

## ARA SUBMISSION

# SAFE WORK AUSTRALIA'S BEST PRACTICE REVIEW OF THE MODEL WORK HEALTH AND SAFETY LAWS

NOVEMBER 2025

The Australian Retailers Association (ARA) and National Retail Association (**NRA**) welcome the opportunity to provide feedback to Safe Work Australia's Best Practice Review of the Model Work Health and Safety (**WHS**) Laws (**the Review**).

The ARA and the NRA (the Associations), which propose to amalgamate to form the Australian Retail Council (ARC), represent a \$430 billion sector that employs 1.4 million Australians—one in ten workers—making retail the nation's largest private sector employer and a cornerstone of the Australian economy.

Our combined membership spans the full breadth of Australian retail: from family-owned small and independent businesses, which comprise 95% of our membership, to the largest national and international retailers that support thousands of jobs and sustain communities across both metropolitan and regional Australia. Our industry operates more than 155,000 retail outlets nationwide, with the majority of those also represented by an online or e-commerce presence.

A strong retail sector delivers widespread benefits to all Australians, with a significant portion of every dollar spent in retail flowing back into employees, suppliers, superannuation funds, and local communities. We are united in advocating for the policy settings, reforms and collaboration that will drive growth, resilience, and long-term prosperity for Australian retail and the millions who rely on it.

### EXECUTIVE SUMMARY

The Associations strongly support Safe Work Australia's goal of maintaining a harmonised, practical, and effective WHS framework that keeps workers safe while minimising unnecessary complexity and compliance burden.

Retailers operate in a low-risk but high-compliance environment. For our sector, WHS regulation must be clear, proportionate, and nationally consistent. Fragmentation across jurisdictions creates cost, confusion and duplication, particularly for national and multi-site employers managing identical operations across state borders.

The Associations submit that the Review should focus on:

- Strengthening national harmonisation and adherence to the Inter-Governmental Agreement (IGA).
- Reducing regulatory duplication and simplifying compliance for small and medium retailers.
- Ensuring WHS laws remain fit-for-purpose for customer-facing industries with lower physical risk profiles.
- Developing retail-specific WHS tools and resources to support practical compliance.
- Avoiding prescriptive or premature expansion of WHS duties in emerging areas such as digital systems and psychosocial risks.

Many retailers already maintain robust WHS management systems, including established controls that prioritise the safety and wellbeing of their teams. These include risk assessments, customer aggression protocols, mental health initiatives, staff training and fatigue management practices. The Associations therefore consider that the current model WHS framework - supported by practical tools and consistent enforcement - remains the most effective way to promote continuous improvement without imposing unnecessary new duties.

## THE RETAIL CONTEXT

Retail is Australia's largest private sector employer, accounting for one in ten jobs and a critical share of national economic activity. Our workforce is diverse and widespread, with employees working across stores, warehouses, offices and digital operations in every community.

The sector's WHS profile is distinct. Most roles are customer-facing and low-risk, with common hazards including manual handling, slips and trips, fatigue, and customer aggression. While these risks are manageable under the current WHS framework, the compliance burden remains disproportionately high given the operational realities of retail.

For large and multi-site retailers, consistent WHS obligations across jurisdictions are essential to managing national safety systems effectively. For small and family-owned businesses clarity and simplicity are critical. These employers rarely have in-house WHS specialists and rely on practical, accessible resources to meet their obligations.

## STRENGTHENING HARMONISATION

The Associations strongly support the objective of the model WHS Act to maintain and strengthen national harmonisation. However, in practice, state and territory divergence has accelerated, with inconsistent amendments to duties, Codes of Practice and regulatory approaches.

This trend increases confusion and cost for retailers operating across multiple jurisdictions. National retail networks must continually adjust their WHS systems to accommodate different rules and reporting requirements, even when their operational practices are identical nationwide.

To uphold the integrity of the harmonised system, the Inter-Governmental Agreement must be reinforced with practical mechanisms for accountability and transparency. Jurisdictions should be required to consult nationally before introducing amendments that depart from the model laws.

### *Recommendation 1*

Safe Work Australia should establish a mandatory national consultation and reporting process to prevent jurisdictions from unilaterally amending their WHS laws. This mechanism should require any proposed variation to be submitted for national review before passage, ensuring that changes are evidence-based, transparent, and consistent with the agreed model framework.

### *Recommendation 2*

The Inter-Governmental Agreement should be modernised and strengthened through the creation of a standing oversight body or reporting function within Safe Work Australia. This would track legislative alignment, identify where harmonisation is being eroded, and publish annual findings on compliance by each jurisdiction.

## REDUCING REGULATORY COMPLEXITY

Retailers are among the most heavily regulated small business employers in Australia. The model WHS Regulations are extensive, spanning over 700 pages, and reference a range of external Australian Standards that are costly to access.

For small retailers in particular, navigating these requirements can be time-consuming and confusing. The intention of referencing external Standards was to promote flexibility, but in practice it has increased uncertainty and administrative cost.

Compliance should be achievable through accessible Codes of Practice written in plain English, supported by clear examples and practical guidance.

#### *Recommendation 3*

All Australian Standards or external references cited in WHS Regulations or Codes of Practice should be made freely accessible or summarised in-text. This would eliminate hidden costs and help small businesses understand and apply their obligations without needing to purchase technical materials.

#### *Recommendation 4*

Safe Work Australia should undertake a targeted simplification review of the model WHS Regulations to ensure that low-risk industries, such as retail and hospitality, are not subject to unnecessary prescription originally designed for high-risk sectors. The goal should be to streamline compliance pathways and consolidate overlapping provisions.

### **SUPPORTING SMALL AND FAMILY-OWNED RETAILERS**

Small and family-owned retailers form the backbone of the Australian economy. Despite their size, these businesses carry the same WHS duties as large corporations but without comparable resources or expertise.

Many small retailers lack access to dedicated WHS personnel and rely on industry guidance to meet their obligations. Overly complex or technical requirements often lead to inadvertent non-compliance despite best intentions.

Safe Work Australia should prioritise the development of retail-specific WHS templates, checklists and case studies. Any future amendments to the model WHS laws or Codes should be accompanied by plain-language summaries and reasonable transition periods.

#### *Recommendation 5*

Safe Work Australia should co-design with industry new retail-specific WHS templates, checklists and practical case studies that reflect common retail hazards such as manual handling, slips and trips, and customer aggression. Any future amendments to the WHS laws or Codes should include a minimum 12-month implementation window and a small-business impact statement to ensure proportionate transition.

### **ADDRESSING EMERGING RISKS IN RETAIL**

The Review discussion paper highlights the growing importance of psychosocial hazards, digital transformation and artificial intelligence (AI) in the workplace. These are also emerging issues for the retail sector.

Retailers are increasingly adopting digital rostering systems, AI-driven inventory tools, and customer data platforms. These innovations improve safety and efficiency through automation, predictive analytics and reduced manual handling, but they also raise new considerations around worker privacy, algorithmic decision-making, and data security. The Associations support ongoing dialogue on these issues, but caution against premature regulation where existing privacy and employment frameworks already apply.

Retailers have long managed a range of psychosocial risks, particularly those arising from customer aggression, harassment and fatigue. Many already have established control measures such as conflict management training, duress alarm systems, fatigue rostering, employee assistance programs and mental health first-aid initiatives. These systems demonstrate that the sector takes its duty of care seriously and that effective control measures are achievable within the existing model framework.

In developing guidance on emerging risks, Safe Work Australia should ensure new measures are evidence-based, proportionate and aligned with existing laws, including the *Sex Discrimination Act 1984* (Cth), *Privacy Act 1988* (Cth) and relevant workplace relations frameworks. Retailers support national consultation to avoid duplication and ensure clarity for employers and workers.

#### *Recommendation 6*

Any proposed WHS duties or Codes dealing with digital systems, artificial intelligence, or psychosocial hazards should first undergo national tripartite consultation. Guidance should complement existing regulatory frameworks and recognise the strong systems many retailers already have in place. Emerging obligations should only proceed where clear evidence demonstrates a genuine safety gap, and implementation must be nationally consistent.

### **A PRACTICAL APPROACH TO COMPLIANCE AND ENFORCEMENT**

Retailers support the role of regulators in promoting safe workplaces but emphasise that compliance approaches should reflect the risk profile of the industry. Enforcement activity should prioritise education, prevention and support for small business, rather than punitive or inconsistent measures.

National consistency in how WHS regulators apply and interpret the law remains essential. A clearer distinction between high-risk and low-risk industries would help regulators target resources effectively while reducing unnecessary burden on sectors like retail.

#### *Recommendation 7*

Safe Work Australia and state regulators should agree on a national compliance framework that distinguishes between high-risk and low-risk industries. For sectors such as retail, regulators should prioritise education, advisory visits and online tools over punitive action, ensuring enforcement is proportionate, consistent and geared toward continuous improvement rather than punishment.

### **Summary of Recommendations**

1. Reinforce harmonisation through mandatory national consultation and transparent reporting of jurisdictional deviations.
2. Strengthen the Inter-Governmental Agreement and create a practical oversight framework within Safe Work Australia.
3. Require that all referenced Australian Standards be freely accessible or summarised within Codes of Practice.
4. Review the model WHS Regulations to simplify obligations for low-risk industries such as retail.
5. Develop retail-specific SME guidance and compliance tools, with a minimum 12-month transition period for any regulatory changes.
6. Ensure that new digital or psychosocial-risk provisions are subject to national consultation and harmonised implementation.
7. Establish consistent national compliance principles that differentiate between high-risk and low-risk industries.

### **CONCLUSION**

The Associations support Safe Work Australia's objective to maintain a harmonised and best-practice WHS framework. However, reform must prioritise clarity, proportionality and practical outcomes for retailers.

Retail is a low-risk, high-employment sector where safety is achieved through sound management, not additional layers of regulation. A nationally consistent and accessible framework - supported by practical tools for small business - will achieve better safety outcomes and improve confidence in the WHS system.

The Associations thank Safe Work Australia for the opportunity to contribute to the Review and remain available for further consultation on reforms that support practical, harmonised and outcome-focused WHS regulation.

Any queries in relation to this submission can be directed to our policy team at [policy@retail.org.au](mailto:policy@retail.org.au).