

BSBWHS402

Assist with compliance with WHS laws



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ASSESSMENT FOR BSBWHS402

Student name	Samantha Bailey
Date of assessment submission	20/12/2018

Trainer/Assessor's name	
Date of assessment marking	Click here to enter a date.
Outcome for unit	☐ Competent ☐ Not Yet Competent

TASK INSTRUCTIONS

- The assessment for this unit of competency consists of the following:
 - A series of activities:** Some of these activities will require you to provide a response within this document, others will require you to gather evidence to demonstrate your knowledge and skills (overview below).
 - Quiz:** You will be required to complete a series of questions to demonstrate your knowledge and skills.
 - Practical task:** You will be required to have an observer attest to your knowledge and skills and sign a report to this effect.
- At times, you will be provided with a specific business context to which you must respond, otherwise it is anticipated that you will use a workplace of your choosing (your own, or hypothetical) to provide the context to the task.
- At all times, the responses in your assessment must reference **Australian** (Queensland or Federal) documentation, including legislation, regulations, codes of practice, standards and guidance publications.

ACTIVITY OVERVIEW	REQUIRED FOR SUBMISSION
1. Workplace and legal framework	Workbook response (below)
2. Policy, procedures, processes and systems	Workbook response (below)
3. Workplace duties, rights and obligations	Workbook response (below)

ACTIVITIES

For the following activities, name a workplace that you wish to examine.

Name of workplace	
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ACTIVITY 1

- a) Identify current legislation and related documentation that will be relevant to your chosen workplace, and where such documentation can be found.
- b) For each document identified, outline one (1) excerpt or requirement that it specifies for your chosen workplace.

Example:

Name and location of Legislation (Commonwealth or State)

Work Health and Safety Act 2011 (Qld) found at www.legislation.qld.gov.au

Relevant excerpt/requirement for chosen workplace
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Section 19: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers.

Name and location of Legislation (Commonwealth or State)

Work Health and Safety Act 2011 (QLD) (found: www.legislation.qld.gov.au)
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Relevant excerpt/requirement for chosen workplace
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Section 38

A person conducting a business or undertaking must ensure that the regulator is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
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Name and location of Regulation
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Electrical Safety Regulation 2013 (QLD) (found : www.legislation.qld.gov.au)

Relevant excerpt/requirement for chosen workplace
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Section 28

A person conducting a business or undertaking must ensure workers who are required to perform or help in performing, electrical work are competent in rescue and resuscitation in accordance with recognised practices in the electricity industry.

Name and location of Code of Practice
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First Aid in the Workplace Code of Practice 2014 (found : www.worksafe.qld.gov.au)
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Relevant excerpt/requirement for chosen workplace
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First aid equipment, facilities and first aiders must be accessible to workers whenever they work, including those working night shifts or overtime.
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Name and location of Standard
AS/NZS 4801:2001 Occupational Health & Safety Management Systems (found https://www.standards.org.au/)
Relevant excerpt/requirement for chosen workplace
The organization shall establish, implement and maintain documented procedures to ensure that the following are conducted— hazard identification; hazard/risk assessment; control of hazards/risks; and then evaluation of steps (a) to (c)

Name and requirement of Guidance Publication
Managing the risks of works in heat – Guidance Material (found: www.safeworkaustralia.gov.au)
Relevant excerpt/requirement for chosen workplace
A person conducting business or undertaking must ensure so far as is reasonably practicable, the following:- a) ventilation to enable workers to carry out work without risk to health and safety B) workers carrying out work in extremes of heat or cold are able to carry out work without risk to health and safety

Outcome for Activity 1	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

ACTIVITY 2

Identify one (1) of each of the following within your chosen organisation:

- a) WHS policy
- b) WHS procedure
- c) WHS process
- d) WHS system

For each, summarise:

- Its purpose
- How it can be accessed
- How it can be developed and changed to ensure compliance with WHS legislation, using examples.

Name and purpose of WHS Policy

WHSP-003 Work Health and Safety Policy

It shows the commitment of management and all workers to health and safety. It shows the aim of reducing or removing all risks associated with the company's works

How document can be accessed

An electronic copy of the Generic SMP will be kept in the Project and Compliance Drives within the company's network.

Copies are laminated and put up in office as well as on site containers

How it can be developed and changed to ensure compliance with WHS legislation

The policy can be reviewed and updated as required to ensure that it remains up to date. This can be done regularly through consultation with management and site supervisors. Subscribing to WHS email alerts for instant updates will ensure you are up to date with any changes to legislation. The policy can also be developed and changed to ensure compliance with WHS legislation by following company systems such as Integrated Management System which incorporates and enables compliance.

Name and purpose of WHS Procedure

WHSPR-001 Emergency Evacuations

Procedure to implement an effective management system for site specific emergency evacuation to ensure in the event of an emergency that requires leaving the area, all persons are to proceed to the nearest safe assembly area.

How document can be accessed

Copy on site office wall and copy may also be kept in site folder

An electronic copy of the Generic SMP will be kept in the Project and Compliance Drives within the company's network.

How it can be developed and changed to ensure compliance with WHS legislation

Follow code of practices and standards for the industry to implement correct procedure to comply with WHS legislation. Undergo regular audits and consult with workers. All training of workers, management and others on site must be provided and completed checklists must be kept and filed as evidence.

Name and purpose of WHS Process
WHSEF-054 Project Risk Assessment The process involves the identification of hazards, assessment of the risk imposed by the hazard, strategies to control the risk and monitoring and reviewing of the effectiveness of controls put in place
How document can be accessed
Copy of the document will be found in site folders and an electronic copy is kept in compliance drives and project folders within the company's network.
How it can be developed and changed to ensure compliance with WHS legislation
to ensure compliance with WHS legislation this process needs to be developed through consultation with workers on site as well as audits. Processes need to be regularly reviewed especially if there has been an incident or a risk has risen. It is important to subscribe to particular WHS emails to receive instant updates and also follow standards and code of practices to ensure compliance. Risk assessments must be kept up to date with the reporting of requirements of the regulatory authority.

Name and purpose of WHS System
Integrated management system TLCC has established an Integrated Management System as a management tool for managing safety in everyday operations. It incorporates and enables compliance to the requirements of AS/NZS 4801:2001 and covers the activities of the operation. It includes manuals, forms, registers, SWMS and safe work procedures
How document can be accessed
Compliance drive on the company's network. This is accessible to management and particular employees in roles that relate to WHS.
How it can be developed and changed to ensure compliance with WHS legislation
Develop a register to log all changes made to the system as they occur as well as auditing these registers either internally or by an external auditor and system will ensure compliance.

Outcome for Activity 2	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

ACTIVITY 3

For the purpose of the company manual, you are to explain the role of WHS in your chosen workplace, by developing a report in the following structure:

1.0 INTRODUCTION

- Outline the background of your company, its role and purpose
- The objectives and principles underpinning WHS legislation

2.0 WHS REGULATOR

- Identify the WHS regulator that applies to your company
- Explain the functions and powers of the WHS regulator and how they are exercised

3.0 INDIVIDUALS AND PARTIES

3.1 WORKERS

- Outline workers' WHS duties under the legislation
- Identify workers' WHS rights under the legislation
- Explain workers' WHS obligations under the legislation

3.2 PERSONS CONDUCTING BUSINESSES OR UNDERTAKINGS (PCBUs) OR THEIR OFFICERS

- Outline PCBU's WHS duties under the legislation
- Identify PCBU's WHS rights under the legislation
- Explain PCBU's WHS obligations under the legislation

4.0 COMPLIANCE

- Explain how policies, procedures, processes and systems are developed and changed to maintain compliance
- Explain how workers and PCBU are assessed for WHS compliance with legislation
- Identify ways in which workers' and PCBU's WHS training needs are assessed
- Identify how the workplace provides support for workers' and PCBU's training needs

5.0 CONCLUSION

- Explain the importance of WHS to your company
- Identify that workers and PCBUs have varying WHS duties, rights and obligations under the legislation
- Express the importance of maintaining compliance and addressing training needs

TIPS:

- Use the report template (below) and elaborate on the points above.
- Write in simple English. Remember that people from a range of backgrounds and abilities would be reading this document, such as workers, health and safety committees, health and safety representatives, managers, supervisors, and PCBUs or their officers.
- Be sure to refer specifically to the legislation using section numbers, so that the reader could refer to the legislation for more information if they wanted to.

1.0 INTRODUCTION

The Landscape Construction Company (*tlcc*) specialize in delivering high quality landscape construction services all over Australia. TLCC specialize in both soft and hard landscape construction in public and private spaces for all levels of government as well as development companies and publicly listed international companies. TLCC focus on putting client's needs and wants first and are project outcome driven. TLCC aim to lead the way in work health and safety within our industry. The organisation applies quality and safety standards to protect clients, contractors, workers and members of the public. TLCC work in ways to ensure that work is undertaken safely, with a high level of integrity and quality and aim to achieve a "Zero Harm" objective. This is achieved by maintaining an Integrated Management System (IMS) which incorporates and enables compliance to the requirements of AS/NZS 4801:2001, and covers all activities of the company. The IMS has the objective of eliminating work-related injury and illness.

Each jurisdiction has a WHS responsibility and aims to enhance and improve health and safety in workplaces. There is a legal framework within the jurisdiction that supports the ACT. In QLD the relevant legislation is the Work Health and Safety Act 2011 and this act is then supported by Regulations, Codes of Practice, Standards and then within the workplace there are policies and procedures regarding processes and systems. WHS is important in all workplaces and compliance with legislation is vital to ensure the health, safety, and welfare of employees and others at workplaces, to protect mental and physical health of individuals and promote improvements to the workplace environment.

2.0 WHS REGULATOR

Workplace Health and Safety Queensland is the regulator for WHS in Queensland and therefore being a Queensland based company it applies to TLCC. It is required that all incidents are reported to the Workplace Health and Safety Queensland and they will be the ones to deal with the investigation or pass on to other WHS authorities such as WorkSafe or WorkCover.

There are a number of various powers and functions of a regulator written under the Work Health and Safety Act 2011 Section 152-155. The regulators powers and functions ensures WHS legislation is regulated within the workforce. Regulators enforce and promote health and safety laws and are responsible for improving WHS in QLD and investigate serious injuries or fatalities. The regulators inspect workplaces, provide advice and support and have the power to take action against anyone who breaches legislation. The regulator assists with court proceedings for example if the courts are dealing with breaches the regulator can approve codes of practices and provide advice and support. As for a construction landscape company such as TLCC, WHS Queensland can be beneficial because there can be quite a lot of legislation and laws to comply with on site and can vary from site to site due to different scope of works.

3.0 INDIVIDUALS AND PARTIES

3.1 WORKERS

The law imposes certain WHS duties for workers in the workplace. Under section 28 of the Work Health and Safety Act 2011 (Qld) workers are required to take reasonable care of their own health and safety as well as others around them. They are also required to comply with directions from their PCBU and follow policies and procedures for health and safety which will enable them to comply with WHS laws.

Workers' are given basic rights under WHS laws: right to refuse unsafe work, right to request a health and safety representative and they also have the right to be consulted in the workplace during the decision-making process regarding their health and safety. Therefore, for workers to meet all their obligations it is required that they cooperate with their PCBU this includes wearing PPE provided, not intentionally or recklessly interfere with or misuse anything provided for WHS, and follow any processes and systems regarding the policies and procedures of the company. Workers can assist with the preparation of SWMS and other WHS procedures and practices by contributing ideas and experience to proposed control measures.

3.2 PERSONS CONDUCTING BUSINESSES OR UNDERTAKINGS (PCBUs) OR THEIR OFFICERS

Person conducting a business or undertaking (PCBUs) hold the primary duty of care, so far as reasonably practical, to ensure the health and safety of workers and others that might be at risk at the workplace. Under Section 19 of the Work Health and Safety Act 2011 (Qld) it is outlined that PCBUs also have a duty to inform the WHS regulator of incidents as soon as they occur, allow access for all WHS members with entry permits into workplaces and a duty to consult with workers and implement a process to be followed for consultation. PCBUs lead the way in setting the highest practicable standards by providing PPE, providing and maintaining safe plant and structures, providing and maintaining a safe work environment, providing adequate facilities and providing correct training and information to protect all persons.

PCBUs are entitled to exercise the following rights:

- The right to apply to the commission for a WHS entry permit held by a person
- Request the review and appeal improvement or enforcement notices
- Immediate notification of a direction by the health and safety representative on an issue to stop work.

It is important that PCBUs have taken reasonable steps in preventing risks in the workplace. This can be implemented through processes, policies, procedures or systems. Meeting these obligations will ensure all members of the company will be trained and aware of what is required of them regarding WHS and therefore will result in compliance with legislation and standards. It is an important obligation of PCBUs that they keep proof of training, policies and document any changes to the systems as part of meeting legislation requirements.

4.0 COMPLIANCE

Workplaces are required to keep all the policies, procedures, processes and systems up to date with existing and changing legislation. They need to be modified so that they include changes in all legislation, regulations or code of practices or even changes in the workplace.

WHS policies, procedures, processes and systems can be reviewed and this can be done internally or externally through audits. By implementing an Integrated Management System (IMS) this enables compliance to the requirements of AS/NZS 4801:2001, and assists with developing and maintaining company policies and procedures. Management reviews and external audits can provide feedback and assist in recognising opportunities that can affect the company as well as legislation changes. It is highly recommended to seek professional advice by subscribing to industry newsletters, receive Workplace Health and Safety Queensland updates or checking WHS websites regularly.

Consultation between the workers and PCBUs is one of the objectives of WHS legislation and is a code of practice. As well as helping the business grow, consultation is essential to ensure WHS compliance and effective implementation of legal requirements. It means all levels of the workplace can have an input and be involved in planning and implementing any changes. To ensure compliance can be achieved all information must be communicated in ways that individuals can understand and relate to.

Finally, a great way to maintain compliance is by collecting paperwork each day from worksites and checking this against legislation requirements. You can also use this paperwork to identify any changes that need to be made within the workplace to help improve WHS.

There are many ways workers and PCBUs are assessed for WHS compliance with legislation. Workers and PCBU's can be assessed by participating in training and education mandatory to their specific role in the company and industry where they can receive certificates and licences. Records of training needs to be documented, collecting paperwork from workers and PCBUs at the end of the day can cover different requirements and these can also be checked against legislation. Maintaining current

safety and training registers and to make available to others as relevant and as required is vital in maintaining compliance.

It is important all training needs are assessed for both workers' and PCBU's so that training support can be provided. This is done by determining what WHS training needs are required for each individual to ensure WHS requirements are met. There is a number of ways in which training needs are assessed such as through supervision or monitoring, auditing, using checklists and collecting paperwork from all sites each day. For each job that TLCC is awarded the project scope can be checked to determine what training is required such as working at heights or if asbestos permits are required. These different ways of assessing training needs can identify where workers and PCBU's may need more specific training and can determine competencies and gaps in WHS knowledge and skills.

The workplace provides support for workers' and PCBU's training needs by providing specific training and health and safety information specific to their job, their workplace, the risks and how to control the risks. Training also needs to be easy to understand for all individuals, so they have knowledge and skills to fulfil their duties and obligations outlined in the WHS Act.

Support can also be provided by supervision or monitoring and regular refresher training. Specific training on codes of practices and guidance material that will assist in creating a pro-active WHS environment and assist in legislation compliance. Providing training to workers regarding relevant HOIN events and actions is also a way for individuals to learn. To meet training needs it can be as simple as providing skills to assist in accessing information explaining what they are required to do such as toolbox training. However, there are requirements under legislation, such as obligations to train health and safety representatives under *section 72 of the Work Health and Safety Act 2011 (Qld)*. Training can be done internally or externally with the help of external bodies.

5.0 CONCLUSION

The philosophy of our organisation is to ensure that our work is undertaken safely. We aim to lead the way in work health and safety within our industry. WHS is extremely important in our company because of the level of risks involved in different tasks our workers are required to do. Field staff everyday are completing tasks that can involve heavy lifting, machinery, tools or manual handling. It is important to develop, implement, evaluate and improve health and safety policies and procedures within our company so that it will result in a healthy work place for workers or other persons by ensuring compliance with the requirements under WHS legislation.

WHS legislation requires that some parties hold a duty of care to prevent harm from occurring in the workplace although these duties will vary. PCBUs and workers hold duties of care specific to their relationship with the company and what their specific roles. The same goes for the rights and obligations that are outlined in legislation as these may vary due to the level of involvement.

Legislation identifies workers duties:

- required to take reasonable care of their own health and safety as well as others around them
- required to comply with reasonable directions from their PCBU
- follow policies and procedures for health and safety which will enable them to comply with WHS laws.

Legislation identifies PCBUs duties:

- hold the primary duty of care, so far as reasonably practical, to ensure the health and safety of workers and others that might be at risk at the workplace
- a duty to inform the WHS regulator of incidents as soon as they occur
- a duty to allow access for all WHS members with entry permits into workplaces
- duty to consult with workers and implement a process to be followed for consultation.

Legislation identifies workers' rights:

- right to refuse unsafe work
- right to request a health and safety representative
- they also have the right to be consulted in the workplace during the decision-making process regarding their health and safety.

Legislation identifies PCBU's rights:

- The right to apply to the commission for a WHS entry permit held by a person
- Request the review and appeal improvement or enforcement notices
- Immediate notification of a direction by the health and safety representative on an issue to stop work.

Training needs need to be addressed so that individuals have knowledge in legislation and their duties and obligations which are specific to them and their tasks in which they carry out in workplaces.

Instructions, inductions and training are important to new workers as well as refresher training for existing workers in how to manage the risks involved in carrying out specific tasks, as well as providing them with the knowledge and procedures necessary to ensure that they can perform their work in a safe manner. This is important because if all individuals are trained in the workplace it enhances WHS in the workplace and reduces the risk of injuries while complying with legislation. If we don't could cause:

- Loss of our ISO accreditation
- Harm to people
- Financial loss for the company
- Asset damage
- Loss of reputation and business

Therefore, it is important for workplaces to be compliant with legislation and have procedures and controls in place to identify hazards, assess risks, control risks and raise issues with responsible persons.

In conclusion, maintaining WHS compliance is important to protect workers and all persons from harm and provide a comfortable, safe environment in which to perform all duties.

Outcome for Activity 3	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

QUIZ

QUESTIONS	CORRECT
1. What are the objectives and principles underpinning WHS? Select the most appropriate response. ☐ To ensure that people receive a large compensation payment when injured ☐ To create barriers for businesses in their day-to-day operations ☒ To assign responsibilities and confirm rights of those in the workplace, with regards to safety ☐ To provide specific ways in which everything in the workplace must be conducted	☐
2. When providing advice on WHS in the workplace, which of the following sources would you refer to for guidance? Select all that apply. ☐ Inspectors ☒ Legislation ☒ Codes of practice ☒ Policies and procedures	☐
3. Which of the following are functions and powers of the WHS regulator? Select all that apply. ☒ To enforce WHS law ☒ To promote compliance with WHS law ☐ To represent you in court if you breach WHS law ☒ To supply WHS equipment	☐
4. Which of the following methods can be used to advise others about WHS compliance? Select all that apply. ☒ Training sessions for all staff ☒ Emails about changes to laws ☐ A suggestion box to allow workers to raise inadequacies ☒ Having a legal advisor speak at a staff meeting	☐
5. Can all levels of a workplace (e.g. PCBUs down to the worker level) be involved in developing and implementing changes to workplace policies, procedures, processes and systems in order to achieve compliance? ☒ Yes ☐ No	☐

6. Order the following elements of the WHS legal framework from the most legally enforceable to the least legally enforceable (1 = most enforceable; 5 = least enforceable).

Rank (1 – 5)	Element
5	Policies and procedures
3	Code of practice
4	Standard
1	Act
2	Regulation

☐

Outcome for Quiz

☐ Satisfactory

☐ Not satisfactory

Trainer/Assessor comments

PRACTICAL TASK

You are required to have a suitable observer verify your ability to complete the following tasks. These tasks may be simulated or real.

TASKS		VERIFIED
A.	In writing, request an appointment with a legal advisor (e.g. WHS Regulator, union, lawyer) to clarify your interpretation of WHS requirements in your workplace, as outlined in your report (Activity 3).	☐
B.	Meet with legal advisor and seek approval regarding your interpretation of WHS requirements in your workplace, as outlined in your report (Activity 3).	☐
C.	During the meeting, use suitable structure and language when providing, seeking and discussing WHS legislative information.	☐
D.	During the meeting, use questioning and active listening to clarify understanding.	☐
E.	Document WHS legislative and organisational advice from legal advisor, making changes to your report (Activity 3) using structure, layout and language suitable for audience.	☐
Name of observer		
Role of observer (Confirm their suitability to sign)		☐ Trainer/Assessor ☐ Other (specify):
Phone number of observer		
Email address of observer		
Signature of observer		
Date		Click here to enter a date.
Comments		

Outcome for Practical Task	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	