

BSBWHS402

Assist with compliance with WHS laws



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ASSESSMENT FOR BSBWHS402

Student name	Shannen Cassidy
Date of assessment submission	4/09/2019

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

TASK INSTRUCTIONS

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

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

ACTIVITIES

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

Name of workplace	Rockhampton Northern Access Joint Venture / McIlwain Civil Engineering
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- Identify current legislation and related documentation that will be relevant to your chosen workplace, and where such documentation can be found. - For each document identified, outline one (1) excerpt or requirement that it specifies for your chosen workplace.

Example:

Name and location of Legislation (Commonwealth or State)
Work Health and Safety Act 2011 (Qld) found at www.legislation.qld.gov.au
Relevant excerpt/requirement for chosen workplace
Section 19: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers.

Name and location of Legislation (Commonwealth or State)
Work Health and Safety Act 2011 (Qld) found at https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018
Relevant excerpt/requirement for chosen workplace
Section 35 – What is notifiable Incident <i>In this Act, a Notifiable Incident means:</i> c. The death of a person d. A serious injury or illness of a person; or e. A dangerous incident

Name and location of Regulation
Work Health and Safety Regulation 2011 (Qld) found at https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2011-0240
Relevant excerpt/requirement for chosen workplace
Section 35 – Management of Risk <i>A duty holder, in managing risks to health and safety, must:</i> a. Eliminate risks to health and safety so far as reasonably practicable; and b. If it is not reasonably practicable to eliminate risks to health and safety – minimise those risks so far as is reasonably practicable

Name and location of Code of Practice
Codes of Practice 2011 for 'Confined Spaces (Qld)' found at https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0010/58159/Confined-spaces-COP-2011.pdf
Relevant excerpt/requirement for chosen workplace
Confined spaces pose dangers because they are usually not designed to be areas where people work. Confined spaces often have poor ventilation which allows hazardous atmospheres to quickly develop, especially if the space is small. The hazards are not always obvious and may change from one entry into the confined space to the next.

The risks of working in confined spaces include:

- Loss of consciousness, impairment, injury or death due to the immediate effects of airborne contaminants
- Fire or explosion from the ignition of flammable contaminants
- Difficulty rescuing and treating an injured or unconscious person
- Asphyxiation resulting from oxygen deficiency or immersion in a free-flowing material, such as liquids, grain, sand, fertiliser or water

Name and location of Standard

Australian / New Zealand Standard AS/NZS 4801:2001 – Occupational Health and Safety Management System

<https://www.saiglobal.com/PDFTemp/Previews/OSH/as/as4000/4800/4801.pdf>

Relevant excerpt/requirement for chosen workplace

This Standard specifies requirements for an occupational health and safety management system (OHSMS), to enable an organisation to formulate a policy and objectives taking into account legislative requirements and information about hazards or risks. It applies to those hazards or risks over which the organisation may exert control and over which it can be expected to have an influence. It does not state specific OHS performance outcomes.

All the requirements in the Standard are intended to be incorporated into any OHSMS. The extent of the application will depend on such factors as the OHS policy of the organisation, the nature of its activities and the conditions in which it operates.

Name and requirement of Guidance Publication

Work-Related Psychological Health and Safety found at

https://www.safeworkaustralia.gov.au/system/files/documents/1901/work-related_psychological_health_and_safety_guide.pdf

Relevant excerpt/requirement for chosen workplace

This Guide describes a systematic practical approach to managing work-related psychological health and safety. Most elements of this systematic approach are required under work health and safety (WHS) or workers compensation laws in all Australian jurisdictions.

This Guide recognises poor psychological work health and safety can lead to both psychological and physical injuries. It provides greater clarity about what a PCBU under WHS laws, or an employer under workers compensation laws must or should do in relation to psychological health and safety.

Outcome for Activity 1

☐ Satisfactory

☐ Not satisfactory

Trainer/Assessor comments

• Identify one (1) of each of the following within your chosen organisation: 1.0 WHS policy 2.0 WHS procedure 3.0 WHS process 4.0 WHS system For each, summarise: f. Its purpose g. How it can be accessed h. How it can be developed and changed to ensure compliance with WHS legislation, using examples.

Name and purpose of WHS Policy Work Health & Safety Management Policy The purpose of this document is to present what the company intends to do to meet the objectives listed, which will result in conducting all operations in a manner that embeds a safety culture in the employees, protects the health and safety of all stakeholders and workers and is committed to providing a healthy and safe workplace across all business operations to ensure everyone arrives home safe each day.
How document can be accessed This document can be accessed through the company's internal intranet database and also the Safety Management Plan.
How it can be developed and changed to ensure compliance with WHS legislation It can be developed in consultation with stakeholders within the company and is to be audited and reviewed within a pre-determined timeframe against the current legislation to ensure compliance.

Name and purpose of WHS Procedure Fitness for Work Procedure The purpose of this procedure is to ensure that the company meets the obligations in providing a safe place of work. This Procedure gives the employees clear direction when it comes to WHS requirements.
How document can be accessed This document can be accessed through the company's internal intranet database.
How it can be developed and changed to ensure compliance with WHS legislation It can be developed in consultation with stakeholders within the company and is to be audited and reviewed within a pre-determined timeframe against the current legislation to ensure compliance.

Name and purpose of WHS Process
RNAJV Initial Induction both Company, Site and Online
How document can be accessed
All documents for the inductions can be accessed through the company's intranet.
How it can be developed and changed to ensure compliance with WHS legislation
It can be developed in consultation with stakeholders within the company and is to be audited and reviewed within a pre-determined timeframe against the current legislation to ensure compliance

Name and purpose of WHS System
The Safety Management System
This is the central location for all policies, procedures, forms, systems, rules, checklist etc.
How document can be accessed
This document can be accessed through the company's internal intranet database.
How it can be developed and changed to ensure compliance with WHS legislation
It can be developed in consultation with internal stakeholders within the company and is to be audited and reviewed within a pre-determined timeframe against the current legislation to ensure compliance.

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

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

c. INTRODUCTION

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

d. WHS REGULATOR

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

e. INDIVIDUALS AND PARTIES

a. WORKERS

- E. Outline workers' WHS duties under the legislation
- F. Identify workers' WHS rights under the legislation
- G. Explain workers' WHS obligations under the legislation

b. PERSONS CONDUCTING BUSINESSES OR UNDERTAKINGS (PCBUs) OR THEIR OFFICERS

- H. Outline PCBU's WHS duties under the legislation
- I. Identify PCBU's WHS rights under the legislation
- J. Explain PCBU's WHS obligations under the legislation

f. COMPLIANCE

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

g. CONCLUSION

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

TIPS:

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

• INTRODUCTION

McIlwain is a family owned company which began in 1961 and has since created outstanding community assets across almost 400 Projects for hundreds of communities throughout Australia. McIlwain's industry capabilities include transport, building, services infrastructure, urban, industrial and energy sectors.

In addition to McIlwain's core civil engineering and construction services, project management solutions in individual, collaborative and joint venture arrangements are also offered. McIlwain is dedicated to nurturing internal and external relationships to ensure the creation of outstanding community assets for many years to come.

The Company aims to provide a broad framework for improving standards of workplace health and safety to reduce work-related injury and illness on all their Projects. It encourages all duty-holders to determine their approach to achieving a high Health and Safety standard within the Company.

The objectives and principles of McIlwain is to secure the Health and Safety of workers and workplaces through the elimination or minimisation of risks, fair and effective representation, consultation, cooperation and issue resolution, encouraging employer organisations and unions to play a constructive role, provision of advice, information, education and training, and effective and appropriate compliance and enforcement measures.

• WHS REGULATOR

McIlwain abides by the obligations set out by WHSQ (Work Health and Safety Queensland), which Queensland's WHS Regulator which is responsible for improving the overall workplace health and safety in Queensland, including the decline of workplace injuries.

The Queensland Regulator (WHSQ) administers and enforces WHS laws by investigating workplace injuries, handing out notices and penalties when necessary for those not following WHS practises, provides advice and help which also includes educating employers and their employees of their legal rights and responsibilities.

• INDIVIDUALS AND PARTIES

a. WORKERS

The Work Health and Safety Act (Qld) 2011 Legislation (Division 4, Section 28) states that while at work, workers have duties and obligations to:

- A 'worker' is defined as a person who carries out work in any capacity for a PCBU including under a contract of employment, apprenticeship or contract services.
- Take reasonable care for his or her own health and safety; and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- Cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers

To meet their obligations, workers should:

- Cooperate with and follow instructions from the PCBU regarding WHS
- Use PPE that has been provided by the PCBU
- Report to the PCBU on any hazards or injury to harm or health

While fulfilling their rights, workers are entitled to certain rights under the legislation including but not limited to, the right to health and safety as owed by others, including the PCBU.

b. PERSONS CONDUCTING BUSINESSES OR UNDERTAKINGS (PCBUs) OR THEIR OFFICERS

The Work Health and Safety Act (Qld) 2011 found under Legislation (Division 3, Section 20) explains that, the duties of a person with management or control of a workplace means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace but does not include –

- a. The occupier of a residence, unless the residence is occupied for the purpose of, or as part of, the conduct of a business or undertaking; or
- b. A prescribed person
- c. The person with management or control of a workplace must ensure, so far as reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person

An overview of the obligations of a PCBU found under the Legislation (Subdivision 6, Section 70) is that the PCBU is required to as far as reasonably practicable, consult any WHS matters with a WHS representative for workers carrying out work for the business, who is to ensure the safety of the workers and whom has also been given access to information relating to hazards, risks and health safety at the workplace. The representative is also able to be present at interviews concerning WHS between the worker/s (with the necessary consent), inspectors and PCBU.

The PCBU is obliged to permit a WHS representative for the work group to accompany an inspector during an inspection of any part of the workplace, spend the time required to exercise his or her functions under the Act, as well as provide any other assistance that may be required (under the regulation) for the representative to support the workers. This representative must be paid as per their 'normal duties' even when conducting Health and Safety representative duties.

The PCBU's WHS rights under the Legislation (Section 19) state that in holding the primary duty of care the PCBU should ensure, so far as reasonably practicable, the health and safety of workers affected by the business or undertaking and this duty includes the following:

- a. Safe Work Environment
- b. Safe Plant and Structures
- c. Safe Systems of Work
- d. Safe use, handling and storage of plant and substances
- e. Adequate facilities
- f. Information, instruction and training
- g. Monitoring of the workplace

'Where the term 'reasonably practicable' is used, it is referring to what can be 'reasonably' done to reduce a risk which involves a number of contributing factors. Section 18 of the WHS Act 2011 (Qld) states that this is the requirement and that it does not mean the PCBU is required to do everything they possibly can, if it is not reasonable and also relates to the certain 'rights' the PCBU is entitled to under the legislation, which includes but isn't limited to taking reasonable care for their safety and those around them.

• COMPLIANCE

Policies, procedures, processes and systems are developed by firstly identifying a need. Information and ideas need to be gathered by those whom will be involved with the development and use of policies, procedures, processes and systems – usually the workers and management. Once a draft has been reviewed and necessary amendments made, it can be finalised shortly followed by trials. For example, McIlwain's new program 'Lucidity' was launched and there was a trial period, training sessions, information sessions, a specific email account for any enquiries, error notifications or suggestions and these are all ongoing to ensure that workers are always up to date with changes and feel as though the program is being amended to assist with their day to day work.

Certain documents also have a revision period, for example – Safe Work Method Statements have a 6 month revision period and are reviewed by a Senior Engineer, Health and Safety Representative, Superintendent and the Project Manager ensuring that no gaps are missed and that there is room for different views and comments. This ensures that the company's compliance is being maintained.

The PCBU and workers are both assessed across a range of internal and external audits, visits from unions, inspections and meetings. Competency verifications are also conducted to ensure workers meet the WHS requirements to operate plant etc. this is assessed by a someone certified in training and assessing. RNAJV also provides a broad range of training opportunities relevant to site requirements (e.g. Project management, Plant Operations, Working at Heights, Administration etc.) these opportunities are available to anyone within the company. Once training has begun, the company allows dedicated time to complete the course and the training company is always contactable and visit the site regularly to ensure workers are on track to successfully complete their chosen course which is at no cost to them and also provides them life skills.

• CONCLUSION

McIlwain's safety system has been developed to minimise the prevalence of workplace illness or injury and mitigate the physical and emotional costs associated with workplace accidents. It ensures the safety of our people and always remains paramount and that a safe work environment is everyone's responsibility. The priority is to keep it simple and safe and ensure that everyone arrives home safely each night. McIlwain would not be able to provide the outstanding assets it has without an understanding of the importance of safety and having the trust of the workers and community.

Both the PCBU and the workers have rights and obligations under the Legislation. They both aim to reach the same outcome of overall Health and Safety in the workplace, although the duties and obligation do vary.

The PCBU is to as far as reasonably practicable, consult with workers WHS representatives with any concerns to ensure the safety of the workers, this also includes ensuring that all necessary information is available to the representative if required, as well as conducting audits, inspections and tracking training to identify any possible risks or gaps which can be addressed.

Whereas workers are required to, whereas reasonably practicable, take reasonable care of their own health and safety as well as others. They are to comply with reasonable instructions from the PCBU and also, cooperate with the policies and procedures and ensure that they report any risks, hazards or safety concerns.

Maintaining compliance and training needs are crucial when operating a company. Especially in the area of safety, there are always changes and ways to improve. If it wasn't for the maintenance e.g. revisions, audits and suggestions, it's easy to fall behind and this also results in not meeting current standards. There is always room for upskilling, especially in the construction industry and this benefits both the company and the

workers, this also includes 'refresher' courses to ensure workers are aware of any changes and can maintain current tickets / licences. Training requirements also change as the work moves forward, so it's extremely important to track and offer training opportunities to ensure that the company and workers are advancing as necessary.

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

QUIZ

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

6. Order the following elements of the WHS legal framework from the most legally enforceable to the least legally enforceable (1 = most enforceable; 5 = least enforceable). <table border="1" data-bbox="316 253 1141 465"> <thead> <tr> <th>Rank (1 – 5)</th> <th>Element</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>Policies and procedures</td> </tr> <tr> <td>3</td> <td>Code of practice</td> </tr> <tr> <td>4</td> <td>Standard</td> </tr> <tr> <td>1</td> <td>Act</td> </tr> <tr> <td>2</td> <td>Regulation</td> </tr> </tbody> </table>	Rank (1 – 5)	Element	5	Policies and procedures	3	Code of practice	4	Standard	1	Act	2	Regulation	☐
Rank (1 – 5)	Element												
5	Policies and procedures												
3	Code of practice												
4	Standard												
1	Act												
2	Regulation												

Outcome for Quiz	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

PRACTICAL TASK

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

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

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