BSBWHS401

Implement and monitor WHS policies, procedures and programs to meet legislative requirements

DATE

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SUCCESSION TRAINING

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Introduction

This unit describes the skills and knowledge required to implement and monitor an organisation's work health and safety (WHS) policies, procedures and programs in the relevant work area in order to meet legislative requirements.

It applies to individuals with supervisory responsibilities for implementing and monitoring the organisation's WHS policies, procedures and programs in a work area. These individuals have a broad knowledge of WHS policies and contribute well developed skills in creating solutions to unpredictable problems through analysis and evaluation of information from a variety of sources. They provide supervision and guidance to others and have limited responsibility for the output of others.

Harmonisation of WHS law

In 2010 all States and Territories agreed in principle to enact the legislation included in Work Health and Safety Legislation within their own jurisdiction.

The objects of harmonising work health safety laws through a model framework are to:

- protect the health and safety of workers
- improve safety outcomes in workplaces
- reduce compliance costs for business
- improve efficiency for regulatory agencies.

It is important to remember that workplace health and safety will still be regulated by State, Territory or Commonwealth regulators but that the legislation will be largely the same across all jurisdictions.

Progress on the harmonisation of the WHS Act 2011 for each state and territory can be viewed in the table below. Ensure you use the work health and safety (WHS) laws for your state.

Jurisdiction	Legislation	Date implemented	Variations
Commonwealth (Cth)	Work Health and Safety Act 2011	1 January 2012	No material variations. **Note**: The Commonwealth jurisdiction is different from the others, and the laws need to deal with potential overlap with state/territory WHS laws. In general the Cth WHS laws: • apply to businesses and undertakings of the Commonwealth, Commonwealth public authorities and Non-Commonwealth licensees—including if the work is carried out overseas • require Commonwealth duty holders to consult, co-operate and co-ordinate activities with other state/territory-based businesses that have a duty under a corresponding state-based WHS law, and • make special provision to deal with national security, defence and AFP operations. For more information on features unique to the Commonwealth jurisdiction see *Consultation Paper—Commonwealth Work Health and Safety Bill 2011*.
Commonwealth	Work Health and Safety Regulations 2011	1 January 2012	Creates a new, transitional entitlement to bridging training for Health and Safety Representatives (HSRs) (reg 21).

<table>
<tr><th>Jurisdiction</th><th>Legislation</th><th>Date implemented</th><th>Variations</th></tr>
<tr><td>Australian Capital Territory</td><td>Work Health and Safety Act 2011</td><td>1 January 2012</td><td>Amended s 274(2) to facilitate adoption of the ACT asbestos regulation and enable the Minister to approve codes of practice for the management, control or removal of asbestos or asbestos containing material.</td></tr>
<tr><td>Australian Capital Territory</td><td>Work Health and Safety Regulations 2011</td><td>1 January 2012</td><td>Omits model Chapters on hazardous chemicals and Major Hazard Facilities, instead preserving arrangements under the Dangerous Substances Act 2004and Regulations. Except:
• 30 September 2014—prescribes VET course Asbestos Awareness, for certain workers that work with or may work with asbestos
• 31 October 2014—requires notification of ‘demolition of a structure or part of a structure that contains, or has contained, loose-fill asbestos insulation’
• 31 October 2014—requires licensed asbestos removalists to give written notice at least 5 days before commencing work on a structure, or part of a structure, that contains, or has contained, loose-fill asbestos insulation, and
• 3 December 2014—adds model asbestos regulations subject to transitional arrangements and several changes:
  ○ An appropriately licensed asbestos removalist is required for the removal of all asbestos or asbestos-containing material (ACM)—that is, there is no exception for work involving 10 square metres or less. The only exception to this will be if the removal is non-friable asbestos or asbestos containing dust incidental to ‘minor or routine maintenance work, or other minor work’.
  ○ replacing references to ‘competent person’ with ‘licensed asbestos assessor’ to clarify that all asbestos assessment, clearance inspections and air monitoring must be provided by a licensed asbestos assessor, and
  ○ requiring that a person with management or control of a workplace must assume asbestos is present if an approved warning sign is present (e.g. this will be the case if the premises is known to have contained loose fill asbestos).
  ○ Special requirements in relation to loose-fill asbestos insulation address the Territory’s ‘Mr Fluffy’ legacy.
• Creates additional infringeable offences under the construction chapter—in response to the Getting Home Safely Inquiry.</td></tr>
<tr><td>New South Wales</td><td>Work Health and Safety Act 2011</td><td>1 January 2012. Laws relating to officers' due diligence duties took effect in June 2011</td><td>Note: The laws in NSW deal with co-regulatory arrangements as there are two regulators for WHS – one for mining and another for all other workplaces.
• Clarifies relationship with mines inspectorate (s 162A).
• Enables union prosecutions of Category 1 or 2 offences—but only if WorkCover NSW has declined advice from the Director of Public Prosecutions to prosecute (s 230(3)).
• Enables prosecutions to be brought by an Australian legal practitioner on behalf of an authorised person (s 230(1A)).</td></tr>
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Jurisdiction	Legislation	Date implemented	Variations
			• Eases requirements for information sharing between the general WHS regulator in NSW and NSW Mines and Coal WHS regulators (s 271A).
New South Wales	Work Health and Safety Regulations 2011	1 January 2012	• Enhanced security requirements for Major Hazard Facilities (MHFs)—including requirements for MHF operators to consult with, and have regard to the advice of, NSW Police (reg 558A). • View information on transitional arrangements.
Northern Territory	Work Health and Safety (National Uniform Legislation) Act 2011	1 January 2012	No material variations.
Northern Territory	Work Health and Safety (National Uniform Legislation) Regulations	1 January 2012	View information on transitional arrangements.
Queensland	Work Health and Safety Act 2011	1 January 2012	• Omits HSRs' power to direct unsafe work cease. • Requires HSRs to give 24 hours' notice of an assistant's entry plus prescribed information (ss 68(3A) – (3C), 71(5A)). • Omits the requirement to provide the regulator with an up-to-date list of HSRs (s 74). • Requires WHS entry permit holders to provide 24 hours' notice of entry to inquire into a suspected WHS contravention (ss 119, 143A). • Requires WHS entry permit holders seeking entry to consult and advise workers to give notice to both the relevant PCBU and the person with management or control of the workplace (s 122(1)). • Prescribes a process for the disqualification of HSRs (Subdn 4A, Part 5). • Omits the pre-requisite for tripartite consultation before a code of practice can be made, varied or revoked for purposes of the Act (s 274).
Queensland	Work Health and Safety Regulations 2011	1 January 2012	• Adds notice and information requirements for HSRs proposing to bring an assistant on-site (reg 20A). • Enables the regulator to keep a public register of high risk work licensees and accredited assessors for high risk work (s 141A). • Omits audiometric testing regulations. • Includes pre-existing arrangements for demolition licensing (regs 143 – 144ZC). • Omits Part 4.7 (Electricity), instead making provision under the *Electrical Safety Act 2002* (Qld) and Regulations.

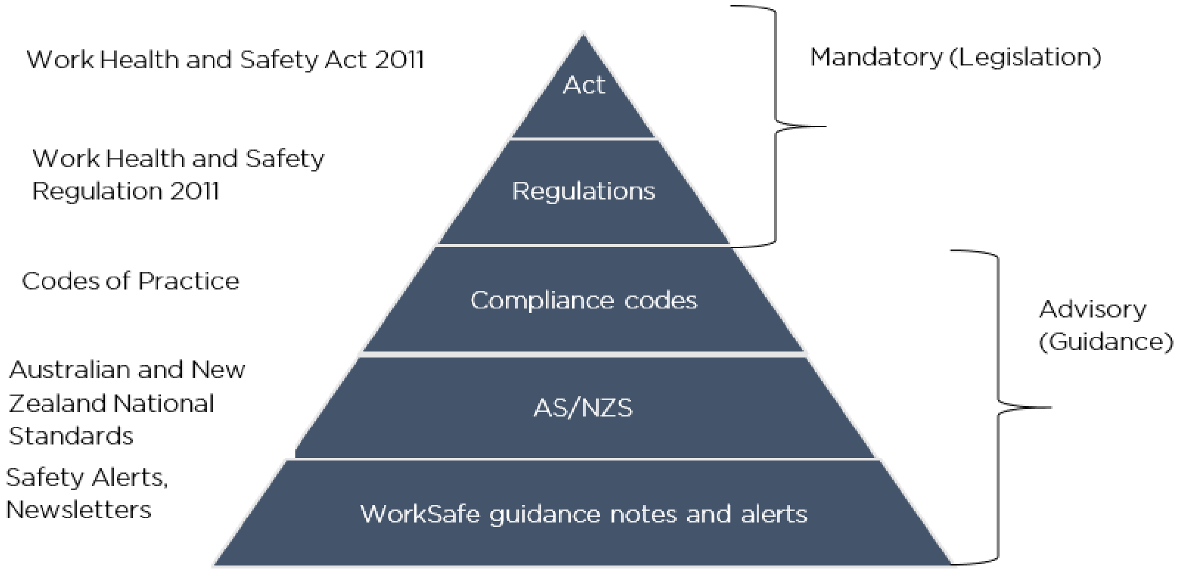
Jurisdiction	Legislation	Date implemented	Variations
			• Requires additional information in safe work method statements dealing with risks of falls over two metres—if only PPE or administrative controls are to be used (reg 299(4)). • Prescribes additional risk controls for construction work involving: ○ risk of falls and falling objects (regs 306B to 306J and 315B to 315M) ○ using ladders and platforms (regs 306K to 306O), and ○ erecting and dismantling scaffolding (regs 306P and 306Q). • Prescribes additional standards for amenities (e.g. toilets, meal areas, drinking water and washing facilities) for 'construction projects' (reg 315A, Sch 5A). • Requires asbestos registers to be kept for buildings constructed before 31 December 1989 rather than 31 December 2003 as mandated by the model (reg 425 and 447). • Streamlines the Class B asbestos removal licence requirements by: ○ exempting sole traders from the requirement to have a supervisor readily available (reg 459(b), 529(b)) ○ omitting requirements to formally nominate a supervisor to the regulator and use a nominated supervisor (regs 494, 466(4)(b), 507(1), 518, 520(1)(b), (2)) ○ removing additional certification requirements for supervisors(regs 494, 499, 518)—prescribed competencies for ordinary workers suffice ○ enabling any person with certification for the specified VET course for Class A or Class B asbestos removal work to carry out a clearance inspection for Class B removal work, and ○ allowing a person to carry out a clearance inspection if they were not involved in the removal of asbestos subject to the inspection (nb. the model requires this to be done by a separate business) (see definition of 'independent'). • Enables inspectors to direct clean-up of asbestos removal sites if a clearance certificate has been issued, but the site is not free of visible asbestos contamination (reg 474A). • View information on transitional arrangements.
South Australia	Work Health and Safety Act 2012	1 January 2013	• Clarifies the duty to manage health and safety risks only applies to the extent the person has capacity to influence and control the matter (s 17(2)). • Prescribes who may be an HSR's assistant, that is—another worker at the workplace, a person involved in the management of the relevant business or undertaking or a

Jurisdiction	Legislation	Date implemented	Variations
			consultant who has been approved by one of the specified persons or bodies (section 68(4)). • Increases HSRs' training entitlement to 3 and 2 days' training during the second and third year in the role respectively. If re-elected, all training entitlements can be re-taken as if they had no training at all (s 72(9)). • Requires WHS entry permit holders to notify the regulator of proposed entry if reasonably practicable, and to report-back to the regulator in accordance with the regulations if unaccompanied by an inspector during entry (ss 117(3)and (6))). • Makes WHS entry permit holders' rights to require copies of documents subject to direction by an inspector (if any) (ss 118(2)(a), 120(6)). • Retains the privilege against self-incrimination during health and safety investigations (s 172). • Requires the Small Business Commissioner to be consulted in relation to proposed codes of practice (including variations) that would affect small business if implemented. Any recommendations may be implemented, by-passing the tripartite consultation process that would otherwise apply (s 274(3)). • An approved Code of Practice is subject to disallowance by the South Australian Parliament (s 274(8).
South Australia	Work Health and Safety Regulations 2012	1 January 2013	• Prescribes notice and reporting requirements in relation to WHS entry permit holders' entry under section 117 of the WHS Act (regs 28(2) and (3)). • Requires safe work method statements to address risks of a person falling more than 3 metres (not the 2 metres specified in the model) (reg 291(a)). • Extends air monitoring requirements for Class A asbestos removal work to Class B asbestos removal as well, until 1 January 2017.
Tasmania	Work Health and Safety Act 2012	1 January 2013	No material variations.
Tasmania	Work Health and Safety Regulations 2012	1 January 2013	View information on transitional arrangements.
Western Australia	Work Health and Safety Bill 2014 (PDF)	Public comment is open until 30 January 2015	The Minister for Commerce has tabled the Bill in parliament and announced the opening of a public comment period for this draft legislation
Victoria	Not yet introduced	The Victorian Government announced it would delay harmonisation	(Safeworkaustralia.gov.au, 2015) For further information visit WorkSafe Victoria

Structure of WHS legislation

Under the harmonisation of the Work Health and Safety Act 2011, all jurisdictions will have differing interpretations of the Act and regulatory requirements. In saying this, they will all comply with the following structure outlined on the following page.

- The Act – what has to be done e.g. duties, framework, and administration?
- Regulations – how to meet the requirements of the Act e.g. licencing, registration, and specific controls.
- Codes of practice and guidance notes – advice on best practice (can be used in court for failure to comply with WHS even though not mandatory).
- Standards – advice on the minimum requirements.



WHS for the future generation

> *'By 2020, millennials are expected to form 50% of the global workforce and with a fifth of all work-related injuries already experienced by Australian workers aged 25 years and under, a new approach to your WHS training for this generation needs to be considered'.*

(Gallagher Bassett 2017)

Read the article below as a guide to understand what the millennial generation needs for effective workplace health and safety training.

[Millennials: How to get this booming generation pumped about safety training!]

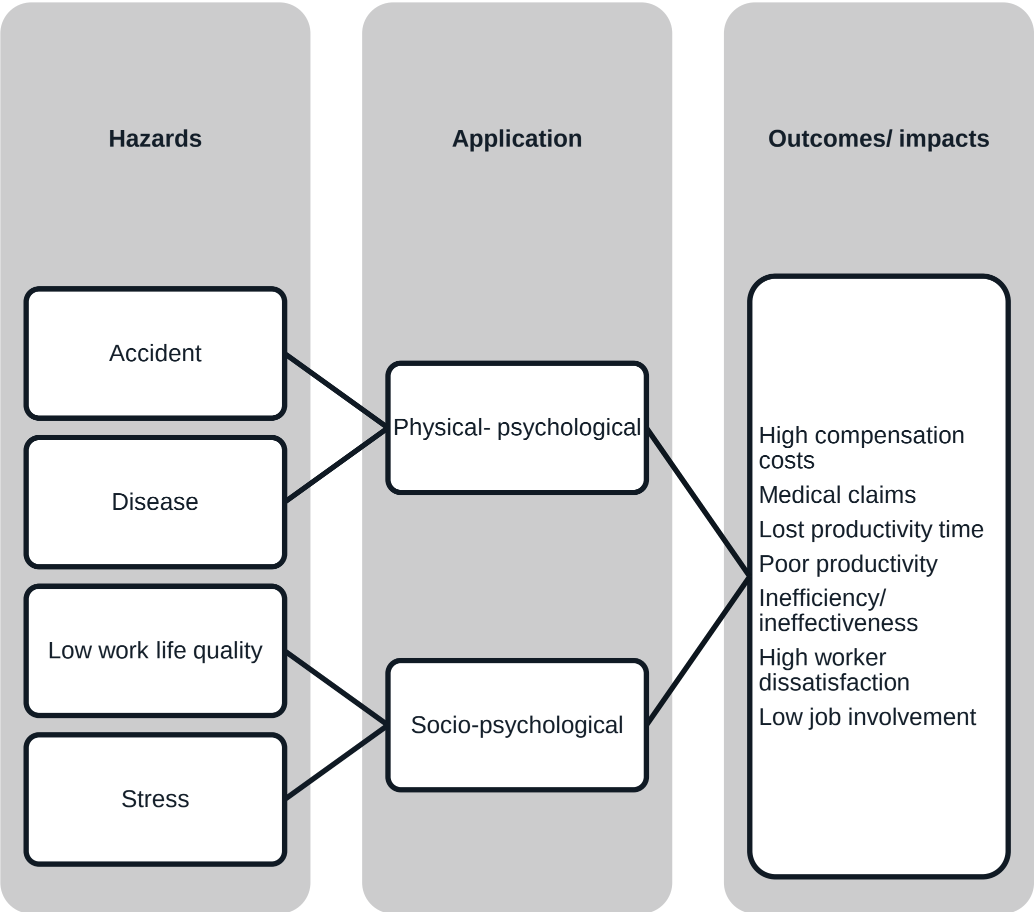
1 Provide information to the work team about WHS policies and procedures

1.1 Accurately explain to the work team relevant provisions of WHS Acts, regulations and codes of practice

Hint	This content may help you with Task one, question one and four of your assignment.

Efforts to improve safety in an organisation must include strategies to deal with the effects of both the physical and socio-psychological environments on health. The relationship between the workplace design/layout and safety naturally impacts the human component of work especially performance.

The ergonomic design of equipment, personalised workspaces for psychological and physical comfort, air circulation, appropriate lighting and the exchange of information in the workplace act to encourage skills development and enthusiasm for work. In order to meet health and safety requirements both the physical and psychological interactions between workers and management and between workers and their environment must be taken into consideration.



In 1950 a joint committee of the International Labour Organisation and the World Health Organisation defined occupational health as:

- the promotion and maintenance of the highest degree of physical, mental and social wellbeing of workers in all occupations
- the prevention among workers of health problems caused by their working conditions

- the protection of workers from the risk factors adverse to health
- adaptation of the workplace for the physiological and psychological health of workers.

The focus of health and safety legislation is therefore:

- improvement of the Australian working environment
- reduction of the incidence of occupational death, trauma and disease, with its unnecessary burden on community members (family and friends), and on the national economy.

This addresses the prevention of physical harm to workers. However, it extends to include the equally important aspects of psychological and socio-psychological worker welfare and interacts with areas such as Equal Employment Opportunity (EEO), anti-discrimination, racial vilification, harassment and other social justice, equity and industrial issues.

Under work health and safety legislation, employers are referred to as ‘persons conducting a business or undertaking’ (PCBU), though can be seen as the business entity itself and employees are referred to as ‘workers’. A PCBU has the primary duty of care for workplace health and safety.

They make important decisions on the resources and policies that will be made available to workers relevant to health and safety legislation. An officer of a PCBU must exercise due diligence to ensure that the PCBU complies with their duties under the WHS legislation. They are required to take steps that will support a health and safety culture, accountability and the allocation of resources and policies. Officers are people who make decisions or participate in making decisions that affect the whole or substantial part of an organisation and have the capacity to significantly affect the financial standing of the organisation. Officers are generally at a senior level within the organisation and must perform this duty.

Health and safety legislation has contributed to a significant change in the understanding of workplace health and safety responsibility issues. Where previously it was considered to be the workers' fault if they were involved in accidents, it is now recognised that the PCBU has a duty of care for all workers and that the PCBU is responsible for providing a safe and secure working environment. PCBUs are obliged to understand their liabilities and are compelled to look at their safety records because workers' compensation premiums are tied to the compensation record in each industry.

While the intention of health and safety legislation today is to move toward preventative rather than punitive measures, more recent legislations make those responsible for workplace safety personally accountable and liable for injuries and ill health of workers. That is, litigation which results in an assessment of negligence or liability can involve PCBUs, managers, supervisors or workers in personally attributed fines and gaol sentences. While not all workers and managers are aware of this responsibility, non-awareness is not a defence, thus the liability remains in force.

Culpability determines the responsibility and associated penalties for a breach of health and safety legislation. Culpability is determined through a judgement of the level of foreseeable risk and negligence in preventing harm.

That is, when harm occurs responsibility is determined by asking the questions below.

- Was this a foreseeable circumstance?
- Was it reasonable to expect the outcome and/or detect the hazard?
- Is there a causal link between the injury and hazard?
- Was prevention possible – was there a practicable and reasonable alternative?
- What reasonable (in terms of actions and of costs) steps could or should the PCBU have taken?
- Did the PCBU have knowledge of the conditions leading to the harm situation?
- Was there more the PCBU should have done?
- What was the most likely of an incident involving the identified hazard?

Legislative framework and aspects

This table looks at the organisations that enforce and administer health and safety legislation and those that manage workers' rehabilitation and compensation legislation in each state/territory.

State or territory	Health and safety	Workers' rehabilitation and compensation
Commonwealth	Comcare	Comcare
Australian Capital Territory	WorkSafe ACT	Chief Ministers Department
Northern Territory	NT WorkSafe	Department of Justice and NT WorkSafe
Queensland	Workplace Health and Safety Queensland Office of Fair and Safe Work Queensland, Department of Justice and Attorney General	Department of Justice and Attorney General
South Australia	SafeWork SA	WorkCover SA
Tasmania	Workplace Standards Tasmania	WorkCover Tasmania and Department of Justice
New South Wales	WorkCover NSW	WorkCover NSW
Victoria	WorkSafe Victoria	WorkSafe Victoria
Western Australia	WorkSafe WA	WorkCover WA

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009. Their primary responsibility is to work with the Commonwealth, state and territory governments to improve work health and safety and workers' compensation arrangements across Australia. They represent a partnership between governments, unions and industry, working together towards the goal of reducing death, injury and disease in the workplace. Safe Work Australia works to:

- raise awareness of work health and safety as a key issue in the community
- improve work health and safety, through understanding what influences Australian workplace cultures and then putting in place mechanisms to effect change
- harmonise work health and safety laws throughout Australia
- develop national work health and safety and workers' compensation policy, and
- identify opportunities for improvement in workers' compensation arrangements.

Safe Work Australia is not a regulator of work health and safety. The Commonwealth, states and territories have responsibility for regulating and enforcing work health and safety laws in their jurisdiction.

Safe Work Australia works in collaboration with state and territory governments, businesses, workers, employer and employee associations and industry groups with the aim to achieve the best possible approach to health and safety for all Australian workplaces.

Industry groups and employer/employee associations are listed below.

- Australian Council of Trade Unions (ACTU).
- Australian Chamber of Commerce and Industry (ACCI).
- COMCARE Australia (Commonwealth Public Service).
- Standards Australia.
- Australian Industry Group.
- Australian Manufacturing Workers Union (AMWU).

- Australian Nursing Federation (ANF).
- Australian Institute of Occupational Hygienists.
- Housing Industry Association.
- Master Builders Association (MBA).
- National Industrial Chemicals Notification and Assessment Scheme (NICNAS).
- National Safety Council of Australia (NSCA).

Other sources that supply information related to workplace health and safety are listed below.

- Fair Work Australia.
- The Dust Diseases Board.
- The National Road Transport Commission.
- The Workers' Compensation Resolution Service.

The listed sources can provide legislative and regulatory materials and advice. Many of them offer health and safety training and support materials. They might also offer interactive online learning for managers and workers.

Regulations

Regulations are the legal documents made under Acts. Regulations give more specific details on how the legislation is to be implemented. They must be followed.

Codes of practice

In addition to legislation, codes of practice provide documented advice on methods of achieving the minimum acceptable levels of safety performance to PCBUs in various industries. They do not have the same legal enforcements as legislation; however, if a breach of legislation occurs, the code of practice can provide prima facie evidence to show that a PCBU or worker has breached the duty of care they are given under health and safety legislation. They might be used to provide evidence that an organisation is not meeting minimum requirements, or alternately, if an organisation is prosecuted, but can prove that it has been following codes of practice, it is considered to be complying with its responsibilities.

Standards Australia is a private organisation which sets standards in consultation with overseas bodies and relevant Australian working parties. Standards are advisory or technical documents which delineate the minimum acceptable levels of performance or quality in relation to a specific hazard, work process, industry or product. Standards do not have legislative force unless they are called up in legislation, that is, they can become enforceable if they are made into legislation on the grounds of need.

Duty of care

Principle health and safety legislation in the states and territories contain duty of care obligations. Duty of care places into a legal form a moral duty to:

- anticipate possible causes of injury and illness
- undertake prompt actions to remove or minimise causes of harm, so far as is reasonably practicable.

Duty of care requirements are administered under what is known as tort law.

Tort law

Some industrial actions and some health and safety actions come under the jurisdiction of what is known as tort law. Tort law relates to negligence, responsibility and liability.

Torts are a civil wrong - an injury or harm constituting the basis for a claim by the injured party - which are recognised by law as grounds for a lawsuit. While some torts are also punishable under criminal law, the primary aim of tort law is to provide relief for damages incurred and to deter others from committing the same harms.

There are numerous specific torts including trespass, assault, battery, negligence, products liability, and intentional infliction of emotional distress. Torts fall into three general categories:

- intentional torts, e.g. intentionally hitting a person
- negligent torts, e.g. causing an accident by failing to obey safety rules
- strict liability torts, e.g. liability for making and selling defective products, i.e. products liability.

Duty holders must choose the most efficient means of controlling risk from a range of possibilities and be able to demonstrate that all that was practicable and reasonable was done to prevent harm. Factors taken into account to determine reasonable and practicable include:

- nature and severity of the hazard
- knowledge of severity of the hazard
- knowledge of solutions
- availability of solutions
- common standards of practice
- cost of solutions.

PCBUs, manufacturers, designers, suppliers, persons in control of workplaces and persons who erect or install plant and equipment, must, under their duty of care requirements, ensure:

- safe property (which includes premises-access and exits)
- safe plant, equipment, materials and substances (raw materials, chemicals, products, stock etc.)
- safe systems of work (which includes work practices, manufacturing processes, Standard Operating Procedures [SOPs] and administration procedures)
- safe people (which includes providing workers with suitable information, instruction, training and supervision).

Duty of care also applies to workers' rights to work in an equitable workplace with an environment that is, according to reasonable assessment, free of stress, discrimination and harassment. Legislation is not designed to put safety before profitability. Instead, it is designed to make safety a way to increase profitability by making it a core activity. The concept of reasonableness is included in the legislation, so that all persons with a duty of care are able to make sound business decisions balanced with safety requirements and so that culpability can be fairly determined.

Workers also have a duty of care with respect to their own safety and that of other workers or any other person who comes onsite or in contact with their business operations.

Duty of care is not restricted to activities within organisational boundaries. Be aware workers and PCBUs have a duty of care with regard to:

- waste and waste disposal
- environmental impact
- community impact.

Duty of care lays an expectation that harmful or potentially harmful impacts of organisational operations and activities will also be managed so as to avoid dangerous hazards and risks in these areas. It also extends to any person or group of people who come into contact with a business in the course of its operations such as customers, visitors and the general public must come under the same protective and preventative measures.

The WorkCover Corporation under health and safety legislation can impose a penalty on a company with poor safety and claims performance. This penalty can increase the company's WorkCover insurance premium by up to 50%. Where organisations persist in unsafe work practices a government inspector may be called to conduct a legislative audit. If the audit reveals non-compliance with legislative requirements, the inspector may issue:

- An interim improvement notice, requiring that a diagnosed violation be corrected within a specified time.
- A prohibition (shutdown) notice which stops activity until specific corrective action is taken (particularly if the activity is considered to be potentially life-threatening).
- An on-the-spot fine or penalty if there is a flagrant breach of health and safety responsibility.

1.2 Provide information about the organisation's WHS policies, procedures and programs, and ensure it is readily accessible to, and understandable by the work team

Hint	This content may help you with Task one, question two and four of your assignment.

Health and safety policies, processes and procedures directly contribute to reduced organisational costs and to productivity improvements. Workers who believe that their work environment is safe and secure and that their organisation cares sufficiently about their welfare to implement those policies, and ensure compliance, will work more efficiently and effectively. Health and safety is an integral part of successful and effective business management.

Health and safety programs should:

- be well structured with roles and responsibilities clearly allocated and understood
- be integrated into the organisation's strategic planning and into all operations plans
- be based on sound information supported by effective information management systems
- comply with reporting and recording procedures that ensure information is efficiently entered into and stored in the organisation's information management system
- be designed so that health and safety goals and objectives fit with, and support, organisational goals
- be an integral part of organisational, team and individual Key Performance Indicators (KPIs)
- be subject to monitoring, evaluation and review like any other organisational process
- comprise an important component of the continuous improvement and quality management cycles undertaken by the organisation
- comply with the need for updated information and techniques
- comply with legislative and industrial standards and requirements.

When developing a health and safety program consideration must be given to the type of organisation, type of occupation and individual needs.

An effective health and safety program will:

- contribute to decreased production costs and increased outputs
- increase and improve information sharing and communication procedures in the workplace
- improve operations effectiveness and efficiency
- build, maintain and improve effective, trust-based, reliable workplace relationships
- encourage mutual respect between workers and management
- reduce stress levels for both management and workers

- improve the organisation's public image and its relationship with stakeholders and the external environment
- help to consolidate policies and procedures which will assist with operational management
- improve job satisfaction levels.

1.1.1 Communicating and updating policies and procedures

In order to properly support health and safety procedures in the workplace, information must be accessible, clearly understood and shared throughout the entire organisation. Officers and workers need to know where to source health and safety information, both internal (policies, records, procedures) and external (legislation and requirements). They also need to know how to check both sources and information for validity, reliability, consistency and currency and how to use information management systems to record, store and disseminate information effectively.

Safety procedures, measures and requirements can be updated through in-house training, or through training delivered by expert consultants. This training should be reinforced at regular safety meetings, workshops, or at least as an agenda item at staff meetings. This will accomplish a variety of goals, as described below.

- Advertising to workers that officers and the company place a high value on worker safety.
- Providing workers with detailed information regarding company procedures and other safety requirements related to the work they do.
- Promoting team spirit and the notion that safety is really a team effort.
- Providing a forum for workers to ask specific questions.
- Creating opportunities to generate feedback from those who know what it is like to work with existing safety policies.

1.1.2 Safety incentive programs

While much has been written about the negative impact of incentive programs, they have been very successful for some companies; however, they need to be carefully structured. Keep in mind safety incentive programs are designed to promote enthusiasm about a company's safety efforts. Improperly run, incentive programs can turn into cut-throat, win-at-all-costs competitions that destroy any feelings of either safety or team unity. For example, pitting one group of workers against another to see which team can go the longest without a lost-time injury can cause problems. In some cases, workers will stop reporting accidents and injuries for the good of the team.

This behaviour defeats the purpose of a good safety program. It will work better to promote the positives. Consider providing awards for the best safety suggestion of the month or reward the team that does the best during a surprise safety audit.

Safety reminders

Supervisors, managers, and team leaders can provide constant reminders that they and the PCBU place a high priority on safety by simply making comments about good practices during daily walk-throughs.

Posters can be put on walls where they are visible and easily read. Posters should be direct, informative and eye-catching. Diagrams, charts or flow charts indicating step-by-step procedures for finding information, or basic principles for following health and safety procedures (for instance, manual lifting) might be extremely valuable.

Posters, charts etc. can quickly blend into the work environment and should, therefore, be changed and updated regularly.

Many companies also make use of a designated safety bulletin which keeps workers up-to-date on current company policies, health and safety regulations, etc. The contents of such bulletin boards will lose their effectiveness unless they are routinely updated.

PCBUs might consider instituting a safety suggestion system. Even if workers do not use it as much as the PCBU would like, the mere fact that the program exists can only boost safe attitudes.

1.3 Regularly provide and clearly explain to the work team information about identified hazards and the outcomes of risk assessment and control

Hint	This content may help you with Task one, question three and four of your assignment.

An essential step in the management of workplace health and safety is ensuring that all hazards are identified, the risks assessed, and effective control measures are developed and implemented. These also need to be communicated to work teams. The PCBU is responsible for regularly providing clear explanations to work teams about identified hazards and the outcomes of risk assessment and control. PCBUs can use a variety of media to communicate the information including those listed below.

Emails	Team meetings	Informal discussions with workers	Posters
Signage at hazard site	Intranet sites	Risk registers	Presentations
Minutes of health and safety committee meetings			

Work team meetings are an effective means of keeping everyone up-to-date with hazards and the outcomes of risk assessment and control as they provide a forum for workers to question and clarify the information as it is presented.

Signage at hazard sites immediately informs workers of a risk and is often a temporary control measure until the hazard can be removed or modified.

A risk register is a document used to record details of health and safety issues, actions and outcomes. It is generally accessible to all workers and might be paper-based or stored electronically.

Risk registers can include:

- a list of hazards or issues, their location and the people exposed to them
- a range of possible scenarios or circumstances under which these hazards may cause injury or damage
- nature of injury or damage that could be caused
- results of a risk assessment
- possible control measures for implementation.

2 Implement and monitor participation arrangements for managing WHS

2.1 Communicate with workplace parties the importance of consultation mechanisms in managing health and safety risks in the workplace

Hint	This content may help you with Task two, question one of your assignment.

Consultation is the fundamental element of a positive approach to health and safety in the workplace. Through consultation, managers and supervisors can become more aware of hazards and health and safety issues experienced by workers. Workers can also provide suggestions about how to solve health and safety problems.

Health and safety legislation requires effective consultation between PCBUs and workers. Consultation and participation is specifically referred to in Commonwealth and state legislation and includes directives such as:

- requirements for PCBUs and workers to reach agreements on arrangements in the workplace that relate to health and safety
- dispute resolution mechanisms
- protection for worker consultation, participation and representation rights.

PCBUs should consult with workers before changes are made in the workplace that might affect health and safety including when:

- workers identify hazards
- assessing any risk
- deciding on measures to control risks
- implementing controls
- reviewing the effectiveness of controls
- reviewing and developing policies
- investigating incidents
- changing work organisation, practices and procedures
- introducing new technology, machinery, equipment, substances and processes to the workplace
- identifying health and safety training needs
- reviewing job design and job redesign
- changing work layout and conditions.

PCBUs must consult with all workers, including contractors, subcontractors, labour hire workers, apprentices, work experience staff and volunteers on health and safety issues. They must also consult with other PCBUs, so far as is reasonably practicable, if their duty of care overlaps with theirs.

Consultation can be encouraged through the establishment of health and safety committees (HSCs) and/or the appointment of health and safety representatives (HSRs). Active contribution from workers or their representatives should be sought and incorporated into operations. This is important as they are the ones who work with the processes know them best and therefore are in a position to know what safety factors relate to those processes. Workers are also the people who are at risk and therefore should be entitled to an opinion on how safety programs will be designed, developed, monitored and evaluated.

Involvement of workers in decision-making encourages ownership, commitment and support. It also motivates workers to contribute to continuous improvement. It gives managers an opportunity to build effective relationships and indicates organisational respect and value for workers' opinions and experience.

2.2 Apply consultation procedures to facilitate participation of the work team in managing work area hazards

Hint	This content may help you with Task two, question two of your assignment.

Consultation is a two way process between employees and PCBU's. Communication about health and safety is given high priority. Health and safety issues are addressed by:

- expressing concerns
- listening to managements concerns
- seeking and sharing views and information
- PCBU's considering what workers may say before making a decision.

Consultation is a legislative requirement under section 48 of the *WHS Act 2011*.

Consultation can be done in various ways and does not specifically require a formal process, it can be as simple as communication between staff and management on a frequent basis about WHS. An organisation is required to set up a Health and Safety Committee (HSC) if:

- requested by five or more workers
- requested by a HSR
- directed by the jurisdictional authority
- at their own discretion.

Consultation procedures to facilitate participation of the work team in the management of work area hazards include:

- attendance of health and safety representatives (HSRs) at management and health and safety planning meetings
- early response to work suggestions, requests, reports and concerns put forward to management
- election of health and safety representatives in accordance with legislative requirements
- formal and informal meetings
- health and safety committees
- individual performance management processes
- other committees such as planning and purchasing
- requirements as specified in Commonwealth and state/territory legislation, regulations and codes of practice.

2.2.1 Health and safety representation

Health and safety legislation provides for the election of health and safety committees (HSCs) or health and safety representatives (HSRs). HSRs will depend on whether the workers determine the support of such representation necessary and depending on the numbers of people working in an organisation.

Other factors can include:

- geographic layout
- shift arrangements
- type of work undertaken
- nature of the workplace
- consultative arrangements/mechanisms utilised.

Such representation is intended to formalise the mechanisms for consultation and cooperation between management and workers.

2.2.2 Health and safety committees

Health and safety committees encourage workers and management to work together to develop and monitor health and safety programs and to resolve any health, safety and welfare issues. A HSC must have at least 50% elected worker representation.

The main function of the HSC is to facilitate cooperation between PCBU and workers. Other roles of the HSC are to:

- help develop and distribute policies, practices and procedures that promote health and safety in the workplace
- act as a problem-solving group and help with the identification, assessment and control of hazards in the workplace
- help resolve health and safety issues in the workplace
- assist with the planning of setting of priorities for controlling hazards
- review the management of injured workers and their rehabilitation programs
- assist in the employment of workers with a disability.

Health and safety committees should not be dealing with specific health and safety problems unless the problem cannot be resolved between the supervisor and HSR at the workplace.

A HSC will:

- have goals, objectives and plans
- keep accurate records
- make use of expert advice
- ensure members listen to each other
- include a senior representative of the PCBU on the committee
- manage the safety system
- communicate with workers and seek feedback.

A health and safety committee does not have statutory power to enforce the decisions or a recommendation it makes as it acts largely in an advisory capacity. Therefore, for a HSC to have credibility with the workers it represents, it is essential workers be kept fully informed of its activities and progress. Keeping workers informed also helps maintain awareness and interest. A HSC is more likely to attract greater worker support if it is visible.

A HSC is an integral part of organisational systems and its effectiveness should be regularly assessed and evaluated.

Where there is no committee the processes applicable to HSC's contribution should be examined, or alternately, the efficiency of the HSR should undergo evaluation.

2.2.3 Health and safety representatives

Health and safety representatives play an important role in the partnership between PCBUs and workers by ensuring that workers have the opportunity to participate in decisions affecting their health and safety at work. PCBUs have a legal responsibility to enable the election of a HSR if it is requested by one or more workers.

The role of HSRs is to:

- promote the health and safety at work of workers in their work group
- inspect the workplace
- accompany an inspector (from the regulator) during an investigation
- represent the members of the work group in health and safety consultations with the PCBU
- investigate health and safety issues and complaints
- initiate emergency stop-work procedures
- issue a provisional improvement notice (pin) (if they are trained to do so).

A PIN is a formal notice from a HSR to the PCBU or a worker, advising them that there is a health or safety problem in the workplace. It is a legal document, though there is not one single template as each jurisdiction has a different template for a PIN. Failure to comply with a PIN can lead to enforcement measures by the regulator.

The role of the HSR also involves negotiation on behalf of workers to improve conditions, resolve concerns and issue: related to the work environment or workplace practice-and report back to workers on results and outcomes. The same credibility requirements apply to HSRs as to HSCs.

A worker, HSR or HSC member cannot be victimised or discriminated against because of their role or stance on safety.

External consultation

PCBUs and workers might need or choose to involve external parties in the consultation process. They might consult legislation and the bodies who incorporate the legislation to clarify compliance requirements. In some cases qualified consultants with a specialised knowledge of workplace health and safety might also be used to facilitate the process.

2.3 Promptly deal with issues raised through consultation, according to organisational consultation procedures and WHS legislative and regulatory requirements

Hint	This content may help you with Task two, question three of your assignment.

Consultation with workers enables problems and issues to be raised and discussed. Part of the role of HSCs and HSRs is to participate in monitoring and evaluation and to provide liaison between workers and management in any instances where worker concerns require resolution. These representatives should undertake further investigation and consultation to evaluate the seriousness of the issues, and then negotiate with management to resolve problems.

2.3.1 Industrial issues

Some health and safety responsibilities are held under common law and tort law, rather than criminal law and are usually under the heading of industrial issues.

Industrial issues include both the formal and informal dealings of all parties in relation to the employment contract and workplace practice. Health and safety matters, as industrial issues, are subject to the rulings, guidelines and frameworks laid down in workplace relations legislation. They are, to some extent, enforceable by law and by the relevant workplace arbitration in each state/territory. There are also other workplace issues, related to interpersonal or conflict issues, award and wage agreements, unfair dismissal etc. These are further administered by arbitration.

Fair Work Australia is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to:

- the safety net of minimum wages and employment conditions
- industrial action
- dispute resolution
- enterprise bargaining
- termination of employment
- other workplace matters.

Issues related to Equal Employment Opportunity (EEO), harassment, and discrimination may be either health and safety or industrial issues. Equity, discrimination or harassment of any kind (not only racial or sexual), vilification, victimisation, bullying and excessive stress levels (which include areas such as employment conditions, unfair dismissals etc.), are all seen as health risks, therefore come into the structures of workplace relations.

When a worker has an issue or grievance the process should involve consultation and negotiation with the supervisor, the HSR, HSC, or with human resources (HR) personnel within the organisation. Worker reports, complaints, grievances or issues related to safety and safety conditions should be recorded, and each step in the resolution process should also be recorded. Health and safety representatives should be involved in the resolution process, as it is their task to represent the worker and to act as the communication link between worker and PCBU.

Issues pertaining to physical or psychological problems which cannot be resolved through negotiation can be processed through arbitration. It is in the interests of the organisation to manage grievances and disputes within the workplace, as the conciliation process can be time-consuming and costly, impact negatively on productivity and generate distrust and discontent amongst workers and other stakeholders. Thus an effective health and safety program will have specific and communicated grievance procedures. Worker grievances will be taken seriously, treated with respect and followed through to a satisfactory solution.

2.4 Promptly record and communicate to the work team the outcomes of consultation over WHS issues

Hint	This content may help you with Task two, question four of your assignment.

Communication is a two-way process. Therefore, the obstacles to staff requesting WHS information may be created with the person requesting the information or with the person receiving the request.

When the outcomes of consultation over WHS issues have been determined it is important to record this information and communicate it to the work teams.

Outcomes may be determined by:

- action taken to resolve issue is completed
- administrative action is being undertaken
- referral to a regulatory body
- issuing of a PIN
- initiating the services of a WHS consultant.

When recording the outcomes it must document details including the consultation, minutes of the consultation, register of consultations and consultation action reports and register.

These documents outline information such as:

- dates
- participants
- issues raised
- proposed resolutions
- actions taken
- date resolution is implemented
- outcomes and results of these actions.

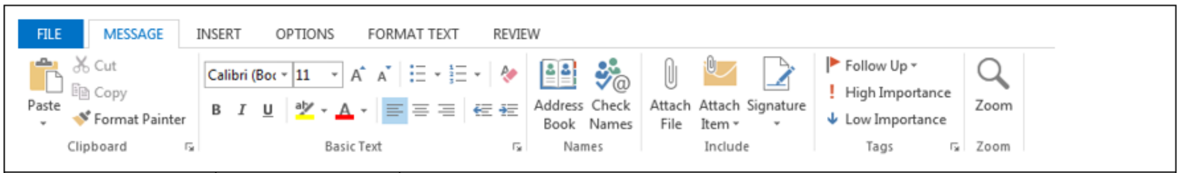
This information should be stored in both hard and soft copy in the office and on the company's network and intranet. It is a requirement under the WHS Act 2011 that records of consultation and the actions and outcomes taken to address the issues that were consulted for a period of two years unless otherwise specified.

It is important that as soon as the outcome is determined the workers of the organisation need to be informed within the time frames designated by the business. The information relating to the outcome of the consulted issue may include:

- the issue that was consulted
- the actions taken to resolve the issue
- the outcomes of the actions taken
- any relevant policy or procedural information
- where to located the consultation, resolution and outcome records.

This information may be communicated to staff by email, a memo, in a staff newsletter or team meetings.

Example
Workplace communication is a judicious task and it can be difficult to know where to start. Below is an example of a workplace email and an example of a consultation letter. Remember that you can use these and many forms of communication to your staff – think about the most effective method for that situation, i.e. who is receiving it, how much information is essential, does it require written agreement.



Send	To	WHS Team
	Subject	Performance management for all employment situations

Hi WHS team,

I have facilitated a WHS consultation this morning with the Café staff to manage the work hazards in their area.

A number of staff mentioned that the floors have been extra slippery in the last 2 weeks, since the flooring was replaced. This needs to be investigated immediately, as it poses a serious and frequent risk.

Please advise on the decision from the team, so that we can consult on our proposed solution.

Regards
Human Resources Manager

Consultation outcome letter

To café staff,

The following issue was raised by your team in the WHS Consultation:

A number of staff mentioned that the floors have been extra slippery in the last 2 weeks, since the flooring was replaced. This needs to be investigated immediately, as it poses a serious and frequent risk.

After the WHS consultation, this issue was taken to the WHS team to determine a solution. After consideration of all factors, we have decided that the flooring should be given a risk rating of 'high' and the risk should be controlled immediately. Post assessment and with approvals, the flooring will be replaced.

As an extra risk control, please only wear gripped shoes to work until this is resolved.

If you are satisfied with this outcome, please communicate your response by close of business tomorrow.

Regards

Joe James

WHS Officer

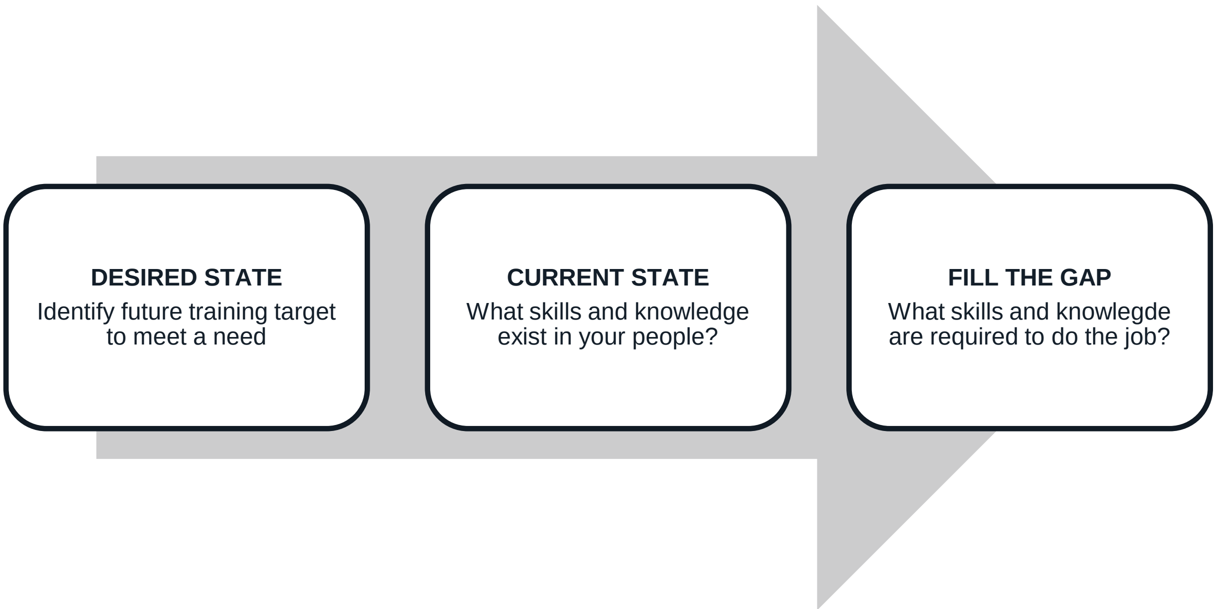
3 Implement and monitor organisational procedures for providing WHS training

3.1 Identify WHS training needs according to organisational requirements and WHS legislative and regulatory requirements

Hint	This content may help you with Task three, question one of your assignment.

A training needs analysis (TNA) is the formal process for determining the gap between the current and the required skill and knowledge level of workers to enable them to perform their tasks.

The TNA process provides organisations with an accurate overview of workforce training requirements to enable them to identify training needs within the organisation. They also assist with training vendor selection and budgeting, and can help to improve worker retention levels and overall worker satisfaction.



Useful tools to help identify knowledge, skills and standards include:

- industry standards
- competency standards
- training and assessment records
- licence requirements
- discussion
- skills auditing
- benchmarks
- job descriptions
- standard operating procedures (SOPs)
- evaluation
- policy and procedure manuals

- existing training programs.

After establishing the required skills the current skill level of the work team must be assessed. Methods for establishing the current skill level can include:

- direct observation
- question the worker about work tasks
- feedback from supervisors
- formal assessment
- examine existing assessment reports
- examine employment records
- formal interview.

The gap between the required and existing skills is where training should be targeted.

The following steps should be taken to develop and implement a training plan.

- Analyse the survey results.
- Create a worker training profile.
- Develop a training development plan.
- Communicate the training development plan to all employees.
- Implement the training.
- Evaluate the training effectiveness.

A TNA for health and safety training needs can be conducted in a variety of ways, as described below.

- All workers complete a survey or questionnaire about their health and safety training needs.
- Members of the HSC are surveyed, results collated, outcomes discussed and training planned.
- HSRs complete a survey after consulting with members of their designated work groups.
- Health and safety training could be discussed at a management meeting or a training committee.

A TNA should be completed by all levels/roles in an organisation. The results can then be compared for similarities and inconsistencies and identify any issues regarding health and safety.

Consultation between managers, supervisors, HSCs, HSRs and workers will help identify individual and work team training needs.

Training is part of the health and safety hierarchy of control and is a required activity. It complements the other safety controls and enables workers to comply with legislative requirements.

A training program might involve:

- formal workshops and accreditation
- ongoing refresher courses and skills updates
- presentations at team, workplace or management meetings
- coaching, mentoring and the implementation of buddy systems.

Training could be delivered by internal facilitators or by external consultants and qualified personnel. Training might cover areas listed below.

- The performance of specific work activities.
- Health and safety responsibilities and roles.
- Legislative compliance and policies and procedures.
- Hazard and risk identification and reporting procedures.

- Workers' compensation requirements and applications.
- Resolution processes for issues and concerns.
- Conflict management and awareness of stress management needs.
- Design of safe workplace procedures.
- Awareness of the consequences of poor safety management.

Consider the training needs of an increasing generation in the workplace – the Millennials. Gallagher Bassett provide tips on how to deliver training requirements for this generation.

> *Millennials are seeking flexible, mobile, on-demand solutions when it comes to training, which may see organisations changing what they have done in the past. Now technology trumps paper. (Gallagher Bassett)*

3.1.1 Training records

Training activities should be recorded. Records relating to individuals who attended formal training should be kept for at least five years. Records should contain the name of the training participant, course attended, date and duration of the course, location and trainer's name. Competence results/assessment should also be recorded.

3.2 Make arrangements to meet WHS training needs of team members in consultation with relevant individuals

Hint	This content may help you with Task three, question two and three of your assignment.

In the workplace as a manager or supervisor, you may be required to develop a WHS training plan to meet the training needs of team members. To do this you will be required to make the required arrangements and consult with all individuals who are relevant to the WHS training needs.

Dependant on the results of your training needs analysis and the size of the business, a training plan could be straight forward or very complex. It is important to consider the following factors when developing a training plan.

- Budget allocation.
- Consultation with relevant people.
- Evaluation and review.
- Review of needs analysis.

3.2.1 Budget allocations

In the organisation, the budget allocated for WHS needs to be factored into the development of a training plan. The operation and/or business plan may outline what training is required and the specific amount allocated to training in the budget.

All training costs should be included in a WHS training plan and consultation undertaken with the relevant persons in the business

3.2.2 Consultation with relevant people

It is essential that you consult with workers about any and all planned training. You must ensure that the training is suitable for them and is delivered in a way that meets their needs.

One important thing that must be done is ensure that workers understand the benefits that they will receive from the training and understand their requirements under the WHS Act.

You should also follow your businesses policies and procedures regarding the approval of the training needs plan. There may be WHS training plans already established by the business that you could build upon. Ensure you consult the relevant people about the WHS training needs that need to be met. This can include:

- workers requiring training
- department managers
- executives
- WHS officers
- Human Resources.

Training plan framework

The first step is to identify what are the training needs in regards to WHS. This can be conducted by reviewing the training needs analysis you have recently completed. The next step is to develop a training plan, this should include:

- the training required
- workers requiring this training
- time lines for the training
- a time line for following up training.

An example of the training plan is below:

Employee/ Training	WHS Induction	Manual Handling	Emergency response	First Aid	Fire Warden
Tim P	Requires Induction	Not required	Has not done	Not required	Has not done
Jane Q	Completed	Has not done	Has not done	Has not done	Not required
Lyle R	Completed	Has not done	Completed	Not required	Completed

3.2.3 Training schedule framework

The schedule framework allows the scheduling of training dates to be laid out and is constructed by identifying when employees are able to attend and when they are unavailable and setting a common date.

Below is an example of a training schedule framework:

Employee/ Training	WHS Induction	Manual Handling	Emergency response	First Aid	Fire Warden
May	5th		1st	8th	15th
June	10th	18th		12th	
July		1st	7th		6th

In the frame work we have identified which dates are available for training. The next step is to develop an estimate of the cost of the training.

Training	Training/trainer cost	Staff wages	Room Hire	Resources	Total
WHS induction	$500	$200	$600	$90	$1,390
Manual handling	$100	$80	$0.00	$20	$200
Emergency response	$250	$150	$100	$50	$550
First aid	$400	$250	$400	$100	$1,150
Fire warden	$300	$100	$200	$30	$630
Total	$1,550	$780	$1,300	$290	$3,920

3.3 Provide workplace learning opportunities and coaching and mentoring assistance to facilitate team and individual achievement of identified WHS training needs

Hint	This content may help you with Task three, question two and three of your assignment.

Competency development is a strategic issue. The higher the learning and skills levels of workers, the greater the organisation's capability and efficiency. Training is effective when properly targeted and when organisational resources are used effectively to achieve targeted goals. Organisational training can include:

- specific job and task training (directly related to job specifications) to ensure that workers have the skills and knowledge they need to complete tasks in a competent and safe manner
- health and safety training (initial programs, updates and refresher courses)
- skills development (competency-based training) designed to increase worker skills
- personal and professional development opportunities through which workers can develop new and transferable skills and knowledge
- transition training for those moving in to new work or promotion areas.

3.3.1 Develop learning strategies

Training needs within organisations vary according to a number of conditions. When planning and promoting a training program it is important to target specific training needs. Non-targeted (or inaccurately targeted) training wastes time and money and will not provide the required outcome.

Planning should also include determining the best methods for addressing learning needs. This could be through formal or informal training, coaching, mentoring; program levels and content; on or off-the-job formats. Consider also:

- the change management procedures that should support learning
- the methods that will be used to implement learning and make it relevant to the organisation.

Many training initiatives fail because these two vital steps are overlooked. Learning normally leads to change. Change processes will succeed if they are initiated and managed so that all personnel are involved and committed. There is no point in training workers if they are not allowed to use their new knowledge and contribute to improvement in the workplace.

3.3.2 Coaching assistance

'A good coach is someone who will get you to do something you don't want to do; that you have to do; in order to reach your goals.'

Coaching is a useful way of developing an employee's skills and abilities, and improving their performance.

Coaching assistance can be provided to help achieve WHS training goals, by encouraging the following in training sessions.

- Focus on helping the coachee discover answers for themselves. People are more likely to engage with solutions that they come up with themselves, rather than those that are forced upon them.
- Build training achievements on confidentiality and trust. The coachee must be able to speak about all aspects of an issue or a challenge with their coach.
- Solution focused coaching – define a desired future and construct a path to achieve it. The following YouTube clip provides a good explanation of solution focused coaching: Solution focused coaching
- Team coaching – build effective relationships by understanding team members' needs, preferences, and styles of work, e.g. GROW model
- The GROW model

3.3.3 Mentoring assistance

Mentoring assistance helps people to increase their effectiveness, advance their careers, and create a more productive organisation. Being a mentor can be very rewarding.

Mentoring assistance can provide valuable in achieving WHS training goals. Encourage the following mentoring practices when facilitating WHS training sessions.

- Ask mentors and more experienced employees to pass on valuable skills, knowledge and experiences to junior or less experienced staff.
- Promote a training environment that allows staff to feel more confident and supported.
- Encourage all staff in training sessions to pass on valuable competencies to each other. This increases the organisations knowledge base and helps to build strong working teams.
- Developmental mentoring - the mentor is helping the mentee develop new skills and abilities. The mentor is to guide the mentee and help them grow.
- Listen actively, ask the right questions, provide feedback – good mentors read body language listen without judgment, and ask their mentees questions that make them think! Then they support the mentee as they seek to find the answers and provide constructive feedback along the way. The goal is to guide the mentee to a path that allows them to find the answer or reach a conclusion.

Millennials often don't use paper at all outside of work, so if your WHS training program involves a ring binder and an annual half day training course in a windowless room, you may need to switch it up.

Often the best way to teach a millennial is to challenge them to teach themselves. Having grown up with the internet, millennials are used to having information literally at their fingertips. (Gallagher Bassett)

3.3.4 Evaluate training outcomes

Measures of success on both individual and organisational levels are an essential element of training/learning. Monitoring and evaluation processes ensure that training achieves its objectives, the learning outcomes are met and the expected benefits are achieved.

Training and learning should be an integral part of the organisation's quality processes, therefore, it is necessary to measure and evaluate training success to determine the cost-effectiveness of training (return on investment) and the degree to which training contributes to organisational success. This applies to all of the training received by workers, including health and safety training.

A sound evaluation process will consider the factors listed below.

- The realism of the projected goals.
- The clarity of learning outcomes, information presented and the assessment procedures.
- Were trainer and trainee expectations were identified, expressed and met?
- Was the material presented at a suitable level, and was it challenging yet manageable?
- Was the training content interesting, stimulating and relevant?
- What effect has, or will it have, on productivity/productivity measures?
- What attitudinal changes can be expected as a result of the training?
- Was it cost-effective?
- Were the facilities, resources, consumables and environment conducive to effective training?
- Did the trainer/s demonstrate an in-depth knowledge of the subject matter?
- Were methodologies and techniques used suited to the adult learning situation?
- Were individual needs and preferences catered for and were all relevant variables considered?
- Was communication and training delivery clear and understandable?
- Were materials and tools used well and suited to the training and to the trainee needs?
- Were participants given appropriate opportunities to contribute to the training, to be involved and to practice new skills?
- Were the participants satisfied with the training/learning?
- Will the new learning provide participants with transferable skills?
- Were feedback methods, reinforcement of learning and the assessment methods used suited to the subject matter and to participant and organisational needs?
- Will training contribute to changes/improvements in profit ratios, efficiency ratings, customer/client techniques, increases in sales etc.?
- Did the program fit with future development needs and organisational goals?
- Was training format the most useful method for workers to develop new skills?
- Are trainers able to successfully demonstrate new learning and new skills?
- Did training comply with all health and safety factors?
- Were both facilitators and participants comfortable with the process?
- Does our organisation provide incentives for training and reward and recognition for learning achievement?

Once workers have had time to internalise their learning and put it into practice in the workplace, the success of health and safety training programs should have a visible and measurable effect on:

- demonstrated safe work practice
- demonstrated understanding of the reasons behind safety procedures
- reductions in the number of workplace accidents and incidents
- high levels of worker satisfaction
- increased perceptions of PCBU credibility provided training is backed up in policies, procedures, practice and resource allocation
- reduced attrition and absenteeism percentages, as they relate to health and safety issues and concerns (including stress associated problems).

Although it takes time for changes to be implemented and for improvements to produce observable results, the statistical incidence of accidents, incidents, absenteeism, and attrition can be readily observed and compared against, past performance in these areas. Thus, the organisation can make a reasonably accurate evaluation of whether training outcomes have been met and of training success.

3.4 Identify and report to management the costs associated with providing training for work team, for inclusion in financial and management plans

Hint	This content may help you with Task three, question four of your assignment.

To most organisations, benefits of investing in ongoing worker training are clear.

Training benefits include:

- process improvements
- cost savings
- improved profitability
- performance improvement
- behavioural improvements
- increased worker satisfaction.

Another major benefit is preventing workplace accidents and incidents. They occur in a wide range of situations which can generally be grouped under causes related to:

- equipment and machinery at work
- the working environment
- work methods.

Health and safety is increasingly recognised as an issue of national, economic and social importance. Where industrial action or litigation results from workplace health and safety issues the conciliation and resolution procedures can be extremely costly. Indirect costs are included in the list below.

- Time lost by others in providing assistance and repairing damage.
- Time lost by workers and supervisors on reporting, processing reports and administration cost of investigations.
- Possible property loss or damage, with associated down-time and repairs.
- Replacement worker costs-recruitment, selection, induction and training.

- Man-hours spent in cleaning up accident areas.
- Time lost by workers receiving first aid.
- Loss of skill and experience.
- Lowered production of worker replacement.
- Overhead costs while production is stopped.
- Possible loss of bonus or payment of forfeiture for delays.
- Loss of product/service quality and output.
- Costs involved in environmental repairs or addressing environmental issues related to accidents.
- Idle time of workers whose work is interrupted.
- Damage to the organisation's reputation/image, with resultant unfavourable public relations and loss of goodwill.
- Increased labour conflict and industrial relations problems.
- Lowered worker morale and higher levels of worker discontent.

Intangible costs on a personal level cannot determine a quantitative amount.

- Guilt and feelings of helplessness (injured person/s and supervisors/managers/other workers).
- Pain, suffering and depression affecting the injured person, family, friends and community.
- Loss of self-esteem for injured person/s-inability to continue working in an occupation they enjoy.
- Involvement in legal proceedings and resultant stress (injured person/s and supervisors/managers/other workers).
- Retraining-costs, time and stress.
- Searching for a new occupation or line of work-costs, time or stress.

Penalties for unsafe work practice under various health and safety legislation can result in fines for organisations and individual workers, especially maximum fines listed below.

- Workers can be fined $300,000 or five years imprisonment.
- PCBU/Officers can be fined $600,000 or five years imprisonment.
- Body corporations can be fined $3 Million.

Further, there is the potential for a lengthy jail term. Although amounts and terms may differ between the states and territories, the application of the law and the principles involved are the same everywhere.

When a training needs analysis identifies the requirement for a training program, part of the program development is a cost analysis. There are two main cost types for any training program.

Development cost which is the upfront cost for a training program including, needs analysis, designing/developing the training program and the production of any necessary training materials.

The delivery cost is of course the cost to actually deliver the training. This might be session-based or participant-based and can include costs related to the instructor, venue, equipment hire and or catering

A report to management will need to be developed which could be laid out as follows:

Identify the cost associated with staff wages, this can be established by the total number of hours training will go for and the costs of each staff member per hour, use Excel to assist you in these calculations.

Report to management WHS Training costs analysis for the current financial year							
Item	Development	Delivery	Room Hire	Staff Wages	Catering	Materials	Total
New WHS Training Program	$5,000	$5,000	$1,000	$9,928.35	$2,700	$500	$24,128
New Emergency Response Training Program	$5,000	$5,000	$1,000	$9,928.35	$2,700	$500	$24,128
TOTALS	$10,000	$10,000	$2,000	$19,857	$5,400	$1,000	$48,257
Justification	Redesign the programs to new WHS standards and have an industry qualified trainer attend		Supplement the loss of income from use of room from the WHS budget	Paying staff for their time attending training from the WHS budget rather than their department budget	Provide food and refreshments for staff attending	Printed resources for staffs references	

An alternative to reporting could be in an essay format. It is important to discuss with your stakeholders, exactly what information they require. Reports are often cumbersome as they try to include all information for a group of stakeholders. This means only one report is prepared, however reduces the success of reading it accurately. An example of an essay style report is below.

Report on: training costs for Charlie's Cleaning Company
Executive summary *[communicating your information to busy people - it is essentially a short summary of the report objectives, outcome and recommendations]*
The WHS goal for Charlie's Cleaning Company is to ensure we are industry compliant and all staff have completed training for induction and hazardous chemicals, The total cost to meet this goal is $2,000, which requires approval from the owner of Charlie's Cleaning Company. It is recommended that this training is delivered within 1 month and is tailored to meet our business needs and learning needs of the millennial demographic.
Introduction *[sets the scene for the report by concisely describing the reason for the report and the background or history relevant to the report]*
The purpose of this report is to provide the training costs to achieve industry compliance in WHS. Charlie's Cleaning Company is new to the industry and WHS compliance was established as a key strategy in last month's executive meeting. Completing this WHS training will minimise WHS risk and increase legal compliance.
Body *[explains the objectives, steps taken to achieve the objectives, results, issues and proposed solutions]*
Charlie's Cleaning Company training objective is to achieve industry compliance and all staff have completed training for induction and hazardous chemicals. The consultation process includes the steps below. 1 Consult with staff on training completion and required training needs. 2 Research the top 3 training vendors that achieve our training and budget needs.

Report on: training costs for Charlie's Cleaning Company
3 Establish a service agreement with most suitable vendor and communicate to Charlie's Cleaning Company staff. WHS training results after TNA consultation: Number of employees with incomplete training – Induction 3, Dealing with hazardous chemicals 5. Proposed solution to address training gaps in 1 month, to minimise risk at Charlie's Cleaning Company. Issue of proposed costs exceeding the allocated quarterly budget. This can be addressed by gaining approval in this case, as it achieves compliance immediately. To keep within budgetary allocation, the training can be delivered across two quarters.
Conclusion/Recommendations *[clearly justified with reference to the results of consultations or processes. Your recommendations should be made twice, briefly in the Executive Summary and then in more detail here]*
Recommendations to achieve Charlie's Cleaning Company goals: Customised training session/s. Deliver training to increase engagement of millennials. This can be achieved through use of video to deliver training, make training mobile friendly, ask for feedback from employees, make training personal and relevant to individual. The cost of this is $2,000, which is a small margin that produces full compliance in training.

4 Implement and monitor organisational procedures and legal requirements for identifying hazards and assessing and controlling risks

4.1 Identify and report on hazards in work area according to WHS policies and procedures and WHS legislative and regulatory requirements

Hint	This content may help you with Task four, question one of your assignment.

A hazard is any source that has the potential to harm life, health, property or the environment. A risk is the chance of something harmful occurring-the likelihood that harm will occur as a result of a hazard. For a hazard to become a risk, a worker must be exposed to the hazard.

Safety inspections and audits identify hazards and assess the associated degree of risk, that is, the likelihood that the hazard will cause harm, the type of exposure that might cause harm and the degree of harm that might be caused by the hazard.

Safety assessments generally make reference to incidents and near misses. An incident is an unplanned event that has potential to cause harm-a single distinct occurrence that might cause illness or injury in any degree. This includes property and/or environmental damage. A near miss is an episode in which a dangerous event occurs without actually harming anyone or causing damage. Near miss episodes should be recorded and assessed as part of the risk assessment process. This enables an evaluation of the likelihood of the danger situation actually causing harm in a future occurrence. An accident is an unplanned occurrence or incident that causes or contributes to personal injury, property or environmental damage.

Identifying hazards can be a complex process and various methods can be used.

- Walk-through surveys.
- Assessments and reports from external consultants.
- Reports or suggestions from workers.
- Daily observations.
- Formal inspections.
- Consultation with workers.
- Review of information provided by manufacturers, designers and suppliers.
- Review of past inspection records and comparison with current inspections.
- Review of previous incident, accident, injury and illness reports.
- Review of worker’s compensation statistics.
- Conducting a plan, job or task safety analysis or audit.

Hazards may be either obvious or hidden. Obvious hazards are a visible and likely cause of accident while hidden hazards are those that may cause illness, either physical or psychological. Hidden hazards are difficult to identify and may not be until after the issue occurs.

The manager/supervisor's role in identification of hazards include are outlined below.

- Conduct regular, well-organised, documented and recorded safety inspections of work areas and work practices.

- Objectively and regularly analyse and evaluate procedures and systems of work to identify hazards which may otherwise be overlooked.
- Investigate all accidents, injuries, incidents and near miss events immediately after the event, in order to pinpoint contributing factors.
- Inspect all new items purchased and installed to determine potential hazards.
- Implement waste disposal and recycling procedures which will ensure both worker and environmental safety.
- Ensure that purchase orders contain specifications with regard to health and safety considerations for new plant and equipment.
- Ensure workers understand correct and safe working and operating practices.
- Respond promptly to concerns or enquiries made by workers.
- Conduct or organise regular health and safety training, coaching or mentoring for worker.
- Encourage workers to list and report hazards of which they are aware.
- Consult personally with workers to discuss any problems they have in their work area.
- Ensure that worker job descriptions and KPIs state health and safety responsibilities with regard to job requirements.

The following list is an aid to identifying workplace hazards.

- Physical hazards: noise, electrical, heat or cold, dust, fire, working space.
- Chemical hazards: gases, fumes, liquid.
- Ergonomic hazards: tool and equipment design, workstation design, task design.
- Radiation hazards: x-rays, microwaves, ultraviolet or infra-red radiation.
- Psychological hazards: shift work, workload, harassment, discrimination, bullying.
- Biological hazards include bacterial, viral or fungal infections.
- Environmental hazards: temperature, lighting, sunlight, workplace layout.

Try these virtual workplaces to identify and take action on risks and hazards to test your skills:

- Virtual office
- Virtual hotel
- Virtual supermarket

Millennials already have higher incidence rates of work-related injuries than baby boomers, especially in industries with high levels of shift workers; such as health care, hospitality and construction. (Gallagher Bassett 2017)

4.2 Promptly action team member hazard reports according to organisational procedures and WHS legislative and regulatory requirements

Hint	This content may help you with Task four, question two of your assignment.

Once hazards or potential hazards have been identified and reported an organisation should conduct and document a risk assessment.

Assessment reports should contain:

- the date of assessment
- identification/description of the product, plant or equipment involved
- details of the assessment procedure and the personnel conducting the assessment
- analysis of the degree of risk and description of the processes used to determine the degree of risk
- descriptions of control measures in existence
- proposed amendments or improvements in the form of specific actions and time-based plans.

Risk assessments can be conducted by individuals or groups. An effective approach is to use a risk assessment team so that a wide perspective of views and needs are represented. Risk assessment teams should comprise a variety of participants with a range of experience and specialised expertise.

- Safety representative and/or site environment representative.
- Members of the safety committee.
- Middle management (department managers/supervisors).
- Workers who are regularly involved in the performance of the tasks or use of equipment or machinery being assessed.
- External consultants.

A risk assessment might be conducted if:

- an accident, incident, or near miss occurs
- A complaint is received from a worker or stakeholder
- there are proposed changes in processes, equipment, materials or safety operations
- changes in legislation are pending
- new information is received from the manufacturer/supplier
- new guidance material and standards have been published.

Risk assessment involves a judgement of likelihood and severity. The assessment process maps the risk of a hazard causing harm against the likelihood of an actual occurrence. This is matched to the probable severity (damage rating) of the harm. Assessing risk by using the categories outlined involves a determination of rating-where one or more of the measures apply or could apply to an identified hazard.

Severity is mapped against likelihood. There are a number of assessment tools available and some of the terminologies and processes can be specific to an organisation and differ from those shown. However, the procedures and requirements for hazard and risk assessment remain the same.

Risk classification

There are some variations of risk classification terminology across different industries, for example: extreme, high, moderate and low.

In comparison to an alpha-numeric categorisation system, listed below.

- L1-L5 (low risk).
- M6-M9 (medium risk).
- H10-H17 (high risk).
- E18-E25 (extreme risk).

Using the alpha-numeric system a hazard that is rare in its occurrence and has an insignificance impact would be classified as a low 1 risk.

Essentially so long as there is a legend guiding the use of classification terminology, the application within the risk management process is the same.

Risk classification example - these classifications are used in determining risk tolerance level.

EXTREME	• Terminate activity
HIGH	• Transfer risk • Treat risk (likelihood and/or consequence)
MODERATE	• Treat risk (by reducing likelihood and/or consequence)
LOW	• Tolerate risk

Risk examples

The table below shows examples of risk for different areas of an organisation.

Score	Rating	Explanation
4	Extreme	Managing people: Significant restrictions on resourcing key services or programs nation-wide; serious breaches with employment arrangements; serious Financial Management System FMS/Crime and Misconduct Commission CMC breach; multiple deaths. Product and service delivery: Nation-wide cessation of multiple services or programs; greater than one month operational delay. Information management/administrative systems: Nation-wide loss of services, programs or data. Infrastructure/asset management: Long-term and possible permanent loss of property or assets. Managing the environment (internal/external): Sustained adverse publicity; extreme/public outrage nation-wide, permanent community/environmental impact.
3	High	Managing people: Noticeable restrictions on resourcing some services or programs; loss of life or permanent injury: Crime and misconduct investigation. Product and service delivery: Cessation of some services or programs; up to one month operational delay. Information management/administrative systems: Loss of or restrictions to key services, programs; large loss or theft of data. Infrastructure/asset management: Sustained damage to property or assets lasting many months. Managing the environment (internal/external): Significant political sensitivity; long term detrimental impact on community or the environment or stakeholder relationships.
2	Moderate	Managing people: Localised restrictions on resourcing services or programs; serious injury requiring hospitalisation or medical treatment; minor code of conduct breach. Product and service delivery: Disruption to a number of services or programs; up to one week operational delay. Information management/administrative systems: Restrictions to services, programs and loss or theft of some data.

Score	Rating	Explanation
		Infrastructure/asset management: Significant but temporary damage to property or assets. Managing the environment (internal/external): Significant adverse publicity nation-wide; adverse community or environmental impact in some locations.
1	Low	Managing people: Minimal effect on resourcing services/programs; First-aid injury (no lost time); local workforce management issue. Product and service delivery: Minimal disruption to some services or programs; up to one day operational delay. Information management/administrative systems: Minor effect on services or programs. Infrastructure/asset management: Slight/temporary damage to property or assets. Managing the environment (internal/external): Short-term adverse community impact in particular locations; short-term local environmental issue.

Organisations should take the items below into account when determining the risk level. Information can usually be gained from both internal and external sources.

Internal	External
Accident and incident reports.	Industry body newsletters.
Risk assessments conducted by internal staff.	Risk assessments conducted by external staff.
Staff meetings and consultations.	Internet.
WHS committee meetings and findings.	Media.
Surveys.	Workshops.
Ad hoc conversations and observations.	Seminars.
General business documentation such as annual reports and other policies and procedures.	Advice from and consultations with industry experts.

4.2.1 Analyse risks

Analysing the risk is about understanding the situation of the risk and the outcomes associated with the risk.

The risk needs to be categorised on how it is going to affect the business and operations. The different types of risks can include:

- health and safety
- financial
- environmental
- organisational.

Determine the type of risk you are dealing with, in this case it is a health and safety risk. You will then need to apply the risk-analysis classification criteria and apply them to an agreed risk-ranking system. Risk-ranking systems may include:

- classification rankings (as discussed earlier: extreme to low)
- consequence of risk scale
- impact of risk scale
- manual or software-based systems
- organisational risk policies and methods
- predetermined ranking criteria
- target and trigger settings.

Risk Rating Matrix						
Risk Rating E: Extreme M: Medium H: High L: Low		Likelihood				
		Rare	Unlikely	Possible	Likely	Almost Certain
Consequence (impact)	Severe	Medium	High	High	Extreme	Extreme
	Major	Medium	Medium	High	High	Extreme
	Moderate	Low	Medium	Medium	High	High
	Minor	Low	Low	Medium	Medium	High
	Insignificant	Low	Low	Low	Medium	Medium

The risk rating matrix shown above is used to combine the effects of the consequences and likelihood ratings into an overall assessment of risk priority.

Example
If I assess the likelihood of my risk as Possible; and the consequence of my risk as Severe; then the overall assessment of risk priority is high.

Defining risk levels

It is important to clarify what each level in the matrix represents to ensure it is used correctly and consistently by those who use it. For example, how will a user know the difference between a possible and a likely risk? What about the difference between a major and critical risk? What actions should we take for medium risks, as opposed to a high risk?

Standard risk likelihood scale

RATING	DEFINITION	SCALE
Almost certain	Will definitely occur or will occur on an annual cycle	5
Likely	Similar events have been experienced several times	4
Possible	May occur once	3
Unlikely	Occurs from time to time	2
Rare	Occurrence is possible but highly unlikely	1

Standard risk consequences scale

Consequences represent the possible impact of the risk on project outcomes, if it does occur.

RATING	DEFINITION	SCALE
Severe	Most objectives cannot be met	5
Major	Some important objectives cannot be met	4
Moderate	Some objectives impacted but may still be met	3
Minor	Minor effects that can be remedied	2
Insignificant	Almost no impact on objectives	1

Definitions will differ from business to business as processes and risk aversion strategies vary with organisational objectives.

4.3 Implement procedures to control risks using the hierarchy of control, according to organisational and WHS legislative requirements

Hint	This content may help you with Task four, question two of your assignment.

Prior to implementation of risk controls, the following needs to be completed.

- Assess the potential effectiveness and interrelated consequences; it is possible that a new control might actually exacerbate the risk, introduce new hazards to the situation or create hazards in interconnected activities or functions.
- Nominate realistic and acceptable time frames and ensure deadlines are adhered to.
- Design a monitoring and evaluation function into each control.
- Consult with workers.
- Communicate proposed controls to affected workers -this communication might take the form of specific training, staff notices or the revision and promulgation of revised SOPs.

Once a control has been implemented, hazard identification should be conducted to make sure the control is effective or its introduction has not caused a new hazard. If a hazard is found, a fresh risk assessment should be made and control measures implemented.

If a hazard is not eliminated, the risk merely reduced, the hazard should be included in the hazard register and subject to a regular review.

4.3.1 Hierarchy of control

The hierarchy of control is intended to effectively manage workplace hazards and the risk of injury or illness. The hierarchy of control prioritises preferred options for implementing possible problem solutions and controls.

It is to be used when determining risk elimination or reduction methods, listing control measures from most to least desirable. The control measure selected should be the highest from the hierarchy that is reasonably practicable to implement.

The hierarchy of control should provide the guidelines when planning for safety and designing hazard and risk controls. When implementing workplace changes, refer to the hierarchy to ensure that new processes and procedures will not increase worker risk and that they will comply with industry standards and safety requirements. Develop organisational procedures that enable selection of and maintenance of control measures in accordance with the hierarchy.

Compliance with the hierarchy assumes that resources will be available to implement safety procedures as and where they are required and that inadequacies in current risk control measures will be mapped against the hierarchy to determine where improvement can and should be made. Where measures are found to be inadequate, new measures and controls should be designed and implemented, in consultation with workers and their managers or supervisors.

Refer to the hierarchy of control in order to prioritise needs, determine appropriate actions, allocate resources, budget for applications and develop both long- and short-term processes and procedures to overcome problems. Compare the identified risks with both legal and industry acceptable criteria. Prioritise and document your intended actions and controls.

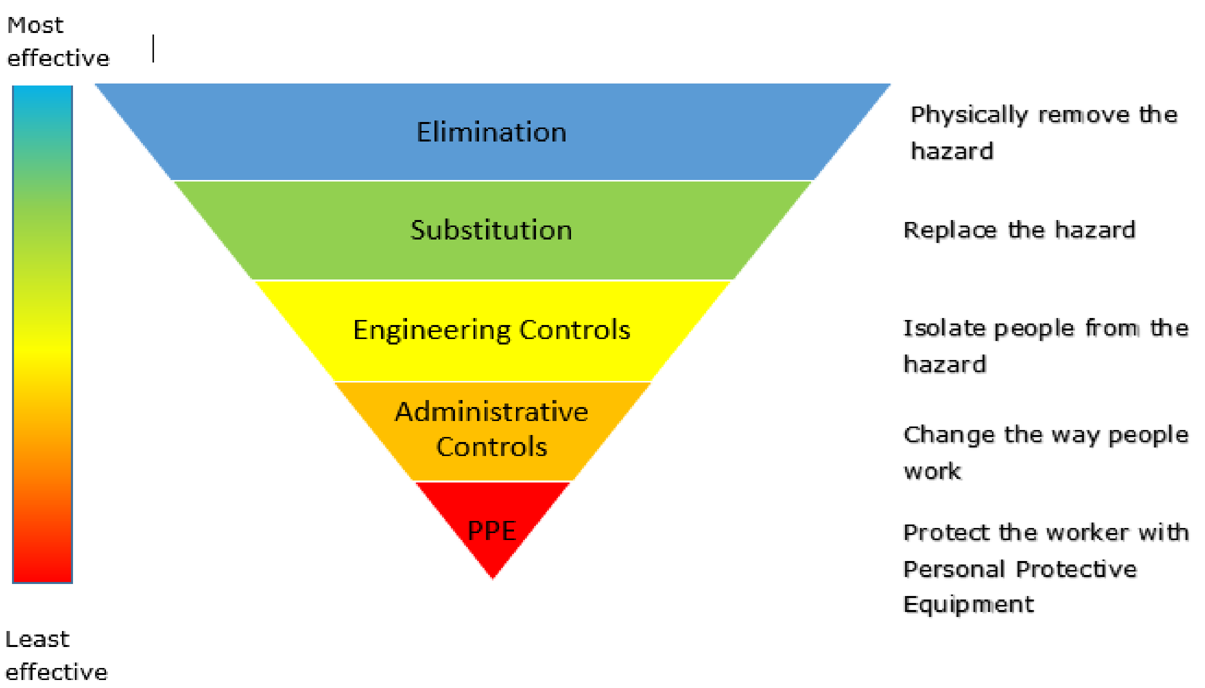
The further down the hierarchy of control you look, the further away from the hazard you are, and therefore the controls are less effective.

With elimination and substitution, you are removing the hazard altogether (or substituting it with something less hazardous). The effect is on the hazard itself.

With the engineering controls, you are isolating the hazard from people (or people from the hazard), or redesigning the item of plant, work process or workplace layout to deal with the hazard. This makes the workplace more safe as there is less latitude for the hazard to have effect, and the workers do not require extra resources to keep looking out for that hazard (all going well).

Administrative controls and PPE are really behaviour controls and as such are more likely to be overlooked in times of stress or when there is a push for production.

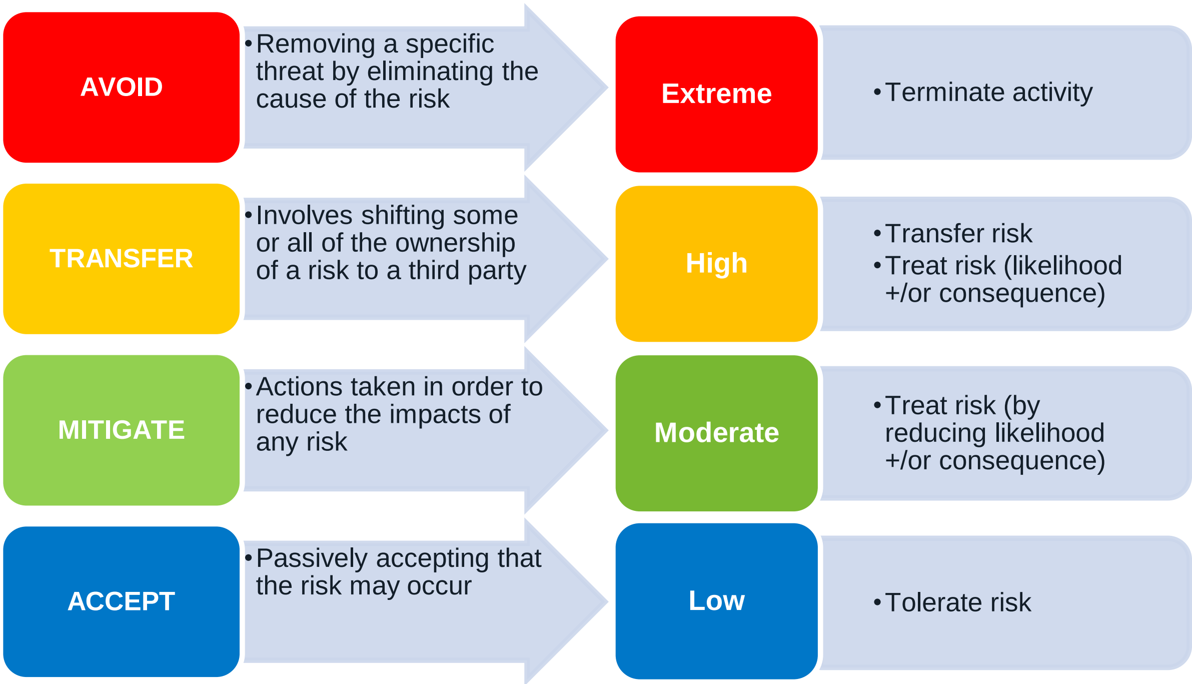
Risk	Priority	Action
Extreme	1	Stop work. Use out of service tag or isolate machinery equipment/process. Do not use until risk controlled. Interim controls can be used only with increased supervision and where they reduce risk to a medium or less risk. Develop and implement long-term controls. Place on hazard management plan for regular monitoring and review.
High	2	Stop work. Use out of service tag or isolate machinery I equipment/process. Do not resume until interim controls which reduce danger to medium or low are in place. Increased supervision. Develop and implement long-term controls. Place on hazard management plan for monitoring and review.
Medium	3	Put interim controls in place and increased supervision as applicable. Have plan in place to control hazard within 2 weeks. Monitor, through inspection, daily checks, incident records or procedure/task audits.
Low	4	Control if reasonable and practicable within 3 months or monitor only. Monitor through inspection, daily checks, incident records or procedure/task audits.



4.3.2 Planning responses to specific risks

After all risks have been identified and analysed, managers need to determine how each risk will be managed. You will also need to determine which risks will undergo specific risk response or action, and which will not.

It is typical to focus risk-response planning on risks that fall into the high and upper end of the medium priority on the selected risk-rating matrix. This rule of thumb can be flexible depending on specific organisational risk guidelines. There are four standard approaches to risk-response planning, as outlined below.



Negative risks or threats		Positive risks or opportunities	
Avoid	Transfer	Exploit	Enhance
Mitigate	Accept	Share	Accept

Risk avoidance

Removing a specific threat by eliminating the cause of the risk is effective risk avoidance. This often involves a change to eliminate or bypass the risk entirely. This may require extreme replanning or the inclusion of significant activities and deliverables. This approach, therefore, is usually reserved for the highest-priority risks that are likely to have the largest detrimental impacts on objectives.

Risk transference

Shifting some or all of the ownership of a risk to a third party and therefore transferring negative impact is called risk transference. It does not meant the risk has been eliminated; it simply means that someone else is responsible for managing the consequences and likelihood. Transferring a risk often involves some form of contractual arrangement between the organisation and the party taking on the risk management responsibility (e.g. could be to seek insurance for the risk).

Risk mitigation

Actions taken to reduce the impacts of any risk are classed as risk mitigation. Mitigation activities can reduce the likelihood of a risk, the consequences of a risk, or both. Taking action early to reduce a risk is recommended, rather than trying to rectify the situation after the risk has occurred. This is especially relevant for risks with medium to high-risk priority ratings.

Risk acceptance

Involves passively accepting the risk may occur and choosing not to mitigate or respond to it in any way. Risk acceptance is recommended when the risks have a low risk priority rating; so therefore they are extremely unlikely to occur and the impact would be insignificant.

Risk assessment and control

The risk assessor needs to define appropriate risk control measures that are achievable. When documenting controls the following should be included:

- risk ID (relating to the actual risk being addressed)
- description of the control strategy (terminate/transfer/treat/tolerate)
- description of the control
- resources required
- timeframe
- person responsible
- status of completion.

This Risk assessment matrix is a spreadsheet used for risk assessment and control, as shown below.

Risk Assessment Matrix											
Risk Definition			Risk Analysis				Risk Control				
Risk #Priority	Risk Description	Causes	Consequences	Likelihood	Impact	Risk Rating	Risk Control Strategy	Owner	Expected occurrence Date/Phase	Expected Retirement Date/Phase	Status

The following content has been added to demonstrate how the spreadsheet can be utilised.

Risk Assessment Matrix											
Risk Definition			Risk Analysis				Risk Control				
Risk #Priority	Risk Description	Causes	Consequences	Likelihood	Impact	Risk Rating	Risk Control Strategy	Owner	Expected occurrence Date/ Phase	Expected Retirement Date/ Phase	Status
E.g.	Fence will not be straight	Insufficient care taken during alignment. Fence foundations sink after installation	Fence will look bad. Damage to company reputation. Customer refuses to pay for fence	Possible	Major	Extreme	Include hold points in project inspection and test plan that requires review and sign off by the project Client, Foreman and Project Manager; a - at completion of mark-out b - prior to pouring foundation	Quality Manager	Foundation digging and pouring from 15th Jan 20xx	30th Jan 20xx	Open

4.4 Identify and report inadequacies in existing risk controls according to hierarchy of control and WHS legislative requirements

Hint	This content may help you with Task four, question three of your assignment.

Risk assessments should be regularly reviewed as safety monitoring is a constant process. Where changes to processes, function, layout, machinery, equipment or technology are proposed, risk assessment is a priority. High risk activities should undergo frequent reviews.

When reviewing risk control measures, ask the following questions.

- Is the control measure still effective?
- Has the control measure created a new hazard?

All risk control measures should include a review date to ensure continual improvement. A report should be produced as a result of an audit or evaluation. The report should cover the following key aspects:

- Rationale for the evaluation: this is what the evaluation is being conducted for, it outlines the processes and reasoning for the evaluation.
- Scope: what is being evaluated, specifically, in this context, the risk controls currently in place.
- Methodology: the way in which the evaluation is conducted, this may include
  - qualitative methods:
    - interviews
    - observations
    - surveys.
  - quantitative methods
    - questionnaires
    - statistical and numerical evaluation.
  - correlation/regression analysis
    - the relationship between numerical data and observations
    - the relationship between two different variables
- participants: who is involved in the findings of this evaluation
- key findings: what has been identified
- recommendations: what is suggested to improve the situation.

The key findings and recommendations are the sections where the person/s responsible for the evaluation identifies the areas that require improvement. Key findings outline the nature of what is wrong, why it is a risk and why it must change. The recommendations are where the specifics of the changes that are to be made are detailed.

To be effective, recommendations should:

- clearly identify what needs to change
- be ranked in order of priority
- have time frames
- clearly identify responsible people
- identify other stakeholders

- spell out advantages and disadvantages
- be costed.

4.5 Monitor outcomes of reports on inadequacies, where appropriate, to ensure a prompt organisational response

Hint	This content may help you with Task four, question four of your assignment.

It is important when considering WHS to monitor the outcomes of reports, especially those that relate to inadequate risk control measures. When an inconsistency or inadequacy is reported it is the responsibility of management to correct this and ensure the controls are adequate.

Management is also responsible for communicating these changes and inadequacies to the staff and relevant stake holders of the business.

Monitoring the outcomes looks at whether the changes made to the risk control are both adequate and done in a timely manner.

What is a timely manner for prompt response to reports on inadequate risk controls? This will depend on a variety of factors as demonstrated below.

Using the diagram we identified three factors that would influence what is perceived as a timely response.

- A business may require the correction of inadequate risk controls to be fixed within seven days.
- The level of risk may be high, and therefore seven days is too slow to rectify the issue, therefore this trumps the business requirements.
- The legislation and regulations could class this inadequacy as non-complaint and needs immediate action, and this will overrule both the level of risk and organisational requirements.

Example
Below is an example of an inadequate risk control and how the business will need to address it following the process of the above factors. A worker reported that the control measure put in place for a leaking deep fryer as inadequate. Initially when the deep fryer was identified as leaking it was passed onto the manager of the kitchen to implement a control measure as it was high risk. The control that was implement was to 'engineer' a control measure, the manager had a bucket placed under the fryer to collect the leaking oil which would need to be changed every hour. When this inadequacy was reported the WHS officer arranged to have the fryer replaced thereby 'substituting' the risk, whilst this approach was an appropriate outcome, it took three weeks to implement.

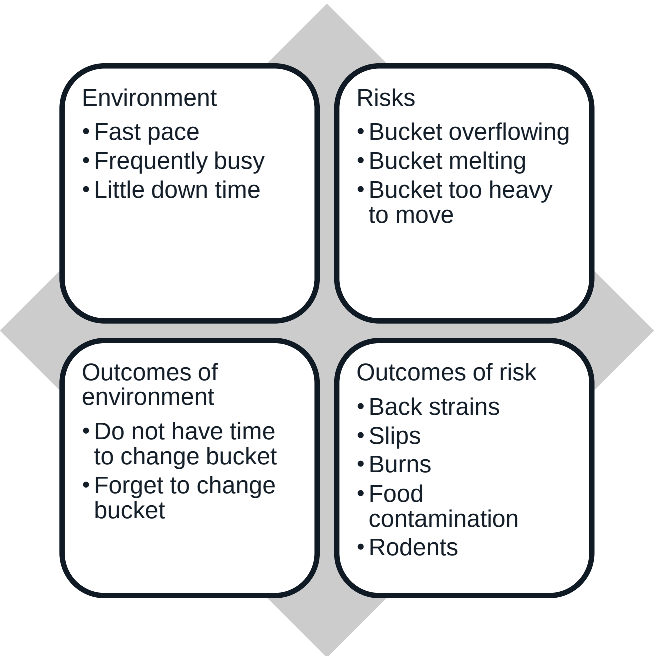
Now let's go through the process to determine the outcome of the risk control measure being made adequate and completed in a prompt manner.

The businesses requirements to have the risk control made adequate within seven days was not complied with. Whilst the control measure implemented was adequate, it took too long. The WHS officer could have taken other actions in the interim.

The level of risk caused by this inadequacy was still high. The chart below represents the how this conclusion was reached.

We analyse this information in a quadrant of four sections.

- Environmental factors.
- Risk factors.
- Outcomes of environment.
- Outcome of risks.



Analysing this information we can see that the inadequacy would not be effective due to the environment, it can be seen that the risks and their associated impacts, that are generated by this inadequate control has a major consequence to health and safety. This is determined by the following factors:

- potential for chain reaction
- concentration of substances
- speed
- height
- weight
- relative positions of workers (where they are and their posture)
- forces and energy levels.

The potential for a chain reaction is high as there is limited space in the kitchen, which can lead to a domino effect (one person knocks another person over). The oil is a heated energy that can cause burns and the force of an employee slipping can cause damage to the body and knock others over when they slip.

Secondly, it is almost certain that an incident caused by the inadequate control will occur. This was determined by the determinants of likelihood which include:

- how often an event occurs
- number of personnel exposed
- skills and experience level of those exposed
- duration of exposure
- condition of equipment
- distractions
- environmental conditions.

The event is ongoing, with multiple people exposed, there are numerous distractions and it is a fast paced environment, therefore the likelihood is almost certain.

Therefore the risk control is ineffective as the risk is extreme.

Risk Rating Matrix						
Risk Rating E: Extreme M: Medium H: High L: Low		Likelihood				
		Rare	Unlikely	Possible	Likely	Almost Certain
Consequence (impact)	Severe	Medium	High	High	Extreme	Extreme
	Major	Medium	Medium	High	High	Extreme
	Moderate	Low	Medium	Medium	High	High
	Minor	Low	Low	Medium	Medium	High
	Insignificant	Low	Low	Low	Medium	Medium

When considering that the level of risk is very high, it would be inappropriate for the business to follow its guideline of seven days, rather this would need to be addressed within 48 hours. The WHS officer could have ordered that fryer to be taken offline and all oil removed until a replacement is fryer is brought in.

According to the legislation and regulations, this action would be compliant and conducted within appropriate time frames.

After monitoring these results, it is important to ensure action is taken within the business to rectify non-prompt response to inadequate risk controls.

A way to do this is follow a PDCA cycle, to continually improve the businesses response to inadequacies in risk controls.

Also known as Deming's Cycle, or PDSA it is a process which helps you be sure your plans are tested before they are implemented across the organisation. You can test your plans in controlled environment to ascertain their success. If they are not as successful as anticipated return the planning stage, change and try again.

Plan-Do-Check-Act tools		
Plan What do you wish to achieve? Analyse the problem.	Plan changes aimed at improvement and identify and analyse opportunities for improvement: • Analyse the current process or situation and identify the problem. • Identify quality requirements. • Evaluate current processes and outputs. • Identify improvement needs and problem solutions. • Consider the potential impact of changes on the process and others. • Plan the improvement. • Develop action plans, monitoring and checking processes.	Cause-and-effect diagrams. Flow charts
Do Implement and test your plan.	Test, trial or implement the change. Monitor, test and record the results. • Trial the change/s. • Identify and evaluate the best solution. • Implement best solution.	Creative thinking and skills for innovation.
Check or 'Study' What has been done? Was it successful? Can it be improved?	Check or study the test, change or intervention. Is this working well? How well is it working? What was learned? What went wrong? Decide on several measures which can be used to monitor the level of improvement: • Measure effectiveness of solution. • Check actual outcomes against intended or expected outcomes. • Identify areas for further improvement/adjustments, how can solutions be enhanced? • Identify and measure the quality improvements.	Keep Doing and Checking until your plan is working properly.
Act Implement your plans. Did you achieve your goals? No? Return to plan and modify until you do.	Adopt the change, abandon it, or run through the cycle again. Analyse performance measures to determine whether it is worth continuing with a particular change. If it consumed too much time, was difficult to adhere to, or even led to no improvement, then it might be necessary to consider aborting the change and planning a new one: • Develop a new implementation plan to address any improvements that were expected but not achieved. • Identify areas for further improvements against plan.	Action plan, goal setting and/or audit?

Further information can be found at: [Deming PDSA cycle]

The PDCA Cycle forms the backbone of the ISO9001 series of standards for developing a quality management system.

It provides a simple, repetitive cycle to drive continuous quality improvement of your business processes.

5 Implement and monitor organisational procedures to maintain team WHS records

5.1 Accurately complete and maintain WHS records of incidents of occupational injury and disease in work area, according to WHS policies, procedures and legislative requirements

Hint	This content may help you with Task five, question one of your assignment.

All personnel in the organisation have a duty to report any identified hazards, incidents and near misses. These reports then must be recorded and stored in the organisation's information management system. They should be available to support improvement initiatives, design and develop new policies and procedures and act as proof that the organisation is upholding its responsibilities to workers and legislation. They also need to be available in the case of a worker's compensation claim or as evidence in a litigious action.

Health and safety information should be recorded, available and accessible to workers at all times. Notifiable incidents are:

- the death of a person
- a ‘serious injury or illness’
- a dangerous incident arising out of work carried out by a business, undertaking or a workplace.

Notifiable incidents relate to any person—whether an employee, contractor or member of the public. If a notifiable incident occurs, the model WHS Act requires:

- immediate notification of ‘notifiable incident’ to the regulator, after becoming aware of it
- if the regulator asks—written notification with 48 hours of the request, and
- preservation of the incident site until an inspector arrives or directs otherwise.

Although we fall under the integrated WHS Act, all states in Australia are governed by different WHS regulators, in relation to workplace incidents. Visit Safe Work Australia to see full information about reporting requirements.

5.1.1 Incident records

All incidents need to be recorded and investigated, but those that meet the requirements of WHS Act s35 need to be notified to the jurisdictional authorities. Any notifiable incident requires the record to be kept for five years. The authority may choose to investigate these incidents

Incident reports allow for the identification of trends and types of incidents occurring or recurring in the workplace. All incidents and near misses must be reported and recorded, no matter how minor they appear to be at the time. Incidences of workplace injuries and illnesses should be recorded on official forms, printed by the government's workplace health and safety section.

The first aid register provides a record of all first aid treatments in all locations and is maintained by first aid personnel. The register of all injuries is considered the most important basic recording document related to workplace injury incidents. Records should initially be maintained by the supervisor and forwarded through line management on a weekly basis.

5.1.2 Records management

Organisational systems must continuously adapt to meet the needs of the organisation, changes in legislation and social, political and socio-environmental changes. Safety management systems should be regularly reviewed just as any other business aspect should. Mechanisms for monitoring, evaluating and reporting on workplace health and safety should be incorporated into the system.

The records management system should be:

- planned
- supported by policies and procedures
- supported by appropriate resources – financial and human
- clearly assigned and located so that it is accessible
- organised and structured
- managed and maintained by skilled people
- supported by processes which ensure accuracy and integrity
- monitored and evaluated for effectiveness and efficiency.

Audits of the system should be conducted regularly, with results recorded and stored as they are part of the PCBU's requirement to measure safety performance and ensure legislative compliance. An audit examines the organisation's documentation and the processes that accompany them. They ensure industry and enterprise standards are met, that policies are implemented and that both policy and practice meet legislative and regulatory criteria.

Two types of audit should be conducted:

- Systems audit-an audit of policies and procedures and practice to ensure that policies and procedures meet standards and are being acted upon.
- Legislative audit-an audit mapping the organisation's systems against legislation and regulations to determine compliance.

Audit process will refer back to the organisation's incident records and will draw upon inspection and risk assessment reports to match them against policies, procedures, practice and required standards.

5.2 Use aggregate information and data from work area records to identify hazards and monitor risk control procedures in work area

Hint	This content may help you with Task five, question two of your assignment.

Information is only as useful as its accuracy, validity and ability to be comprehended by managers and stakeholders. When analysing health and safety data it is essential any comparisons or trends that are made from it are in accordance with accepted statistical practice. Skewed, biased and inaccurate data collection and analysis will make the information unreliable and can result in inaccurate decision-making. AS1885.1 indicates that smaller businesses can carry out less frequent analyses for this reason.

Both qualitative and quantitative data is used to inform an organisation's health and safety policies, procedures and practices. Data or information that supports health and safety policies and procedures includes:

- injuries
- dangerous occurrences and identified hazards
- near misses

- emerging hazards with the potential to cause harm
- industry-based information regarding accidents or near misses
- information on successful control mechanisms
- workplace monitoring data, e.g. attrition, absenteeism, worker satisfaction
- biological monitoring of workers, e.g. blood lead levels.

5.2.1 The national data set

The national data set for compensation-based statistics sets parameters for the collection of data. It assists in the prevention of occupational injury and disease by establishing uniform national statistics which can be compared across the entire nation using the same comparative scale. The data collected is published as the compendium of Worker's Compensation Statistics. It can assist national bodies in setting priorities for the control of occupational disease and injuries and improve the capacity of business operators and workers to manage health and safety effectively.

The national data set collection requirements revolve around rates. The most commonly used rate is called the frequency rate (FR) the number of occurrences of injury or illness expressed as the number of cases per million hours worked by wage and salary earners. Other frequently used rates include incidence rates (IR) and average time lost rates or severity rate (ATL or SR).

A good way to think about this is:

- IR How many? (per every 100 workers)
- FR How often? (per 1000000 hours worked)
- ATL How severe? (per days lost)

AS1885.1 advises that workplaces with less than 200 employees should not base outcomes on statistics due to the propensity to 'skew' outcomes. There can be an exaggeration in the overall performance.

Example 1
A workplace employs 150 workers who work a total of 350,000 hours in a year. During this year there are a total of 15 lost time injuries (any injury that results in the loss of at least one entire shift). These result in a total of 180 days off. The frequency rate for that year is calculated as follows: FR = Lost time injuries times 1,000,000 divided by the total number of hours worked. That is: FR = $\frac{15 \times 1{,}000{,}000}{350{,}000}$ Therefore, in this example the frequency rate = 42.85. The incidence rate of occupational injuries and diseases is the number of occurrences expressed as a rate per 100 workers employed across the period.

Example 2
A workplace employs 150 workers who work a total of 350,000 hours in a year. During this year there are a total of 15 lost time injuries (a lost time injury is any injury that results in the loss of at least one entire shift). These lost time injuries result in a total of 180 days off. The incidence rate for that year is as follows: IR = Lost time injuries times 100 divided by the number of wage earners. That is: IR = $\frac{15 \times 100}{150 \text{ workers}}$ Therefore, in this example the incidence rate = 10 workers in every 100 are going to be involved in an incident that requires the loss of one or more shifts. The rates are not shown as percentages as the statistics relate to workers. The average time lost rate of occupational injuries and diseases is the average time lost per occurrence of injury or disease. This rate provides a measure of the severity of the occurrences being experienced by workplaces over time. This can also be described as the severity rate (SR).

Example 3
A workplace employs 150 workers who work a total of 350,000 hours in a year. During this year there are a total of 15 lost time injuries (a lost time injury is any injury that results in the loss of at least one entire shift). These lost time injuries result in a total of 180 days off. One year = 220 working days. The severity rate for that year is as follows: SR = Number of working days lost divided by the number of occurrences in the period. That is: SR = $\frac{180}{15}$ Therefore, in this example the severity rate = 12 Days per occurrence

Example 4
This is a good example of statistics being skewed. A workplace employs seven people, who work a total of 12,000 hours per year. One worker suffers a head injury resulting in 12 days lost time. What is the frequency rate? $FR = \frac{\text{Lost time injuries x 1,000,000}}{\text{Hours worked}}$ $FR = \frac{1 \times 1{,}000{,}000}{12{,}000}$ FR = 83.33. This can be calculated on a monthly basis. In the first month of the year, the worker experienced the injury and the group had worked 1,200 hours. $FR = \frac{1 \times 1{,}000{,}000}{1{,}200}$ FR = 833.33. In the second month where there were no injuries, hours worked are the same. $FR = \frac{0 \times 1{,}000{,}000}{1{,}200}$ FR = 0 The data over the two months results in performance indicators of 833 and 0, which are difficult to fully interpret. The data does not give the PCBU a true indication of how injuries can be prevented in the coming months. However, the PCBU may elect to undertake six monthly and reviews of statistics and reporting.

5.2.2 Trend analysis

Data can show particular patterns within society and in the workplace. The Australian Bureau of Statistics (ABS) frequently undertakes surveys to assess trends. Parameters such as average weekly income, number of children per family and preferred car driven are examples which are compared over time. This data is used to establish if there is a trends.

In order for PCBUs to make quality decisions, there will need to be a reasonable amount of information available to assess trends in their workplaces.

Health and safety statistics that result from hazard and risk analysis can be combined with other data sets that have been collected to assist in setting priorities, such as determining the areas that are most in need of attention.

Appendix A- Legislation in Australian business

This section is intended to provide an introduction to commonly used legislative and regulatory instruments that impact on businesses in Australia. The legislation referred to below is by no means exhaustive, but its relevance to compliance requirements is imperative. The information provided here is not to be used as a means of providing legal advice to others. The document is intended to provide general legislative and regulatory compliance guidelines relating to business activities. The document is to be used as a starting point for your own research into a particular issue. In today's business environment private organisations, irrespective of their business structure, as well as public sector agencies are bound by the compliance requirements impacting on their operations. You must remember Australian businesses are obligated to comply with a range of laws.

Legal compliance is mandatory in all business organisations. **Non-compliance is not tolerated. Ignorance of the law is no excuse!**

Legislation is a set of rules, regulations or guidelines passed by an Act of parliament (state, or Commonwealth).

Regulations support legislation and set out standards, procedures and guidelines in the compliance of the legislation. These rules and guidelines assist organisations in properly carrying out compliance requirements as per the relevant legislation.

Standards are usually in the form of codes of practice and relevant industry standards. Standards apply to both private organisations and public sector agencies and departments. It must be noted - standards are not law as such but non-compliance of the prescribed standards and codes of practice will be evidence in itself of a breach of the legislation and regulations and expose the person or organisation to potential liability.

General Consumer Protection Laws

The Australian Consumer Law gives effect to the most significant and extensive consumer law reforms in Australia since 1974. It commenced on 1 January 2011 and provides a single, national consumer law implemented through the laws of the Commonwealth (including the Trade Practices Act 1974 (Cth), to be renamed the Competition and Consumer Act 2010 (Cth)) and of each state and territory. Federal Consumer laws govern how businesses interact with their suppliers, customers, and other businesses. They also outline the legal rights of businesses and business owners when potential legal issues arise.

Legislation impacts on business operations.

Managers need to be aware of legislation relevant to their particular managerial functions and industry. Employers and managers are required to understand legal compliance issues within their respective organisations and be able to carry out compliance at all times as part of the management process.

Managers are both professionally and legally accountable for their conduct and work practices within their areas of responsibility. Both the common law and statutory provisions are legally binding on managers when conducting business operations. Managers are therefore required to comply with the legislative and regulatory provisions that impinge on their particular business operation(s). A failure on the part of the manager or business owner to comply with legislative requirements will subject him or her to potential liability. This liability will also extend to the organisation itself. Depending on the nature of the liability, the manager or business owner may well be liable to civil action and or criminal prosecution. An example of this would be where the manager or business owner is found to have been negligent in the workplace under the respective workplace legislation. The business owner may well face a negligence claim as well as a potential criminal prosecution. Liability would also extend to the organisation if the organisation is a corporation registered under the Corporation Act (Cth). In the case of a partnership structure, each of the partners would be liable.

Remember government regulations and legislation are dynamic and change often. It is your responsibility to remain up to date.

Access to state and Commonwealth Acts and Regulations can be found online at a number of sources. Useful internet sites are:

Business.gov.au , ComLaw, Freedom-of-information, Fair work , Comcare

Often federal legislation is different to that of each state, make sure you are compliant with the correct legislation. If you are not sure, check!

Issue	Legislation	Details
Affirmative action	*Equal Employment Opportunity (Commonwealth Authorities) Act 1987*	
Anti-bullying	*Fair Work Act 2009* *Work Health and Safety Act 2011*	People who believe they're being bullied in the workplace can apply to the Fair Work Commission for help in resolving the issue. Bullying occurs when a person or group of people, repeatedly behave unreasonably towards a worker. The behaviour also has to be deemed a risk to the worker's health or safety.
Anti-discrimination	Anti-discrimination is covered under the following federal legislation: *Age Discrimination Act 2004 (Cth)* *Disability Discrimination Act 1992 (Cth)* *Racial Discrimination Act 1975 (Cth)* *Sex Discrimination Act 19Fair Work Act 2009* (*Cth)* *Disability Discrimination and Other Human Rights Legislation Amendment Act* 2009 (Cth) *Australian Human Rights Commission Act 1986 (Cth)* *Racial Discrimination Amendment Act 1980* (Cth) *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* State and territory legislation follows federal Acts. For example: *Anti-Discrimination Act 1990 (QLD)*	Together, they prohibit discrimination on the basis of: gender, sexual preference, political opinion, trade union activities, colour, race and ethnicity, social origin, religion, nationality, family responsibility, irrelevant medical record, irrelevant criminal history, age, marital status, carer status, parental status, breastfeeding, disability or pregnancy. Managers need to ensure that performance management processes do not contravene anti-discrimination legislation. A manager can be seen to discriminate against employees when they treat those with a particular attribute (i.e. age, gender, parental status, disability) less favourably than employees without that attribute or with a different attribute. Employers and managers are also considered to be acting in a discriminatory manner if they impose an employment condition that: • an employee with a particular attribute cannot comply with • a higher percentage of people without an attribute can comply with • a higher percentage of people with a different attribute can comply with • is universally applied and that people with an impairment or a disability cannot meet • is unreasonable.
Competition laws/ Consumer laws Product liability regulation	Australian Consumer Law (ACL). The standards are enforced by the ACCC Australian Competition and Consumer Commission. The regulator for Australian consumer protection legislation in Australia - *Competition and Consumer Act 2010* (*Cth)*	Provides regulations on unfair contract terms, consumer rights guarantees, product safety laws, unsolicited consumer agreements, lay-by agreements and penalties, and other areas. Further information see Australian Consumer Law: Legislative and Governance Forum on Consumer Affairs.
Copyright	*Copyright Act 1968* Federal legislation applicable throughout Australia.	The copyright law of Australia defines legally enforceable rights of intellectual property which includes creators of creative and artistic works.

<table>
<tr><th>Issue</th><th>Legislation</th><th>Details</th></tr>
<tr><td>Employee rehabilitation and compensation</td><td>Safety, Rehabilitation and Compensation Act 1988 (SRC Act) (Cth).
Workers Compensation and Rehabilitation Act 2003 (Qld) Worker Compensation Act 1987 (NSW)
Workplace Injury, Rehabilitation and Compensation Act 2013(VIC)</td><td>The SRC Act 1988 covers:
Commonwealth and ACT public servants
employees of Commonwealth and ACT statutory authorities and corporations
Australian Defence Force members for injuries before 1 July 2004
employees of corporations with a licence to self-insure under the SRC Act
the SRC Act provides rehabilitation and workers' compensation to employees covered by the scheme for a work related injury
QLD legislation established a workers compensation scheme for Queensland which provides benefits for workers who sustain an injury in their employment, and also for dependents if an injury results in the worker's death.</td></tr>
<tr><td>Employment contracts
See also independent contractors</td><td>This comes under the general law of contract and determines the legal relationship between employers and employees, and sets out the terms and conditions of employment. Employment law is also governed by the Fair Work Act (Cth).

Note: many of the legal requirements mentioned here also refer to employment relations under the Fair Work Act 2009</td><td>Particular issues covered include:
codes of conduct that employees are required to comply with
contractual requirements for both employers and employees under a contract of employment
organisational policies that employees need to observe, these requirements are generally set out by Human Resource Management Department
the grounds upon which an employer can terminate without notice
period of notice an employee needs to be given when employment is terminated with notice
how and when an employee's performance will be appraised or reviewed
how the employee will be remunerated for their work
The Act set out the rights and obligations of employers and employees, and the legal nature of the contract, i.e. is it based on an award or industrial agreement? Or a separate individual contract governed by common law. The Act imposes duties on employees and employers. These duties are analogous to the conditions stipulated in a common law contract of employment. A contract of employment is to be distinguished from a contract of employment (Independent contractor).</td></tr>
<tr><td colspan="2">Environmental
Australian, state and territory governments and local governments jointly administer environmental protection. There are many pieces of legislation which apply, check which one applies in your situation. The following are some examples:
Environment Protection and Biodiversity Conservation Act 1999 (Cth)
Waste Reduction and Recycling Act 2011 (Qld)
Environmental Protection Act 1994 (Qld)</td><td>Federal legislation governs the process of assessment and approval of national environmental and cultural concerns.
State and territory environmental protection legislation apply to specific business activities.
For further information, see business.gov.au: Environmental legislation.</td></tr>
</table>

Issue	Legislation	Details
Nature Conservation Act 1992 (Qld) *Queensland Heritage Act 1992* *Sustainable Planning Act 2009* (Qld)		
Ethical principles	There is no specific legislation that deals with ethical standards and conduct. However, in terms of legislation governing the public service sector, there are laws that apply. E.g. the Public Sector Ethics Act 1994 applies to Queensland Public Service. No specific legislation exist that applies to relevant industry delete this. The following legislation impacts on ethical behaviour and conduct in general. *Crime and Corruption Act 2001 (Qld)* *Public Interest Disclosure Act 2010 (Qld)*	Standards detail the kind of behaviour a company or person with sound ethics should and should not engage in. These standards are normally contained in the Human Resource manual of each organisation. (Look at the HR manual at your workplace). Unethical actions will destroy trust and credibility. Ethical principles include honesty, integrity, promise-keeping, loyalty, fairness, caring, respect for others, legality, commitment to excellence, leadership, reputation, accountability and avoiding conflicts of interest. Ethical principles and considerations are generally dealt with by separate pieces of legislation depending on the legal matter involved. Common Law has implications as well with regard to Ethical considerations. As always seek legal advice for your specific issue. Each business should have relevant HR policy and procedures covering this for their practices.
Freedom of information	*Freedom of Information Act 1982 (Cth)*	The FOI Act provides a legally enforceable right of access to government documents. It applies to Australian Government ministers and most agencies, although the obligations of agencies and ministers are different. FOI allows individuals to see what information government holds about them, and to seek correction of that information if they consider it wrong or misleading.
Human rights	*The Australian Human Rights Commission Act 1986 (Cth)*	Australia is a signatory to Treaties and Conventions dealing with Human rights which legally binds Australia to Human Rights Laws.
Independent contractors See also employment contracts	Before entering into a contract, determine whether someone is classified as an independent contractor or an employee. This will determine the rights and responsibilities of each party.	Independent contractors are self-employed and provide a service to a business. They negotiate their own payments and work arrangements, and can work for a range of clients at any given time. Independent contractors are required to take out their own private superannuation, workers compensation, and in many cases professional indemnity insurance.
Industrial relations legislation	*Fair Work Act 2009 (Cth)*	The current Commonwealth legislation is a principal Law that governs Industrial relations in Australia. The Act deals with workplace disputes, unfair dismissal, and anti-discrimination. Allows workplace disputes to be settled by enterprise bargaining between employers and unions in the workplace. If the dispute is not able to be settled, it then goes to Fair Work Ombudsman and Fair Work Commission. The QLD legislation -*Industrial Relations Act 1999 (QLD)* governs public service employees as well statutory authorities such as City Council employees. This group of employees does not fall within the ambit of the Commonwealth legislation.

Issue	Legislation	Details
National Employment Standards (NES)	*Fair Work Act 2009 (Cth) section 61*	The National Employment Standards (NES) are 10 minimum employment entitlements that have to be provided to all employees. The national minimum wage and the NES make up the minimum entitlements for employees in Australia. An award, employment contract, enterprise agreement or other registered agreement can't provide for conditions that are less than the national minimum wage or the NES. They can't exclude the NES. All employees in the national workplace relations system are covered by the NES regardless of the award, registered agreement or employment contract that applies. National-employment-standards
Privacy	*Privacy Act 1988 (Cth)* You must be aware of your obligations under the Australian Privacy Principles (APPs). Australia has national privacy legislation, overseen by the Office of the Australian Information Commissioner (OAIC). This regulates how businesses collect, access, and store personal information and communication.	There are specific requirements for the management of sensitive information e.g. medical records. Legislation applies to a number of different activities and sectors. Australian states and territories also have individual privacy laws that may apply in the workplace and affect business in each jurisdiction. A new set of privacy principles was introduced in March 2014. The principles cover how a business handles personal information, including the: handling and processing of personal information use of personal information for direct marketing disclosure of personal information to people overseas.
Racial discrimination	*Racial Discrimination Act 1975*	
Sex discrimination	*Sex Discrimination Act 1984*	
Trade practices	Australian Consumer Law (*Trade Practices Amendment (Australian Consumer Law) Act (No. 1) 2010*; *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*)	From 1 January 2011, Australian Consumer Law reforms introduced a new regulatory environment for competition and consumer protection laws in Australia. The *Competition and Consumer Act 2010* replaces the *Trade Practices Act 1974* (Cth) (TPA). All references to 'TPA' refer to provisions of the Competition and Consumer Act (from 1 January 2011) and the former Trade Practices Act (up to 31 December 2010). See Competition laws and Competition Laws in this table for more information. *Competition and Consumer Act 2010*
Unfair dismissal Or unlawful dismissal	The primary piece of legislation relating to unfair and unlawful dismissal is *Fair Work Act 2009* (Cth).	Under this legislation, employees can claim their dismissal was harsh, unjust or unreasonable, not a case of genuine redundancy or the dismissal was not consistent with the Small Business Fair Dismissal Code.
Work health and safety	*Work Health and Safety Act 2011(QLD)* Some states still use their own occupational health and safety (OH&S) laws, so be sure to check with your state as to the particular areas you need to comply with.	Under this legislation, risks to health and safety also include bullying and violence in the workplace. Bullying can be defined as repeated, unreasonable behaviour directed at employees that pose a risk to health and safety. Management needs to ensure that in carrying out their duties, their behaviour cannot be construed as bullying. Particularly relevant when addressing poor employee performance. They should be careful not to: • verbally abuse employees, exclude or isolate employees

Issue	Legislation	Details
	Under health and safety legislation, employers have a duty to ensure that employees' working environments are safe and pose no threats to their health and wellbeing.	• set employees impossible tasks or assignments • harass employees, psychologically or otherwise, or intimidate employees • intentionally withhold information vital for effective work performance • assign meaningless tasks to employees are not job-related.
Workplace diversity	This federal and state legislation covers workplace diversity and equal opportunity in Australia: *Australian Human Rights Commission Act 1986 (Cth)* *Age Discrimination Act 2004(Cth)* *Sex Discrimination Act 1984(Cth)* *Racial Discrimination Act 1975(Cth)* *Racial Hatred Act 1995(Cth)* *Disability Discrimination Act 1992(Cth)* *Workplace Gender Equality Act 2012 (Act)* *Fair Work Act 2009(Cth)* *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* State-based anti-discrimination and WHS laws	

Remember you need to be aware of your own responsibilities. Legislation changes, keep up to date. Non-compliance is not tolerated and ignorance of the law is no excuse!

Appendix B- WHS roles and responsibilities

Everyone is responsible for work health and safety, all managers, staff and external contractors are responsible for creating a safe work environment. Effective workplace health and safety is all about providing information about WHS issues to workers in an organisation and giving them an opportunity to respond and contribute to the WHS issues that affect them through consultation and participative arrangements.

At the beginning of your time in a new job you will be inducted into the role, an important part of your induction must be to explain who you are to go to in the case that you need to report an incident, hazard or risk.

Persons Conducting Business or Undertaking (PCBU) are responsible to consult with:

- workers
- contractors, including sub-contractors
- labour hire workers
- apprentices
- work experience staff
- volunteers.

PCBUs are also responsible for establishing a Health and Safety Committee (HSC). HSC must be formed if:

- requested by five workers
- requested by an HSR
- directed by the jurisdictional authority
- at their own behest.

A HSC is there to facilitate cooperation between the PCBU and all employees, to improve and make the workplace safer, to develop standards and rules to make sure of workers health and safety at work.

Due diligence is a term you will need to know. It is used often in WHS, it means 'reasonable steps taken by a person to avoid committing an offence'.

Supervisors and management

Supervisors and managers play a large role in WHS. They need to take all 'reasonably practicable' measures to ensure the WHS program is working in the area of their control. This means take all steps as a duty holder as is reasonable. They need to consider:

- change or likelihood of the hazard or risk happening
- harm if it does
- what is known about the risk and how to remove or reduce it happening
- cost of removing or reducing the risk, as well as the cost of not doing it.

Duty holders are also required to make sure employees are supervised and trained to meet their requirements under the program.

Management needs to ensure employees are consulted about issues which affect their health and safety. Any concerns employees may have must be referred to appropriate managers who have a responsibility to look at raised concerns and provide feedback on action taken.

Employees

All employees are required to co-operate with WHS policy and programs to ensure their own health and safety, and the health and safety of others in the workplace. As an employee you also need to avoid impacting others safety and you must follow any reasonable request from your supervisor or manager with regard to WHS.

Contractors

All contractors engaged to perform work on the premises or locations of the organisation are required, as part of their contract, to comply with the WHS policies, procedures and programs of the organisation and to observe directions on health and safety from designated officers of the organisation.

Failure to comply or observe a direction will be considered a breach of the contract and sufficient grounds for termination of the contract.

Who	Their responsibilities as duty holder
PCBU Owner, manager (Section 20-26 WHS Act 2011)	• Primary duty of care to ensure health and safety of workers while at work in the business • Make sure work does not carry risk to health and safety of others • Provide and maintain safe work environment, plant and structures, systems of work • Ensure safe use handling and storage of plant, structures and substances • Provide adequate facilities, instruction, training, information, supervision • Monitor health of workers and conditions in the workplace
Officers Person within the business. Director of a company, company secretary (Section 27 WHS Act 2011)	• Officers are responsible to make sure the PCBU meets their obligations They need to take reasonable steps to: • Gain and update knowledge of WHS • Understand the type of business and hazards/risks involved • Make sure PCBU has resources to reduce/remove risks and hazards • Processes exist to manage incidents, hazards, risks • Make sure PCBU is involved in consultation, providing training and instruction and reports notifiable incidents
Workers All employees (Section 28 WHS Act 2011)	• Take reasonable care for your own safety • Take care your actions do not harm others • Comply with instructions from PCBU or their officers to help comply with WHS obligations • Cooperate with policies or procedures which relate to WHS
Visitors Contractors, volunteers others (Section 29 WHS Act 2011)	• Take reasonable care for your own safety • Take care your actions do not harm others • Comply with instructions from PCBU or officers to help comply with WHS obligations
Health and safety committees Work groups (Section 77 WHS Act 2011)	• Group of persons in the workplace who maintain and improve WHS • Establishing a workgroup or committee depends on the number of employees and the size of the business • At least half of the members must not be nominated by the PCBU
Health and safety representative (Section 68 WHS Act 2011)	• The person elected by members of a workgroup to represent them during consultation on WHS issues • They monitor actions taken by the PCBU to comply with WHS Act

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