


WORKPLACE HEALTH AND SAFETY HANDBOOK



Information provided in this publication is designed to address the most commonly raised issues in the workplace relevant to South Australian legislation such as the *Occupational Health, Safety and Welfare Act 1986* and the *Workers Rehabilitation and Compensation Act 1986*. They are not intended as a replacement for the legislation. In particular, SafeWork SA officers and employees:

- make no representations, expressed or implied, as to the accuracy of the information and data contained in the publication;
- accept no liability for any use of the said information or reliance placed on it, and make no representations, either expressed or implied, as to the suitability of the said information for any particular purpose.

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About SafeWork SA

SafeWork SA delivers a full range of workplace safety, public safety and industrial relations services to all South Australian workplaces independently of other organisations on behalf of the state government including:

- increasing awareness about workplace safety through active engagement with employers and workers
- growing knowledge, understanding and skills with improved education and training
- ensuring compliance and helping industry understand and meet its obligations
- monitoring and assessing safety procedures to encourage and assist with a cycle of continuous improvement.

PREFACE

The Workplace Health and Safety Handbook has been developed as a guiding tool for all who have a role to play in workplace health, safety and welfare. Health and safety representatives assume the important role of representing fellow workers on issues affecting their health, safety and welfare.

The handbook discusses the interaction of health and safety representatives and management. Managers and worker representatives working together to solve problems and implement hazard management programmes can be both an effective and cost efficient process.

Bringing parties together in a cooperative manner does not end at the workplace. Throughout the handbook you will find references to employer associations, unions and workers compensation claims agents. The Government is committed to working with these organisations to address workplace health and safety.

I invite you to join us in working towards achieving our vision of safe, fair and productive working lives for all South Australians.

Bryan Russell

Executive Director
SafeWork SA

1. INTRODUCTION

WHY WAS THE HANDBOOK PRODUCED AND WHO IS IT FOR?

The 'Workplace Health and Safety Handbook' (the handbook) provides information for people who are involved in health and safety in the workplace. This includes health and safety representatives (HSRs), health and safety committee members, managers and supervisors.

The handbook is designed to provide practical guidance on a range of health and safety issues. It is not possible to cover everything; therefore, advice is given on how and where to obtain further information. The handbook is intended for South Australian workplaces and focuses on the legislation, the organisations responsible for administering it and information resources available in this State.

WHAT IS IN THE HANDBOOK?

The framework for dealing with health and safety in South Australia has been set out in the *Occupational Health, Safety and Welfare (OHSW) Act 1986* (the Act). The importance of other parts of OHSW legislation, namely the *Occupational Health, Safety and Welfare (OHSW) Regulations 2010* (the Regulations) and Approved Codes of Practice are explained within the handbook.

Employers in South Australia are responsible for managing workplace health and safety.

Access to information about health and safety issues is essential. The handbook gives directions for obtaining advice and information.

For employees seeking to elect an HSR, there is information about how to form a work group, how to conduct the election and appropriate training.

Organisations that already have HSRs and committees will find advice on how they can be used to resolve health and safety problems.

The handbook indicates the types of training available and contains an introduction to a range of organisations which provide health and safety advice.

The major aim of the handbook is to provide information to assist employers, employees and their respective representatives to establish, implement and maintain systems that prevent work-related injury, disease and death.

HOW TO USE THE HANDBOOK

The handbook does not need to be read from cover to cover. An index allows readers to look up subjects of particular interest.

Throughout the handbook, there are references shown in brackets, e.g. [Act: 31] or [Reg: 372]. These references identify the relevant sections of the OHSW Act or the OHSW Regulations.

For example, [Act: 31] indicates that the relevant section of the Act is Section 31. A reference to [Reg: 372] indicates the relevant Regulation relating to the Health and Safety Representative Elections.



2. THE HEALTH AND SAFETY LEGISLATION

WHAT THE LEGISLATION CONSISTS OF

Workers in South Australia (with a few exceptions explained below) are protected by State health and safety legislation. Anyone who is working full-time or part-time, or has a permanent, temporary or casual job, is covered. This legislation also includes home-based workers and volunteers who work in connection with a trade or business.

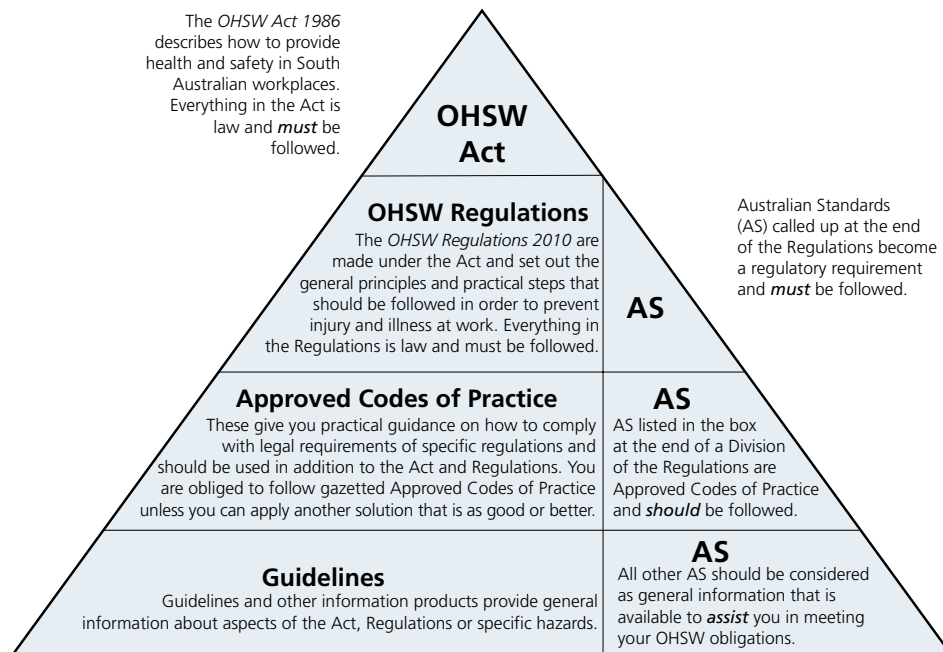
The legislation is designed to protect people by establishing safe systems of work to eliminate or minimise the risks to health, safety and welfare. Employers, employees and others, such as manufacturers and suppliers of machinery or substances used at work, all have an important role to play.

The health and safety legislation in South Australia is made up of three parts. These are:

- the OHSW Act
- the OHSW Regulations
- Approved Codes of Practice made under the OHSW Act.

There are also health and safety provisions in some awards, which must be complied with.

There is different legislation for people employed by Commonwealth Government departments and statutory authorities. These employees are covered by the *Work Health and Safety Act 2011* (Commonwealth). However, private contractors working on Commonwealth property are covered by the State Act.



THE OHSW ACT

The OHSW Act sets out the general requirements for protecting health and safety in the workplace. It is important that every organisation has a copy.

The Act makes it clear that everyone who may affect health or safety at work has a part to play in protecting it. This includes employers, employees and their representatives, designers and owners of buildings used as workplaces, manufacturers and suppliers of machinery, equipment or substances used at work.

The Act aims to bring employers, employees and their representatives together to resolve health and safety issues at work. Giving workers the right to elect HSRs and to participate on health and safety committees in the workplace encourages employee involvement. (See chapters 7 'Health and safety representatives' and 8 'Health and safety committees' for more information about HSRs and committees.)

The Act also gives powers to inspectors from SafeWork SA to inspect workplaces and investigate health and safety issues. Inspectors can initiate prosecutions, which can result in penalties. Fines from up to \$5,000 and up to \$200,000 can apply depending on the seriousness of the offence.

Responsible Officers

Each body corporate carrying on business in the State must appoint one or more responsible officers.

A person appointed as a responsible officer must be:

- a member of the governing body of the body corporate who resides in the State; or
- the chief executive officer of the body corporate, if he or she resides in the State; or
- if no one is eligible for appointment under a preceding paragraph – a senior executive officer of the body corporate who resides in the State; or
- if no one is eligible for appointment under the proceeding paragraph – an officer of the body corporate.

A person who is appointed as a responsible officer and who has not previously attended a course of training recognised or approved by the SafeWork SA Advisory Committee, must attend a course of training within three months of appointment.

Employers' duties

Every employer has a duty of care to each employee to "ensure so far as is reasonably practicable that the employee is, while at work, safe from injury and risks to health".

This is a wide-ranging responsibility that involves taking action to control risks associated with hazards in the workplace.

In determining what is reasonably practicable, employers must take into account the severity of the risk, knowledge about the hazard and ways to remove or reduce it, the availability and suitability of ways to remove or reduce the hazard, and the cost of taking action.

In particular, employers must, so far as is reasonably practicable:

- provide and maintain a safe working environment and safe systems of work
- provide and maintain machinery, equipment, appliances, implements, tools and substances in a safe condition
- provide adequate facilities such as toilets, meal areas and first aid services (as prescribed in the Regulations)
- provide information, instruction, training and supervision as are necessary to ensure that each employee is safe from injury and risks to health
- monitor working conditions at any workplace that is under the employer's management control
- monitor the health, safety and welfare of employees in so far that it is relevant to the prevention of work-related injuries
- keep records of work-related injuries of employees
- advise employees where they can go with enquiries or complaints about health and safety matters
- provide information to employees, in appropriate languages, about health and safety in the workplace
- ensure employees receive proper information, instruction and training before commencing any new work
- ensure employees who are inexperienced in the performance of any hazardous work receive the necessary supervision
- ensure employees who may be put at risk by changes in the workplace, work practices, processes or plant are given proper information, instruction and training before the change occurs, and receive the necessary supervision
- provide managers and supervisors with information, instruction and training to ensure employees under their management or supervision are safe from injuries and risks to health
- ensure any accommodation, eating, recreational or other facility provided for the benefit of employees while at work, or in connection with the performance of work, is maintained in a safe and healthy condition.

To make sure that these duties are met, employers are advised to establish an effective system for managing health and safety. For more information see chapter 3 'Managing health and safety in the workplace'.

Every employer must prepare policies that set down the arrangements for protecting the health and safety of employees while they are at work. Chapter 4 'Health and safety policies' provides guidelines for preparing health and safety policies.

More detailed information about what must be done to address some specific hazards in the workplace is contained in the Regulations and Approved Codes of Practice, which are discussed later in this chapter.

Employers must also consult employees and their representatives about health and safety issues (see chapters 6 'Consultation' and 7 'Health and safety representatives' for more information on consultation).

Employees' duties

Employees must take reasonable care to protect their own health and safety, and the health and safety of others that may be affected by their actions or omissions at work.

Employees' responsibility for health and safety only extends to things that they have control over. However, they must cooperate with their employer in ensuring health and safety in the workplace.

In particular, employees must:

- use equipment provided to protect health and safety
- follow reasonable instructions the employer gives on health and safety
- ensure they are not so affected by alcohol or drugs to endanger their own or any other persons' health and safety.

Actively participating in health and safety means taking positive steps to have health and safety problems resolved. If employees believe work is unsafe, health and safety instructions are unreasonable or arrangements intended to protect health and safety are not effective, they should report these problems and take appropriate action to protect themselves.

For example, an instruction to wear 'space suit' style clothing to protect against toxic chemicals, which employees have to wear for long periods of time in a hot environment, would be unreasonable. In this case, the employees have the right to take action to protect themselves. This might include refusing to do the dangerous work and asking the employer or HSR to assist in having the work changed. However, employees should not just ignore a health and safety instruction and carry on working in unsafe conditions, for example, by refusing to wear the protective clothing because it is hot and continuing to work in a toxic environment.

Duties of building designers

A person who designs a building that is reasonably expected to comprise or include a workplace must take steps to ensure that people who might work in, on or in the vicinity of the building are safe from injury and risks to health. For example, engineers designing structural steelwork for multi-storey buildings should specify measures to ensure the stability of the steelwork during construction.

As a minimum, designers should ensure that they comply with relevant sections of the *National Construction Code*, OHSW Regulations and Approved Codes of Practice.

Duties of building owners

The owner of a building that is used as a workplace, or includes a workplace, must ensure, so far as reasonably practicable, that the building and any fixtures or fittings under the control of the owner are in a condition that allows people to be safe from injury and risks to health while working in, on or in the vicinity of the workplace.

As a minimum, building owners must comply with relevant health and safety Regulations and Approved Codes of Practice. This might include ensuring that any installed asbestos in the building is managed to prevent exposure to this substance, making sure that the building structure is sound or providing adequate ventilation systems.

Duties of manufacturers and suppliers of plant

Any person who designs, manufactures, imports, supplies or installs plant (i.e. machinery, equipment, appliances, implements or tools) for use at work must ensure, so far as reasonably practicable, that people who might use, clean or maintain the plant are safe from injury and risks to health. The relevant Regulations (e.g. on plant) and Approved Codes of Practice (e.g. on chain saws and brushcutters) should be checked for safety requirements.

In addition, information about the conditions necessary to ensure safe installation, use and maintenance must be provided at the time the plant is supplied.

Duties of manufacturers and suppliers of substances

Manufacturers, importers and suppliers of substances for use at work must take steps to ensure that their products are in a safe condition, so that people who might use or handle them are safe from injury and risks to health.

Adequate information must also be provided with the supply of the substance about precautions for its safe use, handling, processing, storage, transportation and disposal.

A practical way to provide information about substances is in the form of a Material Safety Data Sheet (MSDS). The *National Code of Practice for the Preparation of MSDS* (available from Safe Work Australia's website www.safeworkaustralia.gov.au and SafeWork SA's Help Centre on 1300 365 255) describes what information to include in an MSDS.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATIONS 2010

The Regulations are made under the Act and should be read in conjunction with the Act. This single set of health and safety Regulations applies to all workplaces in South Australia. They are easy to use and include an index to help users find information.

General steps to protect health and safety

The Regulations set out general principles that provide practical steps for employers in preventing injuries and illness at work. These steps ensure that safe systems of work are developed and implemented. These steps are:

- consult with employees and their representatives
- identify hazards (potential causes of injury or illness)
- assess the risks, i.e. how likely it is that hazards will cause injury or illness, and how serious this might be
- control and minimise the risks to ensure that injury or illness is prevented
- provide information, instruction, training and supervision to ensure employees are aware of any risks and what must be done to control them
- report hazardous situations, fatalities, injuries and illness so action can be taken to prevent them from happening again.

In general, employers are required to take appropriate and reasonable steps to protect health and safety, consistent with the degree of risk that exists. The Regulations allow employers to decide what action is appropriate in the situation, providing they meet the minimum legal requirements.

Specific health and safety issues

In addition to establishing the general steps that should be taken to protect health and safety, the Regulations state what must be done to address some specific health and safety issues.

Some of these are:

- amenities and facilities such as toilets, washing facilities, areas for eating and storage of personal belongings, and provision of first aid
- plant (machinery, equipment and tools)
- manual handling (lifting, pulling, pushing, carrying)
- hazardous substances (chemicals that are harmful to a worker's health)
- hazardous work such as logging, excavation, electroplating, abrasive blasting, and spray painting
- certification of people performing some types of hazardous work or operating hazardous machinery to ensure they have the necessary level of skill and competency to do the work safely.

The Regulations for plant, hazardous substances, certification, confined spaces and manual handling are consistent with national standards adopted in some other states or territories in Australia.

Who has a role to play?

The Regulations emphasise that different people have a role to play in ensuring health and safety. These people include employers and employees, building designers, owners and occupiers and providers of plant, equipment or substances used at work. Self-employed people must also take steps to protect their own health and safety and avoid adversely affecting the health and safety of others.

The Regulations contain schedules that set out who has a duty to comply with specific Regulations. The responsibility is often shared. If this is the case, each duty must be carried out to the extent of that person's control over the work.

Approved Codes of Practice

A code of practice that is approved by the Minister for Industrial Relations following recommendation from the SafeWork SA Advisory Committee, then gazetted in the Government Gazette and presented to both Houses of Parliament, becomes an Approved Code of Practice.

Codes of practice developed by other organisations, such as Safe Work Australia or Standards Australia, are not Approved Codes of Practice unless they have been approved and gazetted in accordance with the OHSW Act.

Approved Codes of Practice provide minimum standards for health and safety. They are to be used in addition to the Act and Regulations.

A code of practice provides practical guidance on how a particular standard of health and safety can be achieved. It describes the preferred methods or actions to achieve the standard of health and safety. This means other standards can be used if they achieve an equal or better standard of health and safety. A code of practice is therefore different from a Regulation, as the responsible person must meet the specific requirement of the Regulation. For this reason, preferred methods or courses of action in an Approved Code of Practice are preceded by the word 'should'.

An Approved Code of Practice may include references to obligations imposed by an act of Parliament or Regulation. These obligations are preceded by the word 'shall' in the code of practice because they are mandatory. Failure to meet these obligations is an offence against the Act or Regulation.

If legal action is taken by SafeWork SA for a breach of the Act (a prosecution), and it is proven that the person failed to comply with a relevant Approved Code of Practice, they may be taken to have failed to exercise the required standard of care unless there is proof to the contrary [Act: 63a].

In summary, an Approved Code of Practice:

- provides practical guidance
- should be followed unless there is another solution that achieves the same or better standard of health and safety
- can be used to support a prosecution.

Every organisation is advised to obtain copies of Approved Codes of Practice that are relevant to their workplace and the hazards they face in their work.

Other information

SafeWork SA or the Minister for Industrial Relations may also issue guidelines, which provide further explanation about aspects of the Act, Regulations or codes and specific hazards not covered in the Regulations. The guidelines cover topics including drugs and alcohol in the workplace, workplace amenities and accommodation, managing health and safety in the labour hire industry, and reducing the risk of violence at work. These guidelines are not legal requirements. They provide advice and explanation only. This handbook includes guidelines on various issues including health and safety policies, committees and representatives.

SafeWork SA and other authorities also publish information sheets and brochures on the requirements of the Regulations and Approved Codes of Practice.

The Act and Regulations are available from:

Service SA

Government Legislation + Outlet

108 North Terrace, Adelaide SA 5000

Service SA online shop: www.shop.service.sa.gov.au

Telephone: 13 23 24

The Approved Codes of Practice are available from the SafeWork SA Bookshop:

Ground floor

200 Victoria Square, Adelaide

Telephone: (08) 8204 8881

HOW THE LEGISLATION IS ENFORCED

The Act assigns responsibility to individuals for ensuring that workplaces are healthy and safe. It is the role of SafeWork SA inspectors to verify that this responsibility is being met.

Inspectors do not need an appointment to make a visit to a workplace. They may call in at a workplace at any time to carry out an inspection, investigate an injury or incident that has occurred, audit health and safety systems or take other action.

Inspectors have the power to examine records, take photographs or films, make measurements and interview any person about health and safety at the workplace. It is an offence to hinder or obstruct an inspector doing their job [Act: 38].

Inspectors' notices

If an inspector finds that the Act or Regulations have been breached, they may issue a legal notice. There are two types of legal notices – Improvement and Prohibition Notices.

An Improvement Notice states that the Act or Regulation is being breached and may include directions about action required to resolve the problem.

A Prohibition Notice may be issued where there is an immediate risk or potential for an immediate risk to health and safety. The notice prohibits the performance of unsafe work. This unsafe work cannot recommence until the inspector is satisfied that adequate steps have been taken to eliminate or minimise the risk to health and safety.

Where work is suspended because of a Prohibition Notice, a person employed in that work may be assigned to suitable alternative work [Act: 57] or if no suitable work is available, is entitled to be paid so that they do not suffer any loss of income [Act: 44].

More information on Improvement and Prohibition Notices can be found in sections 39 to 45 of the Act and in chapter 9 'The resolution of health and safety issues' of this handbook.

Prosecution and penalties

Inspectors can initiate prosecutions for breaches of the Act or Regulations, which may result in substantial penalties or fines. Fines can apply from up to \$5,000 (usually the maximum for employees) to \$200,000 for employers. The amount of the fine depends on the type and severity of the offence. In the Act and Regulations, fines are identified from Division 1 to 7 (see below for an explanation).

Imprisonment of up to five years may also apply for serious offences where a person recklessly breaches their duty of care (as an employer or employee), knowing that their action is likely to seriously endanger another person's health and safety.

Fines

(Current as at the date of publication)

Division 1 (up to \$200,000)

Division 2 (up to \$100,000)

Division 3 (up to \$40,000)

Division 4 (up to \$30,000)

Division 5 (up to \$20,000)

Division 6 (up to \$10,000)

Division 7 (up to \$5,000)

THE ROLE OF THE INDUSTRIAL RELATIONS COURT AND INDUSTRIAL RELATIONS COMMISSION OF SOUTH AUSTRALIA

The Industrial Relations Court and Industrial Relations Commission (hereafter referred to as the Industrial Court and Industrial Commission) have an important role to play in the resolution of health and safety disputes and legal proceedings under the Act.

Conciliation

If a dispute arises between an employer and employees during the formation of work groups, election of HSRs or establishment of health and safety committees, this dispute may be referred, in the last resort, to the Industrial Commission.

The Industrial Commission will attempt to resolve the dispute by conciliation.

The conciliation process involves bringing the parties together to discuss the issues in order to arrive at an acceptable solution for all parties.

Review

If a dispute cannot be resolved by the Industrial Commission within a reasonable period of time, it is referred to the Industrial Court, which establishes a review committee to resolve the issue. The review committee is made up of three members — a judge or magistrate, an employer nominee and a union nominee. The review committee evaluates and determines a resolution to the dispute. For example, a dispute about an HSR's Default Notice or order to stop unsafe work, or an inspector's Improvement or Prohibition Notice may also be referred to the Industrial Court for determination by a review committee.

For more information about the role of the Industrial Court and Commission in resolving health and safety disputes see chapters 7 'Health and safety representatives', 8 'Health and safety committees' and 9 'The resolution of health and safety issues'.

Legal proceedings

All prosecutions commenced by SafeWork SA inspectors for a breach of the Act or Regulations are heard and determined by a magistrate in the Industrial Court. If the magistrate's decision is appealed, a judge or full panel of judges in the Industrial Court hears the appeal.

3. MANAGING HEALTH AND SAFETY IN THE WORKPLACE

To avoid overlooking important health and safety issues, employers need to adopt a systematic approach to managing health and safety. This can be done by establishing a program in which health and safety is an integral part of management – from top level managers to supervisors.

Recommended elements for an effective health and safety management program include:

- **Top level management are involved and committed.**

Managers need to understand their responsibilities under health and safety legislation and be aware of the hazards specific to their organisation. Management must be committed to and held accountable for providing a healthy and safe workplace.

Further information about employers' legal duties can be found in chapter 2 'The health and safety legislation'. Chapter 5 'Hazard management' has information about identifying hazards, and assessing and controlling risks.

- **Supervisors are assigned responsibilities and authority for ensuring the health and safety of employees under their supervision.**

The responsibility for the health and safety of employees under their supervision should be promoted as an integral part of a supervisor's job. To ensure the health and safety of employees, supervisors need to be aware of their responsibilities and will require adequate information, training and resources (see chapter 10 'Occupational health and safety training' for information about training for supervisors).

Supervisors will need the authority to take action to protect health and safety. Managers will need to ensure supervisors are accountable.

- **Health and safety policies and procedures are prepared.**

A policy should detail the arrangements for protecting employees' health and safety and outline the responsibilities of management and employees. It must be supported by written procedures so that everyone in the organisation is aware of their responsibilities.

Procedures need to be in plain English, easy to follow and all employees should understand them. Policies and procedures must be reviewed and updated to reflect any changes in legislation, plant and equipment, substances used in the workplace, systems of work or the work environment (see chapter 4 'Health and safety policies').

- **Effective mechanisms for employee consultation are established.**

Consultation between employers, employees and their elected representatives on all aspects of health and safety in the workplace such as identifying, assessing and controlling hazards, injury and incident investigation, and the development of health and safety policies and procedures, is essential.

Consultation encourages employees to participate, contribute ideas and assist with solving problems (see chapter 6 'Consultation').

- **Arrangements are put in place for the identification of hazards, and the assessment and control of risks to health and safety in the workplace.**

Regular workplace inspections must be conducted to identify problem areas and hazards. Injury, incident and disease records need to be examined and employees consulted to identify problems (see chapter 5 'Hazard management' for information on risk identification, assessment and control).

- **Provide a safe system of work.**

A safe system of work is the total set of methods adopted for carrying out the operations required in a particular workplace. They cover all aspects of the employment situation including the organisation of work processes, the methods of using machinery, plant and equipment, the methods of hiring labour, job training, instruction and supervision about associated hazards and their management, and what to do when things go wrong.

- **Training is provided to enable management and employees to carry out their responsibilities.**

Managers, supervisors and employees all need information and training to ensure they are aware of their responsibilities and understand the arrangements in place to protect OHS (see chapter 10 'Occupational health and safety training' for more information).

- **Records are kept of action taken to manage health and safety in the workplace.**

The health and safety legislation require that some records are kept. In general, it is good management to be able to show what action has been taken to protect health and safety.

WORKPLACE DIVERSITY

Nowadays more and more organisations consist of a diverse workforce to broaden their customer base, improve the bottom line, lower staff turnover and be more competitive in the marketplace. While there are many benefits to a diverse workforce, when it comes to managing or representing the group there is no 'one-size fits all' approach.

People have various needs in relation to how information is best provided to them and also on how they communicate with others in the workplace. Workplaces are made up of people with various and diverse backgrounds. Language, literacy, age, disability, gender and culture may impact on how people require health and safety information to be presented to them, and how they can get involved in health and safety committees or workplace health and safety issues.

It is important not to stereotype or make assumptions about employee communication styles. Consultation plays a crucial role in identifying and addressing the needs of all staff members.

The following strategies can be used in the workplace to enhance the way health and safety information and training is provided to employees:

- Provide training and awareness sessions for supervisors, managers, HSRs and other relevant staff to enhance their understanding of how cultural factors, language, disability and English literacy can impact on the delivery of information.

- Access SafeWork SA's posters and information about health and safety in community languages and/or alternative formats and distribute amongst staff and HSRs.
- Language is not the only barrier in communication. For example, some employees may come from countries where the health and safety structures were very different from those in Australia. In these circumstances it is not only a matter of translating information from one language to another, but also of explaining the concepts and details of the structure of workplace health and safety in your workplace. Other characteristics such as immigration or refugee status, and a person's educational level (including their literacy in their first language), will all impact. Therefore, it is in everyone's best interest for employers, managers or HSRs to provide accurate information about workplace health and safety and workers rehabilitation and compensation rather than workers getting this information from family, friends or colleagues.
- Many Australian-born workers have limited English literacy skills so you may need to communicate verbally and not rely on written information with some workers.
- It is also important to remember that while some people have very good functional spoken English, their ability to communicate and understand complex issues that require specific vocabulary such as workplace health and safety can be difficult for them.
- Develop mentoring relationships between newer and more experienced workers who have an understanding of these issues.
- Ensure organisational budgets allocate funding for translation of material and interpreting cost so these strategies can be used when required.
- Demonstrate or show workers what you want them to do, together with verbal instructions.
- Use accredited interpreters when communicating with workers of non-English speaking backgrounds if they are more comfortable communicating in a language other than English.
- Interpreters are also available for people who use deaf sign language (AUSLAN).
- It is important to use non-discriminatory language, avoid stereotypes and to treat people with respect regardless of their disability, language, culture, religion, age, gender, and literacy.

Ensure that workers receive training and information that is relevant to their job, workplace and industry:

- Check that workers have understood what they have been told in induction training. Ask them to show you, rather than tell you (as appropriate).
- Use safety symbols and signs (international signage – pictorial) and ensure that workers know what they mean.
- Provide information in audio as well as written formats. This is a good strategy for people with limited literacy as well as people with a visual impairment.
- Audio tapes are also a useful strategy for information that has been translated into community languages.
- Use videos with subtitles in training where possible.

Useful tips for HSRs

- All employees should be consulted and encouraged to join in discussions in relation to health and safety in the workplace.
- It is important not to make any assumptions about what employees may or may not know about workplace health and safety.
- You may need to explain the role of HSR and the health and safety committee, so that all workers know what types of issues these people can assist with and what they will do with any information they are provided with.
- Ensure that all written and verbal communication is in plain English and avoid the use of jargon or technical language.
- If there are enough workers from one language group who have limited English literacy, establish a small group to allow employees to share information and contribute ideas and suggestions in their preferred language.
- Discuss the most useful method for providing minutes of health and safety committee meetings with your work group.
- Allow additional time when communicating with workers of diverse backgrounds to ensure that you don't have to rush through any information.

Bilingual employees

- Use workers who are bilingual to assist in communicating information. However, it is essential that they are fluent in both languages, that they understand the health and safety information and they feel comfortable communicating with other workers.
- Consider training bilingual employees to assist HSRs.
- Bilingual employees who are expected to undertake this function should be provided with resources such as time and material that has already been translated.
- Bilingual workers should not be asked to translate policies, procedures, Material Safety Data Sheets etc. unless they are also accredited translators. Bilingual employees should only be used for simple verbal information exchange.

Useful resources

WorkCoverSA's Stakeholder Relations Unit is available to consult with you on the needs of a diverse workforce. This service is free of charge. Contact the Unit at stakeholderrelations@workcover.com or call (08) 8233 2453.

The following useful resources are available from SafeWork SA's Bookshop, Library or from www.workcover.com

- Interpreting and Translating Policy. This is a very useful resource that includes information on how to work with interpreters, how to organise translations and includes information on the principles of plain English (discussed on the following page)
- multilingual safety sign poster
- information in community languages
- information in alternative formats e.g. braille.

PRINCIPLES OF PLAIN ENGLISH

- use short, simple, straightforward words
- avoid unnecessary words and expressions – get straight to the point
- personalise the material by speaking directly to the reader
- use active rather than passive words
- avoid the use of negatives and double negatives (e.g. “You don’t want to go to lunch now, do you?”)
- short sentences are easier to understand than long ones
- think about the best order for your information – it should reflect the logical order of events
- define any technical terms
- avoid unnecessary humour or jargon
- trial the information with people who don’t know the subject matter, to test whether the message and content is clear and can be understood.

AUDIO AND VISUAL TECHNIQUES

- Demonstrate or show workers what you want them to do, together with verbal instructions.
- Check that workers know what they have been told in induction and training. Ask them to show you, rather than tell you (as appropriate).
- Use safety symbols and signs (international signage – pictorial) and ensure that workers know what they mean.
- Have audio tapes produced of written information if reading is difficult for some workers, or for people with a visual impairment. Audio tapes are also a useful strategy for information that has been translated into community languages.
- Use videos (with subtitles where possible) in training.

INTERPRETERS

Use interpreters where necessary, e.g. in group training situations. Interpreters can be used to communicate in languages other than English, or in deaf sign language (AUSLAN). Language interpreting services are available for telephone discussions as well as for face-to-face meetings.

Basic guidelines on using interpreters

- first, identify the language and dialect correctly or the extent of any hearing impairment
- never use children as interpreters
- it is the employer’s responsibility to arrange an interpreter
- use the services of a qualified National Accreditation Authority for Translators and Interpreters (NAATI)/sign language accredited interpreter wherever practicable
- when booking an interpreter state:
 - the exact language/dialect required
 - whether a male or female interpreter is required, if appropriate
 - your organisation and your name
 - the exact location that the interpreter is to attend
 - the purpose of the interview

- brief the interpreter before the interview
- provide a clear explanation to the worker(s) on the role of the interpreter and your role
- speak clearly and directly to the interpreter
- pause after a few sentences to allow time for information to be interpreted
- do not use jargon and slang
- do not have a private discussion with the interpreter
- at the end, ensure that the employees have understood the information and have no further questions
- the interpreter's sole task is to facilitate communication between the parties involved — not to conduct the session.

USEFUL RESOURCES

- WorkCoverSA's Stakeholder Relations Unit. Telephone: (08) 8233 2453
- SafeWork SA's Library. Telephone: (08) 8204 8877
- Interpreting and Translating Centre – telephone or face-to-face interpreting
Telephone: (08) 8226 1990 or facsimile: (08) 8226 1992
- Interpreting and translating services (see *Yellow Pages* – under 'Interpreting and translating services')
- Royal Society for the Blind – for production of information in various formats (audio tape, large print, braille, computer voice disk) for people who are blind or have a visual impairment. Telephone: (08) 8417 5599.

4. HEALTH AND SAFETY POLICIES

WHAT ARE HEALTH AND SAFETY POLICIES AND PROCEDURES?

A health and safety policy is an organisation's statement detailing how it will ensure a healthy and safe work environment. Individual policies will need to be developed for specific hazards and issues, e.g. smoking in the workplace, manual handling and first aid. Policies should be supported by procedure/s which provide the step-by-step instructions on how policies will be achieved.

WHY IS A HEALTH AND SAFETY POLICY IMPORTANT?

Health and safety policies are important because they establish arrangements for protecting the health and safety of employees. The general health and safety policy is an important way of demonstrating to management, supervisors and employees that there is a commitment to ensuring high standards of health and safety.

PREPARATION OF A POLICY

A health and safety policy should be written to suit the individual needs of the organisation. In preparing a policy, there must be consultation with HSRs, the health and safety committee(s), employees, and if requested, relevant unions and employer associations. Consultation must also occur when the policy is reviewed and updated.

The health and safety policy should be written so it is easy to understand. For employees who are not fluent in English or are intellectually impaired, it may be translated into appropriate languages or a format relevant to their disability.

WHAT SHOULD BE IN A POLICY?

The general health and safety policy should clearly indicate the organisation's health and safety objectives and the arrangements for achieving those objectives, including the different functions and levels of responsibility of all people with a role to play in health and safety.

It is recommended that a health and safety policy should:

- detail the organisation's health and safety objectives
- state top level or senior management's commitment to health and safety
- demonstrate that top level or senior management accepts primary responsibility for the health and safety of all employees
- identify the Responsible Officer, who must be a senior executive, chief executive officer or equivalent [Act: 61 and 62]
- define the role and responsibilities of the Responsible Officer, managers, supervisors, employees, and any other relevant people
- explain how people with health and safety responsibilities will be held accountable for effective performance of these duties
- provide the name(s) or position(s) of the people to whom employees may make inquiries and complaints about health and safety issues

- emphasise the importance of consultation and cooperation between management, employees and their representatives on health and safety issues and contain the arrangements for joint consultation including the role and functions of HSRs and the health and safety committee
- outline the organisation's arrangements and strategies for achieving health and safety objectives
- state how the policy will be reviewed to make sure it is evaluated and updated regularly to reflect changes in health and safety arrangements, and include the date of preparation/last review
- outline strategies to ensure non-English speaking background (NESB) employees and employees with disabilities, receive appropriate information, supervision and training and are included in the consultation process
- state a commitment to continuous improvement in occupational health, safety and welfare.

It is recommended the Responsible Officer or chief executive officer of the organisation and an employee representative for health and safety issues sign the health and safety policy. To view a sample health and safety policy see page 25.

IMPLEMENTATION OF A POLICY

Although the overall responsibility for health and safety rests at the highest level of management, everyone in the organisation has a role to play in its implementation. Therefore, all employees should be made aware of the health and safety policy and have the contents of the policy explained to them in a language they understand, or provided to them in any other format that suits their specific needs.

Simply having a written health and safety policy is not enough by itself. To ensure that the policy is effective, there needs to be a plan for implementing the policy throughout the organisation.

A health and safety program is a vital way of ensuring that commitments made in the health and safety policy are translated into effective action to prevent injury and disease.

The health and safety policy should be dynamic and change in response to organisational changes that affect the management of health and safety. Regular revision of the policy allows the employer to promote and maintain an organisation's health and safety program.

EXAMPLE OF AN ORGANISATIONAL HEALTH AND SAFETY POLICY

1. Statement of intent

[Organisation's name] is committed to the proper management of occupational health, safety and welfare, which ranks equally with all other operational considerations.

It is the aim of [organisation's name] to minimise the risk of injury and disease to our employees and other persons by adopting a planned and systematic approach to the management of occupational health, safety and welfare and providing the resources for its successful implementation and continuous improvement.

2. Objectives

The objectives of this policy are to ensure:

- all hazards and risks to health and safety are identified, assessed and where they cannot be eliminated are effectively controlled
- measures to control hazards and risks to health and safety are regularly monitored and evaluated
- employees are consulted and encouraged to contribute to the decision-making process on occupational health and safety (OHS) matters affecting their health and safety at work
- all managers, supervisors and employees receive the appropriate information, instruction, training and supervision they need to safely carry out their responsibilities.

3. Strategies

[Organisation's name] will achieve its occupational health, safety and welfare objectives by developing and implementing appropriate policies and procedures that document standards and guide managers, supervisors and employees in carrying out their responsibilities in:

- identifying hazards and risks to health and safety associated with tasks and activities carried out by [organisation's name]
- assessing the degree and level of risks arising from hazardous tasks or activities
- selecting, implementing and maintaining appropriate measures to control risks to health and safety
- consulting with employees and their representatives on matters that may affect their health and safety
- identifying, developing and providing appropriate information, instruction and training to equip managers, supervisors and employees with the knowledge and skills necessary to meet their responsibilities
- developing, implementing and monitoring plans to put (organisation's name) health and safety policies and procedures into effect.

4. Roles and responsibilities

4.1 Responsible Officer

The [title of Responsible Officer] as the Responsible Officer has the overall responsibility to provide a healthy and safe workplace for employees and will ensure adequate resources are provided to meet the health and safety objectives and implement strategies.

In particular the [title of Responsible Officer] will ensure:

- appropriate health and safety policies and procedures are developed and implemented to enable the effective management of health and safety and control of risks to health and safety
- mechanisms are provided to enable the identification, development, implementation and review of appropriate health, safety and welfare-related policies and procedures
- mechanisms are provided to enable employees and their representatives to be consulted on any proposals for, or changes to, the workplace, work practices, policies or procedures that may affect the occupational health, safety and welfare of employees
- managers are provided with the necessary knowledge and skills to effectively enable them to carry out their health and safety responsibilities
- mechanisms are provided to enable the assessment of managers' and supervisors' health and safety performance
- OHS performance is an integral component of [organisation's name]'s business and financial plans
- mechanisms are provided to regularly monitor and report on health and safety performance
- annual health and safety strategic plans are developed and implemented to meet health and safety objectives.

4.2 OHS Coordinator

The OHS Coordinator has the responsibility for coordinating [organisation's name] management of health and safety on behalf of [title of the Responsible Officer]. The OHS Coordinator does not assume the responsibilities of managers and supervisors.

The OHS Coordinator has a responsibility to:

- coordinate the identification, development, implementation and review of health and safety-related policies and procedures
- assist managers and supervisors in the identification, assessment and selection of measures to control hazards and risks to health and safety
- assist managers and supervisors in monitoring and evaluating hazards and risk control measures
- assist managers and supervisors in the identification, development and provision of appropriate health and safety-related information, instruction and training
- assist managers and supervisors to effectively consult with employees and their representatives

- monitor and advise on legislative and technical changes relating to health and safety
- monitor and provide regular reports to the Responsible Officer and the Health and Safety Committee on the [organisation's name] OHS performance
- support employees and HSRs to follow policies and safe work procedures developed
- provide information to employees and their representatives on health and safety.

4.3 Managers

Managers have a responsibility in their areas of control to ensure:

- they carry out their roles and responsibilities as detailed in the relevant health and safety policies and procedures
- relevant health and safety policies and procedures are effectively implemented
- all risks to health and safety are identified, assessed and effectively controlled
- the effectiveness of risk control measures are regularly monitored and deviations from standards rectified
- supervisors and employees have adequate knowledge and skills to carry out their health and safety responsibilities
- employees and their representatives are consulted on any proposals for, or changes to, the workplace, work practices, policies or procedures that may affect the health and safety of employees.

4.4 Supervisors

Supervisors or persons with supervisory responsibilities have a responsibility to ensure:

- they carry out their roles and responsibilities as detailed in the relevant health and safety policies and procedures
- relevant health and safety policies and procedures are implemented in their areas of control
- all risk control measures in their areas of responsibility are implemented, regularly monitored and maintained
- the employees under their control are provided with the necessary information, instruction and training to effectively and safely carry out their jobs.

4.5 Employees

Employees have a responsibility to take reasonable care to protect their own health and safety and to avoid adversely affecting the health and safety of any other person.

Employees have a responsibility to:

- report any incident or hazards at work to their manager or supervisor
- carry out their roles and responsibilities as detailed in the relevant health and safety policies and procedures
- obey any reasonable instruction aimed at protecting their health and safety while at work
- use any equipment provided to protect their health and safety while at work
- assist in the identification of hazards, the assessment of risks and the implementation of risk control measures
- consider and provide feedback on any matters which may affect their health and safety

- ensure they are not so affected by alcohol or another drug to endanger their own or any other persons' health and safety.

4.6 Health and safety committee

[Organisation's name] will establish a health and safety committee(s) consisting of management and employee representatives. The Health and Safety Committee will be the principal forum for management to consult with employees on broad health, safety and welfare, and policy issues.

The responsibilities of the Committee are to:

- assist in the development, monitoring and review of health and safety policies and procedures
- consider any proposal for, or changes to, the workplace, policies, work practices or procedures that may affect the health and safety of employees
- promote the importance of health and safety among management and employees
- monitor [organisation's name] health and safety performance
- monitor the rehabilitation of injured employees
- assist in the resolution of health and safety disputes.

4.7 Health and safety representatives

[Organisation's name] will encourage and facilitate the formation of work groups and election of health and safety representatives (HSRs) to represent employees on health and safety matters.

The role of HSRs is to:

- represent employees from their work group on health and safety matters
- investigate health and safety-related complaints prior to representations to management
- make representations to management and report back to employees on any matter relating to health and safety
- discuss with the employees any proposals or matters that may affect their health and safety
- assist management in the identification of hazards, the assessment of risks and implementation of risk control measures
- assist in promoting adherence to health and safety policies and procedures
- assist in the monitoring of risk controls and health and safety policies and procedures.

5. Annual report

The annual report will contain health and safety information with particular reference to work injury and experience relative to performance targets.

6. Review of policy

The health and safety policy will be reviewed annually in consultation with the Health and Safety Committee.

The review will involve assessing the effectiveness of the policy and program by:

- reviewing overall health and safety performance
- monitoring the effectiveness of policies and procedures.

7. Dissemination of policy

Each employee will be provided with a copy of [organisation's name] health and safety policy as part of their induction. Employees will have ready access to all health and safety policies and procedures through their supervisors and HSRs.

Responsible Officer

Employee representative

Date issued

Date of review



5. HAZARD MANAGEMENT

An essential step in the management of OHS is ensuring that all hazards are identified, the risks assessed, and effective control measures are developed and implemented. This approach is a fundamental principle of the Regulations and Approved Codes of Practice.

HAZARD IDENTIFICATION

A hazard is something that has the potential to harm the health, safety and welfare of people at work. Examples of hazards that may be found in the workplace include noise, hazardous substances, unguarded power-driven machinery, working at heights and stressful working conditions (e.g. the threat of violence).

To identify hazards to health, safety and welfare:

- Check the records of injuries and incidents (including near misses) that have occurred in the workplace or in other similar workplaces (see chapter 11 'Action if an injury happens' for more information on injury records).
- Conduct walk-through inspections of the workplace using a checklist to identify potential hazards.
- Consult with employees to find out what problems they have in their jobs (see chapter 6 'Consultation').
- Read publications such as Regulations and Approved Codes of Practice, that identify potential hazards (see chapter 12 'Sources of information on health and safety issues').

RISK ASSESSMENT

When hazards have been identified, assess the risk created by each hazard. The risk is the likelihood that the hazard will cause injury, illness or disease in the way that it is used or occurs in the workplace, and the severity of the injury, illness or disease that may result. Risk assessment means the process of evaluating the probability and consequences of injury, illness or disease arising from exposure to an identified hazard or hazards [Reg: 3 and Reg: 20].

Assessment of a risk involves consideration of:

- the nature of the hazard
- how it may affect health or safety (what type of injury, illness or disease could occur and how serious they are)
- how employees are exposed to the hazard
- any workers affected (e.g. women, NESB workers, workers with disabilities etc.)
- how much, how often and for how long employees are exposed
- location of the hazard.

The risk assessment also takes into account the way that work is organised, the layout and condition of the work environment, the training and knowledge needed by a person to work safely and the types of control measures available.

The assessment of risk is a process of gathering information and making decisions. There is no 'right' answer. People will make certain decisions about risk because they have different ideas about what is acceptable. For this reason it is important that those who will be affected by the decisions made (the employer, relevant employees and their representatives) should be involved in the assessment (see chapter 6 'Consultation').

An assessment should be made whenever there is a change in the workplace that could affect health, safety or welfare, or when there is new information about a hazard.

RISK CONTROL

When hazards have been identified and the risks assessed, appropriate control measures should be developed and implemented. The aim is to eliminate or minimise the risk.

There are many ways for employers to control risks to health, safety or welfare in the workplace. As far as possible, a hazard should be controlled at its source rather than trying to make the employee 'work safely' in a dangerous environment or having the employee wear protective clothing and equipment.

Controlling the hazard at the source is much more effective in the prevention of injury, illness or disease. To do this, action needs to be taken to control risks in the order listed in the table on page 33. This is often called the 'hierarchy of controls'. Control measures from the top of the list give better results. Measures from the bottom of the list are more difficult to maintain and usually less effective. They should be regarded as interim measures until preferred ones can be implemented.

Information about how to control the risks to health and safety can be found by:

- checking the Regulations and Approved Codes of Practice that describe control measures for the particular hazard
- consultation with employees who are exposed to the hazard
- seeking information from employer and employee organisations and unions
- seeking information from relevant manufacturers or suppliers of hazardous substances or plant
- obtaining advice from OHS consultants
- contacting government agencies and other sources of health and safety information (see chapter 12 'Sources of information on health and safety issues' for advice on where to obtain more information on hazards and their control).

THE HIERARCHY OF CONTROL MEASURES TABLE

1 ELIMINATE THE HAZARD	E.g. remove noisy equipment, purchase pre-cut items.
If this is not practicable, then ▽	
2 SUBSTITUTE THE HAZARD WITH SOMETHING OF A LESSER RISK	E.g. use smaller packages, use a less toxic chemical, electric forklift in place of petrol-driven forklift, vacuum rather than sweep.
If this is not practicable, then ▽	
3 ISOLATE THE HAZARD	E.g. place barriers around a spill until cleaned up, locate photocopier in separate, well-ventilated room.
If this is not practicable, then ▽	
4 USE ENGINEERING CONTROLS	E.g. provide a trolley to move heavy loads, place guards on moving parts of machinery.
If this is not practicable, then ▽	
5 USE ADMINISTRATIVE CONTROLS	E.g. introduce job rotation, shorter task shifts, ensure equipment is maintained regularly, safe work procedures, instruction and training.
If this is not practicable, then ▽	
6 USE PERSONAL PROTECTIVE CLOTHING OR EQUIPMENT	E.g. provide hearing and eye protection, hard hats, gloves, masks.

until you have a better method of control.

STEPS FOR MANAGING HAZARDS

Safe work provides a basic structure for the valuable and appropriate implementation of health and safety in your business.

It's about employers and workers working together to provide the safest work environment.

The 'SAFER' approach will help protect employees, safeguard a workplace's investment and reduce a workplace's levy rate.

See it — hazard identification

Identify anything that has the potential to harm the health or safety of people at work.

Assess it — risk assessment

Consider the likelihood that someone will be hurt, how badly they will be hurt, how they could be hurt, as well as how much, how long and how often a person is exposed to the hazard.

Fix it — risk control

Determine how the hazards are going to be controlled. If elimination of the hazard is not possible, other controls should be implemented to reduce potential risks.

Evaluate

Once the most appropriate fix has been selected, it's important to evaluate whether the fix has been successful in controlling the hazard – re-assess the risk again.

Review

After a period of time, when the work environment changes, a review of this entire process is required to continually control the hazard.

A safe system of work should be provided to ensure the total set of methods are adopted for carrying out the operations required in a particular workplace. They cover all aspects of the employment situation including the organisation of work processes, the methods of using machinery, plant and equipment, the methods of hiring labour, job training, instruction and supervision about associated hazards and their management, and what to do when things go wrong.

6. CONSULTATION

WHAT IS CONSULTATION?

Consultation is the sharing of information and the exchange of views between two or more people. In the workplace we are generally referring to the interaction between employers and employees.

WHY IS CONSULTATION NECESSARY?

Consultation between employers and employees is a fundamental element of a positive approach to health, safety and welfare in the workplace. Through consultation, managers and supervisors can become more aware of hazards and OHS issues experienced by employees. Employees can also provide suggestions about how to resolve health and safety problems.

Consultation during the planning of new work or work processes and the identification, assessment and control of risks provides practical and effective information for the prevention of work-related injury, illness and disease.

WHO SHOULD BE INVOLVED?

Consultation should take place between employers and employees, and/or their elected representatives.

The Act allows groups of employees to elect HSRs. There is more information on this in chapter 7 'Health and safety representatives'. HSRs provide the key focus for consultation under the Act. They should be the first points of contact for employers consulting with employees on health and safety issues. Likewise, employees should make their HSR aware of the health and safety problems identified.

Health and safety committees may also be established to allow joint consultation between management and employee representatives. The main roles of committees are to consider policy issues and to try to find a solution to unresolved issues (see chapter 8 'Health and safety committees' for more information).

Employees who are union members can ask their employer to involve their union in the consultation process.

WHEN IS IT NECESSARY TO CONSULT?

An employer should consult with employees and their representatives before any changes are made at the workplace that may affect health and safety. Consultation should also take place throughout the planning and implementation of changes.

Consultation should occur when:

- an employer is identifying 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 practices and procedures
- introducing new substances to the workplace.

Consultation with employees should take place in the initial stages of these processes so their experience and expertise can be taken into account.

PROCEDURES FOR CONSULTATION

The employer and employees should develop agreed procedures for consultation. For consultation to be effective, employees and their representatives should have access to relevant information, including information on hazards in the workplace, work conditions, work organisation, plant, equipment or materials used in the workplace, the Act, Regulations, Australian Standards, statistics etc.

Enough time should be allowed for employees and their representatives to consider the implications of the information and to discuss it amongst themselves.

THE REGULATIONS

The Regulations require organisations to consult employees on issues mentioned in this section. Check Regulation 19 for details.

7. HEALTH AND SAFETY REPRESENTATIVES (HSRs)

ABOUT HSRs

The *OHSW Act 1986* states that a group of employees may elect a person to represent them on health, safety and welfare issues. This group of employees is called the work group and the person they elect to represent them is called an HSR.

HSRs have a vital role to play in assisting employees to have health, safety and welfare issues raised. Through their own experience in the workplace, representatives have a practical understanding of the health and safety problems that employees experience and can contribute suggestions about ways to resolve these problems.

FUNCTIONS AND ROLES OF HSRs

HSRs have legal roles and functions to assist them to carry out their roles effectively [Act: 32]. Employers cannot discriminate against HSRs for performing any of their functions [Act: 56].

An HSR can take action on health and safety issues affecting employees in their work group – this includes issues affecting contractors, labour hire workers and visitors.

An HSR is entitled to:

- inspect the workplace at any time after giving reasonable notice to the employer, or immediately if there is an incident, dangerous occurrence, imminent danger or risk to the health, safety or welfare of a member of their work group – the HSR must be advised immediately by the employer if any of these things happen
- during an inspection of the workplace, discuss any matter affecting health, safety or welfare with any employee at the workplace and carry out appropriate investigations
- be accompanied by a consultant (approved by the Minister, the employer or a relevant health and safety committee) in an inspection of the workplace
- accompany an inspector from SafeWork SA during an inspection of the workplace
- investigate complaints on health, safety or welfare made by employees in the work group
- have access to information about risks to health and safety that may arise, in any work or from any plant or substances, which may affect members of the representative's work group
- have access to information about the health and safety of employees with the employee's consent
- raise any issue affecting the health, safety or welfare of members of the work group with the employer
- if requested by an employee in the work group, be present at any interview about health and safety between the employee and the employer or the employee and a SafeWork SA inspector
- be consulted about proposed changes to the work, the workplace, plant or substances used, which may affect the health, safety or welfare of employees in their work group
- be consulted about policies, practices and procedures on health, safety and welfare, and on any proposed changes to these

- be consulted about any proposed application to SafeWork SA for modification of requirements of any Regulation
- issue a Default Notice which requires action to be taken to resolve a health and safety problem
- direct that work cease if there is an immediate threat to the health and safety of an employee in the work group until adequate measures are taken to protect the employee
- be provided with facilities and assistance to enable the HSR to perform his or her functions under the Act.

See chapter 9 'The resolution of health and safety issues' for more information about the role of HSRs in the resolution of issues, including issuing Default Notices and stopping unsafe work.

HSRs do not have any legal liability for their actions, or lack of action on any matter in their role as HSR. However, if a representative is found guilty of using their powers or information obtained for an improper purpose, the representative may be given a Division 6 fine of up to \$10,000.

GUIDELINES FOR FORMING WORK GROUPS

Within a particular organisation there may be one or more HSRs, with each representative being elected to represent a particular work group of employees. Before HSRs can be elected, a decision must be made about what the work groups will be and/or who will be in each group.

GETTING STARTED

It only needs one employee to ask the employer to form a work group [Act: 27(3)]. Of course the request may come from several employees or there may be a request for more than one work group. Also, the employer may suggest to employees that work groups be formed.

When an employer receives a request from an employee to set up a work group, the employer must respond to this request within 14 days [Act: 27(3)]. This does not mean that the work group(s) must be set up within 14 days, rather that the employer must commence (or at least set a date to commence) consultation with employees about the establishment of work groups.

WHO CAN BE INVOLVED?

In relation to decisions about work groups and the election of HSRs and, in order to avoid a conflict of interest, any personnel who are employed as managers or supervisors are not regarded as employees [Act: 26]. This means that only non-managerial employees can be involved in the decisions unless a majority (51 per cent or more) of these employees decide that it is reasonable to treat a particular manager or supervisor as an employee.

All interested employees are entitled to be involved. This means that any employee who could be affected by the decision about the make-up of work groups has the right to have a say.

Self-employed contractors are not regarded as employees in relation to decisions about work groups and cannot be involved in this process.

HOW ARE WORK GROUPS SET UP?

Decisions about work groups must be made by consultation and agreement between the employer and any interested employees, or a person appointed by the employees to negotiate on their behalf [Act: 27(2)]. If any one of the interested employees is a member of a union and the employee asks the employer to consult the union about the proposal to form a work group(s), then the union must be consulted [Act: 27(4)].

Consultation in determining work groups should provide a genuine opportunity for all the parties affected by the decision to have input into it. The aim is to identify the most workable arrangement for the organisation. To this end, all parties should be willing to consider other opinions and proposals that may be different from their own.

WHAT FACTORS SHOULD BE CONSIDERED WHEN SETTING UP WORK GROUPS?

There are a number of factors to consider when setting up work groups [Act: 27(6)]. These factors are:

- (a) the number of employees employed by the employer
- (b) the different types of work performed by the employees
- (c) the number and groupings of employees who perform the same or similar types of work
- (d) the areas or places where each type of work is done
- (e) whether any employee must move from place to place while at work
- (f) the times that work is performed
- (g) the overtime or shiftwork arrangements
- (h) the types of risks involved in particular types of work.

Other relevant factors may also be considered. The aim is to ensure that each employee has the opportunity to be represented by an HSR and that each work group is set up in a way that will allow the elected representative to perform his or her functions effectively.

To be effective, an HSR will need to have regular and easy contact with members of the work group. This may be difficult if members of the work group are at work at different times (due to shifts) or if they work at different locations (unless there are systems and arrangements in place to allow the representative to communicate with employees in the work group). Similarly, if a work group is too large it will be difficult for the representative to keep in regular contact with employees in the work group and to investigate health and safety issues arising in their work.

The employer needs to be able to fulfil his or her responsibilities to the HSR. For this reason it may be appropriate to consider manager/supervisor responsibilities. For example, resolution of issues by consultation with a representative may be easier if the representative represents employees who come within that manager/supervisor's responsibility.

RECOGNISED MEMBERS OF WORK GROUPS

The members of a particular work group, as agreed between the employer and any interested employees (or their representative) during the formation of work groups, are the recognised members of that work group [Act: 26a].

All of the recognised members of a work group are entitled to stand for election as the HSR for that work group and to vote in the election for the representative (or deputy representative) [Act: 28].

In many cases the employees in a work group will remain the same once it has been set up. However, in some cases the work group may include additional employees at certain times. For example, this might occur if an employer has casual or seasonal employees who could be recognised members of the work group when they are in the workplace.

ORGANISATIONS WITH PARTICULAR PROBLEMS

Some organisations may experience difficulties in determining work groups because of the way work is organised. Some examples of work arrangements and workplaces that have particular problems to consider are employees who:

- have changing work locations within a work site
- have changing working hours (e.g. rotating shiftwork)
- may move from site to site according to the demands of the job
- travel from place to place, and do not have a fixed workplace (e.g. road freight transport workers)
- perform transient, seasonal and other short-term work.

There are ways of overcoming these problems. It requires employers, employees and their representatives to consult and determine solutions that are acceptable, workable and relevant to the workplaces and work arrangements in question.

WHAT IF PROBLEMS ARISE?

If the composition of work groups or the recognised members of such groups cannot be agreed upon by consultation between the relevant people, or if the employer fails to respond to a request to form work groups within the 14 days allowed, the matter may be referred to the Industrial Commission for resolution. The employer, interested employee(s), or where requested, a union that represents an interested employee [Act: 27(7)] can do this.

NAMING OF WORK GROUPS

A list of the work groups must be kept by the employer [Act: 27(12)] and prominently displayed in the workplace [Act: 27(13)]. To assist this, work groups may be named so they can be identified.

Revising work groups

Once work groups have been set up, normally they will not change unless the circumstances of the organisation change. They should normally remain unchanged, at least for the term of office of the elected HSR (three years). However, if either the employer or interested employees are dissatisfied with the practical workings of a group, they may consult again and agree to make changes to the work group [Act: 27(11)].

If there is a substantial change in the work group during the term of an HSR, and it is agreed by at least half (50 per cent or more) of the recognised members of the group that a fresh election should be held, then the HSR should resign and a fresh election must be held [Act: 30(3)].

GUIDELINES FOR ELECTING AN HSR

The legislation requires that certain procedures be followed when electing HSRs. These are described in the Act [Act: 28] and the HSR Regulations [Reg: 367 to 379].

These guidelines explain the procedures for electing HSRs. They should be read in conjunction with the 'Guidelines for forming work groups' section in this chapter to ensure that work groups are formed properly before starting to elect representatives.

Each work group is entitled to elect an HSR and a deputy representative. In electing the representative or deputy representative, all 'recognised members' of the work group are entitled to stand for election and to vote in the election. Recognised members of a work group are determined during the formation of work groups.

Returning officers

The first step in electing an HSR is the selection of a returning officer to conduct the election. At least half (50 per cent or more) of the recognised members of the work group need to agree on who this will be [Act: 28(3)].

The person selected should be someone who has the trust and confidence of the work group. The returning officer may be a member of the work group, someone else in the workplace or someone from outside the workplace e.g. it could be an official of a union that has members in the work group.

A person cannot be a returning officer and a candidate for the HSR's position in the same election [Reg: 370]. If a returning officer wants to be a candidate, the work group must select someone else to run the election.

The same person may be selected to act as returning officer by a number of work groups.

If no agreement can be reached about who the returning officer will be, SafeWork SA should be asked to nominate somebody to act as returning officer [Act: 28(3)]. Contact SafeWork SA's Workplace Consultation Program on 1300 365 255.

What does the returning officer do?

As soon as possible after appointment, the returning officer must display a notice(s) prominently at the workplace(s) of the work group [Reg: 369 (1)(b)]. The notice must:

- state the day, time and place of the election
- invite nominations for candidates.

The notice should also state the name of the work group, the name of the returning officer and give details of how to nominate and when nominations will close.

In setting the date, time and place of the HSR election, the returning officer must make arrangements that are convenient to the members of the work group [Reg: 369 (3)].

Nominations

Any recognised members of the work group can nominate or be nominated for the position of HSR [Act: 28(2)]. Candidates may nominate themselves or may be nominated by other members. There is no need to have nominations seconded, but they must be in writing and must be received by the returning officer at least three business days before the ballot is to take place [Reg: 370].

A period of at least eight days is needed to display a notice of the intended election. After the nominations have closed and before the ballot takes place, the returning officer should contact all the nominees to confirm that they wish to stand for the position of HSR.

Voting

If only one person nominates for the position of HSR, then no ballot is necessary and the person is declared elected [Act: 28(7)]. If more than one nomination is received then the returning officer must organise a ballot.

The returning officer must make up ballot papers that can be used at the election [Reg: 371(1)]. They must list the names of candidates in alphabetical order of their surnames [Reg: 371(2)].

All recognised members of the work group are entitled to vote [Act: 28(4)]. Each candidate for the position of HSR is entitled to vote because they are recognised members of the work group.

There must be a secret ballot if requested by any recognised member of the work group [Act: 28(6)]. If a secret ballot is not requested, voting is by show of hands [Reg: 371(3)].

When a secret ballot has been requested, all recognised members who are voting at the election must use a ballot paper [Reg: 371(3)]. Each recognised member is entitled to receive one ballot paper (or exchange it for a new one if they spoil their original) [Reg: 371(4)]. A person votes by placing a cross next to the name of the person that they prefer [Reg: 371(5)]. However, they may use another method to vote (e.g. circling the candidate's name) provided that their intention is clearly indicated on the ballot paper [Reg: 371(6)].

In some workplaces the working arrangements may make it difficult for all those eligible to vote to be at the same place at the same time. In these situations a ballot may be the only way to ensure that everybody entitled to vote can do so and it would be advisable to hold a secret ballot even if no recognised member of the work group has actually requested it. It may also be necessary to make arrangements to allow people to cast their vote at different times and/or places.

Counting the votes

The candidate who receives the most number of votes is elected as the HSR for the particular work group [Reg: 372(1)]. Where two or more candidates receive an equal number of votes, the successful candidate is decided by the drawing of lots [Reg: 372].

Once the votes have been counted, the returning officer notifies the winner that they have been elected as the HSR. A notice relating to the results of the election must be prominently displayed.

The appointment of scrutineers by candidates to monitor the counting of the votes is not required by the legislation nor is it prohibited. This occurs in most other election procedures and it is well worth considering having similar arrangements for the election of HSRs.

Retaining voting materials

The final duty of the returning officer is to keep copies of all the material used in the election (i.e. notices, nominations received, ballot papers must be kept). These must be kept for six months after the election has taken place [Reg: 375].

Deputy HSRs

The procedure for electing deputy HSRs is not specified in the legislation and must be decided by members of the work group involved [Act: 29(1); Reg: 373]. Possible options might include:

- following the election of the representative, and using the same procedure, hold an election for the deputy's position
- declaring the 'runner-up' in the representative's election as the deputy
- jointly running the election for the representative and the deputy.

If a procedure cannot be agreed to, the procedure set out under the legislation for electing HSRs must be followed [Reg: 373]. All recognised members of the work group can participate in the election of a deputy HSR.

Notification after election

An HSR and any deputy HSR should notify their employer and SafeWork SA of their election within 14 days [Act: 28(12); Reg: 374]. This tells the employer who they should consult with regarding health and safety issues affecting work groups. It also enables SafeWork SA to:

- provide information directly to HSRs
- have a record of the number of representatives elected, the type of industry they are employed in and other information needed for the development of strategies to improve OHS
- confirm the representative's position should anyone question their status.

Forms for notifying HSR election outcomes are available from SafeWork SA's Help Centre (Telephone: 1300 365 255), or refer to Appendix 1 to see a sample form.

Although not a requirement of the legislation, many unions like to be informed of the election of HSRs and deputies. If they are union members, representatives and deputies should contact their union as soon as possible after the results of the ballot are known. This enables unions to ensure that representatives receive training and to provide representatives with information that will assist them in representing members of their work group effectively.

WHEN ARE ELECTIONS NECESSARY?

The first election for an HSR should take place as soon as possible after an agreement has been reached on the formation of work groups. As the representative has a term of office of three years [Act: 30(1)], subsequent elections will need to occur every three years.

A new election will also be needed if:

- an HSR resigns or ceases to be a member of the work group that elected them (through transfer, dismissal, promotion, leaving the job, or any other reason) [Act: 30(b)(c)]
- the work groups are re-organised or their composition changes significantly and at least half (50 per cent or more) of the recognised members of the work group decide a fresh election is necessary [Act: 27(11), 30(3)]
- at least two-thirds of the recognised members of the work group are dissatisfied with the HSR's performance and decide to elect a new representative [Act: 30(2)(ca)].

A fresh election would also be needed if a review committee established by the Industrial Court removes an HSR from office. This can occur following an application from:

- the employer
- a union that has a member(s) in the work group the HSR represents
- a majority of the employees who are members in the work group [Act: 30(4)].

For an application of this type to succeed, the review committee must be satisfied that the HSR has:

- repeatedly neglected to carry out his or her functions as an HSR under the Act
- abused the rights and powers given to him or her by the Act
- disclosed information given to him or her, by the employer, for improper purposes [Act: 30(5)].

The date of an HSR's election should be recorded so that another election can be held following the completion of the three-year term of office. A subsequent election should be organised so the time that the work group is unrepresented is minimised.

This information about the term of office for an HSR, when a new election is required, and disqualification of a representative also applies to a deputy HSR.

Disputes

A recognised member of the work group or a union that has members in the work group can dispute the election of an HSR by applying to the Industrial Relations Commission to have the matter resolved [Act: 28(8)] (see chapter 2 'The health and safety legislation' for more information).

ELECTING AND REGISTERING HEALTH AND SAFETY REPRESENTATIVES

The Act and Regulations outline the process for electing HSRs. Further information regarding the process can be found at www.safework.sa.gov.au

A REQUEST IS MADE TO THE EMPLOYER TO FORM WORK GROUPS AND ELECT AN HSR Page 38



ESTABLISH WORK GROUPS

Employers and employees reach an agreement on the nature of the work groups through consultation (employee associations can be involved if requested by member/s.) Establish who are 'employees' and who is 'management' for the purposes of determining who can take part in the election. Page 38



DETERMINE WHO WILL BE RETURNING OFFICER

The returning officer is responsible for conducting the ballot. At least 50 per cent of the work group need to agree on who this will be. The returning officer cannot be a candidate in the election but can be someone from another work group. Page 41



CALL FOR NOMINATIONS

You must allow for enough time before close of nominations for all workers to be aware of the call for nominations (take into consideration shift/weekend workers). Page 42



CONDUCT ELECTION

If requested by a member of the work group, a secret ballot must be conducted. All work group members must be given the opportunity to vote. This may require the ballot to be conducted over a period of time. It may be conducted by way of a postal ballot. If only one nomination is received, the person is declared elected with no ballot being conducted. Page 43



VOTE IS COUNTED

If a draw occurs, then the successful candidate is determined by drawing lots. The returning officer advises the candidates of the results of the ballots as well as the work groups and employer. Page 43



HSR IS ELECTED

The HSR must register with SafeWork SA by completing a Notification of Election form. This form can be obtained by either contacting SafeWork SA or from www.safework.sa.gov.au
Once an employer is advised of the ballot results, they must ensure the HSR is registered. Following their election an HSR should attend approved HSR training. See www.safework.sa.gov.au for details of approved training organisations. Page 44

GUIDELINES FOR HSR TRAINING

The role of the HSR in the workplace involves the use of powers and functions not available to workers. If they are to represent their work group effectively, it is important that the HSR is fully aware of how, where and when to use these powers and functions. To help develop this awareness, the HSR should attend an approved elected HSRs' training course as soon as possible after being elected.

What training is a representative entitled to?

Where the employer has more than 20 employees, or is paying a penalty on its WorkCoverSA levy, an HSR is entitled to leave, without loss of income, to attend approved training courses [Act: 34(3), Reg: 377]. This training is additional to any trade union training leave provisions in industrial awards and/or agreements.

Where there is a choice of courses available, an HSR must consult with their employer to ensure the training does not affect business operations, rostering, schedules etc. [Act: 31A(2)(b)].

Small organisations

An HSR working for an organisation that has 20 or less employees does not have an automatic entitlement to training leave unless the organisation is paying a penalty on its WorkCoverSA levy. If the organisation is not paying a penalty on its WorkCoverSA levy, the HSR must negotiate with the employer about the duration and timing of training leave.

Deputy HSRs

Deputy HSRs may also attend training each year without loss of income and should consult with the employer to arrange attendance at a training course [Act: 31A(2)(b)]. A deputy representative will obviously be able to carry out their role more effectively if they have been trained.

WHAT TRAINING IS AVAILABLE?

To correspond with the three periods of training leave, there are three levels of approved HSR training.

Level one

The level one course is a five-day introductory course on OHS. It is the first year component of a three-year package and is aimed at empowering elected HSRs and deputy HSRs to effectively represent their work group on OHS matters.

The course aims to provide HSRs with a working knowledge of the Act, the Regulations and Approved Codes of Practice. It also aims to assist them to understand the principles of hazard management and the consultation process for resolving occupational health, safety and welfare issues, and thereby develop positive attitudes to OHS.

Level two

The level two course is a five-day course that aims to develop, reinforce, extend and add to the range of skills and knowledge acquired in the level one course. The course also aims to provide more information on the Act and to further assist HSRs' understanding of the risk assessment approach to hazard management. A major component of the course is the development of skills necessary to research, prepare and present a case using practical exercises relevant to the needs of the participants. A list of priority topics of significance should be provided to representatives at the beginning of the course to allow time for them to discuss and choose a topic for presentation later in the training.

The level one and two courses can be held on five consecutive days or split into a three plus two-day or two plus three-day format. The split format presentation must be completed within a four-week period.

Continuing training (third year and beyond)

HSRs and Deputy HSRs are entitled to two days training in their third year of office and each year thereafter. This level of training is also designed to facilitate training beyond the three years for those HSRs and Deputy HSRs who have been re-elected. The joint training of HSRs and managers/supervisors is an acceptable training approach at this stage.

The course is structured to allow a significant amount of flexibility so representatives can choose topics that are most relevant to them, their work group and their workplace.

HSRs may participate in workshops, seminars and/or specialist conferences held either on consecutive days or throughout the year.

Information about workshops, seminars and conferences that have been approved for continuing training is available from the OHS Skills Unit on 1300 365 255, or contact any of the approved training providers listed on SafeWork SA's website www.safework.sa.gov.au

Wages, non-wage expenses, entitlements and payment of course costs

While attending training, HSRs should be paid at the same amount as they would have been paid had they actually worked the period of time spent at the training course [Act: 34(3)]. In addition to the normal hourly rate, this includes regularly worked overtime, shift allowances, penalty payments, special allowances, etc. Casual and/or part-time employees working less than 38 hours per week are entitled to receive their normal weekly wage.

If a 'rostered day off' (RDO) occurs while the HSR is attending an approved training course, then they are entitled to have the RDO transferred to another date agreed to by the HSR and the employer. This applies to time off resulting from the application of a 38-hour week as well as days off occurring because of rostering arrangements.

HSRs employed on a 'piece-work' or 'commission' basis should receive:

- an average wage over a period of time agreed to by the HSR and the employer
or
- the same wages as another employee, agreed to by the HSR and the employer, who normally receives the same wages as the HSR.

If a dispute over the payment of wages cannot be resolved, the matter should be referred to the Industrial Relations Commission for resolution (see chapter 2 'The health and safety legislation' for more details).

When attending approved training, HSRs and deputy HSRs are entitled to be reimbursed by the employer for any reasonable expenses incurred by the person with respect to travelling, meals or accommodation, parking fees or other matters prescribed by Regulations, to the extent that these expenses are over and above or additional to those the HSRs and deputy HSRs would have incurred had they been at work [Act: 31B].

Employers generally recognise the importance of HSRs receiving training and have been willing to meet non-wage expenses. However, the legislation does not specify who should pay non-wage expenses, and if the employer is unwilling to pay these costs then the HSR must either pay or get somebody else (their union for example) to do so. If neither of these options is possible it is likely that the representative will remain untrained and may possibly become a liability, rather than an asset to the organisation. It is therefore in the best interests of the employer to pay these non-wage expenses to ensure that all HSRs are capable of adequately performing their functions.

ARRANGING HSR TRAINING

How do HSRs arrange to go to a training course?

HSRs may make direct arrangements with training providers to attend a course. However, in some situations someone else may arrange an HSR's attendance at a training course. For example, the employer or relevant unions may make arrangements with a training provider to provide specific training to HSRs from a particular industry. Alternatively, where there are enough HSRs at one workplace, arrangements may be made with an approved course provider to conduct the training on-site.

However, HSRs are ultimately responsible for organising their own training and while they are required to consult with the employer, HSRs make the final decision about which course they will attend.

Training providers

For information on training providers approved to deliver elected HSR training, contact the SafeWork SA Help Centre on 1300 365 255 or visit www.safework.sa.gov.au

Approved OHS consultants for HSRs

OHS consultants can provide expertise in specific areas, for example, ventilation or specialist information and advice on health and safety issues. Their separation from the workplace means they can provide an independent viewpoint in the resolution of OHS problems.

During an inspection of the workplace, HSRs can be accompanied by a consultant who has been approved by:

- the Minister for Industrial Relations
- a health and safety committee with responsibilities in relation to the work group that the HSR represents
- the HSR's employer [Act: 32(3) and 32(8)].

An employer is not liable for the cost of a consultant attending a workplace to accompany an HSR on an inspection [Act: 32(4)]. Therefore, to enable access to consultants, the Minister has approved a core group of non-charging consultants for HSRs. Contact SafeWork SA on 1300 365 255 to obtain a complete listing of consultants available to HSRs, or see www.safework.sa.gov.au for details.

Keeping records

Keeping records of tasks related to your work group and function is an important part of being an HSR. These may include:

- a diary to document health and safety issues and/or conversations with either members of your work group and/or your supervisor
- inspection checklists.

If you are a member of the health and safety committee you will also need to have easy access to copies of:

- hazard management tools
- photographs of relevant plant and equipment in your work area
- agendas and minutes of employee and/or health and safety committee meetings
- hazard information relevant to hazards at your workplace
- other documents that might be relevant to improving workplace health and safety.

8. HEALTH AND SAFETY COMMITTEES

WHY ARE HEALTH AND SAFETY COMMITTEES IMPORTANT?

Health and safety committees provide a way for management and workers to meet regularly to discuss workplace health and safety issues. They are an important way to bring together workers' practical knowledge of jobs and management's overview of the workplace and work organisation.

It is generally recommended that health and safety committees be primarily involved in issues that affect the organisation as a whole (e.g. policies and procedures). Specific health and safety problems are better dealt with by direct consultation between the relevant HSR (if there is one) and supervisor at the worksite level. Likewise, committees should not be investigating individual injuries or determining rehabilitation of individual employees. Rather, they should focus on the organisational procedures and arrangements for managing injuries (see chapter 11 'Action if an injury happens').

FUNCTIONS OF HEALTH AND SAFETY COMMITTEES

Committees have six main functions [Act: 33(1)]. These are to:

- facilitate cooperation between management and employees in initiating, developing, carrying out and monitoring measures designed to ensure the health, safety and welfare of employees
- assist in resolving health, safety and welfare issues that arise at the workplace (see chapter 9 'The resolution of health and safety issues')
- assist in the formulation, review and distribution (in appropriate languages) of health, safety and welfare policies, practices and procedures that are to be followed at the workplace
- consult on any proposed changes to health, safety and welfare policies, practices or procedures and any proposed changes to the workplace that may affect health, safety or welfare
- review developments in the field of rehabilitation and the employment of workers who have some form of disability
- assist in the return to work of employees who have suffered from work-related injuries.

These and the following additional functions should be considered for inclusion in the terms of reference for the effective operation of each health and safety committee [Act: 33(1)(g)]:

- reviewing availability of resources for OHS
- establishing a priority list of health and safety issues that need to be addressed
- developing and monitoring an injury reporting system
- developing a purchasing policy for new plant, equipment or substances, which addresses health, safety and welfare issues
- developing practices and procedures to ensure compliance with new and existing Regulations and Approved Codes of Practice
- developing and monitoring methods for conducting regular safety audits of the workplace.

ESTABLISHING A COMMITTEE

There are procedures for establishing health and safety committees in Section 31 of the Act and the health and safety committee Regulations [Reg: 380].

Provided that the correct procedures are followed, it doesn't really matter who starts the process of forming a health and safety committee. However, a committee must be established within two months if requested by an HSR or any five employees if the employer has at least 20 employees [Act: 31(1); Reg: 380(2)]. To avoid a conflict of interest, any personnel who are employed as managers or supervisors are not regarded as employees when determining membership of committees, unless a majority of non-managerial employees decide that it is reasonable to treat a particular manager or supervisor as an employee [Act: 26].

If your organisation has less than 20 employees, it is often easier to consult and discuss health and safety issues in a less formal setting. Some possible methods would be to:

- have health and safety as a standard agenda item at a staff meeting
- discuss health and safety at toolbox meetings
- discuss health and safety at hand-over sessions (i.e. discussions between shift changes)
- establish and implement trip debriefings for those required to travel as part of their work.

SIZE AND NUMBER OF COMMITTEES

The composition and number of health and safety committees established must be determined by agreement between the employer, any relevant HSR(s), interested employees and, where requested by these employees, their union(s) [Act: 31(2) and (3)].

The number of committees should be kept to the minimum required to provide the necessary coverage of the workplace(s) and work performed. Usually this can be achieved with a single committee. However, in some situations more committees may be needed. In deciding how many committees should be established, consideration should be given to the:

- size of the workplace and workforce
- location and number of separate workplaces
- number of work groups and HSRs
- shift and rostering arrangements
- nature of work being done
- functions of the committees.

There is no ideal size for a committee and factors similar to those for deciding the number of committees should be used to decide their size. The aim is to ensure that the membership of any committee represents a cross-section of the people (whether managers, supervisors or employees) whose activities, work or health and safety would come within the responsibility of the committee.

Where it is decided that, to obtain sufficient workplace representation, committees need to have more than 11 members, consideration should be given to increasing the number of committees and reducing their size. Where the opposite occurs and committee membership is less than five, reducing the number of committees to increase their size should be considered.

If several committees are established in an organisation, the relationship between them should be clarified to ensure that they do not duplicate effort or recommend inconsistent policies. To prevent such problems it is recommended that a hierarchy of committees be established. In this arrangement one committee would address policy issues for the whole organisation and other committees would have defined responsibilities for particular departments, divisions or other areas.

If there is a dispute over the formation of a health and safety committee that cannot be resolved at the workplace, it should be referred to the Industrial Relations Commission for resolution.

Once established, the composition of a health and safety committee may be varied at any time by agreement between the employer, any relevant HSR/s and any interested employees who are within the responsibility of the committee [Act: 31(12)].

COMMITTEE MEMBERSHIP

What is the difference between an HSR and a committee member?

HSRs are responsible only for health and safety in the workplace or a group of employees in the workplace (the work group) as agreed at their election. Health and safety committee members are representative of employees and management at an organisational level.

Who can be a member?

At least half of the members of a committee must be non-managerial employees [Act: 31(4)(b)]. The committee will not operate effectively without equal representation of management and employees.

Appointment of members

Employees can choose the method for selecting their committee members. However, relevant HSRs should be encouraged to become committee members [Act: 31(4)(a)]. This is appropriate as HSRs have more experience representing other employees on health and safety issues and are entitled to receive training.

As far as possible, the membership of the committee (management and employee members) should also reflect the make-up of the workforce it represents [Act: 31(4)]. This means taking into account the different occupational groups, women, NESB employees and so on.

Some of the methods used by employees to select their committee members are:

- holding an election for committee members similar to that for HSRs
- choosing HSRs as committee members
- to have a combination of HSRs and employees where there are not enough HSRs to fill all the employee vacancies on the committee(s) or where there are other employees with a strong interest in health and safety.

Term of office for committee members

Management and employee committee members have a three year term of office [Reg: 380(4)(a)]. Any committee member will cease to be a member of the committee [Reg: 380(4)(b)] if they:

- resign from the committee
- are no longer eligible (e.g. an employee representative is promoted to a managerial position)
- cease to work for the organisation
- fail to attend three or more consecutive committee meetings without permission from the committee
- improperly disclose information obtained in their capacity as a committee member.

If a person ceases to be a committee member because of any of these reasons, this does not prevent the person from again being a member of a health and safety committee [Reg: 380(5)].

Replacing members

Vacancies on health and safety committees are filled on a casual basis. That is, for the remainder of the former member's term of office [Reg: 380(4)(c)].

If the former member was an employee representative then the remaining employee members appoint a replacement. If the former member was a management representative then the employer appoints a replacement.

MEETING ARRANGEMENTS

Appointing officers

The health and safety committee must appoint one of its members to be the chairperson. This person will hold the position for up to 12 months [Reg: 380(3)(a)]. The chairperson is responsible for making sure that the meetings are run in an orderly fashion and that all members are given the opportunity to express their opinions and have them considered. The chairperson may be either an employer or employee representative.

The committee must also keep minutes of meetings and retain these for at least three years [Reg: 380(3)(c)]. Although different people may take minutes, it may be most effective for the committee to appoint a minutes secretary who will be responsible for taking the minutes of meetings and ensuring they are kept for at least three years. The secretary could also tend to any correspondence in relation to the committee's activities.

The committee may give the chairperson and the secretary other responsibilities. It may also appoint other officers as it sees fit. However, the committee should define the roles and responsibilities of any officers it appoints so that they, and others, know what is expected of them.

Meetings

The committee must meet at least once every three months [Act: 31(10)]. In addition, a meeting must be held [Act: 31(11)] if it is requested by:

- at least half the members of the committee
- an HSR
- the employer.

A quorum of members must be present before the meeting can proceed and/or continue. A quorum consists of half of the members plus one [Reg: 380(b)]. For example, if a committee has thirteen members the quorum is seven; if it has ten members the quorum is six.

Sub-committees

A health and safety committee may establish one or more sub-committees to assist it in performing its functions [Act: 31(2), 33(2)]. Sub-committees can deal with specific issues or perform one or more of the committee's functions [Act: 31(3)]. Membership of sub-committees is not restricted to members of the main committee [Act: 31(2)], although their composition should be similar (i.e. at least half should be employee representatives). Sub-committees should have their responsibilities detailed in writing and their activities regularly reviewed.

Committee training

Health and safety committee members are entitled to attend approved training [Act: 31A].

Employee representatives in particular may not be used to attending these types of meetings and will be unfamiliar with meeting procedures and what is expected of them. Training can help clarify these meeting procedures for both management and employee representatives and can help the committee make a constructive contribution to reducing the number of occupational injuries, fatalities and diseases.

Employer and employee organisations, health and safety consultants and training institutions conduct courses for health and safety committee members. Many of them will custom design a course for individual organisations and will conduct the training at the workplace (see chapter 10 'Occupational health and safety training' for more information on training).

Notification of committees to SafeWork SA

Within 14 days of establishing a committee, the employer must advise SafeWork SA's Workplace Consultation Program, Principal Liaison Officers [Reg: 380(6)]. The following information must be provided:

- name and address of the employer
- the total number of members on the committee
- the number of employee representatives on the committee
- the name of the person who may be contacted for further information in relation to the committee.

A notification form is available from SafeWork SA's Help Centre (Telephone: 1300 365 255), or from www.safework.sa.gov.au (Healthy and safety committee section).

A sample form can be found also at Appendix 5.

9. THE RESOLUTION OF HEALTH AND SAFETY ISSUES

The Act gives HSRs the authority to raise health and safety issues with management on behalf of employees in the work group they represent (see chapter 7 'Health and safety representatives').

The Act also outlines a process for HSRs to use when they identify health and safety problems that affect members of their work group (this process is in sections 35, 36 and 37 of the Act).

PROCEDURES FOR A BREACH OF THE ACT OR REGULATIONS

If an HSR believes that the Act or Regulations have been breached, they may initiate the following procedures to protect the health, safety or welfare of a member of their work group.

Consultation

A vital first step that must be taken by the HSR is to consult with the employer to try to resolve the problem. Consultation involves the HSR informing the employer of the issue (either verbally or in writing) and providing information about why he/she believes there is a problem.

During consultation there should be the opportunity for both parties to consider and discuss the issues, to listen to each other's views and to take these into account in deciding on further action. This approach has the advantage of allowing the employer and the HSR to pool their knowledge, to cooperate in evaluating the health and safety issue and to jointly find a solution.

If the problem cannot be resolved by consultation between the employer and the HSR within a reasonable period of time, the HSR must refer the matter to the health and safety committee (if there is one) responsible for the affected area. The committee should attempt to resolve the problem by conciliation, that is, bringing the employer and the HSR together to discuss and resolve the issue [Act: 35(2)].

If there is no committee, the problem may be referred to a SafeWork SA inspector, who must attend within seven business days [Act: 37(1)(b)].

However, there may be some circumstances where the HSR may not refer the matter to the committee for further action. For example, where every reasonable effort has been made to resolve the problem by consultation with the employer (as described above) or where it has not been possible to arrange a meeting of the committee.

If, after taking all reasonable steps to stop the breach of the Act or Regulations by consultation, the HSR still considers that the problem has not been satisfactorily resolved, then the HSR may issue a Default Notice requiring the employer to remedy the breach.

Issuing a Default Notice

A Default Notice is an official declaration by the HSR that, in his or her opinion, provisions of the Act or Regulations are being contravened and that it has not been possible to resolve the problem by consultation.

A Default Notice must not be issued on any matter that is already the subject of an Improvement or Prohibition Notice issued by an inspector.

The Default Notice must state the reasons why the HSR considers the person is breaching the Act or Regulations, or is likely to repeat a previous breach. The HSR may specify a time limit in which the breach is to be fixed.

The Default Notice should be addressed to the employer, as it is the employer who has the legal responsibility to ensure it is complied with. It should be given directly to the employer or their representative e.g. a manager, rather than to a worker [Act: 35]. Copies of a form for use when issuing a Default Notice can be found at the back of the handbook on page 113 or obtained from SafeWork SA's Help Centre, www.safework.sa.gov.au or any SafeWork SA office.

Action by person receiving a Default Notice

As stated above, it is better to give the Default Notice to the employer or their representative at the workplace. However, if a Default Notice is issued to a worker, the worker must give the Notice (or a copy of it) to the employer as soon as possible.

The person to whom the Default Notice is addressed must bring the Notice to the attention of any worker whose work is affected by it. They must also display the Notice in a prominent place close to the workplace(s) affected. The employer must keep a copy of the Notice for three years.

No person can remove the Default Notice while it is on display and in force.

It is the responsibility of the employer to take all reasonable steps to resolve the problem by the day specified in the Default Notice. If no day has been specified, then the problem should be resolved as soon as possible.

If the employer wishes to challenge the Notice, they have 14 days from the date the Default Notice is received in which to do so. The attendance of a SafeWork SA inspector suspends the Notice. In this case the employer does not need to take any action in response to the Default Notice until the inspector is able to resolve the issue.

An inspector may also be called in by an HSR if the HSR thinks there has been a delay in resolving the problem or if the HSR is not satisfied with the action taken in response to the Notice.

Who can cancel a Default Notice?

The Default Notice remains in force until the matter has been resolved, unless:

- an inspector has been called to attend the workplace (i.e. the Notice is suspended pending advice from the inspector)
- the HSR who issued the Notice cancels it (which he/she may do at any time)
- a relevant health and safety committee cancels the Notice in circumstances where the HSR is absent from the workplace and cannot be contacted.

An inspector may also cancel a Default Notice.

Attendance by an inspector at the workplace

An inspector may be asked to visit the workplace if the:

- person receiving the Default Notice or that person's employer, believes that the Notice should not have been issued (this request must be made within 14 days of receiving the Notice)
- HSR believes there has been an unreasonable delay in taking action to resolve the problem, or that the action taken is inadequate.

The inspector must attend the workplace as soon as possible and within seven business days of being asked to do so.

When an inspector has been asked to visit the workplace, the operation of the Default Notice must be suspended pending the advice of the inspector. When visiting a worksite, the inspector will ensure that the HSR is advised of their attendance and will invite the HSR to accompany and consult with them during the inspection of the workplace. HSRs are encouraged to contact SafeWork SA on 1300 365 255 for further advice and assistance.

Action by inspector on a Default Notice

The inspector will attempt to resolve any occupational health, safety or welfare matter that remains unresolved and may:

- confirm, modify or cancel the Default Notice
- issue a Prohibition or an Improvement Notice
- take any other appropriate action to resolve the problem.

If the inspector confirms or modifies the Default Notice, the responsible person must comply with the instructions within a period of time specified by the inspector. It is an offence not to comply with the inspector's direction.

If requested, the inspector should give the HSR, the occupier or employer, a copy of any written report about the inspection.

An employer, worker or HSR who is dissatisfied with the action taken by an inspector in relation to a Default Notice can appeal to the President of the Industrial Court.

The procedure to be followed for a breach of the Act or Regulations is summarised in Figure 1.1 on page 62.

PROCEDURE FOR AN IMMEDIATE THREAT TO HEALTH, SAFETY AND WELFARE

Whenever possible, an HSR must consult with the employer if he or she believes there is an immediate threat to the health, safety or welfare of an employee.

If the problem cannot be resolved by consultation within a reasonable period of time, the matter must be referred to a health and safety committee that is responsible for the affected area. If there is no health and safety committee, the problem must be referred to a SafeWork SA inspector.

If an immediate threat to health and safety is not resolved through consultation within a reasonable time, the HSR may direct that the unsafe work stops (Figure 2.1, page 64), if they believe that the nature of the threat and the degree of risk warrants this. The order to stop unsafe work procedure is then followed.

Order to stop unsafe work

An HSR may direct that unsafe work stop immediately without prior consultation, if he or she believes that the nature of the threat and the degree of risk to health and safety justifies stopping work. The direction to stop unsafe work may be given verbally by speaking to the relevant employees and directing them to stop work. The HSR must make it clear that the order has been given under Section 36 of the Act. The HSR must then consult with the employer as soon as possible after the order to stop unsafe work has been given and with the health and safety committee if this is necessary or appropriate.

Although not legally required, the HSR should provide the employer, as soon as possible, with a written statement of what work has been stopped, when and why this has been done.

The order to stop work will remain in force until the HSR is satisfied that adequate measures have been taken to protect workers' health and safety.

Payment of workers during cessation of unsafe work

While unsafe work has been stopped, employees may be given suitable alternative work. If other work is not available, workers are entitled to be paid so they do not suffer a loss of income.

If there is a dispute, payment will be made if the inspector determines that there was either an immediate threat to health and safety or that the HSR reasonably believed there was a threat.

A review committee may refer any further disputes about payment to the President of the Industrial Court for determination.

Attendance by an inspector at the workplace

Either the employer or HSR may ask an inspector to visit the workplace to help resolve the problem. The inspector must attend within one working day in the metropolitan area and two working days elsewhere. The order to stop unsafe work must remain in force until the inspector has visited.

The HSR is entitled to accompany the inspector during the inspection. The inspector can take any appropriate action to help solve the problem and may issue a Prohibition or Improvement Notice. The person required to comply with the Improvement Notice must complete and return the statement of compliance to SafeWork SA within five days of remedying the situation.

If the inspector issues an Improvement or Prohibition Notice, the employer must give a copy of the Notice to the relevant HSR, advise the workers in the area and display the Notice.

The HSR, any worker, or the employer can make an appeal against the Notice. The appeal must be made to the President of the Industrial Court within 14 days.

Appeal against inspector's decision

An HSR, the employer, or any worker who is affected and dissatisfied with the action taken by an inspector in relation to an order to stop unsafe work, can appeal to the President of the Industrial Court (see chapter 2 'The health and safety legislation' for more details).

Figure 2.1 (page 64) summarises the procedure if an HSR issues an order to stop unsafe work.

FIGURE 1.1: ILLUSTRATION OF THE STEPS FOR RESOLVING A PROBLEM — IF YOU HAVE A HEALTH AND SAFETY REPRESENTATIVE, WITH OR WITHOUT A HEALTH AND SAFETY COMMITTEE

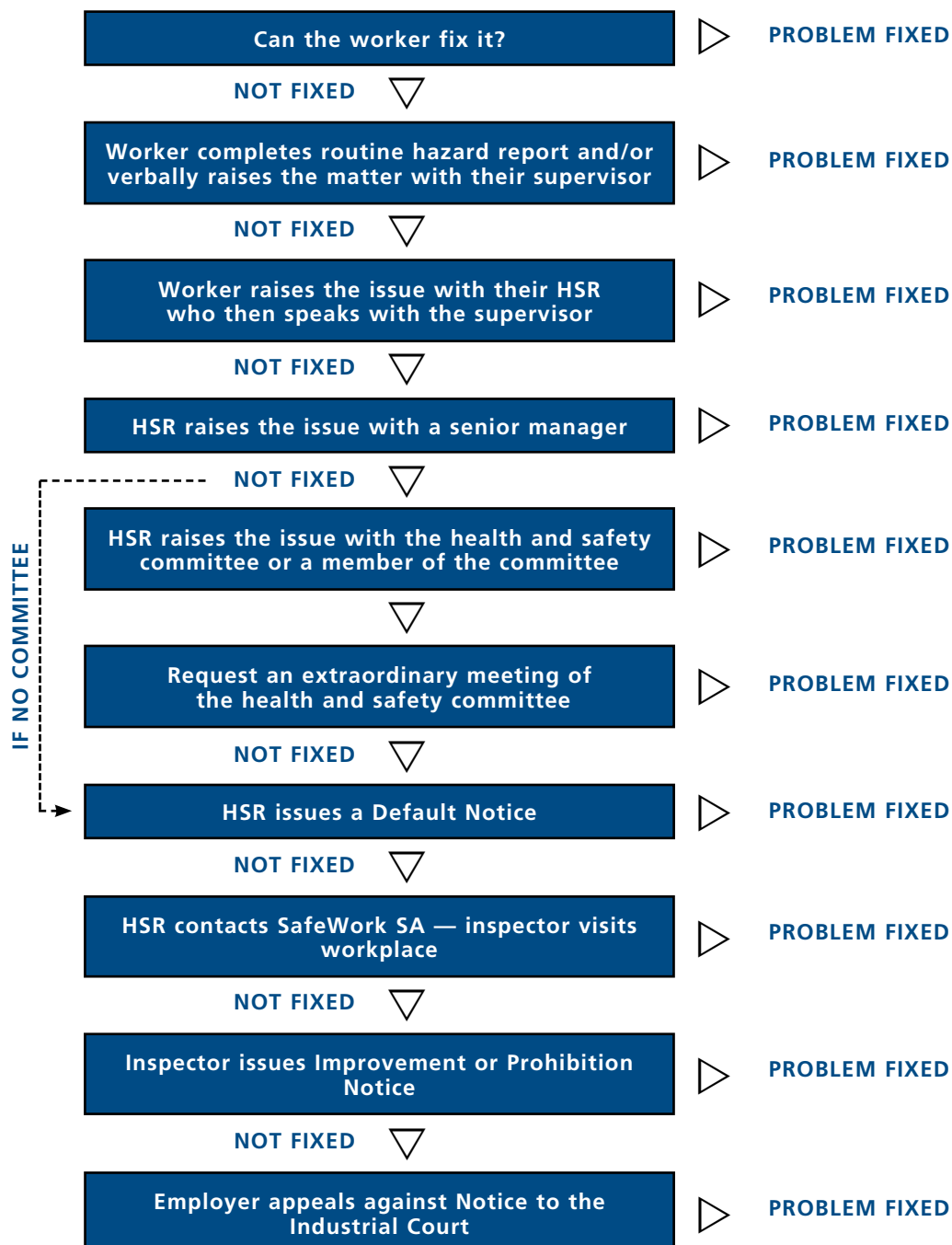


FIGURE 1.2: ILLUSTRATION OF THE STEPS FOR RESOLVING A PROBLEM — IF YOU DO NOT HAVE EITHER A HEALTH AND SAFETY REPRESENTATIVE OR A SAFETY COMMITTEE

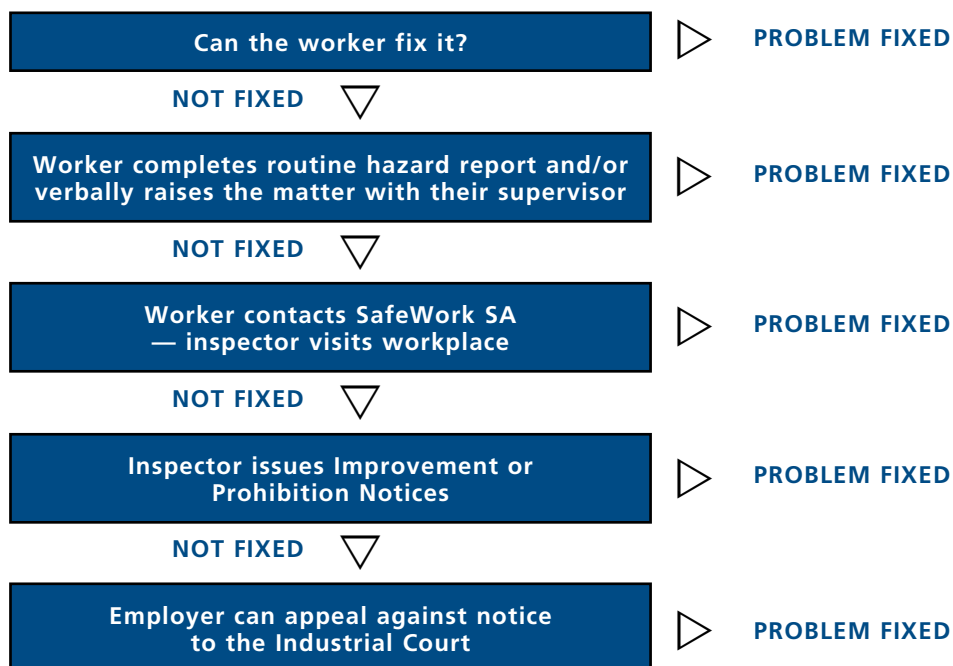


FIGURE 2.1: ORDER TO STOP UNSAFE WORK IF YOU HAVE A HEALTH AND SAFETY REPRESENTATIVE AND A SAFETY COMMITTEE



FIGURE 2.2: PROCEDURE FOR RESOLVING AN IMMEDIATE THREAT TO HEALTH AND SAFETY IF YOU DO NOT HAVE A HEALTH AND SAFETY REPRESENTATIVE AND WITH OR WITHOUT A SAFETY COMMITTEE

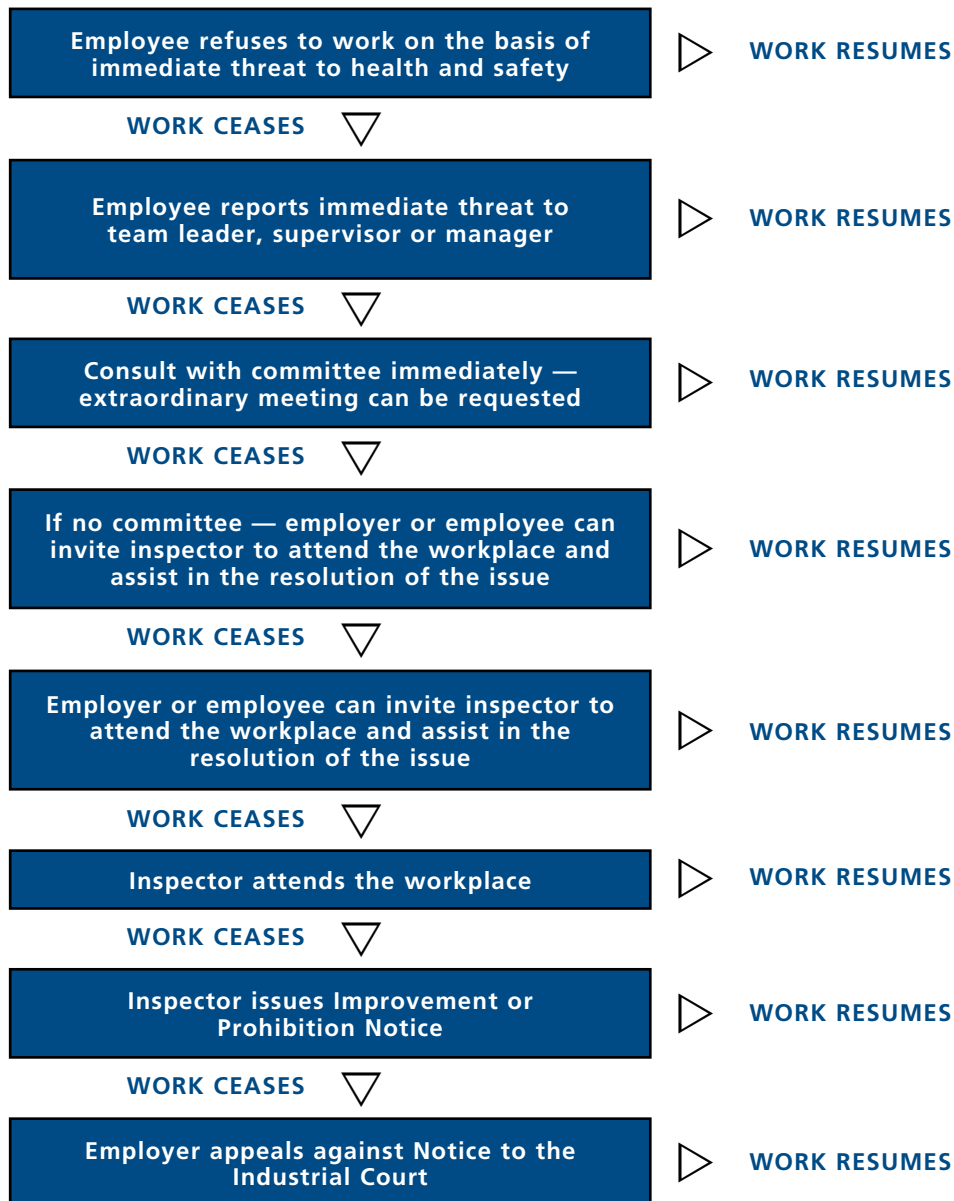


FIGURE 3.1: THE TYPES OF NOTICES ABLE TO BE ISSUED UNDER THE OHSW ACT AND WHO CAN ISSUE THEM

	DEFAULT NOTICES	IMPROVEMENT NOTICES	PROHIBITION NOTICES
Who can issue?	HSRs	SafeWork SA inspector	SafeWork SA inspector
When can this notice be issued?	Section 35(3) – after taking reasonable steps and the HSR is of the opinion a contravention is occurring or has occurred and that the matter has not been resolved by consultation with the employer or by referring the matter to the health and safety committee (if one exists).	Section 39(1) – where an inspector is of the opinion a contravention of the Act has occurred or is occurring.	Section 40(1) – where an inspector is of the opinion there is immediate risk to health and safety of the employees.
What must be stated in the notice?	Section 35(5) – the HSR is of the opinion there is a contravention of the Act or likely to be a contravention and the grounds for the HSR's opinion.	Section 39(2) – the inspector is of the opinion there is a contravention occurring or has occurred, the grounds for this opinion and the specific provision of the Act.	Section 40(2) – the activity causing the immediate risk must be identified together with the grounds for the inspector's opinion.
What effect does it have on employers?	Section 35(3) – directs the employer to remedy the contravention or prevent further contraventions.	Section 39(1) – directs the employer to remedy the contraventions. A statement of compliance must be completed and returned to SafeWork SA.	Section 40(1) – prohibits the carrying on of this particular activity until an inspector is satisfied that adequate measures have been taken to protect the employees.
What means of redress is open to an employer?	Section 35(9) – an employer can request an inspector attend the workplace.	Section 42(1) – apply to the President of Industrial Court to have the Notice or action of the inspector reviewed.	Section 42(1) – apply to the President of Industrial Court to have the Notice or action of the inspector reviewed.
What penalties apply for non-compliance with the notice?	Section 35(8) – a fine up to a maximum of \$40,000 may be imposed if the person to whom the Notice is issued does not comply within the stated time.	Section 39(4) – contravention or failing to comply with the Notice can result in a maximum fine of \$40,000 being imposed and a possible expiation fee of \$315 for each day the contravention or failure continues.	Section 40(4) – contravention or failing to comply with the Notice can result in a maximum fine of \$100,000 being imposed plus \$20,000 for each day that the contravention or failure continues.

10. OCCUPATIONAL HEALTH AND SAFETY TRAINING

THE IMPORTANCE OF TRAINING

In all organisations key people need to have training so they can make an effective contribution to ensuring OHS. In fact, employers have a legal obligation under the Act and Regulations to ensure that managers, supervisors and employees are appropriately trained (see chapter 2 'The health and safety legislation' for more details).

Employers are required to keep information and records relating to any OHSW training undertaken by their employees.

All line managers, including responsible officers and supervisors, need instruction and training so they are aware of their responsibilities and the action they must take to ensure that employees under their management or supervision are safe from injury and risks to health while they are at work.

Health and safety coordinators and others who advise on health and safety issues at the workplace need in-depth training to give them the skills and knowledge they need to carry out the role of specialist adviser.

HSRs and members of health and safety committees should be trained so that they understand their role, functions and the procedures for resolving health and safety issues.

Employees must be provided with the instruction and training they need to do their work safely. This must include induction training before employees commence any hazardous work they have not done before. In addition, the employer should ensure that employees have the qualifications required for their job, for example, certification requirements (covered later in this chapter).

Some health and safety training may be provided 'in-house'. Other training must be an 'approved' or 'nominated course' conducted by an outside organisation. For example, HSR training and first aid training (see chapters 7 'Health and safety representatives' and 11 'Action if an injury happens'). There are also more in-depth courses for training health and safety professionals provided by universities, TAFE and registered training organisations.

It is important to take into account language and literacy levels of workers when selecting appropriate training.

PLANNING TRAINING

An effective training program requires planning. This means assessing training needs, setting objectives, and working on the best methods to provide training and evaluating the results. OHS training should be a component of the organisation's overall training plan. The Regulations specify that records must be kept for a period of five years in relation to the provision of information, instruction and training where the work involves any plant, substances or activity that is a risk to health or safety [Reg: 22(2)(d)].

Employer or industry associations may be able to assist in developing a health and safety training program. Some organisations provide a range of training programs on OHS. Industry training boards may also provide health and safety training.

TRAINING FOR MANAGERS AND SUPERVISORS

Why managers and supervisors need training

As covered in chapter 2 'The health and safety legislation', employers have specific responsibilities to provide and maintain a safe and healthy work environment. In many organisations, practical responsibility for ensuring that these obligations are met is often delegated to managers and supervisors.

The key role of managers and supervisors is recognised in the Act. The Act requires employers to provide managers and supervisors with the information, instruction and training that they need to ensure each employee under their management or supervision is, so far as is reasonably practicable, safe from injury and risks to health while they are at work [Act: 19(3)(g)].

To determine the training needs of managers and supervisors in an organisation, a training needs analysis should be conducted.

Objectives of training

The first step in planning training is to identify the skills, knowledge and competencies to be acquired by the relevant managers and supervisors.

While managers and supervisors will have different training requirements depending on their specific health and safety role and responsibilities, some of the areas in which skills and knowledge are likely to be required are:

- the various roles and legal responsibilities of employers, occupiers, managers and supervisors including the importance of providing appropriate information, instruction and supervision to employees
- how Regulations and Approved Codes of Practice apply to the workplace, and the role of managers and supervisors in implementing them
- organisational health and safety policies, practices and procedures
- the range of hazards to which employees under their supervision are exposed
- modern hazard management techniques, which emphasise hazard identification, risk assessment and control rather than a 'safe person' approach
- how to conduct workplace health and safety audits
- investigation of injuries, incidents and dangerous occurrences
- the role, responsibilities and rights of employees
- how to consult with employees
- the role and function of HSRs and committees, and the consultation process
- the resolution of health and safety issues (including how to respond to Default Notices and an order to stop unsafe work)
- the role of the SafeWork SA inspectorate in enforcing health and safety legislation.

Program design

Someone who knows the subject and has qualifications and/or experience in training should design OHS training. This person may be an appropriately qualified/experienced person within the organisation, or an outside consultancy or training organisation, which may be engaged to design the training program.

When engaging people from outside the organisation, it is worthwhile requesting references in the form of names of other organisations that they have worked for.

Training strategy

A training strategy should be developed to determine how the identified skills, knowledge and competencies are to be acquired by those requiring training.

This will involve decisions about:

- the amount of training required
- whether the training will involve attendance at short courses, seminars or other forums
- whether the training will be conducted in-house or off-site
- who will conduct the training and whether personnel will be trained individually or as a group.

Care should be taken to ensure that the person or organisation conducting the training has the necessary experience and knowledge of OHS. They should be suitably qualified, have knowledge of modern training techniques (particularly those which reflect the training needs and experience of adults) and access to the necessary resources.

It may be that a similar training strategy is developed for a group of managers or supervisors with similar responsibilities. Alternatively, personnel with specific responsibilities might have an individualised training program involving attendance at different courses.

The training objectives established earlier will determine the overall scope and composition of training, along with organisational needs and resources. It is important when organising training that there is a realistic amount of time allocated for acquiring the desired knowledge and skills.

Expected outcomes

Consideration should be given to the expected outcomes of the training. As a result of training, what are the relevant managers or supervisors expected to be able to do?

These outcomes will depend on the particular responsibilities of the people trained and the nature of the training received. For example, a person directly managing or supervising employees might need to have skills in hazard identification, risk assessment and control, auditing, incident investigation, consultation with HSRs, and so on. However, a manager who is more concerned with policy development and general oversight of the organisation's operations would need to have skills in developing policies and systems to manage workplace hazards, monitoring and evaluating their implementation.

Evaluation

Assessing how well a training program achieved the organisation's expectations should be an integral part of the program. The organisation or individual conducting the training should be able to assist in developing a means of assessing the effectiveness of the training.

In particular, the evaluation should involve a review of each individual's progress and acquisition of the required skills, knowledge or competencies. This should be done after completing training but allowing some time between training and evaluation. This evaluates how the learned skills and knowledge are applied in the workplace as opposed to how much a person can remember at the end of a course.

The full benefits of training may not be realised until some time after the training. Therefore, it is useful to have long-term measures to evaluate the effectiveness of training programs. To do this, training needs to be evaluated as a component of the overall health and safety program of the organisation. This indicates how well a manager or supervisor fulfils his or her health and safety role and represents the organisation's views on managing OHS.

Follow-up training

Training should not be a 'one-off' process. Like HSRs who have an ongoing entitlement to health and safety training, managers and supervisors also need to update their training regularly.

As a result of the training evaluation, it may be found that a manager/supervisor needs follow-up training to revise particular skills and knowledge. In addition, managers and supervisors will need to be made aware of developments in OHS that will impact on the way they must do their job. These include changes to legislation, Regulations, Approved Codes of Practice or the organisation's health and safety policies and procedures.

Continuing training also allows managers and supervisors to broaden their skills and knowledge and to obtain a deeper understanding of OHS issues. This enhances their ability to fulfil their responsibilities in the workplace and enables them to make a more valuable contribution to achieving the organisation's health and safety objectives.

CERTIFICATES RELATING TO THE OPERATION OF PLANT AND EQUIPMENT

Background

In South Australia, it is recognised that the potential risk associated with certain plant and equipment requires validation of the skills and knowledge of both operators and users.

South Australia has adopted the *National Guidelines for Occupational Health and Safety Competency Standards for the Operators of Loadshifting and Other Types of Specified Equipment and the National Standard for Licensing Persons Performing High Risk Work 2006* to ensure that both the operators and users of such types of plant and equipment as well as those persons performing high risk work will have the required level of knowledge and skill to do this safely. [Reg: 383 & 411].

A person must not operate any loadshifting plant or conduct high risk work (as detailed later in this chapter) unless they hold the relevant *Notice of Satisfactory Assessment (NSA)* or a current *Licence to Perform High Risk Work card* for the class/es that s/he intends to undertake work for (HRWL).

Certificates of Competency

Until 1 September 2010, South Australia required persons conducting certain activities to include cranes, scaffolding, dogging, rigging type work etc. to hold a Certificate of Competency (OHS Certification Australia card). These Certificates of Competency must be converted to the new HRWL as per the schedule detailed in the conversion table on page 73. Certificate of Competency holders are able to continue operating under their existing certificates until the time required for conversion.

National recognition

The Licence to Perform High Risk Work card is recognised throughout Australia without the need to re-register in another state or territory. High Risk Work Licences issued in one state can have additional classes added to them in another state as the licence holder acquires new skills and undertakes additional assessments. A licence holder must apply to the relevant Regulator in the State or Territory where they reside to add any new class/es of High Risk Work to their existing Licence to Perform High Risk Work card.

Obtaining the new certificates

Persons seeking a HRWL or a Loadshifting NSA in South Australia will need to be assessed in accordance with nationally uniform procedures by a Registered Assessor who is registered with SafeWork SA [Reg: 383 & 411]. The names and contact details of South Australian Registered Assessors is available from the SafeWork SA website under Licensing.

In some cases, assessments can be conducted at a place outside of a Registered Training Organisation's premises provided there is sufficient equipment and facilities available.

The Registered Assessor will advise applicants of the cost of an assessment. Every person who is assessed as competent will be given a written Notice of Satisfactory Assessment. This states that the applicant is competent in each part of the assessment. For those activities defined as high risk work, the written Notice of Satisfactory Assessment must be processed within 60 days from the date of issue of the Tax Invoice to obtain a Licence to Perform High Risk Work card [Reg: 387 & 410]. There is a fee associated with processing an application for a HRWL. For all loadshifting classes, the written Notice of Satisfactory Assessment must be retained as evidence of competency.

Trainees

'Learner permits' are not issued to people who are training to perform work for which they need an NSA or HRWL. Trainees must only carry out the work under the direct supervision of a competent person [Reg: 383 & 411].

Activities Requiring a Licence to Perform High Risk Work Card or a Notice of Satisfactory Assessment

Certificate class	Code	Type of Certification Required
Forklift trucks	LF	High Risk Work Licence (HRWL)
Basic scaffolding	SB	HRWL
Intermediate scaffolding	SI	HRWL
Advanced scaffolding	SA	HRWL
Dogging	DG	HRWL
Basic rigging	RB	HRWL
Intermediate rigging	RI	HRWL
Advanced rigging	RA	HRWL
Tower cranes	CT	HRWL
Self-erecting tower cranes	CS	HRWL
Derrick cranes	CD	HRWL
Portal boom cranes	CP	HRWL
Bridge and gantry cranes	CB	HRWL
Vehicle loading cranes	CV	HRWL
Non-slewing mobile cranes	CN	HRWL
Slewing mobile cranes (up to 20 tonnes)	C2	HRWL
Slewing mobile cranes (up to 60 tonnes)	C6	HRWL
Slewing mobile cranes (up to 100 tonnes)	C1	HRWL
Slewing mobile cranes (over 100 tonnes)	C0	HRWL
Boom type elevating work platforms	WP	HRWL
Materials hoists (cantilever platform)	HM	HRWL
Hoists (personnel and materials)	HP	HRWL
Concrete placing booms	PB	HRWL
Basic boiler operation	BB	HRWL
Intermediate boilers operation	BI	HRWL
Advanced boiler operation	BA	HRWL
Turbine operation	TO	HRWL
Reciprocating steam engine operation	ES	HRWL
Order-picking forklift trucks	LO	HRWL
Cableway flying foxes	LC	NSA (Notice of Satisfactory Assessment)
Front end loader/backhoes	LB	NSA
Front end loader	LL	NSA
Front end loader (skid steer types)	LS	NSA
Excavators	LE	NSA
Draglines	LD	NSA
Dozers	LZ	NSA

Conversion Table

Date of Issue	You must convert your qualification before
Before 3 April 1995	Expired
4 April 1995 – 31 December 1998	Expired
1 January 1999 – 31 December 2001	1 September 2013
1 January 2002 – 31 December 2004	1 September 2014
1 January 2005 – 31 August 2010	1 September 2015

If your licence has expired (i.e. issue date is prior to 1 January 1999), you may need to be re-assessed in order to obtain a Licence to Perform High Risk Work card for those classes designated as HRWL in the *Activities Requiring a Licence to Perform High Risk Work Card* table (above). A list of Registered Assessors is available from the SafeWork SA website under Licensing/High Risk Work.

Contact information for converting current tickets:

High Risk Work Conversion Line: 1300 975 909

HRWL Processing updates/Information: 1300 365 255

Email: highriskwork@safework.sa.gov.au

OTHER TRAINING AND COMPETENCY REQUIREMENTS

The *OHSW Regulations 2010* require that employers ensure their employees receive suitable training for any tasks they are required to perform at work [Reg: 22(1)]. For example, people who operate machinery, work with hazardous substances or carry out manual handling activities must be trained in relation to this work.

Some Regulations also require specific training or competency requirements to be met:

- **First aiders**

First aiders appointed under the *Approved Code of Practice First Aid in the Workplace* should hold a nationally-recognised Statement of Attainment issued by a Registered Training Organisation (RTO) for one of the first aid units of competency nominated by SafeWork SA. Information on the recognised courses and training providers can be found on SafeWork SA's website: www.safework.sa.gov.au

- **Logging work**

People performing logging work must have a certificate of proficiency in the use of power driven machinery and equipment used in the logging industry. The Logging Investigation and Training Association has been approved to provide this training. Contact the Association at Wireless Road, Mount Gambier 5290 (Telephone: (08) 8735 1474).

- **Construction safety**

Construction safety supervisors must attend an OHS course of at least 12 hours duration [Reg: 278(5)].

- **Fire and emergency**

Fire and emergency wardens appointed under the Emergency Facilities and Procedures Regulations must be appropriately trained to ensure that they can carry out their role, taking into account the nature of hazards, workplace size and employee numbers. As a minimum, the training must include evacuation procedures and use of fire extinguishers [Reg: 58].

TERTIARY OCCUPATIONAL HEALTH AND SAFETY EDUCATION

There are various courses available in South Australia and interstate that provide professional education in OHS. These courses provide specialist education for occupational health nurses, health and safety officers, occupational physicians and others who require in-depth knowledge on OHS issues.

Contact TAFE, universities or a registered training organisation for details on the courses they offer.

11. ACTION IF AN INJURY HAPPENS

If a person is injured or becomes sick at work, the quality and speed of treatment provided and access to rehabilitation are all important for minimising the severity of the injury or illness.

Within the workplace, provision of appropriate first aid helps reduce the severity of an injury or illness. Employers have a legal obligation to ensure that competent and suitable first aid services are provided. This depends on the number of employees, the nature of the work, the hazards involved and access to emergency medical services.

To prevent a similar injury happening again, the occurrence should be properly investigated and preventative action taken in consultation with HSRs or health and safety committees.

If time off work or medical treatment is required, then the employee may be entitled to workers compensation to cover loss of pay, medical and related expenses. WorkCoverSA administers the South Australian workers compensation scheme set up by the Government to provide compensation to employees who become sick or injured as a result of their work. The scheme also aims to assist employees in returning to work after time off due to occupational injury or illness.

Fatalities, serious injuries and dangerous occurrences must all be reported to SafeWork SA, which will conduct an investigation. A record must also be kept at the workplace of all injuries that occur [Reg: 25(2)].

There should be an injury management procedure to ensure that, if an injury does occur, the following steps are carried out:

- administering of emergency first aid
- recording of the occurrence at the workplace
- notification to the relevant HSR
- investigation of the occurrence and preventative action taken in consultation with the relevant HSR
- reporting to SafeWork SA
- compensation and rehabilitation is provided.

FIRST AID IN THE WORKPLACE

The provision of timely and appropriate first aid treatment in the workplace can save lives and reduce the severity, the degree of pain and suffering, and the amount of lost work time due to work-related injuries and illness.

Legal obligations

The Occupational Health and First Aid Regulations [Reg: 73] place an obligation on employers to provide adequate health and first aid facilities at any workplace that is under the employer's control.

The *Approved Code of Practice for First Aid in the Workplace (2010)* provides practical guidance for determining what type of first aid facilities should be provided in a particular workplace.

Employers must provide first aid facilities, which are at least as good as the minimum standards set in the Approved Code of Practice. It is not necessary to do things exactly the same as the Code, but if different facilities are provided they must be equivalent to or better than the Code.

Assessing what is appropriate

The facilities needed vary from workplace to workplace. They may include first aid kits, trained first aiders, a first aid room or an occupational health centre with trained staff.

The key to establishing what first aid facilities are appropriate is to make an assessment of requirements using the Approved Code of Practice.

The type of work performed, the hazards of the work, the size and location of the workplace, the number and distribution of employees, and previous illness or injury occurrences are all important in working out what is appropriate in a particular workplace.

First aid kits

There are two types of first aid kits under the new Code – a small first aid kit for smaller workplaces and a standard first aid kit for larger workplaces. Where there are specific hazards, additional first aid modules may be needed e.g. for the treatment of burns or injuries to employees working in areas that are remote from medical services. First aid kits must be kept properly stocked and must be conveniently located in the workplace to allow ready access by employees.

All items in the small and standard first aid kits have been carefully considered to ensure quality and suitability of items for occupational first aid. As a general rule alternative items should not be added unless they are of equal or better quality and effectiveness.

They must be suitable for use in the provision of first aid treatment and be able to be used safely by first aiders. Kits should not contain anything other than first aid supplies.

First aiders

Some workplaces will need to have trained first aiders who are responsible for rendering first aid. First aiders must be properly trained and should have either a current Senior First Aid Certificate or an Occupational First Aid Certificate, or hold an appropriate nationally recognised Statement of Attainment issued by a Registered Training Organisation (RTO) for one of the following first aid units of competency:

- Basic Emergency Life Support (HLTFA201A)
- Apply First Aid (HLTFA301B)
- Apply Advanced First Aid (HLTFA402B) and Manage First Aid in the Workplace (HLTFA403A)
- First Aid in Remote Situations (HLTFA302A)

Paracetamol in first aid kits

Paracetamol is a relatively safe form of medication; however, it does have the potential to cause significant health problems. The major problem is that continuous use over a period of years can cause irreversible damage to the kidneys and liver. Acute high dosages may be fatal. Additional problems can arise where overuse occurs with individuals who already have a pre-existing liver disease and people with a high alcohol intake.

For these reasons and because the 'responsible persons' in charge of such kits may not have training in the assessment of a sick or injured person and therefore lack the required skills to issue such medication and document its use; paracetamol was removed as a requirement for first aid kits.

First aid rooms

Where there are a large number of employees at a particular workplace, a first aid room may be needed. A first aid room must be in the charge of a person who has either an Occupational First Aid Certificate or Statement of Attainment issued by RTO for both of the following national competencies.

- Apply Advanced First Aid (HLTFA402B) and
- Manage First Aid in the workplace (HLTFA 403A)

Occupational health centres

Larger, high-risk workplaces may need an occupational health centre staffed by an occupational health nurse or other appropriate health professional.

More information on occupational health and first aid services can be found in sections 2 and 3 of the Approved Code of Practice on this subject. Information sheets and other resources to help with compliance with the Code are available from the SafeWork SA website www.safework.sa.gov.au and SafeWork SA's Bookshop.

REPORTING INJURIES AND DANGEROUS OCCURRENCES

Part 7 of the Regulations [Reg: 417] requires that an employer report certain work-related injuries and dangerous occurrences to SafeWork SA. An employer must also keep records of all work-related injuries under [Reg: 25(2)] of the Regulations.

What is a work-related injury?

The term 'work-related injury' is defined in the Act as any death, injury, disease or disability that is attributable to work [Act: 4].

Any injury must be considered to be work-related if it occurs at work, arises from a work practice or the conditions in the workplace.

Work-related injuries include the recurrence, aggravation or exacerbation of previous work-related injuries. For example, if the employee has previously had a work-related knee injury and the injury happens again because of work, the new injury may have to be reported to WorkCoverSA or Employers Mutual.

What injuries must be reported?

The following work-related injuries must be reported to SafeWork SA immediately by telephone 1800 777 209 or facsimile (08) 8204 9500:

- any death
- any injury which has immediate and serious symptoms associated with exposure to a substance at work e.g. the employee is burnt by acid or a solvent, they develop a serious rash after coming into contact with a chemical, they become unconscious after breathing in a substance
- any injury that requires treatment as an in-patient in a hospital immediately after the injury.

These are examples of immediately notifiable work-related injuries. In addition, a compensable injury, that is, an injury sustained in the course of employment, must be reported under the *Workers Rehabilitation and Compensation Act 1986*.

Why do some injuries need to be reported immediately?

Injuries that must be reported by telephone or facsimile are serious injuries that SafeWork SA may need to investigate immediately.

When the injury is reported to SafeWork SA, an inspector will decide whether an immediate investigation is needed. If it is necessary, an inspector will visit the workplace as soon as possible to gather information and examine the place where the injury occurred.

How do you make an immediate injury report?

Injuries that need to be notified immediately should be reported to the nearest SafeWork SA office.

When making an immediate injury report, the employer should give the following information:

- the name of the employer
- the name of the injured employee
- the address where the injury happened
- the name and address of any hospital where an injured employee has been taken
- basic information about the nature and extent of injury
- brief description of how the injury occurred.

How do you report a compensable injury?

An employee must give notice of a compensable injury to their employer or, if not in employment at the time notice is given, to WorkCoverSA or its claims agent/s, within 24 hours or as soon as possible after the occurrence of the injury. Employees should report their injury or illness to their employer whether they intend to make a claim for workers compensation or not.

Employees can report an injury in writing (including email), or verbally and reports may be given in person or through the post, by facsimile or by telephone. If notice is given verbally, an employee may be requested to complete a WorkCoverSA Claim Form by their employer or WorkCoverSA or its claims agents. A report can also be made by a representative, such as a family member or friend, if employees are unable to do so themselves.

The employer must then forward this information or a copy of the Claim Form to the claims agent within five calendar days by either phone, facsimile or in writing. Self-insured employers will have their own claims manager and their own internal procedures for giving notice, which must be followed.

Where do I get the forms?

The Claim Form and WorkCoverSA Employer Report Form (referred to below) are available from WorkCoverSA on telephone 13 18 55 or www.workcover.com, WorkCoverSA's claims agents and South Australian post offices.

If an injury or dangerous occurrence happens, can changes be made to the workplace?

If an employee is injured or killed, or in the case of a dangerous occurrence, an employer may take such steps as are necessary to:

- rescue an injured person
- retrieve any dead body
- protect the health and safety of any person who may be in the vicinity
- prevent undue damage to property.

However, the employer must get permission from a SafeWork SA inspector before they:

- alter the site where the death or injury occurred
- reuse, repair or remove any plant or substance that caused or was connected to the death or injury.

What is a dangerous occurrence?

A dangerous occurrence is any incident or event that arises from operations carried on at a workplace and which causes an immediate and significant risk to a person [Reg: 417].

A person does not have to be injured – it is the risk that is important. The risk may arise if a person is or could have been in or near the incident or event.

Specific dangerous occurrences

The Regulations require employers to report all dangerous occurrences. The Regulations also list some events that must be reported if they cause an immediate and significant risk. Specific dangerous occurrences that must be reported are:

- the collapse, overturning or failure of the load bearing of any scaffolding, lift, crane, hoist or mine-winding equipment
- damage to or malfunction of any other major plant
- the unintended collapse or failure of an excavation more than 1.5 metres deep (including any shoring)
- the unintended collapse of the floor, wall or ceiling of a building being used as a workplace
- an uncontrolled explosion, fire or escape of gas, hazardous substance or steam
- an electrical short circuit, malfunction or explosion
- an unintended event involving a flood of water, rock-burst, rock fall or collapse of ground
- breathing apparatus malfunctioning to the extent that the user's health is endangered.

Reporting a dangerous occurrence

Dangerous occurrences must be reported to SafeWork SA by telephone as soon as practicable. A written report must also be provided within 24 hours.

Dangerous occurrences must be reported even if nobody has been injured. Reports should be made to the local office of SafeWork SA and should include the following information:

- the name and address of the person giving the notice
- date and time of the event
- the place where the dangerous occurrence happened
- the apparent cause
- the nature and extent of damage
- the work that was being carried out.

In addition to reporting to SafeWork SA, the employer must also notify the relevant HSR if there is an incident, work-related injury or dangerous occurrence that affects (or may affect) a member of their work group [Act: 34(1)(h)].

INVESTIGATION OF INJURIES AND DANGEROUS OCCURRENCES

What is an investigation?

Investigations are carried out to find out what happened and why, in order to prevent a similar future occurrence. Any occurrence that gives rise to injury or causes property damage, and any near miss should be investigated.

Investigations vary in scope depending on the severity or potential severity of the consequences of a particular occurrence. The general approach to investigation described here can be used for different types of occurrences, but how much information is collected will depend on whether the incident is minor or more serious.

This information is intended as a beginner's guide to be used by managers, supervisors, HSRs and committee members who may be required to participate in an investigation.

Who should do an investigation?

Organisations need to have procedures in place for the investigation of injuries, incidents and dangerous occurrences to establish the contributing factors so that a recurrence can be prevented. The investigation is the responsibility of the relevant manager or supervisor. Relevant HSRs should be consulted and can be involved in the investigation. Advice and assistance may be sought from a health and safety professional. It is important that a system is developed in each organisation for such investigation and that this becomes part of the training for managers, supervisors and HSRs.

HSRs can also investigate any injury or dangerous occurrence involving a member of their work group (see chapter 7 'Health and safety representatives' for more details).

Identifying causes

An investigation should aim to identify all possible causes of the occurrence.

In particular, investigators should look for causes other than 'human error' or 'worker carelessness'. It is important to identify underlying problems in the work environment, plant, equipment or materials used, the system of work and management practices. Addressing problems in these areas is more likely to prevent further injuries or incidents.

For work that is covered by relevant Regulations or Approved Codes of Practice, questions should address the requirements of these standards. For example, if there is a manual handling injury, then the investigation should identify the risk factors that caused the injury as described in the *Approved Code of Practice for Manual Handling*.

THE INVESTIGATION PROCEDURE

The investigation of an occurrence involves gathering information, analysing it, drawing conclusions and making recommendations. It is important to keep an open mind about all possible causes and not to draw conclusions before all relevant information has been gathered.

The investigation should commence as soon as possible after the injury, near miss or dangerous occurrence. By doing this, investigators are most likely to be able to observe the conditions as they were at the time and to identify witnesses.

If there has been a death or immediately notifiable injury, the site must not be altered in any way without the permission of a SafeWork SA inspector.

Before attempting to gather information the site should be examined for a quick overview, steps should be taken to preserve evidence and witnesses should be identified.

Physical evidence

Physical evidence may be subject to rapid change or obliteration. For this reason it should be the first type of evidence recorded. Investigators may want to record items such as:

- the location of injured workers at the time of the occurrence
- the equipment in use
- substances in use
- safety devices or control measures in use
- position of appropriate guards
- position of controls on machinery
- damage to equipment
- housekeeping in the area
- weather conditions
- lighting levels
- noise levels.

Photographs may be taken both of the general area and specific items. Subsequent study of these photographs may reveal conditions missed at first during the initial investigation. Sketches of the scene based on measurements taken may also assist the analysis and will clarify the written report.

Broken equipment, debris and samples of material involved may be removed for further

analysis by appropriate experts, but check first with the SafeWork SA inspector. Notes should be made to identify where these items came from.

Eyewitness accounts

Eyewitness accounts are another source of information. Although there may be occasions when it is not possible, every effort should be made to interview witnesses. In situations where investigators must carry out the investigation without being able to examine the scene immediately after the event, eyewitnesses will be a primary source of information.

Witnesses should be interviewed as soon as possible after the occurrence. They should be interviewed individually rather than in a group to avoid losing individual perceptions of what happened. Interviews may be conducted at the scene where it may be easier to describe the occurrence, or in a quiet office.

Some points to remember when interviewing witnesses are:

- try to put the witness, who may be upset, at ease
- emphasise the reason for the investigation (to prevent a recurrence and to identify underlying causes — not to blame individuals)
- allow the witness to talk — do not interrupt, prompt or ask leading questions
- make short notes during the interview (do not make lengthy notes while the witness is talking)
- confirm with the witness that the statement recorded is correct

The actual questions asked of the witness will vary with the occurrence, but there are some general questions that should be asked each time. These are:

- where were you at the time of the occurrence?
- what were you doing at the time?
- what did you see and/or hear?
- what were the environmental conditions at the time (weather, noise, fumes, light etc.)?
- what was the worker doing at the time they were injured?
- in the witness' opinion, what caused the occurrence?
- how might similar occurrences be prevented in the future?

Background information

Other information that should be checked are documents such as technical data sheets, maintenance reports, past reports of occurrences, formalised safe work procedures and training records. Any relevant information should be studied for indications of what might have happened and what should have been done.

Analysis and conclusions

Once investigators know what happened and how it happened, the next step will be to consider why the occurrence happened. All possible answers to this question should be found. Consider especially how the organisational factors may have contributed, e.g. had safe systems of work been established?

A step-by-step account should be prepared describing what happened, how it occurred and the investigators' conclusions about why, listing all possible causes.

Conclusions should be checked to ensure that the evidence supports them. Note whether the evidence is direct (physical evidence), eyewitness accounts or based on assumption.

Recommendations

The final and most important step is to make well-considered recommendations for the prevention of a recurrence. Relevant supervisors and HSRs should have the opportunity to comment on and contribute to the recommendations.

All recommendations should be realistic and indicate the specific action required by whom to prevent a recurrence.

Written report

A written report should be prepared as a record of the investigation for consideration by relevant management, HSRs and others who need to know.

This report should include the previously prepared draft of the sequence of events leading up to the occurrence and all relevant information sufficient to explain to those not involved in the investigation what happened. The source of evidence should be identified and the reasons for conclusions should be stated.

WORKPLACE RECORDS OF INJURIES AND DISEASE

Why record injuries and disease?

Collection, analysis and assessment of occupational injury and disease information is necessary so those hazards can be identified and appropriate action taken to improve health and safety at work.

Valuable information can be obtained from injury and disease records including:

- the total number of work-related injuries and disease cases in each workplace
- the types of work-related injury and disease that are occurring
- the parts of the body that are affected.

This information can be used to help:

- identify hazards
- develop ways of controlling hazards
- show if the controls are effective.

What information must be recorded?

The Regulations require that, whenever there is a work-related injury, a record must be kept of the injury [Reg: 25(2)]. This includes injuries that involve time off work as well as injuries that do not result in lost time. Illness and disease are also included in the definition of injury.

Australian Standard 1885.1 known as the *National Standard for Workplace Injury and Disease Recording* is an Approved Code of Practice and includes a form setting out the information that should be recorded. This includes details of the job that was being performed, the injury or disease, and what happened to cause the injury or disease. The form (or equivalent information) should be completed and kept as a record of all injuries and disease that occur at the workplace.

The standard also explains how to analyse the records of injury to get a picture of the more serious or common problems and what is causing them.

Although employers are only required to keep records of actual injuries, it is also good management practice to record near misses and investigate dangerous occurrences.

How to use the information

The information obtained from injury and disease records can be used in hazard identification, risk assessment and control in the workplace (see chapter 5 'Hazard management'). In particular it can be used to:

- identify priorities for action e.g. by looking at where injuries are occurring, in what jobs, what is causing them and what machinery, chemicals or other hazards are causing the most serious injuries or health effects
- identify trends related to staffing levels, shift patterns, or the introduction of new machinery or work processes
- monitor the success of preventative measures.

Some statistical measures

Some useful ways of interpreting and analysing information are:

Incident rate: This is the number of injury/disease occurrences for each 100 people employed, as recorded in a specific time period. This allows a comparison to be made of injury rates at different times, or at different locations within the same period of time.

Formula:
$$\frac{\text{number of occurrences}}{\text{number of workers}} \times 100$$

Frequency rate: This is the number of injury/disease occurrences for each million hours worked.

Formula:
$$\frac{\text{number of occurrences}}{\text{number of hours worked}} \times 1,000,000$$

Average time lost rate: This is the average time lost for each injury/disease occurrence. It provides an indication of the severity of injury/disease experienced by workers.

Formula:
$$\frac{\text{total working days lost}}{\text{number of occurrences}}$$

To use this information effectively, data needs to be retained for a number of years to allow a comparison of rates over time. This allows better monitoring of performance and indications of trends in injury and disease.

WORKCOVERSA

Cover for injured workers

Most South Australian workers are covered for workers compensation if they have a work-related injury or illness.

Workers are defined under the *Workers Rehabilitation and Compensation Act 1986* (the WRC Act) as:

- anyone employed under a contract of service
- prescribed classes of volunteers (these include volunteer fire fighters with the South Australian Country Fire Service and, as of 14 October 2012 volunteer marine rescue workers and South Australian State Emergency Services volunteers)
- anyone included by the 'deeming' provisions of the WRC Act. (If unsure of your status as a worker, contact WorkCoverSA or read '*A Guide to Definition of a Worker*' available on WorkCoverSA's website.

Employers Mutual* has been the sole claims agent in South Australia since 1 July 2006. The day-to-day management of claims, rehabilitation and case management is carried out by Employers Mutual under a contract arrangement managed by WorkCoverSA.

Employers Mutual or the self-insured employer is responsible for most of the decisions relating to a claim, which include:

- managing and coordinating rehabilitation and return to work plans for injured workers
- determining claims and entitlements to compensation
- managing injured workers' claims for compensation
- providing advice to workers and employers on rehabilitation and compensation and their rights and responsibilities
- providing advice to employers on health and safety in the workplace.

*The current Employers Mutual contract for claims management services will expire in December 2012. Final arrangements and any changes to claims management services are still to be released following the announcement in August 2012 that both Employers Mutual SA and Gallagher Bassett have been appointed as WorkCoverSA's claims management agents from 1 January 2013.

Self-insured employers

Some employers are 'self-insured'. This means they manage their own workers' compensation claims. Workers employed by self-insured employers have the same entitlements as other workers. WorkCoverSA monitors the performance of self-insured employers to ensure that they comply with the WRC Act.

Claims for compensation

Claims for compensation must be given to the worker's employer, or if not in employment at the commencement of incapacity, to WorkCoverSA or Employers Mutual or to a self-insured employer. A Claim Form can be used to give notice of a workplace injury or to make a claim for compensation.

Reports must include information such as:

- the day on which the injury or illness occurred
- the time when the injury or illness occurred

- a description of the injury or illness
- how the injury or illness occurred
- part of the body affected

and other information specified in the Claim Form.

Injured workers can make a claim personally or through the post, by facsimile or by telephone. A claim can also be made by a representative, such as a family member or friend, if workers are unable to do so themselves.

A claim for compensation must be made within six months of the date an entitlement to compensation arises.

A WorkCoverSA Medical Certificate is also required when making a claim for compensation. These are issued by the injured worker's treating doctor.

Employers must notify Employers Mutual or WorkCoverSA within five calendar days of receiving a report from a worker about a work-related injury or illness. The easiest way to report an injury and start the claims process is by calling Employers Mutual on 1300 365 105.

Provisional liability provisions commenced 1 January 2009 and apply to claims for compensation received on or after that date, irrespective of the date of injury.

If a claim cannot be determined expeditiously, provisional payments can only be made if the mandatory information is provided at the time the injury is reported and there is no 'reasonable excuse' why payments should not apply.

Provisional liability provides for provisional weekly payments to start within seven days in most cases. Such weekly payments may continue for up to 13 weeks. The claim for compensation must still be determined.

The *Provisional Payment Guidelines* provide more information on how these provisions should be applied.

The provisional payment of medical and other expenses is also included up to \$5,000 (indexed annually). There is no time limit in which these expenses can be incurred, as long as the \$5,000 limit is not exceeded. If the worker has paid for necessary medical treatment, Employers Mutual or the self-insured employer should reimburse the worker within 14 calendar days after the worker requests payment or in accordance with the self-insured employer's policies and procedures.

Rehabilitation

The WRC Act provides for the effective rehabilitation of injured workers and their early return to work. Rehabilitation is a managed process that aims to assist injured workers to achieve the best practicable level of recovery following a work injury or illness and assists them to remain at, or return to safe, suitable employment at the earliest opportunity.

There is a legal obligation for employers to continue to employ and provide suitable employment for injured workers. Employers are expected to consider modified or alternative duties or retraining to assist injured workers achieve a suitable employment outcome.

Section 28A (2) of the WRC Act requires that WorkCoverSA, through its claims agent, may develop a rehabilitation and return to work plan if a worker is receiving compensation by way of income maintenance and is or is likely to be incapacitated for work for more than 13 weeks and has some prospect of returning to work.

From 1 January 2009, employers with 30 or more workers have been required to appoint a rehabilitation and return to work coordinator. A person filling this role is responsible for helping injured workers remain at or return to work and for managing return to work activities within the workplace. The coordinator plays an integral role in the workplace by assisting injured workers to return to work in a safe and sustainable manner and ensuring that the worker's return to work program/plan and the employer's workplace rehabilitation policy and procedures are followed.

In some circumstances, a workplace rehabilitation consultant, employed by a contracted workplace rehabilitation provider, is engaged by Employers Mutual or a self-insured employer. They will work with the injured worker and their family, the employer, doctors, other treatment providers and union representatives to coordinate an approved return to work plan. The aim of a return to work plan is to return the injured worker to their pre-injury work as quickly and safely as possible. This approach focuses on the injured worker's capacity for work, rather than their injury.

Health and safety committees have a role to play in developing and reviewing the organisation's rehabilitation policies and practices. In relation to rehabilitation, the functions of a health and safety committee under section 33 of the OHSW Act include reviewing:

- developments in the field of rehabilitation of employees who suffer work-related injuries
- the employment of employees who suffer any form of disability.

The health and safety committee also has an important role to play in monitoring the return-to-work process of injured workers.

If requested by the injured worker, an HSR may provide them with support during their rehabilitation. This may include attending interviews with the employer and making representations to the employer on the worker's rehabilitation. In doing this, the representative must not give out personal information about the worker's health without the individual's consent.

In general, the support of both managers and employees is important to assist a worker's return to work.

A more detailed examination of the rehabilitation process is outlined online and in brochures available from WorkCoverSA.

Publications

WorkCoverSA and SafeWork SA develop a variety of printed publications to assist in the prevention of work-related injury and disease and a number of codes of practice and guidance notes, some of which are referred to in this publication.

Some printed publications are available from SafeWork SA's Bookshop on the ground floor at 200 Victoria Square, Adelaide or by viewing their publication list at www.safework.sa.gov.au



WorkCoverSA Service Centre

For general enquiries about all aspects of workers compensation and rehabilitation and premiums, please contact the Service Centre at:

400 King William Street, Adelaide SA 5000

GPO Box 2668, Adelaide SA 5001

Telephone: 13 18 55

Facsimile: (08) 8233 2466

Email: info@workcover.com

www.workcover.com

12. SOURCES OF INFORMATION ON HEALTH AND SAFETY ISSUES

Information may be required about hazards in the workplace and how to prevent or minimise the risks to health and safety.

Regulations and Approved Codes of Practice are an important source of information about hazards and their control (see chapter 2 'The health and safety legislation' for more information on these). However, Regulations and Codes do not exist to address all hazards and hazardous work processes.

Even so, the employer's duty of care under the Act requires that steps be taken to ensure that employees are safe from a wide range of risks to health and safety. Or it may be necessary to obtain more information to work out how a Regulation should be applied to a particular process. Therefore, it will sometimes be necessary to go beyond Regulations and codes of practice and obtain information from other sources about the identification, assessment and control of hazards in the workplace.

Information about OHS is available from many sources. The best source to consult depends on the type of information required. This chapter provides suggestions about information and advice that is available in South Australia.

SAFework SA

SafeWork SA has a primary role in assisting employers and employees to secure the health, safety and welfare of people at work. Specifically, it assumes the following functions:

- conducts or supports research in the prevention of occupational injury and disease
- develops and coordinates state-wide prevention programs
- promotes and advises on workplace systems for OHS management
- advises on the management of specific hazards, e.g. plant, hazardous substances, manual handling, stress and noise
- supports the development of OHS Regulations and codes of practice
- liaises with training providers to promote and ensure the integration of OHS into vocational and other workplace training
- produces plain language information products and guidelines
- provides advice and information on workplace OHS consultative structures.

Specialist advice and information is also available from SafeWork SA.

Health and safety inspectors

Inspectors visit workplaces to conduct audits on matters for managing health and safety, to investigate accidents or dangerous occurrences, to follow up complaints and to attend to a range of licensing, registration, inspection and other functions. They also advise on how to comply with OHS legislation and may use enforcement tools such as Improvement or Prohibition Notices to ensure compliance. Inspectors assist in the resolution of certain OHS issues and may also conduct investigations. Increasingly, inspectors are involved in proactive projects aimed at improving OHS performance within specific industry sectors. See chapter 2 'The health and safety legislation' for more information on the role of inspectors.

SafeWork SA

Level 4, World Park A
33 Richmond Road
KESWICK SA 5035

Help Centre

Telephone: 1300 365 255
Facsimile: (08) 8204 9500
Emergency: (24-hour service): 1800 777 209
Email: help@safework.sa.gov.au
Website: www.safework.sa.gov.au

Country offices

Berri

30 Kay Avenue, Berri, 5343
Telephone: (08) 8595 2199
Facsimile: (08) 8595 2190

Mount Gambier

38 Sturt Street, Mount Gambier, 5290
Telephone: (08) 8735 1199
Facsimile: (08) 8124 1453

Port Lincoln

Level 1, 73-75 Tasman Terrace, Port Lincoln, 5606
Telephone: (08) 8688 3057
Facsimile: (08) 8688 3058

Port Pirie

Level 1, 104 Florence Street, Port Pirie, 5540
Telephone: (08) 8638 4777
Facsimile: (08) 8638 4785

Whyalla

15-17 Horwood Street, Whyalla, 5600
Telephone: (08) 8648 8733
Facsimile: (08) 8648 8722

Workplace Consultation Program

Principal Liaison Officers are employed to assist and support HSRs and health and safety committee members. An explanation of their role and their contact details follows.

The Program's role is to provide advice, assistance and support on:

- establishing designated work groups
- appropriate persons to be HSRs
- electing HSRs and deputy HSRs
- the role of the Returning Officer in an HSR election
- the HSRs' and deputy HSRs' functions
- electing health and safety committee members, including the Chairperson and sub-committees, etc.
- HSR entitlements e.g. access to training, entitlements while attending training, etc.

Principal Liaison Officers are responsible for:

- undertaking evaluations of health and safety committees. This includes:
 - providing verbal feedback at the end of their attendance at the meeting
 - providing a written report for workplaces, including findings and recommendations for improving the effectiveness of the committee.
- coordinating HSR network meetings
- developing products and information kits to assist and promote HSRs and health and safety committee members in the workplace
- assisting with the writing of plain English language publications including various information sheets
- providing information sessions to a wide range of groups on the role, powers and functions of HSRs, the role of health and safety committees and the consultation process for resolving OHS issues.

Contact the Principal Liaison Officers on 1300 365 255.

OTHER SOURCES OF INFORMATION

Employers

Employers have a primary responsibility to provide adequate information needed for the identification, assessment and control of hazards in the workplace (see chapter 2 'The health and safety legislation'). They also have a responsibility to provide employees with the information that they need to do the job safely.

Employer organisations

Employer groups such as Business SA, SA Engineering Employers Association, Master Builders Association, Motor Trades Association, Local Government Association, small business and other industry associations can provide health and safety information and advice to their members.

Unions

Union members should contact their local union office or SA Unions for advice, information and training. Some unions have health and safety officers and organisers who can be contacted for advice and involvement in consultation at your workplace.

SA Unions :

Telephone: (08) 8279 2222

Email: saunions@saunions.org.au

Libraries

Some libraries have information on health and safety. The Bray Reference Library in the State Library of South Australia has the ACEL, OSH-ROM, and CCINFO health and safety databases and can assist with following up references. The State Library is located at North Terrace, Adelaide. Telephone: (08) 8207 7250.

Some local community libraries may be able to assist in obtaining health and safety publications on loan from other libraries.

SafeWork SA Library

The Help Centre provides information and assistance with OHS and IR through a range of services including the Help Centre, the Library and the Bookshop.

As well as OHS and IR, the Library specialises in workers compensation, rehabilitation and return to work resource material.

The library is a free service available to the general public.

Location: Ground floor, 200 Victoria Square, Adelaide

Opening hours: 8:30am - 5:00pm weekdays

Telephone: (08) 8204 8877

Facsimile: (08) 8204 8883

Email: library@safework.sa.gov.au

Online kiosk: www.safework.sa.gov.au/kiosk

University libraries

University libraries are open to the public even if you're not a university student; however, you must check lending policies to find out whether you have borrowing privileges. Ask at the information desk to see if you can become a borrower.

TAFE libraries

TAFE libraries are accessible to the public too. If you are not a TAFE student, ask at the information desk to see if you can become a borrower.

Product manufacturers

Manufacturers and suppliers of plant and substances, such as machinery, equipment and chemicals are required to provide information to ensure they are safe, at the time of supply (see chapter 2 'The health and safety legislation' for more information on duties of manufacturers and suppliers). Health and safety information should be requested from the supplier before purchasing new plant or substances for use at work.

Health and safety consultants

Companies that provide OHS services including consultancy and occupational hygiene services, are listed in the *Yellow Pages*.

Under Section 32(3)(a) of the OHSW Act, elected HSRs are entitled to be accompanied on a workplace inspection by a consultant approved by the Minister (contact the Principal Liaison Officers (Workplace Consultation) on 1300 365 255).

13. SUMMARY OF THE OHSW ACT AND REGULATIONS

SUMMARY OF THE OHSW ACT

Following is a summary of the OHSW Act. It includes the most recent amendments to the Act.

This summary is designed to provide an overview of the provisions of the Act and should in no way be taken as providing interpretation of the Act. It is essential that readers consult the Act to obtain full details of the requirements.

Sections 1-3 Title and objects

The objectives of the Act are to secure the health, safety and welfare of people at work, eliminate risks at their source, protect the public from risks arising from work and various types of plant, involve employers and employees in OHS issues, and encourage registered associations to promote and assist the achievement of a safer working environment.

Section 4 Interpretation

This section provides definitions of key words or phrases used in the Act. Contractors and volunteers are deemed to be employees in certain circumstances [Act: 4(2) & 4(3)]. This section also outlines penalties applicable for certain offences.

Section 5 Application of the Act

The Act applies to all South Australian workplaces so far as the legislative power of the State extends. This includes state government agencies, but the Act does not apply to Commonwealth government agencies or workplaces covered by the Federal Vehicle Industry Award.

Section 6 Non-derogation

The provisions of the Act do not replace or lessen the provisions of any other Act or any other civil right.

Section 7-13 The SafeWork SA Advisory Committee

The tripartite SafeWork SA Advisory Committee advises the Minister on OHS policies, Act amendments, Regulations, codes of practice and related matters. The Advisory Committee also reviews the administration and enforcement of OHS legislation, the role of HSRs, OHS services and training. The Committee's members have a term of office of up to three years and are eligible for reappointment.

Section 19 Duties of employers

An employer must ensure, so far as is reasonably practicable, the health and safety of each employee while at work. This includes providing and maintaining a safe working environment, safe systems of work, and plant and substances in a safe condition.

Employers' duties include:

- providing information, instruction, training and supervision as is reasonably necessary to ensure employee health and safety
- monitoring employee health and welfare
- keeping information and records of work-related injuries
- induction and supervision of new workers
- monitoring of working conditions
- training and informing managers and supervisors in their OHS role
- ensuring that any accommodation and other facilities are maintained in a safe condition.

Section 20 OHS policies and statements

Employers must prepare and maintain health and safety policies, in consultation with employees and their representatives. They must also prepare and keep up-to-date a written statement setting out the arrangements, practices and procedures for protecting employees' health and safety.

Section 21 Duties of workers

An employee must take reasonable care to protect his or her own health and safety, and to avoid adversely affecting others. This includes, as far as reasonable, using equipment provided for OHS purposes, obeying reasonable OHS instructions, and ensuring that s/he is not affected by alcohol or drugs to the extent that s/he endangers health and safety.

Section 22 Duties of self-employed persons

A self-employed person must take reasonable care to protect his or her own health and safety, and to avoid adversely affecting others.

Section 23 Occupiers

Occupiers must ensure, so far as is reasonably practicable, that the workplace is maintained in a safe condition and that there are safe means of access and egress.

Section 23A Duties of designers and owners of buildings

A person who designs or owns a building that comprises or includes a workplace must ensure that risks to health and safety are addressed and that any prescribed requirements are met.

Section 24 Duties of manufacturers, importers and suppliers of plant or substances

These people have duties to ensure health and safety when plant or substances are properly used, and when subjected to reasonably foreseeable forms of misuse. This includes attention to health and safety in the design, construction and installation of plant or erection of structures, and in the manufacture and supply of substances. Duties encompass testing and examination of plant and substances, and provision of adequate information to ensure safe use.

Section 24A Duties of owners of plant

The owner of plant must ensure that the plant is maintained in a safe condition, that information is provided to users, and that any prescribed requirements are complied with.

Section 25 Duties applicable to all persons

Persons other than an employer, employee or occupier of a workplace must not misuse or damage anything provided to protect health and safety, or place at risk the health and safety of another person who is at work.

Section 26-31 HSRs and committees

A group of employees may elect an HSR to represent a work group. The members of a work group are also entitled to elect a deputy HSR who performs the functions of the HSR in their absence. The term of office of an HSR is three years, although this may be less in certain circumstances set down in the Act.

An employer must establish a health and safety committee if requested to do so by an HSR or at least five employees. The composition of a health and safety committee is determined by agreement between the employer, the HSR and any interested employees. Any relevant HSR should be encouraged to be a member of the committee and at least half of the committee's members must be employees. The Regulations make various provisions in relation to the operation of committees.

Section 31A, 31B, 31C Training

This section makes provision for entitlement to training for HSRs and committee members. It also outlines entitlements for time off to attend training, reimbursement of expenses and payment of courses. The SafeWork SA Advisory Committee may also prepare and publish guidelines for training.

Section 32 Functions of HSRs

This section provides for HSRs to perform certain functions in relation to their work group.

Section 33 Functions of health and safety committees

This section establishes the functions of health and safety committees.

Section 34 Responsibilities of employers

An employer must consult HSRs and committees in relation to OHS policies, practices and procedures, and about any changes to the workplace that may affect health and safety. Employers also have certain responsibilities to HSRs including:

- allowing them to accompany an inspector during an inspection of the workplace
- allowing access to information about work-related risks
- notifying them of work-related injuries
- granting them time off to attend approved training.

The details of these and other entitlements of HSRs are provided in Section 34 of the Act.

Section 35-37 Resolution of OHS issues

Where an HSR considers that a person is contravening the Act, or may repeat a contravention, the representative may follow a procedure to have the issue resolved. This procedure includes consultation with the employer, involvement of a health and safety committee or an inspector, and issue of a Default Notice. The Default Notice is a written Notice, which requires that the contravention be remedied.

In circumstances where an HSR considers that there is an immediate threat to the health and safety of an employee, the representative may direct that work cease until adequate measures are taken to protect health and safety. This procedure also involves consultation with the employer and committee, if appropriate.

Either the HSR or the employer may request an inspector to attend the workplace to assist in resolving the issue.

Section 38 Inspections

Inspectors are appointed under the Act and are given certain powers, which include rights to enter and inspect workplaces, examine records and documents, take photographs, measurements and other records, and require persons to answer questions. These powers are subject to certain conditions and certain steps are to be taken by the inspector to consult and provide information to the employer or occupier, and to an HSR.

Section 39-45 Improvement and Prohibition Notices

Where an inspector considers that a person is contravening the Act, or may repeat a contravention, the inspector may issue an Improvement Notice requiring that the matter be remedied. If an inspector considers that there is an immediate threat to health and safety, the inspector may issue a Prohibition Notice, which prevents the particular activity until the inspector is satisfied that adequate measures have been taken to avert, eliminate or minimise the risk. The person to whom they have been issued must display notices at the workplace. An employee whose work is affected, an employer or an HSR may apply to the President of the Industrial Court to have a Notice reviewed. An employee whose work is suspended due to an Improvement or a Prohibition Notice is entitled to be paid.

Section 46-50 Review committees

The President of the Industrial Court must establish a review committee to consider particular OHS matters referred to the President under the Act. Section 48 establishes the procedures for a review committee. Any party to proceedings before a review committee may appeal to the Supreme Court against a decision of the committee.

Section 53 Delegation

The Minister, the Director or the Advisory Committee of SafeWork SA may delegate any of their powers or functions under the Act.

Section 54 Power to require information

This section allows workplace health and safety information to be sought by specific people, when it is reasonably required for the administration, operation or enforcement of the Act.

Section 54A Provision of information by WorkCoverSA

Makes provisions for WorkCoverSA to supply work-related injury, rehabilitation return-to-work, claims costs, investigation outcomes or other information to the SafeWork SA Advisory Committee.

Section 55 Confidentiality

Persons who obtain information in the course of carrying out functions related to the administration, operation or enforcement of the Act are prevented from disclosing commercial or personal information of a confidential nature, except in specific circumstances established in Section 55.

Section 55A Inappropriate behaviour at work

Outlines process to make complaints about bullying. Bullying is defined here as behaviour that is directed towards an employee or group of employees that is repeated and systematic and that a reasonable person would expect to victimise, humiliate, undermine or threaten the employee or employees. It must create a risk to health and safety.

Section 56 Discrimination against workers

HSRs, health and safety committee members and employees who assist an inspector or make a complaint in relation to an OHS matter are protected against dismissal, threat, intimidation or coercion by an employer. It is an offence for an employer to do these things and an employee affected may be reinstated or re-employed in the event of dismissal or paid compensation.

Section 57 Assignment of workers during cessation of work

Employees may be assigned to suitable alternative work, where work has been suspended as a result of a direction that work cease, or a Default, Improvement or Prohibition Notice.

Section 58-60A Offences

A person who fails to comply with a provision of the Act is guilty of an offence. Penalties are set according to different divisions. The penalty amount for each division of fine is established in Section 4 of the Act.

Section 59 provides for an aggravated offence where a person breaches their duty of care, knowing that the breach was likely to seriously endanger another or being recklessly indifferent to whether another person was endangered. The penalty for an aggravated offence is double the penalty that would otherwise apply for that duty or imprisonment of up to five years, or both.

Additional penalties also apply for continuing or repeated offences. The Act provides for expiation or 'on the spot' fines to be issued by inspectors in relation to matters prescribed by Regulation.

Section 60A can require a convicted person to undertake training, carry out specific activities or projects to improve OHS in the State, or sector of activity. It can also order the person to advertise the offence, consequences and penalty applied and notify shareholders, or victims of the offence.

Section 61 Responsible Officers

Each body corporate must appoint a Responsible Officer who must take reasonable steps to ensure compliance with the Act. Section 61 establishes the type of person who may be appointed as a Responsible Officer. In the public sector, the chief executive officer of each administrative unit must appoint a person to be responsible for implementing the Act. Responsible Officers must attend training.

Section 62 Health and safety in the public sector

Chief executive officers of public service administrative units can now be liable for the same offences as employers.

Section 63-63A Codes of practice

The Minister may approve a Code of Practice, on the recommendation of the SafeWork SA Advisory Committee. Notice of an Approved Code of Practice is given in the Gazette. Every Approved Code of Practice must be laid before both Houses of Parliament and may be disallowed by either House, by a resolution passed within fourteen (14) days of the code being laid before the House.

Approved Codes of Practice may be used as evidence in a prosecution. A person who has not complied with an Approved Code of Practice will be taken to have failed to exercise the required standard of care, unless they can prove otherwise.

Section 64 Evidentiary provision

This section establishes certain rules of evidence for prosecutions under the Act.

Section 65 Annual report

The SafeWork SA Advisory Committee must prepare a report of its work each year, to be laid before each House of Parliament.

Section 66 Modification of Regulations

An occupier or employer may apply to the Director of SafeWork SA for the Regulations to be modified, as they apply to the particular employer or occupier. Parties affected may apply to the President of the Industrial Court for a review if they are dissatisfied with the granting of a modification.

Section 67 Exemption from the Act

An employer of another person may apply to the Minister for exemption from all or any provision of the Act. The Minister must consult the SafeWork SA Advisory Committee on such a request.

Section 67A Registration of employers

A person required to be registered under the WRC Act, must also register under the OHSW Act. This fee is collected with the WorkCoverSA levy. This section establishes the basis for setting the fee.

Section 67B Portion of WorkCoverSA levy to be used to improve occupational health and safety

A part of the levy paid to WorkCoverSA will be transferred to the Department to go towards the costs associated with administering the Act.

Section 67C Five-yearly reports

Requires the Minister to undertake a review of the Act on a five-yearly basis. The review reports must be presented to Parliament.

Section 68-69 Regulations

Regulations may be made on any matters that are specified in Schedule 1 to the Act and additional registration and licensing matters set down in Section 69. Regulations may reference codes or other documents. The Minister must consult the SafeWork SA Advisory Committee before making any Regulation.

SUMMARY OF THE OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATIONS 2010

PART 1 - Preliminary

Provides all general information and requirements that should be applied in using the rest of the Regulations.

It covers:

- interpretations - all words in bold in the Regulations have specific (defined) meanings
- general responsibilities - a summary of everyone's responsibilities
- general principles - an overview of the steps for implementing the Regulations.

PART 2 - General workplace

Sets out the general requirements that apply to all workplaces. Each of the Regulations under this section relates to a particular hazard or to the provision of access to facilities for the welfare of employees (e.g. toilets, first aid kits etc.).

Part 2 explains the things that must be done to make any workplace safe and the facilities to be provided for employees. These Regulations cover:

- access and egress
- amenities
- buildings and precincts
- confined spaces
- electrical
- emergency facilities and procedures
- fire prevention
- lighting
- manual handling
- noise
- occupational health and first aid
- personal protection
- prevention of falls
- remote or isolated work
- storage
- traffic control
- ventilation
- workplace cleanliness and hygiene.

PART 3 - Plant

Based on the *National Standard for Plant*, it consists of specific requirements for plant including registration of some hazardous plant.

Part 3 explains the specific requirements for plant, for example:

- specific duties of:
 - designers
 - manufacturers
 - importers
 - suppliers
 - erectors or installers
 - employers
 - employers duties for risk control
 - owners
 - self-employed persons
- hazard identification, risk assessment and risk control
- registration of plant design and plant items.

PART 4 - Amusement structures

This part protects the safety of persons from hazards arising from the use of amusement structures, including registration of designs and the installation of amusement structures.

PART 5 - Hazardous substances

Sets out the general requirement to minimise risk to health, due to exposure to hazardous substances in the workplace.

Part 5 explains that the national standards for hazardous substances and for asbestos, lead and synthetic mineral fibres apply in South Australia and covers:

- general requirements and duties of suppliers and employers
- specific requirements for asbestos
- specific requirements for lead
- specific requirements for synthetic mineral fibres.

PART 6 - Hazardous work

Consists of specific requirements for certain types of hazardous work. The divisions in this section must be applied in addition to the more general requirements of divisions two, three and four.

Part 6 explains the specific requirements for certain types of hazardous work. You must apply these Regulations, in addition to the more general requirements of parts 2-5, when doing:

- abrasive blasting
- demolition
- diving
- electroplating
- excavation work
- foundry work
- logging
- spray painting
- welding
- construction work
- petroleum work
- mining work
- opal mining.

PART 7 - Administration

Provides detailed information for employers on the administrative aspects of health and safety management.

Part 7 explains the administrative requirements for all workplaces in relation to:

- health and safety representatives
- health and safety committees
- confidentiality of health records
- high risk work licences, competency requirements and registration of assessors
- notification of commencement of certain work
- notification of certain occurrences
- proceedings
- registration of employers
- miscellaneous provisions.



14. APPENDICES

Appendix 1	HSR notification of election form
Appendix 2	HSR resignation form
Appendix 3	HSR training notification form
Appendix 4	Default Notice
Appendix 5	Health and safety committee information form
Appendix 6	General workplace inspection checklist
Appendix 7	Office workstation checklist

DISCLAIMER:

Some of the forms or checklists provided in these appendices will require amendment to suit the needs and hazards of your organisation. They are provided as examples only to assist you in getting started.



of South Australia

SafeWork SA

HEALTH AND SAFETY REPRESENTATIVE NOTIFICATION OF ELECTION

The information contained in this form is required in accordance with the *Occupational Health and Safety and Welfare (OHSW) Act 1986* and Regulations. This information will be treated in the strictest confidence and is only provided to SafeWork SA for the purposes of communication with you if they visit your workplace. It will be provided to your employer, when requested, to assist them to keep accurate records. SafeWork SA will use the information to assist in the development of policies and programs for HSRs in South Australia.

Is this your:

☐ First election☐ Re-election

WORKER'S DETAILS

Title Given names Surname

(Mr/Ms/Mrs/Miss/Dr)

Preferred name Male ☐ Female ☐ What is your preferred language? English ☐ Italian ☐ Greek ☐ Polish ☐

(Language spoken/read in the workplace)

Khmer ☐ Chinese ☐ Spanish ☐ Russian ☐Country of birth Email address

Other language (please specify)

Date you were elected/re-elected as an HSR / / Are you a deputy health and safety representative? Yes ☐ No ☐

This question is optional (i.e. you do not have to answer). If you do answer, the information will help SafeWork SA to continue to improve services to Aboriginal and Torres Strait Islander people.

Please tick this box if you are of Aboriginal/Torres Strait Islander descent ☐Postal address

 Postcode

EMPLOYMENT DETAILS

Name of employer/company Worksite/Location Name & address Postcode Your occupation/Job title Work phone no () Home phone no () Mobile no Date started employment with current employer (month) (year)

WORK GROUP INFORMATION

Do you have a deputy health and safety representative? Yes ☐ No ☐If yes, the name of the deputy representative Name of the group of employees that you represent Number of male employees in your work group Number of female employees in your work group Are there employees in your workgroup who use a language(s) at work/as part of work other than English? Yes ☐ No ☐

If the answer is yes, approximately how many employees speak the following language(s)?

Italian ☐ Greek ☐ Polish ☐ Khmer ☐ Chinese ☐ Spanish ☐ Russian ☐Other (please specify)

UNION/REGISTERED ASSOCIATION MEMBERSHIP

Completing this section is a requirement under Division 6.1.8 (1) (f) of the OHSW regulations. However, SafeWork SA will not release your personal details, but will use general information to engage unions in supporting HSRs in South Australia.

Are you a member of a Union or Registered Association?* Yes ☐ No ☐

*As defined by the OHSW Act 1986

Do you hold an official position in your Union/Registered Association such as

☐ Job Representative ☐ Delegate

Name of Union or Registered Association

☐ Shop Steward ☐ Other☐ Union Official

P.T.O. →

HEALTH AND SAFETY REPRESENTATIVE TRAINING

Have you been to training for health and safety representatives approved under the Regulations?

No ☐ Yes ☐ (if yes please complete the following table.)

Name/Type of course	Name of training organisation	Date completed
e.g. Level 1, Level 2, Continuing	e.g. SA Unions, Business SA, Transport Training Centre, Port Adelaide Training & Development Centre, AWU Education & Training Centre etc.	e.g. 11.6.94

Have you undertaken any other occupational health and safety related training (e.g. TAFE, university, in-house, fire safety, first aid etc)?

No ☐ Yes ☐ (if yes please complete the following table.)

Name/Type of course	Educational institution/training organisation	Date completed
e.g. in-house training, Certificate, Graduate Diploma, First aid training	e.g. TAFE, ABC123 Pty Ltd, Australian Red Cross Society	e.g. 24.9.95

Signature

Date / /

If you need any help filling out this form, please call the Help Centre Information Officer on **1300 365 255**.

When you have completed this form, please return it to:

**Workplace Consultation Program, SafeWork SA,
GPO Box 465, ADELAIDE SA 5001 or fax the form to: 08 8204 9500**



HEALTH AND SAFETY REPRESENTATIVE RESIGNATION FORM

Please use this form to notify us of your resignation as a health and safety representative.

SafeWork SA

Workplace Consultation
Program

GPO Box 465
Adelaide, SA, 5001

Tel: 1300 365 255

Fax: (08) 8204 9500

PERSONAL INFORMATION

FAMILY NAME

GIVEN NAME/S

POSTAL ADDRESS

Postcode

TELEPHONE

EMAIL

EMPLOYER/ORGANISATION NAME

REASON FOR RESIGNATION

RESIGNATION DATE

Signature _____ Date _____

OFFICE USE ONLY

Date received

REPCODE

Reason code

Entry date

Entered by

HEALTH AND SAFETY REPRESENTATIVE TRAINING NOTIFICATION FORM

of South Australia

SafeWork SA

The information contained in this form is required in accordance with the *Occupational Health, Safety and Welfare (OHSW) Act 1986*, Section 28(12) and Regulations. This information will be treated in the strictest confidence and is only provided to SafeWork SA for the purposes of communication with you. It will be provided to your employer, when requested, to assist in keeping accurate records. SafeWork SA will use the information to assist in the development of policies and programs for HSRs in South Australia.

ARE YOU AN ELECTED HEALTH AND SAFETY REPRESENTATIVE (HSR)?

No ☐ You are not required to complete this form.

Yes ☐ Complete **both sides** of this form and provide it to your trainer or send it to:

SafeWork SA Workplace Consultation Program
GPO Box 465 Adelaide SA 5001
or
fax it to SafeWork SA on (08) 8204 9200.

Name of training organisation:

- | | |
|--|--|
| <input type="checkbox"/> ADELAIDE TRAINING & EMPLOYMENT CENTRE (ATEC) | <input type="checkbox"/> NATIONAL RISK SOLUTIONS (NRS) |
| <input type="checkbox"/> ASC TRAINING & DEVELOPMENT (ASC) | <input type="checkbox"/> NATIONAL SAFETY COUNCIL OF AUSTRALIA (NCSA) |
| <input type="checkbox"/> AUSTRALIAN INSTITUTE OF TECHNOLOGY TRANSFER (AITT) | <input type="checkbox"/> SA UNIONS (SAU) |
| <input type="checkbox"/> BUSINESS SA (BSA) | <input type="checkbox"/> SDA TRAINING CENTRE (SDA) |
| <input type="checkbox"/> CELTIC TRAINING & CONSULTANCY (CTC) | <input type="checkbox"/> TAFESA METRO (TAFESAM) |
| <input type="checkbox"/> JOBSAFE SA (JSSA) – FORMERLY AWU | <input type="checkbox"/> TAFESA REGIONAL (TAFESAR) |
| <input type="checkbox"/> MOTOR TRADE ASSOCIATION (MTA) – GROUP TRAINING SCHEME | <input type="checkbox"/> TRANSPORT TRAINING CENTRE (TTC) |

Area: ☐ Metropolitan ☐ Country

Type of training: ☐ Level 1 ☐ Level 2

5-day block? If yes Dates attended from / / to / /

Split course? If yes Dates attended part 1 from / / to / /

Dates attended part 2 from / / to / /

TRAINING DETAILS - CONTINUING TRAINING ONLY

Day 1 - title of workshop	<input type="text"/>	Date attended	<input type="text"/> / <input type="text"/> / <input type="text"/>
Day 2 - title of workshop	<input type="text"/>	Date attended	<input type="text"/> / <input type="text"/> / <input type="text"/>
Day 3 - title of workshop	<input type="text"/>	Date attended	<input type="text"/> / <input type="text"/> / <input type="text"/>
Day 4 - title of workshop	<input type="text"/>	Date attended	<input type="text"/> / <input type="text"/> / <input type="text"/>
Day 5 - title of workshop	<input type="text"/>	Date attended	<input type="text"/> / <input type="text"/> / <input type="text"/>

WORKER'S DETAILS

Title Given names Surname
(Mr/Ms/Mrs/Miss/Dr)

Preferred name

Male ☐ Female ☐ What is your preferred language? English ☐ Italian ☐ Greek ☐ Polish ☐
(Language spoken/read in the workplace)

Khmer ☐ Chinese ☐ Spanish ☐ Russian ☐

Country of birth

Email address

Other language (please specify)

Date you were elected/re-elected as an HSR / /

Are you a deputy health and safety representative? Yes ☐ No ☐

This question is optional (i.e. you do not have to answer). If you do answer, the information will help SafeWork SA to continue to improve services to Aboriginal and Torres Strait Islander people.

Please tick this box if you are of Aboriginal/Torres Strait Islander descent ☐

Postal address

Postcode

EMPLOYMENT DETAILS

Name of employer/company

Worksite/Location
Name & address

Postcode

Your occupation/Job title Work phone no ()

Home phone no Mobile no

Date started employment with current employer (month) (year)

WORK GROUP INFORMATION

Do you have a deputy HSR? Yes ☐ No ☐

If yes, the name of the deputy HSR

Name of the group of employees that you represent

Number of male employees in your work group Number of female employees in your work group

Are there employees in your workgroup who use a language(s) at work/as part of work other than English? Yes ☐ No ☐

If the answer is yes, approximately how many employees speak the following language(s)?

Italian ☐ Greek ☐ Polish ☐ Khmer ☐ Chinese ☐ Spanish ☐ Russian ☐

Other (please specify)

UNION/REGISTERED ASSOCIATION MEMBERSHIP

SafeWork SA will not release your personal details, but will use general information to engage unions in supporting HSRs in South Australia.

Are you a member of a Union or Registered Association?* Yes ☐ No ☐

*As defined by the OHSW Act 1986

Do you hold an official position in your Union/Registered Association such as (please tick)

☐ Job Representative ☐ Delegate

☐ Shop Steward ☐ Other

☐ Union Official

Name of Union or Registered Association

Signature

Date

/ /

If you need any help filling out this form, please call the Help Centre on **1300 365 255**.

DEFAULT NOTICE

This Default Notice is issued in accordance with Section 35(3) of the *South Australian Occupational Health, Safety and Welfare Act 1986*.

Failure to comply with its requirements carries a maximum penalty of \$40,000.

I, _____ being the elected health and safety representative for the
[Health and Safety Representative name]

_____ work group

having taken reasonable steps to consult with the employer, am of the opinion that the matter has not been satisfactorily resolved and believe that:

_____ [whoever is contravening the Act - can be the firm, the employer, CEO or an individual]

is contravening/has contravened (and is likely to repeat that contravention), the *Occupational Health, Safety*
[delete whichever is not applicable]
and Welfare Act 1986 at:

_____ [name and address of workplace]

The grounds for my opinion are: _____

(additional pages may be attached if necessary)

_____ is responsible for remedying
[NAME OF PERSON ADDRESSED: name of company, employer, CEO or nominated responsible officer]

This contravention by _____ am/pm on _____ / _____ / _____
[Date]

Signed _____ Date _____ / _____ / _____
[Health and Safety Representative] (Date of issue)

Instructions for using this Notice:

Upon completion, this Notice should be handed to the person addressed or to the employer or their representative (e.g. supervisor, safety officer) who shall ensure that it is given to the employer who is responsible for placing copies of it in prominent locations about the affected workplace and informing affected workers of its content. Health and safety representatives should retain their own copies of Default Notices they issue.

SafeWork SA should be contacted by the health and safety representative if the Notice is not complied with by the specified date and by the employer if they wish to appeal against the Notice being issued.

Copies of Default Notices must be retained for 3 years.

More information about Default Notices is contained within Safeguard 'Resolution of health and safety issues', which is available from SafeWork SA (see over).

IMPORTANT INFORMATION ABOUT DEFAULT NOTICES

Request for attendance by an inspector

An inspector may be requested to attend at the workplace if:

- (a) a person to whom a Default Notice is addressed (or where that person is an employee, that person's employer) considers that a Default Notice need not have been issued or is, for some other reason, inappropriate; or
- (b) an HSR:
 - (i) considers that there has been an unreasonable delay in taking action under Section 35(8) of the OHSW Act 1986; or
 - (ii) is dissatisfied with the action taken under that subsection in response to the Notice.

An inspector may:

- (a) confirm the Notice; or
- (b) confirm the Notice with such modifications as the inspector thinks fit; or
- (c) cancel the Notice.

Cancellation of Notice

A Default Notice may be cancelled:

- (a) at any time, by the HSR who issued the Notice; or
- (b) if the HSR is absent from the workplace and cannot reasonably be contacted, by a health and safety committee that has responsibilities in relation to the matter; or
- (c) by an inspector.

SafeWork SA Offices are located at:	Street Address	Telephone	Facsimile
Head Office GPO Box 465, ADELAIDE SA 5001	Level 4, World Park A, 33 Richmond Road, Keswick	1300 365 255	(08) 8204 9200
Berri PO BOX 346, BERRI SA 5343	30 Kay Avenue, Berri	(08) 8595 2199	(08) 8595 2190
Mount Gambier PO BOX 871, MOUNT GAMBIER SA 5290	38 Sturt Street, Mount Gambier	(08) 8735 1199	(08) 8124 1453
Port Lincoln PO BOX 2862, PORT LINCOLN SA 5606	Level 1, 75-75 Tasman Terrace, Port Lincoln	(08) 8688 3057	(08) 8688 3058
Port Pirie PO BOX 462, PORT PIRIE SA 5540	Level 1, 104 Florence Street, Port Pirie	(08) 8638 4777	(08) 8638 4785
Whyalla PO BOX 696, WHYALLA SA 5600	15-17 Horwood Street, Whyalla	(08) 8648 8733	(08) 8648 8722
Emergency After Hours Number		1800 777 209	
Internet Address	www.safework.sa.gov.au		

HEALTH AND SAFETY COMMITTEE INFORMATION

of South Australia

SafeWork SA

The information contained in this form is required in accordance with the *Occupational Health, Safety and Welfare (OHSW) Regulations*. This information will be treated in the strictest confidence. SafeWork SA will use the information to assist in the development of policies and programs for health and safety committees in South Australia.

Is this your:

- ☐ First election
☐ Re-election

EMPLOYER DETAILS

Name of employer

WorkCover Registration no./Location no. (if known)

Address of employer

 Postcode

COMMITTEE DETAILS

Organisation's committee name

Date committee originally established / /

Total number of members on the committee

Total number of employee representatives on the committee
(eg, excluding management representatives)

CONTACT DETAILS

Contact person for the Committee
(generally the Chairperson)

Title Given names Surnames
(Mr/Ms/Mrs/Miss/Dr)

Email

Address for correspondence if different to address of employer

 Postcode

Contact telephone number ()

**You are required by law to provide these committee details within 14 days
of establishment of the committee**

If you need any help filling out this form, please call the Help Centre Information Officer on **1300 365 255**.

When you have completed this form, please return it to:

**Workplace Consultation Program, SafeWork SA,
GPO Box 465, ADELAIDE SA 5001 or fax the form to: 08 8204 9500**

GENERAL WORKPLACE INSPECTION CHECKLIST**EXAMPLE**

This checklist will need to be amended to suit the needs of your organisation.

JOB DESIGN	
Has each job been designed to provide a variety of tasks throughout the day in terms of physical and mental workload?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are highly repetitive tasks (such as keying) performed for more than 2 hours at any one time?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do tasks require constant sitting or standing for more than 2 hours at any one time?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are tasks that require a high level of concentration performed for more than 2 hours at any one time?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do workers have some choice of when, how and how frequently they perform some tasks or are these determined by the equipment or machine they use or by their supervisor?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are workers trained to vary tasks and postures through the day?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are individuals given feedback regarding their work performance?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MANUAL HANDLING	
Are there objects that require pushing, pulling, lifting, lowering, carrying, holding or moving and do these actions require considerable physical effort or force to complete?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there large, awkward or heavy objects to be handled?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is handling required more than 5 times per hour over a day?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is handling performed below mid-thigh height or above shoulder height?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
LIGHTING	
Is there sufficient lighting for the performance of tasks?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are workers able to control incoming natural light?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Does artificial lighting cause reflection from work surfaces or shadows over the task?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do workers find they have tired, sore or irritated eyes at the end of a day?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
NOISE	
Is noise a problem in the workplace?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is it difficult to hear a normal voice within 1 metre distance?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there distracting or disruptive noises in the area?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do screens or partitions control noise?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
AIR QUALITY	
Are there problems or complaints about temperature, draughts, odours or lack of fresh air?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do workers suffer from dry, irritated eyes at the end of the day?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Does the workplace seem stuffy?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do workers find the temperature cold, hot or fluctuating?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

OFFICE LAYOUT	
Is there sufficient space for tasks to be carried out?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there sufficient space for the equipment and the operator?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there sufficient space for walkways through an area?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there sufficient space for light, intermediate and busy foot traffic?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there separate areas for tasks that require dedicated space?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there a separate room for photocopying?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
WORKSTATIONS	
Are workstations adequately designed for the tasks being performed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there sufficient space at the workstation for documents to be spread out within easy reach?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there easy access to equipment such as a telephone or keyboard?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there adequate and safe height adjustability of work surfaces?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are workstations and equipment set up to reduce awkward postures?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are the desks suitable for the tasks to be performed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do standing workstations meet the needs of the users?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are standing workstations suitable for a range of users?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there sufficient width and depth for the tasks being carried out?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there provision for seating at this workstation where short periods of continuous work is performed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there suitable seating provided at a standing workstation?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are the chairs stable in access and in egress?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are the chairs adjustable for different users?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are the visitors' chairs adequate for the number and type of visitors?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do these chairs need to be hardy or soft and comfortable?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are the reception chairs suitable for the tasks that need to be carried out?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are the reception chairs adjustable from the seated position?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do multiple operators use the reception chairs?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do keyboard operator chairs provide support and comfort to all individual operators?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are these chairs adjustable in height and backrest angle from the seated position?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do the executive chairs provide adequate support during the performance of all tasks?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
What degree of adjustability do the existing chairs provide?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
What degree of adjustability for the individual fit is required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there a need for foot rests?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Which operators require foot rests?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are document holders provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have a range of document holders been tried to meet the needs of the different users?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are workers trained to adjust their workstation and chair?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

STORAGE	
Is there sufficient general storage space for the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there sufficient storage space at each workstation?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is storage space suitably designed to be within easy reach (that is, between shoulder and mid-thigh height)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there sufficient space around storage areas to enable safe and easy access?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
HAND TOOLS	
Are suitable, safe and adequate hand tools supplied for the work required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are sharp implements (such as penknives and staple removers) housed or stored to minimise the risk of injury?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
VISUAL DISPLAY UNITS (VDUs)	
Is the computer adequate for the task being performed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is force required to press the keys too high or too light?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there adjustability of the screen height?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there a keyboard rest that frees up desk space for other tasks?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
RADIATION	
Are old or deteriorated VDUs being used?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have radiation emissions from old VDUs been tested within the last 12 months?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are workers located closer than 1 metre from a VDU in any direction?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
What policies and procedures exist about the placement of VDUs?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are workers located near multiple electrical cords or computer cables?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are electrical and computer cables unhoused or entwined?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
COPYING EQUIPMENT	
Is there adequate copying equipment in good working order, for the work required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are copier lids intact and functioning to reduce exposure to intense light?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is the copier functioning quietly and as quickly as indicated in the specifications for the equipment?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are self-contained toner cartridges supplied in a sealed state?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are procedures for the use and maintenance of copying equipment adequate, in place and in use?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are safety procedures reviewed frequently?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
HAZARDOUS SUBSTANCES	
Is there concern regarding hazardous substances such as paint, glues and new carpet?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
List the likely hazardous substances in your office	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have hazards been identified, qualified and controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there noticeable fumes in the air?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Do any work processes use or generate dust, smoke, fumes or gases?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there any hazards in the office known to be toxic, corrosive, inflammable or explosive?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are MSDSs and written safe work procedures readily accessible?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there adequate ventilation and housekeeping practices?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has appropriate training been provided to all workers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

HOUSEKEEPING	
Are the floors of all offices and passageways, corridors, storerooms or stairways:	
<input type="checkbox"/> kept free from obstruction?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<input type="checkbox"/> properly maintained	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<input type="checkbox"/> covered with non-slip material	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<input type="checkbox"/> adequately illuminated	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are stairways provided with substantial handrail or handhold?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are the surfaces of all car parks and pathways around the building kept free of potholes and other tripping hazards?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Does management ensure that all equipment is regularly maintained to manufacturers' specifications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has management developed a system for immediately fixing faulty equipment?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are all filing cabinets, cupboards stable?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have workers been advised or trained on the correct way to access filing cabinets?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are they sufficient for the needs of the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are they located clear of doors, corridors and frequently used passages?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are sharp corners of furniture and other fittings situated safely to avoid being a hazard to people passing them?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
ELECTRICAL CONNECTIONS	
Is the use of power boards or extension cords minimised?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are electrical cords and connections inspected regularly?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are all cords in as-new condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are all appliances in use suitable and in good condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
FIRE	
Are extinguishers in place, clearly marked for type of fire and recently serviced?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there adequate direction notices for fire exits?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are exit doors easily opened from inside?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are exits clear of obstructions?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are fire alarms functioning correctly?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are fire instructions available and displayed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are regular fire drills carried out?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are training sessions carried out?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
FIRST AID	
Are cabinets and contents clean and orderly?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is there easy access to cabinets?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are employees aware of locations of first aid cabinet?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are first aid cabinets clearly labelled?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are emergency numbers displayed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Are there adequate stocks of first aid materials?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

OFFICE WORKSTATION CHECKLIST

This checklist will need to be amended to suit the needs of your organisation.

NAME	POSITION	DATE
<p>1. CHAIR</p> <p>Swivel chair with 5 castor base (glides should be used on hard floors).</p> <p>Seat height should be adjustable so that when operator is seated:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Upper arms hang freely (no arm rests on chair) <input type="checkbox"/> Thighs are not compressed by front edge of seat <input type="checkbox"/> Upper leg is approximately horizontal or angled slightly upwards with feet on floor or footrest <input type="checkbox"/> Sufficient clearance between the thigh and lower edge of desk <input type="checkbox"/> Sufficient clearance between front edge of seat and lower leg. <p>If relative heights of work surface and chair are not sufficiently adjustable (for short person) then an angled footrest should be provided.</p> <p>Back rest adjusted:</p> <ul style="list-style-type: none"> <input type="checkbox"/> For height so that small of back is supported <input type="checkbox"/> For angle to allow user to sit upright. <p>2. DESK</p> <ul style="list-style-type: none"> <input type="checkbox"/> Height should be adjustable so that forearms are horizontal or angled slightly downward <input type="checkbox"/> Document holder should be placed beside or beneath screen at same viewing distance as screen <input type="checkbox"/> Phone, folders etc. should be within easy reaching distance without the need to twist body or stretch from seated position <input type="checkbox"/> There should be sufficient space for documents, completed work and writing on work surface <input type="checkbox"/> Beneath desk should be clear of obstructions so that knee and foot have clearance <input type="checkbox"/> Cords and cables should be secured out of way <p>3. MONITOR</p> <p>When head is erect, the top of screen should be in line with eyes.</p> <p>Screen should be adjustable so that when looking at screen:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Viewing distance between eye and screen is between 400mm – 700mm (arm's length) <input type="checkbox"/> The angle between screen surface and line of sight is approximately 90° <input type="checkbox"/> The downward angle between line of sight and the horizontal is approximately 35° <input type="checkbox"/> Monitor is placed so there are no reflections from windows or other light sources. <p>4. WORK AND REST RATES</p> <ul style="list-style-type: none"> <input type="checkbox"/> Try to alternate different tasks with working at computer e.g. photocopying, filing, sending faxes <input type="checkbox"/> If not possible to vary tasks, take 10-minute breaks every hour (or 5 minutes per half hour) from using the computer (breaks should not be accumulated) - get up and walk around <input type="checkbox"/> Take frequent mini pauses by viewing something at a long distance (more than 3 metres) to rest the eyes e.g. look across room/out of the window <input type="checkbox"/> If you are not a trained word processor, try not to use a computer for hours on end — if this is not possible, do some exercises at your desk <p>5. ENVIRONMENT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Noise level <input type="checkbox"/> Fresh air <input type="checkbox"/> Lighting (adjustable to reduce glare) <input type="checkbox"/> Temperature <input type="checkbox"/> Other (specify) 		



NOTES



NOTES

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