

From 1 January 2012, business owners and directors will be held fully accountable for any workplace health and safety incidents or infringements that occur in their organisation.

**Are you aware of the changes in legislation?
Is your business prepared?**



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Australian Workplace Health & Safety laws are changing

In response to industry calls for greater national consistency in health and safety laws, the Commonwealth, States and Territories have agreed to implement nationally harmonised Workplace Health & Safety legislation to commence on 1 January 2012. Harmonisation aims to:

- Develop uniform, equitable and effective safety standards and protections for all Australian workers
- Address the compliance and regulatory burdens for employers with operations in more than one jurisdiction
- Create efficiencies for governments in the provision of WPHS regulatory and support services
- Achieve significant and continual reductions in the incidence of death, injury and disease in the workplace.

What are the key changes?

While the new Act is largely similar to the current Queensland Workplace Health & Safety Act 1995, there are a number of important differences:

- Business operators must act so far as is “reasonably practicable” to eliminate or minimise risk to health and safety. This relates to the extent to which an employer must go in order to meet their obligatory duty of care
- Company directors will have a positive and proactive duty to exercise due diligence. This represents a shift away from attributed liability and requires directors to:
 - » Acquire and maintain up-to-date knowledge of health and safety matters
 - » Gain an understanding of hazards and risks associated with the company’s operations
 - » Ensure appropriate resources are available for use to eliminate or minimise risks from work carried out
 - » Ensure appropriate processes for obtaining information about incidents, hazards and risks, and responding to them
 - » Ensure processes for complying with duties are implemented (e.g. reporting, consultation arrangements, training and instruction)
 - » Verify the provision and use of resources for the matters listed above
- Workers must exercise reasonable care that their acts or omissions do not adversely affect the health and safety of any persons at the workplace
- There will be no requirement for business operators to appoint workplace health and safety officers (WHSOs). However, businesses are encouraged to have access to trained safety personnel
- Health & Safety Representatives will represent defined work groups at a workplace. These will need to be negotiated with the business operator
- Health and safety issues are to be resolved in accordance with an agreed procedure. Where there is no agreed procedure at the workplace, the national model laws set out a default procedure
- Health & Safety Representatives will be able to issue provisional improvement notices and can direct workers to cease work after consultation and an attempt to resolve an issue, or without consultation if there is an immediate and imminent threat to health and safety.





Are you ready? Here is a checklist of 10 things to assess before 1 January 2012:

1. Review your arrangements to ensure that your site managers have sufficient oversight over safety matters to meet their due diligence obligations
2. Take steps to ensure that your workers are informed of their new safety obligations
3. Review your procedures to ensure that all serious injuries and incidents occurring as a result of workplace activities are reported
4. Review your arrangements to ensure that you consult with all non-employees (e.g. contractors, sub-contractors, etc.) whose health and safety may be affected by your work activities
5. Determine whether you will need to elect health and safety representatives for appropriate groups of workers
6. Review your procedures to ensure that you avoid engaging in discriminatory conduct against a worker who raises a health and safety issue
7. Communicate to your site managers that WPHS officials may enter their workplace, conduct safety inspections, speak to workers, and inspect company records
8. Instruct your site managers what to do if they receive a visit by a safety inspector and are issued with a notice
9. Review the Regulations and Codes of Practice to determine what changes will need to be made to your WPHS management system
10. Plan a training program to communicate to your managers and workers the changes to your WPHS management system as a result of harmonisation

Haycroft Can Help

Our experienced workplace health and safety consultants can provide your business with a wide range of services to ensure your business is ready for the changes.

We can take a confidential look into your business's policies and procedures, conduct a site visit, audit your work site, identify gaps in your WPHS management, and provide detailed recommendations on what you need to do to meet obligations.

Haycroft Workplace Solutions can:

- Provide locum WPHS Management services
- Conduct health and safety audits
- Perform risk assessments
- Analyse job safety
- Devise compliant safety management programs
- Deliver training and inductions
- Carry out incident/accident investigations
- Assist with claims management
- Coordinate rehabilitation programs
- Supply templates for forms, procedures, and policies



Call us now on 1300 766 380 or visit the website www.haycroft.com.au

Postal: PO Box 1051
Street: 108 Grigor Street (West)
CALOUNDRA QLD 4551

Haycroft Workplace Solutions
Phone: 1300 766 380
Fax: 07 5491 7915

E-mail: enquiries@haycroft.com.au
Web: www.haycroft.com.au

