

GENERAL WORK HEALTH & SAFETY CHECKLIST

INTENDED USE

This document is a summary checklist intended for employees as well as the School executive, and sets out the measures that a PCBU should put in place to assist it in meeting its Work Health and Safety obligations. It also sets out items to address such as an Emergency Plan, Amenities and First Aid Facilities. It also sets out the requirements under the *Workplace Injury Management and Workers Compensation Act 1998 (NSW)* for the notification of incidents. The obligation to provide staff training in relation to their roles and risk management is also detailed.

GENERAL WORK HEALTH & SAFETY CHECKLIST

This checklist is for employees.

Primary Duty – PCBU

A person conducting a business or undertaking (PCBU) has obligations to **ensure, so far as is reasonably practicable of:**

- staff
- workers whose activities in carrying out work are influenced or directed by the School, while the workers are at work in the business or undertaking
- contractors and volunteers who are at work in the business or undertaking
- others are not put at risk from work carried out as part of the business or undertaking.

To meet these obligations, a PCBU must ensure:

- the work environment is safe and without risks to health and safety
- that any plant and structures provided are safe and without risk to health and safety
- that systems of work are safe and without risks to health and safety
- the safe use, handling, and storage of plant, structures and substances
- that it provides adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities
- that it provides information, instruction, training and supervision as may be necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking
- that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

The following checklist sets out measures that a PCBU should put in place to assist it in meeting its WHS obligations. It also sets out requirements under the *Workplace Injury Management and Workers Compensation Act 1998* (NSW) (**WC Act**) in relation to notification of injuries, keeping a record of injuries and return to work programs for employees who are injured or incur an illness at work.

Note: Safe Work Australia is producing a code of practice in respect of a range of different obligations under the WHS Act and Regulations (eg. for example How to Consult on Work Health and Safety and Hazardous Manual Tasks) to provide practical guidance for duty holders. PCBUs should ensure that they review the codes of practice that are relevant for their business.

Checklist

1. Work Health & Safety Policy

St Euphemia College has a current WHS Policy which sets out its obligations as well as its obligations of its staff, contractors and volunteers. Health and Safety Representatives (HSRs)

A worker who carries out work for a PCBU may ask the PCBU to facilitate the conduct of an election for one or more HSRs. If such a request is made then the PCBU must facilitate the election.

There is a detailed process for the election of HSRs set out in the Act.

In general, the primary function of HSRs is to represent workers in their work group in relation to health and safety matters at work.

HSRs will have powers enabling them to:

- give a direction to cease unsafe work
- issue Provisional Improvement Notices (PIN).

2. Health and Safety Committee (HSC)

A PCBU must establish a health and safety committee (**HSC**) for the business or undertaking within two months after being requested to do so by a HSR or 5 or more workers at that workplace. Generally, provisions relating to HSCs remain largely unchanged in the Act.

A PCBU may establish a HSC for the workplace at any time on their own initiative.

3. Consultation

The Act requires that a PCBU must, so far as is reasonably practicable, consult with workers about matters affecting, or likely to affect, their health and safety including in relation to establishing HSRs and HSCs.

The broad definition of 'worker' in the Act means that a PCBU must consult with its workers and anyone else engaged to carry out work for the business or undertaking.

The duty to consult is qualified by the phrase 'so far as is reasonably practicable'. The Explanatory Notes to the Act explain that this requires the level of consultation to be proportionate to the circumstances, including the significance of the workplace health or safety matter. The extent of consultation must be sufficient so that a PCBU has all the relevant available information, including the views of workers and as a result, can make a properly informed decision.

Duty Holders (HSRs and HSCs) under the Act are also required to consult with one another.

4. Risk Management

A PCBU must have effective risk management procedures in place to identify and deal with hazards.

Risk management involves the following steps:

- identify hazards – find out what could cause harm
- assess risks – understand the likelihood of a hazard causing harm and how serious it could be
- control or minimise risks – implement the most effective control measure that is reasonably practicable in the circumstances (Appendix 1)
- review control measures to ensure they are working as planned.

When should a risk assessment be conducted?

Risk assessments should generally be undertaken in the following circumstances:

- immediately prior to using premises for the first time as a place of work
- before changes to work practices, procedures or the work environment are introduced
- purchasing new or used equipment or new substances
- planning to improve productivity or reduce costs
- when new or additional information becomes available from an authoritative source which is relevant to the health and safety of workers
- responding to workplace incidents (even if they have caused no injury)
- responding to concerns raised by workers, health and safety representatives or others at the workplace
- when required by the Regulations for specific hazards.

The PCBU should keep a record of all risk assessments for a period of at least 5 years.

What does a risk assessment involve?

Once a hazard has been identified, the PCBU must assess the risk of that hazard to the health and safety of its workers and other persons and must put in place measures to eliminate the hazard/risk to health and safety. If it is not possible to eliminate the risk, the PCBU must minimise the risk by working through the alternatives in the *'hierarchy of control'*.

The ways of controlling risks can be ranked from the highest level of protection and reliability to the lowest as shown below. This ranking is known as the *'hierarchy of control'* and provides:

- Level 1: Eliminate the hazard or if that is not reasonably practicable
- Level 2: Substitute (wholly or partly) the hazard giving rise to the risk with something safer
Isolate the hazard from any person exposed to it and/or
Reduce the risk through engineering controls and/or if the risk remains
- Level 3: Reduce the level of harm using administrative controls.
Use personal protective equipment.

In deciding how to control risks a PCBU must, so far as is reasonably practicable, consult with workers who will be directly affected by this decision.

All measures put in place to either eliminate or minimise a risk to health and safety must be enforced, and any equipment must be properly used and maintained. The effectiveness of these measures must be monitored and reviewed regularly.

Safety signs must be erected in areas of the workplace that contain hazards or risks to health and safety which may not be readily apparent to workers or other persons in that area.

Note: Staff should consult the School's Chemical Safety Policy in relation to the use and storage of hazardous chemicals.

5. Amenities

A PCBU must, so far as is reasonably practicable, ensure the provision of adequate facilities for workers.

A PCBU must provide toilets, drinking water, hand washing facilities and eating facilities. These facilities must be maintained in good working order and be clean, safe and accessible.

Other amenities a PCBU should consider providing include accessible and secure storage areas for personal items, change rooms (if workers are required to change clothing due to the nature of their work) and shower facilities (if workers are required to carry out dirty, hot or arduous work).

In considering what amenities are required a PCBU should consider all relevant matters including:

- the nature of the work being carried out at the workplace
- the nature of the hazards at the workplace
- the size, location and nature of the workplace
- the number and composition of the workers at the workplace.

In addition a PCBU must, so far as is reasonably practicable, ensure that:

Access and egress: the layout of the workplace allows persons to enter and exit the workplace and to move about within the workplace without risk to health and safety, both under normal working conditions and in an emergency.

Note: Staff should consult the School's Emergency Procedures Manual.

Work space: work areas in the workplace have space for work to be carried out without risk to health and safety.

Floors and surfaces: floors and other surfaces in the workplace are designed, installed and maintained to allow work to be carried out without risk to health and safety. Floors should be even, unbroken and slip resistant and free from obstructions that workers may trip over.

Lighting: lighting at the workplace enables:

- each worker to carry out work without risk to health and safety
- persons to move within the workplace without risk to health and safety
- safe evacuation in an emergency.

Ventilation: ventilation at the workplace enables workers to carry out work without risk to health and safety.

Temperature: workers exposed to extremes of heat or cold at the workplace are able to carry out work without risk to health and safety. Appropriate heating and cooling must be provided to enable workers to work in a comfortable environment.

Essential services: work in relation to or near essential services at the workplace does not give rise to a risk to the health and safety of persons at the workplace.

6. First Aid Facilities

A PCBU must ensure:

- the provision of first aid equipment for the workplace including a First Aid Kit appropriate to the size of the workplace
- that each worker at the workplace has access to the equipment. Workers must be fully aware of what first aid facilities are available and where they are, together with the names and contact details of trained first aid personnel
- access to facilities for the administration of first aid. These facilities should be adequate for the immediate treatment of injuries and illnesses that may arise at the workplace.

A PCBU must also ensure that:

- an adequate number of workers are trained to administer first aid at the workplace
- workers have access to an adequate number of other persons who have been trained to administer first aid in the workplace.

7. Emergency plan

A PCBU must ensure that an emergency plan is prepared for the workplace, which provides for the following:

- emergency procedures, including:
 - an effective response to an emergency
 - evacuation procedures
 - notification of emergency services at the earliest opportunity
 - medical treatment and assistance
 - effective communication between the Principal and all persons in the workplace.
- information for testing of the emergency procedures, including the frequency of testing;
- the prominent display of evacuation procedures at the workplace; and
- the provision of information, training and instruction to relevant workers in relation to implementing the emergency procedures.

A PCBU must ensure that emergency procedures are tested in accordance with the emergency plan in which they are contained. A PCBU must maintain the emergency plan for the workplace so that it remains effective.

Emergency exits must be kept clear of obstacles at all times.

Note: The School's Emergency Plan is contained in the School's Emergency Procedures Manual.

8. Notification of Incidents

What is a notifiable incident?

The PCBU must ensure that the Regulator must be notified immediately after a notifiable incident has arisen out of the conduct of the business or undertaking.

The following are notifiable incidents:

- a death
- a serious injury or illness.

a dangerous incident.Terms	Conditions
Serious injury or illness	<p>An injury or illness requiring the person to have immediate treatment:</p> <ul style="list-style-type: none"> • as an in-patient in a hospital • for the amputation of any part of his or her body • for a serious head injury • for a serious eye injury • for a serious burn • for the separation of skin from an underlying tissue (such as degloving or scalping) • for a spinal injury • for the loss of a bodily function • for serious lacerations • for medical treatment within 48 hours of exposure to a substance. • for any other injury or illness prescribed by the regulations, but does not include an illness or injury of a prescribed kind. <p>It does not matter whether a person actually received the treatment referred to in this definition, just that the injury or illness could reasonably be considered to warrant such treatment.</p>
Dangerous incident	<p>An incident in relation to a workplace that exposes a worker or other person to:</p> <ul style="list-style-type: none"> • an uncontrolled escape, spillage or leakage of a substance • an uncontrolled implosion, explosion or fire • an uncontrolled escape of gas or steam • an uncontrolled escape of a pressurised substance • electric shock • the fall or release from a height of any plant, substance or thing • the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations • the collapse or partial collapse of a structure • the collapse or failure of an excavation or of any shoring supporting an excavation • the inrush of water, mud or gas in workings, in an underground excavation or tunnel • the interruption of the main system of ventilation in an underground excavation or tunnel • any other event prescribed by the regulations, but does not include an incident of a prescribed kind.

Failure to provide notification can result in penalties of up to \$10,000.

Notification requirements

Immediately after the occurrence of a notifiable incident, a PCBU must notify the Regulator as soon as possible by telephone or in writing. If telephone notification is made, the Regulator may request written notice to be provided within 48 hours. A written notice must be in a form, or contain the details, approved by the Regulator.

A PCBU must keep a record of each notifiable incident for at least 5 years from the day that notice of the incident is given to the Regulator. Failure to comply with record keeping obligations may result in penalties of up to \$5,000.

However, a PCBU will not be required to give notice to the Regulator as set out above if the PCBU has already given notice of the incident in accordance with section 44(2) of the WC Act - that is, notice to the workers compensation insurer that a worker has received a workplace injury that seems to be a significant injury (as defined in the Workers Compensation Act).

Please note that if it is a worker's compensation matter, the insurer must be notified within 48 hours.

Incident site preservation

The person with management or control of a workplace at which a notifiable incident has occurred must ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs. This includes any plant, substance, structure or thing associated with the incident.

This does not prevent the person taking any action to assist an injured person, remove a deceased person, take action that is essential to make the site safe or to minimise the risk of a further notifiable incident occurring, or any other action associated with a police investigation or action for which an inspector or the Regulator has given permission.

Notification Procedure

We recommend that a PCBU have a procedure for notification of accidents or illnesses, etc in the workplace. All workers should be trained in relation to this procedure. The procedure should require a worker to notify the Principal/Delegated Authority and Supervisor of the accident, illness or occurrence; enter the accident, illness or occurrence into a Record of Injuries and the Principal should then notify the regulatory authority within the prescribed period of time.

9. Hazardous manual tasks

There are specific obligations in the Regulations in relation to hazardous work including hazardous manual tasks.¹

¹ A **hazardous manual task** means a task that requires a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any person, animal or thing that involves one or more of the following: (a) repetitive or sustained force; (b) high or sudden force; (c) repetitive movement; (d) sustained or awkward posture; (e) exposure to vibration – e.g. a task requiring a person to lift or move loads that are unstable or unbalanced or are difficult to grasp or hold.

A PCBU must manage risks to health and safety relating to a musculoskeletal disorder² associated with a hazardous manual task. In order to manage risks a PCBU must:

- identify reasonably foreseeable hazards that could give rise to the risk
- eliminate the risk so far as is reasonably practicable or if it is not reasonably practicable to eliminate the risk – minimise the risk so far as is reasonably practicable by following the hierarchy of control measures (see our comments in relation to risk assessment above)
- review and, if necessary revise, control measures.

In determining the control measures to implement, the PCBU must have regard to all relevant matters that may contribute to a musculoskeletal disorder, including:

- postures, movements, forces and vibration relating to the hazardous manual task
- the duration and frequency of the hazardous manual task
- workplace environmental conditions that may affect the hazardous manual task or the worker performing it
- the design of the work area
- the layout of the workplace
- the systems of work used
- the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual task.

In deciding how to control risks a PCBU must, so far as is reasonably practicable, consult with workers who will be directly affected by this decision.

All measures put in place to either eliminate or minimise a risk to health and safety associated with a hazardous manual task must be enforced and any equipment must be properly used and maintained. The effectiveness of these measures must be monitored and reviewed regularly.

10. Training

A PCBU must train its workers in relation to their duties and risk management. It is recommended that this be included in induction training for new workers, but existing workers who have not received induction training should also be trained and refresher courses run regularly. The training should include:

- arrangements for managing health and safety. This should provide workers with a general understanding of WHS obligations, both the PCBU's and theirs. It should cover the WHS Policy, rehabilitation policy, reporting hazards and any other health and safety related policies or procedures in place
- health and safety procedures relevant to the worker's specific duties, including the use and maintenance of risk control measures
- how workers can access health and safety information and become involved in health and safety management in the workplace.

Where a worker is required to undertake a task that the worker has not previously undertaken, the PCBU must provide suitable and adequate training and assistance to the worker in performing that task.

² A **musculoskeletal disorder** means an injury to, or disease of, the musculoskeletal system, whether occurring suddenly or over time, but does not include an injury caused by crushing, entrapment or cutting resulting principally from the mechanical operation of plant.

Where a worker or other person is exposed to a particular risk to their health and safety, that worker or other person must be informed of the risk and provided with any relevant training in relation to the risk and the measures to eliminate or minimise it - for example in relation to a worker required to undertake hazardous manual tasks a worker should be trained on proper manual handling techniques and any measures in place to minimise or eliminate risks.

Workers who are responsible for conducting risk assessments and putting in place measures to eliminate or minimise any risk to health and safety, must be adequately trained to perform these tasks, and must be provided with all relevant information necessary to fulfil their responsibilities.

Other WHS training that should be provided to workers includes, but is not limited to:

- manual handling training
- emergency procedures
- risk management
- training in relation to hazardous substances at the workplace
- training in relation to appropriate workplace behaviour including bullying
- training in relation to ergonomic workstations.

A PCBU should keep a record of training courses offered to workers and the attendance at those courses.

11. Supervision

A PCBU must ensure that workers are provided with relevant supervision necessary to ensure their health and safety at work. Such supervision must be by a competent person. Principal/Delegated Authority and Supervisors must be provided with information, instruction and training as necessary to ensure that each worker under his or her management or supervision is safe from injury and risk to health.

12. Record of Injuries, Illnesses & Dangerous Occurrences

Under the WC Act an employer in NSW must keep a register of injuries (**Record**) that is readily accessible in the workplace for workers to access and record any work related injury, illness or dangerous occurrence.

The PCBU should have a procedure in the workplace that requires workers to record any work related injury, illness or dangerous occurrence in the Record immediately. This should be done regardless of whether an injury or illness resulted from the dangerous occurrence, and regardless of the seriousness of any injury or illness and whether they result in a worker's compensation claim or not.

The Register of Injuries/Illnesses/Occurrences (Record) is kept in a written format at St Euphemia College. After completion by Staff, written records will be submitted to the School Secretaries for inclusion in the Register.

13. Return to Work Program

Under the WC Act employers in NSW are required to establish a Return to Work Program setting out its procedures for the rehabilitation of any worker who sustains a workplace illness or injury. This program should:

- set out the employer's commitment to rehabilitating employees who have work related injuries or illnesses
- inform employees of what to do if they are injured, or incur an illness, at work
- inform employees of the contact details of the employer's Return to Work Coordinator and Rehabilitation Provider.

The School's Bursar has been delegated Return to Work Coordinator duties.

Penalties apply if an employer does not have a program or that program is not displayed and made available to employees.

Under the WC Act an employer in NSW must put in place individual Return to Work programs for employees who are injured, or incur an illness, at work. These programs should be developed in consultation with the employee, the Rehabilitation Manager/Provider and the employee's doctor (where necessary). Return to Work programs should include the ability to return to work on light or alternative duties while the employee is rehabilitating.

14. Discrimination & Victimization

Discriminatory Conduct

The Act makes it an offence to engage in discriminatory conduct, or to request, instruct, induce, encourage, authorise or assist a person to engage in such conduct if the dominant reason for the discriminatory conduct is a prohibited reason.

It is discriminatory conduct to:

- dismiss an employee
- terminate a contract for services with a worker
- put a worker to their detriment in the engagement of the worker
- alter the position of the worker to the worker's detriment
- refuse to engage a prospective worker
- treat a prospective worker less favourably than another in offering terms of engagement
- terminate a commercial arrangement with another person
- refuse or fail to enter into a commercial arrangement with another person.

A person also engages in discriminatory conduct if he/she organises to take any of the actions above, or threaten to organise or take these actions.

Prohibited reasons

Discriminatory conduct will only be unlawful if it is engaged in for a prohibited reason. In relation to the Act, prohibited reasons include those that are related to:

- a person's role as a HSR, a member of a health and safety committee or some other role under the Act
- a person exercising powers or performing a function under the Act, or exercising powers or performing a function in a particular way, or refraining from exercising powers or performing a function
- a person assisting or proposing to assist, or giving or proposing to give information to, any person who is exercising a power or function under the Act
- raising or proposing to raise an issue or concern about work health and safety with a PCBU, an Inspector, a work health and safety entry permit holder, a HSR, a member of health and safety committee or any other person who has a duty, power or function under the Act
- being involved in or proposing to be involved in resolving a work health and safety issue
- taking action or proposing to take action to seek compliance by any person with a duty of an obligation under the Act.

Note: Although this list is comprehensive, it is not exhaustive. Ensuring the health and safety of workers and others in the workplace is an extremely broad obligation. This checklist covers general WHS measures that it is recommended be put in place, or that are expressly required under WHS legislation in NSW. More specific measures that may need to be put in place will depend on individual workplaces and work practices.

