**HEALTH AND SAFTEY AT WORK ACT 2015**

**Some key understandings**

**Must pass ALL 6 “Due Diligence” tests:**

**• must have up to date knowledge of H&S matters**

**• must identify “reasonably foreseeable risks” – and minimise the risk ongoing and as new risk arise**

**• must provide appropriate resources & processes – not just lip-service**

**• must manage hazards, incidents and risks in a timely way**

**• must have H&S compliance – e.g. a manual, hazard Register, training etc**

**• must check that resources and processes are being followed**

**• s22 PCBUs have a level of control that is Reasonable Practicable “taking into account and weighing up all relevant matters”**

**- Likelihood of the hazard or risk**

**- The degree of likely harm**

**• Cost is irrelevant unless it “is grossly disproportionate to the risk”**

**PCBUs must, so far as is reasonably practicable, engage with workers:**

**• When identifying and hazards and assessing risks to work**

**• When making decisions about ways to eliminate or minimise risks**

**• When making decisions about the adequacy of facilities for welfare**

**• When proposing changes that may affect worker H&S**

**• When making decisions around procedures in relation to: engaging workers, monitoring health, monitoring conditions, providing information and training**

**• When making decisions about procedures to resolve H&S issues**

**• When developing participation practices including determining work groups**

**A PCBU must ensure as far as is reasonably practicable that every worker who carries out work using equipment or substance:**

**• Has adequate knowledge and experience so that it is not likely to**

**adversely affect their H&S – AND must be adequately supervised**

 **or**

**• Is adequately trained, has suitable PPE AND has effective**

**supervision**

**Training must be readily understandable by any person to whom it**

**is provided.**

**A PCBU must ensure as far as is reasonably practicable that:**

**• Workplace layout enables ingress and egress – even in an**

**emergency**

**• Work places have sufficient space**

**• Floors and other surfaces allow work without risk**

**• Suitable lighting for working and safe evacuation**

**• Suitable ventilation to enable workers to work without risk**

**• Workers carrying out work in extremes of heat or cold are**

**able to do so without risk**

**This is not required if the PCBU has less than 20 workers unless they**

**are a “High Risk” – see Schedule 2, Worker Engagement, Participation + Rep Reg 2016**

* **Aquaculture**
* **Forestry and logging**
* **Fishing, hunting, trapping**
* **Coal mining**
* **Food product manufacturing**
* **Water supply, sewerage, and draining services**
* **Waste collection, treatment and disposal services**
* **Building Construction**
* **Heavy and civil engineering construction**
* **Construction Services**
* **Stress is a workplace hazard and employers must create tools to**

**be able to ascertain how employees are coping with it**

* **How can you gauge if your employees are under too much stress?**
* **Under the Health and Safety in Employment Amendment Act**

**2002, the burden of proof for stress was on the worker. Under**

**2016 HSAW, stress is a normal hazard that must be managed by the**

**PCBU**

* **S17 – a PCBU does not include an organization if they do not employ any person to carry out work for the volunteer organization**
* **S19 – a volunteer is a “worker” if they are acting with the knowledge and consent of the PCBU and on an ongoing and regular basis and that is an integral part of the business.**
* **A volunteer is not a worker if that:**
	+ - **are participating in a fund-raising activity**
		- **assisting with sports or recreation for an educational institute or club**
		- **assisting with activities for an educational institute outside the premise of the educational institution**
		- **providing care for another person in the volunteer’s home**

**S51 – A volunteer does not commit an offence under the Act for a failure to comply.**

 ***otherwise no one would volunteer !***

**S34 - If more than 1 PCBU has a duty in relation to the**

**They must “so far as is reasonably practicable” consult, co-operate and co-ordinate activates.**

**Take this mini H&S audit for your organisation**

|  |  |
| --- | --- |
| 1. **We have a signed H&S policy available for all staff to see**
 | **Y/N** |
| 1. **We have documentation to prove that we induct “workers”**
 | **Y/N** |
| 1. **We have procedures, templates and forms that are used**
 | **Y/N** |
| 1. **We document H&S issues and record completed action points**
 | **Y/N** |
| 1. **We understand our hazards and have documented mitigations**
 | **Y/N** |
| 1. **Staff have been made aware of these hazards and are refreshed**
 | **Y/N** |
| 1. **Documented training records can prove appropriate training**
 | **Y/N** |
| 1. **Contractor records prove that they know our hazards**
 | **Y/N** |
| 1. **We have documented evidence of worker participation**
 | **Y/N** |
| 1. **We conduct annual reviews / audits to ensure we are on track**
 | **Y/N** |