# 

Work health and safety management systems for the Western Australian public sector

Draft code of practice

14 October 2024

**DRAFT FOR PUBLIC CONSULTATION**

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Further details of safety publications can be obtained by contacting:

Department of Energy, Mines, Industry Regulation and Safety

WorkSafe Western Australia

303 Sevenoaks Street

CANNINGTON WA 6107

Telephone: 1300 307 877

NRS: 13 36 77

Email: safetycomms@dmirs.wa.gov.au

# Foreword

*The Code of practice: Work health and safety management systems for the Western Australian public sector* is an approved code of practice under section 274 of the *Work Health and Safety Act 2020* (WHS Act).

An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and the Work Health and Safety (General) Regulations 2022 (WHS General Regulations).

A code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in the WHS laws in relation to the subject matter of the code.

Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks that may arise. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and WHS General Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk, risk assessment or risk control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code of practice relates. For further information, see the *Interpretive guideline: How to determine what is reasonably practicable to meet a health and safety duty*.

Compliance with the WHS laws may be achieved by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety (WHS) than the code.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice.

## Scope and application

This Code provides guidance to assist public sector entities to establish and implement a work health and safety management system (SMS).

The public sector is defined in the *Public Sector Management Act 1994* (PSM Act), and includes agencies, ministerial offices and non-SES organisations. This Code is written to accommodate diverse public sector organisations, from small agencies through to large departments with multiple worksites. For the purpose of this Code, these entities are referred to as ‘agencies’. For most agencies, an SMS will be an effective mechanism to manage health and safety risk and meet the primary duty of care requirements of the WHS laws.

See Appendix 2 for a glossary of terms used in this Code.

This Code may also a useful reference for other workplaces developing an SMS.

The Code is supported by a suite of resources available on the SafetyLine Hub.

## How to use this code of practice

This Code includes references to the legal requirements under the WHS Act and WHS General Regulations. These are included for convenience only and should not be relied on in place of the full text of the legislation. The words ‘must’, ‘requires’ or ‘mandatory’ indicate a legal requirement exists that must be complied with. The word ‘should’ is used in this Code to indicate a recommended course of action, while ‘may’ is used to indicate an optional course of action.

## The development of this code of practice

This Code is issued by the Work Health and Safety Commission (the Commission) under provisions of the WHS Act. The Commission comprise of representatives from employers, unions and government, as well as experts, and has the function of developing the WHS legislation and supporting guidance material, and making recommendations to the Minister for their implementation. To fulfil their functions, the Commission is empowered to establish advisory inquiries and publish and disseminate information.

The Code has been developed through a tripartite consultative process, including input from the Advisory Committee for Public Sector Work Health and Safety Management. The views of employers and unions, along with those of government and experts, have been considered.

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# Introduction

**WHS Act s. 4A**

Meaning of officer

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Meaning of person conducting a business or undertaking

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Duty of persons conducting businesses or undertakings involving management or control of workplaces

**WHS Act s. 27**

Duty of officers

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Duty to consult with other duty holders

## 1.1 What is the public sector?

**PSM Act s. 3**

Terms used

The public sector is defined in the *Public Sector Management Act 1994* (PSM Act), and includes agencies, ministerial offices and non-SES organisations.

## 1.2 What are the health and safety expectations for public sector workplaces?

**PSM Act s. 8**

Human resource management principles

**PSM Act s. 29**

Functions of CEOs and chief employees

Western Australian public sector agencies must comply with thePSM Act, *Work Health and Safety Act 2020* (WHS Act) and the Work Health and Safety (General) Regulations 2022 (WHS General Regulations). It is expected agencies and their workplaces will:

* be mentally and physically healthy environments with positive and consultative safety cultures
* follow leading work health and safety principles
* achieve the national targets for health and safety performance set in Safe Work Australia’s *Australian work health and safety strategy 2023-33*.

**Safety culture**

Safety culture is an organisational atmosphere where health and safety is a high priority. It goes beyond formal arrangements to how people think and act toward safety. An agency’s safety culture is ultimately influenced by its leaders and, as such, any change to a workplace’s culture needs to be led and demonstrated from the top.

**Leadership commitment**

Committed leadership is key to promoting workplace health and safety matters, and achieving improvements in work health and safety performance.

Leaders play a critical role in positively influencing workplace culture, management practices, and the experiences of their workforce. They should encourage and support effective consultation to improve health and safety outcomes in their workplaces. Visible involvement by leaders signals the importance of being safe and healthy at work, and encourages workers to engage in positive practices.

While there is a requirement in the WHS Act for officers to exercise due diligence, this should be practised by all leaders at the agency.

**Supervision**

Effective management and supervision can only be achieved through a multi-tiered, team approach where each level of the agency plays a part in implementing the overall safe systems of work.

Supervisors are a key link between management and workers. Supervisors depend on support from middle and senior management, as well as the involvement of the workers they direct.

Effective supervisors identify hazards and risks in the work area and take appropriate action. Supervision is essential to check that work instructions and procedures are being followed and tasks are completed safely.

Together with leadership, effective supervision sets and maintains the standards of performance and physical and mental aspects of the work environment, and is critical to achieving and maintaining the desired safety culture.

## 1.3 What is a safety management system?

A work health and safety management system (SMS) is a framework that brings together an organisation’s policies, systems, procedures and plans to enable directors, managers and workers to follow a systematic approach to achieving, improving and monitoring health and safety management.

Where established, an SMS’s scope and structure will vary depending on the organisation, and should reflect:

* the size of the organisation
* types of work conducted, and the hazards and risks involved
* the organisation’s workplaces.

Where adopted, an organisation’s SMS should be as documented, comprehensive and integrated as the overall management system for the agency. The SMS should be designed, established and implemented to ensure, so far as is reasonably practicable, the health and safety of workers at the agency or other people are not put at risk from the agency or work carried out during the agency’s operations.

Ultimately, the SMS is a tool that outlines the health and safety responsibilities of, and provides guidance to, everyone involved at the agency, and assists the PCBU and officers to meet their WHS duty of care.

The SMS should consider the lifecycle of the organisation’s workplaces, including consultation processes for future relocation and redesign projects.

## 1.4 Why use an SMS?

Public sector agencies are diverse, with a range of hazards and associated risks due to the dynamic and varied nature of tasks and the environments in which they are carried out. Hazards and risks that might be encountered in many work environments range from lifting heavy objects, ergonomics, slips and trips, to stress, bullying, violence and aggression. Other hazards and risks that may be common in some agencies include moving parts of plant, heat and fatigue.

The WHS Act requires PCBUs to ensure, so far as is reasonably practicable, that the health and safety of workers and other people is not put at risk from any work carried out as part of the business or undertaking. This means eliminating or minimising risks to health and safety, so far as is reasonably practicable, and includes:

* provision and maintenance of a safe and healthy work environment
* provision and maintenance of safe plant and structures
* provision and maintenance of safe systems of work
* safe use, handling and storage of plant, structures and substances
* methods for the identification of, and managing the impact from, psychosocial hazards
* provision of adequate facilities for the welfare of workers at work
* provision of any information, instruction, training and supervision necessary to protect all workers from risks to their health and safety
* monitoring, including proactive control, of workplace conditions and the effects on workers’ health.

While an SMS is not a requirement under the WHS legislation for public sector agencies, it can be an important tool for agencies to implement a consistent approach to work health and safety management. By developing a systematic approach to managing health and safety, an agency can highlight the importance of safety culture and leadership. All staff, from the leadership team to managers and workers, will know, understand and meet their WHS responsibilities.

Most agencies have health and safety policies, plans and processes in place. An SMS ties all these elements together into an integrated system to ensure there are no gaps in the management of all health and safety risks, and that all the elements work in a coordinated way.

An agency’s SMS can be used to promote collaboration and participation across the workforce, with transparency and accountability as key drivers.

As well as helping to improve WHS outcomes at the agency, using an SMS should avoid the potential for duplication or contradiction of policies and procedures, and help streamline processes to reduce paperwork and better manage records.

An agency with a sound and appropriate SMS can:

* improve its WHS performance through effective hazard and risk management and regular planning
* improve WHS consultation and reporting
* confirm workers are trained, supervised and supported to reduce the risk of harm
* meet its legal requirements under the WHS legislation
* implement consistent safe work practices across its workplaces
* support a positive safety culture across the agency by demonstrating leadership and management commitment to WHS.

## 1.5 When should an SMS be implemented?

**New agency**

If an agency is being established, development of the SMS should be initiated during the planning phase. Risks are hypothetical at this stage and can therefore be readily considered in line with the hierarchy of control.

For example, developing or revising an SMS before construction, design and fitting of a new workplace begins, can save considerable resources by reducing the likelihood of having to retroactively control risks.

Where an agency is created as a merger or demerger, a new SMS should be developed and implemented.

**Existing agency**

Most agencies will already have WHS policies, procedures and systems in place. The SMS should be developed as an overarching framework to manage existing documentation and systems. However, they will need to be reviewed to confirm they meet WHS requirements, are current, and are consistent across the agency.

# Specific duties relating to the public sector

Duty holders who have a role in managing risks in the public sector include:

* persons conducting a business or undertaking (PCBUs)
* officers
* designers, manufacturers, importers and suppliers of plant, substances or structures
* WHS service providers.

Workers and other people also have duties under the WHS Act, such as the duty to take reasonable care for their own health and safety at the workplace.

A person can have more than one duty, and more than one person can have the same duty at the same time.

## 2.1 Persons conducting a business or undertaking (PCBU)

**WHS Act s. 19**

Primary duty of care

The PCBU has a duty to eliminate the risks in the workplace. Where that is not reasonably practicable, risks must be minimised so far as is reasonably practicable.

The PCBU has a duty to ensure the health and safety of workers, including labour hire workers, contractors, and others, such as visitors.

Health and safety tasks can be delegated (e.g. to managers and supervisors), but the PCBU has the overall responsibility for ensuring WHS.

PCBUs have a duty to consult workers about WHS and may also have duties to consult, cooperate and coordinate with other duty holders.

For further guidance, see *The meaning of ‘person conducting a business or undertaking’ (PCBU): Interpretive guideline*.

## 2.2 Officers

**WHS Act s. 27**

Duty of officers

Officers have a duty to exercise due diligence to ensure the agency as a PCBU complies with the WHS Act and WHS General Regulations. This includes taking reasonable steps to ensure the agency has and uses appropriate resources and processes to eliminate or minimise risks to health and safety. Exercising due diligence includes taking reasonable steps to:

* acquire and keep up-to-date knowledge of work health and safety matters
* gain an understanding of the PCBU’s operations including the hazards and risks associated with those operations
* ensure the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety arising from the work
* ensure the PCBU has appropriate processes for receiving, considering and responding to information about hazards, risks and incidents
* Ensure the PCBU has, and implements, processes for complying with its work health and safety duties or obligations
* verify these resources and processes are provided and used.

Further information on who is an officer and their duties is available in *The health and safety duty of an officer: Interpretive guideline*.

## 2.3 The PCBU and officers of public sector agencies

**WHS Act s. 4**

Interpretation

**WHS Act s. 4A**

Meaning of officer

**WHS Act s. 5**

Meaning of person conducting a business or undertaking

**WHS Act s. 19**

Primary duty of care

**WHS Act s. 27**

Duty of officers

**Identifying the PCBU and officers in the public sector**

The WHS Act defines a Crown agency as:

* a department of the public service
* WA Police, or
* any other agency of the crown that is not a body corporate.

An officer of the Crown means a person who:

* makes, or participates in making, decisions that affect the whole, or a substantial part, of the agency, or
* is the chief executive of the agency, or
* is a senior manager within the organisational structure of the agency, directly responsible to the chief executive.

If the organisation is a Crown agency the chief executive is specified to be an officer, along with any person who directly reports to the chief executive and who makes, or participates in making, decisions that affect the whole, or a substantial part, of a business or undertaking.

Identifying the business or undertaking of the Crown – and its officers – will depend on the circumstances of each case. In general, a business or undertaking of the Crown is carried out by a department or agency. Depending on how the department or agency is organised or administered, parts of a department or agency may carry out different businesses or undertakings.

Generally, in a public sector department, the department is the PCBU and the first and second tiers of management are the officers. Other people may also be officers if they make, or participate in making, decisions that affect the whole, or a substantial part, of the organisation’s activities. For example, the officers of a department or public sector agency may include the:

* director general and deputy director generals, or
* chief executive officer (CEO), chief financial officer and chief operating officer.

Where legislation establishes a public sector entity, the relevant legislation will usually outline the responsible people at the entity. In some cases, the PCBU may be a person in a specified role, such as a CEO or commissioner, with the second tier of management being officers.

A worker whose job title includes the word ‘officer’ is not considered an officer under the WHS legislation unless they meet the definition above.

A Minister of a state, territory or the Commonwealth is not an officer of the Crown when they are acting in their official capacity.

**What is a ‘substantial part’ of an agency?**

Whether a part of an agency is considered ‘a substantial part’ of the agency for the purposes of the WHS Act will depend on the facts and circumstances of the case. If there is centralised control over strategic decisions, including strategic decisions about WHS, it is likely that the agency will be considered one PCBU, with the top tier of management considered officers.

If the senior leadership team of a part of an agency is responsible for strategic decisions, such as high-level decisions about WHS, the part of the agency could be considered a ‘substantial part’ of the agency, and the senior leadership team would then be officers.

A worker may be therefore be considered an officer of a substantial part of an agency if they are involved with making strategic decisions for that part of the agency. For example, if they make strategic decisions about WHS for that part of the agency, rather than complying with the agency’s WHS policies and procedures.

If the part of the agency in question follows the WHS policies and procedures set by the larger agency, that part of the agency is unlikely to be considered a ‘substantial part’, and the senior staff responsible for following and implementing these WHS policies on a day-to-day basis are unlikely to be considered officers.

If there is any uncertainty, the entity (or potential entity) should seek legal advice to identify the PCBU and officers.

**Due diligence of officers in the public sector**

Due diligence in relation to WHS means ensuring the agency implements and maintains appropriate and safe systems of work. This includes monitoring and evaluating how WHS is managed within the agency.

An officer might not be directly involved in day-to-day management, but helps facilitate a safe work environment by providing resources, creating and enforcing processes and procedures, and reviewing risks, incidents and controls.

Due diligence includes taking reasonable steps to:

* acquire and keep up-to-date knowledge of WHS matters
* gain an understanding of the nature of the agency’s operations and generally of the hazards and risks associated with those operations
* ensure the agency has and uses appropriate resources and processes to eliminate or minimise risks to health and safety
* ensure there are appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information
* ensure there are processes for complying with WHS duties and obligations, and they are implemented.

Due diligence includes checking these resources and processes are provided and used, including mechanisms to:

* report notifiable incidents
* consult with workers
* comply with notices issued under the WHS Act
* provide workers with training and instruction about WHS
* ensure health and safety representatives (HSRs) receive their training entitlements.

**The WHS duties and budget management responsibilities of an officer**

An officer of a public sector agency has defined duties in the WHS Act. In some cases, these duties may create tension with their budgetary responsibilities. For example, there may be a control to eliminate or minimise risk that exceeds the officer’s spending approval limits or budget allocation but is otherwise reasonably practicable.

If implementing a control is not in the scope of an officer’s budget, the officer should conduct a risk assessment to estimate the severity of harm that could result from the hazard and the likelihood of harm occurring. If the risk is high or severe, and there is no budget to implement suitable controls, the officer must apply for additional funding. If the funding application, or treatment plan, is approved by the other officers at the agency, the controls can be implemented. If the funding application is rejected, the other officers at the agency, and the PCBU, accept responsibility for the level of risk. If there is insufficient internal funding available, the officers should consider making an external funding application where appropriate based on risk.

## 2.4 Accommodation provided for workers

**WHS Act s. 19(4)**

Primary duty of care

**WHS General Regulations r. 55D(2)(f)**

Control measures

There may be occasions where an agency, as the PCBU, will provide a worker with accommodation to allow the worker to do their role because no other reasonable accommodation options exist.

If the agency owns, manages or controls the accommodation, the agency must reasonably maintain the premises so as not to expose the worker to health and safety risks.

The obligation does not apply where the worker enters into a tenancy agreement with an external property provider under the *Residential Tenancies Act 1987*, as the tenancies act applies.

For further information, refer to the *Managing the work environment and facilities: Code of practice* and the *Managing health and safety in employer provided accommodation: Code of practice.*

## 2.5 Designers, manufacturers, importers and suppliers of plant, substances or structures

**WHS Act s. 22**

Duties of persons conducting businesses or undertakings that design plant, substances or structures

**WHS Act s. 23**

Duties of persons conducting business or undertakings that manufacture plant, substances or structures

**WHS Act s. 24**

Duties of persons conducting businesses or undertakings that import plant, substances or structures

**WHS Act s. 25**

Duties of persons conducting businesses or undertakings that supply plant, substances or structures

**WHS Act s. 26**

Duties of persons conducting businesses or undertakings that install, construct or commission plant or structures

Designers, manufacturers, importers and suppliers of plant, substances or structures must ensure, so far as is reasonably practicable, the plant, substances or structure they design, manufacture, import or supply is without risks to health and safety. This duty includes carrying out testing and analysis as well as providing specific information about the plant, substance, or structure.

## 2.6 People with management or control of the workplace

**WHS Act s. 20**

Duty of persons conducting businesses or undertakings involving management or control of workplaces

A person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

## 2.7 WHS service providers

**WHS Act s. 26A**

Duty of persons conducting businesses or undertakings that provide services relating to work health and safety

Any WHS service provider must, so far as is reasonably practicable, ensure that the WHS services are provided so that any relevant use of them at, or in relation to, a workplace will not put the health and safety of people at risk. For example, a school may engage a consultant to undertake an integrity assessment of playground equipment.

For further information, see the *Duty of persons conducting business or undertakings that provide services relating to work health and safety: Interpretive guideline*.

## 2.8 Workers

**WHS Act s. 28**

Duties of workers

Workers have a duty to take reasonable care for their own health and safety and to not adversely affect the health and safety of other people. Workers must comply with reasonable instructions, as far as they are reasonably able, and cooperate with reasonable health and safety policies or procedures. If personal protective equipment (PPE) is provided by the business or undertaking, the worker must, so far as they are reasonably able, use or wear it in accordance with the information, instruction and training provided.

## 2.9 Other people at the workplace

**WHS Act s. 29**

Duties of other persons at the workplace

Other people at the workplace, such as visitors, clients, customers, patients and students, must take reasonable care for their own health and safety and not adversely affect other people’s health and safety. They must comply, so far as they are reasonably able, with reasonable instructions given by the PCBU to allow compliance with the WHS Act.

# Public sector hazards

The leading injuries in the public sector are sprains, strains and muscular stress injuries and psychosocial injuries.

However, the hazards and risks will vary between public sector agencies. For example, hazardous chemical exposure will only affect some public sector workers, such as fire fighters and health and laboratory workers. The agency must therefore have robust hazard identification and risk management systems.

The agency’s SMS should include mechanisms to identify hazards and assess and control risks, as detailed in this Section 4 and in the *How to manage work health and safety risks: Code of practice*.

## 3.1 Sprains, strains and muscular stress injuries

Musculoskeletal disorders are an injury or disease of the musculoskeletal system. The musculoskeletal system is made up of muscles, bones, joints and connective tissues.

Musculoskeletal disorders may include:

* sprains and strains of muscles, ligaments and tendons
* back injuries
* joint and bone injuries or degeneration
* nerve injuries or compression (for example carpal tunnel syndrome)
* muscular and vascular disorders as a result of hand-arm vibration
* soft tissue injuries such as hernias
* chronic pain (pain that lasts longer than three months)
* acute pain (pain that lasts less than three months).

Musculoskeletal disorders can happen:

* slowly, through gradual wear and tear from repetitive or continuous movements, including static body positions
* suddenly, through strenuous activity or unexpected movements – for example, handling a load that shifts position
* due to a combination of the above mechanisms.

In the public sector, sprains, strains and muscular stress injuries are commonly caused by:

* hazardous manual tasks, for example
  + handling objects
  + lifting
  + body movement
* falls
* slips and trips
* being hit by moving objects.

**Hazardous manual tasks**

**WHS Act s. 4**

Definitions

**WHS General Regulations Pt. 4.2**

Hazardous manual tasks

Manual tasks cover many activities, including handling files, transferring patients and entering data into a computer. These include lifting, pushing, pulling or carrying. Some manual tasks are hazardous and may cause musculoskeletal disorders.

A hazardous manual task is a task requiring a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any person, animal or thing involving one or more of the following:

* repetitive movement – using the same parts of the body to repeat similar movements over a period of time (e.g. typing and data entry, painting, packing medical supplies into cartons)
* repetitive force – using force repeatedly over a period of time (e.g. lifting and stacking inventory, cleaning and preparing surgical equipment, prolonged application of therapeutic massage treatments)
* sustained force – occurs when force is applied continually over a period of time (e.g. pushing or pulling a trolley around hospital wards, carrying objects over distances, supporting a patient’s limb during surgery)
* high force – occurs when increased muscle effort is required in response to a task. It may be from the back, arm or leg muscles, or by the hands and fingers (e.g. lifting or carrying a heavy object, pushing or pulling an object that is hard to move or stop, restraining a person or animal, gripping small instruments with high force)
* sudden force – jerky or unexpected movements while handling an item or load. These movements are particularly hazardous because the body must suddenly adapt to the changing force (e.g. throwing or catching objects, carrying an unbalanced load that suddenly moves, handling frightened animals, handling patients who resist during the handling procedure)
* sustained posture – where part of the whole body is kept in the same position for a prolonged period (e.g. prolonged sitting at a workstation, continually standing with weight mainly on one leg while operating power press foot controls, supporting an overhead load)
* or awkward postures – where any part of the body is in an uncomfortable or unnatural position (e.g. squatting while servicing plant, bending over a desk or table, bending the neck to see around bulky items pushed on a trolley)
* exposure to vibration
  + whole body vibration occurs when vibration is transmitted through the whole body, usually via a supporting surface, such as a seat or the floor in heavy vehicles or machinery (e.g. operating mobile plant such as heavy earthmoving machinery, driving a vehicle over rough terrain)
  + hand-arm vibration occurs when vibration is transferred through a vibrating tool, steering wheel or controls in heavy machinery to the hand and arm (e.g. using impact wrenches, chainsaws, jackhammers, grinders, drills or vibrating compacting plates, or using needle guns in de-rusting metal).

These hazards directly stress the body and can lead to an injury.

**Handling people**

No worker should fully lift a person, other than a small infant, unaided. This task should be assisted with mechanical aids, assistive devices or assistance from another worker. All people-handling activities are a potential source of injury and you must eliminate or minimise the risks associated with this hazardous manual task so far as is reasonably practicable, in accordance with the hierarchy of control measures.

The health and safety of the person being handled needs to be considered as well as the health and safety of the workers involved in the task.

**Handling animals**

Animals should only be supported or restrained by people with the necessary skills and experience. When animals are being handled consider using mechanical devices or other restraining aids, moving the animal to a place that constrains or minimises the movement of the animal, assessing the needs of the task, planning the task to avoid double handling, and providing adequate workers, supervision and resources.

**Managing risks to health and safety associated with manual tasks**

An agency must manage risks to health and safety relating to a musculoskeletal disorder associated with a hazardous manual task. When managing risks from hazardous manual tasks the agency must consider all relevant matters that may contribute to a musculoskeletal disorder, including:

* postures, movements, forces and vibration
* the duration and frequency of the task
* workplace environmental conditions
* design of the work area
* layout of the workplace
* systems of work used
* nature, size, weight or number of persons, animals or things handled.

The *How to manage work health and safety risks* and *Hazardous manual tasks* codes of practice provide guidance on how to identify hazardous manual tasks, assess manual task risks, eliminate or control risks so far as is reasonably practicable, and review control measures to ensure they are working as planned.

**Falls from height**

**WHS General Regulations Pt. 4.4**

Falls

Falls from height are falls from one level to another. Fall hazards are found in many public sector workplaces where work is carried out at height, for example stacking shelves in storage rooms, pinning up student work in a classroom, working on a roof, or unloading a large truck.

Falls can also occur at ground level into holes, for example trenches or service pits.

An agency must eliminate the risk of falls in the workplace or, if that is not reasonably practicable, minimise those risks so far as is reasonably practicable.

There are more specific obligations under the WHS Regulations to manage the risk of a fall by a person from one level to another, including requirements to:

* ensure, so far as is reasonably practicable, that any work involving the risk of a fall by a person from one level to another is carried out on the ground or on a solid construction
* provide safe means of access to and exit from the workplace and any area from which a person could fall, such as a platform or scaffolding
* if it is not reasonably practicable to eliminate the risk of a fall, minimise the risk of falls so far as is reasonably practicable by providing adequate protection against the risk, including by providing a fall prevention device if it is reasonably practicable to do so, or if not, a work positioning system if it is reasonably practicable to do so, or if not, a fall arrest system.

The WHS Regulations classify a number of activities as ‘high risk construction work’ for which a safe work method statement (SWMS) must be prepared before the work starts. High risk construction work includes work that involves a risk of a person falling more than 2 metres. Further information on developing a SWMS can be found in the *Code of practice: Construction work.*

Where practicable, the risk of falls should be eliminated or minimised at the design phase of plant and structures.

To identify fall hazards, the agency should inspect the workplace, and review hazard reports and incident data. In some situations, the agency may need to seek expert advice (e.g. manufacturers, suppliers, health and safety specialists, structural engineers).

Inspections of the workplace should check:

* edges – requiring protection for open edges of floors, working platforms, walkways, walls or roofs
* holes, openings or excavations – requiring guarding
* surfaces, including
  + their stability, fragility or brittleness
  + their strength or capability to support loads
  + the potential to slip, for example where surfaces are wet, polished or glazed
  + the safe movement of workers where surfaces change
  + the slope of work surfaces
* levels – where levels change and workers may be exposed to a fall from one level to another
* structures – the stability of temporary or permanent structures
* the ground – the evenness and stability of the ground for safe support of a scaffold or work platform
* the working area – whether it is crowded or cluttered
* safe means of access to and exit from the workplace and working area, and
* hand grip – places where hand grip may be lost.

Particular attention should also be given to work tasks that are carried out:

* near an unprotected open edge, for example near incomplete stairwells or leading formwork edges
* using equipment to work at the elevated level, for example when using elevating work platforms (EWPs) or portable ladders
* on any structure or plant being constructed or installed, demolished or dismantled, inspected, tested, repaired or cleaned
* on or alongside a fragile surface, for example cement sheeting roofs, rusty metal roofs, fibreglass sheeting roofs and skylights
* on a potentially unstable surface, for example areas where there is potential for ground collapse
* on a sloping or slippery surface where it is difficult for people to maintain their balance, such as on glazed tiles or wet surfaces
* near a hole, shaft or pit into which a worker could fall such as trenches, lift shafts, service pits or floor and column penetrations.

The *How to manage work health and safety risks, Construction work* and *Managing the risk of falls at workplaces* codes of practice provide guidance on how to identify fall hazards, assess, eliminate or control risks so far as is reasonably practicable, and review control measures to ensure they are working as planned.

**Falling objects**

**WHS General Regulations r. 54**

Management of risk of falling objects

**WHS General Regulations r. 55**

Minimising risk associated with falling objects

Objects have the potential to fall onto or hit people at the workplace or adjoining areas if precautions are not taken. Adjoining areas could include a public footpath, road, square or the yard of a dwelling or other building beside a workplace. Equipment, material, tools and debris that can fall or be released sideways or upwards are also considered falling objects. For example:

* an object free falling from a structure, such as:
  + roof scaffolding, tools, rock, soil and bricks
  + fixtures including pictures, ceiling panels and white boards that have not been securely fixed
  + materials that fall from over-stacked shelving
* an object free falling from lifting machinery, a vehicle or other plant equipment, including loads being lifted that are not well secured or are unstable
* an object or material ejected while using machinery or hand tools
* the collapse of an unstable structure including shelves, benches and mezzanine floors not strong enough to bear the weight of the objects kept on them.

The agency must manage risks to health and safety associated with falling objects. For example by:

* eliminating or minimising the risk of falling objects when working at heights (e.g. by securing toe boards to the edge of scaffolding, tethering tools, keeping equipment at ground level)
* securing stored loads (e.g. stacking items do they cannot fall off shelving, using shelving with restraining bars, staying below safe load limits, securing and maintaining shelving)
* moving loads safely (e.g. using equipment that is suitable for the task, following safe working load limits, ensuring loads are balanced and secure, establishing ‘no go’ areas with barriers)
* where the risk of falling objects cannot be eliminated, using control measures to catch or contain falling objects (e.g. erecting covered pedestrian walkways, installing catch platforms with vertical sheeting or perimeter screening, providing overhead protection on mobile plant, designating adequate exclusion zones).

The *How to manage work health and safety risks, Construction work* and *Managing the risk of falls at workplaces* codes of practice provide guidance on how to identify, assess, eliminate or control risks of falling objects so far as is reasonably practicable, and review control measures to ensure they are working as planned.

**Slips, trips and falls on the same level**

**WHS General Regulations r. 40**

Duty in relation to general workplace facilities

Slips, trips and falls can result in musculoskeletal injuries, cuts, bruises, fractures, dislocations and more serious injuries.

Slips occur when a person’s foot loses traction with the ground surface due to wearing inappropriate footwear or when walking on slippery floor surfaces such as those that are highly polished, wet or greasy. Common slip hazards include:

* spills of liquid or solid material
* wet cleaning methods
* wind-driven rain through doorways
* a sudden change in floor surface, for example joins between carpet and polished timber
* change from wet to dry surface
* dusty and sandy surfaces
* the incline of a ramp
* loose or bumpy flooring
* low light levels
* use of unsuitable footwear.

Trips occur when a person unexpectedly catches their foot on an object or surface. In most cases people trip on low obstacles that are not easily noticed such as uneven edges in flooring, loose mats, opened drawers, untidy tools or cables from electrical equipment. Common trip hazards include:

* ridges in floors or carpets
* worn floor coverings or broken tiles
* potholes and cracks in floors
* changes in floor level
* thresholds and doorstops
* floor sockets and phone jacks
* cables from power extension units
* loads that obstruct vision
* obstacles in traffic areas.

Falls can result from a slip or trip, but many occur from low heights. For example from steps, stairs, kerbs, holes or ditches.

The agency must ensure, so far as is reasonably practicable, that:

* the layout of the workplace allows, and is maintained to allow, persons to enter and exit the workplace and move within it safely, both under normal working conditions and in an emergency
* work areas have space for work to be carried out safely
* floors and other surfaces are designed, installed and maintained to allow work to be carried out safely
* lighting enables each worker to carry out work safely, persons to move around safely and safe evacuation in an emergency.

The best way to eliminate slips and trips is to build and design facilities with safety in mind. The following are some general matters which should be considered during the design stage. For example:

* minimise changes in floor level and texture
* choose flooring that suits the type of work
* ensure walkways and stairwells are well lit
* provide adequate drainage and position it close to sources of liquid
* design stairs with suitable risers, treads, elevation, landings and handrails, and ramps with a suitable slope and handrails
* install ample storage to avoid clutter in walkways
* consider the number and position of power sockets and computer cables to eliminate cables on the floor
* choose machinery that does not generate dust.

Where slip and trip hazards cannot be eliminated at the design stage, the risk must be minimised so far as is reasonably practicable, for example through:

* floor treatments that improve slip resistance (e.g. sand blasting or grinding, chemical etching, coating with resins, floor mats, anti-slip strips)
* regularly inspecting and cleaning floors, and replacing or repairing flooring that is broken, uneven, peeling or cracked
* good housekeeping (e.g. implement safe systems of work and signage to encourage timely reporting and cleaning of spills, provide sufficient waste bins, spill management systems)
* work procedures that avoid the build-up of rubbish throughout a production process (e.g. develop cleaning schedules to avoid clutter and dust accumulating on floors, use pre-cast units instead of formwork and bar-bending construction methods in construction work)
* training (e.g. awareness of slip and trip hazards, how to report spill hazards and faulty lighting, identifying effective control measures, the importance of cleaning spills immediately and thoroughly drying flooring)
* visual cues where there are changed or uneven surfaces (e.g. warning strips, signs, yellow paint)
* personal protective equipment when there are no other practical control measures or to supplement higher level controls (e.g. slip resistant footwear suitable for the workplace).

The *How to manage work health and safety risks*, *Construction* and *Managing the work environment and facilities* codes of practice provide guidance on how to identify slip and trip hazards, assess, eliminate or control risks so far as is reasonably practicable, and review control measures to ensure they are working as planned.

**Being hit by moving objects**

**WHS General Regulations r. 40**

Duty in relation to general workplace facilities

In the public sector, a large number of sprains, strains, muscular stress and other injuries result from being hit by moving objects. This includes:

* being bitten by an animal
* plant incidents
* vehicle incidents
* accidental collisions with other people.
* Being hit by a person accidentally

Accidental collisions with people can be prevented by ensuring the layout of the workplace allows people to enter, exit, and move safely, and that there is enough space for work to be carried out safely.

The layout of work areas should be designed to provide clear space between furniture, fixtures and fittings so that workers can move about freely without strain or injury and also evacuate quickly in case of an emergency. Space for aisles, passages and access to other areas is needed in addition to the space around workstations.

In determining how much space is needed, the agency should consider:

* the physical actions needed to perform the task
* the need to move around while working
* whether the task is to be performed from a sitting or standing position
* access to and egress from workstations
* the equipment to be handled and the personal protective equipment (PPE) that may be worn to perform the work.

The number of people working in a building and the way in which they are grouped must be considered and arranged to prevent risk to their safety and health. Overcrowding interferes with free movement of people, obstructs access to emergency exits, and may interrupt work performance.

The *How to manage work health and safety risks* and *Managing the work environment and facilities* codes of practice provide guidance on how to identify work environment hazards, eliminate or control risks so far as is reasonably practicable, and review control measures to ensure they are working as planned.

**Snake, spider and insect bites**

If work is performed outside, there is a risk of snake and spider bites and insect stings. Examples of the public sector’s outdoor workplaces include school playgrounds, parks and gardens, construction sites, and roadworks. Outdoor workplaces also include places a worker may visit in the course of their work, such as school excursions and workers travelling through the regions.

Where there is a risk of animal bites, the agency should assess and control risks, so far as is practicable, for example by:

* cutting back long grass
* removing snake access to water where practicable
* removing clutter that snakes and spiders could use as a habitat
* implementing pest control strategies to reduce vermin that attract snakes
* developing an action plan to be implemented if a snake or spider bite occurs, and ensuring workers can access a suitable first aid kit, are trained to implement the plan and administer first aid
* considering additional controls where a worker declares an allergy to
* training workers to avoid snake bites (e.g. by wearing suitable footwear and clothing, avoiding long grass) and on the actions to take if a snake is encountered.

Agencies that conduct work outdoors must also eliminate or manage other risks of outdoor work, such as hazardous weather, sun exposure, heat, cold, air pollution, bushfires and floods.

**Dog bites**

Dog bites are a risk where dogs play a role in the work (e.g. drug detection dogs in police and corrective services, therapy dogs in schools), where workers work outdoors, and where workers visit clients in their homes (e.g. to provide health and community services).

Where dogs are used by the agency, hazards and risks must be managed so far as is practicable, for example by ensuring:

* dogs are suitable for the task, and appropriately trained
* workers who will be handling or working with the dog are trained and have adequate experience, and there is an adequate number of experienced workers
* policies and procedures to minimise risks are in place
* kennels and equipment are suitable.

Agencies with workers who visit workplaces that may have dogs must manage hazards and risks, for example by:

* keeping records of clients with dogs and the dogs’ previous temperament and behaviour
* having clear policies that support workers to avoid entering a property if a risk assessment has not been conducted, ask clients to put dogs outside, or leave a workplace if they feel unsafe
* separating workers from dogs (e.g. ask clients to put dogs outside or in a crate, or muzzle an aggressive dog)
* training workers to recognise signs of aggression, strategies to de-escalate an aggressive dog, how to react if an attack occurs and how to administer first aid
* training workers to discuss a dog’s behaviour with the owner, and suggest training or separation techniques.

**Plant**

**WHS General Regulations Ch. 5 Pt. 5.1**

General duties for plant and structures

**WHS General Regulations Ch. 5 Pt. 5.2**

Additional duties relating to registered plant and plant designs

Plant includes machinery, equipment, appliances, containers, implements and tools and any components or anything fitted or connected to those things. Plant includes items as diverse as lifts, cranes, computers, machinery, conveyors, forklifts, vehicles, power tools, quad bikes, mobile plant and amusement devices.

Agencies must eliminate risks arising from plant in the workplace, or if that is not reasonably practicable, minimise the risks so far as is reasonably practicable.

The WHS Regulations include more specific requirements for PCBUs to manage the risks of plant in the workplace, including ensuring, so far as is reasonably practicable:

* the provision and maintenance of safe plant
* the safe use, handling, storage and transport of plant.

The hazards and risks associated with plant can often be minimised by selecting plant that is suitable for the task, the work environment, and the workers using it. The agency should consider these factors before purchasing, hiring or leasing plant.

Plant hazards include:

* entanglement hazards – being caught in a machine (e.g. contact with a single rotating surface, catching on projections or gaps in moving parts, catching between rotating and fixed parts)
* shearing hazards – where a slide or knife trims material (e.g. between two machine parts or between a machine and object)
* cutting hazards – where a machine cuts materials (e.g. sawing, drilling, planing, water jet cutting, laser machines cut a person or produces scrap that strikes a person)
* impact hazards – where a machine has a part that could strike a person but does not crush or penetrate
* crushing hazards – where a part of the body could be caught between two parts of a machine or between a machine and a fixed structure
* stabbing and puncturing hazards – where the human body could be penetrated by
  + flying objects (e.g. a broken loose machine part or material ejected from the machine)
  + rapidly moving parts of machinery (e.g. the drill of a drilling machine or sewing machine needle)
* friction and abrasion hazards – burns caused by machine parts operating at high speed (e.g. conveyer belts, grinding wheels, sanding machine belts)
* hot or cold hazards – where machines are used in an environment with uncomfortable temperatures, extremes of hot or cold affect machine operations, or a person may make contact with hot or cold machine parts
* hazardous conditions due to harmful emissions, fluids or gas under pressure, electricity, noise, radiation, friction, vibration, fire, explosion, moisture, dust, ice, cleaning, and undisclosed asbestos-containing materials
* hazards caused by poor design, for example the risk of injury during machine failures and maintenance (e.g. while clearing machine jams) or due to poor ergonomic design (e.g. controls are difficult to reach or require excessive force).

Control measures that agencies may use to eliminate or control the risks of plant so far as is practicable include:

* guards – barriers that can prevent contact with moving parts, screen harmful emissions, minimise noise, prevent offcuts from striking people, such as
  + interlocked physical barriers – prevent the plant from operating if the guard is not closed (e.g. on a food mixer)
  + fixed physical barriers – cannot be removed without tools (e.g. a fixed guard on a moving machine part, perimeter fencing around a dangerous area)
  + adjustable guards – movable panels that allow materials to be fed into the plant while preventing contact with people (e.g. on a drop saw)
  + presence-sensing systems – stop the machine if part of a person enters a defined area (e.g. photoelectric light curtains). Records must be kept for these guards (e.g. safety integrity tests, maintenance)
* operational controls (e.g. ‘fail safe’ controls that stop a machine if there is a malfunction, ‘dead man’ switches that deactivate if the operator is incapacitated)
* emergency stops – these should not be the only method of controlling risks, and be used as back-up to other control measures
* warning devices, such as
  + audible alarms that sound when mobile plant reverses, or to warn workers when excess pressure or steam in fixed plant creates a risk
  + motion sensors that sense movement and sound an alarm
  + lights and flashing lights fitted to mobile plant to warn people in the workplace
  + percussion alarms that sound when plant moves
  + radio sensing devices that alert the operator if a pedestrian is behind reversing mobile plant
  + air horns for mobile plant with long braking distances (e.g. trucks)
* isolating energy sources – a set of steps that is followed when workers perform maintenance, repair, installation or cleaning tasks on plant, that prevent the plant releasing energy, or starting up accidentally.

When using controls to manage the risks of plant, the work and environment should be considered (e.g. if a guard will be exposed to corrosion, use corrosion-resistant or surface coated guard materials). More than one type of control may be required to ensure the safe operation of plant.

The WHS Regulations specify additional requirements and duties relating to plant, including the requirement to register certain plant and plant designs, additional controls for certain plant, and specific duties for certain PCBUs (e.g. PCBUs who design, manufacture, import, supply, construct, commission plant). For further information, refer to the *Managing the risks of plant in the workplace: Code of practice*.

**Traffic management**

**WHS General Regulations r. 214**

Powered mobile plant: general control of risk

**WHS General Regulations r. 215**

Powered mobile plant: specific control measures

Vehicles (including powered mobile plant) moving in and around a workplace, reversing, loading and unloading are frequently linked with death and injuries to workers and members of the public. Traffic management involves planning and controlling the movement of persons and goods to minimise risk at the workplace, including:

* both stationary and moving traffic
* pedestrians
* cyclists
* all types of vehicles, including plant.

To identify hazards with traffic management, the agency should identify areas where people and vehicles interact (through direct observation and security footage), review the work (tasks, work design and management), consult with workers about traffic management hazards they have encountered, and review incident, injury and near miss records. The agency should then consider:

* the floor plan, including overhead structures
* whether work is close to public areas
* when there are high volumes of traffic
* where blind spots could be
* if there are areas of poor visibility
* vehicle types and heights
* where loading and unloading occur
* where vehicles park, the road surface they need, and where they enter and exit.

Traffic management hazards should be eliminated where practicable (e.g. by removing powered mobile plant and vehicles from the workplace). Where risks cannot be eliminated, they should be minimised so far as is practicable, by:

* substituting the hazard for something safer, for example
  + use safer mobile plant instead of vehicles (e.g. replace forklifts with other load shifting equipment like a walker stacker)
  + use electronic traffic control devices and traffic lights instead of traffic controllers
  + use electronic signs rather than static signs to reduce the frequency of workers changing or covering signs
  + use mechanical means of work instead of workers on foot (e.g. tractors, weed sprayers, automatic cone placing trucks)
* isolating pedestrians from vehicles, for example:
  + provide separate access, egress and work areas for pedestrians and vehicles (e.g. use overhead walkways for pedestrians, detour traffic around the workplace rather than through it, detour public vehicles when working near public roads, have separate entry and exit points for large vehicles, create exclusion zones such as forklift-only areas in loading bays and pedestrian-only areas around bathrooms and kitchens)
  + provide barriers (e.g. guardrails, high impact traffic control barriers, temporary physical barriers)
  + install delineation devices to define the traffic path around the workplace (e.g. traffic cones, temporary bollards, barrier boards) or control pedestrians and maintain clearance between the workplace and vehicles (e.g. containment tape or mesh fencing)
  + establish safe parking areas where practicable (e.g. located away from busy traffic routes, safe walking routes through parking areas, are on level ground or have wheel humps to prevent vehicles rolling, have lights or stop signals where necessary)
* using engineering controls, for example:
  + fit vehicles with devices (e.g. reversing sensors and cameras, mirrors, speed limiting devices)
  + use warning devices (e.g. signage, lights, alarms and horns on mobile plant)
  + guide and manage the movement of traffic and pedestrians (e.g. use boom gates and proximity devices that trigger boom gates, gates with warning devices, traffic lights systems, speed humps)
  + fit refractive lenses on rear windows to help drivers see ‘blind spots’ and antiglare screens to reduce the light glare from work machinery and other vehicles
  + ensure vehicles are fitted with seatbelts and parking brakes

After applying elimination, substitution, isolation and engineering controls, if risks remain, they should be minimised further by implementing:

* administrative control measures can be used if risks remain, such as
  + a traffic management plan that documents procedures
  + information, training, instruction and supervision of workers, visitors and traffic controllers
  + speed management (e.g. low speed limits in parking areas where risks remain)
  + signs and road markings (e.g. to indicate exclusion and safety zones, parking areas, speed limits, vehicle crossings and hazards like blind corners, steep gradients and areas forklifts are in use)
  + vehicle and pedestrian routes (e.g. painted pedestrian crossings)
* personal protective equipment, such as high visibility vests, if risks remain after applying administrative controls.

Agencies with management or control of powered mobile plant must manage risks to health and safety associated with the plant colliding with any person or thing, and traffic rules, rights of way, clearances and no-go areas for mobile plant.

Safety measures should be taken to prevent the plant moving of its own accord, for example rolling down a sloping surface, or to prevent unauthorised operation (for example, park mobile plant on a firm, level surface with the handbrake applied, switched off the motor and remove the key).

If there is a possibility of the plant colliding with pedestrians or other powered mobile plant, the person with management or control of the plant must ensure that the plant has a warning device that will warn persons who may be at risk from the movement of the plant. There are a number of warning devices that can be fitted to moving plant to alert the operator and others in the workplace.

## 3.2 Psychosocial hazards

**WHS Act s. 4**

Definitions

**WHS General Regulations r. 55A**

Meaning of psychosocial hazard

**WHS General Regulations r. 55B**

Meaning of psychosocial risk

**WHS General Regulations r. 55C**

Managing psychosocial risks

**WHS General Regulations r. 55D**

Control measures

The WHS Act defines health as physical and psychological. Psychosocial hazards are hazards that may cause psychological harm and can arise from or relate to:

* the design or management of work
* a work environment
* plant at a workplace
* workplace interactions or behaviours.

Common psychosocial hazards include fatigue, bullying, violence, aggression, and harassment (e.g. sexual or racial harassment), which can be harmful to the health of workers. Both short- and long-term exposure to psychosocial hazards may cause harm to a person. For example, while exposure to severe, short-lived (event-based) psychosocial hazards such as experiencing violence at work may result in harm to health (e.g. acute-stress disorder, post-traumatic stress disorder), it is important to recognise that workers can also experience harm to health from repeated or cumulative exposure to psychosocial hazards. People may experience psychological and physical harm as a result of exposure (e.g. trauma and stressor-related disorders, depression and anxiety disorders, sleep disorders, cardiovascular and musculoskeletal disorders, suicide).

In addition to adverse health outcomes for workers, exposure to psychosocial hazards and risk factors in the workplace can also increase the risk of accidents or incidents and affect performance.

In the public sector, psychosocial injuries are commonly caused by exposure to:

* inappropriate or unreasonable behaviour, including bullying, harassment, violence and aggression
* potentially traumatic events (including vicarious exposure)
* substantial and/or excessive work demands.

Agencies must eliminate or minimise psychosocial hazards and risk factors in the workplace so far as is reasonably practicable. In some cases, this may involve increasing protective factors such as support and control.

Psychosocial hazards and the appropriate controls will vary for every workplace and sometimes between groups of workers depending on the:

* organisational context (e.g. type and size of the business, financial business pressures, organisational structure and culture, environmental conditions, supply chain, contracting arrangements)
* nature of the work (e.g. workload, roles and responsibilities, time constraints, production pressures, hazardous work and environment).

For further information on the risk management approach for psychosocial hazards, refer to the Code of practice: *Psychosocial hazards in the workplace.*

**Inappropriate or unreasonable workplace behaviour**

Inappropriate or unreasonable workplace behaviours can come from a range of sources including:

* Internal, from other workers however they are engaged (e.g. employees, contractors, subcontractors or volunteers) and at any level (e.g. supervisors or managers, coworkers at the same level or workers below their level).
* External, from third parties such as from customers, clients, patients, residents, students, parents, carers, service providers, businesses (e.g. sub-contractor at the same workplace; or a delivery person and a retail worker), members of the public or anyone else workers deal with at work.

Regardless of the source of the behaviour, the agency must manage the risks to workers health and safety. This includes circumstances where:

* the person carrying out the behaviour is not an employee of the agency (e.g. a patient or student engaging in violent or aggressive behaviour towards a nurse or teacher)
* the behaviour has been normalised in the context of the role (i.e. viewed as ‘part of the job’)
* the person carrying out the behaviour may not be legally culpable for their actions
* the person carrying out the behaviour does not intend to cause harm, or does not have the capacity to understand the impact of their behaviour or that it is inappropriate or unreasonable (e.g. due to age or cognitive impairment)
* the behaviour is not specifically described in this Code or may not meet definitions or thresholds set by other legal frameworks (e.g. the Sex Discrimination Act)
* matters are being investigated by police or another agency.

Appendix 1 contains examples of controls that may be used to manage risks associated with inappropriate or unreasonable behaviours from external sources (e.g. patients, clients, students). in the context of providing health, education, and child protection services.

Further information on managing inappropriate or unreasonable workplace behaviour can be found in the Code of practice: *Workplace behaviour*.

**Bullying**

Workplace bullying can adversely affect the psychological and physical health of a person.

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include:

* abusive, insulting or offensive language or comments
* aggressive and intimidating conduct
* belittling or humiliating comments
* victimisation
* practical jokes or initiation
* unjustified criticism or complaints
* deliberately excluding someone from work-related activities
* withholding information that is vital for effective work performance
* setting unreasonable timelines or constantly changing deadlines
* setting tasks that are unreasonably below or beyond a person’s skill level
* denying access to information, supervision, consultation or resources to the detriment of the worker
* spreading misinformation or malicious rumours
* changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Examples of controls to identify and minimise the risk of bullying include:

* managers modelling respectful behaviours at all times
* developing and implementing a bullying policy which clearly identifies the expected behaviours and consequences of not complying
* managers dealing with unreasonable behaviour as soon as they become aware of it
* ensuring that reports of bullying are taken seriously and properly investigated
* consulting with workers to monitor welfare and workplace culture
* designing work to minimise other psychosocial hazards.

For further information, please refer to the *Workplace behaviour: Code of practice* and the *Psychosocial hazards in the workplace: Code of practice.*

**Harassment**

For the purposes of this code, harassment includes sexual, racial or other harassment based on an unlawful ground prescribed by the Equal Opportunity Act 1984 (WA) or relevant federal discrimination law.

Harassment can involve physical, verbal and visual conduct, which can be written or drawn, in the form of posters, email or SMS messages, including:

* material that is displayed in the workplace, for example, on a noticeboard
* material put on a computer, sent by email, SMS or put on a website, blog or on social networking
* verbal abuse or derogatory comments
* intrusive personal questions
* offensive jokes or comments
* offensive gestures
* initiation ceremonies that involve unwelcome and unsafe behaviour.

Harassment can be a one-off incident or repeated and continuous occurrences.

Harassment may be perpetrated by a person in a position of power over another; for example, by a supervisor at work; or it may occur where there is no power relationship, for example among work colleagues. Anyone can be harassed, including any gender, and people of any age or background.

Harassment can create a hostile work environment that may impact upon others in the workplace and can become a hazard under the WHS Act when it has the potential to create a risk to health and safety. Other legislation may also be applicable to incidents involving harassment.

Strategies to identify and minimise the risk of harassment include:

* consulting workers and HSRs
* reviewing complaints, reports, exit interviews, surveys and other information
* reviewing the work design and physical workplace to identify areas workers may be at risk, and observing how workers interact
* having reporting mechanisms that maintain privacy, encouraging reporting, responding to reports, and reviewing control measures when a report is made
* identify and control other psychosocial hazards.

**Violence and aggression**

Work-related violence and aggression is any incident where a person is threatened, attacked or physically assaulted in circumstances relating to their work.

Work-related violence and aggression covers a broad range of actions and behaviours that create a risk to health and safety of workers. These are actions or behaviours that may physically or psychologically harm another person. Examples include:

* abusive behaviour, including insults and name-calling intimidating behaviour that creates a fear of violence, such as stalking or threatening to cause physical harm
* any form of assault, such as biting, spitting, scratching, hitting, kicking, punching, pushing, shoving, tripping, grabbing or throwing objects, actual or attempted rape or sexual assault.

Controls will vary depending on the workplace, and may include:

* refusing service to clients who repeatedly expose workers to violence and aggression
* providing alternative methods of customer service to eliminate face-to-face interactions (e.g. online licence renewal, ticket dispensers at customer service counters) or using electronic transactions instead of cash
* having controlled access to the work area, using doors with viewing panels that allow surveillance of public areas
* using furniture or screens to create a barrier between workers and clients
* identifying potential triggers and implementing strategies to reduce customer frustration, and implement strategies to reduce it (e.g. minimise discomfort in waiting rooms)
* install security cameras and lighting, and duress alarms
* providing regular training (e.g. in evasive response to aggression, emergency response procedures, de-escalation)
* rostering additional support workers
* ensuring all workers are familiar with any management plans for clients who display violent or aggressive behaviours, and are provided with adequate training and resources to effectively implement the plans.

Acts such as indecent exposure, physical and sexual assault, stalking, and obscene or threatening communications (e.g. phone calls, letters, emails, text messages and posts on social media) may be offences under criminal law and should be referred to police as well as managed under WHS laws.

Contact with the police should be done in consultation with the individual affected, wherever possible. This is to ensure they maintain control over their circumstances and are not unintentionally put at further risk which can occur with some forms of violence and aggression, such as family and domestic violence. For clarity, if the person is in imminent danger it would be appropriate to call the police without consultation.

For specific information about managing violence and aggression in the workplace, please refer to the *Violence and aggression at work: Code of practice.*

**Exposure to a traumatic events**

Vicarious trauma results from repeated exposure over time to other people’s traumatic experiences. It is a cumulative response and is sometimes referred to as compassion fatigue.

Secondary trauma can occur unexpectedly and suddenly as a result of emotional distress from indirect exposure to another person’s traumatic experience. It is an acute response where symptoms often mimic post-traumatic response disorder.

Work where there is the potential for exposure to traumatic or distressing information and material can result in workers experiencing vicarious or secondary trauma.

For example, jobs that involve:

* interaction with people who are experiencing trauma
* interaction with people who are distressed or aggressive
* interaction with people who have been abused
* attending or investigating a traumatic event (e.g. serious incident involving a fatality, serious injury or sexual assault)
* exposure to material or records containing/showing traumatic images, content or pictures
* cumulative trauma due to the effects of multiple exposures to traumatic events
* work on incidents with significant media interest
* experiencing the bereavement or serious injury of a colleague at work.

Examples of controls that may minimise the risk of vicarious or secondary trauma include:

* providing pre-employment information on the type of situations that may arise on the job
* supporting access to confidential counselling
* providing opportunities for peer support and debriefing
* facilitating access to mentoring and peer supervision for doctors
* providing training on behavioural techniques that reduce the body’s physiological response to other people’s traumatic experiences
* providing psychosocial education about common signs and symptoms of vicarious trauma and promoting help-seeking behaviour
* in consultation with staff, adjusting workloads to facilitate recovery at work.

For further information, please refer to the *Psychosocial hazards in the workplace: Code of practice.*

**Work demands**

High work demands are a common psychosocial hazard, and include work with substantial and/or excessive physical, mental and emotional effort required to do the job. For example, tasks or jobs that involve:

* fast work pace and time pressure
* excessive or insufficient workload
* repetitive or monotonous tasks
* sustained concentration
* high mental workload
* frequent or high emotional labour
* extended work hours or roster length
* a large number of consecutive days worked
* shift rotation
* exposure to emotionally distressing situations (e.g. first responders).

Controls should be tailored to the workplace, and implemented in consultation with workers. However, examples of controls for excessive work demands include:

* planning non-urgent work for quieter periods
* having enough breaks and time between shifts
* finding efficiencies (e.g. redesign processes to reduce double handling)
* providing quiet spaces for workers doing mentally demanding work
* reducing the risk of mistakes (e.g. using IT systems to capture important information and generate reminders, automation)
* training workers so they have the skills to do the job safely (inexperienced workers may need more time, supervision or support)
* setting achievable performance targets for current staff numbers and mix
* clarifying workers’ roles and responsibilities through position descriptions
* establishing clear processes for workflow
* reviewing resourcing and staff mix of skills to ensure there is adequate resourcing and skills to manage work demands
* establishing achievable performance targets and expectations in consultation with workers
* monitoring peak workloads and rostering additional staff during peak periods
* ensuring that staff get adequate breaks throughout the day

For further information, please refer to the *Psychosocial hazards in the workplace: Code of practice.*

# Preparing a safety management system

**WHS Act s. 17**

Management of risks

**WHS Act s. 18**

What is reasonably practicable in ensuring health and safety

The SMS should be developed with consideration for the agency’s:

* WHS needs
* size, activities and workers
* existing policies, procedures and plans, with an analysis of whether these need to be revised and where there are gaps.

## 4.1 Developing controls to manage risk

At the core of the SMS is the process or processes for managing risks. The process selected must comply with the requirements of the WHS laws and should be able to deliver the WHS objectives defined by the agency’s health and safety policy and its planned outcomes.

Effective risk management starts with a commitment to health and safety from the agency’s leaders. It also needs the involvement and cooperation of workers. The leaders should create a culture where workers will be more likely to actively contribute to health and safety performance improvement activities.

Thought must be given to what could go wrong in a workplace and the possible consequences. Then all steps must be taken that are reasonably practicable to eliminate or minimise health and safety risks arising from the agency’s work.

The risk management process involves the following steps:

* identify hazards – find out what could cause harm to health and safety
* assess risks – understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening
* manage risks – so far as is reasonably practicable, eliminate the hazard and associated risk or, minimise the risk through the implementation of effective risk control measures based on the hierarchy of control
* review control measures – to ensure they are working as planned.

The risk management process will differ for a new agency as there will be no record of previous incidents, no current safety framework and no workers to consult with, unless the new agency is an amalgamation of existing agencies with previous experience to call upon. The agency may use data available on health and safety risks for similar agencies in Western Australia or other jurisdictions.

For further information see the *How to manage work health and safety risks: Code of practice*.

## 4.2 Level of detail in a safety management system

**WHS Act s. 17**

Management of risks

**WHS Act s. 18**

What is reasonably practicable in ensuring health and safety

The detail for each element of the SMS will depend on the nature, size, complexity and stage of the agency and its associated risks. This means that the level of detail in the SMS will vary between agencies, and an agency’s SMS will evolve over time.

Large agencies and agencies that conduct high-risk work require more detail in the SMS than smaller agencies or those with fewer hazards with lower risk, where the risk management process may involve only a few key workers.

Most agencies would already have many components of the SMS listed in Chapter 3 as part of their existing WHS policies and procedures. The agency should carry out a gap analysis so the existing health and safety management systems, plans and other documents can be used to develop a comprehensive SMS.

For the purpose of developing a comprehensive SMS with no gaps, the agency may be divided into sub-groups based, for example, on physical locations, processes or systems. There should be consistency in managing similar hazards and associated risks across the agency. An agency with more than one workplace with similar operations may choose to deal with common hazards, tasks, things or circumstances for all its workplaces, but this approach should not result in an increased risk for any individual. The PCBU and operators should also ensure that a system is developed for consultation with workers during this process. Any change due to site-specific hazards and factors should also be considered.

Consideration should be given at the preparation stage as to how the SMS will be regularly monitored, reviewed, audited and tested in a structured way to ensure it remains effective.

Opportunities for improvement should be continually identified (e.g. introduction of technology or changes in the workplace or activities) when reviewed.

The people involved in preparing the SMS should have an appropriate mix of technical and risk management skills. If workers at the agency do not have these competencies, this may be partly achieved by consulting relevant people.

## 4.3 Identifying hazards

Identifying hazards can be achieved by dividing the agency into groups or sub-groups. These can be based on physical locations, type of activities or any other relevant criteria. Consider all possible sources of information when identifying hazards and developing the SMS, such as past experience, published information and worker consultation. Systems need to be developed to ensure consultation is continued as the agency develops.

During the process of identifying hazards, both physical and psychosocial, the following should be taken into account:

* workplaces, work processes, substances, plant and equipment
* how work is organised, managed and carried out and how changes may occur
* interaction with the public or client groups
* job and work design in consideration of management of health and fatigue of workers
* contracting and subcontracting services
* management and supervision
* competencies of people who manage, supervise and work
* inspection, maintenance and testing of work environment, plant and equipment.

## 4.4 Risk assessment

A risk assessment considers the probability of an unplanned event occurring, as well as the likely consequences.

Hazards should be assessed both separately and jointly with other hazards where there is a likelihood for some hazards to interact and increase the level of risk.

In assessing risks, determine the:

* nature of the hazard or risk
* likelihood of the hazard or risk causing harm
* possible severity of the harm
* state of knowledge (what is known) about the hazard or risk and how to eliminate or minimise it.

Other matters that should be considered in assessing risks are:

* the effect of different operating conditions – normal or abnormal (e.g. rostering during periods of peak workload, the effects of staff absences, adverse weather conditions, possible misuse of equipment due to human error)
* past incidents and potential emergency situations identified from internal and external sources and experiences or incidents
* past, current and planned activities
* the reliability and adequacy of existing technology used to control risk (i.e. engineering controls).

## 4.5 Managing risk and risk controls

**WHS General Regulations r. 35**

Managing risks to health and safety

**WHS General Regulations r. 36**

Hierarchy of control measures

Managing risk involves eliminating the risk, so far as is reasonably practicable. If this is not able to be done, the risk must be minimised, so far as is reasonably practicable, by using effective controls based on the hierarchy of control.

Some hazards pose such high levels of risk that control measures are prescribed by the WHS laws. As a minimum, these prescribed controls must always be used, supplemented with additional controls where practicable to assist in further minimising the risk.

Emerging hazards need to be risk assessed and the effectiveness of existing risk controls evaluated, with the SMS updated to reflect any operational changes.

The agency’s arrangements for managing risk must include an ongoing process for the selection and use of suitable methods for hazard identification and risk assessment. The risk management process should also establish the tolerable risk.

A combination of controls may be used to minimise risks, so far as is practicable, if a single control is not sufficient for the purpose. In many instances, it is likely that a combination of control measures will be needed.

When selecting controls, preventative controls should be prioritised where practicable. Any controls that minimise or otherwise mitigate (lessen) the consequences of the incident are only supplementary to prevention.

Where practicable, a risk must be eliminated. Where a risk cannot be eliminated effective risk control measures to minimise risks so far as is reasonably practicable must be implemented, by:

* substituting, wholly or partly, the hazard that creates a risk with something that gives rise to a lesser risk
* isolating the hazard from any person exposed to it
* implementing engineering controls.

The SMS should reference any design principles, engineering standards and technical standards relied upon for control measures. If a residual risk remains, the remaining risks must be minimised by:

* implementing administrative controls
* ensuring PPE is provided and used.

With the implementation of these controls, the risk should be, so far as is reasonably practicable, minimised, and should not be higher than the tolerable risk.

When identified deficiencies cannot be easily remedied, or risk control measures are disabled or bypassed, short-term risk control measures that provide an equivalent level of risk reduction should be implemented.

In assessing risk and selecting effective controls to implement, the reasons for adopting or rejecting controls to manage all hazards should be documented in the SMS.

So the selected controls remain effective, their performance should be actively monitored. Nearly all incidents occur because one or more existing controls failed. These failures can result from controls that are poorly designed, understood, communicated, implemented or maintained. The performance of key controls should be regularly monitored to ensure they remain effective.

## 4.6 Consultation

**WHS Act s. 47**

Duty to consult workers

**WHS Act s. 48**

Nature of consultation

**WHS Act s. 49**

When consultation is required

**WHS General Regulations r. 35**

Managing risks to health and safety

**WHS General Regulations r. 36**

Hierarchy of control measures

The WHS laws prescribe the matters on which PCBUs and officers must consult with workers.

As such, duties exist for the PCBU and officers to consult with workers and take their views into account when:

* identifying hazards and assessing risks arising from work
* proposing changes that may affect the health and safety of workers
* specifically required to do so under particular regulations
* considering or making decisions about
  + ways to eliminate or minimise risks
  + the adequacy of facilities for workers’ welfare at work
  + procedures for consulting with workers
  + procedures for resolving health and safety issues
  + procedures for monitoring the health of workers or workplace conditions
  + how to provide health and safety information and training to workers.

The views of workers and health and safety representatives must be considered before making a decision when consulting under these provisions. It is good practice to document the consultation process and record workers’ views and how those views were taken into account.

Consultation does not require consensus or agreement but the agency must allow workers to contribute to health and safety decisions the agency makes.

Workers must be advised of the outcome of consultation in a timely manner, and provided with information to help them understand the reasons for the decision and how their views contributed.

The SMS should set out how consultation will be done in practice. The agency should consider how to give workers the opportunity to contribute, taking into account matters such as the different types of work undertaken, staff located in multiple locations, and how to involve contractors and their workers.

Consultation should also cover the preparation, implementation and review of the SMS, and parts of it, such as risk assessments.

# 5. Content of a safety management system

**WHS Act s. 19**

Primary duty of care

**WHS Act s. 47**

Duty to consult workers

**WHS Act s. 49**

When consultation is required

The SMS should provide a comprehensive and integrated framework for the agency to manage:

* all aspects of known risks to health and safety at its workplaces and should include all applicable elements, listing all controls and not just the procedures used to undertake work
* the risks when there is an injury in the workplace, and the steps to be followed.

## 5.1 Description of public sector agency and its activities

The SMS should include a description of the agency, covering:

* the location of the agency’s workplaces
* the nature and size of the agency (e.g. purpose, number of workers)
* its complexity and type of workplaces (e.g. office, hospital, school, laboratory, customer service centre, field depot, engineering workshop).

## 5.2 Health and safety policy

The agency’s health and safety policy is a statement of its commitment and approach to health and safety. The policy should include the broad aims in relation to the safe operation of the agency. This may vary between agencies, but common features of a good health and safety policy include an authoritative statement setting out matters of principle and the actions that are to be taken to support those matters.

The policy should:

* have objectives for meeting regulatory obligations, maintaining, and where possible, improving health and safety standards
* state the agency’s commitment to achieving the stated goals and objectives and providing necessary resources
* be documented and communicated to workers and others that may be affected (e.g. work groups, health and safety committee members).

## 5.3 Managing risk by adopting appropriate controls

The risk management process following the hierarchy of control (see Section 4.5) will guide the appropriate controls adopted by the agency and documented within the SMS. The controls should include:

**WHS General Regulations r. 36**  
Hierarchy of control measures

**WHS Regulations r. 55C – r. 55D**  
Managing psychosocial risks; Control measures

* steps taken to eliminate hazards in the design of the agency’s layout and operations
* engineering controls for processes, plant and equipment
* administrative controls in the form of procedures, training and supervision.

## 5.4 Systems, plans, policies and procedures

The systems, plans, policies and procedures used to manage the risks posed by hazards are important elements of the SMS. Depending on the nature of the agency and how the SMS is structured, the systems, plans and procedures may exist in other documents and manuals that are referenced within the SMS.

An agency may have multiple systems in place, such as those used for hazard and incident reporting, registering hazards and risks (e.g. strategic, operational, project, contract), training, record-keeping, communication and contractor management. When combined under the SMS, the systems should cover all aspects of the agency relevant to WHS, and there should be consistency between these systems, especially where plans, policies or procedures are duplicated across different systems.

The agency should identify all applicable plans and policies covering the requirements of the SMS.

Procedures provide guidance to everyone who uses them, and help achieve a consistent and a safe approach to the tasks involved. They are developed by analysing an activity into clearly understood steps, undertaking a risk assessment, and developing a method of carrying out the activity that does not expose people to harm, so far as is reasonably practicable, and is also acceptable to those doing the activity.

When developing a procedure, the agency must consult with those who will use the procedure, and should consider:

* all available information, including documents from the designer, manufacturer, supplier and/or constructor of plant and equipment
* using language that is easy to understand.

## 5.5 Risk management plans

The agency’s SMS should include mechanisms for developing and recording risk management plans.

Hazards identified during the agency’s risk assessment process (see Section 4.4) may be recorded in a risk register. A risk register identifies the hazards, what action needs to be taken, who will be responsible for taking the action and by when.

Tasks identified as common or high risk should be addressed through written procedures developed to review work steps and their associated hazards. These risk management plans document the approved solutions and controls to eliminate or minimise the risk of those hazards, and include tools or techniques such as safe work procedures, and job safety analysis (JSA) or job hazard analysis (JHA).

The agency should also consider risk management plans for tasks that:

* have a high potential risk of injury
* have a previous record of injury, incident or near miss
* require a high level of safety precaution (e.g. where there is the risk of a chemical spill or radiation exposure)
* involve new or modified processes or equipment.

Before preparing a risk management plan, the agency should consider how the plan will be established, implemented and integrated with other plans. When a plan is prepared, developed and reviewed, those likely to be affected by its implementation must be consulted.

Risk management plans are most effective when they are:

* developed in consultation with leaders, HSRs, workers and contractors (when appropriate)
* supported by leaders, and communicated and explained to leaders, workers and contractors
* part of the everyday work
* documented and integrated with other systems of work
* reviewed to ensure they remain effective and relevant to the work
* comprehensive and systematic by including all workplaces, activities or areas and carefully addressing all aspects of the hazard (e.g. likelihood and consequence)
* updated when changes are made to the way work is done.

Before a risk management plan is prepared, the agency should consider:

* the relevant information required
* the size, nature, complexity and location of the operation
* identifying associated factors contributing to the hazard
* available engineering, operational and organisational control measures
* existing plans, procedures and other controls
* any monitoring data
* the intended audience – the plan should be written in plain language that is easy to understand.

**Risk management required by the WHS General Regulations**

In addition to hazards identified by the agency, the WHS General Regulations require risk management plans to be developed or implemented in certain circumstances. For example:

* asbestos management plan if asbestos or asbestos-containing material is identified or likely to be present at the workplace
* dive plan if diving work is carried out
* driver fatigue management plan for commercial vehicle drivers
* emergency plan for all workplaces, with additional requirements if there are hazardous chemicals at the workplace
* WHS management plan developed by the principal contractor if construction work is undertaken at the agency
* safe work method statement for high-risk construction work.

Depending on the type of plan, it may be developed by either the agency or another PCBU involved in the work. The agency’s SMS should include mechanisms to record these plans.

## 5.6 Emergency plan

**WHS General Regulations r. 43**

Duty to prepare, maintain and implement emergency plan

Agencies must prepare a suitable emergency plan for each workplace. These plans should be included as an element of the SMS, and documented in a way that is understandable by those who may have to use it. An emergency plan must include information on what has to be done to respond effectively to the emergency.

Emergency plans must include emergency procedures, including evacuation procedures, notifying emergency services and otherwise responding to the emergency. Emergency procedures need to cover for the provision of medical treatment and assistance.

An emergency plan is also required for workers in remote areas, such as those travelling by themselves or in small groups outside the metropolitan area or regional towns. A communication plan for these workers is important.

Emergency procedures must be tested, and competent people should be trained and made responsible for the control of emergency situations. Emergency instructions, including the names and control details of key workers, must be clear and accessible to the workers who need them.

Competent people need to be trained and assigned to be responsible for the control of emergency situations. Emergency instructions, including the names and control details of key people (e.g. critical incident commander, fire wardens, first responders, first aid officers), must be clear and accessible to the people who need them.

The WHS General Regulations contain additional emergency planning requirements for certain high-risk environments, tasks and materials.

## 5.7 Management and supervisory structure

The agency should document the management and supervisory structure of those responsible for the health and safety of workers and others at the agency. This should include the following information relating to the organisational structure:

* details and responsibilities of people appointed to health and safety roles, and management or supervisory roles
* competency, certification and assessment requirements and training records where necessary for certain positions (e.g. records of WHS training for managers, listing high risk work licence requirements on job descriptions)
* arrangements for filling temporary and permanent WHS-related vacancies.

Short absences of people in WHS roles should be addressed in this part of the SMS to ensure hazard and incident reporting responsibilities are still managed when staff are on leave.

The description of the management structure in the SMS could also include:

* documentation such as the roles, responsibilities and scheduling for actions in relation to implementing and maintaining the SMS
* how the overall SMS is to be managed to ensure it is functioning and up to date, and who is responsible for this
* an assessment of technical requirements of roles in the management structure against actual competence to determine training requirements (i.e. training needs analysis) for the position (and any delegates) filling the role, as well as for succession planning.

## 5.8 Supervision

Agencies should have mechanisms in place to ensure all workers are provided with necessary information, instruction, training and supervision and are competent to safely undertake their tasks.

Effective supervisors play a vital role in providing leadership and reinforcing standards and expectations for worker behaviour.

An agency’s SMS should include mechanisms to ensure:

* supervisory roles have a clear and comprehensive job description that covers
  + technical and non-technical skills
  + capabilities, such as being able to motivate others, being risk aware, and being flexible and adaptable to changing situations
* supervisors understand their WHS responsibilities, how to consult on WHS matters, and how to support HSRs
* there are suitable means to establish and enhance supervisor competence such as mentoring, supervised practical experience in the role and formal training
* systems and processes are in place to ensure supervisor competence is monitored and evolves to meet new or altered demands
* sufficient competent personnel are available to stand in for absent supervisors, noting that temporary supervisors may need to be monitored and the limits of their duties defined.

## 5.9 Temporary workers

**WHS Act s. 16**

More than 1 person can have a duty

**WHS Act s. 46**

Duty to consult with other duty holders

Agencies must ensure, so far as is practicable, the health and safety of temporary workers and contractors working at the agency.

The SMS should outline how the agency will consult with tender contract holders and labour hire companies to ensure WHS duties are met.

For example, interpreting is demanding work, and interpreters can be exposed to psychosocial hazards such as vicarious trauma. In addition to the agency’s standard induction and training, a temporary worker engaged by an agency to interpret for a trauma survivor should be trained to do the work, and the training should include detail about the potential impact of the work, common signs of vicarious trauma and behavioural techniques to reduce their psychological response. The worker should be adequately supervised and professionally supported by workers with experience and training in managing interpreters and work that has a risk of vicarious trauma, to allow for peer support and debriefing. Workload should allow adequate breaks for recovery, and the worker should be linked with support services where appropriate. The agency should not assume that the labour hire company has implemented controls, and must communicate with the labour hire company to ensure all hazards are identified and risks are eliminated or minimised so far as is reasonably practicable, including the risk of vicarious trauma, and the SMS should outline how this will occur.

**Labour hire arrangements**

Public sector agencies often use temporary workers supplied by a labour hire (recruitment) company. Under WHS laws, both the labour hire company and agency are considered PCBUs and have a duty of care towards the temporary worker. The agency is considered a ‘host’ PCBU in these arrangements.

All duty holders in a labour hire arrangement must, so far as is practicable, consult cooperate and coordinate with each other to ensure compliance with WHS laws. (for example, how the labour hire PCBU and agency will respond if there is a WHS incident).

The agency’s SMS should outline how WHS consultation will occur before, during and after a temporary worker is engaged.

For further information, refer to the *Labour hire host PCBUs: Duties of persons conducting a business or undertaking who use labour hire workers* and *Labour hire PCBUs: Duties of persons conducting a business or undertaking who supply workers to other businesses* checklists.

**Tender contracts conducted at the agency**

Agencies may tender a range of services, such as cleaning, renovations, maintenance or security. If a tender contractor has workers at an agency, or its workers are likely to work at an agency, the SMS should outline the control measures that will be used to control risks to health and safety associated with the tender contractor’s work.

The agency should also describe the arrangements for monitoring and evaluating the tender contractor’s compliance with health and safety processes.

A tender contractor may operate under the agency’s SMS or under the contractor’s own health and safety management plan. If the tender contractor finds their arrangements are consistent with the agency’s SMS, then the contractor should notify the agency in writing of this to indicate they will use the SMS when working at the agency.

The tender contractor may operate under its own health and safety management plan if accepted by the agency.

The agency should assess whether the tender contractor has resources and capabilities to implement the relevant parts of the SMS or its own health and safety management plan.

Adopting the agency’s SMS does not reduce the tender contractor’s duty under the WHS Act.

Where an agency has tender contractors and/or sub-contractors, the contractor management systems should be aligned to the agency’s SMS. The SMS should clearly define how the contractor’s work will be overseen and coordinated and this may include a process for accepting how a sub-contractor of a contractor will carry out work.

**Tender contractor health and safety management plan**

Where a tender contractor requests to operate under its own health and safety management plan, then the agency should review it and notify the contractor in writing whether the plan is adequate before the contractor commences work.

When reviewing a tender contractor’s health and safety management plan, the agency should consider:

* how each contractor’s plan will be assessed, and against what criteria, to determine areas of consistency and/or differences with the agency’s SMS
* how any differences in plans may be resolved so they are integrated
* induction of each of the contractor’s workers to the agency and checking licences and requirements for PPE
* procedures to ensure ongoing communication and consultation with contractors and their workers
* responsibilities for the day-to-day supervision and inspection of contractor work for risks and implementation of risk controls
* inspecting and auditing contractors according to a schedule of risks to be managed, which may be based on the past performance of the contractor
* how sub-contractors of a contractor will be managed.

The agency should also consider how the tender contractor’s health and safety management plan is to be accepted. This may be achieved by:

* developing a process for accepting the contractor’s health and safety management plan, which may be appropriate where they have specialised technical processes and expertise that the agency does not possess
* managing differences through formal processes such as scheduled communication meetings, joint workplace inspections and notification procedures to reduce risk
* either accepting the contractor’s plan in part or in full. The contractor’s plan would need to operate alongside the agency’s SMS to ensure overall risks are controlled, such as when contractors are in separate locations.

## 5.10 Monitoring and reviewing controls

**WHS General Regulations Pt. 3.2 Div. 2**

General working environment

**WHS General Regulations r. 50**

Monitoring airborne contaminant levels

**WHS General Regulations r. 213**

Maintenance and inspection of plant

**Evaluating the effectiveness of risk controls**

The SMS should contain information about how the agency will measure, monitor and review the effectiveness of all risk controls.

Methods for monitoring, such as inspections and consultation, should be detailed.

The process used to evaluate the effectiveness of risk controls should generate information on the extent to which the risk is reduced in accordance with original expectations. Recommendations should cover improvements to existing controls and suggestions for alternatives or other controls that can be added to further reduce risk.

The SMS should also outline how the agency will address recommendations for improvement. Risk controls should be updated or improved within a reasonable time if it is determined that further action is required.

Individual workers (including labour hire workers and contractors) should understand when they have the authority to take corrective action when controls are not adequate or make immediate changes to reduce risk, and when approval is required. There should be evidence that this process is working.

**Controls involving monitoring**

Some mandatory controls under the WHS General Regulations involve monitoring. For example, a PCBU must carry out monitoring in certain circumstances in relation to:

* air monitoring
* plant and machinery
* health monitoring.

Agencies can also carry out monitoring as part of their risk management processes. For example, monitoring is used to manage the risks associated with:

* excessive noise
* poor visibility
* exposure to hazardous chemicals or radiation
* worker fatigue
* utilisation of controls for tasks involving high consequence hazards, such as working at heights.

While carrying out monitoring, the following factors may need to be considered:

* Are parameters and limitations known and how can they be checked?
* How do you verify the effectiveness of the control?
* What level of maintenance is required to keep the control effective and is this captured in the maintenance schedule?
* What are the consequences if the control fails?
* What training or re-training and assessment of competency is required for workers and others?
* How often should the control be reviewed?

**Health monitoring**

**WHS General Regulations Pt 7.1 Div. 6**

Health monitoring

**WHS General Regulations Pt. 7.2 Div. 4**

Health monitoring

**WHS General Regulations Pt. 8.5 Div. 1**

Health monitoring

**WHS General Regulations r. 58**

Audiometric testing (in effect from April 2024)

Health monitoring is the monitoring of a worker to identify changes in their health status because of exposure to certain substances. It involves a registered medical practitioner with experience in health monitoring to examine and monitor the worker to see if workplace exposure is affecting their health.

The agency must provide health monitoring to workers if there is an identified risk of an adverse effect on the worker’s health because of exposure to a hazard associated with the agency’s operations. For example, exposure to lead can cause lead poisoning, and exposure can be tested by periodic biological sampling.

Health monitoring is required to be carried out for identified risks to health from exposure to:

* asbestos
* hazardous chemicals listed in table 14.1 of Schedule 14 of the WHS General Regulations, such as nickel, cobalt, arsenic and silica
* lead.

Under the WHS General Regulations, audiometric testing is required where a worker is frequently required to use PPE to protect against the risk of hearing loss associated with noise that exceeds the exposure standard for noise.

If health monitoring is required at the agency, the SMS should set out how the requirements for health monitoring will be met. Triggers should be established to ensure action is taken if monitoring identifies exposure is approaching certain levels of adverse risks.

## 5.11 Consultation, representation and participation

**WHS Act Pt. 5**

Consultation, representation and participation

**Consultation and worker safety**

The SMS should contain the agency’s processes for consultation with workers in accordance with the requirements of the WHS Act, including:

* if requested, the election of HSRs and the provision of the support required for them to effectively conduct their functions
* mechanisms for worker consultation, such as the establishment of health and safety committees, and other methods for sharing information such as team meetings.

Consultation with workers provides the agency with opportunities to draw upon its workers’ relevant experience, and enables workers to contribute to:

* identifying hazards
* providing input on the appropriate control measures for hazards, plans, policies and procedures
* providing input on the SMS and its review.

**Consultation, cooperation and coordination with and between PCBUs**

**WHS Act s. 16**

More than 1 person can have a duty

**WHS Act s. 46**

Duty to consult with other duty holders

The SMS should set out the arrangements with and between PCBUs working at the agency to ensure consultation, cooperation and coordination occurs with respect to their various activities and with a view to ensuring each PCBU can fully meet its WHS duties.

Public sector agencies often interact with other PCBUs, for example:

* where the agency is a tenant, the PCBUs involved in the lease agreements, including the lessor and other tenants
* PCBUs that provide a service for staff or visitors, with or without a lease arrangement (e.g. a café at the workplace, hair salon in a hospital, wellness providers such as lunchtime yoga or skin checks).
* labour hire agencies that provide the agency with workers (see Section 5.9)
* PCBUs that provide a service on an ongoing basis (e.g. a laundry service, security or cleaning business)
* PCBUs that provide workers on a one-off or occasional basis (e.g. fleet management, maintenance services, electrical work)
* PCBUs tendered to conduct renovations, who may have workers at the agency for some time.

The agency should communicate with PCBUs as necessary to ensure the work continues to be coordinated and does not lead to WHS issues, and each is able to fulfil their duties under the WHS laws. The frequency and type of communication will depend on the nature of the work being done by the other PCBU and the associated risks.

Arrangements to allow for consultation, cooperation and coordination between PCBUs may include:

* scheduled meetings between PCBUs, which the agency may facilitate
* procedures for how issues between PCBUs are to be raised and resolved.

Any individual, company, contractor or partnership that supplies workers or services to the agency will be a PCBU and has the primary duty of care under the WHS Act as well as other duties and responsibilities under WHS laws.

If a contractor is working at an agency, or is likely to work at an agency, the SMS should outline the control measures that will be used to control risks to health and safety associated with the contractor’s work.

The agency should also describe the arrangements for monitoring and evaluating the contractor’s compliance with health and safety processes.

Public sector agencies may share responsibility for particular people or places and provide overlapping services. There may be a requirement to consult, cooperate and coordinate activities when more than one agency has a duty in relation to the same matter under the WHS Act. For example, where a child in the care of the State attends school, the agency with guardianship of the child may have a duty to consult with the school about known hazards that may expose workers to the risk of injury.

Further information about consultation, cooperation and coordination with labour hire companies and tender contractors can be found in Section 5.9.

**Health and safety representatives**

**WHS Act Pt. 5 Div. 3**

Health and safety representatives

Health and safety representatives are elected to represent workers in WHS matters, and have powers under the WHS Act. They have a major role to play in representing members of their work group and bringing issues to the attention of the agency.

Representatives perform their role more effectively with support from leadership and supervisors, and the SMS should outline clear expectations for these interactions. Information such as the determination of work groups, HSR election results and inspection procedures should also be contained in the SMS.

If HSRs are elected, the agency must:

* have mechanisms in place so HSRs can raise concerns
* consult with the HSR on WHS matters
* give the HSR WHS information that affects the work group (e.g. risk assessments; investigation, hazard and consultant reports)
* allow the HSR to accompany a WorkSafe inspector during an inspection of the workplace
* allow the HSR to attend a meeting between a worker (or group of workers) and the PCBU or an inspector (with the worker’s consent)
* provide reasonable resources and assistance to HSRs
* allow a person assisting the HSR reasonable access to the workplace
* allow the HSR to spend reasonable time during normal work hours performing their role
* pay the HSR their usual wage while they perform their role
* display an up to date list of HSRs and deputy HSRs at the workplace.

A worker’s personal or medical information must not be provided to an HSR without the worker’s consent.

**Health and safety committees**

**WHS Act Pt. 5 Div. 4**

Health and safety committees

A health and safety committee is a useful forum for WHS consultation. A committee enables leaders and worker representatives to meet regularly and work cooperatively to develop policies and procedures to improve WHS outcomes. The SMS should include the health and safety committee’s constitution, membership and other information.

## 5.12 Training and communication

**WHS Act s. 19**

Primary duty of care

**WHS Act s. 27**

Duty of officers

**WHS General Regulations r. 39**

Provision of information, training and instruction

**Information, training and instruction**

The SMS should document the agency’s arrangements for the provision of information, training and instructions regarding the nature of the work, the risks associated with the work and the required control measures.

Training should take into account the make-up of workers (e.g. level of education, literacy, language requirements), work responsibilities, complexity of hazards and severity of risks.

The delivery of information, training and instruction should:

* consider the amount of information and training that is delivered to workers over a period of time so that it is readily understood
* set out the information or instructions in a way that best communicates with the potential reader or learner.

Training is essential to managing health and safety and should be documented to ensure consistency, minimise possible gaps and to verify worker understanding. Having training and including a documented theoretical and practical assessment component can help ensure workers are aware of the key safety requirements of each work procedure.

Where there are changes to processes or equipment, the requirements for additional training should be assessed as part of the change management process.

Where the agency interacts with other PCBUs, it must consult, coordinate and cooperate with those PCBUs to ensure affected workers receive information, training and instruction. Relevant safety information and instruction should also be provided to anybody visiting the agency.

**Induction procedures**

Induction procedures for workers should ensure that the induction process (general and role-specific) is appropriate to the tasks that the worker will perform. The procedure should address:

* how the content of any induction supports the implementation of the SMS (e.g. introduction to the agency’s processes, safe operating procedures, use of PPE)
* how often workers should be refreshed in any part of the induction (e.g. help retain key information and skills, ensure knowledge is up to date )
* how the induction records will be kept
* the regular review of induction content and procedures and, if required, the revision process.

The initial induction should be supplemented by tours, demonstrations and practical sessions to reinforce the understanding of procedures and implementation of effective controls.

**Communication across shifts and rosters**

If parts of the agency have multiple shifts and rosters, the SMS should specify how health and safety information will be communicated across shifts, rosters or at the time of handover between workers, supervisors and other relevant people. This could include how recording or reporting of such information will be documented (e.g. at changeover, in shift reports, logbooks or other methods).

In deciding on these arrangements, the agency should consider:

* any specific controls that apply, such as those for emergencies, remote or isolated work, and contact with people working off-site
* alternative methods of communication in the event of power failure or interruption to communication.

Where an agency has core working hours, it may still be necessary to outline how incident and hazard reporting or emergency procedures will be managed early in the morning and later in the day. For example, if workers are present from 7 am to 6 pm, the agency should consider how emergency procedures or incident reporting might be impacted if key staff are not at the workplace before 9 am and after 5 pm.

## 5.13 Reporting incidents, response and investigation

**WHS Act s. 35**

What is a notifiable incident

**WHS Act s. 38**

Duty to notify of notifiable incidents

**WHS Act s. 68(2)**

Powers and functions of health and safety representatives

The SMS needs to detail the procedures to be used in the event of a notifiable incident occurring.

The agency should develop procedures for notifiable incident reporting, response and investigation to address:

* what incidents are notifiable
* what serious illness and adverse health effects that are notifiable
* who is responsible for notifying the regulator
* where more than one PCBU is involved (e.g. if a contractor is injured), which PCBU is responsible for notifying the regulator and informing other PCBUs
* by what means the regulator will be immediately notified in the event of a notifiable incident, and what details are needed for the notification
* how a written notification will be provided to the regulator, if requested, and how it will be kept
* actions that may be necessary as a result of the incident (e.g. preserving the site, isolating the areas, ceasing work if required)
* notification of the incident to HSRs
* if a WorkSafe inspector attends, assistance to be provided to the inspector and responses to directions from them, such as seizure of items.

It may be helpful to develop a procedure that documents the process used by the agency to investigate any incidents, serious illnesses or adverse health effects. The basic elements of the procedure should be to:

* engage with workers or HSRs to assist with conducting the investigation
* identify factors that contributed to the incident
* identify necessary corrective action(s) to prevent it or a more serious incident happening again
* implement or modify controls to at least further minimise the risks
* review and, if required, revise the SMS or relevant parts.

All incidents, including near misses, serious illnesses and adverse health effects should be investigated to determine the root causes and contributory risk factors to improve controls and prevent recurrences.

The investigations should be carried out by people competent in the matter being investigated (i.e. trained or experienced in both incident investigation and the type of work). Health and safety representatives may be included in investigations, but should not be solely responsible if they have not had relevant training and experience.

If corrective actions are required to prevent a similar or a more serious incident in the future, these actions should be documented in the results of the investigation.

Where possible and appropriate, workers who were affected by the incident should be involved in the investigation.

## 5.14 Injury management and return-to-work programs

Injury management systems are a written description of the steps to be taken when an injury occurs at the workplace, which assists injured workers to return to meaningful employment in a safe and efficient manner. They are a requirement of the *Workers’ Compensation and Injury Management Act 2023*, and are not covered by the WHS Act. However, the agency may choose to include its documented injury management system in its SMS.

In addition to developing an injury management system for work-related injuries, it is best practice to also make reasonable adjustments for staff returning to work after an injury or illness that is not work-related, and the agency’s SMS should outline how this will be accommodated.

## 5.15 Document and records management

The SMS should set out how WHS documents, including policies and procedures, will be kept as well as arrangements for the management of those records and documents to ensure compliance with the various duties under the WHS legislation. This might involve, for example, consideration of whether records are to be stored electronically or in hard copy; what arrangements need to be in place to limit access to personal information such as health records; and how access to other documents will be provided.

The agency should develop procedures for the management of all the records needed to comply with the WHS laws. These procedures should address matters such as:

* all records that the WHS laws require the agency to have, including details of how long they have to be kept
* where records are to be kept so that they are available as required by legislation (e.g. inspection)
* the provision of records to the regulator as provided for under legislation
* the auditing and reviewing of records management as part of requirements for the SMS
* where and how the records are to be maintained
* how people can access the records (if they are not confidential).

Procedures to manage records also should ensure that access to SMS documentation is ‘controlled’. This means:

* only the current version is available and any supporting documentation, or data, is up to date
* versions are identified and dated for periodic review
* documents are approved for use by the PCBU or other responsible person
* documents are accessible and kept in good condition
* obsolete documents are removed and archived for reference and to satisfy legal requirements.

Document control should not restrict access to information necessary for implementing the SMS.

## 5.16 Managing change

The SMS should be designed to be used by the agency as the primary means of discharging its duty towards ensuring the health and safety of workers and other people. As the agency’s duty is an ongoing duty, the SMS should be designed to address the management of change within agency.

There are two types of change that should be considered and included in the SMS:

* introduced change
* reactive change.

These changes can be gradual or sudden, and include a change in operations, conditions, systems, environment or resources. Both types of change involve similar issues, but it may be helpful for the agency to address these changes by:

* managing the introduction of changes rather than just responding to issues
* monitoring conditions to look for any change in hazards or risks.

The relevant and significant issues should be identified and discussed with workers before a change is considered.

Methods of identifying and managing changes may include:

* considering the physical and psychosocial hazards and risks associated with introducing the change
* considering how the change will be effectively communicated to workers
* consulting and, where possible, co-designing the change with people involved in the work
* assessment of the scope of change included in the approval process for plans, policies and procedures
* assessment of the scope of change included in the approval process for recruiting people
* ensuring all workers do a risk assessment before starting work on tasks involving significant hazards, particularly identifying any changed conditions before work starts
* reviewing procedures or practices for any changed conditions to ensure risks are controlled adequately.

## 5.17 Safety management system performance management

The agency’s SMS should be current and maintained. To assist with the review process, the SMS should include details of:

* the performance standards for measuring the effectiveness of all aspects of the SMS that
  + - are sufficiently detailed to show how the agency will ensure the effectiveness of the SMS
    - include the steps to be taken to continually improve the SMS
* the way in which the performance standards will be met
* a system for auditing the effectiveness of the agency’s SMS, which may include periodic independent auditing, against the performance standards, including the methods, frequency and results of the audit process.

Continual improvement of the SMS should consider the response to changes in conditions, requirements and expectations.

## 5.18 Resources for the safety management system

For an SMS to remain effective, adequate resources need to be applied to its development, effective implementation, use and improvement. Larger agencies may have dedicated staff to manage these functions.

Resources include both adequate funding and sufficient people with appropriate skills, time and level of authority.

# 6. Implementing a safety management system

**WHS Act s. 19**

Primary duty of care

**WHS Act s. 20**

Duty of persons conducting businesses or undertakings involving management or control of workplaces

## 6.1 How to implement a safety management system

To implement an SMS, the agency needs to ensure that what is set out in the SMS is followed in practice. Senior managers and those responsible for SMS implementation are an integral part of the management system for the agency, and they should form part of the general management process of the SMS.

When the agency develops strategies to assist with implementation of the SMS, the following should be considered:

* the SMS is an integral part of other integrated management systems and practices
* adequate resources need to be provided for SMS implementation
* senior management should lead and ensure that others follow, understand and implement what is in the SMS
* if there are issues or difficulties in implementing the SMS, these should be brought to the attention of senior management, the PCBU and officers.

## 6.2 Monitoring implementation of the safety management system

Monitoring the agency’s operations is necessary to ensure that what is planned in the SMS is implemented in practice, and this may include designating specific duties and checks to workers. The agency should collect and analyse feedback from ongoing assessment regularly so steps can be taken to correct any issues impeding implementation, and provide a closure loop to confirm the SMS is implemented as intended.

These arrangements should be described in the SMS and include:

* specific and general control measures needed for the agency’s workplaces
* monitoring strategies, such as inspections or consultation, to verify the effectiveness of critical controls
* information detailing who will do the monitoring and how often
* details of who will assess results of any monitoring and initiate required actions
* the competency of workers undertaking inspections or monitoring and any training needs they may have
* procedures for carrying out monitoring and inspections to ensure they are effective and accurate
* the scope for inspections and the tools needed (e.g. checklists)
* the reporting of results and outcomes, and ensuring the actions necessary to deal with any issues are identified, actioned, completed and recorded
* auditing and reviewing the activities.

## 6.3 Adequate resources provided for implementation of the safety management system

To establish and implement an effective SMS, the agency will require resources including:

* workers
* equipment
* funding.

The SMS should set out the resources needed to implement, maintain and improve the SMS, and to achieve the objectives of the health and safety policies and planned outcomes.

The performance standards set for effective operation of the SMS, including auditing and review, will also help determine the types and levels of resourcing required for its implementation. Once the level of resources is determined, procedures may need to be developed to coordinate their use, and schedule and allocate responsibility for them.

The complexity and diversity of an agency’s operations are key factors in determining its SMS resourcing requirements. Coordination of resources may be simpler at smaller agencies, but it is still important to ensure everyone understands who has responsibilities for safety-related tasks and these tasks are fulfilled. This should include routine matters such as housekeeping and maintenance, as well as other matters such as identifying hazards or making changes to the workplace, work practices or plant and equipment.

# 7. Ensuring a safety management system is current and effective

**WHS General Regulations r. 38**

Review of control measures

## 7.1 Legislative alignment

The SMS should set out how the agency will comply and maintain alignment with work health and safety legislation, and adopt best practices from codes of practice and other guidance relevant to its operations.

## 7.2 Triggers for review

The agency should ensure that the SMS is current. As a guide, once an SMS is in place, it should be reviewed:

* for a new workplace, within 12 months
* within 12 months of any major change
* at least every three years in an established agency where significant changes have not occurred
* as necessary to ensure the SMS remains effective.

The PCBU and officers of an agency should review and, as necessary, revise control measures implemented within the SMS if:

* an audit indicates a deficiency in a control measure
* there are significant changes in the agency or its work
* an incident that has the potential to cause harm occurs, including a notifiable incident or illness
* an HSR requests a review
* there are updates to legislation
* health and safety information, recommendations or advice relevant to work conducted by the agency changes (e.g. fatal or serious accident, product recall).

It is good practice to review the SMS during the planning phase of a significant change, and review again after the change has been implemented.

The SMS should include the process an HSR would follow to request a review, and the process should specify that the PCBU and officers are to be immediately notified of the request. An HSR may also request a review of a control measure if they hold a reasonable belief that a control measure has not been adequately addressed and:

* the control measure does not control a risk it was implemented to control
* a change to the workplace is going to occur that necessitates a change to the control measure
* a new hazard or risk has arisen
* the results of consultation under the WHS laws indicates that a review is necessary.

A review could involve measuring against performance standards to identify any deficiencies in control measures (e.g. an incident or deficiencies found during an audit). Effective review of a control measure may require recording and documentation (i.e. explaining why a review was needed and any corrective changes to controls).

## 7.3 Details of review

A review may consider:

* results from inspections and audits
* health and safety performance reports
* the extent to which performance standards have been met
* external events relevant to the elements being reviewed
* incident reports
* hazard identification reports
* the continuing suitability of the controls in the SMS (including procedures and administrative arrangements in relation to changing conditions)
* technological changes relevant to the element or elements being reviewed
* corrective action reports
* changes in regulatory requirements
* changes to community expectations
* the concerns of relevant interested parties.

Any event having the potential for injury, ill health, damage or other loss is an indication that the selected controls are not adequately controlling the risk. These events trigger the need to review the controls and update the SMS accordingly.

The review of control measures after an incident should document details about:

* the incident
* the identified hazards and how the exposure occurred
* any failures in controls
* the review undertaken
* the recommendations
* whether any control measure or part of the SMS needs to be changed.

## 7.4 Review process

In undertaking the review, workers and their HSRs, if applicable, should be consulted in accordance with the WHS laws. Those carrying out the review should have the appropriate skills, knowledge and competence to be able to assess compliance with all the elements of the SMS being reviewed.

Where a review identifies that a revision to the SMS, or part of the SMS, is needed, those changes should be made in accordance with the consultation and document control requirements of the SMS.

If the SMS is revised, the agency should record the revisions, including any revision of a risk assessment.

## 7.5 Ensuring the safety management system is effective

For an SMS to be effective, it should be current and fit for purpose. An agency should have a procedure for measuring how its SMS is performing against set performance standards, and a system for auditing to ensure the SMS remains effective. The procedures should be documented and be described in the SMS (see Section 5.15).

## 7.6 Selecting performance standards

A ‘performance standard’ may be defined as a target or required level of performance for a particular safety matter and the measurement used to determine whether it is achieved. If the selected standards are not being met, it indicates deficiencies requiring investigation and corrective actions. It may also indicate it is time for a review of the SMS or how it is being implemented.

The performance standards may be designed to measure either sections of, or the entire, SMS to ensure that it is achieving the objectives set out in the agency’s health and safety policy and its objectives. Performance standards need to have a meaningful measure, and be sufficiently detailed and clear about what they are measuring.

In particular, performance standards need to measure if:

* risk controls are effective
* the application of the SMS has been consistent
* the content and implementation of the SMS comply with WHS laws.

When developing suitable performance standards, consider matters such as:

* measures to identify and implement continuous improvement
* methods that measure or verify performance standards
* performance standards that measure at different levels of the SMS (e.g. at a high level for the system as a whole, and at a lower level for individual elements of the system)
* measures that verify overall targets are met within specified timeframes
* a combination of performance standards (e.g. proactive standards that measure the activities or inputs for managing safety, and reactive standards that measure the outputs or actual performance achieved).

Examples of performance standards to help measure the effectiveness of the SMS in part or whole include:

* number of higher order control measures (elimination, substitution and engineering) adopted and implemented
* percentage compliance with availability of planned managerial, supervisory and other competent people
* completion of HSR inspections, and all identified hazards reported and controlled within a measurable and defined timeframe
* completion of work orders related to the SMS, or level of compliance with audit and review requirements of the SMS
* reliability of safety critical equipment
* reporting and investigating all incidents
* implementation of corrective actions identified by an investigation.

It is important that safety targets are achievable, and do not introduce risks. Inappropriate safety targets, such as aiming to have no hazards reported, can discourage reporting and have a negative impact on safety.

A more complex SMS will usually need performance standards in a range of areas to adequately identify the effectiveness of individual elements of the SMS, as well as its overall effectiveness. This is important to identify improvement opportunities as well as requirements for corrective actions.

Information on the SMS’s performance should be reported to, and reviewed by, the appropriate people identified in the SMS. Any consequent improvement in aspects of the SMS, such as changing a control measure or training, will provide evidence of meeting the requirement for the performance standards to be linked to continuous improvement. Reviewing activities against the performance measures should include taking actions to improve adherence to the performance standards and reviewing the standards to check they are representative of the SMS.

## 7.7 Audits

The primary purpose for auditing an SMS is to determine whether all arrangements set out in it are being implemented effectively. To confirm the agency is effectively controlling risks, there should be a system for auditing the SMS against performance standards, including the methods, frequency and results of the audit process.

The audit should consider whether the SMS is:

* effectively meeting objectives
* being implemented and followed by workers
* still complying with legislation
* meeting or exceeding performance criteria.

Audits may be conducted internally or by an external person or body. The methods used in audits may include:

* interviews
* physical verification
* statistical methods
* document reviews, including records and reports
* checklists
* observations of the work area.

The methods selected will depend on factors such as the nature of what is being audited, and the risks associated with the element of the SMS being audited.

**Scope of audit**

The agency should document the audit’s activities, areas covered and applicable performance standards.

A typical audit would involve investigating whether:

* systems are in place for controlling the work processes (e.g. risk management plans, policies, procedures, technical documents)
* workers understand their responsibilities
* training has been delivered
* required equipment is available and working properly
* inspections specified in the SMS have been undertaken
* responses were initiated if triggers were activated
* required reports have been completed.

**Conducting an audit**

The SMS should specify who is responsible for conducting an audit. The responsibilities may include:

* applying due diligence to select an auditor
* identifying resources required for the audit
* preparing the audit documents
* maintaining the audit records
* verifying by observing operations
* interviewing workers and HSRs
* checking audits are carried out in the specified time frame and frequency
* confirming results and corrective actions identified are acted upon in a timely manner.

The people carrying out the audit should do so competently, impartially and objectively, whether the agency uses people within the organisation or an external body. Where possible, the auditor should be independent of the process being audited.

**Frequency**

An audit’s frequency should be determined by an assessment of how critical each SMS element is to maintaining WHS performance, and what may be necessary based on the results of previous audits.

Audits should occur periodically but may have to be done at different times, depending on the work processes being audited. Matters to consider include:

* pre-commencement audits – carried out before a work process begins to determine that all specified work arrangements are in place
* implementation audits – carried out after the work process has commenced to determine the effectiveness of the implementation of the specified work arrangements
* routine audits – regular audits aimed at checking ongoing compliance with the specified work arrangements
* pre-review audits – an audit carried out near the due date for a review of the system so that the findings can be considered in the review process.

**Follow-up action**

If the results of an audit show deficiencies in the SMS’s performance, these need to be considered and acted upon. Where possible, results should be ranked in order of priority for attention.

Audit results should be reviewed by a person who has sufficient authority to take action on the non-conformances.

Where an audit identifies an amendment to the SMS (or part of the SMS) is required, those changes should be made in accordance with the consultation and document control requirements of the SMS.

The agency should maintain an action register and carry out a regular ongoing review of their rectification in an acceptable timeframe. The risk priority for each defect should also have a time-based escalation process to ensure defects are reprioritised and rectified in a timely manner.

# Appendix 1: Examples of control measures

## Health, aged care or community services

|  |  |
| --- | --- |
| **Potential hazards** | **Example control measures** |
| * Providing care or services to people who may be: * distressed, afraid, ill, angry or incarcerated * have unreasonable expectations of what an organisation and/or worker can provide them * affected by drugs or alcohol * receiving unwelcome or coercive treatment * Limited knowledge of a client’s behavioural trigger * Workers are working in isolation, offsite, in the community or a client’s home * Working in an environment where other people may pose a risk to workers’ safety (e.g. clients’ family and friends) * Changes to procedures and patients are struggling to adjust * There are peaks in workloads and not enough workers available * The time it would take for another person to attend the client’s house to support the worker * Workers are handling restricted items (e.g. medicines) | * Electronically controlled doors with viewing panels that allow surveillance of public areas before the doors are opened from the inside * Installation, monitoring and maintenance of communication and alarm systems * Providing personal duress alarms for community-based work or work in client’s homes * Use of safe glass (e.g. laminated, toughened, Perspex) * Providing services in more secure environments (e.g. community centres) where possible * Signage directs and assists clients and the public to find their way * Internal and external lighting assists visibility and service areas have good visibility for workers * Access to a safe room/place to retreat for worker and others’ safety * Removal of dangerous implements or objects that could cause serious harm to workers (e.g. if thrown at a worker) * Physical barriers in cars to separate the driver from clients (i.e. the passenger) * Providing well-maintained vehicles to reduce the risk of break downs at unsafe locations or times * Client intake assessments which include screening for aggression and violence * Regular handover and information exchange with workers, other agencies, carers and service providers - which may be periodically reviewed to identify emerging risks * Workers are trained in carrying out ‘live’ and situational risk assessments, and determining at each visit the safety of a client’s home (i.e. a workplace) before commencing duties * Behaviours and what triggers them are identified, and management strategies are implemented * Behaviour or treatment programs are reviewed after incidents or changes in behaviour * Where a client is known to have a history of aggression, a management plan is in place that has been developed in consultation with appropriately qualified people, and all workers who may have contact with the client are informed * Workers are trained in de-escalating aggressive behaviour (signs of aggression, verbal and non-verbal communication strategies) * Worker levels are adequate for the level of care needed and take into account the range of activities undertaken (such as peak periods, transfers, mealtimes, night work, emergency responses, acute care/crisis, and respite) * Workers are rotated into alternate duties to reduce exposure * Reviewing the requirement for working alone and providing additional service providers where required * Interview rooms in hospitals, community health clinics and mental health clinics are designed with controlled access and separate emergency egress to isolate aggressive clients * Use of GPS tracking in vehicles used for community-based work * Rostering software that allows community workers to communicate location and potential delays in service back to head office for action |

## Education services

|  |  |
| --- | --- |
| **Potential hazards** | **Example control measures** |
| * Dealing with students or parents who may be distressed, angry or affected by drugs or alcohol * Limited knowledge of students’ behavioural triggers * Workers are working in isolation, offsite or in the community * Lack of supervision and monitoring systems | * Communication and alarm systems are in place, regularly maintained and tested * Objects that could be thrown or used to injure someone are secured or removed * Workers and others have a safe place to retreat to avoid violence * Workers do not work alone with high-risk students (e.g. education assistants rostered to provide additional support) * Conduct environmental risk assessments to identify hazards like restricted exits, or furniture or partitions blocking natural surveillance * Students and parents are informed of any changes to well-known procedures, and new procedures which they may not be familiar with * Workers are monitored when working alone, in the community or away from the workplace (e.g. supervisor checks in regularly during excursions) * Workers are trained in de-escalating aggressive behaviour (e.g. signs of aggression, verbal and non-verbal communication strategies) * ‘Calm down’ spaces designed to facilitate students’ emotional regulation (e.g. adjustable lighting, reduced sound) are available * Relevant staff are provided with management plans for students, and are provided with the training and resources to implement the management plan * Environmental risk assessment of classrooms are completed periodically to identify any hazards (e.g. restricted emergency egress) * Choice of furniture reduces the risk of serious harm resulting from misuse (e.g. property damage, weaponisation) * Construction of buildings to include dual egress for staff and location of hardwired duress alarms at various locations * Expulsion or suspension of students with a history of violence and aggression towards others |

## Child protective services

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| **Potential hazards** | **Example control measures** |
| * Dealing with people who may be distressed, afraid, ill, angry, incarcerated, or affected by drugs or alcohol * Working in unpredictable environments * There are not enough workers available * Workers are working in isolation, offsite or in the community * Lack of supervision and monitoring systems * Workers are working in isolation, offsite, in the community or a client’s home * Working in an environment where other people may pose a risk to workers’ safety (e.g. clients’ family and friends) * Workers are required to discuss sensitive and potentially triggering matters with people | * Communication and alarm systems are in place, regularly maintained and tested * Operational procedures for working alone, in isolation or uncontrolled environments (including availability of back up workers) are implemented * Workers are monitored when working in the community or away from the workplace (e.g. supervisor checks in regularly throughout the shift, worker checks in with supervisor on arrival/departure from a client’s home) * The number of workers is adequate and takes into account the level of risk and range of activities undertaken (e.g. work environment, peak periods, night work, and emergency services) * Work practices are evaluated to explore factors that may contribute to aggression and violence * Skill level, training and experience of workers is appropriate for duties allocated to them (e.g. new workers are not required to work alone until they have the competencies to do so, assistance from experienced workers is available as needed) * Workers are rotated into alternate duties to reduce exposure * Workers are inducted on violence prevention measures before starting work * Journey management plans are implemented, with clear directions for parking and egress * Workers are trained in de-escalating aggressive behaviour (signs of aggression, verbal and non-verbal communication strategies) * Workers receive regular support and supervision * Environmental risk assessments are routinely conducted at client homes * Job/task rotation is implemented to reduce the amount of time workers are exposed to stressful situations or high-risk clients, especially when they are new to the job * Additional workers are rostered for situations where it is known that the situation may be difficult * Regular emergency response drills are conducted * Communication protocols for sharing information and facilitating the solution of problems related to service delivery are established (and include not providing workers’ personal information) |

# Appendix 2: Glossary

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| **Term** | **Description** |
| Agency | The PSM Act defines an agency as:   * a department, or * an SES organisation.   For the purposes of this code, ‘agency’ refers to all entities of the public sector |
| Competent person | A person who has acquired through training, qualification or experience, the knowledge and skills to carry out the task |
| Control measure | In relation to a risk to health and safety, a measure to eliminate or minimise the risk |
| Duty holder | Any person who owes a work health and safety duty under the WHS Act including a person conducting a business or undertaking, a designer, manufacturer, importer, supplier, installer of products or plant used at work (upstream), officer, WHS service provider or a worker |
| Hazard | A situation or thing that has the potential to harm a person. Hazards at work may include: noisy machinery, a moving forklift, chemicals, electricity, working at heights, a repetitive job, bullying and violence at the workplace |
| Health and safety committee | A consultative body established under the WHS Act. The committee’s functions include facilitating cooperation between workers and the person conducting a business or undertaking to ensure workers’ health and safety at work, and assisting to develop work health and safety standards, rules and procedures for the workplace |
| Health and safety representative (HSR) | A worker who has been elected by their work group under the WHS Act to represent them on health and safety matters |
| Health monitoring | Monitoring the person to identify changes in the person’s health status because of exposure to certain substances |
| May | ‘May’ indicates an optional course of action |
| SMS | Public sector work health and safety management system |
| Must | ‘Must’ indicates a legal requirement exists that must be complied with |
| Non-SES organisation | The PSM Act defines a non-SES organisation as an entity which consists of:   * a body, whether corporate or unincorporate, or the holder of an office, post or position, being a body or office, post or position that is established. or continued for a public purpose under a written law, and * persons employed by or for the purposes of that body or holder under that written law or another written law   They do not include:   * SES organisations, or * entities specified in column 2 of Schedule 1 of the PSM Act |
| Officer | An officer of a public sector agency means a person who:   * makes, or participates in making, decisions that affect the whole, or a substantial part, of the agency, or * is the chief executive of the agency, or * is, within the organisational structure of the agency, directly responsible to the chief executive |
| Person conducting a business or undertaking (PCBU) | A PCBU is an umbrella concept, which intends to capture all types of working arrangements or relationships. A PCBU includes a:   * company * unincorporated body or association * WHS service provider * sole trader or self-employed person   Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU.  A volunteer association (defined under the WHS Act) or elected members of a local authority will not be a PCBU. |
| Performance standard | A target or required level of performance for a particular safety matter, and the measurement to determine whether it is achieved |
| Personal protective equipment (PPE) | Anything that is used or worn by a person to minimise risk to the person’s health and safety |
| PSM Act | *Public Sector Management Act 1994* |
| Public sector | The PSM Act defines the public sector as all:   * agencies * ministerial offices, and * non-SES organisations |
| Risk | The possibility harm (death, injury or illness) might occur when exposed to a hazard – how likely the harm is to happen, and how severe the harm could be |
| Risk management plan | A written procedure that reviews work steps and their associated hazards |
| Should | ‘Should’ indicates a recommended course of action. |
| WHS | Work health and safety |
| WHS Act | *Work Health and Safety Act 2020* |
| WHS General Regulations | Work Health and Safety (General) Regulations 2022 |
| Work group | A group of workers established to facilitate the representation of workers by one or more HSR. A work group may be all workers at a workplace but it may also be appropriate to split a workplace into multiple work groups where workers share similar work conditions or are exposed to similar risks and hazards. For example, all workers on night shift |
| Worker | Any person who carries out work for a person conducting a business or undertaking, including work as an employee, contractor or subcontractor (or their employee), self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' or a volunteer |
| Workplace | Any place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. This may include offices, factories, shops, construction sites, vehicles, ships, aircraft or other mobile structures on land or water |