

CBOS

August 2018

**WorkSafe Tasmania, Work Health and Safety
Advisor:**

Glenn Gregg

WorkSafe Tasmania

- focusses on improving workplace work, health and safety in Tasmanian businesses.
- administers the laws that regulate work health and safety, workers compensation, occupational licensing, asbestos compensation, dangerous goods, etc.
- investigates workplace incidents, audits workplaces for compliance with legislation, promotes safer and healthier workplaces, promotes prompt and effective return to work, etc.

Advisors / Inspectors

- Inspectors are appointed to administer the 2012 WH&S Act and Regulations and have powers to enforce the legislation.
- Advisors have no powers and are there to help/assist/provide advice on WH&S matters to Tasmanian businesses.
- Advisors work *confidentially* with business managers/owners with the main aim being to improve WH&S systems and to offer practical advice on WH&S issues/hazards.

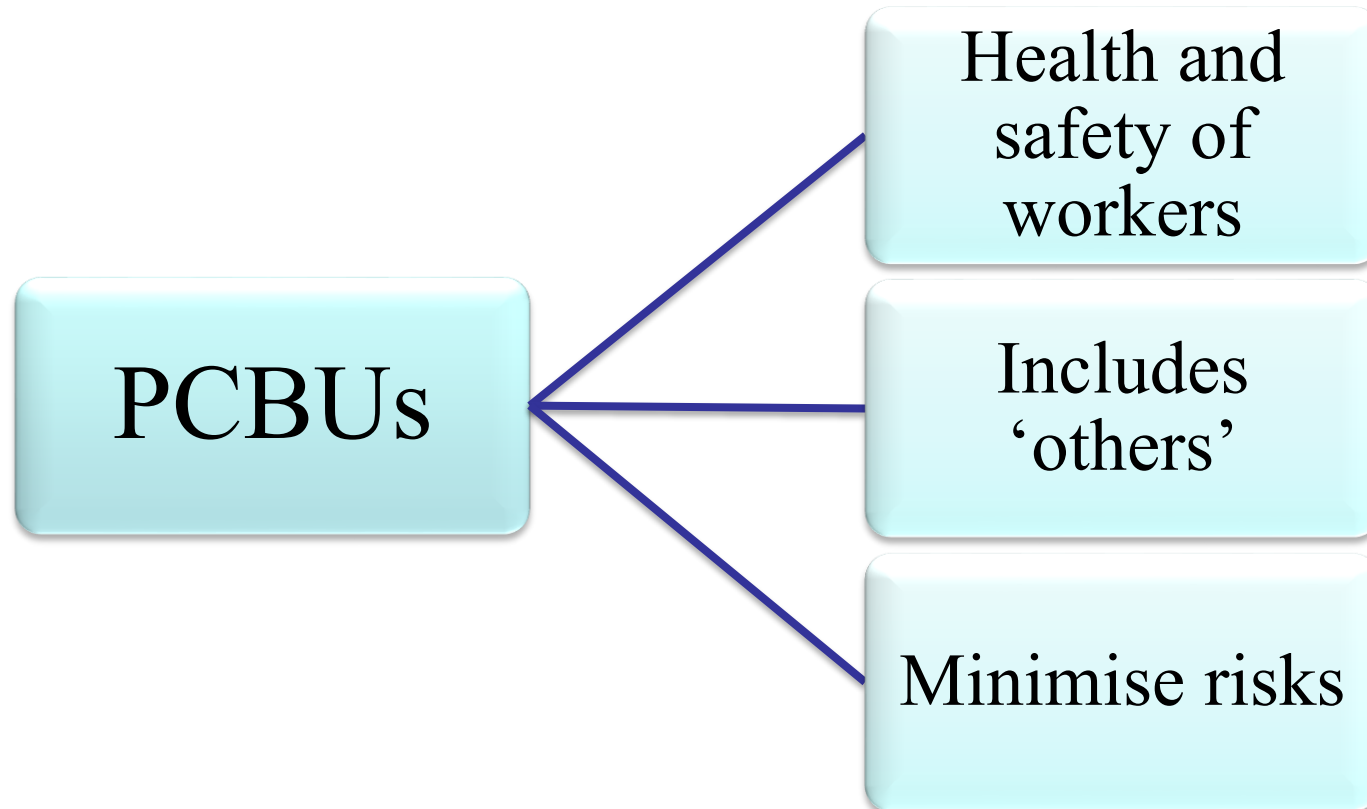
So

- Lets review a little on where the laws are at nationally in the harmonisation process
- And what the WH&S Legislation says
- And what you should have in place from a WH&S system perspective

Harmonisation of the laws – Australian Territories/States as at August 2018

	Passed?	Current Status
TAS	YES	
QLD	YES	
NSW	YES	
SA	YES	
VIC	NO	Victorian Government has delayed implementation.
WA	NO	In a consultation phase now.
NT	YES	
ACT	YES	

Primary responsibilities of a PCBU?



What Are PCBU's Responsible For?

Ensuring the health & safety of workers (& others) so far as is reasonably practicable including all the common general duties such as a safe work environment, safe plant, adequate facilities, information, instruction & training & more specific responsibilities such as:

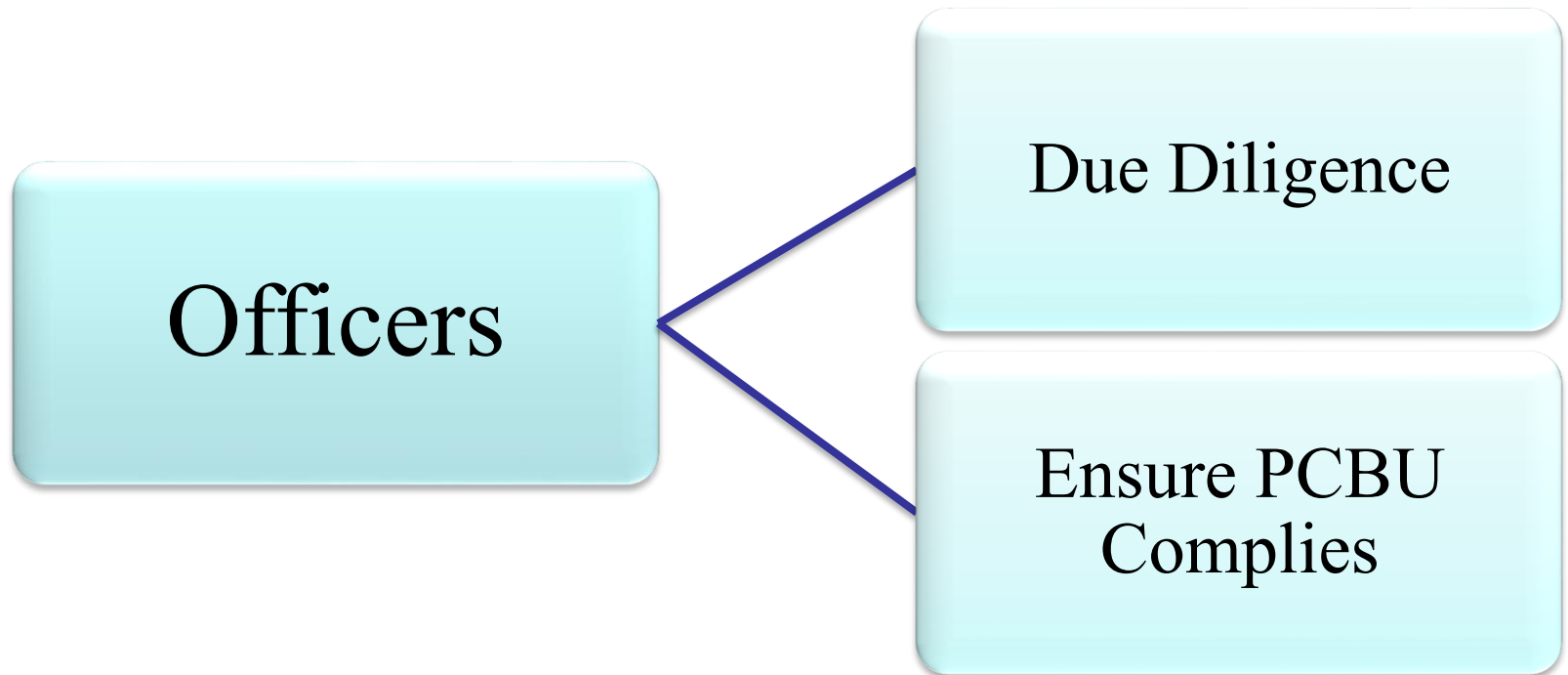
- Consultation with workers & other PCBU's
- Resolving WHS issues
- Ensuring the health & safety of others
- Notifying incidents
- Having appropriate systems in place (policies/procedures (e.g. SWMS for high risk construction work) to help ensure the safety of all.

Responsibilities....Consultation

PCBU's have to consult when:

- Identifying hazards, assessing risks & making decisions about how to eliminate or minimise risks
- Making decisions about facilities for the welfare of workers
- Proposing changes that affect the safety of workers
- Making decisions about procedures for resolving safety & monitoring of the work environment

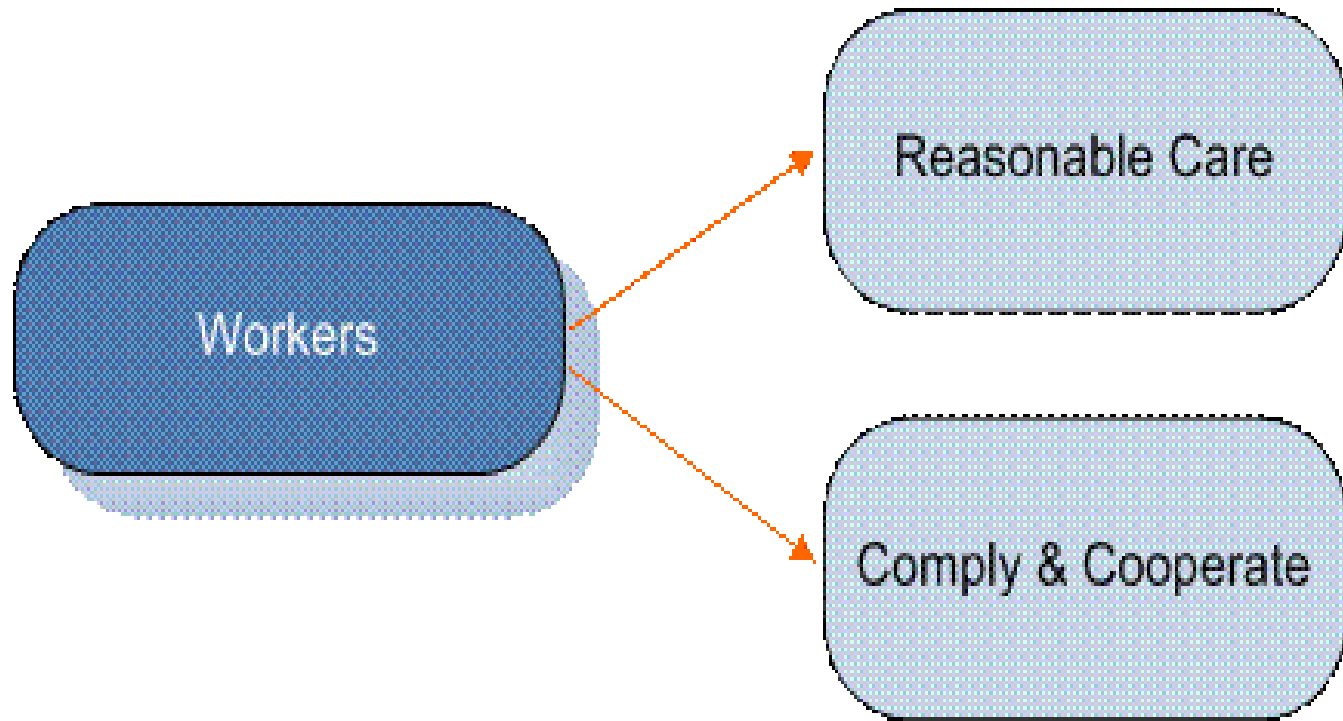
Duties Of An Officer?



Officer Duties

- An Officer is primarily defined by the Corporations Act, so it may be a Business Owner, Board Member, CEO, General Manager, Government Department Secretary/Deputy Secretary.
- An Officer now has to understand their WH&S risks in the same way as they understand their business risks and give them equal attention. So, in regard to a safety management system for the business, they have the responsibility to ensure it happens.

Duties Of A Worker?



Contractor Safety Management Form (Example).

Name.....

Position.....

Company Name ABN.....

Licence/Registration number (if applicable):
.....

Address.....
.....

Phone number Mobile

E-mail

Name of your employees who could attend on site:
.....
.....

Services Provided:
.....
.....

Please provide a summary of any relevant insurances you hold (e.g. Public Liability, Workers Compensation, Personal accident/disability, relevant other).

Type:	Insurer	Policy Number	Expiry Date
1.....			
2.....			
3.....			
4.....			

I have read and understood the CONTRACTORS SAFETY REQUIREMENTS list attached:

Signed:..... Name:.....

(please print)

Dated: / /

CONTRACTORS SAFETY REQUIREMENTS (Example)

- As a contractor to our site we regard you as a professional person in your trade/area of expertise. As such you have responsibilities for your own safety and the safety of your co-workers and others that your work activities may impact upon.
- All Contractors are responsible for ensuring they and all persons working for or contracted by them have completed basic site inductions and have read and understood the safety requirements detailed below. This must be done prior to commencing work.
- All contractors must sign in upon arrival and make contact with the person in charge of the area in which they will be working, and sign out upon completion of their work.
- All contractors working at this site have a duty to consult with other workers who may be affected by the planned work activities before commencing work and where work, health and safety matters arise during the course of the work.
- All contractor equipment, materials and personal protective equipment must be in good condition, be properly maintained, suitable for the job at hand and comply with the relevant legislative requirements and/or Australian Standards. Appropriate safety and protective equipment (e.g. hearing, foot, eye protection, hard hats, high visibility vests, etc.) must be worn/used as appropriate to the area and work being carried out.
- All work must be conducted in a safe, healthy and environmentally responsible manner and comply with all legal/regulatory requirements. The appropriate codes of practice from www.safeworkaustralia.gov.au relating to the work must be followed where reasonable and practical to do so.
- Control any hazards (as deemed appropriate).
- Any equipment or materials found to be unsafe should be reported immediately to the person in charge and should be tagged “out of service”.
- All mains powered electrical equipment must have a current test tag.

CONTRACTORS SAFETY REQUIREMENTS (Example – Continued)

- For any high risk work (e.g. work at heights over 2m, confined space work,) you must have appropriate training and the correct equipment for the job. For high risk construction work a safe work method statement must be in place and signed off by relevant workers.
- All injuries/accidents, equipment damage/breakages/failures are to be reported immediately to the person in charge. If appropriate, an accident/incident form is to be filled out and submitted to the person in charge of the area.
- Beware of vehicle traffic operating on site. Demarcate/isolate visitors/clients from the work you are doing with appropriate warning signage, barriers etc.
- Maintain reasonable standards of housekeeping, cleanliness and hygiene.
- Smoking, alcohol and illegal drugs are prohibited at the site.
- No form of harassment/bullying will be tolerated.
- Understand site safety requirements (basic evacuation procedures, exit locations, evacuation assembly location).
- All workers must have a white card.
- Appropriate licences/certificates must be held where required (e.g. forklift competency licence).
- Know locations of site amenities: car parking, lunch rooms, toilets, drinking water, etc.
- Comply with any reasonable direction from the Principal Contractor or Site Management. You could be asked to leave the site if any of the above requirements are not followed to reasonable expectations. Please ask the person in charge of your work if any doubt exists.
- Remember, at(Insert Business Name)..... we want you to go home to your family in the same condition as which you arrived at this site in.

SWMS

If you do any of the following activities, you will need to develop a safe work method statement (SWMS) which covers each high risk activity:

High risk work means construction work that:

involves a risk of a person falling more than 2 meters

is carried out on a telecommunication tower

involves demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure

involves, or is likely to involve, the disturbance of asbestos

involves structural alterations or repairs that require temporary support to prevent collapse; or is carried out in or near a confined space; or is carried out in or near a shaft or trench with an excavated depth greater than 1.5 meters; or a tunnel

involves the use of explosives

is carried out on or near pressurised gas distribution mains or piping

is carried out on or near chemical, fuel or refrigerant lines

is carried out on or near energised electrical installations or services

is carried out in an area that may have a contaminated or flammable atmosphere

involves tilt-up or precast concrete

is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians

is carried out in an area at a workplace in which there is any movement of powered mobile plant

is carried out in an area in which there are artificial extremes of temperature

is carried out in or near water or other liquid that involves a risk of drowning

involves diving work.

Responsibilities...Incident Notification

If there is a notifiable incident in your workplace the PCBU must:

- Notify WorkSafe Tasmania immediately after becoming aware of it (by phone or in writing - quickest means possible)
- 1300 366 322
- Take reasonable steps to ensure that the incident site is preserved until an inspector arrives or until such earlier time as directed by an inspector
- Keep a record of notifiable incidents for 5 years

Incident Notification

notifiable incident means –

- the death of a person; or
- a serious injury or illness of a person; or
- a dangerous incident.

Incident Notification

Serious injury or illness:

- treatment as an in-patient in a hospital;
- amputation of any part, serious head injury; serious eye injury; serious burn; the separation of skin from an underlying tissue, spinal injury, loss of bodily function, serious lacerations; or medical treatment within 48 hours of exposure to a substance

If you have a serious accident at your worksite and one of your workers is injured can you substantiate by formal (documented) means:

1. Induction of the injured worker.
2. Policies/procedures (e.g. SWMS, risk assessments, JSA's) that were relevant to the injured worker considering what happened.
3. Relevant training records.
4. A means of communication and appropriate supervision.
5. Other relevant documentation (e.g. risk assessments, checklists etc.).
6. Maintenance records if the accident involved plant/equipment.

Your safety system?

- It should address your main WH&S risks and controls
- Cover off on all your workers (including contractors)
- Address the WH&S requirements of your employer/principal contractor
- Size will depend on how big your business, what type it is, and what risks are present

Reasonable and Practicable applies & it must be able to be understood by your workers

To be or not to be:

- A safety system (even though it may be imperfect) is better than no safety system at all.
- The law does not look favorably upon those who do nothing. Ignorance is no excuse in the eyes of the law.
- Remember “if it is verbal it has not happened”.

Penalties

Penalties will be consistent in all jurisdictions, and are based on the degree of fault and risk of harm

	Corporation	Individual as PCBU or officer	Individual (e.g. worker)
Category 1	\$3 million	\$600,000 5 years jail	\$300,000 5 years jail
Category 2	\$1.5 million	\$300,000	\$150,000
Category 3	\$500,000	\$100,000	\$50,000

How Advisors Can Help:

- Visit your workplace & review how you manage safety
- Do a workplace walk-through
- Help you to identify opportunities for improvement
- Provide you with some useful tools to help you build your systems
- Provide a report of our visit
- Attend tool box/safety meetings & support you
- Conduct a follow-up visit & provide on-going support

The Tool Kit:

Getting you Started



**SAFETY
MANAGEMENT
TOOLKIT**



WorkSafe Advisory Service



www.worksafe.tas.gov.au

workcoveradvisors@justice.tas.gov.au

1300 366 322

Coordinators:
Jo Williams