

Chapter 1

THE LEGISLATIVE FRAMEWORK

OVERVIEW

The world has a history of unsafe work practices, from the building of the pyramids, to slave labour in the cotton fields, to child exploitation in the third world. Historically, employers have not, of their own volition, provided a safe workplace for their employees and, in some companies, it is still seen as a costly exercise. So, **legislation** has, in the main, driven the changes. Similarly, despite the death toll caused by speeding and drink-driving on our roads, legislation and technology and not social responsibility have been required to ‘encourage’ people to act responsibly, in order to provide a safe road network.

Certainly the statistics and research indicate that the tools provided to support the legislation are having a positive effect; but, unfortunately, the current workplace death, injury and illness statistics, indicate Australia has still a way to go.

BSBWHS402A Assist with compliance with WHS laws			
Elements	Performance criteria	Relates to sections	Relates to activities
1. Assist with determining the legal framework for WHS in the workplace	1.1 Access current WHS legislation and related documentation relevant to the organisation's operations	1.1, 1.2, 1.3, 1.4	Tasks 1–3, Group activity, Assessment questions 1–5
	1.2 Use knowledge of the relationship between WHS Acts, regulations, codes of practice, standards and guidance material to assist with determining legal requirements in the workplace	1.1, 1.2, 1.3, 1.4	
	1.3 Assist with identifying and confirming the duties, rights and obligations of individuals and parties as specified in legislation	1.1, 1.2, 1.3, 1.4, 5.1, 6.1, 7.1, 8.1, 9.1	
	1.4 Assist with seeking advice from legal advisers where necessary	1.3	

Elements	Performance criteria	Relates to sections	Relates to activities
2. Assist with providing advice on WHS compliance	<p>2.1 Assist with providing advice to individuals and parties about their legal duties, rights and obligations, and where they are located in WHS legislation</p> <p>2.2 Assist with providing advice to individuals and parties about the functions and powers of the WHS regulator and how they are exercised, and the objectives and principles underpinning WHS</p>	<p>1.1, 1.3, 5.1, 6.1, 7.1, 8.1, 9.1, 10.1</p> <p>1.1, 1.3, 8.1</p>	Tasks 1–3, Group activity, Assessment questions 1, 2, 3, 5
3. Assist with WHS legislation compliance measures	<p>3.1 Assist with assessing how the workplace complies with relevant WHS legislation</p> <p>3.2 Assist with determining the WHS training needs of individuals and parties, and with providing training to meet legal and other requirements</p> <p>3.3 Assist with developing and implementing changes to workplace policies, procedures, processes and systems that will achieve compliance</p>	<p>1.4, 6.1, 7.1, 8.1</p> <p>12.1, 12.2</p> <p>1.3</p>	Tasks 1–3, Group activity, Assessment questions 1–5

KEY TERMS

Code of Practice

An industry guideline to help in the management of operations based on Regulations or best practice. A Code of Practice is not law, but should be followed unless there is an alternative course of action that achieves the same or better standards. A Code of Practice can also be used where no legislation exists.

Compliance Code

Refer to Code of Practice.

Legislation

Comprises the laws passed as Acts of Parliament. Acts may include Regulations.

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Chapter 4

MANAGING CONTRACTORS

It is a very sobering feeling to be up in space and realise that one's safety factor was determined by the lowest bidder on a government contract.

Alan Shepherd, NASA Astronaut

OVERVIEW

Organisations that use **subcontractors** and labour-hire agencies for resources with additional skills, knowledge or equipment, need to realise that their employee WHS obligations extend to these **contractors**. A robust contractor management system that integrates quality and output goals with a system to prevent injury can help organisations meet their WHS obligations to contractors, their own employees and third parties.

Note: These chapters do not cover the householder hiring a tradesperson for repair work, though WHS should be considered. For a major house construction project, the contract your builder provides you with should have a section on safety. Examples are available from organisations such as the Master Builders Association. The authors encourage you to manage WHS through a well-written contract to ensure positive workplace safety outcomes. A range of computer and paper-based tools, and proformas are available from your regulator, or from private providers, to help guide you through this high-risk activity. The internet also provides some excellent industry examples and comments. This chapter suggests a staged approach to managing contractor safety before, during and after engaging a contractor. It is not an in-depth text on contractor management. For that level of information, you are best to consult your legal adviser.

BSBWHS408A Assist with effective WHS management of contractors

Elements	Performance criteria	Relates to sections	Relates to activities
1. Assist with identifying existing contractor WHS arrangements	1.1 Apply knowledge of workplace to identify services supplied by contractors	4.2, 4.3	

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Elements	Performance criteria	Relates to sections	Relates to activities
	<p>1.2 Access contracts and other relevant contract documentation, information and data</p> <p>1.3 Identify content relevant to contractor WHS arrangements</p> <p>1.4 Assist with identifying workplace policies, procedures, processes, systems, practices and activities relevant to contractor WHS arrangements</p>	<p>4.2, 4.3</p> <p>4.2, 4.3</p> <p>4.2</p>	<p>Tasks 1–3</p> <p>Assessment questions 1–6</p> <p>Case study</p> <p>Group activity</p>
2. Assist with evaluating contractor WHS arrangements and making improvements as required	<p>2.1 Apply knowledge of WHS legislation to assist with determining if contracts and workplace policies, procedures, processes, systems, practices and activities comply with WHS legislative requirements</p> <p>2.2 Apply knowledge of best practice and workplace WHS information and data to assist with evaluating effectiveness of contractor WHS arrangements</p> <p>2.3 Assist with identifying areas of contractor WHS arrangements needing improvement</p> <p>2.4 Assist with developing, implementing and evaluating improvements to contractor WHS arrangements</p>	<p>4.1, 4.2, 4.3</p> <p>4.2, 4.3</p> <p>4.2, 4.3</p> <p>4.2, 4.3</p>	<p>Task 3</p> <p>Assessment questions 1–7</p> <p>Case study</p> <p>Group activity</p>

KEY TERMS

Competent person

A person who has the current skills, knowledge and, where required, the qualifications, licences or permits to carry out work in a safe manner.

Contract management

The process of ensuring that an organisation meets its WHS duties both to the contractors and to others, such as employees and third parties.

Contractor

An organisation or individual that contracts with another organisation or individual (the owner) to provide materials or labour to perform a service or do a job.

Chapter 5

DEVELOP AND IMPLEMENT A COMPLIANT WHSMS

If you fail to plan, you are planning to fail.

Benjamin Franklin, philosopher, politician, inventor

OVERVIEW

Recognising management's historically lacklustre commitment to WHS, Robens' reforms made management more directly responsible for safety and recommended a documented system to demonstrate compliance. Hence, the emergence of the **work health and safety management system (WHSMS)**, designed to continually improve WHS and compliance with the law. While not always a legal requirement, when integrated with other management systems, a WHSMS supports other business imperatives, including legal compliance, meeting industrial relations expectations, accounting for ethical concerns, improving overall financial performance and for marketing and tendering purposes. It can also assist in compliance audits for self-insurers. Various WHSMSs have been developed by industry, sold by private consultancies, supplied by regulators and certified by third party certification bodies. Whether you buy or implement a system, you need to tailor it to your organisation's size, maturity and complexity. The WHSMS should not be a paperwork system—rather it should reflect an organisation's integration of a safety culture into its operations, and be consistent with the assessment of risk gained from safety assessments.

At a court case where the defendant presented their manuals as evidence of a WHSMS, the magistrate made the following rhetorical comment: 'So you are saying that if I hold this manual in front of me I will not get hurt when the forklift hits me.' The message was clear. A WHSMS is a means of legal compliance not a substitute for it.

Throughout this book the authors stress commitment to safety over compliance. The judge's statement was critical. The WHSMS is **WORDS** only. Its effectiveness is in the **ACTIONS** of senior and middle management. This chapter provides guidelines on building an integrated, robust systematic approach to managing WHS.

BSBWHS405A Contribute to implementing and maintaining WHS management systems

Elements	Performance criteria	Relates to sections	Relates to activities
1. Contribute to developing and promoting WHS policy	<p>1.1 Apply knowledge of the elements of WHS policy to contribute to the development and promotion of WHS policy as appropriate to own work area and job role</p> <p>1.2 Seek the contribution and support of others in the development and promotion of WHS policy as appropriate to own work area and job role</p> <p>1.3 Apply WHS policy to own and others' work areas and job roles, and communicate this to others</p>	<p>5.3, 5.4</p> <p>5.3</p> <p>5.4</p>	<p>Tasks 1–3</p> <p>Assessment questions 1–9</p> <p>Case study</p>
2. Contribute to WHSMS planning	<p>2.1 Apply knowledge of WHS legislation to identify duty holders relevant to own work area and job role</p> <p>2.2 Apply knowledge of the elements of a plan to contribute to planning as it applies to own work area and job role</p> <p>2.3 Facilitate integration of return-to-work and injury-management procedures into the WHSMS plan</p> <p>2.4 Communicate the planning process to others and facilitate their contributions to the plan</p>	<p>5.1</p> <p>5.4</p> <p>5.2, 5.3</p> <p>5.3</p>	<p>Tasks 1–5</p> <p>Assessment questions 1–9</p> <p>Case study</p>
3. Contribute to implementing the WHSMS plan	<p>3.1 Implement the plan as it applies to own work area and job role</p> <p>3.2 Communicate and explain the plan to others in relation to their roles and responsibilities as specified in the plan</p> <p>3.3 Facilitate the contribution of others to implementing the plan</p>	<p>5.3, 5.4</p> <p>5.3, 5.4</p> <p>5.3</p>	<p>Tasks 6 and 7</p> <p>Assessment questions 1–9</p> <p>Case study</p>
4. Contribute to evaluating WHS performance	<p>4.1 Apply knowledge of elements of WHS performance evaluation processes and methods to contribute to evaluation as it applies to own work area and job role</p> <p>4.2 Communicate and explain evaluation of WHS performance to others and facilitate their contributions to evaluation</p>	<p>5.4</p> <p>5.4</p>	<p>Tasks 1, 3, 6, 7</p> <p>Assessment questions 5, 6, 7</p> <p>Case study</p>

Elements	Performance criteria	Relates to sections	Relates to activities
5. Contribute to reviewing and improving the WHSMS	5.1 Apply knowledge of elements of processes and methods to contribute to the review and improvement of WHS performance as it applies to own work area and job role 5.2 Communicate and explain review and improvement of the WHSMS to others and facilitate their contribution	5.4 5.4	Tasks 1, 3, 6, 7 Assessment questions 5, 6, 7 Case study

BSBWHS506A Contribute to developing, implementing and maintaining WHS management systems

Elements	Performance criteria	Relates to sections	Relates to activities
1. Promote the implementation of the WHSMS	1.1 Access sources of information to determine the form, content, purposes and functions of a WHSMS 1.2 Apply knowledge of WHS legislation to identify duty holders and their roles and responsibilities in a WHSMS 1.3 Apply knowledge of WHSMS and the organisation to communicate information about the WHSMS to individuals and parties 1.4 Advocate for the integration of return-to-work or injury management as part of an effective WHSMS 1.5 Consult effectively with individuals and parties about implementing the WHSMS	5.1 5.2 5.2 5.2, 5.3 5.3	Tasks 1–5 Assessment questions 1, 2, 4, 9 Case study
2. Contribute to the development of WHS policy and commitment to the WHSMS	2.1 Apply knowledge of commitment and policy, to communicate to individuals and parties the requirements of commitment and WHS policy 2.2 Contribute to the development and implementation of an initial WHS review as required 2.3 Contribute to the development of WHS policy that meets requirements and is appropriate to the organisation 2.4 Facilitate and support the participation of, and consultation with, individuals and parties in developing WHS policy 2.5 Support documentation and communication of WHS policy to individuals and parties	5.4 5.4 5.4 5.2, 5.3 5.3, 5.4	Tasks 6–8 Assessment questions 1–6 Case study

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Elements	Performance criteria	Relates to sections	Relates to activities
3. Contribute to the development of the WHS plan	3.1 Apply knowledge of WHS planning to communicate the requirements of a WHS plan to individuals and parties 3.2 Contribute to the development of a WHS plan appropriate to the organisation that meets requirements 3.3 Facilitate and support the participation of, and consultation with, individuals and parties in developing the WHS plan	5.3 5.3 5.3, 5.4	Tasks 5–8 Assessment questions 1–4 Case study
4. Contribute to the implementation of the WHS plan	4.1 Apply knowledge of implementation of the WHS plan to communicate to individuals and parties the requirements for implementation of the WHS plan appropriate to the organisation 4.2 Contribute to the implementation of the WHS plan appropriate to own job role 4.3 Facilitate and support the participation of, and consultation with, individuals and parties in implementing the WHS plan	5.3, 5.4 5.4 5.3, 5.4	Tasks 5–8 Assessment questions 1–6 Case study
5. Contribute to the measurement and evaluation of WHS performance	5.1 Apply knowledge of measurement and evaluation of WHS performance, to communicate to individuals and parties the requirements for measurement and evaluation appropriate to the organisation 5.2 Contribute to measurement and evaluation appropriate to own job role 5.3 Facilitate and support the participation of, and consultation with, individuals and parties in measuring and evaluating WHS performance	5.4 5.3, 5.4 5.3, 5.4	Tasks 6–8 Assessment questions 5–7 Case study
6. Contribute to the review and improvement of the WHSMS	6.1 Apply knowledge of the review and improvement of the WHSMS, to communicate to individuals and parties the requirements for review and improvement appropriate to the organisation 6.2 Contribute to review and improvement appropriate to own job role 6.3 Facilitate and support the participation of, and consultation with, individuals and parties in reviewing and improving the WHSMS	5.3, 5.4 5.4 5.4	Tasks 6–8 Assessment questions 1–9 Case study

Chapter 6

IDENTIFYING HAZARDS

Risk is like fire: If controlled it will help you; if uncontrolled it will rise up and destroy you.

Theodore Roosevelt, U.S. President

OVERVIEW

Workplace injury and disease impact heavily on the human and financial resources of business, organisations, families, communities and the economy. For the year 2008–09, Safe Work Australia's published statistics placed the total annual economic cost of workplace injuries at more than \$60 billion, representing 4.8 per cent of Gross Domestic Product (GDP).¹

Apart from our legal obligation to provide a healthy and safe workplace, it makes good business sense to effectively manage health and safety **hazards**. The factors that cause workplace accidents, injuries, damage from and to plant and equipment, and occupational illnesses are generally referred to as hazards. Systematically identifying and managing these hazards, with risk assessments and controls, is referred to as hazard management.

The information in this chapter helps you to understand the principles of hazard identification in the risk-management process, and provides guidelines for practising effective risk management in your workplace. Adopting an effective hazard-identification process can provide a safer workplace, an improved safety culture, best practice and continual improvement in WHS performance.

BSBWHS404A Contribute to WHS hazard identification, risk assessment and risk control

Elements	Performance criteria	Relates to sections	Relates to activities
1. Access information to identify hazards, and assess and control risks	1.1 Identify sources of information and data	6.3	Tasks 6.1–6.4, 7.1, 7.2 Ch 6 assessment questions 1–6
	1.2 Obtain information and data to determine the nature and scope of workplace hazards , the range of harms they may cause, and how these harms happen	6.3	

Elements	Performance criteria	Relates to sections	Relates to activities
	1.3 Obtain information and data to determine the nature and scope of workplace risks and risk controls	6.3	Ch 7 assessment questions 1, 3, 4 Ch 6 and 7 group activities
2. Contribute to compliance and workplace requirements	2.1 Contribute to identifying and complying with requirements of workplace policies, procedures, processes and systems for hazard identification, risk assessment and risk control activities 2.2 Contribute to identifying and complying with requirements of WHS Acts, regulations, codes of practice and guidelines for hazard identification, risk assessment and risk control activities 2.3 Identify duty holders and their range of duties	6.1, 6.2, 6.3, 7.1 1.1, 1.3, 6.1, 7.1 1.2, 1.3, 4.1, 6.1	Tasks 6.1–6.4, 7.2, 7.3 Ch 6 assessment questions 1–7 Ch 7 assessment questions 1, 3, 4, 5 Ch 6 and 7 group activities
3. Contribute to workplace hazard identification	3.1 Use knowledge of hazards to advise individuals and parties of workplace hazards , the harms they may cause, and how these harms happen 3.2 Apply knowledge of hazard identification to contribute to selecting techniques, tools and processes to identify workplace hazards 3.3 Contribute to applying techniques, tools and processes 3.4 Contribute to documenting use of, and results of, hazard identification	6.3 6.3, 6.4, 6.5 6.3, 6.4, 6.5 6.4, 6.5	Tasks 6.1–6.4, 7.1–7.3 Ch 6 assessment questions 1–7 Ch 7 assessment questions 5, 6 Ch 6 group activity
4. Contribute to WHS risk assessment	4.1 Apply knowledge of risk assessment to contribute to selecting risk assessment techniques, tools and processes for workplace hazards 4.2 Contribute to applying techniques, tools and processes to identified hazards 4.3 Contribute to documenting the results of risk assessments	7.2, 7.3 6.3 7.3, 7.4	Tasks 6.1–6.4, 7.1, 7.3 Ch 6 assessment questions 1–6 Ch 7 assessment questions 4, 5, 6 Ch 6 group activity
5. Contribute to the development, implementation and evaluation of risk control	5.1 Apply knowledge of risk control to contribute to developing risk control options for workplace hazards using the results of risk assessments 5.2 Contribute to developing and implementing a risk control plan 5.3 Contribute to evaluating implemented risk controls	7.3 Intro, 6.5 7.3, 7.4, 7.5	Tasks 6.1–6.4 Ch 6 assessment questions 1–6 Ch 7 assessment questions 3–6 Ch 6 group activity

BSBWHS503A Contribute to the systematic management of WHS risk

Elements	Performance criteria	Relates to sections	Relates to activities
1. Access information and data to contribute to the systematic management of WHS risk	1.1 Identify <i>sources of information and data</i> 1.2 Obtain information and data to determine the purposes, objectives, principles and framework of a systematic approach to managing WHS risk	6.3 6.2, 6.3	Tasks 6.1–6.4, 7.1, 7.2 Ch 6 assessment questions 1–6 Ch 6 and 7 group activities
2. Contribute to effective consultation and participation during all stages of the risk-management process	2.1 Identify <i>individuals and parties</i> who need to participate and be consulted 2.2 Apply knowledge of effective consultation and participation to contribute to ensuring effective consultation and participation processes occur	6.3, 6.4, 8.3 6.4, 8.4	Tasks 7.1, 7.2 Ch 6 assessment questions 1, 2, 4, 6 Ch 7 assessment question 5 Ch 6 and 7 group activities
3. Contribute to establishing the context for risk management	3.1 Apply knowledge of <i>WHS legislation</i> to identify <i>duty holders</i> and legislative requirements for WHS risk management 3.2 Identify individuals and parties impacting on risk management 3.3 Apply knowledge of organisation to identify factors that will impact on risk control 3.4 Contribute to establishing the <i>context of the risk-management process</i> 3.5 Contribute to defining <i>risk criteria</i>	6.1, 7.1 7.2 7.2 7.2, 7.3 7.2	Task 7.2 Ch 6 assessment questions 1, 2, 4, 6 Ch 7 assessment questions 2, 5 Ch 6 and 7 group activities
4. Contribute to risk assessment	4.1 Apply knowledge of workplace hazards and risks to contribute to <i>risk identification</i> 4.2 Apply knowledge of WHS legislation, risk assessment and workplace WHS information and data to contribute to <i>risk analysis and evaluation</i>	6.2, 6.3, 7.2 6.1, 7.1	Tasks 6.1–6.4, 7.2, 7.3 Ch 6 assessment questions 1–6 Ch 7 assessment questions 1–5 Ch 6 and 7 group activities
5. Contribute to risk treatment	5.1 Apply knowledge of WHS hazard and risk control, and WHS legislation to contribute to the selection of <i>risk treatment options</i> 5.2 Apply knowledge of the organisation's WHS management system (WHSMS) and WHS information system (WHSIS) to prepare and implement risk treatments	6.1, 7.1, 7.3 7.2, 7.5	Tasks 6.1–6.4, 7.2, 7.3 Ch 6 assessment questions 1–6 Ch 7 assessment questions 5, 6 Ch 6 and 7 group activities

Elements	Performance criteria	Relates to sections	Relates to activities
6. Contribute to monitoring, reviewing and recording risk-management process	<p>6.1 Apply knowledge of the organisation's WHSMS to contribute to monitoring and reviewing risk-management process</p> <p>6.2 Apply knowledge of the organisation's WHSIS to contribute to recording risk-management process</p>	<p>5.2, 7.7</p> <p>5.2, 6.3, 7.3</p>	<p>Tasks 6.1–6.4, 7.2, 7.3</p> <p>Ch 6 assessment questions 1–6</p> <p>Ch 7 assessment question 5</p> <p>Ch 6 and 7 group activities</p>

BSBWHS504A Manage WHS hazards and risks

Elements	Performance criteria	Relates to sections	Relates to activities
1. Access information and data on WHS hazards and risks	<p>1.1 Identify <i>sources of information and data</i></p> <p>1.2 Obtain information and data to determine the nature and scope of <i>hazards and risks</i>, the range of harms they may cause, and how these harms happen</p> <p>1.3 Obtain information and data to determine techniques, tools and processes to assess risk associated with identified hazards and risk control options</p>	<p>6.3</p> <p>6.3</p> <p>6.3</p>	<p>Tasks 6.1–6.4, 7.1–7.3</p> <p>Ch 6 assessment questions 1–7</p> <p>Ch 7 assessment question 5</p> <p>Ch 6 and 7 group activities</p>
2. Prepare to manage WHS hazards and risks	<p>2.1 Apply knowledge of the organisation's WHSMS and WHSIS to identify requirements for managing WHS hazards and risks</p> <p>2.2 Apply knowledge of <i>WHS legislation</i> to identify <i>duty holders</i> and legislative requirements for managing WHS hazards and risks</p>	<p>6.1, 7.1</p> <p>6.1, 7.1</p>	<p>Tasks 7.1–7.3</p> <p>Ch 6 assessment questions 1–6</p> <p>Ch 7 assessment question 2</p>
3. Develop and implement WHS hazard and risk-management processes	3.1 Apply techniques, tools and processes to assess risks associated with hazards and risk control options	6.3, 7.3, 7.4	Tasks 6.1–6.4, 7.1

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Elements	Performance criteria	Relates to sections	Relates to activities
	3.2 Apply knowledge of hazards and risks to develop appropriate risk controls	6.5, 7.5	Ch 6 assessment questions 1–7 Ch 7 assessment questions 1–6 Ch 6 and 7 group activities
	3.3 Develop and implement a risk control plan and evaluate risk controls	Intro, 6.5	
	3.4 Carry out hazard identification and risk management according to organisational and legal requirements, adopting a risk-management approach	6.1	

BSBWH508A Manage WHS hazards associated with plant

Elements	Performance criteria	Relates to sections	Relates to activities
1. Comply with WHS legislation as it applies to plant	1.1 Apply knowledge of WHS legislation to advise individuals and parties of their duties, rights and obligations with regard to plant as appropriate to their job roles and the nature of the organisation 1.2 Ensure the management of hazards associated with plant, complies with relevant WHS legislation and organisational policies, procedures, processes and systems	6.1 6.1	Tasks 6.3, 7.3 Ch 7 assessment questions 3–5 Ch 7 group activity
2. Ensure organisational policies, procedures, processes and systems incorporate management of hazards associated with plant	2.1 Apply knowledge of organisational policies, procedures, processes and systems to determine if they effectively manage hazards associated with plant 2.2 Develop and implement modifications to organisational policies, procedures, processes and systems as necessary to ensure hazards associated with plant are effectively managed 2.3 Follow organisational policies, procedures, processes and systems when managing hazards associated with plant	6.2 6.2 6.2	Tasks 6.3, 7.3 Ch 7 assessment questions 3–5 Ch 7 group activity
3. Identify WHS hazards associated with plant	3.1 Access sources of information, data and advice to assist with identifying hazards associated with plant 3.2 Identify and consult with others , as necessary, as part of hazard identification 3.3 Record and report on hazard identification	6.2, 6.3 6.2, 6.3 6.1, 6.2, 6.3, 6.4	Tasks 6.3, 7.3 Ch 6 assessment question 6 Ch 7 assessment questions 3–5 Ch 7 group activity

Elements	Performance criteria	Relates to sections	Relates to activities
4. Assess WHS risks associated with plant	4.1 Access sources of information, data and advice to assist with assessing WHS risks associated with plant hazards	6.2	Tasks 6.3, 7.3 Ch 6 assessment question 6
	4.2 Identify and consult with others, as necessary, as part of WHS risk assessments	6.2, 6.3	Ch 7 assessment questions 3–5
	4.3 Record and report on WHS risk assessments	6.4	Ch 7 group activity
5. Control WHS risks associated with maintenance and continued safe use of plant	5.1 Access sources of information, data and advice, including the outcomes of risk assessments, to assist with developing risk-control options for hazards associated with the maintenance and continued safe use of plant	7.2, 7.3, 7.5, 7.7	Tasks 6.3, 7.3 Ch 6 assessment questions 1, 3, 6 Ch 7 assessment questions 3–5 Ch 7 group activity
	5.2 Identify, consult with and report to others as necessary during all stages of risk control	6.5, 7.3, 8.1	
	5.3 Develop risk control options and determine which options will be implemented	7.3	
	5.4 Implement, evaluate and monitor risk controls	7.5, 7.7	
	5.5 Record and report on risk controls	7.3, 7.4, 7.7	
	5.6 Review implemented risk controls and recommend improvements, where necessary	7.4, 7.7	
6. Advise on registration, licensing and certification issues associated with plant	6.1 Identify types of plant requiring registration and tasks requiring operator licensing and/or certification, according to legislative requirements	6.1	Task 6.3 Ch 6 assessment questions 1, 3, 6
	6.2 Document registration, licensing and certification requirements and communicate them to individuals and parties	6.1, 6.2	
	6.3 Identify, document and communicate training requirements to individuals and parties to meet registration, licensing and certification, according to legislative requirements	6.1, 12.1	
	6.4 Determine training needs required for new plant and/or new operating methods	6.1, 12.2, 12.3	
	6.5 Ensure training is undertaken and completed prior to commencement of work using new plant and/or new operating methods	6.1, 12.3, 12.4	
	6.6 Monitor and report compliance with regulatory requirements for registration, licensing and certification	6.1	
	6.7 Identify, document and maintain appropriate records for plant and operator skill requirements	6.1, 12.1	

BSBWHS509A Facilitate the development and use of hazard-management tools

Elements	Performance criteria	Relates to sections	Relates to activities
1. Select and develop hazard-management tools	<p>1.1 Apply knowledge of <i>hazard-management tools of the workplace</i> and of <i>WHS legislation</i> to identify tools suitable for hazard management in the workplace</p> <p>1.2 Consult with <i>individuals and parties</i> on suitable hazard-management tools</p> <p>1.3 Modify existing hazard-management tools and/or develop new ones to meet workplace requirements</p> <p>1.4 Determine hazard-management tools to be used in the workplace</p>	<p>6.1, 7.1</p> <p>6.3, 7.2, 7.3, 8.1</p> <p>6.3, 7.3</p> <p>6.3, 7.3</p>	<p>Tasks 6.1–6.4, 7.1, 7.3</p> <p>Ch 6 assessment questions 1–6</p> <p>Ch 7 assessment questions 1–6</p> <p>Ch 6 and 7 group activities</p>
2. Facilitate the use of hazard-management tools	<p>2.1 Develop and conduct required training and instruction for individuals and parties who will use hazard-management tools</p> <p>2.2 Consult and liaise with individuals, parties and work areas regarding <i>logistical arrangements</i> necessary for the use of hazard-management tools</p> <p>2.3 Facilitate, in collaboration with individuals and parties, necessary logistical arrangements</p> <p>2.4 Use and apply hazard-management tools</p> <p>2.5 Provide necessary support to individuals and parties to use hazard-management tools</p>	<p>7.3, 12.2</p> <p>6.3, 7.2</p> <p>7.2, 7.3</p> <p>7.3, 7.5, 7.6</p> <p>7.3, 12.2</p>	<p>Tasks 6.1, 6.3, 7.1, 7.3</p> <p>Ch 6 assessment questions 1–7</p> <p>Ch 7 assessment questions 1–6</p> <p>Ch 6 and 7 group activities</p>
3. Communicate outcomes of use of hazard-management tools	<p>3.1 Collate and analyse results and findings of the use of hazard-management tools</p> <p>3.2 <i>Communicate</i> results, findings and <i>outcomes</i> to individuals and parties</p>	<p>6.3, 7.3, 7.5</p> <p>6.4, 8.2</p>	<p>Tasks 6.2, 7.1, 7.3</p> <p>Ch 6 assessment question 1</p> <p>Ch 7 assessment questions 3–6</p> <p>Ch 6 and 7 group activities</p>
4. Review use of hazard-management tools	<p>4.1 Review <i>usefulness</i> and <i>usability</i> of hazard-management tools</p> <p>4.2 Modify and/or change hazard-management tools to be used in the future based on the review outcomes</p> <p>4.3 Modify future consultation, liaison, logistical arrangements and communications, based on the review outcomes</p>	<p>6.3, 7.2, 7.5, 7.7, 7.8</p> <p>7.7</p> <p>6.4, 7.7, 8.5</p>	<p>Tasks 7.1, 7.3</p> <p>Ch 6 assessment questions 1, 4, 6</p> <p>Ch 7 assessment questions 2–6</p> <p>Ch 6 and 7 group activities</p>

Chapter 7

ASSESS AND CONTROL RISKS

Risk management is a culture, not a cult. It only works if everyone lives it, not if it's practised by a few high priests.

Tom Wilson

This unit is to be read in conjunction with Chapter 6 and covers the following units of competency.

BSBWHS404A Contribute to WHS hazard identification, risk assessment and risk control

BSBWHS503A Contribute to the systematic management of WHS risk

BSBWHS504A Manage WHS hazards and risks

BSBWHS508A Manage WHS hazards associated with plant.

BSBWHS509A Facilitate the development and use of hazard-management tools

OVERVIEW

Assessing **risk** is a fundamental requirement for every organisation. If you do not know or appreciate what the risks are, you are putting yourself, your employees, your customers and your organisation at risk, both financially and legally.

From a WHS perspective, employers must review all work activities where identified hazards could harm people or damage plant or equipment, and aim to reduce the risks as much as is **reasonably practicable**. While guidelines on the **risk-assessment** process are available, how risk assessments should be carried out depends on the requirements of the organisation, because every organisation is different and each may require a slightly different approach. The critical issue is that you can demonstrate you have carried out risk assessments systematically, in consultation with employees and other experts, and that all of the foreseeable risks have been considered.

This chapter provides guidelines on how to assess risk and determine appropriate controls to eliminate, reduce or manage the risks.

Chapter 8

CONSULTATION

Test ideas in the marketplaces. You learn from a range of perspectives. Consultation helps engender the support that decisions need to be successfully implemented.

Donald Rumsfeld, Former US Secretary of Defense

OVERVIEW

Encyclopaedia Britannica, ‘Facts Matter’ research shows that despite cultural differences, everyone must:

... devise policies and institutions that can meet workers’ needs and enhance productivity. These systems must provide employees with a means of expressing their needs at the workplace while offering steps or resolving the conflicts that inevitably arise between worker and employer.¹

Australian research indicates that one fundamental weakness in our WHS management system is:

Australian management’s ambivalence over representative worker participation ... most voluntary WHS management systems define top management as the (one and only) actor. Such systems instruct management on how to control the WHS issues of their firm. The instructions may include recommendations to consult with the workers but typically the consultation process does not entail any sharing of decision-making power.²

The authors, as experienced WHS practitioners, take a more optimistic approach. We need to educate everyone in the workforce and reinforce the benefits and requirements of consultation for a win–win outcome.

This chapter revisits WHS activities covered in other chapters and supports the authors’ views that WHS is a holistic process and not a series of individual, isolated activities. Specifically, this chapter discusses the requirements for formal consultative and participative arrangements in line with legislative requirements and best practices. We review strategies that might assist the WHS adviser to overcome the barriers to consultation and suggest how to implement and monitor the effectiveness of the process.

BSBWHS403A Contribute to implementing and maintaining WHS consultation and participation processes

Elements	Performance criteria	Relates to sections	Relates to activities
1. Identify individuals and parties involved in WHS consultation and participation processes	<p>1.1 Apply knowledge of relevant parts of WHS Acts, regulations, codes of practice, policies and procedures to identify individuals and parties with roles, duties, rights and responsibilities regarding WHS consultation and participation</p> <p>1.2 Identify what these roles, duties, rights and responsibilities are and, in line with own job role and work area, communicate this information to individuals and parties</p> <p>1.3 Identify roles, duties, rights and responsibilities as they apply to own job role and work area</p>	<p>8.1, 8.2, 8.3</p> <p>8.2, 8.3</p> <p>8.3</p>	<p>Assessment question 1</p> <p>Case study 1</p> <p>Portfolio of evidence</p>
2. Contribute to WHS consultation and participation processes	<p>2.1 Identify workplace WHS consultation and participation processes</p> <p>2.2 Contribute to setting up and running these processes, appropriate to own job role and work area</p> <p>2.3 Implement and communicate to individuals and parties what these processes are and promote and support the participation of individuals and parties, appropriate to own job role and work area</p>	<p>8.3</p> <p>8.2, 8.3</p> <p>8.2, 8.3</p>	<p>Assessment questions 2, 3, 4</p> <p>Case study 1</p> <p>Portfolio of evidence</p>
3. Contribute to processes for communicating and sharing WHS information and data	<p>3.1 Identify consultation and participation processes for communicating and sharing WHS information and data</p> <p>3.2 Contribute to and participate in these processes appropriate to own job role and work area</p>	<p>8.3</p> <p>8.3</p>	<p>Assessment question 4</p> <p>Case study 2</p> <p>Portfolio of evidence</p>
4. Contribute to identifying and meeting training requirements for effective WHS consultation and participation	<p>4.1 Identify training requirements for individuals and parties necessary for effective WHS consultation and participation</p> <p>4.2 Contribute to the delivery of required training, appropriate to own job role and work area</p>	<p>8.3, 12.2, 12.3</p> <p>8.3, 12.3</p>	<p>Assessment questions 5 and 6</p> <p>Case study 1 (question 4)</p> <p>Portfolio of evidence</p>
5. Contribute to improving WHS consultation and participation processes	<p>5.1 Contribute to the identification and assessment of barriers to the implementation and effectiveness of WHS consultation and participation processes</p> <p>5.2 Contribute to the development, implementation and evaluation of measures to remove these barriers</p>	<p>8.4</p> <p>8.4</p>	<p>Assessment question 7</p> <p>Case study 1</p>

BSBWH502A Manage effective WHS consultation and participation processes

Elements	Performance criteria	Relates to sections	Relates to activities
1. Identify the requirements for WHS consultation and participation	1.1 Review WHS legislation to identify duty holders and legal requirements for WHS consultation and participation processes 1.2 Review organisational policies, procedures, processes and systems to identify requirements and opportunities for WHS consultation and participation 1.3 Consult with individuals and parties to identify specific requirements for WHS consultation and participation	8.1 8.2 8.1, 8.2, 8.5	Assessment questions 1–7 Case study 1 Portfolio of evidence
2. Review existing WHS consultation and participation processes	2.1 Review effectiveness of existing WHS consultation and participation processes, in consultation with individuals and parties 2.2 Compare existing processes with identified requirements for WHS consultation and participation processes 2.3 Consult with individuals and parties to identify specific areas for improvement in WHS consultation and participation processes	8.5 8.2 8.2, 8.3, 8.5	Assessment questions 1–7 Case study 1 Portfolio of evidence
3. Develop WHS consultation and participation processes	3.1 Identify factors that may impact on the design of WHS consultation and participation processes 3.2 Design new or modify existing processes in consultation with individuals and parties to achieve required improvements 3.3 Ensure improvements integrate with existing WHS and other systems and are appropriate to the organisation 3.4 Plan how improvements will be implemented and identify resourcing requirements, roles and responsibilities, and training needs required for implementation 3.5 Develop action plans with allocated responsibilities and timelines 3.6 Determine priorities for implementation in consultation with individuals and parties	8.4 8.2, 8.3, 8.5 8.3 8.5 8.5	Assessment questions 1–7 Case study 1 Portfolio of evidence
4. Implement WHS consultation and participation arrangements	4.1 Provide advice and support to individuals and parties during implementation 4.2 Monitor and support implementation, in consultation with individuals and parties 4.3 Recommend and support changes to the plan as required	8.2, 8.3 8.3, 8.4, 8.5 8.3	Assessment questions 1–7 Case study 1 Portfolio of evidence

Elements	Performance criteria	Relates to sections	Relates to activities
5. Monitor and evaluate WHS consultation and participation processes	5.1 Develop an evaluation protocol in consultation with individuals and parties	8.5	Assessment questions 1–7 Case study 1 Portfolio of evidence
	5.2 Develop a plan for collecting information	8.5	
	5.3 Analyse and evaluate information	8.5	
	5.4 Make recommendations for improvement based on the evaluation	8.5, 3.2, 3.4	
	5.5 Consult with individuals and parties on the outcomes of the evaluation and recommend an action plan for ongoing improvements	8.5, 3.2, 3.4	

KEY TERMS

Authorised representatives of registered employee organisations (ARREO)

A trained and authorised (with a permit) registered employee organisation member who wishes to enter a worksite to specifically review a supposed contravention of the WHS legislation.

Health and safety committee

A forum of 50 per cent management and 50 per cent employees, who are elected at the request of employees to consider wider workplace WHS issues such as development of policies, training programs, review of the maintenance schedule, employment of consultants, and so on.

Health and safety representative (HSR)

An elected worker representative with specific responsibility for the safety and health of workers in their designated workgroup.

WHS consultation

The process that allows workers and management to participate in a genuinely cooperative and collaborative manner to address WHS issues at the workplace.

8.1 WHAT THE LAW SAYS

In most jurisdictions, the Act, Regulations and Codes of Practice cover **WHS consultation**. For example, in New South Wales:

- NSW *OHS Act 2000*: Part 2, Division 2—Duty to consult
- NSW OHS Regulation 2001: Chapter 3—Workplace consultation
- WorkCover NSW *Health and Safety Code of Practice 2001*.

Chapter 9

HEALTH MONITORING

Just because you're not sick doesn't mean you're healthy.

Anonymous

OVERVIEW

The cost of injury to the Australian economy is \$7 billion each year, and the cost of presenteeism (not fully functioning at work because of medical conditions) was almost \$34.1 billion in 2009–10.¹

In 2010, PricewaterhouseCoopers produced a report on workplace wellness titled *Workplace Wellness in Australia*.² This report is recommended reading for every WHS student, practitioner and manager.

To minimise injury, employers must systematically identify, eliminate and control hazards. Some of these hazards may be physical, chemical or biological agents that require direct or indirect monitoring in order to measure the quantity of those agents.

The 2004–05 National Health Survey found that approximately 33 per cent of working age Australians between 25 and 64 years old reported having at least one of eight selected chronic diseases—arthritis, asthma, coronary heart disease (CHD), chronic obstructive pulmonary disease (COPD), depression, diabetes, osteoporosis or cerebrovascular disease. Some of these diseases can be directly attributed to or exacerbated by workplace activities.

The evidence for implementing some form of workplace health monitoring program for both financial and medical reasons is compelling.

This chapter provides an overview of workplace monitoring and how to develop and implement a robust stepped approach to the process.

BSBWHS409A Assist with workplace monitoring processes			
Elements	Performance criteria	Relates to sections	Relates to activities
1. Assist with selecting measuring devices	1.1 Assist with identifying regulatory requirements and standards that apply to monitoring	9.1	Assessment questions 1, 2, 5 Case study
	1.2 Identify agent and/or condition to be measured through consultation with relevant individuals and parties	9.3	
	1.3 Identify characteristics of agent and/or condition	9.3	
	1.4 Determine the area where measurements are to be taken	9.3	
	1.5 Assist with identifying types of appropriate measuring equipment	9.3	
	1.6 Assist with the selection of measuring equipment appropriate to the agent and/or condition, the environment, the activities being carried out and the level of risk	9.3	
	1.7 Recognise limits of own expertise and available equipment, and seek expert advice and equipment as appropriate	9.3	
2. Assist with preparations to collect workplace information and data	2.1 Determine a sampling process	9.3	Assessment question 7 Case study
	2.2 Consult with and advise those involved in workplace activities to collect information and data about the requirements, and nature and purpose of the monitoring	9.2	
	2.3 Assist with defining a sampling plan after inspecting area and consulting with workers and affected parties about the nature of the problem	9.2	
	2.4 Assist with checking the operability of equipment	9.2	
3. Assist with collecting workplace information and data	3.1 Assist with selecting and calibrating monitoring equipment, and selecting appropriate scale	9.3	Assessment questions 1, 5 Case study
	3.2 Assist with tests	9.3	
	3.3 Assist with correct use and maintenance of equipment to collect information and data	9.3	
	3.4 Ensure own health and safety while collecting information and data, and record readings using expert support and advice as appropriate	9.3	
	3.5 Assist with dismantling and cleaning equipment and parts, or dispose of appropriately	9.3	
	3.6 Assist with correctly storing equipment or making it ready for re-use as appropriate	9.3	

continued

continued

Elements	Performance criteria	Relates to sections	Relates to activities
4. Assist with documenting and evaluating results of monitoring	4.1 Assist with interpreting and evaluating results against a recognised standard and documenting results	9.3	Assessment questions 6, 7 Case study
	4.2 Assist with preparing reports on the monitoring process, including any regulatory requirements, and consider purposes of report and the target audiences	9.3	
	4.3 Assist with presenting required information and data clearly and logically	9.3	
	4.4 Assist with retaining results and records in a format that enables them to be readily retrieved according to regulatory requirements and standards	9.3	

KEY TERMS

Agents

Conditions that may directly or indirectly affect the working environment and cause immediate or long-term damage to health and wellbeing. Also known as 'contaminants'.

Brief and Scala Method

An arithmetical calculation to determine the exposure limits of airborne contaminants when shift times are extended from the standard 40-hour/5-day week.

Composite sample

Is composed of one of the following:

1. several grab samples, mixed together from various points in a waste stream; all samples are collected within a short period of time
2. grab samples of the same volume, taken from one source over a specific period at regulated times
3. grab samples taken from one source over a specific period at irregular intervals in irregular volumes that proportion the flow.

Contaminants

Refer to 'agents'.

Grab sample

An individual sample (also called a 'catch sample') collected at a selected time.

Chapter 10

INCIDENT INVESTIGATION

OVERVIEW

The statistics on workplace injuries and incidents are updated annually in Australia by the Commonwealth, state and territory regulators, the Safety Institute of Australia (SIA), Safe Work Australia and the Australian Bureau of Statistics (ABS). Significant statistics from Safe Work Australia's *Key Work Health and Safety Statistics, Australia* for 2012 include the following:¹

- Year to date (as at 28 June 2013), 83 Australian workers have been killed while at work.
- As at 30 December 2012, 212 Australian workers were killed while at work; during the same period in 2011, 150 deaths occurred.
- In 2009–10 there were 131 170 serious workers compensation claims, which equates to 13.0 serious claims per 1000 employees.
- Male employees experienced a rate of serious injury or disease 30 per cent higher than female employees.
- The incidence rates of serious workers compensation claims increase with employee age.
- The highest incidence rates were recorded by labourers and related workers, more than double the rate for all occupations.
- The transport and storage, manufacturing, and agriculture, forestry and fishing industries recorded the highest incidence rates of all industries, all with nearly twice the rate for all industries.
- A typical serious workers compensation claim involves four weeks absence from work.
- One-quarter of serious claims required 12 or more weeks off work. One in five serious claims involved an injury to the back.
- The ABS Work-Related Injury Survey showed 53 out of every 1000 workers experienced an injury or illness in the workplace in 2009–10.
- Work-related injury and illness were estimated to cost \$60.6 billion in the 2008–09 financial year. This dollar amount represented 4.8 per cent of GDP.

This chapter provides an overview on how a WHS incident investigation is run; it is not intended to be a detailed 'how-to' manual. It aims to assist WHS professionals to understand the principles involved in conducting an investigation and provides procedural suggestions. The scope of an investigation largely depends on the seriousness or complexity of the incident. Investigators should perform only those tasks required to identify facts and causative factors. It is important to objectively explain the incident (as far as possible) without attributing blame for the event.

BSBWHS406A Assist with responding to WHS incidents			
Elements	Performance criteria	Relates to sections	Relates to activities
1. Assist with identifying legislative and other requirements	1.1 Apply knowledge of WHS legislation to identify duty holders and legislative requirements regarding responding to incidents 1.2 Apply knowledge of workplace policies, procedures and processes to identify workplace requirements regarding responding to incidents 1.3 Communicate requirements to individuals and parties appropriate to own job role and work area	10.1 10.1, 10.2 10.1, 10.2	Tasks 10.1 and 10.2, Assessment question 1
2. Assist with implementing initial incident response procedures	2.1 Assist with providing first aid according to workplace procedures and processes, where necessary 2.2 Assist with notifying, reporting and documenting incidents according to workplace procedures and processes 2.3 Assist with meeting legislative requirements regarding incidents, where necessary	10.4 10.2, Fig 10.2 10.1, 10.2, Fig 10.2	Tasks 10.1 and 10.2, Group activity, Assessment question 1
3. Assist with collecting WHS information and data relevant to an investigation	3.1 Assist with obtaining information and data from those involved, using appropriate data-collection techniques , about actions and events leading up to or occurring during or after an incident 3.2 Assist with identifying and accessing sources of additional information and data related to an incident	10.3, 10.4 10.3, 10.4	Tasks 10.1 and 10.2, Group activity, Assessment question 1
4. Assist incident investigations	4.1 Assist investigators and provide relevant information during investigations 4.2 Use appropriate techniques when participating in workplace investigations 4.3 Review reports on incidents, injuries and illnesses 4.4 Contact responsible persons and relevant authorities when required	10.3, 10.4 10.3, 10.4 10.3, 10.4 10.2, 10.4	Tasks 10.1 and 10.2, Group activity, Assessment question 1
5. Assist in implementing recommended measures and actions arising from investigations	5.1 Communicate recommendations arising from investigations to relevant others 5.2 Assist with measures and actions appropriate to own job role and work area	10.2, 10.4 10.2	Task 10.1, Group activity, Assessment questions 1 and 2

BSBWHS505A Investigate WHS incidents

Elements	Performance criteria	Relates to sections	Relates to activities
1. Ensure initial responses to the incident are properly carried out	<p>1.1 Prepare and implement a workplace procedure for incident investigation</p> <p>1.2 Ensure site of the incident is safe and secured and that the immediate needs of those involved in the incident are met</p> <p>1.3 Ensure WHS legislative requirements are met</p> <p>1.4 Ensure other actions are performed to meet requirements of relevant workplace policies, procedures, processes and systems</p>	<p>10.2, 10.3</p> <p>10.4</p> <p>10.1</p> <p>10.2, 10.3, 10.4</p>	Tasks 1 and 2, Group activity, Assessment question 1
2. Develop an investigation plan	<p>2.1 Apply knowledge of WHS legislation and workplace policies, procedures and systems to assist with identifying duty holders and ensure requirements of WHS legislation and workplace policies, procedures, processes and systems are met by the investigation plan</p> <p>2.2 Form an appropriate investigation team</p> <p>2.3 Define the scope and purpose of the investigation and ensure they are appropriate to the scope and nature of the incident</p> <p>2.4 Ensure participation of, and consultation with, individuals and parties as part of the planning process and specify agreed participation and consultation processes to occur during all phases of the investigation</p> <p>2.5 Identify, document and obtain necessary resources to conduct the investigation, including expert advice if required</p> <p>2.6 Identify, address and document barriers to investigation</p> <p>2.7 Ensure planning includes agreed timelines, objectives, responsibilities, roles, documentation, actions and outcomes</p>	<p>10.1, 10.2</p> <p>10.3</p> <p>10.3</p> <p>10.3, 10.4</p> <p>10.3, 10.4</p> <p>10.3, 10.4</p> <p>10.3, 10.4</p>	Tasks 1 and 2, Group activity, Assessment question 1
3. Collect information and data	<p>3.1 Identify and access sources of information and data</p> <p>3.2 Inspect incident site, equipment and other evidence, and document outcome of inspection</p> <p>3.3 Gather information and data in ways that ensure objectivity, confidentiality, validity and accuracy</p>	<p>10.3, 10.4</p> <p>10.3, 10.4</p> <p>10.3, 10.4</p>	Tasks 1 and 2, Group activity, Assessment question 1

Elements	Performance criteria	Relates to sections	Relates to activities
4. Analyse information and data gathered to identify immediate and underlying causes and practical prevention measures	4.1 Ensure investigation team understands, identifies and applies the conceptual bases for the analysis	10.3, 10.4	Tasks 1, 2 and 3, Group activity, Assessment questions 1 and 2
	4.2 Construct timeline of events leading up to the incident	10.4	
	4.3 Investigate key events, conditions and/or circumstances that together resulted in the incident	10.4	
	4.4 Develop actions, interventions and practical measures to prevent the re-occurrence of the incident and to address root causes	10.4	
	4.5 Specify recommended actions, interventions or measures, and plans for their implementation and evaluation	10.4	
5. Compile and communicate investigation report	5.1 Prepare a report on the investigation, phrasing it in objective terms	10.4	Assessment questions 1 and 2
	5.2 Cite evidence and basis for conclusions and recommendations	10.4	
	5.3 Communicate the report to individuals and parties as appropriate	10.4	

KEY TERMS

Accidents and incidents	Any workplace event that endangers the health or safety of a person; any workplace event that results in injury or disease, however minor, including dangerous occurrences.
Dangerous incident	For notification purposes refers to any incident that endangers or is likely to endanger the work safety of people at a workplace emanating from an immediate or imminent exposure.
Near hit	Refer to 'near miss'.
Near miss	An unplanned event that does not result in injury, illness or damage, but which has the potential to do so.
Person in control	Anyone who has control of the relevant premises, plant and equipment or the systems of work; includes anyone who has the authority to make decisions relating to these issues.

continued

Chapter 11

WORKERS COMPENSATION AND RETURN TO WORK

Doctors bury their mistakes—return to work coordinators see them in the crib room every day.

Mike Stoll, 1982

OVERVIEW

In the event of a work-related accident or illness, occupational health and safety (OHS) and work health and safety (WHS) laws require that injured workers have access to first aid, fair workers compensation and return to work (RTW) rehabilitation.

As an employer, your responsibility is to:

- maintain a safe workplace and current workers compensation insurance
- protect you and your workers from financial hardship in the event of a workplace injury
- provide appropriate opportunities for an early return to the workplace.

Workers compensation

Each state and territory has its own workers compensation (insurance) scheme, and the Commonwealth has three schemes to provide wage replacement and medical benefits to employees who are injured in the course of employment. Safe Work Australia (SWA) was set up by the Council of Australian Governments (COAG) in 2008 to manage WHS. SWA is a policy development and advisory body that does not have a role in the management of individual workers compensation claims but has four functions relating to workers compensation:

1. to develop national policy
2. to undertake research and conduct data analysis
3. to develop proposals on harmonising workers compensation arrangements and developing arrangements for employers with workers in more than one jurisdiction
4. to advise the Workplace Relations Ministers' Council.

It is not our intent to explain the workers compensation process in any detail. This information is available from your insurer. This chapter concentrates on the RTW process and provides information and strategies to implement an effective program.

Return to work (RTW)

Work absence is sometimes medically necessary, for a range of illnesses and injuries. However, many stakeholders—including treating practitioners, the person with the injury or illness and their friends and family—may not know how to avoid, or may not even recognise the potential for, negative consequences of missed work.

After all, people use annual leave and sick leave for short-term illnesses already; so how can time off work for a work-related health condition cause problems?

The weight of evidence over the last 20 years shows that people who are out of work in the medium to long term are at greater risk of negative health outcomes. Furthermore, the more time spent away from work, the less likely a person is to ever return without the support of a structured RTW program.

BSBWHS407A Assist with claims management, rehabilitation and RTW programs			
Elements	Performance criteria	Relates to sections	Relates to activities
1. Assist with managing claims	1.1 Process workers compensation claims according to organisational policies and procedures, and all relevant legal and workers compensation insurance requirements	11.1	Tasks 1 and 2, Assessment questions 1–5, Case study
	1.2 Notify rehabilitation provider according to organisational policies and procedures, and all relevant legal and workers compensation insurance requirements	11.1, 11.2	
	1.3 Advise claimants as to whether their claim has been accepted	11.1, 11.5	
	1.4 Assist with the analysis of claims to identify the nature of the illness/injury and prepare reports according to organisational policies, and relevant legal and insurance requirements	11.2, 11.5	
	1.5 Estimate projected period of absence from work and where rehabilitation assistance is required, help ensure arrangements are made in the work team to deal with absence	11.2, 11.5	

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Elements	Performance criteria	Relates to sections	Relates to activities
2. Assist with planning for, and implementation of, a successful rehabilitation or RTW program	2.1 Facilitate consultation between rehabilitation provider and treating doctor, and other health professionals as required	11.4, 11.5	Tasks 1–4, Assessment questions 6–10, Case study
	2.2 Facilitate consultation between rehabilitation provider, relevant managers and injured worker	11.2, 11.3, 11.4, 11.5	
	2.3 Document existing skills, experience and capabilities of injured worker to assist with RTW planning	11.5	
	2.4 Assist with job redesign, reduced hours and alternative duties according to advice from health and rehabilitation professionals	11.5	
	2.5 Assist with design of a rehabilitation or RTW program to achieve a successful return to work	11.4, 11.5	
	2.6 Consult with relevant managers about the RTW program	11.5	
	2.7 Determine retraining that may be required when it is not possible for the worker to return to pre-injury duties	11.4, 11.5	
	2.8 Assist with establishing a rehabilitation or RTW program in consultation with injured worker	11.5	
	2.9 Commence program as soon as possible	11.5	
3. Assist with monitoring and evaluating a rehabilitation or RTW program	3.1 Facilitate regular feedback and communication between provider, supervising manager and injured worker	11.2, 11.3, 11.4	Tasks 2 and 3, Assessment questions 11–14, Case study
	3.2 Facilitate regular contact and support between provider and injured worker	11.2, 11.3, 11.4	
	3.3 Assist with identifying breaches of the RTW program, notifying breaches and taking prompt remedial action according to organisational policies, procedures, and relevant legal and insurance requirements	11.5	
	3.4 Assist with modifying RTW programs where appropriate	11.4, 11.5	
	3.5 Assist with evaluating each rehabilitation or RTW program and implementing recommendations for system improvement where appropriate	11.5	

BSBHRM509A Manage rehabilitation or return to work programs			
Elements	Performance criteria	Relates to sections	Relates to activities
1. Analyse claims	1.1. Ensure that the organisation has and maintains a current workers' compensation insurance policy (or equivalent) as required by the applicable legislation 1.2. Process claims in accordance with organisational policies, and legal and insurance requirements 1.3. Dispute claims where insurer or organisational requirements are not met 1.4. Notify rehabilitation provider in accordance with organisational procedures 1.5. Advise claimants as to whether their claim has been accepted 1.6. Analyse claims to identify the nature of the illness/injury and prepare report/s 1.7. Identify projected period of absence and where rehabilitation assistance is required, and ensure arrangements are made in the work team to deal with absence	11.1 11.2, 11.4 11.2 11.2 11.2 11.2	Tasks 1, 2, 5 Assessment questions 1-11, 13
2. Establish rehabilitation/return to work program	2.1. Ensure consultation occurs between rehabilitation provider and treating doctor 2.2. Ensure consultation occurs between rehabilitation provider, relevant managers and employee 2.3. Consider job redesign, reduced hours and alternative duties in the light of medical advice 2.4. Design a rehabilitation/return to work program to achieve a successful return to work 2.5. Obtain approval for return to work program by relevant managers 2.6. Establish rehabilitation program with employee 2.7. Undertake risk analysis in relation to proposed program and mitigate risk where appropriate 2.8. Commence program as close to the time of the accident/illness as possible	11.3 11.3 11.3 11.3 11.3 11.3 11.3	Tasks 2, 5 Assessment questions 4, 5, 7, 9, 10, 13 Case study
3. Monitor/evaluate rehabilitation/return to work program	3.1. Encourage regular feedback/communication between provider, supervising manager and employee 3.2. Organise regular contact and support between provider and employee 3.3. Identify breaches of the return to work program and take remedial action promptly 3.4. Refer return to work program to workers compensation authorities where breaches occur	11.4 11.4 11.4 11.4	Task 5 Assessment questions 6, 7, 11-14 Case study

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continued

Elements	Performance criteria	Relates to sections	Relates to activities
	3.5. Modify return to work program where appropriate if it is not delivering the required outcomes	11.4	
	3.6. Evaluate each rehabilitation/return to work program at its conclusion and implement recommendations for system improvement where appropriate	11.4	

KEY TERMS

Agent	Authorised, approved, registered company that the regulator has approved for issuing workers compensation policies.
Injury management	A coordinated and managed process consisting of activities and procedures intended to facilitate recovery and restore an injured worker to their pre-injury work capacity.
Return to work (RTW) coordinator	A person appointed by the employer to provide workplace-based support and coordinate the injured worker's RTW.
Return to work (RTW) plan	A simple plan (based on the medical certificate provided by the injured worker's treating medical practitioner) for coordinating and managing the treatment, rehabilitation and RTW of an injured worker.
Suitable duties	Duties that are appropriate to the employee's capacities, skills and experience, as well as being in consideration of medical limitations.
Workers compensation	A compulsory levy imposed by government on employers to fund their potential liabilities associated with injured workers. It provides income replacement and coverage of medical costs to eligible workers.

Chapter 12

TRAINING

Consider a common conversation about training staff:

Why should we train staff and then have them leave the organisation for a better position with a competitor?

The response may be:

Do nothing and have untrained workers stay in your organisation.

OVERVIEW

Other chapters in this book detail WHS legislative requirements such as consultation, risk management and incident reporting, but training is given a separate chapter because providing suitable training is a critical requirement in every workplace. This chapter examines the training needed by those in the workplace who have various responsibilities for WHS. Those with WHS responsibilities may include company or organisation directors, managers, supervisors, health and safety representatives (HSRs) and health and safety committee members and, of course, all employees in respect to their duty of care to others and their requirement to follow all safety policies and directives.

TAEDEL301A Provide work skill instruction

Elements	Performance criteria	Relates to sections	Relates to activities
1. Organise instruction and demonstration	1.1. Gather information about learner characteristics and learning needs	12.4	Assessment questions 1, 2, 3, 4 Task 1
	1.2. Confirm a safe learning environment	12.4	
	1.3. Gather and check instruction and demonstration objectives , and seek assistance if required	12.2, 12.4	
	1.4. Access and review relevant learning resources and learning materials for suitability and relevance, and seek assistance to interpret the contextual application	12.3, 12.4	

Elements	Performance criteria	Relates to sections	Relates to activities
	1.5. Organise access to necessary equipment or physical resources required for instruction and demonstration	12.4	
	1.6. Notify learners of details regarding the implementation of the learning program and/or delivery plan	12.4	
2. Conduct instruction and demonstration	2.1. Use interpersonal skills with learners to establish a safe and comfortable learning environment	12.4	Assessment questions 5, 6, 7, 8 Task 2
	2.2. Follow the learning program and/or delivery plan to cover all learning objectives	12.4	
	2.3. Brief learners on any WHS/OHS procedures and requirements prior to and during training	12.4	
	2.4. Use delivery techniques to structure, pace and enhance learning	12.4	
	2.5. Apply coaching techniques to assist learning	12.4	
	2.6. Use communication skills to provide information, instruct learners and demonstrate relevant work skills	12.4	
	2.7. Provide opportunities for practice during instruction and through work activities	12.4	
	2.8. Provide and discuss feedback on learner performance to support learning	12.4	
3. Check training performance	3.1. Use measures to ensure learners are acquiring and can use new technical and generic skills, and knowledge	12.5	Assessment questions 9,10 Tasks 1 and 2
	3.2. Monitor learner progress and outcomes in consultation with learner	12.5	
	3.3. Review relationship between the trainer/coach and the learner and adjust to suit learner needs	12.5	
4. Review personal training performance and finalise documentation	4.1. Reflect upon personal performance in providing instruction and demonstration, and document strategies for improvement	12.5	Assessment questions 11, 12
	4.2. Maintain, store and secure learner records according to organisational and legal requirements	12.5	