practice, to:

- ensure that principal contractors have a duty to provide toilets, including designated female toilets, that are reasonably available to construction persons performing construction work;
- 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 to consider the number and placement of toilets on construction projects.

Principal contractors will be required to meet these new requirements for facilities and amenities for construction work from 1 January 2025.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the Amendment Regulation promotes the human right of recognition and equality before the law under section 15 of the *Human Rights Act 2019*.

The right to recognition and equality before the law provides that every person has the right to equal and effective protection against discrimination. The right also ensures actions taken to remedy any disadvantage does not constitute discrimination.

The Amendment Regulation promotes the right to recognition and equality by ensuring the availability of appropriate facilities and amenities for women working on construction sites. Women are underrepresented in construction work, and inadequate facilities, particularly those that do not cater to the needs of women (e.g. the lack of a safe and hygienic place to dispose of sanitary items), has been identified as a significant barrier to encouraging women into male-dominated industries. The WHS Act Review also found that inadequate facilities are a factor that increases the psychosocial risks of a workplace, and may lead to safety concerns for women, particularly those working night shifts, due the current placement of many women's facilities e.g., on the boundary of large work sites.

Ensuring that women have access to adequate facilities, like designated female toilets, promotes equality before the law and will reduce barriers to attract and retain vital workers necessary to continue supporting Queensland's construction industry.

Conclusion

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* as it does not limit human rights.

GRACE GRACE MP
Minister for State Development and Infrastructure,
Minister for Industrial Relations and
Minister for Racing

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