

# Contribute to work-related health and safety measures and initiatives

Learner Guide



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# 1. Contribute to scoping work-related health and safety measures and initiatives

## 1.1 - Access sources of information and data on work-related health and safety measures and initiatives designed either to meet specific legislative requirements and obligations or to support voluntary health promotion programs

Sources of information and data may include:

- Industry bodies and groups
- Relevant Australian and international standards
- Relevant websites, journals and newsletters
- Unions
- WHS Acts, regulations, codes of practice, guidance material, and other information issued by WHS regulators
- Work health and wellbeing specialists
- Workers' compensation insurance agents
- Workplace information and data relating to worker health and wellbeing



Work-related health and safety measures and initiatives may include:

- Health monitoring of workers exposed to particular work hazards as specified in legislation
- Pre-employment and other work-related health assessments as specified in legislation
- Workplace measures to target specific factors, such as stress, fatigue, bullying and harassment, hearing loss, and short-term and long-term effects resulting from exposure to hazardous substances (such as asbestos, lead and isocyanates)

Depending on your workplace, there will be a number of measures and initiatives relating to WHS that will be in place. When you start at your workplace you should be made aware of these measures either through your induction or related training. The training will actually be part of the measures and initiatives as it will be making you aware of your workplace legislative requirements and obligations.

Work related Health and Safety measures can relate to a number of areas including risks, hazards, illnesses and employee health. This is where ergonomic requirements fit in as it is highly important that every employee's wellbeing is looked after, whether that is making sure the chair they sit in is

comfortable or the lighting in their workplace is sufficient to do their job without straining their eyes.

**Addressing ergonomic requirements:**

Any assessment of ergonomic conditions that exists in the workplace would normally be handled through the HR (Human Resource) department under a Risk Assessment as part of WHS or by a system that evaluates risk potential to employees.

**Ergonomic requirements may include:**

- Avoiding radiation from computer screens
- Chair height, seat and back adjustment
- Document holder
- Footrest
- Keyboard and mouse position
- Lighting
- Noise minimisation
- Posture
- Screen position
- Workstation height and layout
- Equipment that is reasonably adjusted to meet personal needs, in appropriate circumstances

**Work organisation requirements may include:**

- Exercise breaks
- Mix of repetitive and other activities
- Rest periods



For areas that may be covered under WPHS and awards or Human Resource policies, responsibility of the employer to provide a safe workspace would be documented and form part of regular risk management checks.

- Supervisors, managers, team leaders etc are generally designated WHS officers so that there is a standard and policy driven culture present.
- Responsibilities include hazard reporting procedures, job procedures and safe work instructions, emergency procedures, accident and near miss reporting and recording procedures, consultation on WHS issues, correct selection, use and storage and maintenance procedures for use of personal protective equipment, control of risks under direct supervision.
- Awareness of relevant legislation from all levels of government (State or Federal) which affect business operation, especially in regard to WHS and environmental issues, equal opportunity, industrial relations, anti-discrimination and diversity.
- Compliance to behaviour that contributes to a safe working environment, identifying and reporting risks or hazards, using business equipment according to guidelines, listening to the ideas and opinions of others in the team, sharing opinions, views, knowledge and skills.
- Formal and informal health and safety meetings, meetings called by health and safety representatives, suggestions, requests, reports and concerns put forward to management.
- Workstation height and layout, chair height, seat and back adjustment, footrest, screen position, keyboard and mouse position, document holder, posture, avoiding radiation from computer screens, noise minimisation.
- Mix of repetitive and other activities, rest periods, exercise breaks, VDU eye testing.
- A range of environmental conditions including: noise, light, gas, smoke, odour, vapour, liquids/solids, particles and fumes.

**If a particular workplace layout design is needed this would be a matter of personal and working circumstances.**



**For example:**

Discuss as this applies to your **WORKPLACE**

- Does the workspace provide acoustical privacy (for example, can people talk in privacy, according to the level of confidentiality required? Do noises and conversations interfere with their concentration? Do noises or conversations make it difficult to hear or understand speech if much of their work involves using the telephone?)
- Are the walls permanent (i.e., fixed) or is the workspace in an open office environment?
- Does the workspace provide visual privacy?
- Can an employee personalise his or her individual work space?
- Is there access to natural light or only artificial lighting?
- Is the workplace layout designed to facilitate interpersonal contact?

**Examples of workplace policy requirements:**

- Maintain work areas in a safe, uncluttered and organised manner according to policy and procedures.
- Carry out all procedures safely, effectively and efficiently with minimum inconvenience to staff according to policy.
- Apply policy and procedures for tidying work areas and placing items in designated areas.

**Clean work area:**

- Apply policy and procedures for personal hygiene.
- Apply policy and procedures for cleaning of work area.
- Sort, recycle, remove and dispose of waste promptly according to policy requirements.
- Safely remove and clean spills of food, waste or other potential hazards in compliance with WHS requirements and policy.
- Maintain equipment and consumable materials and store correctly after use.
- Use and clean equipment according to manufacturer instructions and policy requirements.





**Consideration should be given to:**

- The accessories required to operate properly
- The layout of equipment on the desk
- The location of furniture in the room.

**Work surface height:**

Adjust the height of the work surface and/or the height of the chair so that the work surface allows your elbows to be bent at 90 degrees, forearms parallel with the floor, wrists straight and shoulders relaxed.

**Chair:**

Adjust the seat tilt so that you are comfortable when you are working on the keyboard. Usually, this will be close to horizontal but some people prefer the seat tilted slightly forwards. Your knees should be bent at a comfortable angle and greater than 90 degrees flexion. If this places an uncomfortable strain on the leg muscles or if the feet do not reach the floor then a footrest should be used. The footrest height must allow your knees to be bent at 90 degrees. Therefore the height of the footrest may need to be adjustable. Adjust the backrest so that it supports the lower back when you are sitting upright.

**Keyboard placement:**

Place the keyboard in a position that allows the forearms to be close to horizontal and the wrists to be straight. That is, with the hand in line with the forearm. If this causes the elbows to be held far out from the side of the body then re-check the work surface height. Some people prefer to have their wrists supported on a wrist rest or the desk. Be careful not to have the wrist extended or bent in an upwards position.

**Screen placement:**

Set the eye to screen distance at the distance that permits you to most easily focus on the screen. Usually this will be within an arm's length. Set the height of the monitor so that the top of the screen is below eye level and the bottom of the screen can be read without a marked inclination of the head. Usually this means that the centre of the screen will need to be near shoulder height. Eyes level with the tool bar. People who wear bifocal or multi focal lenses will need to get a balance between where they see out of their lenses and avoid too much neck flexion.

**Desk-top layout:**

Place all controls and task materials within a comfortable reach of both hands so that there is no unnecessary twisting of any part of the body. Most people prefer the document holder to be between the keyboard and the monitor. There are many different types of document holders available.

**Document holder:**

Place this close to the monitor screen in the position that causes the least twisting or inclination of the head.

**Posture and environment:**

Change posture at frequent intervals to minimise fatigue. Avoid awkward postures at the extremes of the joint range, especially the wrists. Take frequent short rest breaks rather than infrequent longer ones. Avoid sharp increases in work rate. Changes should be gradual enough to ensure that the workload does not result in excessive fatigue. After prolonged absences from work the overall duration of periods of keyboard work should be increased gradually if conditions permit.

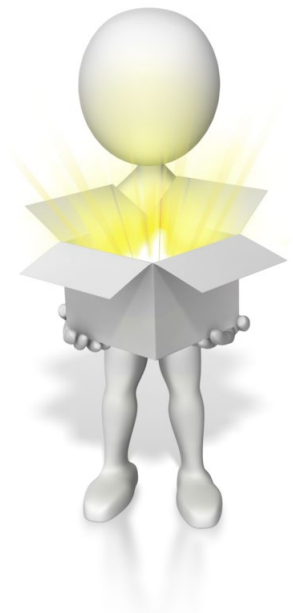
**Lighting:**

Place the monitor to the side of the light source/s, not directly underneath. Try to site desks between rows of lights. If the lighting is fluorescent strip lighting, the sides of the desks should be parallel with the lights. Try not to put the screen near a window. If it is unavoidable ensure that neither the screen nor the operator faces the window.

If the monitor is well away from windows, there are no other sources of bright light and prolonged desk-work is the norm, use a low level of service light of 300 lux. If there are strongly contrasting light levels, then a moderate level of lighting of 400 - 500 lux may be desirable.

**Glare and reflection:**

It is important to detect the presence of glare and reflection. To determine whether there is glare from overhead lights whilst seated worker should hold an object such as a book above the eyes at eyebrow level and establish whether the screen image becomes clearer in the absence of overhead glare. To detect whether there are reflections from the desk surface, the worker should hold the book above the surface and assess the change in reflected glare from the screen.

**A number of ways are available to eliminate or reduce the influence of these reflections:**

- Tilt the screen (top part forwards) so that the reflections are directed below eye level.
- Purchase an LCD screen.
- Cover the screen with a light diffusing surface or anti-glare screen.
- Negative contrast screen (dark characters on light background) will reduce the influence of these reflections.

**If you experience eye discomfort when using a bright screen you should make the following adjustments:**

- Turn the screen brightness down to a comfortable level.
- Look away into the distance in order to rest the eyes for a short while every ten minutes or so.
- Change the text and background colours. Recommended are black characters on white or yellow background, or yellow on black, white on black, white on blue and green on white. Avoid red, green or yellow on white.

**Using a mouse:**

A well designed mouse should not cause undue pressure on the wrist and forearm muscles. A large bulky mouse may keep the wrist continuously bent at an uncomfortable angle. Pressure can be reduced by releasing the mouse at frequent intervals, by selecting a slimline, low-profile mouse. Keep the mouse as close as possible to the keyboard, elbow bent and close to the body.



**Keyboard equipment and radiation:**

Computer screens emit visible light which allows the characters on the screen to be seen. Weak electromagnetic fields and very low levels of other radiation, not visible to the human eye, can be detected by sensitive instruments. Similar emissions are produced by television receivers.

The levels of most radiations and electromagnetic fields emitted from computers are much less than those from natural sources, such as the sun or even the human body and are well below levels considered to be harmful by responsible expert bodies such as the International Radiation Protection Association (IRPA).

**Keyboard and telephone operations:**

Avoid cradling the phone between your head and shoulder when answering calls. If needing to access the computer at the same time a headset is recommended. Hands free/speaker phone is another option if the environment is suitable.

**Posture during typing:**

Good posture is essential for all users of computers. It comprises of a natural and relaxed position, providing opportunity for movement, and from which the operator can assume a number of alternative positions. It is not a single, rigidly defined position.



**Typing technique:**

Typing is a physical activity and using a keyboard requires skill, hence the need to learn correct typing technique. Unskilled ('hunt and peck') typists are particularly at risk of Occupational Overuse Injury because they:

- Often use only one or two fingers which may overload the finger tendons
- Are constantly looking from keyboard to screen to keyboard, which may strain neck muscles
- Often adopt a tense posture (wrists bent back and fingers 'poised to strike')

**Speed of keying:**

The efficiency and speed of modern computers makes it possible for a skilled operator to type extremely quickly. This capability, reinforced by workload pressures means the potential exists for operators to key at speeds which may cause or contribute to Occupational Overuse Syndrome.

**The role of the repetitive movement in injury is not fully understood, but is believed to interfere with the lubrication capacity of tendons, and the ability of muscles to receive sufficient oxygen supplies.**

10,000 - 12,000 keystrokes per hour is considered an acceptable standard.

**Length of time on the keyboard:**

The maintenance of a fixed posture for long periods is tiring and increases the likelihood of muscular aches and pains. In addition, long periods of repetitive movement and sustained visual attention can also give rise to fatigue-related complaints.

It is recommended that operators avoid spending more than five hours a day on keyboard duties and no longer than 50 minutes per hour without a postural/stretching break.

Employees newly engaged in keyboard work, and staff returning from an absence of two or more weeks, need a period of adjustment. The adjustment may be achieved through reduced work rates, or provision of alternate duties with gradual re-introduction to keyboard work.

**Jobs should be designed and organised so that either:**

- Computer related tasks can be interspersed with non computer related, or
- Computer based tasks can be rotated amongst several staff (task/job sharing).
- It is not the change of task per se, but the change to using different movements and postures that is important. The whole purpose of task variety is to give the overloaded structures a necessary break.

**Supervisors should ensure that workload controls are exercised using the following strategies:**

- Planning ahead to avoid peaks, and rushed jobs
- Delegating fairly to all staff not just the best workers
- Considering the total workload of the individual (often comes from a number of sources)
- Clearly defining each operator's workload
- Implementing systems of prioritisation e.g. work request forms, waiting lists etc
- Using relief staff
- Applying strict tests to the use of 'urgent' labels
- Discouraging 'endless' drafts
- Discouraging the use of typed internal minutes and memoranda
- Encouraging authors to have realistic expectations
- Teaching authors keyboard skills
- Teaching operators how to be assertive, and how to prioritise
- Supporting operators when authors impose unrealistic expectations
- Refusing illegible drafts.

**1.2 - Differentiate between these measures and initiatives and communicate findings to individuals and parties****1.3 - Identify programs that reflect statutory obligations and those programs that are voluntary and 'wellbeing' in character**

There are a number of work related health and safety issues which don't necessarily present themselves so clearly. There is a wide range of issues that cover employee health issues which are very important and need to be looked at. Health and Safety training may be a statutory obligation but there may be programs that are voluntary and deal with the wellbeing of the employees. These programs can either be suggested to an employee who you think it may be beneficial to or it could be a program which you think your team should take part in to help them in the workplace and society.

Your workplace should have information on both statutory and voluntary programs for you to participate in and your Manager will let you know if any statutory training or programs come up that you need to participate in. Below is a list of reasons why some people will need extra support in the workplace and may need to take part in a relevant 'wellbeing' voluntary program to help.

**Family pressures:**

Many employees are linked into family units in some shape or form. They may be the income earner or a parent or both. In an aging society employees may also have dependent parents of their own. Families can be a source of pressure from expectations – visible and hidden. Modern HR practice encourages family friendly work environments with flexibility to handle changes in situations. Parental leave and carer's leave are two examples of this approach.

**Stress:**

There are various forms of stress. They can be temporary and enduring. Ongoing stress is dangerous because it can cause other physical illnesses. It can also create problems with thinking and memory. Stress is usually dealt with through referral to a counsellor. This may often occur under the Employee Assistance Program (EAP).

**Mental disorder:**

More serious forms of stress come from mental disorders. Clinical depression is a major example of a mental disability. It affects people from all walks of life, from politicians and doctors through to fire-fighters and executives. Often it not recognised and therefore may account for underperformance. Passive aggression is often common among people who show signs of stress. This can show as negative attitudes, cynicism or excessive criticism of others.

**Physical disability:**

Disability has been under-valued in the Australian labour market. Since the mid 1980s there has been a gradual change through government regulation. Government employment support schemes now have specialist disability placement agencies. The employment of disabled workers is part of cultural diversity planning. In the years ahead HR professionals will become more proactive in this field.

**Drugs and alcohol:**

Dependence on drugs and alcohol is an important issue for Australian workplaces. Australian culture is known for high levels of alcohol use. There are new illegal drugs emerging, including party drugs like ICE. These are important workplace issues and the rights to do testing are an emerging issue.

**Illness:**

During their lives most employees experience some illnesses. These can range from short term incidents through to long term conditions, sometimes permanent. Conditions such as high blood pressure, diabetes and hepatitis C are some of the common illnesses. Occasionally illnesses like "swine" flu can impact an entire workforce. Short term illnesses can seriously affect performance measures for those with short term targets.



**Low work ethic:**

Some employees do not have a naturally high work ethic. This problem can come from social background through to personal attitudes. Some employees may need assistance to deal with this motivational challenge.

**Anxiety or depression:**

These are mental health conditions that are becoming more common. They are not enduring disorders and they can be treated. But for the period of the illness sufferers can experience fluctuations in motivation and therefore performance.

**Age and energy:**

Energy levels often change over time and these changes can impact performance. Australian society is experiencing an epidemic of obesity. Overweight conditions can definitely impact ability to perform some forms of work. This is becoming a matter of workplace safety and health.

This constellation of personal barriers changes over time. With an aging population some of these workplace issues in Australia will skew towards the elderly. Smart employers track these demographic issues and try to anticipate their impact. Preventive workplace health programs can help both the employer and the employee. The invisible nature of some conditions or barriers means that random testing may be necessary. Some workplace health agencies constantly monitor broader industry and work place trends.

## **1.4 - Consult with individuals and parties to assist with identifying and evaluating factors impacting on work-related health and safety**

## **1.5 - Consult with individuals and parties to assist with determining appropriate measures and initiatives to address them**

**Individuals and parties may include:**

- Health and safety committees
- Health and safety representatives
- Managers and supervisors
- Persons conducting businesses or undertakings (PCBUS) or their officers
- Unions and industry bodies
- Worker health and wellbeing specialists
- Workers

The consultation process should not be constrained to just the workers. It is essential to consider the employees, however you must also consult, co-operate and co-ordinate with others. The person or groups that need to be consulted will usually be clear when the consultation process is first

implemented. “This will usually be apparent from the circumstances, through contractual arrangements, presences on site or the need for others to be involved” (WHSCCC, p.18).

Within these groups there is a huge range of views and opinions. Their understanding of risks and benefits along with their reasoning will allow for an unbiased view that should be documented so that you can provide evidence that you considered all aspects of the hazard and its impact on the organisation and if necessary, surrounding environment.

#### **Clients:**

The client is always interested in anyone who can have an impact on their organisation. Your reputation may have a direct impact on their operations. If you are not meeting your obligations under the law, they may feel the impact by association, especially if there is a chance that the community is placed at risk due to their inaction.

If your client purchases hazardous substances or materials from you, it is important that they are aware of your obligation under law to provide them with the information that will assist them in controlling and maintaining the hazard so that the associated risks are minimised. They are able to learn from their experiences with you.



#### **Community:**

There are over 350,000 volunteers who assist in emergencies and disasters across many emergency areas. Under the new WHS laws, a volunteer is one person who is protected at work as a worker performing workers duties. This means that not only will volunteers be owed a duty of care, they would also be obliged to:

- Take reasonable care of their health and safety and that they are as far as practicable do not take action that affects others
- That they comply to the owners instructions
- They cooperate as far as they can to the health and safety of others in the workplace.

This means that volunteers from the general community will be assured that they are treated equally across Australia due to standardised and harmonised legislation. However these changes lead to the potential of more liability, including personal liability.

Local community can also participate in the consultation process. They are familiar with the area and can provide valuable information that an organisation may not include when they are putting together a work health and safety plan.





**Contractors:**

When a contractor, sub-contractor or their employees work on a work site, they should participate in an induction to the work site so that they are familiar with its operations. These personnel should especially be consulted with when a hazard or risk will impact on their activities. Their knowledge and experience can be added to the knowledge and experience of others, including workers to ensure that the most information can be received and utilised.

By their professions and unique experiences, they may be able to bring new experiences or knowledge to the consultation process.

**Visitors:**

Visitors should also be inducted into the work site. There are also times when Work Health and Safety Representatives can allow a person who is assisting them for their workgroup to have access to the workplace if it is necessary to enable the assistance to be provided Section 70 (1) (g). The Work Health and Safety Representative may invite Health and Safety Professionals, Industry Specialists and others onto the worksite so that they can provide them with advice when the advice given will provide them with the knowledge that is needed to make a work health and safety decision.

**The Work Health and Safety Consultation, Cooperation and Coordination Code states that agreed consultation procedures are likely to be most effective if they include:**

- The matters that require consultation
- Who will be consulted
- The ways consultation will occur, for example, through regular meetings, tool-box talks or health and safety representatives
- How information will be shared with workers and health and safety representatives
- What opportunities will be provided for workers and health and safety representatives to give their views on proposed matters
- How feedback will be given to workers and health and safety representatives
- How consultation will occur with any workers who have special language and literacy needs
- Timeframes for reviewing the procedures.

Roles and responsibilities of personnel as specified in relevant WHS legislation

**Factors that may impact on work-related health and safety may include:**

- Health and other requirements for workers undertaking safety critical tasks and jobs
- Lifestyle factors

- Non-work related health and safety problems
- Other factors that need to be addressed to meet specific legislative requirements and obligations
- Workplace psychosocial factors, including bullying, fatigue, harassment and other sources of work-related stress
- Work-related factors

Once you have established the factors that may impact on work-related health and safety, and every workplace will be different, you will need to consult and discuss with the appropriate parties and individuals to decide what the best measures and initiatives will be. As discussed previously in this Learner Guide, measures and initiatives will differ depending on whether they are for statutory or voluntary programs.

**Measures and initiatives may include:**

- Health monitoring
- Health assessments
- Regular breaks
- Wellbeing meetings
- General health promotion
- Support and assistance programs
- Workplace protection from hazards, etc.



**1.6 - Consult with individuals and parties to assist with designing measures and initiatives that either meet specific legislative requirements and obligations or support voluntary health promotion programs**

As discussed at 1.4 and 1.5, there are a number of individuals and parties that you may have to consult with. You will have identified and evaluated factors impacting on work-related health and safety, determined appropriate measures and initiatives to address those factors but now you will need to assist with designing the appropriate measures and initiatives.

**As discussed before measures and initiatives may include:**

- Health monitoring
- Health assessments
- Regular breaks

- Wellbeing meetings
- General health promotion
- Support and assistance programs
- Workplace protection from hazards etc.

The measures and initiatives that will be deemed appropriate will depend on your workplace, the industry you are in and whether you are dealing with specific legislative requirements or voluntary health promotion programs.

## **2. Contribute to establishing work-related health and safety measures and initiatives**

### **2.1 - Contribute to the development and planning of work-related health and safety measures and initiatives**

**Development and planning may include:**

- Liaison with government bodies
- Liaison with health promotion program professionals.

There may come a time when you are asked to help with the development and planning of WHS safety measures and initiatives in your workplace. You may even already be a WHS representative and therefore are always developing and planning new safety measures and initiatives. Either way, you need to be able to communicate with the right people, whether they may be government bodies, health promotion program professionals, managers or your colleagues.

You may need to contact government bodies to find out any necessary legislative requirements for your workplace regarding WHS or you may wish to put a new voluntary program in place for a specific member of staff with a particular health need or you may want the team to take part in a program to help them learn about a relevant health and/or safety topic.

**Remember, when you do contact any external parties:**

- State your name and company
- Speak clearly
- Explain why you are calling
- Mention any particular programs you may be interested in
- Get as much information as you can i.e. cost, training packs, dates
- Take a contact name for future reference.

## 2.2 - Identify resourcing requirements, timelines and responsibilities to implement work-related health and safety measures and initiatives

## 2.3 - Assist with timetabling, liaison and coordination, administering resources and communication to implement work-related health and safety measures and initiatives

Once you have designed and discussed the measures and initiatives, you will need to consider what resources may be required, any timelines that need to be put in place and what your responsibilities will be regarding the measures and initiatives you wish to implement.

### Resourcing requirements:

Depending on the measure/initiative you are implementing, there will be a variety of resources that you may require. The main resource you will require will always be people, as it will be people who will give you the information you may require to implement any new measure/initiative. Other resources may include:

- Information packs
- WHS Legislation
- Workplace policies and processes
- Activities
- Workbooks
- WHS/Health/Wellbeing representatives
- Classroom/workroom
- Voluntary program leaders
- Internet access.



### Timelines:

Timelines will need to be decided so as to determine how long you have to implement the measures and initiatives. These timelines will need to be communicated to all the appropriate personnel, which may include:

- Managers
- Supervisors
- Colleagues
- WHS/Health/Wellbeing Representatives
- External parties.

Timelines may also need to be decided for particular measures and/or initiatives i.e. if you have decided that an individual or a team need to take part in a voluntary program related to wellbeing or health, you may wish to make a date for when they need to take part and a timeline for how long they have to complete the program. This will need to be communicated to the teams or individual, as well as their direct supervisor or manager as to make sure they are aware that they may need time off of work to take part.

#### **Responsibilities:**

Depending on your role, your responsibilities will vary and you will either need to clarify with others what your responsibilities will be or you will already know from the process that you have gone through to get to this point. Your responsibilities may include:

- Contacting external parties
- Letting teams and individuals know about the measures/initiatives
- Setting dates and times
- Gathering resources
- Leading or assisting with programs.



### **3. Contribute to ensuring work-related health and safety measures and initiatives comply with legislative requirements and obligations**

#### **3.1 - Apply knowledge of work health and safety (WHS) consultation and participation processes to help ensure effective and appropriate participation of and consultation with individuals and parties about all aspects of work-related health and safety measures and initiatives**

WHS procedures for consultation should be agreed upon between the worker and the representatives of the organisation. Workers contributions can save time and clarify confusion such as when and how consultation can occur. If consultation procedures are agreed upon they must be consistent with the requirements of the WHS Act and consultation must be done in alignment with organisational procedures (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice, p.13, 2011).

It is also important to note that when changes are made to procedures, the changes should be communicated and agreed to by the workers. Your skills as a facilitator are required here and are an important part of the consultation process.

**A facilitator should be able to:**

**Lead by example:**

During the consultation process, demonstrate the behaviour that the WHS Act and your workplace procedures emphasise. Back up what you say with actions. When you promise something and do not deliver, workers will interpret this as acceptable behaviour.

Your duty of care is the same as the rest of the people you work with. You have a basic duty to ensure that the workplace is safe (S.28). If a worker reports a hazard to you and you fail to follow up, you are communicating that even though they are being trained, they also do not have to follow up.

Over the years, workers have been exposed to many management and supervision initiatives which are only a front. They have learnt that in most instances management will say to follow these practices, but in the end they were let down. If you work in such an environment you will have to ensure that you always follow procedure and follow through in everything that you promise.

Never say something unless you can. If you are delayed with a hazard, apologise and make sure short term controls are put in place to resolve the hazard and control exposure to risk.

**Maintain an open environment:**

Encourage workers to provide you with feedback, even if it is negative. If a problem arises, do not point the finger, this will discourage worker participation and their contribution to the consultation process. To empower workers, work with them to find out the cause of the problem and come up with ways in which to correct the problem.

For example, one chemical is mixed with another and damages a surface. What is the cause of the problem? Yes, you may say the worker who mixed the chemicals. There are times when a worker requires more than one set of training. Another problem that training may not have been reinforced and workers may need to be trained again every so often.

In both instances, you have identified a problem and ways in which to improve processes as the requirements of Section 3 of the WHS Act.

**Involve everyone:**

This means everyone who is impacted or influenced by the hazard. This does not mean that you have consulted with everyone. What it does mean is that you need to consult with every one you can reach. Some work groups work over several shifts. Consider the best times in which to consult with as many personnel as possible, including meetings, emails, feedback forms and other forms of consultation or communication.



Provide these individuals or groups with opportunities to express their views and contribute and to address their concerns. Provide them with feedback in regards to a decision and ensure that the feedback is ongoing.

**Provide facilities:**

Demonstrate that you care by providing the workers with facilities for when they are attending not only work, but meetings. General facilities include toilets, and tea and coffee. Make sure that workers have room to sit and that they are not put at risk. For further information on facilities refer to the Managing the Work Environment and Facilities Code of Practice.

Providing a facility not only sends the message that you care, it demonstrates that they are important to the organisation and will provide the environment that is supportive and reinforces Managements commitment to work health and safety.

**Listen, listen and oh, yeah, listen!**

Demonstrate the respect that you expect. When someone is addressing their concerns, expressing their views and contributing to the Work Health and Safety Process, take the time to stop and give them your full attention.

This means that you need to acknowledge their contributions and provide feedback in regards to the final decision made. It is important to explain the reason for your decision and why their recommendations were not followed up. Highlight that even though the contributions were not appropriate in this instance, in the future reviews their suggestions will be considered and may be found appropriate for your needs.

As a facilitator it is important that you consistently emphasise to workgroup why information is being exchanged and its importance to the decision making process. As a facilitator, and in alignment with the consultation process, you need to share information and clarify issues with workgroups and individuals impacted by the hazard and its associated risks.



You are required to offer advice and guidance so that workers will be empowered to make their own decisions. The role of the facilitator is to offer advice to help in the journey of information exchange, rather than the destination, except where your responsibility is to make the decision yourself.

**3.2 - Apply knowledge of WHS legislation and workplace policies and processes to help ensure work-related health and safety measures and initiatives comply with these requirements and obligations**

**3.3 - Apply knowledge of other legislative requirements and obligations to help ensure work-related health and safety measures and initiatives comply with these requirements and obligations**

**WHS legislation may include:**

- Acts
- Regulations
- Codes of practice

**Other legislative requirements and obligations may include:**

- Award and industrial workplace legislative requirements
- Common law rights and duties
- Privacy laws and regulations
- Workers' compensation legislation and regulations

You will need to consider all of the above, where relevant, when implementing any measures and initiatives. It is very important that you ensure that any measures/initiatives comply with WHS legislation, as this will not only be relevant for your workplace but will also be relevant for your state. You will need to access the acts, regulations and codes of practice through either your workplace or external bodies i.e. the government.

Other legislative requirements and obligations will vary, depending on your workplace and/or state so you will need to determine what is relevant to you. You will also need to check with your workplace policies and procedures which should be accessible within your workplace or by speaking to a supervisor.

From 1 January, 2012 the Commonwealth, state and territory governments introduced a new harmonised work health and safety law which aims to ensure work health and safety laws provide regulators with functions including:

- Providing advice and information to duty holders and the community
- Monitoring and enforcing compliance with work health and safety laws
- Fostering co-operative, consultative relationships between duty holders and the persons and representatives they owe a duty to
- Sharing information with other regulators

Until now, the Commonwealth, State and Territory Governments were responsible for making and enforcing their own health and safety laws. Even though, these jurisdictions are similar, the variations led to confusion. By developing the Model Work Health and Safety laws, Safe Work Australia, working with the Commonwealth, State and Territories harmonised the act, regulations and codes of practice.

As a worker within the WHS field, it is important to make sure that you stay up to date with changes within WHS in Australia as the information provided within the legislation will impact on the decisions that you make about work health and safety in the workplace.



### **Code of Practice:**

Under WHS Act and Work Health and Safety Regulations (the WHS Regulations), an approved code of practice is a practical guide to achieving the standards required. A COP applies to anyone who has a duty of care as in relation to the circumstances related in the code.

The aim of a code of practice is to ensure that industry both commercial and public is compliant. Even though a code of practice does not cover all hazards and risks in your workplace, you are still expected to consider all workplace risks.

### **So why comply with a COP?**

A COP aims to demonstrate to the Courts that your organisation is compliant with WHS Act and Regulations. The evidence gathered by the organisation can be used to show what is known about a hazard, risk or control and could rely on the code in determining what is *reasonably practicable* in the circumstances to which the code relates.

Note that organisations do not need to follow the code of practice. However, they are required to use another method, such as technical or an industry standard, if it provides the same or a higher level of work practices than the code of practice demonstrates.

Your organisation may also demonstrate their compliance with the WHS Act and Regulations through the use of industry or technical standards, as long as the organisation demonstrates that the technical or industry standard is equal to or better than the code of practice.

There are many standards that you can measure your compliance to WHS against. The aim of standards is to ensure that products, services and systems are safely guided by procedures and specifications. Tasks need to be performed reliably and safely, while aiming to ensure that safety and quality standards are maintained.



Failure to comply with a duty of care under the WHS Act falls under three categories. These categories include:

### Section 31 – Reckless Conduct – Category 1

#### Reckless Conduct can arise when:

- You have a health and safety duty
- That by your conduct exposes individuals to whom they have a duty to a hazard or a risk
- The individual makes a decision recklessly, thereby exposing another to a risk. For example, your supervisor asks you to climb an extension ladder and place yourself at risk.

For example, your duty of care is to ensure that staff is trained in regards to work health and safety. If you failure to ensure that the person or individual is trained and an incident arises from that risk, then your maximum penalty could include:

|   |   |
|---|---|
| An offence committed by an individual (other than a person conducting a business or undertaking a business or undertaking)            | Five years or \$5000 or both              |
| In the case of an offence committed by an individual conducting a business or undertaking or as an officer representing that business | \$600 000 or 5 years imprisonment or both |
| In the case of an offence committed by a body corporate   | \$3 000 000                               |

It is essential that if you are faced with a penalty that you have a reasonable excuse if you wish to avoid the maximum penalty.

### Section 32 – Failure to comply with health and safety duty – Category 2

When you have a duty under the WHS Act and fail to comply with that duty and that failure results in the death or serious injury or illness of another individual, you will have failed to comply with the WHS Act.

#### The maximum penalty for this includes:

|   |           |
|---|-----------|
| An offence committed by an individual (other than a person conducting a business or undertaking a business or undertaking)            | \$150 000 |
| In the case of an offence committed by an individual conducting a business or undertaking or as an officer representing that business | \$300 000 |

|   |             |
|---|-------------|
| In the case of an offence committed by a body corporate | \$1 500 000 |
|---|-------------|

### Section 33 – Failure to comply with health and safety duty – Category 3

A Category 3 offence arises if a person has a health and safety duty and they failure to comply with that duty.

#### The maximum penalty for this includes:

|   |           |
|---|-----------|
| An offence committed by an individual (other than a person conducting a business or undertaking a business or undertaking)            | \$50 000  |
| In the case of an offence committed by an individual conducting a business or undertaking or as an officer representing that business | \$100 000 |
| In the case of an offence committed by a body corporate   | \$500 000 |

**Non-compliance** with WHS legislation, codes, standards, and workplace policies and procedures may include:

#### Inadequate systems of information, instruction training or supervision

Failure to provide information, instruction, training or supervision under Section 19 the WHS Act may include the following penalties:

|  |   |
|--|---|
| Provision to supply information, training and instruction                | Individual - \$6 000<br>Body Corporate - \$30 000 |
| Provision to provide information to the person is understandable to them | Individual - \$6 000<br>Body Corporate - \$30 000 |

#### Poor consultative practices

| Division One:   | Maximum penalties   |
|---|---|
| <ul style="list-style-type: none"> <li>Failure to comply to Consultation, co-operation and co-ordination and participation</li> </ul> |   |
| <ul style="list-style-type: none"> <li>Section 46 – Duty to consult with other duty holders</li> </ul>                                | <ul style="list-style-type: none"> <li>Individuals - \$20 000</li> <li>Body Corporate - \$100 00</li> </ul> |
| Division Two:   |   |
| <ul style="list-style-type: none"> <li>Consultation with workers</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>Section 47 – Duty to consult workers</li> </ul>  | <ul style="list-style-type: none"> <li>Individuals - \$20 000</li> <li>Body Corporate - \$100 00</li> </ul> |

### Workplace hazards not identified or controlled:

The failure of a person operating a business or undertaking to report an incident under Section 38 of the WHS Act includes the following maximum penalties:

- Individual - \$5 000
- Body Corporate - \$25 000

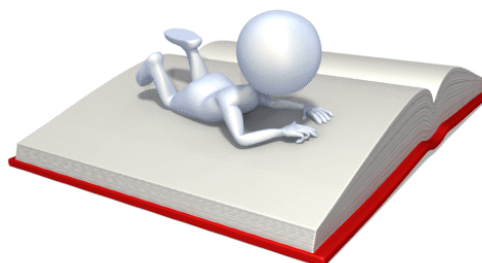
### Workplace systems not in place or inadequate:

Your organisation has a legal obligation to ensure that they comply with WHS Act and Regulations, codes of practice and guidelines. Your organisation also has a legal obligation to improve safety in the workplace.

To ensure that your information is current, it is essential that you access the most recent information to make sure that the information used for the decision making process is informed. When you access a website make sure that the information is recognised and up to date. Industry and employer websites, professional associations and government websites, such as the regulatory body within your State or Territory are reliable sources of information. Check the dates of updates on the website to ensure that information is recent and up to date.

Check trade and industrial journals to ensure that the information you retrieve is the most current. Failure to use a recognised industry websites (as listed above) and journals means that the information that you access may not be reliable, valid or current.

Maintaining your legislative requirements is an important part of sharing information with your staff. This information will ensure that your workers are making informed decisions. If the information is not correct, then incorrect and uninformed decisions could be made. These errors could cost the organisation thousands of dollars in increased fines and compensation and operating costs.



## 4. Contribute to reviewing and evaluating work-related health and safety measures and initiatives

### 4.1 - Contribute to developing appropriate means to review and evaluate work-related health and safety measures and initiatives

### 4.2 - Assist with review and evaluation activities

With any measure, initiative or plan that is implemented, you will need to be able to review and evaluate its performance. This way, you can see if it is working or has worked, whether the measure has made the workplace safer or if the program has helped a team or individual with any wellbeing issues they may have.

This will also help with continuous improvement, as even though you have implemented a new measure or initiative that may work now, you will always need to look for ways to improve as what works for you now may not necessarily benefit your organisation/team in the future and vice versa. It is your responsibility to help with the review, evaluation and continuous improvement of any measures and initiatives that you have helped implement.

**One example of continuous improvement that will assist you includes the Plan Do Can Act Cycle (PCDA Cycle)**

#### Plan:

- Identify and analyse problems using clear goals
- Communicate the plan

#### Can:

- Implement the plan

#### Do:

- Evaluate progress and check that what you are doing is correct

#### Act:

- Evaluate what is not being done well – such as you are not meeting your goals to minimise risk
- Check if there are ways in which to improve what is working

Do is part of the monitoring process. It is important to make sure that you provide feedback as part of the consultation process. This information should then be used to:

- Evaluate progress



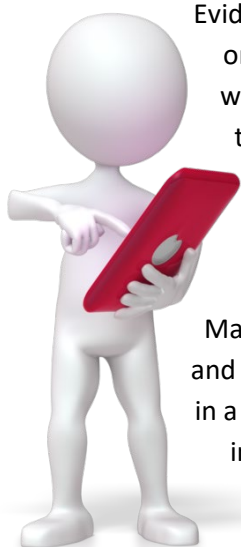
- Identify what is being done right and look to improve performance or
- Identify what is being done wrong and discuss other options that can be used to minimise or eliminate risk in the workplace.

Monitoring is the collection of information and data that is used to assist individuals to make decisions on WHS issues. These issues can be used to measure whether the organisation is:

- Making an informed decision in regards to health and safety through the use of the most recent data,
- The WHS conditions in the workplace sufficient to demonstrate that the organisation is meeting its legal obligations under the law.

To ensure that these measures are met, your organisation will develop policies and procedures based on the legislative requirements of the WHS Act and Regulations. By following these policies and procedures you will be meeting your duty of care under the WHS Act.

Even though these procedures set the minimum standards to ensure that WHS legislation is met, monitoring will assist you in determining that the minimum standards are at least maintained. It should be an objective of the organisation to improve the quality of the health and safety within the workplace.



Evidence suggests that complacency breeds contempt. What does this mean? Reflect on your own work experience. You perform tasks every day. As you become familiar with the tasks that you perform, you start to run on automatic when you perform them. If you do not manage your performance, your level of performance may not decline, however your awareness of performing the task may decrease. In turn, the level of risk in performing these tasks may increase, leading to more risk to yourself and others in the workplace.

Many organisations will have different procedures to monitor the level of performance and in turn compliance of staff in the workplace. For example, the number of incidents in a work area has increased over the last three months. What is the cause of this increase? Monitoring will assist you in determining the cause of the increase of risk and then determine through the consultation process how to minimise the risk.

The Work Health and Safety Consultation, Cooperation and Coordination Code of Practice aims to ensure that your legal obligations under the WHS Act and Regulations are maintained. Procedures are developed to provide you with the steps to perform work duties. Those procedures will include how to monitor worker's health and work conditions. It is important that these procedures are clear and at a level that the parties have information communicated to them in a manner that they understand.

***Non compliance is an obstacle in ensuring that an organisation is not performing its legal obligations under the law, codes, standards, policies and procedures. As a worker, some of these***

**areas will include making sure that your team or other personnel within the organisation contribute to achieving compliance.**

Failure to comply with the law will lead to penalties. To ensure that you are not faced with litigation for failure to comply with the law, you need to investigate why compliance is not occurring.

You are not expected to know everything. As part of the harmonisation of work health and safety you are required to consult with other parties. It is important that you not only consult with others with expertise, it is also important that you ensure that the experts that you access have the legal ability to provide the information that you require.

### **4.3 - Assist with preparing reports on and communicating review and evaluation outcomes to individuals and parties**

You have now assisted with the entire process of implementing measures and initiatives in your workplace. So now that you have evaluated the measures/initiatives to see how effective they have been, you need to prepare a report to show your findings which will need to be communicated to various people. These may include:

- Managers
- Supervisors
- Colleagues
- External bodies
- WHS/Wellbeing Representatives
- Stakeholders.



This can be done via email or in the form of a meeting; the appropriate method will depend in your workplace and it is your responsibility to decide on the best option.

#### **Reports:**

Reports will be written and formatted in different ways depending on your workplace, your organisation may already have a template in place or you may even be asked to produce one yourself. It could be just as simple as a brief written document explaining your findings. Either way, you will need to make sure it is written clearly and concisely for all to understand, with the option of contacting you or whoever else is appropriate, if anyone wishes to clarify the findings reported.

Make sure you check with relevant personnel the format of the report you are to assist with to make sure you comply with workplace policies and procedures. To ensure you have all of the relevant information to include in the report, gather all of your evidence and findings and make sure are able to understand and explain them in written form.

**Communicate:**

When you communicate information to personnel make sure that you follow your organisation's communication policy and procedures. For example, in most instances an organisation will usually require a full report for management. For every recommendation that is made, clear and concise reliable information must be provided to support any recommendation

Reliable information is information that is trusted. When you use information from Wikipedia you cannot be sure that the information is reliable. However, if you use information from a government or industry recognised website, then the information can be trusted.

As per the WHS Regulations, consultation with workers and other duty holders do not have to be documented. However, the Work Health and Safety Consultation Cooperation and Coordination Code of Practice recommend that consultation records should be kept by the organisation to demonstrate that the organisation is complying with their consultation needs. The records should include discussion of outcomes, and should be brief and simple and includes:

- Listing who is involved in the health and safety issue
- What the safety topic is about
- The decision made and action taken and when (including when it was completed)