# CODE OF PRACTICE
# OCCUPATIONAL SAFETY AND HEALTH
# IN THE WESTERN AUSTRALIAN PUBLIC SECTOR
# 2007

commission
for occupational
safety and health

## Foreword

The introduction of the *Occupational Safety and Health Act 1984* (the OSH Act) enabled the establishment of the tripartite Commission for Occupational Safety and Health. The Commission, which comprises representatives of employers, unions and government, as well as experts, has the function of developing the occupational safety and health legislation and supporting guidance material, and making recommendations to the Minister for their implementation. To fulfill its functions, the Commission is empowered to establish advisory committees, hold public inquiries, and publish and disseminate information.

This code of practice has been developed through a tripartite consultative process and the views of the employers and unions, along with those of government and experts, have been considered.

The Commission's objective is to promote comprehensive and practical preventive strategies that improve the working environment of Western Australians.

## The *Occupational Safety and Health Act 1984*

The OSH Act provides for the promotion, coordination, administration and enforcement of occupational safety and health in Western Australia.

The OSH Act places certain duties on employers, employees, self-employed people, manufacturers, designers, importers and suppliers. It also places emphasis on the prevention of accidents and injury.

In addition to the broad duties established by the OSH Act, the legislation is supported by a further tier of statute, commonly referred to as regulations, together with a lower tier of non-statutory codes of practice and guidance notes.

## Regulations

Regulations have the effect of spelling out specific requirements of the legislation.

Regulations may prescribe minimum standards and have a general application, or they may define specific requirements related to a particular hazard or particular type of work. They may also allow the licensing or granting of approvals and certificates etc.

## Codes of practice

A code of practice is defined in the OSH Act as a document prepared for the purpose of providing:

- practical advice on preventive strategies; and
- a practical means of achieving any code, standard, rule, provision or specification relating to occupational safety and health in Western Australia.

A code of practice may contain explanatory information.  The preventive strategies outlined do not represent the only acceptable means of achieving a certain standard.

A code of practice does not have the same legal force as a regulation and is not sufficient reason, of itself, for prosecution under the OSH Act.

## Guidance notes

A guidance note is an explanatory document providing detailed information on the requirements of legislation, regulations, standards, codes of practice or matters relating to occupational safety and health, as approved by the Commission.

## Authority

On 6 June 2007, the Minister for Employment Protection approved the *Code of Practice: Occupational Safety and Health in the Western Australian Public Sector* pursuant to Section 57 of the *Occupational Safety and Health Act 1984.*

## Scope of this code of practice

This code of practice has been prepared by the Commission for Occupational Safety and Health in consultation with the Department of Consumer and Employment Protection, WorkCover Western Australia, RiskCover and CPSU/CSA.

The code aims to provide practical guidance for public sector agencies to achieve compliance with the obligations of the *Occupational Safety and Health Act 1984* and the Occupational Safety and Health Regulations 1996.

This code also promotes the role of occupational safety and health (OSH) management systems and the importance of chief executive officer leadership in improving OSH performance. It acknowledges that an effective OSH management system is a critical component of an agency's overall risk management program.

This code also refers to additional information and guidance material such as WorkSafe bulletins and publications produced by the Commission for Occupational Safety and Health, the WorkCover Western Australia Authority, Comcare[1] and the Office of Road Safety. A complete list is contained in Appendix 8 of this Code.

The guidance in this Code should be considered in conjunction with the general duties in the *Occupational Safety and Health Act 1984*. A summary of the general duties is included in Chapter 3.

## Who should use this code?

Everyone who has a duty to prevent, as far as practicable, hazards in public sector workplaces should use this code. This includes chief executive officers, managers, employees, people in control of workplaces, safety and health representatives and safety and health committees.

## Foreign language and special needs assistance

If you require the services of an interpreter, contact the Translating and Interpreting Services (TIS) on 131 450 and ask for connection to 1300 307 877.

This document is also available in alternative formats on request to assist those with special needs.

## Disclaimer

Information in this publication is to assist readers in meeting their occupational safety and health obligations. While information is correct at the time of publication, readers should check and verify any legislation reproduced in this publication to ensure it is current at the time of use. Changes in law, after this document is published, may impact on the accuracy of information.

The Commission for Occupational Safety and Health provides this information as a service to the community. The information and advice provided is made available in good faith and is derived from sources believed to be reliable and accurate at the time of publication.

[1] Comcare is responsible for workplace safety, rehabilitation and compensation in the Commonwealth jurisdiction and is a federal statutory authority.

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# 1. WHAT IS THE PUBLIC SECTOR?

The Western Australian (WA) public sector comprises State Government Departments and Agencies[2], employing 102 511 full time equivalents (as at September 2006), representing approximately 12 per cent of the WA workforce[3].

Most workers in Western Australian (WA) workplaces are covered under the *Occupational Safety and Health Act 1984* (the OSH Act). In relation to the State Government, the OSH Act applies to public sector agencies including departments, trading concerns, instrumentalities and statutory bodies. It excludes Commonwealth Government employees, working in Western Australia, who are covered by Commonwealth occupational safety and health legislation.

The employer may be the State of Western Australia (the Crown), a person specified in an Act of Parliament as the employer, or a body corporate established by State legislation. Most people working within the public sector in Western Australia are employed as public sector officers under Part 3 of the *Public Sector Management Act 1994* (the PSM Act). The agency for whom that work is performed would be considered the responsible agency for that officer.

If a worker's status is unclear, advice should be requested from the Human Resources unit responsible for the agency to determine the exact legislation under which the person has been appointed.

## What is a public sector agency?

While public sector agencies within WA may have varied responsibilities and functions, they are still covered by the OSH Act. The following are all considered public sector agencies for the purposes of this code:

- Government departments created under the PSM Act and responsible for administering particular legislation as well as conforming to a range of government policies. Examples of government departments are Education and Training, Agriculture, and Industry and Resources.

- Central agencies traditionally coordinating responsibilities for overseeing activities across the public sector. Examples are the Department of the Premier and Cabinet, the State Supply Commission and the Department of Treasury and Finance.

- Statutory authorities having their own Act of Parliament under which they are established. They are overseen by Boards of Management or Commissioners. Examples are the Public Transport Authority, Lotteries Commission, and the Botanic Gardens and Parks Authority.

- Government trading enterprises also having their own Act of Parliament. They have their own functions and generate income from the goods and services they provide. An example of a Government trading enterprise is the Water Corporation.

- Independent offices reporting directly to Parliament established to monitor and oversee standards of practice and performance across all WA public sector agencies. Examples are the Office of the Auditor General and the Office of the Information Commissioner.

## Who is a public sector employer?

This is a person or agency that employs an employee under a contract of service under the PSM Act.

The employer may be the State of Western Australia, a person specified as an employer in State legislation or a body corporate by State legislation. Depending upon the relevant legislative provisions, the Minister or the CEO could be the employer. In other cases, where a Board, Commission, College or body corporate exist, they could be considered the employer. In relation to an apprentice or trainee, it is the person or agency that employs the apprentice or trainee under an apprenticeship or traineeship scheme under the *Industrial Training Act 1975.*

While public sector CEOs have duties as an employer to departmental officers, the CEOs may also be employees themselves.

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[2] State Government Departments and Agencies found at: www.wa.gov.au/agencies

[3] Sources: *Employment (FTEs) in WA State Government Bodies, September 2006* found at www.dpc.wa.gov.au/psmd/pubs/pubs.html

## Who is a public sector employee?

This is usually a person who is employed by the State Government as a public service officer or executive employee under a permanent, fixed term or casual contract of service under Section 3 of the PSM Act or as an apprentice or trainee under the *Industrial Training Act 1975.*

In addition, some agencies have legislated to enable the employment of wages and field staff, technical officers, cadets, students, etc as public sector employees not covered by the PSM Act (eg teachers employed under the *Education Act*).

## Chief executive officer

The chief executive officer (CEO) is the person immediately responsible for the general management of the public sector agency. CEOs of State Government agencies have responsibilities and functions under the PSM Act for the implementation of occupational safety and health law, standards and programs. Public sector CEOs have duties as an employer to departmental officers as well as being employees themselves.

For a more detailed explanation of a CEO's role and responsibilities, agencies can refer to the PSM Act.

## Person in control of a workplace

This is a person who has any responsibility within a workplace to ensure that the workplace, and all access ways used to enter and exit, do not expose people who use the workplace to hazards. In the public sector, the employer has control over the workplace. In many cases, an employee such as a manager, or a school principal, will exercise control over a workplace, as part of his/her job, on behalf of the employer but the manager's or principal's responsibilities are limited to those of an employee. That is, the manager must carry out their functions in a way that does not harm others, and must exercise reasonable care given his/her job function, authority and level of control.

## Workplace

This is any place where employees or self-employed people work or are likely to be during the course of their work. The definition includes such places as an aircraft, ship, vehicle, building, or other structure.

Public sector officers required to enter workplaces such as mines, petroleum operations, pipeline operations or Commonwealth Government workplaces, in the course of their business, will still be covered by the OSH Act even though other workers in these workplaces may be covered by separate occupational safety and health legislation.

## 2.  THE LEGISLATIVE FRAMEWORK

### *Occupational Safety and Health Act 1984*

WorkSafe, a division of the Department of Consumer and Employment Protection, has responsibility under the *Occupational Safety and Health Act 1984* for ensuring compliance with occupational safety and health legislation in Western Australia. The OSH Act covers all employees in Western Australia excluding those employed by the Commonwealth Government and employees who work on a mine or petroleum site. The Act is supported by regulations and codes of practice approved by the Commission for Occupational Safety and Health (refer to Appendix 2 for a full outline of this framework).

WorkSafe's primary objective is that Western Australian workplaces are free of work related injuries and diseases. Consistent with nationally agreed priorities and targets[4], WorkSafe aims to reduce workplace fatalities and injury and disease rates, by:

- reducing high incidence/severity risks;
- improving the capacity of business operators and workers to manage occupational safety and health effectively;
- preventing occupational disease more effectively;
- eliminating hazards at the design stage; and
- strengthening the capacity of government to influence occupational safety and health outcomes.

The main office of WorkSafe is located in West Perth, and regional offices are located in Bunbury (where the Construction Regional and Primary Industries team is managed), Karratha, Albany, Geraldton and Broome.

Other legislation relevant to safety and health includes the *Workers' Compensation and Injury Management Act 1981* for injury and claims management, and the *Insurance Commission of Western Australia Act 1986* for risk management. The key functions of these Acts are highlighted in this chapter.

### *Workers' Compensation and Injury Management Act 1981*

In Western Australia, the principal legislation governing workers' compensation and injury management is the *Workers' Compensation and Injury Management Act 1981*. This Act makes provision for:

- compensation of workers who suffer a work-related injury or illness, or certain dependents of those workers, where the death of an employee results from such a injury;
- the management of workers' injuries or illness with the objective of enabling a return to work;
- specialised retraining programs for certain injured workers;
- promotion of safety measures to minimise the occurrence of injuries; and
- the resolution of workers' compensation disputes.

Injury management provisions in this Act are supported by the *Workers' Compensation code of practice (Injury Management) 2005* that provides agencies with a framework for the establishment and implementation of injury management systems and return to work programs. For further information about injury management, refer to Chapter 8.

As part of a dedicated commitment to work-related injury or illness, employers should ensure their agency establishes an injury management system and return to work program, in accordance with this legislation and code. WorkCover Western Australia can provide information and guidance with this.

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[4] *National Occupational Health and Safety Strategy, 2002-2012*

## Further information

- The *Workers' Compensation and Injury Management Act 1981* is available on the internet from State Law Publisher the official publisher of WA legislation and statutory information, at www.slp.wa.gov.au

- The *Workers' Compensation code of practice (Injury Management) 2005*, supporting guidance material, and WorkCover WA's templates for an injury management system and return to work program, are available from WorkCover WA's website at www.workcover.wa.gov.au or by contacting WorkCover WA's Infoline on 1300 794 744.

### *Insurance Commission of Western Australia Act 1986*

RiskCover is the name of the Western Australian Government self-insurance fund, and the division of the Insurance Commission of Western Australia which manages the fund. The key functions of RiskCover as defined in the *Insurance Commission of Western Australia Act 1986*, are:

- to manage and administer insurance and risk management arrangements on behalf of Western Australian Public Authorities (agencies)[5]; and

- to provide services, facilities and advice to public authorities in respect of the management of claims against them or against funds maintained or administered by them under any written law.

RiskCover's purpose is to assist the Government of Western Australia to minimise the cost of its risk, by providing integrated risk management, claims management, risk self-retention and reinsurance services.

RiskCover also provides a risk management consultancy service to assist agencies develop and implement consistent risk management practices for their operational, project and strategic business risks. RiskCover encourages agencies to move away from a simple compliance approach, to integrating risk management into all aspects of their business management. This helps to minimise the impact of adverse risks and to maximise opportunities, thereby producing greater business efficiencies.

To assist agencies understand the risk management process, further information can be found at Chapter 5.6 of this code.

## Further information

- RiskCover can be contacted on 9264 3333 or on the internet at www.riskcover.wa.gov.au

- *Insurance Commission of Western Australia Act 1986* is available on the internet from State Law Publisher at www.slp.wa.gov.au

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[5] The Office of Shared Services does not have a clear role in managing claims and so issues should be dealt with direct with the agency and the insurer.

# 3. GENERAL DUTY OF CARE AT THE WORKPLACE

The 'general duty of care' and 'general duties' describe responsibilities that the OSH Act places upon employers and employees to ensure their own safety and health at work and that of others who are at the workplace or who might be injured by the work they undertake. These general duties are aimed at preventing workplace death, injury or illness.

When dealing with OSH, the public sector is no different from the private sector in terms of rights and responsibilities. An agency must accept responsibility for the OSH actions of their public sector employees, and CEOs must ensure they are fulfilling their responsibilities under the Crown.

The duty of care under the OSH Act also extends to public sector officers who are required to enter Commonwealth workplaces, mines, petroleum operations or pipeline operations even though other workers in these workplaces are covered by separate OSH legislation.

## Employers' responsibilities

Employers are required to take all reasonably practicable measures to protect the safety and health of their employees and other people within the workplace, including contractors, and to ensure there are safe systems of work.

*Section 19 of the OSH Act*

Employers so far as practicable, must:

- provide and maintain workplaces, plant and systems of work such that, so far as is practicable, the employees are not exposed to hazards;

- provide such information, instruction, and training to, and supervision of, the employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;

- consult and co-operate with safety and health representatives, if any, and other employees at the workplace, regarding occupational safety and health at the workplace;

- where it is not practicable to avoid the presence of hazards at the workplace, provide the employees with, or otherwise provide for the employees to have, such adequate personal protective clothing and equipment as is practicable to protect them against those hazards, without any cost to the employees; and

- make arrangements for ensuring, so far as is practicable, that:

  - the use, cleaning, maintenance, transportation and disposal of plant; and

  - the use, handling, processing, storage, transportation and disposal of substances,

  at the workplace is carried out in a manner that does not expose employees to hazards.

In the event of an employee reporting an unsafe work situation or an injury, employers have an additional duty to report certain prescribed injuries and diseases to WorkSafe and to investigate whether any action needs to be taken. The employer must then inform the employee of the action that will be taken, or that no action is necessary.

*Section 23I -K of the OSH Act*

Employers also need to have an injury management policy and return to work program established, in accordance with the *Workers' Compensation and Injury Management Act 1981*. Injury management involves the injured employee, employer and treating medical practitioner working together to assist that employee stay at work or return to work following a work-related injury or illness.

## Employees' responsibilities

Safety and health within the workplace should be promoted from the "top down", however, employees also have duties in the workplace.

For the purposes of the OSH Act, public sector officers, as managers and employees, should cooperate with their employer in complying with instructions given in relation to OSH in the workplace. They must also cooperate with their employer when the employer carries out his/her duties under the OSH Act.

This includes, but is not limited to, the following:

- taking reasonable care for their own safety and health at work;
- avoiding adversely affecting the safety or health of any other person at work;
- reporting any potential hazards to the employer;
- following safe work practices;
- participating in safety training;
- wearing personal protective clothing and using personal protective equipment as instructed; and
- complying with safety and health instructions given by the employer.

Some senior management, including the CEO, should be aware that they may have employer-related as well as employee duties, and that these may overlap. Most managers, although in a supervisory role, will still have responsibilities as employees within their public sector agency.

## Other people at the workplace

The OSH Act also sets out duties for other parties, who may from time to time carry out tasks within the workplace.

- ***Self-employed people***

  Employers must ensure that self-employed people take reasonable care to ensure their own safety and health at the workplace and, as far as practicable, ensure their work does not affect the safety and health of others.

- ***Contractors and people who engage contractors***

  In the course of business or trade, a person called 'the principal' in the OSH Act who engages a contractor to carry out work, will have the responsibilities of an employer towards the contractors and his or her employees for matters over which they have control or the capacity to have control.

- ***Designers, manufacturers, importers and suppliers of plant and substances***

  Employers must make sure that any person who designs, manufactures or supplies any plant[6] for use at a workplace, is able to confirm that the plant is safe to install, maintain and use at the workplace. Safety and health information must be provided where plant and substances are supplied for use at work, and thereafter, whenever any plan or substances are introduced to the workplace.

- ***Designers and builders of a building or structure***

  Employers must ensure that any people contracted to design or construct a building or structure for use at the workplace including temporary structures as well as the people using the building or structure, are not exposed to hazards.

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[6] Under the *Occupational Safety and Health Act 1984*, plant is defined as any machinery, equipment, appliance, implement, or tool and any component or fitting thereof, or accessory thereto.

## Safe systems of work: workplace policies and procedures

Policies and procedures should be developed and implemented for each workplace to maintain safe systems of work as part of an OSH management system.

This OSH management system should include, but is not limited to, the following:

- hazard identification, risk assessment and risk control processes;

- monitoring performance and reviewing control measures;

- mechanisms for consulting with employees;

- induction and training programs;

- procedures for investigating incidents and near-misses;

- an agreed system for reporting and recording information on identified hazards or other relevant safety and health information;

- procedures for resolution of issues;

- safe work methods, such as job or task procedures;

- ongoing inspection and maintenance programs;

- emergency evacuation procedures; and

- review of safety management policies and procedures.

## Consultation

Consultation and cooperation between employers and employees are the keys to providing and maintaining a safe and healthy workplace.

The employer and the most senior management group or person at the workplace should understand that they have responsibilities under occupational safety and health laws to consult and cooperate with safety and health representatives, if any, and other employees at the workplace.

*Section 19(1)(c) of the OSH Act*

Employers and managers should also have a general understanding of the rights and responsibilities in laws relating to safety and health representatives and committees. This is required, even if safety and health representatives and committees have not been established under the Act.

## Dispute resolution

Management has an obligation to attempt to resolve safety and health issues arising at the workplace. Wherever possible, these should be resolved between them and their safety and health representative or safety and health committee (where they exist) or employees, according to an issue resolution procedure developed in consultation with employees at the workplace.

This means that, in some circumstances, representatives and/or committees may need to meet urgently. In developing issue resolution procedures, consideration should be given to allowing this flexibility.

*Section 24(3) of the OSH Act*

Workplaces, and their appropriate employer and employee representatives, are encouraged to develop their own issue resolution procedures for dealing with safety and health issues. Appropriate representatives include nominated management representatives and safety and health representatives and/or safety and health committee members or, where these do not exist, nominated employee representatives.

If no issue resolution procedure has been developed, the procedure set out in Regulation 2.6 of the OSH Regulations will assist.

Where attempts to resolve an issue according to an issue resolution procedure have failed, and there is a risk of imminent and serious injury or harm to the health of anybody, the management or a safety and health representative or, where they do not exist, an employee may notify WorkSafe.

## 4. TAKING OCCUPATIONAL SAFETY AND HEALTH SERIOUSLY

It is important that both employers and employees take their responsibilities for occupational safety and health (OSH) and injury management seriously in order to establish and maintain a safe and healthy workplace.

The State and Federal Governments have taken a leadership role in preventing and managing work-related injury in their respective public sectors through promoting, legislating and enforcing OSH and injury management requirements via a range of mechanisms.

### National Occupational Health and Safety Strategy 2002-2012

The *National Occupational Health and Safety Strategy 2002–2012*, endorsed by the Workplace Relations Ministers' Council (WRMC), recognises that all levels of government have a role to play in providing leadership to Australian business and working communities, to encourage safe and healthy workplaces. This National Strategy[7] provides a framework to ensure a sustained and substantial improvement in Australia's OSH performance.

Both the National and State strategies aim to deliver best practice models for OSH. As a result of agreement already reached, public sector agencies should:

- ensure senior management show leadership and commitment to OSH as a key component within their agency;
- establish performance indicators and set targets consistent with the National Strategy;
- share relevant OSH and workers' compensation information with a view to identifying and developing strategies in response to workplace safety issues; and
- include OSH and injury management performance in their annual reports to ensure this State's performance can be compared against the National Strategy for reporting to the WRMC.

Public sector agencies need to be aware of these agreed actions, especially in relation to Priority Action Plan 5 from the National Strategy, that aims to strengthen the capacity of the public sector to influence OSH outcomes.

### Further information

- The Australian Safety and Compensation Council's *National OHS Strategy 2002 - 2012* is available on the internet at www.ascc.gov.au/ascc/healthsafety/ohsstrategy

### Whole of Government initiative – Government Leading the Way

*Government Leading the Way in Occupational Safety, Health and Injury Management* is the State Government's initiative designed to promote the WA public sector as a leader in OSH by fostering a coordinated approach to OSH and injury management issues across public sector agencies.

Components of the strategy include raising awareness of legislative changes, promoting improved OSH performance, determining clear accountability and reporting requirements and improving communication between public sector OSH professionals.

These criteria were established by former Premier, Dr Geoff Gallop, in consultation with the then Minister for Consumer and Employment Protection, and a project team from the Department of Consumer and Employment Protection (DOCEP).

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[7] Developed by the former National Occupational Health and Safety Commission, now known as the Australian Safety and Compensation Council.

## New injury management initiatives

An injury management system outlines the process an employer needs to take in the event of a workplace injury. It involves the injured worker, the employer and the treating medical practitioner working together to assist a worker either stay at work or return to work following an injury.

There is a legislative requirement under the *Workers' Compensation and Injury Management Act 1981* for employers to establish and maintain a written injury management system and a return to work program, as prescribed by the *Workers' Compensation code of practice (Injury Management) 2005*. Requirements for the establishment, content and implementation of an injury management system are set out in the Injury Management Code.

How the injury management system is structured will depend upon the particular business needs of the public sector agency. Employers need to be aware that certain actions within the Injury Management Code are mandatory, therefore, action must be taken.

For further information on injury management systems and links to guidance material developed by WorkCover WA, see Chapter 7 of this code.

## Main hazards for the public sector

CEOs and senior management can contribute to a safe and healthy workplace by considering the full range of workplace hazards relevant to their agencies.  The public sector, due to its varied activities, faces a wide range of OSH hazards, but there are a number of significant hazards across the sector (eg manual handling, slips, trips and falls, workplace violence, bullying, working alone, stress and motor vehicle accidents).

Agencies can eliminate or reduce the risk of injuries and illness associated with these hazards through a risk management approach of hazard identification, risk assessment, risk control and evaluation of control measures.

Effective management of risk within the workplace makes good business sense as it can lead to increased productivity, higher morale, better industrial relations and reduced workers' compensation claim costs. For further information on common public sector hazards, refer to Chapter 7 of this Code.

## Consequences for public sector agencies

The OSH Act binds the Western Australian Crown. The OSH Act also provides for prosecution of the Crown and its agents.

This means that the responsibilities under the OSH Act apply to the Crown, its agencies and its employees, fulfilling the Parliament's intent that employees in the public sector should be entitled to the same protections as employees in the private sector. It does not matter whether the entity is a department, an organisation established by its own legislation, or a corporate body.

Failure to fulfill the duties under the OSH Act can result in a range of sanctions being imposed against agencies and/or individuals, including enforcement and prosecution action. For further information on enforcement, refer to Appendix 1, and on penalties, refer to Appendix 3.

In practice, it is the CEO who ensures that the obligations of the State as an employer under the OSH Act are met. CEOs are employed under the *Public Sector Management Act 1994* (the PSM Act) and have a responsibility under section 29(1)(m) to manage their departments or agencies. They are also required, subject to the OSH Act, to implement any safety and health standards and programs adopted with respect to employment in the public sector.

Section 8(1)(e) of the PSM Act also requires employees to be provided with safe and healthy working conditions in accordance with the OSH Act. Section 30(c) of the PSM Act requires the CEO to comply with the principles of section 8.

## Changes for the public sector – Office of Shared Services

While the implementation of the shared service centres will have a major impact on how agencies undertake their corporate service functions, OSH, and injury management will still remain a major responsibility for agencies.

The Office of Shared Services' role will be to assist with the processing of information and providing general assistance where amended or required.

For further information on the changes resulting from the implementation of the Office of Shared Services, refer to Appendix 4 of this Code.

## Commitment to safety

Senior management commitment, in particular, to OSH and injury management is critical if improvements in the workplace are to be achieved. Commitment must extend beyond satisfying legislative and regulatory requirements, to demonstrated actions being undertaken to achieve improvements in OSH and injury management.

The public sector, whenever possible, should seek to eliminate hazards and control risks at the source rather than merely managing risk.

While it is recognised that compliance with regulation is necessary, compliance and a regulatory regime alone does not lead to an outstanding safety record.

The *Government Leading the Way Strategy* is about employers and employees striving for best practice in our workplaces.

# 5. OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT SYSTEMS

**This chapter is a short summary of the key features of an occupational safety and health (OSH) management system. Chapters 5.1-5.7 provide more guidance on how public sector agencies can meet their responsibilities and CEOs show leadership to ensure their workplaces stay safe and healthy.**

Effective and systematic safety management results in working environments where risks are controlled, employees are not exposed to hazards, and goods and services are produced efficiently and safely. A successful way to achieve this is through the implementation of an OSH management system.

## An OSH management system

An OSH management system is a documented and verifiable set of plans, actions and procedures that can assist both employers and employees to clearly identify their OSH responsibilities and manage them in an organised manner.

An OSH management system can be a simple system in workplaces where hazards are few and risks are low. Some agencies may fit this category while others may have more complex workplaces, needing a correspondingly detailed management system and a commitment of resources to develop and maintain this system.

An effective way to implement an OSH management system is through the WorkSafe Plan. The WorkSafe Plan promotes the management practices needed to establish and maintain safe working environments and is an effective tool to:

- provide information on desirable safety management practices;
- identify the strengths and weaknesses of management systems; and
- provide a measure for safety performance and direct attention to areas that could be improved.

Public sector agencies are encouraged to follow the WorkSafe Plan, or a similar safety management system, to assist in the establishment and review of effective OSH management systems. This chapter outlines the Plan's essential components for an effective system. More information about the WorkSafe Plan can be obtained from WorkSafe.

## Essential features

### *Management commitment*

Senior management needs to demonstrate a commitment to their agency that includes well-defined rules in system planning and review mechanisms, as well as clear management accountability for OSH performance. As part of a commitment to OSH excellence, senior management needs to ensure employees know and feel that senior management care for their wellbeing.

Duties for senior management, supervisors and employees regarding OSH need to be clearly defined. OSH management strategies should be integrated into an agency's corporate and business planning processes.

See Chapter 5.2 for further information on leadership / management commitment.

## *Planning*

Planning is used to establish and maintain a safety management system that is set up to continuously improve OSH within an agency.

Agencies should develop OSH policies and procedures, specific to their agencies, in accordance with legislative requirements, beginning with an OSH policy statement to reflect the agency's commitment to meeting its OSH responsibilities. The policy should outline the accountabilities of all parties including senior management, supervisors and employees, and be supported by detailed statements of procedure relating to work practices and risk management. The policy should be set out clearly, communicated and readily available to all employees, and reviewed periodically to ensure that it remains relevant to the agency.

A template of an OSH Policy Statement is at Appendix 5. Agencies may use this as a basis for developing an OSH policy suited to their own agency's needs.

OSH should also be incorporated into purchasing, design and planning policies, with particular attention paid to changes to job design, layout, building and work areas.

OSH management of, and by, contractors, needs to be addressed with procedures in the various stages of the tender process. For example, inviting tenders, evaluating tenders, preparing contracts, planning for work to commence, management of contractors and review of their performance. For further information on the contract/tender process, see Chapter 6 of this code.

For further information on planning and documentation, refer to Chapter 5.4 of this code.

## *Consultation*

Consulting with employees regarding an agency's safety management is a legal requirement and makes good business sense.

Management decisions are more likely to be understood, actively supported and actioned by employees if management works with employees to achieve shared occupational safety and health objectives.

Employees often have a good understanding of high risk activities in their work areas. By setting up a system for two-way communication, where management listens to and cooperates with employees, management can ensure safety management decisions are based on all available information.

Agencies should develop mechanisms for involvement of employees, OSH representatives and committees (if they exist) in decision-making on OSH matters, including the development and implementation of OSH policies and programs, periodic review of systems and effective dispute resolution procedures. Effective ways of achieving this include team meetings, workplace inspections and developing an issue resolution process.

Further information on the communication and consultation process, including OSH committees, can be found at Chapter 5.3 of this code.

## *Risk management*

Agencies need to develop a process, specific to their agency, encompassing hazard identification and risk assessment, risk control, monitoring, review and improvement and record keeping. A detailed process for this is outlined in Chapter 5.6 of this code.

### *Training*

Training is organised to reduce the risk of work-related injury and disease and is evaluated to ensure its effectiveness.

Training needs should be identified and a training strategy established that encompasses induction, legislative requirements and any hazards that are relevant to the individual agency.

Information and training for employees from different cultural and linguistic backgrounds, and learning abilities, should be tailored to their needs to ensure effective communication.

Agencies need to ensure that all employees, particularly those employees with management functions, have access to relevant induction, instructional information and adequate time to consider the implications of this information. Written work procedures should be made available and include what action to take if a problem occurs.

For further information on induction and training, refer to Chapter 5.5 of this code.

## Checklist

A checklist detailing specific elements public sector agencies could include in their OSH management system program is shown at Appendix 6 of this code.

## Further information

The WorkSafe Plan is available on the internet at www.worksafe.wa.gov.au or by contacting WorkSafe's Infoline on 1300 307 877.

## 5.1 A BUSINESS SYSTEMS / RISK MANAGEMENT APPROACH

The majority of risks in a government agency are business management issues, for which there is often no insurable solution. As well as strategic and project risks, there are many day-to-day risks associated with general business activities. OSH and injury management are considered to be operational risks, with the cost of workplace injuries being one of the biggest costs for agencies, and consequently, for RiskCover.

### Risk management

Risk management, in a general sense, is about an agency identifying the risks that could occur in their organisation and putting measures in place to limit the chances of something occurring, or being prepared for the consequences if it does.

Management of risk makes good business sense. Implementing a risk management plan is a positive strategy agencies can adopt to reduce the likelihood and/or consequences of an incident/accident occurring. RiskCover recommends that a risk management plan should include:

- the process the agency will apply to identify, analyse and manage risks both initially and ongoing, including consultative mechanisms;
- a risk assessment process to prioritise high risks from low to high based on the likelihood and consequences of these risks;
- details of who will be responsible for each element of risk management; and
- how often risks will be monitored and reviewed, the process for this and who will be involved.

Further information on the risk management process can be found at Chapter 5.6 of this code.

### Injury management

Workplace injuries, particularly sprains and strains and stress-related injuries, are the biggest cost drivers for agencies. These types of injuries impact heavily on both workers' compensation contributions and indirect or uninsured risks such as downtime and retraining.

Active and early injury management not only benefits injured workers but impacts on an agency's ability to deliver core services and retain valued workers. Involving the injured employee, the employer and medical practitioner, helps to improve injury recovery time and achieve a successful return to work.

Agencies need to implement an injury management system and return to work program that complements their OSH management system.

Further information on injury management and the return to work process can be found at Chapter 7 of this code.

## 5.2 LEADERSHIP / MANAGEMENT COMMITMENT

While there is a legislative requirement for employers to comply with OSH laws, real improvements in occupational safety and health will only occur if there is demonstrated commitment and leadership from the senior management within an agency.

### Chief executive officers and senior management

All managers, from the CEO to line managers and supervisors, have responsibilities for OSH. CEOs also have obligations under Section 29(1)(m) of the *Public Sector Management Act 1994* to implement safety and health standards within their agency.

While the CEO has the ultimate responsibility for the agency's OSH performance and ensuring that the OSH management system is operating effectively, he/she may delegate responsibility for specific OSH activities to senior managers. The challenge for CEOs and senior management is not only to improve safety and injury management but also to develop skills and qualities that build positive management and worker capabilities.

Agencies should ensure that OSH activities and responsibilities are documented in both their CEO and management performance agreements, and that they are proportionate with their overall level of responsibility within their agency. The performance agreements should reflect the individual's legal responsibilities as well as the agency's corporate OSH objectives.

To continuously improve OSH performance for their agency, CEOs and senior executives should meet regularly to discuss OSH issues and set the OSH direction for the agency. This could be achieved by having OSH as a standing item on the agency's Corporate Executive/senior management meeting agenda.

### Supervisors

While supervisors in public sector agencies are employees, in many cases, the supervisor, line manager or team leader is given considerable autonomy to direct and control work like an employer. Provision of information, instruction, training and supervision, allocation of protective clothing and equipment and maintenance of equipment may all be part of the supervisor's duties.

As with CEOs, the responsibilities of the supervisor, as an employee under the *Occupational Safety and Health Act 1984*, take into account the level of responsibility and duties within the agency. Employees are entitled to a clear statement or indication of the extent of their responsibility in this area. It is essential that supervisors are given adequate training, resources and support and that their role is recognised in safety and health systems.

In the event that an employee moves into a supervisory role by a secondment or temporary higher duties, the employee will need training if he/she remains in that role for an extended period. Similarly, if the employee successfully wins the position substantively after an extended period of time, a mechanism should be in place to ensure training for that supervisor is not overlooked just because the employee has been acting in that position for a long time.

### Practical tips

A list of practical tips for workplace leaders has been developed as part of this code (refer to Appendix 7).

## 5.3 COMMUNICATION AND CONSULTATION

Consultation, communication and cooperation between employers and employees are the key components to providing and maintaining a safe and healthy workplace[8].

Employer and employee involvement in the process of identifying hazards and assessing and controlling the risks ensures that:

- the risks from hazards are identified because employees are most likely to know about risks associated with their work;

- employees have a commitment to this process and any changes, such as the implementation of hazard control measures; and

- injuries and incidents are eliminated or at least minimised.

There should be a process that ensures all employees know there are occupational safety and health laws regarding consultation and cooperation with employers.

Employees should understand the laws in general, including the rights and responsibilities of employers and employees. They should also understand the consequences of failing to cooperate with their employer.

A consultative mechanism should allow all employees, including shift workers and employees in remote locations, to contribute to the high level planning of a safety management system and at various stages of the process, ie when strategies for consultation, hazard management and training are planned.

Effective consultative mechanisms should identify when consultation should occur, with whom and how, who is responsible for various tasks, what resources are required, and when tasks are to be completed. There should also be a way of monitoring, measuring and reviewing the consultative mechanism to confirm that it is working effectively.

Unless the matters relate specifically to their job, employees may not always be consulted personally, but they should be able to have input, possibly through safety and health representatives. Where a dispute arises, these should be an effective dispute resolution mechanism present in the agency.

### Safety and health representatives

Safety and health representatives (SHRs) are an effective workplace mechanism for providing participation and improved consultation between employers and employees. SHRs are not the same as safety and health officers or coordinators and are not responsible for solving safety and health matters in the workplace. However, elected SHRs do represent fellow workers and carry out specific functions related to workplace safety and health, including incident and hazard reporting and investigation.

The OSH Act requires employers to consult with employees but does not set formal means for consultation at the workplace.

*Sections 29 to 35 of the OSH Act includes consultation, elections and functions of SHRs*

Elected SHRs represent fellow workers in OSH matters and have a fundamental role in the identification of hazards in the workplace and in bringing safety and health concerns to the attention of the employer. SHR functions are described in Section 33 of the OSH Act.

SHRs are the key to communication between management and employees. Their functions include:

- Regular inspections of the workplace (every 30 days is the minimum requirement in the Act).

- Immediate investigation of any accident, dangerous incident or risk of serious injury/harm to any person (either in conjunction with management or individually).

- Keeping up-to-date with safety and health information available from WorkSafe and other bodies.

- Reporting hazards in the workplace to management.

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[8] *Topic Pack: Worker Consultation and Involvement*, Health and Safety Executive. UK, December 2006 (www.hse.gov.uk/foi/internalops/fod/inspect/workerinvolve.pdf)

- Consulting and cooperating with management on any safety and health matters.
- Refering any relevant matters to a safety and health committee if there is one at the workplace.
- Liaising with employees about safety and health matters.

Carrying out of these functions should be agreed between management and employees before the election. The role of a SHR is to initiate discussions and mediate between management and the employees.

SHRs are not liable for accidents/incidents that occur in the workplace. SHRs are also not experts nor OSH managers and are not expected to implement any changes.

Employee representatives may also have a role in bringing safety and health concerns to the attention of safety and health representatives and/or management. See Section 39C(2) of the OSH Act.

## The election process

Under Sections 29 and 30(2) of the OSH Act, any employer or employee can initiate an election process. The employer has 21 days to respond if the request is initiated by the employee and should comply with this request in accordance with Sections 30(1) and 30(3) of the OSH Act. Elections can include contractors.

## Who can become a SHR?

Any public sector employee can be nominated to become a SHR if they:

- work at the workplace to which the election relates; or
- belong to a particular group at the workplace they want to represent.

## Reaching agreement through consultation

*Section 30(4) of the OSH Act*

Before an election may be held, the employer and employee delegates must consult and agree on: when the election process will be carried out, who will run it, and how many SHRs are to be elected. They must also decide what will happen if a future vacancy arises, and agree on the areas, matters and kinds of work over which the SHR is to exercise his/her functions.

## Term of office

*Section 32 of the OSH Act*

SHRs are elected for a two year term unless they cease employment, transfer from the area they were elected to represent, resign or are disqualified. If they vacate their position, they need to notify the employer, the committee (if one exists) and WorkSafe in writing.

## Informing WorkSafe

The person who ran the election is responsible for informing the WorkSafe Western Australia Commissioner and the employer of the outcome.

## Further information

WorkSafe: Guidance note – *Formal consultative processes at the workplace 2006*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## Issuing Provisional Improvement Notices

Qualified SHRs have a delegated authority under the OSH Act to issue a Provisional Improvement Notice (PIN) if they have completed the required accredited training. A PIN is a notice issued to the agency and delivered to management or the person in control of the workplace, requiring them to address a safety and health concern within the workplace. Further information on PINs is explained in Appendix 1 of this code.

## Discrimination

*Section 56 of the OSH Act*

SHRs perform an important function within their agencies and it is important that they are treated fairly. Section 56 of the OSH Act protects them from discrimination by their employer. The legislation contains provisions that give SHRs, who may have been disadvantaged, the right to redress through a safety and health tribunal. The tribunal may order reinstatement, compensation or both.

### Further information

- WorkSafe: Bulletin 5/2005 *Electing safety and health representatives*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

- WorkSafe: *Handbook for safety and health representatives*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## Safety and health committees

*Sections 38(1), 39B and 40 of the OSH Act*

Safety and health committees provide agencies with an opportunity for senior management and representatives of employees, to regularly discuss and make decisions about occupational safety and health issues within the workplace.

Establishment of a committee can be by an employee making the request through their CEO, a CEO deciding to establish one, or the WorkSafe Western Australia Commissioner giving notice to a CEO to establish one.

Their functions, in accordance with Section 40 of the OSH Act, include:

- providing consultation and cooperation between the employer and the employees;

- initiating, developing and implementing safety and health measures;

- keeping informed about safety and health standards in similar workplaces;

- making recommendations on safety and health rules, programs, measures and procedures at the workplace;

- ensuring information on hazards is kept where it is readily accessible;

- considering and making recommendations about changes that may affect the safety and health of employees;

- considering matters referred to it by safety and health representatives; and

- performing other functions prescribed in the Occupational Safety and Health Regulations 1996 or given to the committee, with its consent, by the employer.

The committee may also deal with policy development, monitoring programs, emergency procedures, training and supervision, trends in accident and illness reports, and resolution of safety and health issues.

### Further information

WorkSafe: Bulletin 7/2005 *Establishing safety and health committees*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## 5.4 PLANNING AND DOCUMENTATION

An important step for agencies to take towards developing an effective OSH management system is the planning and documentation phase.

While organisational planning is most likely to take place at a corporate and business level, input from employees at an operational level will ensure an agency-wide approach.

It is important that employees are not just informed about planning decisions already made but are genuinely involved in planning through agreed consultative mechanisms. At this stage, occupational safety and health priorities can be set and timelines agreed for implementing these priorities.

### Planning

The planning cycle can be undertaken in four stages:

1. identifying the legislative requirements;

2. undertaking an initial review of the agency's current OSH performance and activities, such as identifying organisational risks, consulting with employees who may have been exposed to these risks, examining existing policies and procedures, and reviewing feedback from previous incidents;

3. developing a framework, post review, outlining how the system will be implemented, measured and improved using performance indicators, and conducting a gap analysis to determine which of the system's requirements are currently being met and which need to be developed; and

4. designing an implementation plan with specific actions to be taken to achieve the objectives and meet the targets, setting timeframes and allocating assigned responsibility for each action.

For further information on the essential components of an effective OSH management system, view the checklist at Appendix 6 of this code.

### Documentation

Documentation is an important factor to ensure the successful implementation and ongoing management of the agency's OSH management systems.

As part of risk management, agencies have an obligation to meet the requirements of Treasurer's Instruction 825: *Risk Management and Security* (formerly Treasurer's Instruction 109) which requires that risk management procedures inherent in the operations of an agency are documented.

Other reasons an agency should consider documentation include:

- ensuring consistency throughout the agency in the implementation of the system, interpretation of instructions and procedures;

- providing a clear outline of the roles and responsibilities of all levels of management and employees;

- providing an outline for training new and existing employees in the activities associated with their job as well as the organisation's systems requirements;

- ensuring information is retained within the agency in the event of employees leaving or agency amalgamations;

- providing an efficient and consistent method for introducing changes within the agency or within specified activities; and

- providing a basis for monitoring and reviewing of procedures.

Documentation should be relevant and adaptable to the needs of the individual agency. The content should not be too excessive, therefore dot points, diagrams or flow charts are some options agencies may consider in minimising wordy documentation.

Documentation should be reviewed regularly, and be freely available for all employees to access either as hard copies or via the agency's intranet site.

## 5.5   INDUCTION AND TRAINING

Under the *Occupational Safety and Health Act 1984*, employers are required to provide training in good OSH practices. Such training can be delivered in a number of forms, including induction, toolbox meetings, instruction in safe work practices, and on-the-job training, with the aim of ensuring all employees in the agency understand and can meet their safety and health obligations.

Providing employees with the appropriate induction, supervision, instruction and training is a positive step towards reducing the risk and severity of work-related injuries, especially for new employees, or employees who change their work duties, or who have been away from work for an extended period.

Induction and training must be planned, systematic, competency based, and be supported by adequate financial, physical and human resources. It should coincide with an employee's level of involvement in the system, should be relevant to the workplace and should take the functions of each employee into account.

Implementation should start from the top, with management. In this way management can identify training needs, are more likely to share ownership of the system, and assume effective leadership in their designated area.

### Training for managers

All managers should have a broad understanding of their agency's OSH management system and their own OSH management obligations. Managers must also have a good understanding of the agency's risk management, OSH and injury management procedures.

Training will assist managers to systematically manage safety and effectively deal with OSH issues within the workplace. Refresher training and updates should be conducted on a regular basis.

Managers can refer to Appendix 7 of this code for a complete list of practical tips as part of their leadership role within the agency.

### Training for occupational safety and health representatives

*Section 35(1)(d), (3) and (3a) of the OSH Act*

Once elected, safety and health representatives (SHRs) must participate in an accredited introductory course as soon as possible. Even if a SHR has previously undertaken training, consideration should be given to updating their skills. WorkSafe maintains a list of current accredited training providers from which agencies can select.

Properly elected SHRs must give their employer 21 days notice that they wish to attend a prescribed training course and employers must allow the SHR time off work to attend a prescribed training course. SHRs will attend an introductory course in the first twelve months of being elected, subject to course availability. Employers are also obligated to pay the tuition fee for the course and any other reasonable costs incurred by the SHR in connection with attendance at the course.

SHRs are not the same as safety and health officers or coordinators and are not responsible for solving safety and health matters in the workplace.

If an agency utilises dedicated OSH practitioners to provide specialist OSH advice in the agency, these people should undertake specialist professional development training relevant to their agency's needs.

### Further information

- WorkSafe: Bulletin 12/2005 *Safety and health representatives training*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

- WorkSafe: *Handbook for safety and health representatives*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## Induction training

Effective induction training provides the first and most valuable opportunity to nurture a positive OSH culture among new, relocated and returning staff members. It should introduce employees to the agency's OSH policies, procedures and consultative processes and also raise awareness of the agency's hazard identification and risk assessment process.

OSH induction training could include but is not limited to:

- awareness of the agency's OSH policies and lines of responsibility;
- hazard identification and accident/incident reporting processes;
- the location of first aid kits and first aid officers;
- emergency procedures;
- information on hazardous work practices;
- consultation arrangements; and
- an injury management system.

## On-the-job and competency based training

For employees to be able to perform their work competently, on-the-job and competency based training on safe work procedures should be undertaken. The need for such training is often ongoing such as when new equipment or technology is introduced, or when changes are made to work methods or the work environment. It should be relevant and specific to the employee's role, with the level of training required dependent on the level of complexity and hazards existing in the work. Sufficient time off from normal duties should be allowed to complete training and refresher training.

## Training records

To assist in the monitoring of OSH performance, agencies should keep records of the OSH training undertaken, with details such as the content, the name of the employee who received the training, the dates and the name of the training provider.

## 5.6 RISK MANAGEMENT PROCESS

### Organisational risk management

Risk management is recognised as an integral part of good management practice. It is a formal process consisting of measures that enable continual improvement in decision-making and minimises the adverse impact of an event on an agency's operational activities or achievement of its objectives.

Risk management is a logical and systematic way of identifying, analysing, evaluating, treating, monitoring and communicating risks associated with activities or functions occurring within an agency at a strategic, operational and project level. While a 'risk-free' environment may be difficult to achieve, risks must be reduced to the lowest possible level and hazards must be eliminated whenever practicable.

Risk management within an agency comprises of three broad areas:

1. **Strategic** – risks associated within the agency as a whole, such as high-level longer-term goals, objectives or strategies.

2. **Operational** – risks associated with the daily functions of the agency such as finance, health and safety, facilities and equipment management, human resources, and decision-making.

3. **Project/event** – risks associated with a specific project or event including the project's concept, planning, implementation and operation.

To manage risk effectively, CEOs need to have a good understanding of their agency's social, economic and physical environments, and have a well-developed framework to support their risk management plan. The plan should detail:

- what risks are to be assessed;

- what current measures are in place;

- how adequate those measures are;

- what changes and improvements are necessary; and

- how improvements are to be achieved.

Australian and New Zealand Standard (AS/NZS) 4360:2004 *Risk Management* lists the main elements of a risk management process as:

- establishing the context;

- identifying risks;

- analysing risks;

- evaluating risks;

- treating risks;

- monitoring and reviewing; and

- communicating and consulting.

Risk management is supported by this Standard and the Treasurer's Instruction 825: *Risk Management and Security (TI 825) (formerly TI 109)* which stipulates that agencies need to have risk procedures in place with suitable risk management policies and practices that need to be documented.

Premier's Circular 2006/03 *Risk Management and Business Continuity Planning* also requires all public sector agencies to practise risk management, regularly undertake a structured assessment process to identify risks, manage those risks and develop continuity plans to ensure they can respond to, and recover from, any business disruptions.

Public sector agencies must submit details of their risk management policy, assessment processes and continuity plans to RiskCover for review.

## Risk management approach for occupational safety and health

The aim of OSH risk management is to identify, assess and control OSH hazards as part of an employer's duty of care to ensure, as far as practicable, that employees are not exposed to hazards at the workplace.

The risk management approach is widely considered the most practical way of finding and fixing workplace safety and health problems, therefore, agencies can adopt this simple three-step process of:

- identifying all hazards arising from work which present a risk to safety and health;
- assessing the risks associated with the identified hazards in consultation with employees; and
- controlling the risks.

**Example**

As part of an agency's risk management approach to occupational safety and health, a review is conducted of previous accidents and near-misses to identify trends. One trend found there was a tendency for new, young and old employees to be more likely to be involved in incidents. A risk assessment identified a need to provide more training and induction for new and young employees but there was no safe way of returning those older workers with previous injuries to work. As a result, the agency reviewed its induction training for new and young workers. For older employees, however, the agency did not accept that these employees should be just removed from the workplace. Instead they focused on strategies for reducing risk to these older employees which included retraining them for different jobs and introducing better tools to assist in manual handling.

## Measures to implement OSH risk management

### *Identifying hazards*

The first step in the risk management process is identifying hazards. This involves recognising items that may cause injury or harm to the health of people in the workplace.

There are a number of ways to identify matters or potential situations that may cause injury or harm within the workplace. Choosing the best option to carry out an identification process will depend on the nature of the public sector agency and the hazards involved.

The following processes or procedures can be considered to assist public sector agencies to carry out a hazard identification process including:

- developing a hazard checklist;
- examining records of  incidents, near misses, and injuries at the workplace;
- examining data from similar workplaces;
- carrying out inspections of the workplace;
- consulting relevant codes of practice and guidance notes;
- encouraging employees to report work-related symptoms;
- consulting employees and safety and health representatives and committees (if any); and
- consulting with other public sector agencies, industry associations or other similar businesses.

The hazard identification process or procedure may range from simple checklists for specific equipment, such as workstations, to a more open-ended appraisal of a group of related work processes. Generally, a combination of methods will provide the most effective results. Agencies may wish to introduce a job safety analysis tool to assist them in the identification and control of task hazards.

## *Assessing and analysing risks*

The second step in the risk management process is assessing the risks of injury or harm occurring. This involves looking at the likelihood of a hazard occurring and, if it does occur, considering the consequences.

This is a way of deciding which hazards need to be addressed first, ie where there is the highest risk or injury or harm. This assessment should include:

- where, which and how many employees are likely to be at risk of incurring injuries;

- how often this is likely to occur; and

- the potential severity of any injuries.

Risk assessment is not an exact science, it is a 'best estimate' on the basis of available information. Therefore, it is important that the person undertaking a risk assessment has the necessary information, knowledge and experience of the work environment and the work process or such a person is involved in the risk assessment process.

In carrying out a risk assessment, it is necessary to break down each activity or process into a series of parts or smaller tasks and assess each one separately. It is important that the person undertaking the risk assessment has the necessary information, knowledge and experience of their public sector agency to carry out an assessment.

## *Features of a risk assessment*

Ways to determine the likelihood and potential consequences of each hazard include:

- looking at other similar workplaces or similar processes;

- looking at the workplace's previous incident and injury reports;

- recording and monitoring incidents of injury and ill health of all employees in a body mapping exercise to identify any trends;

- consulting with employees and safety and health representatives (if any);

- looking at the way tasks and jobs are performed;

- looking at the way work is organised;

- determining the size and layout of the workplace;

- assessing the physical environment;

- assessing the number of movements of all people at the workplace;

- determining the type of operation to be performed;

- identifying the type of equipment to be used;

- assessing adequacy of inspection and maintenance processes;

- examining the way all materials are handled;

- assessing what knowledge and training is needed to perform tasks safely and the adequacy of current knowledge and training, eg gap analysis;

- examining adequacy of procedures for all potential emergency situations; and

- looking at the possible inter-relationship of factors that might increase risk.

## *Controlling risks*

The third step is to implement control measures to eliminate or reduce the risk of people being injured or harmed, and to ensure the measures are monitored and reviewed on an ongoing basis.

Control measures range from the most effective to the least effective in eliminating or reducing the risks of injury or harm, although in some instances, a combination of all measures may be appropriate. The preferred order is:

1. **Elimination** – removing the hazard or hazardous work practice from the workplace. Some examples within a public sector agency may include:

   - modifying a workstation design;
   - modifying work organisation with task analysis and job redesign;
   - modifying work shifts; and
   - removing faulty equipment.

2. **Substitution** – substituting or replacing a hazard or hazardous work practice with a less hazardous one. For example, replacing hand-held phone equipment with headsets.

3. **Isolation** – isolating or separating the hazard or hazardous work practice from people involved in the work or people in the general work area. For example:

   - locating fax machines, photocopiers and printers together in a dedicated room, away from employees, in a room with good ventilation; and
   - using barriers or screens to prevent others gaining physical access to staff.

4. **Engineering controls** – modifications or repairs to tools or equipment or guarding of machinery or equipment. For example:

   - repairing and maintaining equipment;
   - promptly repairing network faults;
   - installing acoustic shock prevention devices in telephone sets;
   - providing more space or acoustic barriers between operators or groups of operators; and
   - adjusting lighting to reduce glare.

5. **Administrative controls** – this includes introducing work practices that reduce the risk, such as implementing measures to ensure procedures, instruction and training are provided. For example:

   - implementing incident reporting and action plans;
   - implementing or improving customer contact and dispute resolution procedures; and
   - implementing job rotation.

6. **Personal protective equipment** – providing protective clothing, footwear, breathing apparatus, etc when other control measures are not practicable and to increase protection. For example:

   - routine maintenance operations;
   - when there is inadequate time to use other control measures and urgent action is required; and
   - in combination with other control measures to provide maximum protection.

## Monitoring and review of control measures

Public sector agencies should constantly monitor and review control measures to ensure they continue to prevent or control exposure to hazards or hazardous work practices.

A risk management process should be an ongoing process as workplace environments are often constantly changing with new hazards arising. For example, when new equipment is introduced or the work environment or standards change.

In determining the frequency of the monitoring and review processes, consider such things as:

• the level of risk. High-risk hazards need more frequent assessments; and

• the type of work practice or plant involved. There may be particular stages in the life of a piece of equipment where more frequent assessments are appropriate.

Each workplace should:

• have a planned program of inspections and maintenance;

• undertake a review each time the work environment changes; and

• regularly review the process for hazard identification, risk assessment and risk control to ensure it is effective.

## Positive performance indicators

A mix of positive performance indicators to assist agencies measure and achieve targets and outcome indicators to reflect past action results will assist agencies improve OSH and injury management outcomes.

As a guide, agencies may like to choose a selection of activities within the workplace to set performance indicators against. Some examples include[9]:

• **OSH risk management** – set indicators that demonstrate workplace hazards have been identified, and associated risks eliminated or controlled. Examples include the number or percentage of risk assessments completed, and the percentage of incidents investigated;

• **management of work processes** – set indicators that demonstrate safe systems of work and effective injury management practices have been implemented. Examples include the percentage of risk assessment recommendations implemented, the percentage of injured workers offered support to return to work, and the results of workplace inspections;

• **consultative procedures** – demonstrate that these are in place (ie the Safety Committee meets regularly, the number of decisions of the Committee that have been acted upon, the number of inspections undertaken by SHRs, the training provided to SHRs and Committee members, sufficient time is provided for employees to participate in the management of safety in the organisation);

• **participation, communication and skills** – set indicators that demonstrate managers and staff have participated in OSH training and are aware of their roles and responsibilities in maintaining safe and healthy workplaces. Examples include employee perceptions of OSH performance and the percentage of staff and managers participating in OSH training;

• **planning, design and procurement** – set indicators that demonstrate safety and health issues have been addressed in the design, planning and procurement phases of projects. Examples include the percentage of service contracts with OSH clauses and the percentage of design changes or major purchases that involved an OSH risk assessment; and

• **monitoring and review** – set indicators that demonstrate OSH and injury management systems and performance have been assessed and areas for improvement have been addressed. Examples include the number of OSH and return to work management system assessments undertaken and the percentage of recommendations that are implemented following assessment.

Other positive performance indicators may be relevant to an agency and should be considered[10].

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[9] Source: Comcare (2004), *Safe and Sound: A discussion paper on safety leadership in government workplace*, at: www.comcare.gov.au

[10] *The Guide to Positive Performance Indicators in the Australian Minerals and Resources Industry*

## Resourcing measures

Public sector agencies must actively plan to reduce workplace risks and budget resources for managing occupational safety and health.

While it may be appropriate to allocate funds to each agency's cost centre according to agreed identified need, there are circumstances when alternative forms of funding may also be needed. For example:

- implementation of major change, the costs of which mean it must be staged over more than one financial year. In the event of a WorkSafe investigation, strategies put in place by agencies to reduce risks through a prioritisation process would be taken into account, even if they had not been fully implemented within that particular budget cycle; and

- officers such as rehabilitated workers or redeployees requiring for example ergonomic furniture or retraining after an injury, who may act temporarily in jobs therefore there is some question over the responsible cost centre. In this event, it may be an option to introduce a general OSH fund.

While the cost of putting safeguards in place or making changes is a factor, it must be measured against the consequences of failing to do so. Cost alone is not an excuse for failing to provide appropriate safeguards, particularly where there is risk of serious or frequent, injury or illness. In most cases, agencies will need to demonstrate that carrying out changes or implementing safeguards is both uneconomic and impracticable if they are to avoid possible litigation later.

## Further information

- WorkSafe's publications: *The first step, The next step* and/or *WorkSafe plan*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

- RiskCover publication: *WA Government risk management guidelines*, available from RiskCover and on the internet at www.riskcover.wa.gov.au/riskcover/publications/rm_guidelines.pdf

- Department of Premier and Cabinet's publication: *Guidelines for Managing Risk in the Western Australian Public Sector*, available on the internet at www.dpc.wa.gov.au/psmd/pubs/psrd/governance/risk.pdf

- Comcare's publication: *Government leaders, safety leaders*, available on the internet at www.comcare.gov.au

- Australian Standard 4360:2004 for risk management, available on the internet at www.standards.com.au/PDFTemp/Previews/OSH/as/as4000/4300/4360-2004.PDF

- Department of Treasury and Finance's Treasurer's Instruction: *825 Risk Management and Security* (formerly Treasurer's Instruction 109), available on the internet at www.dtf.wa.gov.au/cms/dtf_index.asp

## 5.7 IMPLEMENTATION

The CEO of a public sector agency has a responsibility to maintain the best possible standard of occupational safety and health within the workplace. The success of an agency's OSH management system is dependent on a dedicated commitment from the agency's CEO and corporate executive, as well as the active involvement of all employees.

To meet these responsibilities, the CEO needs to ensure effective implementation arrangements are in place to ensure the consultation, planning and training efforts result in a new or improved OSH management system for the agency.

Effective implementation should:

- ensure OSH is incorporated into the agency's corporate and business planning processes to cover both strategic and operational levels;

- allocate responsibility for the management of OSH at all levels and provide the relevant support and expertise to those responsible;

- promote agency-wide consultation in OSH decision-making and provide opportunities for employees working at an operational level to have input into OSH issues;

- ensure the agency is suitably equipped and maintained to provide for the safety and health of employees while they are at work;

- ensure employees have the necessary knowledge and skills to understand their agency's OSH management system, eg consider employee inductions, in house training;

- ensure effective communication of the agency's OSH policies and procedures throughout the agency; and

- ensure the OSH management system is monitored, reported on and reviewed.

# 6. COMMON PUBLIC SECTOR HAZARDS

Many different employment relationships characterise the public sector but the obligation to manage occupational safety and health (OSH) and work related injury and illness remains an issue for all workplaces.

While the public sector covers a wide range of workplaces, and occupations, each with their own issues and hazards, there are some hazards common to many public sector workplaces.

This section of the code contains information on common hazards the WA public sector may encounter, and the best practice for dealing with them should they arise. This list of hazards is not exhaustive.

## Public sector hazards

The workplaces of many public sector agencies may be considered fairly low risk, particularly office environments. However, employers and employees need to be aware of the hazards that can and do exist. The tools, and the environment within which employees work, or the way they carry out their work, could be hazardous, such as: prolonged use of a keyboard, poor workstation design, or manual handling eg lifting a box. Health hazards also need to be considered and these may include workplace violence, bullying, stress and working alone.

It is important for public sector agencies to consider the full range of hazards currently in their workplace. As a way of managing hazards and associated risks within the workplace, agencies should consider developing hazard-specific procedures as part of their own OSH management system. Chapter 5 of this code outlines an OSH management system in detail or view the checklist at Appendix 6.

Definitions of the most common hazards that can affect an agency are detailed below:

- **bullying** – defined as repeated, unreasonable or inappropriate behaviour directed towards a worker, or group of workers, that creates a risk to safety and health, such as an employee humiliating and criticising a co-worker and regularly making them the brunt of practical jokes;

- **workplace violence and aggression** – defined as actions or incidents that may physically or psychologically harm another person, and may involve workers and other people being threatened, attacked or physically assaulted at work, such as an angry client at a reception desk threatening the receptionist;

- **manual handling** – defined as any activity requiring the use of force exerted by a person to lift, push, pull, carry or otherwise move or restrain any animate or inanimate objects, such as lifting and carrying boxes of paper, moving office furniture and equipment and handling large files or books;

- **slips, trips and falls** – can be avoided by certain controls such as keeping floors, ramps and stairs clean and dry, adequate lighting, warning signs, and adequate surface drainage;

- **working alone** – defined as work carried out in an area where normal means of contact, verbal and sight, or visits from other staff or members of the public, are not available for some time, such as working in isolated areas on or off-site, either during or outside normal working hours, increasing the potential risk of existing hazards to the extent that extra precautions are needed;

- **organisational change** – defined as change that has an impact on the way work is performed, resulting in physical or psychological effects on employees, such as restructure, alteration of hours, retraining, abolishing positions;

- **inadequate physical working environment** – defined as an environment that will increase the risk of injury or harm to an employee, as a result of extremes of temperature, noise, working in the sun etc;

- **inadequate workstations** – defined as any workstation that increases the risk of muscle and soft tissue injuries;

- **inadequate work organisation** – defined as any work practice that increases the risk of muscle and soft tissue injuries, as well as work-related stress symptoms and fatigue, including vocal and visual fatigue;

- **driving** – defined as any motor vehicle accident sustained by an employee who is required to operate, or travel as a passenger in, a vehicle as part of his/her work;

- **fatigue** – can be caused by many factors which can often combine to increase it to the point where a person may put their own, or another person's safety at risk;

- **working hours** - certain working hours arrangements have been linked to OSH risks, such as fatigue and impaired performance, and increased exposure to some hazards;

- **chemicals** – WorkSafe describes these as hazardous substances, which are defined in terms of their direct health effects on people. A substance is considered hazardous if any of the ingredients are present in a concentration greater than the cut-offs in the List of Designated Hazardous Substances found at www.ascc.gov.au, or any of the ingredients meet the requirements in the Approved Criteria for Classifying Hazardous Substances, also found at the NOHSC website; and

- **diseases** – acquiring and transferring infections are a risk in which precautions should be taken, such as good hygiene practices and use of personal protective equipment.

Relevant examples of some of these hazards include:

**Example of workplace violence**

A large health facility is experiencing a significant increase in the number of violent incidents occurring in their psychiatric and emergency wards. Like many agencies within the health sector, this hospital is faced with a growing problem of workplace violence, particularly in these wards.

Recently, senior management has been alerted to this growing problem and under their duty of care to identify, assess and remedy the areas of risk, they have established a central committee to review the situation, develop strategies based upon the profile of aggressive incidents and to work with the employees to implement control strategies. As a result, effective controls are implemented including changes to patient care, introduction of an aggression monitoring tool, streamlined incident reporting and staff training in aggression minimisation techniques. The prompt and effective management of this issue highlights the benefits of risk identification, analysis and employee consultation as well as the implementation of effective controls to manage the risks.

**Example of manual handling**

A medium sized government agency has a central office branch as well as district offices, research stations and laboratories. Following an annual safety audit and inspection program, implemented by senior management, a range of workplace hazards have been identified. The most frequent injury occurring was occupational strain through manual handling. Through a consultative process, a range of innovative solutions were suggested by the employees to manage this problem. These included improved handling equipment, introduction of new mechanical aids, redesign of platforms and review of purchasing policies to reflect safety concerns. These changes lead to a significant decrease in manual handling injuries and this action highlights the importance of safety audits and employee consultation.

**Example of organisational change**

Resulting from an announcement that two government agencies are to merge, senior management meet to discuss the impact this organisational change will have on employees. A change management coordinator, who is appointed to oversee the restructure, is assigned duties to work with both agencies' OSH Committees. A list of psychological factors employees may experience is compiled, such as a loss of control of the core functions of the job, loss of ability to function at all in the job, loss of financial independence and potential communication breakdown. A list of control measures to deal with these factors is then developed along with a hazard audit detailing the potential hazards, remedial action to be taken, who is responsible and a completion date.

**Further information**

Comcare and WorkSafe guidance material, both available on the internet at www.comcare.gov.au and www.worksafe.wa.gov.au

## Awarding contracts / calling tenders

Many workers within the public sector are engaged under arrangements that fall outside the traditional employer and employee relationship. These alternative arrangements may include work undertaken by contractors and labour hire arrangements.

Sections 23D, 23E and 23F of the *Occupational Safety and Health Act 1984* (the OSH Act) capture these alternative working relationships.

Government agencies are also required to procure goods and services for business purposes and must engage with contractors and suppliers.

Preparation of contracts for tender provides an opportunity for agencies to specify the OSH requirements the tender must contain. This makes good business sense, ensures a duty of care to the contractors and can lead to an improvement in OSH outcomes. The best outcomes will be achieved when OSH is a component of the assessment of a business need, agency business planning addresses that need and the request for tender spells out that need, including explicit or implicit OSH requirements. The agency should ensure that, when assessing submissions from the market in response to the request for tender, the OSH considerations are satisfied or exceeded.

Where procurement is complex, it may be useful to include a number of competent people including the user, OSH experts, and people with specialist knowledge of the required product or service.

Key points to consider include:

- ensuring safety and health requirements are clearly specified;
- determining that the contractor has an OSH Management System (OSHMS) in place;
- explaining the controls an agency has in place to ensure the safety aspects of the contract are managed by all parties; and
- specifying the agency's OSH legal obligations and responsibilities.

In assessing tender submissions, agencies should consider carrying out the following tasks:

- conduct a detailed examination of all documents relative to the tender such as policies, procedures, work methods, training/competency records;
- hold discussions with the tenderer to ensure they understand the agency's requirements and other issues in regard to safety and health;
- ensure the tenderer has the capacity to meet the agency's requirements as well as their own stated intentions and plans; and
- verify that the tenderer's OSHMS has been implemented through an audit and review of their records pertaining to risk assessments, maintenance, plant, internal audits, safety meetings and accidents.

It is important to review the safety performance of the contractor on completion of the work or periodically in the case of ongoing contracts. Also, where agencies have specialist staff in OSH roles, they should also be consulted as part of the overall OSH process.

**Example**

A government agency outsources a contract for road construction in a remote part of Western Australia to a private sector construction company.

The government agency has the same duty as an employer to the contractor, the contractor's employees and any sub-contractors as it has to its own employees. The company is reminded that the agency expects the same standards of safety for the company's workers on the project as the agency would have for its own employees.

The contractor has duties as an employer towards its own employees and may also have duties as an employee in relation to the work for the agency. In addition, the contractor's employees (or people engaged by a contractor) are working for the agency so they have duties like employees in relation to their work.

## Labour hire, casuals and non-traditional work arrangements

If a public sector agency enters into a labour hire arrangement, for example, engaging workers from an external organisation that provides a specific type of labour, then that agency, as well as the external organisation, must operate under a set of mutual obligations to provide a safe workplace.

The *Occupational Safety and Health Act 1984* provides protection to workers engaged in labour hire arrangements engaged in the public sector.

Labour hire agents and the host government agency have the same responsibilities as employers, over matters that they each control, to ensure the safety of workers. Workers in labour hire arrangements have the same responsibilities as public sector officers.

Public sector agencies can be identified as hosts, for the purposes of the OSH Act, if they engage workers such as:

• agency nurses within health services;

• agency teachers within education services;

• contract cleaners;

• temporary secretarial/clerical support; and

• contract engineers.

The host agency has day-to-day control of the labour hire worker so there is much the agency can do to ensure a safe workplace. For example, provide information and training to ensure the worker knows how to carry out his/her activities safely, and provide adequate on-site supervision. There are also a number of actions a host agency must jointly take in consultation with the labour hire agent. For example, identify hazards and assess the risk associated with the tasks of the worker prior to their placement in the agency.

Labour hire agents and government hosts have clear occupational safety and health responsibilities towards labour hire workers. A public sector agency needs to be mindful that they cannot contract out of these responsibilities just because the worker is not a public sector officer.

**Example:**

A government agency contracts a labour hire company specialising in information technology (IT) to develop a new security system for the agency's IT network, in response to anti-terrorism measures.

In consultation, the labour hire company commits, as the employer, to a range of measures to ensure, as far as is practicable, that the workers are not put at risk of injury or harm while working for the agency, including the safe use of IT equipment and a general awareness of workplace safety issues. The agency puts complementary steps in place for those workplace matters over which the agency has control, including evacuation procedures and the agency's safety and health policy.

**Further information**

WorkSafe: Bulletin 6/2005 *Labour hire industry and duty of care*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## Employer provided accommodation

Agencies that provide residential accommodation to employees have an obligation to ensure the accommodation is safe and does not pose a risk to those using it. The *Occupational Safety and Health Act 1984* provides protection to employees if their employer provides unsafe residential accommodation. This protection is particularly relevant in remote locations where no reasonable alternative accommodation may be available.

It should be noted that the obligation does not apply where a written agreement, lease or tenancy agreement already exists. However, a responsibility may exist for a CEO if public sector officers take up residence in remote communities or where there are no Government Regional Officers Housing (GROH) properties. If this is the case, then the obligation also applies to land and outbuildings that are intended to be used in conjunction with the premises (eg separate laundry facilities or outside showers).

Circumstances where agencies may have responsibility include:

- the residence is owned by, or under the control of, the agency;
- the residence is situated outside the metropolitan area or a gazetted townsite (including cities such as Bunbury). Landgate (formerly the Department of Land Information) will be able to confirm a townsite's status if unsure; or
- the occupancy of the premises is necessary for the purposes of employment because no other accommodation is reasonably available in the area.

Agencies that provide residential accommodation need to ensure that, as far as practical, the accommodation is maintained in a safe and healthy condition so that employees are not exposed to hazards at the premises.

Examples of what agencies need to consider include building access and egress, fire safety, washing/toilet facilities, cleanliness, drinking water, sleeping accommodation, electrical safety, cooking and eating facilities, heating/cooling, rubbish disposal, ventilation and lighting.

**Further information**

WorkSafe: Bulletin 3/2005 *Employer provided accommodation and duty of care*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## Road safety

Safety within the workplace can extend beyond static working environments like offices, workshops, depots and schools to include a range of mobile workplaces using public roads.

Many public sector employees are required to drive, or be a passenger in, government leased motor vehicles as part of his/her work. This vehicle is considered to be a 'workplace' for the purposes of the OSH Act. Consistent with improved government service delivery, an increasing number of public sector employees are spending more time on the roads travelling in their agency's fleet vehicles. As a consequence, motor vehicle accidents represent the most likely cause of work-related fatalities of public sector officers.

Management in agencies need to recognise workplace road safety, which may extend to government vehicle purchasing practices and workplace operational factors, including safe driving. For many agencies which deliver services outside the metropolitan area, there is an added need to implement road safety initiatives which support those employees who need to travel off-road, often to remote and isolated areas, and may need to use four wheel drive vehicles. Such initiatives need to include scenarios which may arise in conjunction with such travel (eg carrying passengers, using unfamiliar hire vehicles, fatigue, weather extremes and stress).

Management can send a clear message that they take road and vehicle safety seriously by implementing positive safety initiatives in their agency.

Public sector agencies should consider the following core elements as part of their duty of care towards road safety:

- including road safety and fatigue management as an integral part of the agency's safety and health policy;

- considering road safety when officers are recruited and selected;

- including road safety issues in staff induction programs;

- adhering to best practice when buying and maintaining company vehicles;

- having a system to record individual and overall driver and vehicle crash involvement;

- recognising positive and negative driving performance by offering staff incentives and disincentives; and

- supporting training, education and development programs that promote safe driving.

### Further information

- The Commission's Guidance note: *General duty of care in Western Australian workplaces*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

- The Office of Road Safety's publications: *Workplace road safety – Road safety in the workplace for company cars and light vehicles and road safety in the workplace – A road safety manual for all employers*, available on the internet at www.officeofroadsafety.wa.gov.au

# 7. INJURY MANAGEMENT

A good occupational safety and health management system provides an effective way for agencies to protect employees and others from workplace injury and illness. Early injury notification and effective injury management are critical factors in ensuring OSH performance continues to improve. For this reason, good injury management should be incorporated into an agency's OSH management system to maintain a safe and productive workplace and reduce workplace injuries.

In Western Australia, the *Workers' Compensation and Injury Management Act 1981* (WCIM Act) provides for the management of work related injuries. Injury management provisions in the WCIM Act are supported by a *Workers' Compensation code of practice (Injury Management) 2005*, which applies as if the requirements in the Injury Management Code were regulations. The Injury Management Code provides a framework for injury management systems and return to work programs to be established and implemented.

The provisions in the WCIM Act and the Injury Management Code are based upon the principle that whenever it is medically appropriate, an injured worker will remain in, or return to, work.

## Injury management system

An injury management system describes the measures that an employer will take when a workplace injury occurs. It ensures that the agency is able to commence injury management quickly and properly, so that injured workers can remain at work or return to work at the earliest appropriate time.

There is a general requirement in the WCIM Act for each public sector agency to establish an injury management system, which includes nominating responsible managers and supervisors, and establishing and maintaining contact with the injured worker as early as possible.

Requirements for the establishment, content and implementation of an injury management system are set out in the Injury Management Code. Where there is a requirement in the Injury Management Code that an employer "has to" take action relating to an injury management system, this is a mandatory requirement in the public sector.

How the system is structured will depend upon the particular characteristics of the agency and the resources available. In most cases, a fairly simple process will be sufficient. Some large agencies may have a number of people responsible, including an occupational safety and health coordinator, and have more complex arrangements in many different workplaces.

*Mandatory features of an injury management system*

- the injury management system must be documented;

- a copy of the document describing the injury management system must be made available to any of the agency's workers who request a copy of the document; and

- the document describing the injury management system has to include –

  (a) a description of the measures that will be taken when an injury occurs at the agency's workplace; and

  (b) details of the person who is to have day to day responsibility for the injury management system, and how to contact that person.

## Return to work program

A return to work program is a formal program developed as part of an injury management system. A return to work program may be required for an injured worker to assist them to remain at work or return to appropriate duties. A return to work program is developed by the employer, usually delegated to the manager or supervisor, and the injured worker, in consultation with the worker's treating medical practitioner. In certain circumstances, agencies also need to develop a written return to work program that can be tailored to the individual needs of an injured worker.

A return to work program is required when the worker's treating practitioner:

- advises the agency in writing that a return to work program should be established for the worker;

- signs a medical certificate indicating that the worker has partial capacity to return to work; or

- signs a medical certificate indicating that the worker has total capacity to return to work but for some reason the worker is not able to return to the position held by the worker immediately before the injury occurred.

The agency has to give a worker who suffers a work-related injury or illness, an opportunity to participate in the establishment of a return to work program for the worker.

Reasonable steps must also be taken to ensure that the worker agrees with the content of the worker's return to work program.

The return to work program, and any changes to the program, has to be described in writing.

The agency also has to ensure that the worker and the treating medical practitioner are each provided with a copy of the return to work program and any changes.

### *Mandatory features of a return to work program*

- the names of the injured worker and the employer, and any other details needed to identify them;

- a description of the goals of the program;

- a list of the action that has to be taken to enable the worker to return to work, identifying who has to take each action; and

- a statement as to whether the worker agrees with the content of the program.

WorkCover WA and RiskCover WA have each developed guidance material to assist agencies with the development of an injury management and reporting system and return to work programs. This guidance material supports the Injury Management Code by explaining mandatory provisions, providing injury management strategies and including key injury management principles, which underpin provisions in the WCIM Act and the Injury Management Code.

Public sector agencies are encouraged to access and apply this information and can download the documents through the links provided in the 'further information' box below. Appendix 8 lists full contact details should agencies prefer to contact these organisations direct.

### Further information

- Guidance material for injury management / return to work processes available from WorkCover WA and on the internet at www.workcover.wa.gov.au

- Injury management templates available from RiskCover WA at www.riskcover.wa.gov.au

# APPENDIX 1    ENFORCEMENT / PROSECUTIONS / UNDERTAKINGS

## Enforcement

All provisions of the OSH Act and regulations are important in regard to requirements for compliance. They are enforced using a range of actions that will be applied depending on the circumstances of the case, in particular the seriousness of the breach, as reflected by the penalty Parliament has provided.

Non-compliance will be addressed by improvement notices, prohibition notices, prosecution action, or verbal direction or any combination thereof. Verbal direction, in the context of the enforcement policy, only relates to situations where a breach can be immediately rectified and inspected prior to the inspector leaving the site.

Action taken by the inspector, including verbal directions, will be conveyed to the employer, safety and health representatives, safety and health committee or any other relevant party, while the inspector is at the workplace.

### *Prohibition and improvement notices*

An improvement notice is a written direction issued by a WorkSafe inspector requiring a person to fix an alleged breach of the Act or regulations. The notice states the reasons for the inspector issuing the notice and includes a reference to a specific regulation or provision of the Act.

A prohibition notice is a written direction issued by a WorkSafe inspector that prohibits any activity the inspector believes involves or will involve a risk of imminent and serious injury or harm to the health of any person. This notice states the reason the inspector issued the notice and may include a reference to a specific regulation or provision of the Act.

On issuing a prohibition notice, the inspector remains at the workplace until the employer is advised of the notice and the prohibited activity has ceased. Failure to comply with a prohibition notice could lead to prosecution.

### *Provisional Improvement Notices*

Qualified safety and health representatives (SHRs) are able to issue Provisional Improvement Notices (PINs) where they believe there is a breach of the *Occupational Safety and Health Act 1984* or the Occupational Safety and Health Regulations 1996.

PINs are similar to improvement notices issued by WorkSafe inspectors, but are provisional and can be issued where a SHR is of the opinion that a breach of the OSH Act or the Regulations is occurring and has not been immediately remedied by the employer.

When PINs are issued, the following should be noted:

- the SHR should be trained and accredited to issue a PIN in the workplace/s they were elected to represent or in a workplace where there is at least one worker they were elected to represent;

- the SHR may only issue a PIN where he or she has consulted with the person, who is to be issued with the notice, regarding the matter;

- the SHR can issue a PIN to his/her employer, employee, or the person in control of the workplace;

- the SHR must, where practicable, consult with another SHR at the workplace concerned before issuing a PIN;

- the person who has been issued with the PIN has the option to request a review by a WorkSafe inspector within the seven day compliance period;

- misuse of the power to issue a PIN will be dealt with by the existing sanctions in the OSH Act for the misuse of a SHR's powers, and this may result in disqualification from being a SHR; and

- the PIN must provide more than seven days after the day of issue of the notice in which the person/employer may remedy the situation or contravention.

While there are no specific implications for the public sector, the ability of SHRs to issue PINs is a significant change in managing workplace OSH issues and should be included in safety management planning as part of good OSH practice in every agency.

### Further information

- WorkSafe: *Work Safety Notices: Improvement notices, prohibition notices and review of Provisional Improvement Notices, January 2006* available from WorkSafe and on the internet at www.worksafe.wa.gov.au

- WorkSafe: Bulletin 2/2005 *Provisional Improvement Notices*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## Prosecution

Compliance with the provisions of the *Occupational Safety and Health Act 1984* and the Occupational Safety and Health Regulations 1996 is essential for a public sector agency. Breaching this legislation may result in enforcement action being taken and the type of action will be dependent on the circumstances of the case.

The OSH Act, including the duty of care principles, have applied to the (Western Australian) Crown for many years, but not in respect of all of its capacities. Consequently, prosecution action has not previously been available in all circumstances. When a prosecution occurs against the Crown, the responsible agency is named and then that agency is required to defend the prosecution.

Penalties are applied according to whether the offence is committed against an employee, an employer or a corporation (ie body corporate). A full table of penalties can be found at Appendix 3 of this code.

Employees are subject to a different tier of penalties as the OSH Act recognises that they usually act subject to the direction and control of employers (and often through supervisors), and consequently, do not have the same level of control over the workplace.

Most public sector officers are considered to be employees and most agencies are considered to be employers of public sector officers. However, in certain circumstances, officers and agencies may be covered by different employment conditions. In the event of prosecution action being taken, Human Resources advice, as well as legal advice should be requested to determine the relevant employment status of all personnel.

### Offences against a body corporate

Individual agencies are responsible for determining if they are a body corporate. Whether an agency operates as a body corporate should be evident through the legislation under which the agency operates. A body corporate can still be an agency of the Crown. Penalties may apply to the body corporate as the State of Western Australia or as the individual agency.

### Subsequent offences

If an employer commits an offence and is penalised, then any subsequent offences of the same nature will attract a higher penalty in accordance with new provisions in the OSH Act. Similarly, if an agency of the Crown commits offences in the same way, they will attract higher penalties.

If, however, an agency of the Crown commits an offence and is penalised, then another agency of the Crown commits an offence of the same nature as the first agency, the second agency is still treated individually and will only attract a penalty for a first offence.

## Enforceable undertakings

Enforceable undertakings (undertakings) legally bind an offender who has been found guilty of an offence under the *Occupational Safety and Health Act 1984*, with a penalty imposed by the court. The undertaking is entered into with the WorkSafe Western Australia Commissioner and is an alternative to the payment of a fine.

The OSH Act provides an alternative to paying a fine for breaching the undertakings, which can only be entered into for minor offences where there has been no physical harm to any person. The cost to the offender of complying with the undertaking must be substantially equivalent to, or greater than, the amount of the fine imposed.

The types of actions that may be included in an undertaking include:

* taking measures to improve occupational safety and health;

* publicising details of the offence;

* taking measures to remedy any consequence; and/or

* carrying out a project or activity for the improvement of occupational safety and health in the community.

An undertaking cannot include actions that the offender would have had a duty to comply with under the OSH Act in any event.

An offender who fails to meet the requirements of the undertaking and is found guilty of such an offence will be required to pay the fine associated with the undertaking and any additional penalty imposed by the court.

The State of Western Australia is a legal entity therefore undertakings could apply to the State or any individual public sector agency.

While there is nothing to prevent a public sector agency being legally issued with an undertaking, a public sector agency would be expected to comply with any directions or notices issued by WorkSafe as part of good government practice.

### Further information

WorkSafe: Bulletin 4/2005 *Enforceable undertakings*, available from WorkSafe and on the internet at www.worksafe.wa.gov.au

## APPENDIX 2    LEGISLATIVE FRAMEWORK FOR OCCUPATIONAL SAFETY AND HEALTH IN WESTERN AUSTRALIA

### Legislative framework

The *Occupational Safety and Health Act 1984* sets objectives to promote and improve occupational safety and health standards. It sets out broad duties and is supported by more detailed requirements in the Occupational Safety and Health Regulations 1996. The OSH Act covers all employees in Western Australia excluding those employed by the Commonwealth Government and employees who work on a mine or petroleum site. The legislation is further supported by guidance material, such as approved codes of practice. This legislative framework is depicted below.

**OCCUPATIONAL SAFETY AND HEALTH ACT 1984**

Major provisions in the OSH Act include:

- the general duties;
- resolution of issues;
- safety and health representatives;
- safety and health committees; and
- enforcement of the OSH Act and Regulations.

supported by

**OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996**

The Regulations set minimum requirements for specific hazards and work practices. They include references to national standards developed by the Australian Safety and Compensation Council and Australian or Australian/New Zealand standards developed by Standards Australia or jointly by Standards Australia and Standards New Zealand.

and

**GUIDANCE MATERIAL**

- Codes of practice approved for Western Australia in accordance with Section 57 of the OSH Act.
- Guidance notes developed by the WA Commission for Occupational Safety and Health.
- National Codes of practice and national standards developed by the Australian Safety and Compensation Council.
- Australian standards developed by Standards Australia or jointly by Standards Australia and Standards New Zealand.

## The meaning of practicable

Some of the general duty provisions in the *Occupational Safety and Health Act 1984* and some requirements in the Occupational Safety and Health Regulations 1996 are qualified by the words 'so far as is practicable'.

'Practicability ' applies to general duties for employers, self-employed people, people with control of workplaces, designers, manufacturers, importers, suppliers, erectors and installers and certain requirements in the Regulations. These people are expected to take practicable and reasonable measures to comply with the requirements.

If something is practicable, it is capable of being done. Whether it is also reasonable takes into account:

* the severity of any injury or harm to health that may occur;

* the degree of risk (or likelihood) of that injury or harm occurring;

* how much is known about the hazard and the ways of reducing, eliminating or controlling it; and

* the availability, suitability and cost of the safeguards.

The risk and severity of injury must be weighed up against the overall cost and feasibility of the safeguards needed to remove the risk.

Common practice and knowledge throughout the relevant industry is taken into account when judging whether a safeguard is 'reasonably practicable'. Individual employers can not claim they did not know what to do about certain hazards if they were widely known within the industry and safeguards were available.

The cost of putting safeguards in place is measured against the consequences of failing to do so. It is not a measure of whether the employer can afford to put the necessary safeguards in place. While cost is a factor, it is not an excuse for failing to provide appropriate safeguards, particularly where there is risk of serious or frequent, but less severe, injury.

Where a regulation exists and is not qualified by the words 'as far as is practicable', it must be complied with as a minimum requirement.

## APPENDIX 3    PENALTIES

### Penalty table

| Penalty | Employee (1) | | Employer (2) (individual and corporate officer) | | Body Corporate (3) | |
|---|---|---|---|---|---|---|
| | First | Subsequent | First | Subsequent | First | Subsequent |
| Level 1 | $5,000 | $6,250 | $25,000 | $31,250 | $50,000 | $62,500 |
| Level 2 | $10,000 | $12,500 | $100,000 | $125,000 | $200,000 | $250,000 |
| Level 3 | $20,000 | $25,000 | $200,000 | $250,000 | $400,000 | $500,000 |
| Level 4 | $25,000 | $31,250 | $250,000 & 2 years prison | $312,500 & 2 years prison | $500,000 | $625,000 |

Like others who have duties under the *Occupational Safety and Health Act 1984*, the Crown and its employees may be prosecuted for failure to comply with the OSH Act.

Definitions are in accordance with the OSH Act:

(1) Employee:  a person by whom work is done under a contract of employment or an apprentice or trainee. This includes most public sector officers.

(2) Employer:  a person that employs an employee under a contract of employment, and in relation to an apprentice or trainee, the person that employs the apprentice or trainee under an apprenticeship or traineeship scheme under the *Industrial Training Act 1975*. This may include the CEO of an agency.

(3) Body Corporate:  a director, manager, secretary or other officer who has management authority to act singly, or as a group, on behalf of a corporation. This may include a public sector agency where the relevant legislation defines it as a body corporate.

# APPENDIX 4 CHANGES AS A RESULT OF THE OFFICE OF SHARED SERVICES

The public sector is currently undergoing a major change with the introduction of the Office of Shared Services (OSS). Under this arrangement, client agencies will have their corporate service functions provided by the OSS. As a result, there may be changes for some public sector agencies as to how they manage their occupational safety and health (OSH) processes.

Under the *Occupational Safety and Health Act 1984*, individual agencies must report prescribed workplace injuries and diseases and take responsibility for managing their OSH practices in a way that best suits their own agency and is in accordance with the duties of the OSH Act.

The OSS has identified OSH and workers' compensation as functions, currently carried out by individual agencies, which would benefit from improved efficiencies, standardisation and automation. It is important to note that the OSS model does not aim to take over responsibility for OSH management but to assist agencies to deliver a best practice OSH service and achieve a reduction in the incidence of workplace injuries and disease, and associated costs. The OSS will provide advice to agency managers and staff on occupational safety and health principles, processes and projects to assist compliance with statutory requirements and achievement of agency OSH goals.

The OSS model for service delivery is consistent with the *National Occupational Health and Safety Strategy 2002 – 2012* and Comcare's framework for safety leadership in government workplaces.

More specifically, agencies will be assisted to:

- implement a systems approach to OSH management through the provision of strategies advice, management plans, systems documentation, policies and procedures;
- manage generic hazards through identifying key hazards from performance data, assess associated risk levels, propose strategies to address identified hazards and make recommendations regarding control of the risk;
- develop the role and structure of safety and health committees and safety and health representatives; and
- improve electronic accident notification and reporting of workplace fatalities, injuries and disease and workers' compensation claims management.

Under the OSS service agreement, agencies will retain responsibility for:

- developing agency-specific OSH policies and plans;
- implementing risk management;
- auditing OSH plan implementation;
- reporting and investigating incidents and accidents; and
- continuous improvement in OSH performance.

## Further information

Can be obtained from the Office of Shared Services[11]. This office is responsible for implementing a shared services approach to the delivery of Corporate Services across the Western Australian public sector.

[11] See www.oss.wa.gov.au

## APPENDIX 5   OCCUPATIONAL SAFETY AND HEALTH POLICY

### Template

| | |
|---|---|
| **Objective** | To:<br><br>• communicate *[agency's]* commitment to ensuring a safe and healthy workplace;<br><br>• establish *[agency's]* OSH management system in accordance with legislative requirements and the code of practice on OSH in the Public Sector; and<br><br>• provide employees with sources of further information and guidance. |
| **Scope** | This policy applies to all *[agency's]* employees and contractors, and all [agency] workplaces and includes places where an employee carries out work. |
| **Delegations** | The *[agency head/CEO]* and Corporate Executive are responsible for providing, maintaining and promoting a safe working environment to ensure employees are not exposed to hazards. The *[agency]* OSH Committee, safety and health representatives, directors, managers, supervisors and all employees are the delegated authority to ensure [agency] OSH programs, policies and procedures are followed. |
| **Definitions** | *[Insert definitions used in this policy relevant to your agency – some examples are below]*<br><br>**Employees (Public Sector):** People employed by the State Government as a public service officer or executive employee under a permanent, fixed term or casual contract of service under the *Public Sector Management Act 1994*, as an apprentice or trainee under the *Industrial Training Act 1975*, or an employee as otherwise legislated.<br><br>**Contractors:** Those people employed under a contract for service such as labour hire agency workers.<br><br>**WorkSafe Plan:** This is an example of a systematic approach to assessing and measuring the effectiveness of OSH management in organisations. |
| **Policy principles** | The *[agency's]* executive, safety and health representatives and employees will work together to achieve a standard of excellence in occupational safety and health management in our own workplaces.<br><br>Our goal is *[insert your agency's agreed goals]*.<br><br>1. For example, "to have workplaces that are free of work-related injuries and diseases. We will achieve this goal by developing and implementing safe systems of work and by continuing to identify hazards and to control risks as far as practicable."<br><br>2. *[Agency]* will do this by operating in accordance with occupational safety and health legislation, regulations, approved codes of practice and WorkSafe Plan, by making all employees and contractors aware of their OSH responsibilities through access to OSH information and training and by encouraging senior management to take leadership in OSH matters with a common view to improve OSH outcomes. |

| | |
|---|---|
| **Workplace information** | Refer to *[agency]* OSH management system document for a summary of the process of managing OSH in the organisation.<br><br>For more information, refer to:<br>• *[agency's]* OSH webpage on the Intranet [if relevant];<br>• WorkSafe's website. |
| **Roles and responsibilities** | *[Insert here the responsibilities of relevant groups in your agency. Separate Policies on these responsibilities might be necessary]*.<br><br>Some examples are below:<br><br>**Corporate executive** is responsible for providing, maintaining and promoting a safe working environment to ensure employees are not exposed to hazards. This shall be done in consultation with the *[agency]* Safety and Health Committee which requires Corporate Executive representation.<br><br>**The Safety and Health Committee** is responsible for developing and making recommendations to Corporate Executive about the OSH policy and procedures, including their review and maintenance, and other matters as described in the *Occupational Safety and Health Act 1984*. Its role is to advance cooperation and communication between Corporate Executive and *[agency]* staff to ensure a safe working environment.<br><br>**Safety and health representatives** are responsible for dealing with workplace OSH matters and for representing staff to facilitate OSH in *[agency]*. Their role is outlined in the *Occupational Safety and Health Act 1984*.<br><br>**Directors, managers and supervisors** have the responsibility to ensure *[agency]* OSH programs policies and procedures are followed. Managers and supervisors should keep themselves and employees (including new staff and subcontractors) aware of relevant policies and procedures and the OSH Intranet site (where it exists), and discuss OSH matters with employees on a regular basis.<br><br>**Every employee** is responsible for co-operating with *[agency]* OSH policy and procedures by taking reasonable care for their own safety and health, as well as other employees, and must report accidents, potential hazards and near misses to a *[agency]* safety and health representative. |

## APPROVALS

Name of responsible business unit      _____

Effective date      _____

Endorsement date      _____

Review date      _____

## OTHER RELEVANT POLICIES AND GUIDELINES

*(list relevant documents)*

## APPENDIX 6 CHECKLIST OF REQUIREMENTS FOR OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT SYSTEM

This checklist details practical elements public sector agencies may choose to consider for their occupational safety and health management system:

- ☐ Safety and health guidelines, procedures and policies
- ☐ Consultative mechanisms
- ☐ Training and instruction program
- ☐ Regular workplace inspections
- ☐ Incident reporting and investigation
- ☐ Written safe work procedures including statement of principles for hazard prevention and control
- ☐ Data collection, analysis/record keeping and reporting
- ☐ Audit tools
- ☐ OSH promotion and information provision
- ☐ Purchasing and design
- ☐ Emergency procedures
- ☐ Injury management
- ☐ Regular monitoring and evaluation of performance to ensure continuous improvement
- ☐ Processes to manage contractors, labour hire arrangements, control of non-employees and volunteers
- ☐ Processes to manage specific hazards and work organisational issues
- ☐ Targets and performance indicators to measure progress

# APPENDIX 7    PRACTICAL TIPS FOR WORKPLACE LEADERS

This list details practical occupational safety and health (OSH) tips[12] that workplace leaders may like to consider as part of their leadership role within the agency:

## Performance indicators

- set long-term organisational improvement targets and develop positive performance indicators at both an organisational and business unit level;

- adopt the National Strategy targets and compare the agency against these (for further information on the National Strategy, see Chapter 5 of this code);

- add targets that drive improvements in areas of identified risk and return to work performance for the agency;

- set baseline data so that performance improvements can be measured; and

- include OSH and injury management data as part of the agency's performance measurement framework.

## Executive actions

- make OSH and injury management a standing item on executive meeting agendas;

- consider OSH and injury management implications when developing organisational change and human resource management strategies;

- make senior executives accountable for the effectiveness of the agency's OSH and injury management systems;

- allocate resources to identify, assess and remedy areas of risk;

- ensure line managers report to executive management on workplace injuries, measures taken to prevent further injury and the rehabilitation support provided to injured employees; and

- request RiskCover or the agency's insurer and/or injury management service provider to attend executive meetings to address the agency's injury and claims trends and costs.

## Executive information sharing

- request briefings on management's role and responsibilities in relation to OSH and injury management;

- ask WorkSafe, WorkCover WA, and/or RiskCover WA for information on OSH and injury management roles and responsibilities;

- develop a strategy to address the information and training needs of the agency's senior managers;

- include information about management's role and responsibilities in induction training and management development programs;

- use the agency's intranet, promotional footers on emails, or messages attached to pay notification systems, to reinforce key messages about the role and responsibility of managers;

- arrange for updates to be provided to the agency's management group on emerging OSH and injury management issues relevant to the agency's business; and

- attend executive functions, seminars and conferences on OSH and injury management issues.

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[12] Source: Comcare (2004), *Safe and Sound: A discussion paper on safety leadership in government workplaces*, at www.comcare.gov.au

### *Audit and review*

- confirm that workplace OSH and injury management policies and procedures are current, effective and available and make sure leaders in the agency are familiar with them;

- review OSH and injury management systems and audit tools;

- engage suitably qualified professionals to conduct impartial in-house audits or reviews, with appropriate employee and employer involvement;

- incorporate the scheduling of these reviews into agency corporate governance or audit plans;

- include questions in the agency surveys that help to measure and track employee perceptions of safety culture, including perceptions of safety leadership style;

- develop a plan to remedy deficiencies identified in the audit process; and

- seek professional expertise where needed to diagnose or address areas of risk.

### *Benchmarking*

- develop an improvement program for the agency;

- identify agency improvement priorities based on achieving targets and controlling injury risks;

- set up a steering committee that includes senior management representatives;

- recognise that although cultural and attitudinal change takes time, it may be necessary to improve performance;

- establish performance benchmarks at both an organisational and business unit level; and

- establish benchmarking and/or mentoring arrangements with either Western Australian or other state/territory public sector agencies with similar functions or injury risk profiles.

### *Financial accountability*

- report organisational OSH and injury management performance in the agency's annual report, including the organisation's performance against National Strategy targets;

- clearly specify management's OSH and injury management responsibilities in agency-wide OSH and injury management policies and procedures;

- consider using performance development frameworks and job descriptions to improve management's accountability for OSH and injury management (a mechanism may be necessary, in conjunction with this tip, to avoid the potential for under-reporting); and

- introduce financial accountabilities for workplace injury to business units (eg through premium devolution).

### *Awards for excellence*

- include excellence in OSH and injury management performance as part of organisational reward and recognition programs;

- review previous winners of state or national jurisdictional awards for case studies of leadership, excellence and innovation;

- invite the winners of these awards to address the agency's executive team or OSH Committee; and

- showcase the agency's excellent leadership and innovation in OSH and injury management by applying for an award.

# APPENDIX 8     SUPPORT / ASSISTANCE / USEFUL INFORMATION

## WorkSafe

The Department of Consumer and Employment Protection's WorkSafe Division administers occupational safety and health legislation, provides policy and legislative advice to government, provides education and information to employers and employees to assist in preventing work-related injury and disease and improved work safety and health performance. The division is also responsible for enforcing occupational safety and health law and assist with the resolution of issues in most workplaces.

Bulletins and guidance material produced by WorkSafe that may prove useful to agencies (some of which are referred to in this code) include:

- *Provisional improvement notices*
  WorkSafe bulletin 2/2005

- *Employer provided accommodation and the general duty of care*
  WorkSafe bulletin 3/2005

- *Enforceable undertakings*
  WorkSafe bulletin 4/2005

- *Electing safety and health representatives*
  WorkSafe bulletin 5/2005

- *Labour hire industry and the general duty of care*
  WorkSafe bulletin 6/2005

- *Establishing safety and health committees*
  WorkSafe bulletin 7/2005

- *General duty of care*
  WorkSafe bulletin 8/2005

- *Safety and health representatives training*
  WorkSafe bulletin 12/2005

- Guidance Note: *General duty of care in Western Australian workplaces 2005*

- *WorkSafe Plan*


These documents are available on WorkSafe's website and also as hard copies.

## Contact details:

5th Floor, 1260 Hay Street, WEST PERTH WA 6005
**Tel:** (08) 9327 8777
**Freecall:** 1300 307 877
**Fax:** (08) 9321 8973
**Postal Address:** PO Box 294 West Perth WA 6872
**Internet:** www.worksafe.wa.gov.au
**Email:** safety@docep.wa.gov.au

## RiskCover

RiskCover assists the Western Australian Government to manage and finance exposure to risk through the integration of risk management, claims management, risk financing (risk self-retention and reinsurance). RiskCover's purpose is to minimise the cost of risk to the Government of Western Australia. It does this by working with agencies to focus on their strategic operational and project risks. This helps to minimize the impact of adverse risks and maximize opportunities, thereby producing greater business efficiencies.

### Contact details

13th Floor, Forrest Centre, 221 St Georges Terrace, Perth WA 6000
**Tel:** (08) 9264 3333
**Fax:** (08) 322 1557
**Infoline:** 1300 794 744
**Internet:** www.riskcover.wa.gov.au
**Email:** icwa@icwa.wa.gov.au

## WorkCover WA

The role of WorkCover WA is to minimise the social and economic impact on workers with work-related injury and achieve cost effectiveness for employers and the community. This is achieved through administration of the *Workers' Compensation and Injury Management Act 1981*, the provision of quality policy advice to government and maintenance of positive stakeholder relationships.

### Contact details

2 Bedbrook Place, Shenton Park WA 6008
**Tel:** (08) 9388 5555
**Fax:** (08) 388 5550
**Infoline:** 1300 794 744
**Internet:** www.workcover.wa.gov.au
**Email:** postmaster@workcover.wa.gov.au

## Office of the Australian Safety and Compensation Council

The role of the Office of the Australian Safety and Compensation Council (formerly the National Occupational Health and Safety Commission (NOHSC)) is to lead and coordinate national efforts to improve occupational safety and health (OSH) and workers' compensation arrangements and provide policy advice to the Workplace Relations Ministers' Council on national OSH and workers' compensation arrangements.

### Contact details

Level 1, 64 Northbourne Avenue, Canberra ACT 2601
**Tel:** (02) 6121 5317
**Fax:** (02) 6121 9138
**Internet:** www.ascc.gov.au
**Email:** info@ascc.gov.au

## Other useful sources of information / guidance material

### *Commission for Occupational Safety and Health*

The Commission for Occupational Safety and Health has produced detailed publications on the following:

- *Formal consultative processes at the workplace*, Guidance note, 2006
- *Election of safety and health representatives, representatives and committees and resolution of issues,* Guidance note, 2005
- *General duty of care in Western Australian workplaces,* Guidance note, 2005

www.worksafe.wa.gov.au

### *Comcare*

The Commonwealth Government has produced relevant guidance material for the Commonwealth public sector that may be of general interest and therefore can be accessed through the following links:

- *Discussion paper - Safe and sound :* A discussion paper on safety leadership in government workplaces
- *Government leaders, Safety leaders,* June 2006

www.comcare.gov.au

### *Office of Road Safety*

The Western Australian Office of Road Safety has produced useful information that can be accessed through the following link:

- *Workplace road safety - Road safety in the workplace for company cars and light vehicles*
- *Road safety in the workplace : A road safety manual for all employers*

www.officeofroadsafety.wa.gov.au

## Glossary of terms

| | |
|---|---|
| CEO | Chief Executive Officer |
| OSH Management System | Occupational Safety and Management System (OSHMS) |
| OSH | Occupational Safety and Health |
| OSH Act | *Occupational Safety and Health Act 1984* |
| PSM Act | *Public Sector Management Act 1994* |
| WorkSafe | WorkSafe Division, Department of Consumer and Employment Protection |
| WorkCover | WorkCover Western Australia |
| WCIM Act | *Workers' Compensation and Injury Management Act 1981* |
| RiskCover | RiskCover Managed Fund |
| SHR | Safety and Health Representative |