

BSBWHS402

Assist with compliance with WHS laws



Copyright © 2018 CSTC Pty Ltd

All rights reserved. No part of the contents of this publication may be reproduced or used in any form or by any means – graphic, electronic, or mechanical including photocopying, digitising, recording, or information storage-and-retrieval systems – without the written permission of CSTC Pty Ltd.

ASSESSMENT FOR BSBWHS402

Student name	Rekha Batumalai
Date of assessment submission	1/06/2018

Trainer/Assessor's name	John Robert Christian
Date of assessment marking	1/06/2018
Outcome for unit	☐ Competent ☐ Not Yet Competent

TASK INSTRUCTIONS

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

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

ACTIVITIES

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

Name of workplace	General Office
--------------------------	----------------

ACTIVITY 1

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

Example:

Name and location of Legislation (Commonwealth or State)

<i>Work Health and Safety Act 2011 (Qld) found at www.legislation.qld.gov.au</i>
--

Relevant excerpt/requirement for chosen workplace
--

<i>Section 19: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers.</i>
--

Name and location of Legislation (Commonwealth or State)

<i>Work Health and Safety Act 2011 (Qld) found at https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf</i>

Relevant excerpt/requirement for chosen workplace
--

Division 2 Primary duty of care
--

19 Primary duty of care

- | |
|---|
| <p>(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of—</p> <p>(a) workers engaged, or caused to be engaged by the person; and</p> <p>(b) workers whose activities in carrying out work are influenced or directed by the person; while the workers are at work in the business or undertaking.</p> <p>(2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.</p> <p>(3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable—</p> <p>(a) the provision and maintenance of a work environment without risks to health and safety; and</p> <p>(b) the provision and maintenance of safe plant and structures; and</p> <p>(c) the provision and maintenance of safe systems of work; and</p> <p>(d) the safe use, handling and storage of plant, structures and substances; and</p> <p>(e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and</p> <p>(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking;</p> |
|---|

and
 (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.
 (4) If—
 (a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and
 (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available;
 the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.
 (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.
Note—
 A self-employed person is also a person conducting a business or undertaking for the purposes of this section.

Name and location of Regulation

Work Health and Safety Act 2011 (Qld) found at
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf>

Relevant excerpt/requirement for chosen workplace

Division 4 Health and safety committees
75 Health and safety committees

(1) The person conducting a business or undertaking at a workplace must establish a health and safety committee for the business or undertaking or part of the business or undertaking—

(a) within 2 months after being requested to do so by—

(i) a health and safety representative for a work group of workers carrying out work at that workplace; or
 (ii) 5 or more workers at that workplace; or

(b) if required under a regulation to do so, within the time prescribed under a regulation.

Maximum penalty—50 penalty units.

(2) A person conducting a business or undertaking at a workplace may establish a health and safety committee for the workplace or part of the workplace on the person's own initiative.

Note—

If a health and safety committee is not required to be established, other consultation procedures can be established for a workplace—see division 2.

76 Constitution of committee

(1) Subject to subsections (2) to (4), the constitution of a health and safety committee may be agreed between the person conducting the business or undertaking and the workers at the workplace.

(2) If there is a health and safety representative at a workplace, that representative, if he or she consents, is a member of the committee.

(3) If there are 2 or more health and safety representatives at a

workplace, those representatives may choose 1 or more of their number (who consent) to be members of the committee.

(4) At least half of the members of the committee must be workers who are not nominated by the person conducting the business or undertaking.

(5) If agreement is not reached under this section within a reasonable time, any party may ask the regulator to appoint an inspector to decide the matter.

(6) An inspector appointed on a request under subsection (5) may decide the constitution of the health and safety committee or that the committee should not be established.

(7) A decision of an inspector under this section is taken to be an agreement under this section between the parties.

77 Functions of committee

The functions of a health and safety committee are—

- (a) to facilitate cooperation between the person conducting a business or undertaking and workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work; and
- (b) to assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace; and
- (c) any other functions prescribed under a regulation or agreed between the person conducting the business or undertaking and the committee.

78 Meetings of committee

A health and safety committee must meet—

- (a) at least once every 3 months; and
- (b) at any reasonable time at the request of at least half of the members of the committee.

Name and location of Code of Practice

Work Health and Safety Act 2011 (Qld) found at <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf>

Relevant excerpt/requirement for chosen workplace

Division 2 Codes of practice

An approved **code of practice** is a practical guide to achieving the standards of health, safety and welfare **required** under the WHS Act and the **Work Health and Safety Regulations** (the WHS Regulations). Like regulations, **codes of practice** deal with particular issues and do not cover all hazards or risks that may arise

Name and location of Standard

Work Health and Safety Act 2011 (Qld) found at <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf>

Relevant excerpt/requirement for chosen workplace

1 Safety policy and safety objectives

1.1 A description of the means by which the operator's safety policy and specific safety objectives are to be communicated to all persons who are to participate in the implementation of the safety management system.

1.2 The safety policy must include an express commitment to ongoing improvement of all aspects of the safety management system.

2 Organisation and personnel

2.1 The identification (according to position description and location) of the persons who are to participate in the implementation of the safety management system, and a description of the command structure in which these persons work and of the specific tasks and responsibilities allocated to them.

2.2 A description of the means of ensuring that these persons have the knowledge and skills necessary to enable them to undertake their allocated tasks and discharge their allocated responsibilities, and that they retain such knowledge and skills.

3 Operational controls

3.1 A description of the procedures and instructions for—

- (a) the safe operation of plant (including as to inspection and maintenance); and
- (b) the mechanical integrity of plant; and Schedule 17 Work Health and Safety Regulation 2011 Current as at 1 July 2016 Page 663 Authorised by the Parliamentary Counsel
- (c) Plant processes; and
- (d) the control of abnormal operations and emergency shut down or decommissioning.

3.2 Provision of adequate means of achieving isolation of the major hazard facility or any part of the major hazard facility in the event of an emergency.

3.3 Provision of adequate means of gaining access for service and maintenance of the major hazard facility or any part of the major hazard facility.

3.4 A description of the roles of persons and of the interfaces between persons and plant.

3.5 Provision for alarm systems.

4 Duties of operators

4.1 A description of the means by which the operator proposes to comply with the Act and with part 9.3, division 2, part 9.4 and part 9.5 of this regulation.

4.2 In relation to each part of the documented safety management system that describes the means of compliance with a provision of chapter 9, an annotation or cross-reference identifying the specific provision being complied with.

5 Management of change A description of the procedures for planning modifications to major hazard facilities.

6 Principles and standards

6.1 A statement of the principles, especially the design principles and engineering standards, being used to ensure the safe operation of the major hazard facility.

6.2 A description of any technical standards, whether published or proprietary, being relied on in relation to such principles and standards. Schedule 17 Work Health and Safety Regulation 2011 Page 664 Current as at 1 July 2016 Authorised by the Parliamentary Counsel

7 Performance monitoring

7.1 Performance standards for measuring the effectiveness of the safety management system, that—

- (a) relate to all aspects of the safety management system; and
- (b) are sufficiently detailed to ensure that the ability of the operator to ensure the effectiveness of all aspects of the safety management system is apparent from the documentation; and
- (c) Include steps to be taken to continually improve all aspects of the safety management system.

7.2 A description of the way in which these performance standards are to be met.

7.3 Performance indicators for the effectiveness of control measures implemented, including—

- (a) tests of the effectiveness of the control measures; and
- (b) indicators of the failure of any control measure; and
- (c) actions to be taken in reporting any such failure; and
- (d) Other corrective actions to be taken in the event of any such failure.

8 Audit Provision for the auditing of performance against the performance standards, including the methods, frequency and results of the audit process.

Name and requirement of Guidance Publication
Guidance on the interpretation of workplace exposure standards for airborne contaminants found at http://www.safeworkaustralia.gov.au/sites/swa/about/publications/documents/154/guidanceontheprinciplesofsafedesign_2006_pdf.pdf
Relevant excerpt/requirement for chosen workplace
Guidance on the interpretation of workplace exposure standards for airborne contaminants 2. Adjustment of exposure standards for extended work shifts 3. Other factors affecting exposure 4. Information relating to specific groups of substances.

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

ACTIVITY 2

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

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

For each, summarise:

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

Name and purpose of WHS Policy

Global Health and Safety Policy:

This policy defines TechnipFMC's absolute commitment to the Health, Safety, Environment and Security (HSES) of all those who can either directly or indirectly be affected by our business activities.

HSES will be managed as an integral part of our business, based on a genuine care and concern for the people and the environment. We will not compromise safety, health, security or environmental sustainability to achieve our financial, project, service and manufacturing objectives.

How document can be accessed

Policy Health and Safety can be easily access through with our local webpage (The-Link), under Policy and Charters. It has been also circulated to all the department staff. It will also displayed in every single meeting room/hall and worksite notice board.

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

This will be reviewed annually in Management Review Meeting.

Name and purpose of WHS Procedure
TechnipFMC HSE Manual Management system: The purposed of this procedure "HSE Manual" describes the process for managing Company's Health Safety and Environment Management System at the local level and within any projects. HSE Manual is an integrated management tool that describes the organization, responsibilities, processes, practices, procedures and resources for implementing the Company's HSE policies based on feedback loop for continuous improvements. This manual is applicable to all personnel and services in the Company covering engineering, procurement, construction and commissioning activities onshore, offshore and subsea. The application of the management system is in the scope of project(s) managed by Company and associates (e.g. joint venture contract). The objectives of this HSE Manual are: • To define a practical HSE Management System. • To identify, eliminate or minimize risk to the environment, employees and others who are working in Company premises. • To become a permanent documented reference for certification, implementation, maintenance and continuous improvement on this HSE Management System. • To ensure adequate conformance to stated policies and regulatory requirements related to HSE issues. • To demonstrate to our clients and potential clients the Company's commitment towards an effective implementation of HSE Management System at home office, at construction sites and on installation vessels.
How document can be accessed
This procedure can be easily access through our local webpage (The Link) under procedures. It also has been circulated to the department heads for sharing purposes within their respective departments.
How it can be developed and changed to ensure compliance with WHS legislation
This procedures is to be reviewed annually to ensure the content is current and relevant against company management, legislation and local laws.

Name and purpose of WHS Process

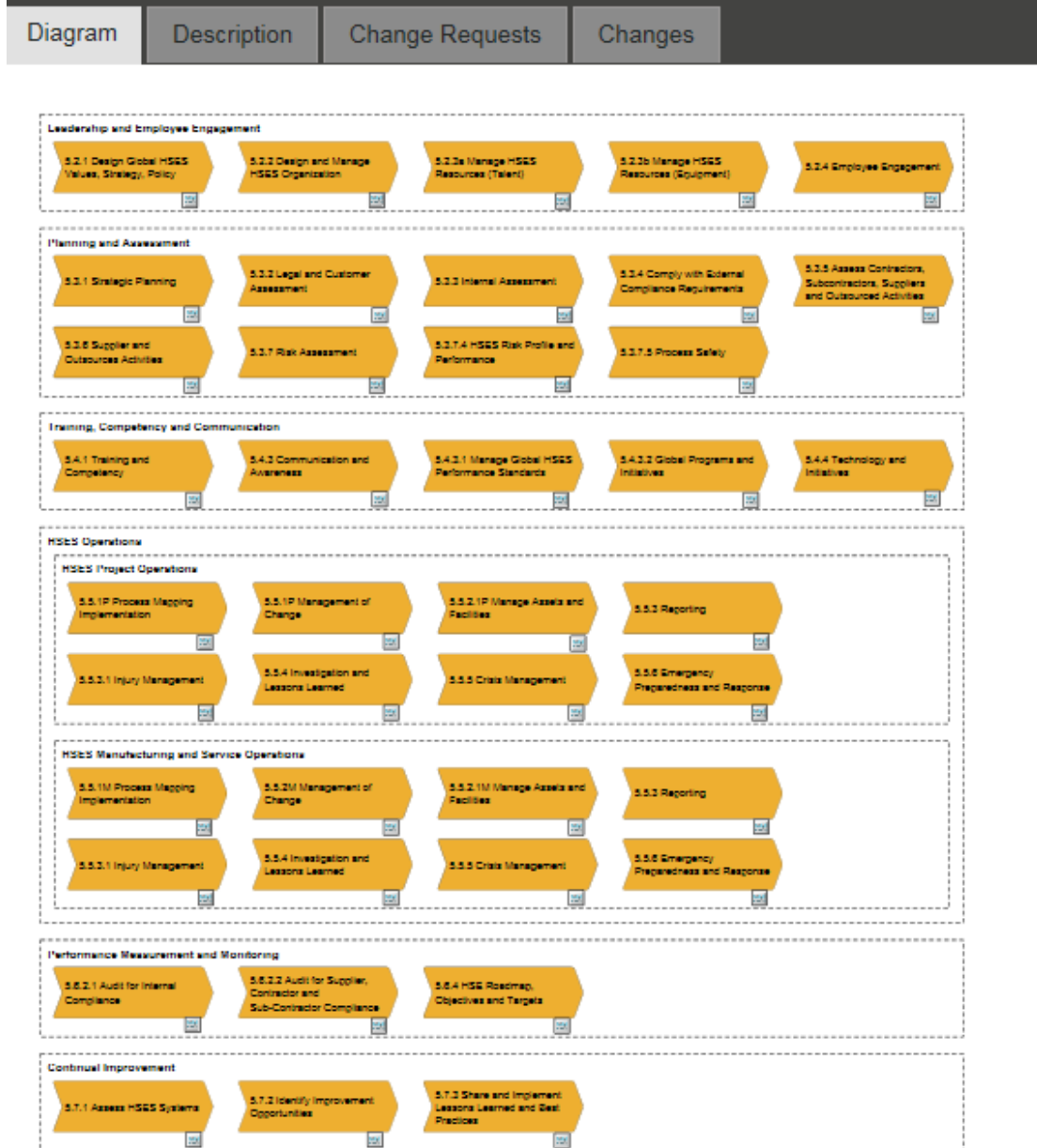
Purpose of this process is to establish the TechnipFMC process & methodology for managing WHS through the appropriate hierarchy of control measures and associated in managing HSES risks. Our Global BPMS tools which identified the process mapping in TechnipFMC start with the listing provided below:- (Att:1)

- Leadership & Employee Engagement
- Planning & Assessment
- Training, Competency & Communication
- HSES Operations
- HSES Manufacturing & Service Operations
- Performance Measurement & Monitoring
- Continual Improvement

Attached as well the mapping on Design and Manage HSES Organisation.

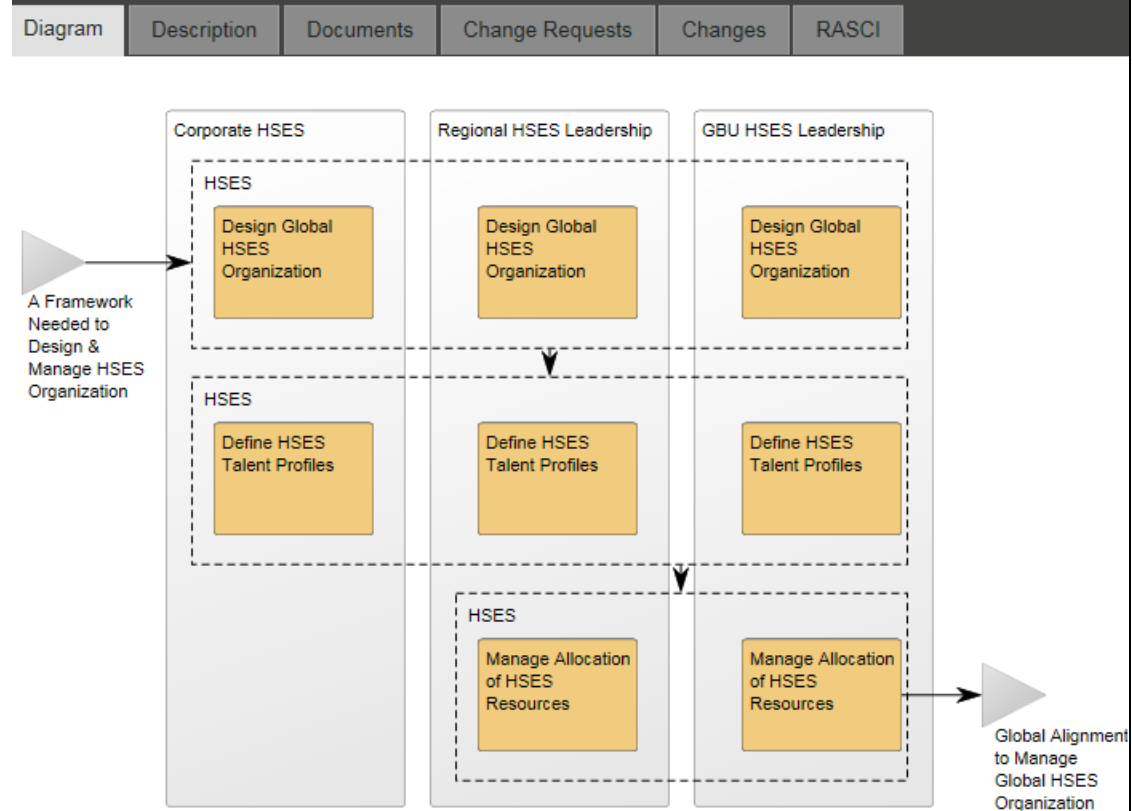
Att:1

Manage HSES Risk



Att: 2

5.2.2 Design and Manage HSES Organization



How document can be accessed

TechnipFMC GBPMS tools is accessible through our local webpage (The Link).

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

This procedures is to be reviewed annually to ensure the content is current and relevant against company management, legislation and local laws.

Name and purpose of WHS System

The purpose of the WHS system is Effective Health, Safety and Environmental (HSE) Management System is crucial to achieve excellence in HSE, TechnipFMC Malaysia (Company) has always considered that the health and safety of its employees and protection of the environment and ecosystem as extremely important for sustainable development and growth of the Company.

TechnipFMC Malaysia has developed the HSE Manual to define a systematic and practical occupational Health, Safety and Environmental Management System, suitable to Company's operation and in-line with the Company HSE Policy. It describes Company's policies, philosophies, objectives and procedures pertaining to sound HSE practices.

To ensure a successful implementation of the HSE Manual, Company expects that all employees carry some responsibility to understand and to comply with the HSE requirements as stipulated in this manual.

How document can be accessed
This document is accessible through our TechnipFMC GBPMS tools from our local webpage (The Link).
How it can be developed and changed to ensure compliance with WHS legislation
This document is to be reviewed annually to ensure the content is current and relevant against company management, legislation and local laws.

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

ACTIVITY 3

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

1.0 INTRODUCTION

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

2.0 WHS REGULATOR

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

3.0 INDIVIDUALS AND PARTIES**3.1 WORKERS**

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

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

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

4.0 COMPLIANCE

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

5.0 CONCLUSION

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

TIPS:

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

1.0 INTRODUCTION

TechnipFMC Kuala Lumpur is the leading engineering technology solutions and turnkey contracting provider in Asia Pacific for the design and construction of hydrocarbon field development, oil refining, gas processing, petrochemicals and selected non-hydrocarbon projects.

Our activities cover 3 business segments i.e. Subsea, Offshore and Onshore.

Incorporated in 1982, the company participates in business activities internationally with Kuala Lumpur as the main operational centre, and offices in Asia Pacific:

- Malaysia (Kuala Lumpur (HQ) & Miri, Sarawak)
- Thailand (Bangkok and Rayong)
- Indonesia (Jakarta and Balikpapan)
- Vietnam (Ho Chi Minh City and Hanoi)
- Singapore
- Brunei (Kuala Belait)
- China (Beijing and Shanghai)
- Australia (Perth, Brisbane)

TechnipFMC in Kuala Lumpur and other offices are certified to ISO 9001 (Quality), OHSAS 18001 (Health and Safety) and ISO 14001 (Environment) Standards. In addition TechnipFMC in Kuala Lumpur is certified to ISO 27001 (Information Security) Standard.

TechnipFMC Kuala Lumpur serves as the regional headquarters for the TechnipFMC entities located in Asia Pacific.

2.0 WHS REGULATOR

TechnipFMC Malaysia as a main operational centre complying with local regulatory in Malaysia called Occupational Safety and Health Act (OSHA) 1994 which established by Department of Occupational Safety and Health (DOSH), Malaysia. However, In TechnipFMC Australia, the operating centre are complying with Work Health and Safety Regulations 2011. This act is then enforced by government agency in the respective states in Australia.

The respective government agency basically carry out the role as below:

- inspect any area where members of the work group work at any time after giving notice; and,
- if there is a serious risk to health or safety from immediate or imminent exposure to a hazard, inspect the relevant area at any time without notice;
- accompany an inspector during an inspection of an area where a work group member works;
- be present at an interview with a worker (with the worker's consent) and the employer or an inspector about work health and safety issues (if the interview involves more than one worker, consent of one worker is sufficient);
- receive information about work health and safety of work group members (but not private information, without consent);
- request a health and safety committee be established; and,
- Issue a provisional improvement notice (PIN) or direct a person to cease unsafe work in certain circumstances.

3.0 INDIVIDUALS AND PARTIES

3.1 WORKERS

According to Part 2 division 4 of Workplace health and safety regulation 2011, the worker shall carry the duty as stated below while at work:

- (a) to take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work;
- (b) to co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made thereunder;
- (c) to wear or use at all times any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health; and
- (d) to comply with any instruction or measure on occupational safety and health instituted by his employer or any other person by or Workplace health and safety regulation 2011 or any regulation made thereunder.

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

According to Part 2 division 3 of Workplace health and safety regulation 2011, PCBUs in Australia and accountable the duty as basically stated below:

- (a) the provision and maintenance of plant and systems of work that are, so far as is practicable, safe and without risks to health
- (b) the making of arrangements for ensuring, so far as is practicable, safety and absence of risks to health in connection with the use or operation, handling, storage and transport of plant and substances;
- (c) the provision of such information, instruction training and supervision as is necessary to ensure, so far as is practicable, the safety and health at work of his employees;
- (d) so far as is practicable, as regards any place of work under the control of the employer or self-employed person, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of the means of access to and egress from it that are safe and without such risks;
- (e) the provision and maintenance of a working environment for his employees that is, so far as is practicable, safe, without risks to health, and adequate as regards facilities for their welfare at work.

4.0 COMPLIANCE

PCBU are assessed in WHS legislation compliance via the legal register and also the overall HSE management system. In the legal register, the PCBU has to develop a legal register to identify the legal requirement in WHS and figure out a program or system in order to comply with the legislation requirement. While in term of HSE MS, PCBU have to show both proactive and reactive method of hazard identification. For example, site inspection, job safety analysis, risk assessment of specific activity, incident reporting and incident investigation. Also, PCBU have conduct an audit to ensure the HSE MS are effectively carried out

5.0 CONCLUSION

As a conclusion, TechnipFMC APAC is a well-established operating centre and it has good HSE management system in place. Each country of the region should have their own HSE management system where the respective local legislation is able to comply with and effective enforced. To have a good HES culture in the organization, both PCBU and workforce are playing important role and required proactive and positive response in HSE.

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).

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

☐

Outcome for Quiz

☐ Satisfactory

☐ Not satisfactory

Trainer/Assessor comments

PRACTICAL TASK

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

TASKS		VERIFIED
A.	In writing, request an appointment with a legal advisor (e.g. WHS Regulator, union, lawyer) to clarify your interpretation of WHS requirements in your workplace, as outlined in your report (Activity 3).	☐
B.	Meet with legal advisor and seek approval regarding your interpretation of WHS requirements in your workplace, as outlined in your report (Activity 3).	☐
C.	During the meeting, use suitable structure and language when providing, seeking and discussing WHS legislative information.	☐
D.	During the meeting, use questioning and active listening to clarify understanding.	☐
E.	Document WHS legislative and organisational advice from legal advisor, making changes to your report (Activity 3) using structure, layout and language suitable for audience.	☐
Name of observer	John Robert Christian	
Role of observer (Confirm their suitability to sign)	☐ Trainer/Assessor ☒ Other (specify): VP QHSES APAC	
Phone number of observer	+603-2116 6953	
Email address of observer	john.christian@technipfmc.com	
Signature of observer		
Date	1/06/2018	
Comments		

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