

BSBWHS402

Assist with compliance with WHS laws



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ASSESSMENT FOR BSBWHS402

Student name	Jacqueline Liew Mei Hui
Date of assessment submission	8/09/2016

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:
 - 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
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ACTIVITY 1

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

Example:

Name and location of Legislation (Commonwealth or State)

<i>Work Health and Safety Act 2011 (Qld) found at www.legislation.qld.gov.au</i>
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Relevant excerpt/requirement for chosen workplace
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<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>
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Name and location of Legislation (Commonwealth or State)
<i>Work Health and Safety Act 2011 (Qld)</i> found at https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSA11.pdf
Relevant excerpt/requirement for chosen workplace
Part 2 Division 2 :- 19: Primary duty of care (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of— (a) workers engaged, or caused to be engaged by the person; and (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. (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. (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable— (a) the provision and maintenance of a work environment without risks to health and safety; and (b) the provision and maintenance of safe plant and structures; and (c) the provision and maintenance of safe systems of work; and (d) the safe use, handling and storage of plant, structures and substances; and (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 (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; 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. [s 20] Work Health and Safety Act 2011 Part 2 Health and safety duties Current as at 22 April 2016 Page 27 Authorised by the Parliamentary Counsel (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

Name and location of Regulation
<i>Work Health and Safety Regulation 2011 (Qld)</i> found at https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSR11.pdf
Relevant excerpt/requirement for chosen workplace
Chapter 3 General risk and workplace management Section 3.2 General workplace management Division 1 Information, training and instruction 39 Provision of information, training and instruction

40 Duty in relation to general workplace facilities
 41 Duty to provide and maintain adequate and accessible facilities

Division 3 First aid
 42 Duty to provide first aid

Division 4 Emergency plans
 43 Duty to prepare, maintain and implement emergency plan

Division 5 Personal protective equipment
 44 Provision to workers and use of personal protective equipment
 45 Personal protective equipment used by other persons
 46 Duties of worker

Division 6 Remote or isolated work
 48 Remote or isolated work

Division 10 Falling objects
 54 Management of risk of falling objects
 55 Minimising risk associated with falling objects

Schedule 17 Additional matters to be included in safety management system of major hazard facility
 1 Safety policy and safety objectives
 2 Organisation and personnel
 3 Operational controls
 4 Duties of operators
 5 Management of change
 6 Principles and standards
 7 Performance monitoring
 8 Audit

Name and location of Code of Practice
Work Health and Safety(Codes of Practice) Notice 2011 found at: https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSCPN11.pdf
Relevant excerpt/requirement for chosen workplace
Entry 8 commencement date 30 May2014 First Aid in the Workplace Code of Practice 2014. approved as a code of practice by MI 2014 No. 3 on 30 May 2014
Entry 22 commencement date 1 January 2012 Managing the Work Environment and Facilities Code of Practice 2011. approved as a code of practice by MI 2011 No. 1

Name and location of Standard
<i>Work Health and Safety 2011 Standard (Qld) found at</i> https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkHSR11.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

Relevant excerpt/requirement for chosen workplace

1. 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

- ☐ Satisfactory
☐ Not satisfactory

Trainer/Assessor comments

ACTIVITY 2

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

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

For each, summarise:

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

Name and purpose of WHS Policy

a) WHS policy

How document can be accessed

APAC Health and Safety policy

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

Policy of health and safety can be access through Technip webpage (intranet-The Link) under 'Charters & Policy' section, it will be display in every single meeting room/Hall and worksite notice board. The compliance can be monitored by annual reviewing of legal register

Name and purpose of WHS Procedure

HSE management review procedure

How document can be accessed

Document can be found and access through procedure house in Technip Webpage(Intranet- TheLink) under Quality page

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

The procedure can be review annually to be changed if Management decide to revise else it will be formally update every 3yrs.

Name and purpose of WHS Process

Working at Height procedure, PTW procedure,

How document can be accessed

Document can be found and access through APAC procedure house in Technip Webpage(Intranet- TheLink) under GL.

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

The procedure can be review annually to be changed if Management decide to revise else it will be formally update every 3yrs. The compliance can be monitored by annual review of legal register

Name and purpose of WHS System
PTW procedure
How document can be accessed
Document can be found and access through APAC procedure house in Technip Webpage(Intranet- TheLink) under GL.
How it can be developed and changed to ensure compliance with WHS legislation
The procedure can be review annually to be changed if Management decide to revise else it will be formally update every 3yrs. The compliance can be monitored through annual review of legal register

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

Technip Asia Pacific (APAC) is the leading integrated offshore and onshore engineering contractor in the Asia Pacific region. Through its regional headquarters in Malaysia, Technip is the leading engineering technology solutions and turnkey contracting provider in Asia Pacific for hydrocarbon field development, oil refining, gas processing, petrochemicals and selected non-hydrocarbon projects.

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)

Each country in Technip APAC is accountable to identify, review, monitor, maintain and report HSE Legal and other requirements accordingly to the country WHS act and regulations to ensure the applicable legal and other requirements to which the operation units in Asia Pacific region are taken into account in establishing, implementing and maintaining its HSE management system. The basic principle underpinning of WHS legislation are:

- Identify the applicable legal and other requirements for Technip's businesses and projects
- Record and report of applicable legal and other requirements.
- Communicate of applicable legal and other requirements.

2.0 WHS REGULATOR

Technip Malaysia 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.

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

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

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 are accountable for 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, Technip 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 effectively enforced. To have a good HSE 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	Ronan Sanvictores Perez
Role of observer (Confirm their suitability to sign)	☐ Trainer/Assessor ☒ Other (specify): HSE Project Manager
Phone number of observer	+603 27835523
Email address of observer	rsperez@technip.com
Signature of observer	
Date	19/10/2016
Comments	

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