

**BSBWHS302 Apply knowledge of WHS  
legislation in the workplace - Resource**



**BSB30115 Certificate III  
in Business**



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# COURSE INTRODUCTION

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## ABOUT THIS GUIDE

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This learner guide covers one unit of competency that is part of the BSB30712 Certificate III in Work Health and Safety Training Package:

BSBWHS302A Apply knowledge of WHS legislation in the workplace

This unit describes the performance outcomes, skills and knowledge required to understand work health and safety (WHS) Acts, regulations and codes of practice, and to contribute to actions to achieve compliance with WHS legislation in the workplace.

This unit applies to individuals who contribute to achieving compliance with WHS legislation in the workplace as part of their WHS responsibilities, which are in addition to their main duties.

## ABOUT ASSESSMENT

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This guide contains a range of learning activities which support you in developing your competence. To apply this knowledge to your assessment you will be required to complete the assessment tools that are included in your program. The assessment is a competency based assessment, which has no pass or fail; you are either competent or not yet competent. This means that you still are in the process of understanding and acquiring the skills and knowledge required to be marked competent.

For valid and reliable assessment of this unit, a range of assessment methods will be used to assess practical skills and knowledge.

Your assessment may be conducted through a combination of the following methods:

- Third-party reports from a supervisor
- Practical demonstration of your skills in a classroom situation
- Projects and assignments
- Portfolio of evidence
- Written or verbal questioning to assess knowledge and understanding of business policies and procedures

- Oral presentation
- A combination of these methods

The assessment tool for this unit should be completed within the specified time period following the delivery of the unit. If you feel you are not yet ready for assessment, discuss this with your trainer.

To be successful in this unit you will need to be able to join you're learning to your work place, this should be achievable for those who are employed and for those who are not yet employed and you will be required to use observations of examples that can take place in a workplace environment.

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# ELEMENTS AND PERFORMANCE CRITERIA

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ELEMENT	PERFORMANCE CRITERIA
1 Determine the legal framework for WHS in the workplace	<p>1.1 Identify and access current WHS legislation and related documentation relevant to the workplace, occupation and industry</p> <p>1.2 Apply knowledge of the relationship between WHS Acts, regulations and codes of practice to assist in identifying WHS legislative requirements in the workplace</p> <p>1.3 Identify duty holders</p> <p>1.4 Identify legal obligations and duties for consultation with and training of workers, health and safety representatives, and others</p> <p>1.5 Identify consequences of non-compliance with WHS Acts, regulations, codes of practice, standards and organisational WHS policies, procedures, processes and systems</p>
2 Contribute to activity that reflects WHS legislative requirements	<p>2.1 Contribute to monitoring compliance with legislation</p> <p>2.2 Contribute to ensuring that workplace complies with legislation</p> <p>2.3 Identify and take appropriate action on non-compliance with legislation</p> <p>2.4 Recognise limits of own expertise and legal duties, and access help and advice when required</p>
3 Keep up-to-date with legislation and relevant publications	<p>3.1 Use relevant sources to keep up-to-date with legislation and relevant publications</p> <p>3.2 Communicate information on relevant legislative changes and relevant publications to others</p>

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# REQUIRED SKILLS AND KNOWLEDGE

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This describes the essential knowledge and skills and their level required for this unit.

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## REQUIRED KNOWLEDGE

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- Communication skills to contribute effectively to formal and informal WHS meetings
- Computer skills to search for, access and download electronic documents and software
- Literacy skills to read and understand documents and publications

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## REQUIRED SKILLS

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- Legislative duties of self and others
- Organisational WHS policies, procedures, processes and systems
- Relevant commonwealth and state or territory WHS acts, regulations, codes of practice, standards and guidance material, and other relevant publications
- Ways to get information about compliance with legislation

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# EVIDENCE GUIDE

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The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required knowledge and skills, the range statement and the assessment guidelines for this Training Package.

**Critical aspects for assessment and evidence required to demonstrate competency in this unit** Evidence of the following is essential:

- Current knowledge of relevant WHS Acts, regulations and codes of practice
- Identifying and applying WHS legislative requirements applicable to the workplace, occupation and industry
- Referring issues of non-compliance to responsible persons or authorities
- Seeking advice from appropriate sources

**Context of and specific resources for assessment**

Assessment must ensure access to:

- Relevant information and documentation on compliance requirements, such as:
  - Organisational policies, procedures, plans and standard operating procedures
  - Relevant Acts, regulations, codes of practice, licensing requirements and standards
- Relevant internal and external data files
- Appropriate office equipment and resources used in the identification and rectification of WHS compliance breaches

**Method of assessment**

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:

- Direct questioning combined with review of portfolios of evidence and third-party reports of on the job performance by the candidate
- Review of documents on WHS Acts, regulations, codes of practice, standards, policies and procedures developed and communicated to workers
- Analysis of responses to case studies and scenarios
- Demonstration of applying WHS legislation in conducting work safely
- Oral or written questioning to assess knowledge of research and data-collection methods to obtain

evidence of compliance with WHS legislation

**Guidance information for assessment**

Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:

- Other BSB07 WHS units

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## PRE-REQUISITES

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This unit must be assessed after the following prerequisite unit:

There are no prerequisite for this unit.

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# TOPIC 1 - DETERMINE THE LEGAL FRAMEWORK FOR WHS IN THE WORKPLACE

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## IDENTIFY AND ACCESS CURRENT WHS LEGISLATION AND RELATED DOCUMENTATION RELEVANT TO THE WORKPLACE, OCCUPATION AND INDUSTRY

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### WHAT OHS/WHS LAWS AND GUIDELINES SHOULD I KNOW ABOUT?

Knowing and understanding your statutory obligations and the legal issues associated with workplace health and safety will assist you in avoiding the unnecessary costs and damage to your company's image associated with workplace injury and illness.



Australian health and safety law is governed by a framework of Acts, Regulations and support material including codes of practice and standards.

The workplace is a heavily regulated environment. WHS/OHS legislation and regulations impose duties and requirements on organisations - aimed at reducing the incidence of workplace injury and work-related disease - backed up by criminal offences and financial penalties for non-compliance. Codes of Practice and Guidance Notes provide explanation on how to meet legal WHS/OHS responsibilities.

Workers as well as supervisors should understand the basic requirements of WHS/OHS legislation, codes of practice and other requirements applicable to the activities, operations, products or services in the work area and explain relevant obligations to the workgroup. The employer should have procedures in place to identify legal requirements. This information should be kept up-to-date and made accessible to the workgroup in so far as it affects their roles. The organisation's WHS/OHS policies, procedures and programs should underpin a clear commitment to implement WHS/OHS legal obligations and other requirements in the enterprise.

## APPLICABLE WHS/OHS LAW AND HARMONISATION

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WHS/OHS laws apply to every employer, every worker and every workplace regardless of whether workers are under a contract of employment, casual, permanent or temporary, full-time or part-time, in an apprenticeship or a traineeship.

WHS/OHS laws include:

- Applicable State/Territory WHS/OHS Acts
- Applicable State/Territory WHS/OHS Regulations
- Licence and Permit Conditions

OHS legislation is currently undergoing great change. Until now, most WHS/OHS laws and regulations were the responsibility of states and territories in Australia, and while they were similar, there were differences between states that could cause confusion at times. A new Bill is to be soon enacted by parliament to harmonise all WHS/OHS legislation from state-based to one national law. This is called the harmonisation process and it will help create a national work health and safety legal framework.

## CURRENT WHS/OHS LEGISLATION

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Each State/Territory has a principal WHS/OHS Act, setting out the legal requirements for ensuring workplaces are safe and healthy places. The key principle in each principal Act is the employer's responsibility known as the employer's "duty of care". This is the strict legal duty of the employer to provide a safe and healthy place of work for employees and others.

Further requirements in each principal Act spell out the duties and rights of workers, such as the duty to take care for one's own health and safety and that of others, and rights of worker participation in matters of health and safety via WHS/OHS representatives and WHS/OHS committees. Other groups such as suppliers and manufacturers also have duties in relation to WHS/OHS.

Each State/Territory may also have smaller, more specialised Acts dealing with specific aspects of WHS/OHS such as dangerous goods. Acts may contain site-specific requirements (permit-to-operate regimes) or relate to particular equipment, products or services.

The following is a representative listing of some relevant State WHS/OHS legislation in force at the current time (this will change with harmonisation). The complete list of Acts applicable to an organisation must be based on the operations of the organisation and the scope of its activities, products and/or services. Always check further with your state and commonwealth bodies if you are unsure. It is important to note that the name of the Act or Regulation coupled with the year it was enacted is the total name of the relevant document, so you should always include the year date, to ensure that it is the correct one.

<b>STATE &amp; COMMONWEALTH OHS STATUTES &amp; REGULATIONS</b>	<b>NSW:</b> Work Health and Safety Act 2011 Work Health and Safety Regulation 2011
<b>ACT:</b> Work Health and Safety Act 2011 Work Health and Safety Regulation 2011	<b>QLD:</b> Work Health and Safety Act 2011 Work Health and Safety Regulation 2011
<b>TAS:</b> Work Health and Safety Act 2011 Work Health and Safety Regulation 2011	<b>WA:</b> Occupational Safety and Health Act 1984 Occupational Safety and Health Regulations 1996
<b>SA:</b> Work Health and Safety Act 2011 Work Health and Safety Regulation 2011	<b>NT:</b> Work Health and Safety Act 2011 Work Health and Safety Regulation 2011
<b>VIC:</b> Occupational Health and Safety Act 2004 Occupational Health and Safety Regulation 2007	

## REGULATIONS

General WHS/OHS Regulations contain provisions to “flesh out” duties and responsibilities as outlined in the principal State/Territory WHS/OHS Acts. Many Regulations adopt a performance-based approach, but prescribe specific detailed controls for highly hazardous areas. The New South Wales Regulation addresses hazard identification and risk control in work premises, employee participation in health and safety, plant, hazardous substances, hazardous processes, construction work, certification of workers and licences and permits.

Some regulations are activity-specific, e.g. covering working in confined spaces. Others may be compliance regimes for specific hazards such as noise, or specific to particular processes. Other regulations may be specific to particular industries. Specialised operations, such as major hazard facilities, operate within the scope of their own particular regulatory environment.

## CODES OF PRACTICE

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An Approved Code of Practice is an expert practical guide for achieving the standard of safety required by WHS/OHS legislation for a particular area of work. A Code of Practice provides further information on the duties referred to in the Acts and supplementary information on safe work practices, on how employers may meet safety requirements and fulfill their duty of care to workers. Codes of Practice spell out the duties of employers and other groups in controlling risks associated with specific hazards.

Workers/supervisors must be familiar with the content of Approved Codes of Practice that are applicable to their work area and should be able to accurately explain their implications to the workgroup. The Codes of Practice are currently being redrafted through Safe Work Australia as Draft Model Codes of Practice and can be viewed on the website. Some of these documents have previously been freely available on various state based WHS/OHS websites and through the NOHSC.

Codes of Practice are not legally enforceable in themselves, but can be used as evidence in court to show whether or not an employer has satisfied an OHS Act or Regulation or the employer's common law duty of care.

Codes of Practice:

- Provide practical guidance
- Should be followed unless another solution achieves the same or better results
- May be used in support of preventive and controlling measures

Codes of Practice, like Regulations, are written in conjunction with the OHS legislation (and Regulations) to support and enable workers to gain an understanding and work instructions that allow them to recognise the WHS/OHS requirements in a particular area of their work.

This will be affected by the type of industry they work in and the job they do. Codes of Practice are specific individual work instructions or advices that give clear definitions and instructions of how an area of work should be treated, managed or performed. Many of these Codes are written to specific industries where health and safety at work are of special concern, such as the construction, mining, rural and manufacturing industries. There are, however, also a number of Codes written which could be considered "generic" because they are used across many or all industries, such as the Queensland Codes of Practice for First Aid 2004 and Children and Young Workers 2006.

## WHAT IS LEGISLATION?

Legislation is the act of making or enacting laws. When people talk about 'the legislation', they mean a law or a body of laws. For example: 'The private security legislation' in a state or territory is all the laws enacted specifically to control and administer the private security industry



An Act or Statute is a law made by Parliament. In Australia, Acts are made by the Parliament of the Commonwealth of Australia, State Parliaments and the legislatures of the two Territories.

In Australia, there are four types of Statutes that apply:

- Commonwealth Acts - these generally apply throughout Australia
- State Acts - apply within the boundaries of the enacting State
- Territorial Acts - apply within the boundaries of the enacting Territory
- British Statutes: there are two types. Statutes received on settlement and statutes applying by paramount force (these consist of statutes which apply directly to a colony). However, section 1 of the Australia Act 1986 legislates that the British Parliament no longer has the power to legislate for Australia. To ascertain if any imperial statutes are still in force check the Imperial Acts Application Act for the relevant State

Regulations are the way that the legislation is applied. They are generally very specific in nature, and are also referred to as 'rules' or 'administrative law'.

## THE DIFFERENCE BETWEEN AN ACT AND A REGULATION

An Act is a law that has been introduced in the Legislative Assembly as a Bill, has passed three readings and committee-study by the Legislative Assembly, and received Royal Assent.

A Regulation is "subordinate legislation" authorized by an Act and made by Cabinet, a Minister, or a board or other body.

## INDUSTRY SPECIFIC STANDARDS/CODES OF PRACTICE AND NATIONAL GUIDANCE NOTES

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A Standard sets out a required level of preventative action, e.g. for safe limits of substances. A Standard generally relates to a specific hazard. Guidance Notes provide detailed technical information for Standards, for use by employers, managers, unions, WHS/OHS committees and representatives, safety officers, medical practitioners and others.

Standards (and Guidance Notes) are written documents (like Codes of Practice) with an emphasis on quality and safety, consistency and reliability in the way in which work is performed. Standards are quite similar to Codes of Practice and many can fall into the same areas as the codes. These documents can include Australian Standards, codes, guidelines, specifications or International Standards and Joint Standards.

They are meant to be practical and can cover such areas in industry as forestry, environment, water services, information technology or human services. More information about Standards in Australia can be found on the website for Standards Australia ([www.standards.org.au](http://www.standards.org.au)) which is an independent not for profit organisation working with Federal and State Governments to create and monitor current standards. While standards are not legal documents, many have been required for use under law.

You will see many standards across industries, and will recognise them by their names and numbers. Some examples of nationally recognised Standards/Guidance Notes are as follows:

- AS2708-2001 Australian Standard TM - Keyboarding speed and accuracy AS/NZS 1425:2007, LP Gas Fuel Systems for Vehicle Engines
- AS ISO 10002-2006 Customer satisfaction - Guidelines for complaints handling in organizations (ISO 10002:2004, MOD)
- National Standard for Plant [NOHSC:1010(1994)]
- Guidance note for the Prevention of Occupational Overuse Syndrome in Keyboard Employment [NOHSC:3005(1996)]
- Guidance note for Manual Handling in the Retail Industry [NOHSC:3014(1992)]

You can see from the letters at the beginning of these standards from Standards Australia that some of these are written in conjunction with standards from an international perspective. AS/NZ listed standards are those which are recognised and used in both Australia and New Zealand and ISO is the code for internationally accepted standards. ISO standards are those created by technical committees who report to an ISO Council, who create and oversee internationally recognised standards through the

International Organization for Standardisation. These are not the only international standards codes used.

The use of these standards will depend on a variety of issues. These may include your industry, technical requirements in products or tasks, if your organisation deals with other countries, government requirements and laws, regulations and codes of practice.

Some standards have also been written to complement codes of practice currently in use, such as the National Standard for the Control of Major Hazard Facilities [NOHSC :1014 (2002)] from the office of the National Occupational Health and Safety Commission.

### Self-Test 1.1

The four types of statutes that apply in Australia are?

1. Commonwealth Acts - these generally apply throughout Australia
2. State Acts - apply within the boundaries of the enacting State
3. Territorial Acts - apply within the boundaries of the enacting Territory
4. British Statutes: there are two types. Statutes received on settlement and statutes applying by paramount force (these consist of statutes which apply directly to a colony). However, section 1 of the Australia Act 1986 legislates that the British Parliament no longer has the power to legislate for Australia. To ascertain if any imperial statutes are still in force check the Imperial Acts Application Act for the relevant State

- True  
 False

### WHAT DOES HARMONISATION MEAN?

An organisation funded by the Commonwealth, States and Territories, called Safe Work Australia, is an Australian Government statutory agency. Since 2009 it has had the main responsibility for improving work health and safety and workers' compensation arrangements throughout Australia.

Safe Work Australia is assisting in the development of model work health and safety laws. The Commonwealth and each State and Territory government have agreed to harmonise their workplace health and safety laws, Regulations and Codes of Practice, so that they are basically the same in each authority.

The Commonwealth, States and Territories are responsible for making as well as enforcing their own workplace health and safety laws, and while there are many

similarities between the laws there are also some differences that can cause confusion. This has now led to these same authorities to agree and commit to the harmonisation of work health and safety laws. The main idea is to harmonise these laws (including the Regulations and Codes of Practice that underpin them) so that they deliver the same work health and safety rights and protection to all Australians.

The Commonwealth, States and Territories will go through the process of “enacting legislation”, that there will be similar laws in each jurisdiction. These laws will be enacted in the Commonwealth and each State and Territory by the end of December 2011 and it is expected that all laws will have commenced by 1 January 2012. This model WHS Act has been devised through extensive consultation and a national review process over a number of years.

In addition, Model Codes of Practice are being developed and implemented at the same time as the model WHS Regulations with further development and implementation of model Codes of Practice continuing beyond December 2011. Eventually all work health and safety laws, Regulations, Codes of Practice and guidance material will be harmonised across Australia.

Further information on harmonisation can be found on various OHS websites including:

- [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)
- [www.comcare.gov.au](http://www.comcare.gov.au)

In addition, please look on your own local state or territory workplace health and safety website to be aware of updated information on the Model Work Health and Safety Bill.

## APPLY KNOWLEDGE OF THE RELATIONSHIP BETWEEN WHS ACTS, REGULATIONS AND CODES OF PRACTICE TO ASSIST IN IDENTIFYING WHS LEGISLATIVE REQUIREMENTS IN THE WORKPLACE AND IDENTIFY DUTY HOLDERS

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The legal framework of workplace health and safety laws are complemented by the more easy to read Regulations, Codes of Practice and Standards which are used as the basis for understanding how to follow current workplace health and safety law. These Regulations, Codes and Standards help us by giving clear guidelines as to how to act in a safe and healthy way at work.

### IDENTIFY DUTY HOLDERS

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#### PRINCIPLES APPLICABLE TO DUTIES UNDER THE WHS ACT

Duties under the WHS Act are non-transferable. A person may have more than one duty and more than one person can have the same duty. However, in that case, each person must discharge the duty to the extent the person has the capacity to influence and control the matter (or would have that capacity but for an agreement or arrangement purporting to limit or remove that capacity).

Duties imposed on a person to ensure health or safety ('health and safety duties') requires the person:

- To eliminate risks to health and safety, so far as is reasonably practicable, and
- If it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable

### WORKER

WHS practitioners are workers. The WHS Act adopts a broad definition of 'worker' to recognise the changing nature of work relationships and to ensure health and safety protection is extended to all types of workers.

A worker includes:

- Employees
- Independent contractors
- Sub-contractors

- Outworkers e.g. Home based
- Apprentices
- Work experience students
- Trainees
- Volunteers who work in employment-like setting

Volunteer means a person who is acting on a voluntary basis (irrespective of whether they receive out-of-pocket expenses):

- The WHS Act specifically protects volunteers in their capacity as workers
- Ensures that volunteers are not discouraged from participating in community-based activities
- A 'volunteer association' (as defined) is not treated as a business or undertaking

Workers must:

- Take reasonable care of own health and safety
- Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons
- Comply, so far as the worker is reasonably able, with any reasonable instruction given by a person conducting a business or undertaking to allow the person conducting the business or undertaking to comply with the WHS Act
- Cooperate with any reasonable policy or procedure of the person conducting the business or undertaking which relates to work health or safety and that has been notified to workers

## PCBU

The principal duty holder is a 'person conducting a business or undertaking' and has replaced the term 'employer'. PCBUs include the Commonwealth, Commonwealth Authorities, non-Commonwealth licensees, principal contractors, and will, in some cases, necessitate an analysis to understand who is a PCBU in a particular factual context under the WHS laws.

The duty of a person conducting a business or undertaking is probably the most significant conceptual change from the majority of previous OHS Acts. For the public sector, it means that every activity is captured, both policy and operational.

This change is aimed at ensuring that the WHS Act coverage extends beyond the traditional employer/employee relationship to include new and evolving work arrangements.

- PCBU replaces current duties of:
  - Employer (to employees)
  - Employer conducting business or undertaking (to others)
  - Self-employed person (to others)
- The WHS act also places specific upstream duties on PCBU's who carry out specific activities:
  - Persons with management or control of a workplace/fixtures, fittings and plant
  - Designers, manufacturers, importers, suppliers and PCBU's that install construct or commission plant or structures
  - Duties extend to any PCBU who is contributing to work has a duty of care. This can be more than one duty in relation to specific activities
- 'Volunteer association' (as defined) is not treated as a business or undertaking

### MULTIPLE PCBUS

A PCBU retains overall responsibility for workplace health and safety even if they contract out activities to others under their duty of care obligations. The WHS Act provides that a person can have more than one duty by virtue of being in more than one class of duty holder and that more than one person can concurrently owe the same duty

If more than one person has a duty of care for same matter, then each person:

- Retain responsibility for their duty in relation to the matter
- Must discharge their duty to the extent the matter is within the person's capacity to influence or control
- Must consult, cooperate and coordinate activities with all other persons who have a duty in relation to the same matter

### PCBU DUTY TO CONSULT

A PCBU, through its officers, has a duty under the WHS Act to consult with workers at all levels of the business. Senior leaders and managers should promote and foster open lines of communication and consultation with workers. This can be achieved by:

- Creating and nurturing joint partnerships with:
  - Workplace work groups
  - HSRs and employee representatives

- Other involved PCBUs
- Ensuring effective consultation processes are built in to the business through its systems, policies and procedures
- Engage with workers by being visible and open to feedback and ideas

## OFFICER

An officer is a senior executive who makes, or participates in making, decisions that affect the whole, or a substantial part, of a business or undertaking. Officers have a duty to be proactive and continuously ensure that the business or undertaking complies with relevant duties and obligations.

The scope of an officers' duty is directly related to the influential nature of their position. A high standard requires persistent examination and care to ensure that the resources and systems of the business or undertaking are adequate to comply with the duty of care required under the WHS Act. This also requires officers to ensure that delegations are working effectively. Where the officer relies on the expertise of a manager or other person, that expertise must be verified and the reliance must be reasonable.

The intention of the officers' duty is to ensure engagement and leadership by officers in WHS management, better providing for sustainability and improvement in WHS performance.

Officers of PCBUs that have a duty or obligation under the WHS Act must exercise 'due diligence' to ensure that the person conducting a business or undertaking complies with that duty or obligation

## DUTIES OF OTHERS

All other persons at a workplace, such as visitors or customers, have health and safety duties. They include:

- Taking reasonable care for their own health and safety at the workplace, and ensuring that their acts or omissions do not adversely affect the health and safety of others at the workplace.

- Complying, so far as they are reasonably able to, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with the WHS laws.

### OTHER DUTY HOLDERS

Other duty holder could include but not limited to:

- Management
- Health and Safety Representatives
- Health and Safety Inspectors
- Safety Officer's
- Fire Warden
- Security Officers
- Health and Safety Committees

### Self-Test 1.2

What is not your duty as a worker in in Australia?

- Take reasonable care of own health and safety
- Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons
- Cover up problems so no-one sees them
- Comply, so far as the worker is reasonably able, with any reasonable instruction given by a person conducting a business or undertaking to allow the person conducting the business or undertaking to comply with the WHS Act
- Cooperate with any reasonable policy or procedure of the person conducting the business or undertaking which relates to work health or safety and that has been notified to worker

### Self-Test 1.3

What is a PCBU?

- Person conducting a business or undertaking
- Person causing business upset
- Private consulting business union

## Self-Test 1.4

Which of the following is not a WHS duty holder in a workplace?

- Management
- Health and Safety Representatives
- Health and Safety Inspectors
- Safety Officers
- Fire Warden
- Union Rep
- Health and Safety Committees

## IDENTIFY LEGAL OBLIGATIONS AND DUTIES FOR CONSULTATION WITH AND TRAINING OF WORKERS, HEALTH AND SAFETY REPRESENTATIVES, AND OTHERS

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### CONSULTATION

Consultation is defined in the Workplace Health and Safety Act/Occupational Health and Safety Act as the sharing of relevant information on occupational health and safety where employees are given the opportunity to express their views and contribute in a timely fashion to resolution of workplace health and safety issues

Consultation means that employees' views are valued and taken into account by the business. Consultation needs to be a two-way communication that allows for employees to contribute to the decision-making which affects their health, safety and welfare. Consultation is not the same as negotiation.

Employers must consult with their employees in the following situations:

- When determining how the consultation process will take place
- In the assessment of risks and the review of risk assessments previously conducted
- When making decisions on the control of WHS/OHS risks in the workplace
- during the introduction or change of procedures used for monitoring risks, for example health surveillance
- When making decisions about the adequacy of welfare facilities
- When proposed changes are made to premises, work methods, plant or substances which may affect the health, safety or welfare of employees at work
- When making decisions about consultation procedures
- As prescribed by the regulations from time to time

Consultation provides an opportunity to share relevant information and participate in meaningful discussion on work health and safety matters.

Using the knowledge and experience of everyone helps to achieve safer and healthier workplaces as well as better decision making.

Consultation is mandatory under the Work Health and Safety Act (WHS Act)/Occupational Health and Safety Act (OHS Act) for persons conducting a business or undertaking (PCBUs - the new term that includes employers).

### REQUIREMENTS TO CONSULT WITH WORKERS

Meaningful consultation can lead to fewer workplace injuries and give everyone the opportunity to:

- Discuss and share their health and safety concerns
- Identify safety hazards and risks
- Find and implement practical solutions
- Contribute to the decision making process
- Communicate outcomes in a timely manner

Consultation must take place on all work health and safety matters including:

- Undertaking risk management activities
- Proposing changes that may affect workers
- Making decisions about any work health and safety procedures
- The adequacy of facilities for the welfare of workers

### REQUIREMENTS TO CONSULT WITH OTHER PERSONS CONDUCTING A BUSINESS OR UNDERTAKING (PCBU)

Where a PCBU (includes employers) has concurrent duties under the WHS/OHS Act with another PCBU, they must consult, cooperate and coordinate with each other and their workers, so far as is reasonably practicable.

### FLEXIBILITY IN SETTING UP CONSULTATION ARRANGEMENTS

The WHS Act allows some flexibility in establishing consultation arrangements to best suit the consultation needs of the workers at the workplace.

Health and safety representatives (HSRs) can be elected to represent various work groups and investigate health and safety issues.

A health and safety committee (HSC) can be established:

- If requested by the HSR, or
- If requested by five or more workers, or
- On the initiative of the PCBU (includes employers)

The role of the HSC is to facilitate cooperation between the PCBU (includes employers) and workers on health and safety matters as well as to develop work health and safety standards, rules and procedures.

The legislation also allows other agreed arrangements to be set up provided the arrangement is agreed to by the workers and is likely to result in better consultation and improved decision making.

Once established, consultation must be in accordance with the procedures agreed to between the PCBU (includes employers) and the workers.

Regardless of the arrangement, the obligation of the PCBU (includes employers) to consult with all workers remains

## TRAINING AND ASSESSMENT

Under the WHS/OHS Regulation, employers are required to provide specified induction training to each new employee as well as ensure that any person who may be exposed to a risk to health and safety at the workplace is informed of the risk, and is provided with any information, instruction and training necessary to ensure their health and safety.

Work experience and work placement students should receive information and any training necessary from the host employer to ensure their safety.



The employer must also provide persons in its organisation who have training and information responsibilities with all available information necessary to enable them to fulfill those responsibilities.

Training in work health and safety (WHS/OHS) is an important part of achieving a safe workplace and effective injury management.

The person conducting a business or undertaking (PCBU) also has a responsibility to provide all workers (including casuals, labour hire, contractors, volunteers etc) with suitable training, instructions and supervision so they can do their job safely.

### WHS TRAINING AND ASSESSMENT

Work health and safety (WHS) training is an important component of an effective WHS management system.

- You can search online for WorkCover approved training providers for:
  - Asbestos removal and assessor (ART) training
  - Entry permit holder (EPH) training
  - General construction induction (GIT/CIC) training
  - Health and safety representative (HSR) training
  - High risk work (HRW) training and licence assessment

### TRAINING AND ASSESSMENT PROVIDERS

WorkCover accredited assessors and approved Registered Training Organisations (RTOs) and training providers must ensure they meet all their responsibilities and the required standards of behaviour when delivering their training and assessment services.

It is the responsibility of service providers to make certain that they act in accordance with the standards and the trust placed in them by the community.

#### Self-Test 1.5

Consultation is defined in the Workplace Health and Safety Act/Occupational Health and Safety Act as:

- A. The sharing of relevant information on workplace procedures where employees are given the opportunity to express their views and contribute in a timely fashion to resolution of workplace procedures.
- B. The sharing of relevant information on occupational health and safety where employees are given the opportunity to express their views and contribute in a timely fashion to

resolution of workplace health and safety issues.

- C. The sharing of all information about the company where employees are given the opportunity to express their views and contribute in a timely fashion to resolution of issues.

### Self-Test 1.6

Fill the gaps words from the list below:

Meaningful consultation can lead to fewer workplace injuries and give everyone the opportunity to: **Communicate, Implement, Discuss, Identify, Contribute Find**

- \_\_\_\_\_ and share their health and safety concerns
- \_\_\_\_\_ safety hazards and risks
- \_\_\_\_\_ and \_\_\_\_\_ practical solutions
- \_\_\_\_\_ to the decision making process
- \_\_\_\_\_ outcomes in a timely manner

### Self-Test 1.7

Under the WHS/OHS Regulation, employees are required to provide specified induction training to each new employee as well as ensure that any person who may be exposed to a risk to health and safety at the workplace is informed of the risk, and is provided with any information, instruction and training necessary to ensure their health and safety.

- True  
 False

## IDENTIFY CONSEQUENCES OF NON-COMPLIANCE WITH WHS ACTS, REGULATIONS, CODES OF PRACTICE, STANDARDS AND ORGANISATIONAL WHS POLICIES, PROCEDURES, PROCESSES AND SYSTEMS

### PENALTIES AND ENFORCEMENT

WHS/OHS laws are enforceable through the courts, often following investigation initiated by State/Territory WHS/OHS authorities. Penalties apply to individuals as well as organisations for offences committed or breaches of WHS/OHS duties - financial penalties of up to \$850,000 or imprisonment up to two years or both in New South Wales. Other states have similar penalties.

A court can also order offenders to take steps to remedy or restore any unsafe situation that has arisen because of an offence committed, reimburse the State/Territory

Authority for the costs of any investigation, or undertake general measures for the improvement of health and safety matters.

It is important to note that many OHS offences are offences of strict liability. This means that if the law has been broken defences such as “It was an accident” or “I had no personal knowledge of the circumstances” will not be entertained by a court. Organisations and individuals will be held liable for any resulting injury or illness regardless of whether or not the damage or injury caused could be said to be “unintentional”.

### WHS/OHS AUTHORITIES - INSPECTION AND INVESTIGATION POWERS

State/Territory WHS/OHS Authority Inspectors have powers to inspect workplaces for the purpose of enforcing health and safety law. Investigations may include the taking of samples and the carrying out of a range of tests. Inspectors might impose “Improvement Notices”, “Prohibition Notices” or “Do Not Disturb Notices” regarding alleged contraventions of WHS/OHS law that require workplace managers, supervisors or workers to:

- Stop doing something hazardous at once
- To stay away from a particular hazard until the threat is further examined or removed
- Change a particular hazardous situation, or
- Make general improvements to present arrangements

An Improvement Notice must specify which part of the legislation or regulations is being contravened, and the period in which action must be taken to resolve the contravention. The person responsible for the alleged contravention must ensure that the Notice is complied with. In practice, the duty to correct a contravention often falls to the manager or a supervisor.

WHS/OHS Investigators have broad legal powers. They have the right of entry to any workplace covered by State legislation and may exercise that right at any reasonable time as required or if requested. They have powers to conduct interviews, take photographs, take possession of property, and order the production of documents and to issue any directions necessary to carry out their duties. It is an offence to unreasonably refuse to assist an Investigator.

### LICENCES AND PERMITS TO OPERATE

Hazardous or polluting activities may be controlled by the granting of licences or permits to operate, in which case such a licence or permit must be obtained before certain operations may be carried out (e.g. discharging trade wastewater to sewer or keeping dangerous goods on site).

Licences and permits authorise the carrying out of operations with substantial risks, but only if strict performance conditions laid down in the licence or permit (designed to control the risk) are observed. Conditions may include requirements to monitor emissions, to provide certificates of compliance or to undertake mandatory audit programs. Licences are generally required by large industries rather than small businesses.

### IDENTIFYING LEGISLATIVE AND OTHER REQUIREMENTS

Currently, if the organisation operates solely within one State/Territory, only the legislation of that particular State/Territory will apply. If the organisation carries on activities or has property within other States/Territories, then that State's/Territory's laws may also apply. This can lead to confusion, which is one of the reasons for the harmonisation process currently under development. When the harmonisation process is complete, it should make life easier for organisations that have dealings within multiple States/Territories.

### KNOWING WHAT'S REQUIRED

An employer may need to take advice from a legal adviser or WHS/OHS professional in order to define exactly what is required legally and to ensure that the operational implications for the organisation are properly understood and implemented. Employers must also make arrangements (often delegating the responsibility to the supervisor) to inform workers about WHS/OHS laws that affect their roles and duties and the workplace generally.

A Legal Compliance Register should be made available to the workgroup in an accessible location where all relevant legislation, codes of practice and standards can be referred to on questions of health and safety management. The Register should be regularly reviewed to ensure that all new legislation is included and only current versions are maintained. Alternatively, interested team members may be pointed to online sources for the texts themselves. The workgroup must be informed of all legal compliance requirements relating to their particular roles, especially those rules and regulations that affect the way a particular job is to be carried out.

### ORGANISATIONAL POLICIES AND PROCEDURES

So far as identifying the WHS/OHS framework currently at work in Australia, this includes legal documents such as Acts, Regulations, and Codes of Practice as well as documents that are written to complement the legal framework, such as Standards and Guidance Notes.

In addition, organisations must also have Policies and Procedures in place at the actual workplace in order to manage, implement, monitor and train staff in WHS/OHS compliance. All people in organisations are expected to know and follow current WHS/OHS law, codes, standards and guidance notes, whatever their area of industry.

There are many industries affected by the legal framework currently in place in the area of workplace health and safety, some more affected than others. Some industries are much more heavily legislated and monitored than others. Obviously some areas of work or jobs, carry more risk than others, so this will influence how many and what type of documents are written for each industry. For example, if you work in the area of construction, mining or even transport, you are more likely to come across workplace accidents and incidents which are more serious than if you work in retail or an office. While it is not impossible that you may find yourself at risk of serious injury in any industry, some industries carry more risk than others.

In practical terms this means that each organisation/employer has a duty to enforce and follow current National and State or Territory guidelines in order to keep workers safe, while those workers also have a “duty of care” or responsibility to follow the guidelines and ensure others in their workplace do as well.

### WHAT ARE POLICIES AND PROCEDURES?

An organisational policy is a statement of belief or intent that guides how decisions are made in an organisation in regard to work instructions or practices.

#### Self-Test 1.8

Fill the gaps with words from the list below:

powers, broad, unreasonably, property, WHS/OHS, photographs and documents

\_\_\_\_\_ Investigators have \_\_\_\_\_ legal powers. They have the right of entry to any workplace covered by State legislation and may exercise that right at any reasonable time as required or if requested. They have \_\_\_\_\_ to conduct interviews, take \_\_\_\_\_, take possession of \_\_\_\_\_, and order the production of \_\_\_\_\_ and to issue any directions necessary to carry out their duties. It is an offence to \_\_\_\_\_ refuse to assist an Investigator.

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# TOPIC 2 - CONTRIBUTE TO ACTIVITY THAT REFLECTS WHS LEGISLATIVE REQUIREMENTS

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## CONTRIBUTE TO MONITORING COMPLIANCE WITH LEGISLATION

### WHAT IS LEGISLATIVE COMPLIANCE

Compliance (or adherence) with the Occupational Health & Safety Act (OHS Act)/Work Health and Safety Act (WHS Act) and other relevant legislation and regulations related to health and safety of your employees is an important and legal requirement. Not being aware of your legal responsibilities and duties is not a defense for non-compliance.

### WHAT THE LAW SAYS

The Occupational Health and Safety Act (OHS Act)/Work Health and Safety Act sets out minimum health and safety standards for workplaces in Ontario. Employers are required by law to post a copy of the Act in the workplace. The OHS Act/WHS Act is anchored on the “internal responsibility system”, which means employers and employees share responsibility for keeping the workplace safe and workers healthy. Supervisors and workers both have roles to play.

Regulations are a detailed set of rules that explain how the general provisions, specified in the Act, must be applied.

You can make a number of contributions to monitoring compliance with OHS legislation by:

- Consulting with workers on matters that affect their health and safety
- Assisting to provide adequate systems of information, instruction, training and supervision
- Assisting to provide safe systems of work that meet the obligations specified in the act
- Adequately maintaining plant and equipment
- Adequately identifying and controlling workplace hazards
- Monitoring the effectiveness of any health and safety actions implemented by the organisation
- Assisting management to resolve health and safety issues

Strategies to ensure that work is undertaken in a safe manner include:

- Using workplace inspection checklists
- Carrying out audits
- Promoting a health and safety culture
- Arranging for regular consultations with staff
- Checking there is adequate supervision and training for workers
- Providing opportunities for recognition

Appropriate actions to ensure compliance may include:

- Researching and collecting data to obtain evidence of compliance with OHS legislation
- Engaging external specialists who offer OHS consulting services
- Making recommendations about how compliance with OHS legislation can be achieved

### Self-Test 2.1

What contributions can be made to monitor compliance in the workplace? Check the items below that you feel you could manage. Select all that apply.

- Consulting with workers on matters that affect their health and safety
- Assisting to provide adequate systems of information, instruction, training and supervision
- Assisting to provide safe systems of work that meet the obligations specified in the act
- Adequately maintaining plant and equipment
- Adequately identifying and controlling workplace hazards
- Monitoring the effectiveness of any health and safety actions implemented by the organisation
- Assisting management to resolve health and safety issues

### Self-Test 2.2

Check the items you believe will assist you to work in a safe manner. Select all that apply.

- Using workplace inspection checklists
- Carrying out audits
- Hiding problems
- Promoting a health and safety culture
- Arranging for regular consultations with staff
- Not reporting staff non-conformance
- Checking there is adequate supervision and training for workers
- Providing opportunities for recognition

## CONTRIBUTE TO ENSURING THAT WORKPLACE COMPLIES WITH LEGISLATION

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Legal responsibility for identifying and correcting health and safety hazards rests on the shoulders of all workplace parties (employers, contractors, owners, workers, supervisors, self-employers persons and suppliers). The Work Health and Safety/Occupational Health and Safety Act and Regulations require everyone in the workplace to work together to identify and control health and safety hazards.

### EMPLOYERS

Since employers have the most control over the conditions of work and how it is done, they have the greatest degree of responsibility for the health and safety of workers. They must:

- Provide a safe and healthy workplace
- Establish Health and Safety Committees or representatives and consult and cooperate with them in resolving health and safety concerns
- Ensure workers are not exposed to harassment
- Comply with the WHS/WHS ACT and REGULATIONS
- Provide required safe work procedures
- Ensure equipment is provided and maintained
- Ensure workers are trained, and
- Ensure supervisors are competent

### SUPERVISORS

Supervisors are critical to safe workplaces because they are closest to the actual work being done and can address and resolve worker concerns. They must:

- Understand the ACT and REGULATIONS
- Understand their company's safety program
- Understand the need for and safe use of personal protective equipment
- Understand emergency procedures required under the legislation
- Comply with the ACT and REGULATIONS
- Ensure workers they supervise understand and comply with the ACT and REGULATIONS
- Support and cooperate with the Health and Safety Committee or Representative

## WORKERS

Workers also have an important role in making the workplace safe. They must:

- Take reasonable care to protect their health and safety and the health and safety of other workers
- Not harass other workers
- Comply with the ACT and REGULATIONS
- Use the orientation and training provided to them
- Follow safe work practices
- Use protective equipment provided to them.
- Support and cooperate with the Health and Safety Committee or Representative

So it is very important that every person that is in the workplace contributes to ensuring that workplace complies with legislation. Failure to comply with legislation could result in legal action being taken (such as heavy fines and/or imprisonment), or even the organisation being closed down therefore worker losing their jobs.

### Self-Test 2.3

What can you do to ensure your workplace is complying with all legislation and regulations?  
Select all that apply.

- Take reasonable care to protect their health and safety and the health and safety of other workers
- Not harass other workers
- Comply with the Act and Regulations
- Make sure none finds out about safety issues
- Use the orientation and training provided to them
- Follow safe work practices
- Make sure women don't do heavy work
- Use protective equipment provided to them
- Encourage staff to fix problems so money does not have to be spent on repairs
- Support and cooperate with the Health and Safety Committee or Representative

## IDENTIFY AND TAKE APPROPRIATE ACTION ON NON COMPLIANCE WITH LEGISLATION

Occasionally you may have to deal with a group member who is not performing their tasks appropriately. This may be because they have forgotten the procedures; they did not understand the procedures when they were first trained or they have become complacent or learnt bad habits. If this occurs, speak with the staff member and clear up the situation as quickly as possible, as their non-compliance may be causing problems for other work group members or consumers.

Use the experience and knowledge of your health and safety representative (HSR) to assist you with dealing with non-compliance issues.

#### Self-Test 2.4

If you saw someone not complying with regulations or procedures what should you do?

- A. Speak with the staff member and clear up the situation as quickly as possible
- B. Tell the Manager immediately
- C. Let it go and hope they don't get hurt
- D. Abuse them for not doing the job correctly

### RECOGNISE LIMITS OF OWN EXPERTISE AND LEGAL DUTIES, AND ACCESS HELP AND ADVICE WHEN REQUIRED

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It is important for you to understand what your specific WHS/OHS responsibilities, accountabilities and levels of authority are. These will depend on the type and size of the organisation you work for. In some cases, an administrative assistant may be asked to assist in WHS/OHS matters; in a large organisation there may be a dedicated WHS/OHS department with a number of WHS/OHS officers, and other workers will be involved only in workplace consultations.

Senior management staff have a responsibility to make sure that all elements of the organisation's WHS/OHS management system are adequately defined and clearly documented, and that all workers are equipped with the necessary skills and knowledge to perform their responsibilities effectively and safely. Management is also legally required to provide you with sufficient training, experience, knowledge and supervision or assistance to enable you to undertake the duties assigned to you.

Your level of authority and OHS-related legal obligations should be included in your position description, along with the specific OHS activities for which you are responsible. These may include assisting a health and safety manager or other staff member to:

- Maintain OHS policies, procedures and programs
- Educate workers regarding OHS obligations
- Participate in health and safety committee meetings
- Support the safety-related activities of senior managers or supervisors
- Participate in workplace inspections/audits
- Provide or organise for others to provide technical OHS advice
- Assist workers to develop and implement appropriate solutions to OHS issues
- Analyse and report on incidents and accidents
- Conduct workplace inductions

It is not always easy to recognise that you need help or are out of your depth. The following list may act as a guide. Consider whether you feel confident in your ability to:

- Know where to access information about OHS legislation
- Meet your duty-of-care obligations
- Deal with a range of health and safety topics related to your business/industry
- Accurately interpret OHS legislation and regulations
- Consult with workers on safety issues
- Contribute to an OHS audit
- Contribute to an OHS inspection
- Work with or oversee the work of external specialists and consultants
- Conduct risk assessments

There will be times when you have responsibilities which exceed your personal limitations or the resources available. Under these circumstances you will need to consult with an expert.

Expert advice can be obtained from persons either internal or external to the organisation, including:

- Safety professionals
- Ergonomists
- Occupational hygienists
- Audiologists
- Safety engineers
- Toxicologists
- Occupational health professionals
- Health and safety representatives
- Health and safety committees

Other persons providing specific technical knowledge or expertise in areas related to health and safety, including:

- Risk managers
- Health professionals
- Injury management advisors
- Legal practitioners with experience in health and safety
- Engineers (e.g. Design, acoustic, mechanical, civil)
- Security and emergency response personnel
- Workplace trainers and assessors
- Maintenance and tradespersons

## Self-Test 2.5

If you were uncertain about your level of responsibility in any matter, what could you do?

- Ask a supervisor
- Check your position description
- Finish the task
- Pass the task to someone else

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# TOPIC 3 – KEEP UP-TO-DATE WITH LEGISLATION AND RELEVANT PUBLICATIONS

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## USE RELEVANT SOURCES TO KEEP UP-TO-DATE WITH LEGISLATION AND RELEVANT PUBLICATIONS

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### BENEFITS OF KEEPING UP-TO-DATE

Although keeping up with legislation and relevant publications may seem to be just one more thing to add to your To-Do List, there are several important benefits.

First, you'll make better decisions, and you'll spot threats and issues early on, which can give you a competitive edge. This is especially important if you contribute to shaping your organization's strategy. It's also important as it helps you identify and resolve any issues that come your way.

Secondly, keeping up-to-date with legislation and relevant publications is key for building expert power. By developing expertise in your job and health and safety, you'll earn the trust and respect of the people around you. From a leadership perspective, this is invaluable!

It will alert you to changes that you need to think about.

To keep up with news and developments in relation to WHS/OHS legislation and relevant publications, the first thing you need to do is identify the best sources to use.

Below is listed some of the traditional and online sources, you will be able to choose the most appropriate sources depending on your industry and the type of work that you do.

## Traditional Sources

### Find a Mentor

A great starting point is to find a mentor within your organization. Not only can mentors help you solve career issues and develop your career, they can provide you with a wealth of insider knowledge, as well as with the insight needed to understand it.

### Trade Organizations

Your industry may have one or more trade organizations that you can join. These are useful, because they can help to keep you informed with their newsletters and publications, and they provide networking opportunities with meetings and conferences.

### Trade Shows and Conferences

Trade shows and conferences are great for learning about competitors, new products, and industry trends; and they can provide ample networking opportunities.

### Face-to-Face Networking

Face-to-face networking can be one of the most rewarding ways to stay on top of industry news and trends. Often, professional relationships can develop into deep friendships, especially when you meet on a regular basis.

Keep in mind that you have a wide pool of people you can network with. People directly related to your industry are an obvious choice, but so are industry suppliers, customers, and people working in related fields.

## ONLINE SOURCES:

### Twitter

Twitter can be a great place to find industry leaders and organizations, and to stay on top of relevant news and trends.

Use it to find people in your industry who are in-the-know, by searching Twitter for relevant keywords. (You may get more out of Twitter if you start a dialogue with those who you're following.)

## LinkedIn

Using LinkedIn is a wonderful way to connect with colleagues, trade groups, and industry leaders. You can join industry-specific groups, and get the latest updates from individuals and organizations.

## Google Alerts

The Google Alerts service notifies you when resources featuring certain words are indexed by Google's search engine.

For instance, if you're a pharmaceutical rep, you might want to get notified about articles containing the words "pharmaceutical industry," or the names of your clients, your organization and your competitors. You can be notified once a day or once a week. Links can be contained in one email, or you can get updates via an RSS feed.

The advantage to using Google Alerts is that you no longer have to surf the web looking for industry news. However, you might find that you simply get too much information this way - if this happens, tweak your settings or use a longer keyword-string. Also, be aware that not every new resource will be indexed by Google - this is especially true for subscription-only content.

## Forums

Membership sites and discussion forums can be full of insider-information tailored around specific topics or industries; and talking with other professionals in your industry can help you network and grow your skills, especially if you're in a technology field such as IT.

If you're unsure of which forums to use, ask colleagues, have a browse online, or ask your Twitter or LinkedIn connections for recommendations.

### Self-Test 3.1

Fill the gaps with words from the list below:

mentor, online, conferences, organisations

What can you do to remain up-to-date with current legislation, regulations and guidelines in WHS/OHS?

- Find a \_\_\_\_\_
- Trade \_\_\_\_\_
- Trade shows and \_\_\_\_\_
- Face-to-face mentor
- \_\_\_\_\_ sources

## COMMUNICATE INFORMATION ON RELEVANT LEGISLATIVE CHANGES AND RELEVANT PUBLICATIONS TO OTHERS

Work place health and safety is an ongoing process that requires continual review and adjustment to ensure relevance and currency with legislation, workplaces and processes. This process involves a number of administrative activities that include:

- Examining the effectiveness of the organisations OHS/WHS policies and procedures
- Refining OHS procedures to achieve a safer workplace
- Identifying workplace changes that affect the organisations OHS/WHS policies and procedures
- Monitoring legislation to ensure that the organisations OHS/WHS policies reflect any legislative changes

This information needs to be communicated to other staff members. The OH&S legislation is fairly technical and detailed. Rather than giving your team members the complete legislation, you need to consider how to communicate the relevant information to them in a way that will be meaningful and easy to understand and access.

### INFORMING OTHERS

There are a number of ways you can communicate the appropriate OH&S information to your team. These include:

- Providing coaching session(s) and demonstrations on a regular basis
- Creating posters for prominent positions in the Customer Contact Centre

- Ensuring your company's booklets are available to the team and that are written in a way that is understood by all your team members
- Sending staff memos on a regular or needs basis

### Self-Test 3.2

In what ways could you communicate OHS/WHS information to others?

- Providing coaching session(s) and demonstrations on a regular basis
- Creating posters for prominent positions in the Customer Contact Centre
- Tell each person individually
- Ensuring your company's booklets are available to the team and that are written in a way that is understood by all your team members
- Don't worry about it, they will find out through other people
- Sending staff memos on a regular or needs basis

### Self-Test 3.3

Signs and/or posters are used to inform people of OHS/WHS issues in the work area.

- True
- False

Consider how you would communicate to your team their OHS responsibilities as required by state legislation. What would be the best way of ensuring your team knows what is required of them?

## INFORMATION DISSEMINATION

### INTERNAL

WHS information is disseminated via supervisors as well as the university WHS Committee and Workplace Advisory Committees for WHS.

At the local level such as school, unit or faculty, the dissemination of relevant health and safety information is determined by organisational need. Relevant information which may be disseminated at the local level includes:

- Changes to the workplace, the system or method of work, the plant or chemicals used
- Incidents and associated corrective actions that may arise
- New or updated WHS legislation or associated requirements

## **EXTERNAL**

Exchange of information with external parties such as customers e.g. suppliers, contractors and public authorities occur as determined by organisational need and legislative requirements.

The lines of communication between the organisation and external parties allow relevant health and safety information to be exchanged to ensure compliance with legislative requirements and industry best practice.

Information exchange includes, but is not limited to:

- Displaying of WHS Policy in prominent locations such as staff noticeboards and visitor entry points
- Induction for students, e.g. laboratory induction
- WHS procedures such as laboratory manuals or handbooks
- WHS information is disseminated to suppliers for contractors and labour hire services via the WHS induction guide and local WHS induction meeting where appropriate. Further information can be found at the Contractor Safety webpage
- Material safety data sheets (received from manufacturers)
- Emergency plans for emergency services
- Instructions for the safe installation, commissioning, operation and maintenance of plant or equipment
- Product recalls (<http://www.recalls.gov.au/>)

Where the exchange of information is identified, local units should document procedures for identification, responsibility and processes for the communication of WHS information with external parties.

## **LANGUAGE AND LITERACY**

Language and literacy of employees must be taken into account issues including non-English speaking, people who are illiterate or with disabilities. Where employees may have difficulty understanding or reading English, the information needs to be translated or directly explained to individuals.

If there is a need for translation of health and safety information, interpreter services may be used. To obtain access to interpreter services please contact Translating and Interpreting Service (TIS) National.

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## SUMMARY

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Now you have a better understanding of the legislation and regulations surrounding WHS/OHS you will be able to contribute to workplace assessments and health and safety plans.

If you have any questions regarding this resource please contact your trainer they will be only too happy to assist you.