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Maintain a safe workplace

Regulations support WHS legislation by stating requirements, duties and procedures that apply to specific areas of work. Some regulations apply to all workplaces, while others apply to specific industries or tasks. Regulations specify how some duties under the WHS Act must be met and also the procedural or administrative processes that must be in place.

Regulations that are in place to maintain a safe work environment cover the following areas.

Regulations to maintain a safe workplace
<ul style="list-style-type: none">• Identifying hazards• Performing risk assessments for workplace hazards• Specifying controls and/or processes to minimise hazards• Representing and participating with workers on health and safety issues• Maintaining safe plant and structures• Monitoring hazardous work involving noise, hazardous tasks, confined spaces, risk of falls, demolition work or electrical safety• Monitoring requirements for licencing and accreditation• Monitoring safety in construction work or mining• Monitoring safety when working with asbestos or hazardous materials and chemicals

Legal requirements

The WHS Act in your state or territory describes the legal requirements for a safe and healthy workplace.

Here is some information on the legal requirements covered under WHS legislation.

WHS legal requirements
<ul style="list-style-type: none">• Managing risks to workers' health and safety, including risk assessment and control processes• Protecting people at work from injury and illness, including psychological injury• Protecting the health and safety of the public in workplaces• Consulting workers and encouraging participation in maintaining work health and safety, including establishing health and safety committees• Providing rehabilitation and maximum recovery for injured workers• Providing training in safe operating procedures• Having procedures for identifying workplace hazards• Having emergency and evacuation procedures• Having requirements for maintenance and confidentiality of records of occupational injury and disease

Industry standards

Industry standards provide advice to industry members about how to meet their obligations under legislation, and guidelines for controlling hazards and risks within a particular industry. Industry standards are developed in consultation with industry groups, PCBUs and other stakeholders. They apply to common WHS hazards and risks within a specific industry.

An example of industry standards related to WHS are the National Standards for Mental Health Services, which deal with the risks associated with occupational violence and aggression within the industry and provide guidelines on how providers and workers in this industry can deal with risks.

Safe Work Australia

Safe Work Australia has developed guidance material to provide advice to duty holders on how to apply legislation and meet their obligations. They also provide information on WHS laws to assist in compliance with the Act. In specific areas, guidance material is provided to cover certain groups such as volunteer workers. Guidance material may consist of fact sheets, information sheets and guidelines that can be used to support the WHS management system, policy and procedures.



For example, the Guide to the Model Work Health and Safety Regulations provides an overview of WHS regulations and cross-references the information to other relevant regulations. This guide is designed to help identify duties and rights that apply within the regulations.

You can read the Guide to the Model Work Health and Safety Regulations at: www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/621/Guide_Model_WHS_Regulations.pdf.

Duty of care

Duty of care describes the common law obligation of individuals and organisations in the workplace. All PCBUs and workers must anticipate and act upon possible causes of injury and illness that may exist in their work environment or as a result of their action or inaction.

Every individual in a workplace has a duty of care to ensure health and safety is maintained and that their own behaviour does not place others at risk of harm, injury or illness. PCBUs have a duty of care to supply and maintain a healthy and safe workplace, which includes ensuring workers, visitors and others are safe from physical and psychological harm.

Appropriate training

Training may be required in:

- setting up a workstation following ergonomic practices
- operating equipment safely
- identifying hazards
- assessing and controlling risk
- understanding safety signage
- using personal protective equipment (PPE) where provided
- following the organisation's emergency response plans including emergency evacuations and post-emergency debriefings.

WHS management systems

WHS management systems provide a means to identify hazards and eliminate or reduce the risks associated with those hazards. To identify hazards, your organisation may use workplace inspections, regular equipment checks, incident and injury reports or audits. Many organisations use a risk assessment matrix to analyse and evaluate risk. Controlling risks should be undertaken according to the hierarchy of risk.

Adopt new WHS legislation

All workers must be aware of any new legislation and how it applies to roles and activities within the organisation. In some organisations, it is the HSR's role to consult with the PCBU and workers to highlight requirements and obligations under the new legislation. In other organisations, this is a critical role of the managers and supervisors.

Here are some points to consider when adopting new legislation.

Adopting new WHS legislation
Include WHS updates in regular team meetings.
Update policies and standard operating procedures to reflect the new legislation.
Distribute communications to all workers advising of the new legislation.
Provide training and refresher training in areas of WHS impacted by the new legislation.
Update workplace signage and other information to reflect the new legislation.

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Ensure:

- that any fixtures, fittings and plant do not put at risk the health and safety of any person.
- all workplace activity relating to plant or structure, including its decommissioning or dismantling, is, so far as is reasonably practicable, without risks to health and safety.

Duties of officers

The key duties of officers are set out in Safe Work Australia's *Guide to the Model Work Health and Safety Act*. Here is what the *Guide* states officers must do.

Keep up to date

Acquire knowledge on WHS matters and keep this up to date.

Understand industry

Understand the nature and operations of the work and associated hazards and risks.

Minimise risk

Ensure the PCBU has, and uses, appropriate resources and processes to eliminate or minimise risks.

Use feedback

Ensure the PCBU has appropriate processes to receive and consider information about work-related incidents, hazards and risks, and to respond in a timely manner.

Follow processes

Ensure the PCBU has, and implements, processes for complying with their duties and obligations (for example, reports notifiable incidents, consults with workers).

Topic 2

Establish and maintain participation arrangements in a work area

A person conducting a business or undertaking (PCBU) must consult workers, health and safety officers, consultants and key stakeholders to comply with legislative and regulatory requirements. Consultation is required to ensure workers are able to perform their roles in a safe manner. Implementing and monitoring health and safety policies and programs is more effective if you engage with workers and use their workplace knowledge and experience. Consulting with workers encourages them to actively contribute to workplace safety. By listening to their responses and valuing their input, you can create a two-way communication process that enables health and safety issues to be raised and discussed with a view to addressing any identified problems or concerns.

In this topic you will learn how to:

- 2A Set up and maintain participation arrangements according to legislation
- 2B Resolve issues raised through participation arrangements and consultation
- 2C Provide information about participation and consultation outcomes

Legal jurisdiction

Codes of practice must be approved and implemented in each state or territory to have legal jurisdiction. Refer to your state or territory's health and safety regulator to find out whether the Work Health and Safety Consultation, Cooperation and Coordination Code of Practice has legal jurisdiction in your area.

Benefits of participation arrangements

A healthier work environment and improved morale and productivity can be achieved when the PCBU and workers collaborate on health and safety issues. Workers have a legal right to consult with the PCBU on matters affecting their health and wellbeing. A strong health and safety culture is one where workers believe their leaders are committed to health and safety and that any input workers have into the development or review of systems, policies and procedures is valued and followed.

Here are several benefits of participating in the consultation process.

Benefits of consultation
Helps PCBUs to become more aware of hazards and health and safety issues experienced by workers.
Improves management decisions regarding health and safety as the information comes from a wider source.
Enables workers to provide suggestions about how to address health and safety problems and contribute to determining how the work can be done safely.
May result in greater PCBU and worker commitment to health and safety and increased ownership of work outcomes.
Promotes increased openness, respect and trust between management and workers through developing an understanding of each other's points of view.
May help reduce injury and disease because of timely intervention.

Better consultation

Health and safety consultation is a two-way process. Workers need a mechanism to provide feedback regarding health and safety matters. The organisation should also use internal systems to provide health and safety updates to workers.

2B

Resolve issues raised through participation arrangements and consultation

When health and safety issues arise, management should take all concerns seriously and act on them quickly. Workers must feel that their opinions are valued and that management sees health and safety as a top priority.

Under health and safety legislation, a PCBU cannot dismiss any worker or change their work function or role to that worker's detriment simply because the worker has raised health and safety issues or is part of a health and safety group. There are significant penalties for breaching this legislation.

Health and safety issues

PCBUs should encourage workers and HSRs to deal with everyday problems as they occur (for example, replacing broken furniture or cleaning up non-toxic spills). HSCs and HSRs are responsible for taking follow-up action to resolve serious issues. However, if an HSC or HSR has not been appointed, the PCBU is directly responsible for taking action to resolve such issues.

Health and safety issues may also arise. These occur when a:

- worker identifies a hazard or danger
- worker identifies a potential hazard or danger
- dangerous incident (near miss) or accident is reported.



Resolve issues

Your workplace must develop and implement appropriate policies and procedures to address the requirements for WHS reporting and resolution. These should provide direction and guidelines for all workers to comply with issue reporting requirements. They should also include a detailed health and safety procedure document.

Here are several points that need to be considered when resolving WHS issues and concerns.



Reporting issues

WHS policies and procedures must enable workers to report issues immediately and include steps to ensure the organisation responds appropriately and in a timely manner. This includes providing the appropriate forms needed to report these issues. If the risk to safety is serious, then workers can cease work immediately, report the incident to their manager, then complete a health and safety incident report form.

Here are several examples of questions that may be posed.

Questions
<ul style="list-style-type: none"> • What is the purpose of the communication? • What outcome am I trying to achieve with the communication? • What are the information requirements of the audience (for example, what do they already know and what do they need to know)? • What format will be best received by the audience? • What diversity exists in the area? Do I need to consider providing communication in a language other than English? • Do I need to provide the communication verbally and in written form, or use diagrams and pictures? • Does the communication need to be supported by appropriate workplace signage or warning signs?

Make it accessible

Health and safety information should be in a format that is accessible to all those who need it. Your procedures for communicating health and safety information should recognise and address factors that may limit accessibility to health and safety information.

Accessibility factors that should be considered:

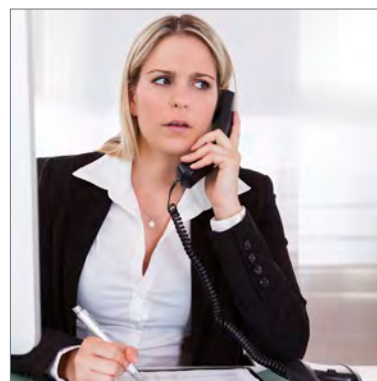
- Does everyone have access to the internet or an intranet?
- Can everyone use email?
- Do remote and home-based workers have special requirements?
- Is there any shift, casual or contract workers who may be affected?
- Do any workers have language barriers or diverse levels of understanding?
- Should information be presented as signs, symbols, pictures or graphics?

Keep it timely

It is important to communicate in a timely manner. Always provide health and safety information when workers are more inclined to absorb the information and respond appropriately.

When a matter requires prompt and immediate action, such as following a dangerous incident, emergency communication systems should provide information directly to each affected person.

Information of a less urgent nature, such as outcomes of a recent committee meeting can be communicated to recipients at regular intervals via the organisation's standard reporting procedures.



**Worker reports**

Worker reports are one of the most effective ways to identify hazards. Workers have a legal responsibility to report any identified hazards to the PCBU who is legally required to take corrective action on those reports.

**Other methods**

Other ways of identifying hazards include:

- regular workplace inspections
- results of accident investigations
- evaluating reasons for poor quality outputs
- industry information bulletins
- reports from customers or visitors to the workplace.

A familiar work environment

To identify hazards you must be familiar with the work environment. You need a good overview of the team's duties, work practices and procedures, the equipment they use and the work environment.

Points to consider when identifying hazards in the work environment:

- Which parts of the work environment move? Is there anything about the doors, floors, wheeled furniture, lifts and so on that could be dangerous?
- What substances are used? Is there anything about the way these are stored or used that could be dangerous?
- What equipment is used? Is there anything about it or the way it is used that could be hazardous?
- Is there anything that you or others do that could be hazardous? Is there anyone inexperienced or untrained working in the team?
- Do work procedure shortcuts follow all safety procedures?
- Could anyone be hurt by modifications that have been made to tools or equipment?
- Does everyone still take as much care with workplace practices and procedures as they did when they first started in the workplace?
- What happens when cleaning, maintenance or repairs are done?

Make a checklist

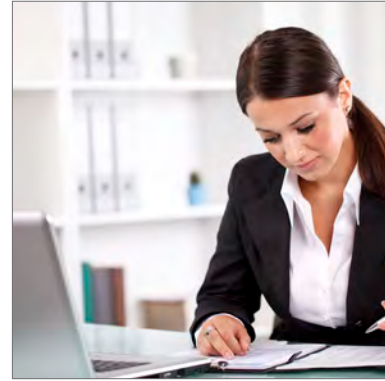
From time to time, management, HSRs or members of the HSC may carry out a formal workplace inspection. This usually takes the form of a walk-through survey of the work area to gather information about the work team and their work practices.

It is important to make a checklist that is tailored to your specific work environment. This provides a structure for collecting detailed information on equipment, processes and work areas for evidence of potential problems.

Assess the risk

Assessing the risk associated with each hazard is also important. To correctly interpret data about hazards or risks, you need sound analytic skills:

- Be objective and methodical.
- Use a system and criteria so you know what you are assessing against.
- Never accept the first conclusion you make.
- Look at all the data, ask questions and reinterpret if necessary.



Always consider the likelihood of the hazard occurring and the potential impact of exposure to the hazard. The combination of these produces a level of risk.

Standards and priorities

Before you can control risk, you must establish the level of health and safety that is acceptable, in your work area, your organisation and your industry. Standards vary from industry to industry, influenced by perceptions, current knowledge and who is paying for the risk reduction. Decisions must be made based on current standards, judicial interpretation and the public's expectation.

It is also important to establish priorities. You cannot deal with everything at the same time. Decide what you need to do immediately, in the short term (within a few weeks), in the medium term (within a few months) and in the long term (over the next year).

Consider the following when prioritising risk management tasks:

- The severity of the risk
- The number of people affected by the risk
- How easily it can be controlled
- Other benefits that may result from controlling the risk; for example, increased productivity
- Your organisation's policies and procedures relating to prioritising risk

Control the risk

When a risk assessment identifies a hazard with unacceptable risks, put control measures in place to eliminate or reduce the risk to an acceptable level.

Risk control is a legal requirement of all PCBU's. Practical guidance on how to control some hazards and risks is covered by regulations (for example, dealing with asbestos, manual handling and noise). Others are covered by a code of practice. Unions, industry associations, consultants, specialist WHS advisors, colleagues and HSRs can also provide information and advice.



3B

Ensure new hazards are not created from proposed changes in the workplace

Changes in the workplace occur frequently. Change can introduce new hazards; change the risk level of existing hazards; or impact the way WHS should be managed.

Include hazard identification at the planning, design and evaluation stages of any change in the workplace to ensure that new hazards are not created by the proposed change and existing hazards are controlled.

Changes at work

Common areas of change include staffing, property and work practices.



Staffing: hiring new workers, reducing staffing levels through retrenchment or transfer, and workers leaving or retiring



Property: moving premises, installing new workstations, plant or equipment, and introducing new technologies



Work practices: introducing new products or packaging, changing production shifts or changing suppliers

Risk control plan

You may be responsible for developing a risk control plan for your team or work area. The plan should enable consultation, ongoing identification and assessment of hazards, and use the hierarchy of risk controls to control identified risks.

Here are five elements of a risk control plan.

Consult all relevant personnel

- Familiarise staff with the HSR and/or HSC.
- Conduct regular WHS meetings.
- Plan strategies to inform staff.
- Receive feedback from workers regarding health and safety issues.

Allocate responsibility

- Nominate personnel responsible for risk control plan.
- Allocate specific functions to HSRs.

Prepare a work plan

- Decide how and when the necessary work will be done.
- Prepare time lines and resources.
- Document the plan.

Prepare a risk control plan

- Document hazards, risk assessment and risk control measures or steps to be taken to reduce hazards.
- Identify resources needed.
- Record how risks will be controlled.
- Record time lines for implementation.

Monitor and review

- Monitor implementation of risk control plan; for example:
 - Is it on time?
 - Are there any difficulties?
 - Are all staff aware of procedures?
- Establish ongoing evaluation of the plan to ensure its effectiveness and appropriateness. An HSR should be invited to be involved in ongoing evaluation.

Level of compliance

The level of compliance with procedures; for example, whether WHS policies and procedures are explained and followed to ensure equipment and machinery are used correctly; whether there has been unauthorised use of equipment or access to restricted areas

Pressure to override

The pressure to override safe working practices; for example, meeting deadlines or cutting costs causing workers to adopt shortcuts or remove safety guards on dangerous machinery

Characteristics

The characteristics of the workforce, such as cultural diversity or language, literacy and numeracy skills; for example, workers may not be able to understand signage in the work environment

Structure

Workplace organisational structure and geographic location, especially for remote workers or multi-site organisations; for example, it may be difficult to convey WHS information or encourage and monitor safe work practices for remote workers

Ineffective consultation

Ineffective consultation; for example, expert WHS advice may not have been obtained, or control measures may be based on inaccurate information

Inadequate installation

Inadequate installation; for example, machinery may be incorrectly installed, so that risk control measures are ineffective

Here is an example of the information needed in an induction.

WHS induction information
<ul style="list-style-type: none"> • An explanation of the WHS duty of care and implications for workers • Work instructions and any hazards and risks associated with specific tasks • Fire and emergency response requirements • First-aid facilities and procedures • General health and safety policies and procedures • Details of the health and safety committee, health and safety representatives (where appointed) and meetings schedule • Specific WHS training programs; for example, safe operation of equipment, PPE and risk management

Analyse WHS training needs

It is important to regularly identify worker WHS skills and knowledge gaps. A good way to do this is to conduct a WHS training needs analysis.

A WHS training needs analysis helps you work out what training must be completed to ensure that all workers have current WHS skills and knowledge. Training must be relevant to their job roles and the WHS issues that affect them in the workplace.

Here are the three steps for developing a WHS training needs analysis.

Step 1

Benchmark WHS requirements

Start by analysing:

- workplace inspection data
- job descriptions
- audit reports
- job safety analyses
- incident reports
- minutes of HSC meetings.

Data from each of these sources will enable you to determine the standards by which you can measure worker performance.

Step 2

Determine current skills and knowledge

Determine your team members' current skills and knowledge. This process may involve:

- one-on-one meetings
- surveys to identify current skills
- analysing each member's qualifications and experience
- general observation.

Identify the main patterns

To identify the patterns of occupational injury and disease, you must analyse the documents in your workplace, some of which are outlined below.

Injury/first-aid register

- Look for patterns such as an increased number of slips and trips.
- Analyse:
 - the number and types of incidents
 - whether there are peak times for incidents
 - the number of incidents per department
 - whether the same workers or job roles are involved.
- Work areas or work practices may need to be modified.

Accident reports

- Consider the following:
 - Are similar accidents occurring?
 - Are accidents occurring in the same place?
 - Are accidents the result of new equipment, poor training or workers not wearing PPE?
 - Have WHS resources decreased?
- The remedy will depend on the identified issue/s.
- Increased WHS resources must be applied as appropriate.
- Serious injuries may be investigated by the relevant state or territory WHS regulator.

Worker's compensation/ rehabilitation records

- Patterns of repeated claims by individual workers or staff from specific areas may be indicative of more serious problems (for example, poor work morale, poor training or unsafe work practices).
- Work processes in affected areas may need to be observed and modified, or treatments applied.
- Workplace psychologists may help to determine the cause of any morale issues.

4C

Measure and evaluate the WHS management system

A quality systems framework within an organisation provides the benchmarks required to ensure that all systems, processes and procedures are of the highest standard and embrace the concept of continuous improvement. It is important to measure and evaluate the work health and safety management system against the organisation's own quality systems framework.

WHS quality systems

In a WHS context, certain quality systems must be adopted by an organisation and addressed in their WHS policies and procedures. Here are examples of quality systems that may be used.

ISO 9001:2008

ISO 9001:2008 Quality management systems – Requirements is the benchmark for organisations with quality management systems in place, ensuring all systems, processes and procedures are of the highest standard and embrace the concept of continuous improvement.

AS/NZS 4801:2001

AS/NZS 4801:2001 Occupational health and safety management systems – Specification with guidance for use provides the specifications for, and application of, best-practice health and safety management systems.

ISO 14001:2004

ISO 14001:2004 Environmental management systems – Requirements with guidance for use details management specifications for sustainability and environmental impact reduction.

AS/NZS ISO 31000:2009

AS/NZS ISO 31000:2009 Risk management – Principles and guidelines provides an overall risk management approach specification for organisations and industry, beyond (but inclusive of) WHS systems.

Resources

System:

WHS is sufficiently resourced to ensure the organisation can meet its WHS obligations.

Evaluation:

Recommendations are taken on board promptly.

Training and resources

You can measure internal systems by reviewing the training programs and monitoring your resources. Here is further information on this.

Training

System:

Workers are provided with adequate training and supervision and other information to work safely, including regular WHS training to fill skills and knowledge gaps.

Evaluation:

- A decrease in WHS incidents correlates with increased WHS training.
- Workers show commitment to WHS after training.

Resources

System:

WHS is sufficiently resourced to ensure the organisation can meet its WHS obligations.

Evaluation:

Recommendations are taken on board promptly.

Proactive and reactive systems

When evaluating the WHS management system against quality standards, use a mix of proactive and reactive monitoring systems. This is the best way to evaluate the extent to which relevant policy, procedures and objectives are being met. You will need well-developed problem-solving skills to identify and practise the required proactive or reactive monitoring.

The steps for implementing continuous improvement actions are outlined below.

Implementing corrective actions	
Communicate to management through management committees and formal WHS reporting channels.	
Record with times for completion, dates for progress reports required and the person responsible.	
Sign off on actual completion date by the relevant authorised person.	

Example: WHS action plan

Organisation: Library Person: Amanda Smith			Area for improvement: Phase out the use of A-frame ladders and replace with elevated work platforms (EWP), mobile scaffolds or platform ladders			
No.	Actions	Required outcome	Resources	Responsible	Target date	Sign off
1	Determine access equipment requirements to replace A-frame ladders currently in use.	List of quantity and working heights of EWPs, mobile scaffolds and platform ladders required for the site.		David – Site Supervisor	14/3	
2	Determine from list of requirements what items are to be purchased and what will be hired. Obtain quotes.	Most cost-effective solution to phasing out the use of A-frame ladders.	Supplier catalogues and price lists	Mike – Managing Director	15/3	
3	Order and arrange delivery of new access equipment.	New access equipment to be available on site.		Mike – Managing Director	16/3	
4	Prepare safe work method statements (SWMSs) for new access equipment.	Training reference for workers.	WHS regulations and codes of practice	David – Site Supervisor	16/3	

continued ...



Step 4: Prepare audit report

- Prepare a summary of the audit findings.
- Include details of any noncompliance.
- Develop a list of recommendations/considerations.



Step 5: Conduct follow up

- Review the noncompliance register to monitor progress.
- Check whether recommendations for improvement/compliance have been addressed.

Example: noncompliance report

Here is a noncompliance report that identifies deterioration in WHS performance and offers suggestions for improvement.

Noncompliance report		
Identification	Date of audit	16 March
	Location	Super Chook Palm Beach, Townsville
	Responsible manager	Mr Ian Rysse
	NCR number	340413
	NCR raised by	Rob Corrup
Corrective action	Actions required	Workers' food-handling procedures have been rated as poor, with members observed not washing their hands between handling raw chicken and cooked meats. Workers must undergo a food-handling and hygiene refresher training within 7 days.
	Person responsible	Mr Ian Rysse
	Date to complete	23 March
Follow up	Describe actions undertaken:	
	Corrective action completed on:	
	Signature:	
Copies	<input type="checkbox"/> Audit file	<input type="checkbox"/> PCBU