UWA Safety Seminar

Tuesday 11\textsuperscript{th} November 2014

Mr Michael Rafferty
Associate Director, Safety, Health and Wellbeing
Major Changes of WHS Harmonisation (1)

• Legislation known as ‘Work Health and Safety’

• The obligations of the Act are not dependent on an employment relationship. The primary duty of care for workplace safety will be imposed on any ‘person conducting a business or undertaking’ (PCBU)

• Primary duty holder no longer an employer

• New positive duty of care imposed on directors and senior officers of corporations, to exercise 'due diligence'

• An Officer may be convicted or found guilty of an offence under the Act irrespective of whether the PCBU has been convicted or found guilty of an offence relating to the duty or obligation
Major Changes of WHS Harmonisation (2)

- Worker (was employee)
  - Must take reasonable care for themselves and others; and
  - Must co-operate with the person conducting the business or undertaking regarding WHS

- PCBU Consultative Obligations (consult, cooperate, coordinate)

- Increase in Penalties and sentencing arrangements for a breach of a health and safety duty

- Incident / Injury Reporting and site preservation. New criteria for the reporting of Notifiable and Dangerous Incidents and subsequent site preservation

- Model Regulations / Codes of Practice / Guidance
Safe Work Australia
Model Codes of Practice (23)

• Asbestos, Confined Spaces, Construction Work
• WHS Consultation Co-operation and Co-ordination
• Managing Electrical Risks at the Workplace
• Managing the Work Environment and Facilities, First Aid
• Managing Risks of Hazardous Chemicals in the Workplace
• Hazardous Manual Tasks
• Managing Risks of Plant in the Workplace
• How to Manage Work Health and Safety Risks
Duty of Care - Interdependence

Nature of the activity

- Operation of the business or undertaking
- Organisational decision making and governance
- Work activities (including supervision)
- Circumstantial attendance at the workplace (i.e. visitors)

Duties associated with the activity

- Primary Duty of Care
  - Person conducting business or undertaking
  - Specific classes of duty holders
- Officers’ Duty of Care
- Workers’ Duty of Care
- Duty of Care of Others (i.e. at a workplace)

Relevant Standard

- Reasonably practicable
- Due diligence
- Reasonable care

Acknowledgment: Norton Rose
## Penalties *(category 1 first offence)*

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<thead>
<tr>
<th></th>
<th>CURRENTLY</th>
<th>PROPOSED</th>
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<tbody>
<tr>
<td><strong>Offending PCBU:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The University</td>
<td>$500k</td>
<td>$3m</td>
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<td><strong>Personal liabilities:</strong></td>
<td></td>
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</tr>
<tr>
<td>Worker</td>
<td>$250k / 2 yrs</td>
<td>$300k / 5 yrs</td>
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<tr>
<td>Officer</td>
<td>$250k / 2 yrs</td>
<td>Up to $600k / 5 yrs</td>
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UWA WHS Preparations 2011

• Memo to Deans, Heads and Managers (04/08/11)
• UWA Safety Seminar (27/09/11)
• Revised Workplace Inspections Guidance and Checklists
• Revised Safety Management Framework - Task and Activity Planning Toolkit. Flowchart; Safety and Health Risk Register; Standard Operating Procedure; Method Statements: Risk Assessment (General, Chemical Process); PRO-FORMA Health & Safety Manual
• Joint WA Universities submission on draft Model Regulations and draft Codes of Practice (30/03/11)
• Joint WA Universities submission on draft Code of Practice on Preventing and Responding to Workplace Bullying (15/12/11)
UWA WHS Preparations 2012

- Senate Briefing Note (Feb 2012)
- Reviewed WHS policies, procedures (including consultation, incident reporting, issue resolution), guidance (including investigations), forms, training
- UWA Internal Audit (Ernst & Young)
- Launch of new Safety and Health website
- Online health and safety induction introduced
- Traffic light monitoring and reporting implementation
- Faculty based WHS resources
- Health and Wellbeing program commenced
- Submissions on Regulation Impact Statement - Model Work Health and Safety Regulations and Codes of Practice in Western Australia
UWA WHS Preparations 2013

Ongoing enhancements to SHW Safety Management website
http://www.safety.uwa.edu.au/management

• Application of the UWA Safe System of Work
• Presentation - Duties of Officers, Workers and the role of a health and safety committee hierarchy
• Responsibilities of Officers - Self-assessment
• Representatives and committees (proforma agendas, minutes)
• Proforma health and safety manual
• Management of shared PCBU responsibilities
• Workplace monitoring (Traffic light, Internal audits, Workplace inspections)
Ways we measure our legal compliance

• Traffic Light System compliance monitoring
• Internal / External audit programs
• Minutes and regular reports of H&S Committees
• Local knowledge of WHS issues
Compliance Monitoring

Traffic Light System

Internal Audit program based on AS/NZS 4801
Local Health and Safety Committees

Focal point for coordinated implementation activities

Produces meeting minutes – evidence of proactive approach to work health and safety

Creates efficient lines of communication for WHS management

Worker inclusion including H&S Representative

Due diligence requirements for Officers are greatly assisted

- If a H&S Rep *(or five or more workers)* request a H&S committee then the workplace must comply

  [Safe Work Australia Factsheet - Health and Safety Committees](#)

- The University may establish H&S Committees at any time
Committees adopt systematic, predefined agenda as basis for ensuring that key topics are reviewed and outcomes of committee activities are properly communicated.
Deans and other Officers

In workplaces under your direction acquire an overview:

- Be familiar with the UWA Work Health and Safety Policy
- Understand nature of hazards and risks in your workplace
- Consult managers and provide overarching strategic direction
- Remain informed of monitoring and reporting outcomes
- Seek evidence that injuries, incidents, near misses and hazards are reported and managed properly
- Follow reported WHS deficiencies through to corrective actions
- Demonstrate commitment to worker health and safety through informal discussion and workplace visits
Heads of School / Centres

In workplaces under your direction help protect Officers:

• Be familiar with the UWA Work Health and Safety Policy
• Understand nature of hazards and risks in your workplace
• Facilitate actions which enhance due diligence of Officers
• Ensure required safety personnel are appointed and supported
• Receive H&S Committee feedback and check progress on actions
• Check your managers WHS knowledge (*training available*)
• Assure yourself of appropriate workplace supervision
School Managers

In managing workplaces, assemble proactive evidence:

- Check workplaces give relevant induction, training and supervision
- Ensure that you are able to demonstrate control of hazards & risks
- Integrate with H&S Committee - use it to stimulate improvements
- On identified weaknesses, be seen to act and report upwards
- Chase reported hazards, incidents and injuries to completion
- Encourage safety personnel - work with them to resolve issues
- Be a local H&S champion - visit workplaces - be visible
- Make best use of subject experts in assessing tasks and activities
- Act immediately on WHS matters as priorities - others will follow!
UWA WHS Programs and Priorities

- WA Work Health and Safety Bill 2014 (WHS Bill), 3 month public comment period closes on 30 January 2015
- Work Area Health and Safety Committees and Internal WHS Audit Program assistance from an Enhancement and Support Program
- Faculty of Science Performance Targets – Health and Safety Committees; Traffic Light Reporting; Workplace Inspections; Online health and safety inductions; WHS for managers and supervisors training; Incident reporting, investigation, closure of corrective actions.
- UWA targets for Online health and safety induction completions and WHS for managers and supervisors training
- Online Due Diligence module (Moodle)
- Web based incident reporting, recording, communicating, decision making, action tracking and for timely analysis and reporting
Useful Links


