WHS-002 Safe Operating Procedure (SOP)

Safety Governance SOP

(Safety Leadership, Safety Risk Management and Safety Business Plan)

**Associated Forms or Documents (see appendix for):**

* WHSF-001 [Company] Master Safety Hazard and Risk Register
* WHSF-002 Record of Hazard, Health or Safety Issue
* WHSF-004 WHS Policy
* [Company] Safety Organisation Chart
* [Company] Safety Documents Relational Chart #1
* [Company] Safety Documents Relational Chart #2
* [Company] Safety Business Plan

See also:

* Final Report of WHS Systems of Governance and Compliance at [Company] Engineering 29 May 2012, especially recommendations under Human Resources, Item 4.4, pp. 34-36.
* WHSMS Manual Vol. 3 – Human Resources Management

Safety Business Plan

The Safety Business Plan will be represented under a *Safety Governance and Management* heading in the [Company] annual business plan. The latter is formally approved by officers, along with subsequent iterations.

The Officers will review the plan in consultation with workers from time to time and at least annually, to ensure that it provides an adequate framework for monitoring the operating circumstances, and especially when there is material change to the structure or operations of the business.

The plan will:

* identify operational safety priorities appropriate to the size, mix and complexity of operations;
* establish lead indicators dealing with safety issues such as audits, inspections and management reviews for the following year. A lead indicator advises of future action to be taken by the PCBU to eliminate any workplace health and safety risk.

Effective communication of the safety business plan will ensure that workers fully understand and adhere to policies and procedures affecting their duties and responsibilities, and that other relevant safety information reaches the appropriate personnel.

The following categories of risks will be addressed by the safety business plan as they relate to safety management:

1. Strategic risk
2. Operational risk
3. Financial risk
4. Regulatory risk

Master Safety, Hazard and Risk Register

The Officers will develop and maintain the Master Safety, Hazard and Risk Register in consultation with workers.

Human Resources Management (WHSMS Manual Vol. 3)

The manual will provide policy direction in relation to key related HR matters including:

* HR file and record management
* Position Descriptions
* Contracts
* Training
* Workers Compensation / Return to Work Management
* Workplace Camera Surveillance and related privacy considerations
* Induction
* Related matters as approved by the officers

**Approvals & review**

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| Policy review date: |  |
| Policy approved by title: | [Company] Pty Ltd |
| Policy approved by signature: |  |

WHS-004 Policy

Workplace Health & Safety Policy

**Associated Forms or Documents (see appendix for):**

* WHSF-004 WHS Policy (wall hanging version)

Purpose of Policy

This policy outlines [Company]'s commitment to providing a safe working environment for all employees, contractors, apprentices, volunteers and visitors to our workplace(s), and to provide effective communication about Workplace Health and Safety (WHS) matters.

Health and safety at work is both an individual and shared responsibility of all.

The WHS of all employees, contractors, visitors and people we support is overseen by the company officers.

The Policy

The Company is committed to ensuring the health, safety and welfare at work of all employees and others who come on to the workplace, by eliminating or minimising the risk of injury to people and the risk of damage to plant and equipment.

We will achieve this by following relevant legislation and adopting a strategy of:

* identifying hazards in the workplace
* assessing risks to workers and others
* deciding on control measures
* implementing those controls
* monitoring that the controls are effective

The Company is committed to providing:

* a safe work environment
* safe systems of work for our workers
* suitable and safe equipment
* information, instruction, training and supervision to ensure workers are competent and working safely

We will also ensure that:

* equipment is maintained
* chemicals are used safely
* managers and supervisors take reasonable precautions and exercise proper diligence to comply with safety obligations

The Company promotes the participation of workers in the safety program. Workers have obligations under the *Model Work Health and Safety (WHS) Act 2011*, *Model Work Health and Safety Regulations 2011*, and *Model Codes of Practice*, and are expected to follow the Company’s safety directions to create and maintain a safe and healthy workplace.

**Approvals & review**

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| Policy review date: |  |
| Policy approved by title: | [Company] Pty Ltd |
| Policy approved by signature: |  |

WHS-005 Safe Operating Procedure (SOP)

Duty Holders SOP

**Associated Forms or Documents (see appendix):**

* WHSF-001 [Company] Master Safety Hazard and Risk Register
* WHSF-002 Record of Hazard, Health or Safety Issue
* WHSF-003.3 Record of Toolbox Meeting
* WHSF-005.1 Checklist: Officer Compliance with WHS Obligations
* WHSF-005.2 Officer’s Register of Decisions
* WHSF-005.5 Accident/Incident/Near Miss Investigation Form
* [Company] WHSMS Manual Vol 3 - Human Resources Policies and Procedures

Purpose of SOP

The 2011 work health and safety laws may change the way work health and safety is managed in [Company], but the basics of keeping the workplace safe will remain. Every [person conducting a business or undertaking](http://www.workcover.nsw.gov.au/newlegislation2012/Employersandbusinesses/Pages/personconductingabusinessorundertaking.aspx) (PCBU) should ensure the on-going management of work health and safety matters is done effectively. The basics of keeping [Company]s’ workplace safe includes:

* [management commitment](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers)
* workplace [consultation](http://www.workcover.nsw.gov.au/newlegislation2012/Asafeworkplace/consultation)
* [management of risk](http://www.workcover.nsw.gov.au/newlegislation2012/Employersandbusinesses/Pages/dutiesofapersonconductingabusinessorundertaking.aspx)
* training and supervision
* reporting safety
* workers compensation and [return to work](http://www.workcover.nsw.gov.au/formspublications/publications/Pages/WC04951_SeriousAboutSafeBusinessWorkersCompensat_.aspx)
* other considerations

This SOP defines duty holders’ general safety procedures to be followed in response to WHS-005 Duty Holders General Safety Policy. The main objective of this SOP is to educate duty holders on how comply with their safety obligations

SOP

[Company] Duty Holders functionality:

1. **Officers**

Positive due diligence is a new concept in safety throughout Australia. It creates new legal responsibilities and a new compliance regime.

Officers’ positive duty includes taking reasonable steps to ensure that the business or undertaking has, and uses, appropriate resources and processes to eliminate or minimise risks at the workplace.

This positive duty of due diligence requires the officers to adopt a method of management that ensures people are protected from work-related harm through:

1. The identification of hazards
2. Risk management
3. Resource allocation
4. System development

Due Diligence means an officer must:

* Acquire and keep up-to-date knowledge of work, health and safety matters and
* Ensure the PCBU has, and implements, processes for complying with the PCBU’s obligations.

For an officer to carry out their due diligence, they must:

* fully understand how the business operates
* be aware of common risks that exist within the business, in particular the higher-risk hazards
* understand the level of risk associated with each hazard
* know what the appropriate controls for those hazards are; and
* ensure appropriate resources are allocated to eliminate or minimise the risk of those hazards causing work-related harm

Officers must be proactive and owe a continuous duty to ensure compliance.

The officers must therefore be *visible health & safety leaders.*

Officers can delegate tasks but not their responsibilities under the Act. For example, officers must ensure that the PCBU complies with its duty.

This means that a safety management system is used by the PCBU which enables all persons to be safe.

1. **Person Conducting a Business or Undertaking (PCBU)**

As a ‘person conducting a business or undertaking’ (*PCBU*), [Company]’s officers *also* have an absolute duty to take all reasonably practicable steps to ensure the health and safety of workers and other persons impacted by the business or undertaking.

Reasonably practicable steps means those available ways of eliminating or minimising the risk of injury after have considered a number of relevant matters together, such as the likelihood and severity of the risk and the means to control it, weighed against the costs associated with eliminating or minimising the risk.

This includes ensure, so far as is reasonably practicable, that the workplace and anything arising out of it are without risks to health and safety.

In exercising due diligence the Managing Directors must take reasonable steps to:

* Acquire and maintain safety knowledge
* Understand health and safety business risks
* Provide resources to decrease or eliminate risk
* Receive and consider information on incidents and risk
* Ensure WHS legal compliance

1. **Workers**

[Company] workers and contractors must comply with reasonable directions and instructions as well as cooperate with any reasonable policy or procedure of [Company].

1. **Health and Safety Representatives (HSRs)**

The powers and functions of an HSR are to:

* represent [workers in a work group](http://www.workcover.nsw.gov.au/newlegislation2012/Asafeworkplace/Healthandsafetyrepresentatives/Agreementonworkgroups) on work health and safety (WHS) matters
* monitor WHS actions taken by the PCBU
* investigate WHS complaints from workers of the work group
* look into anything that might be a risk to the WHS of the workers they represent.

If an HSR has completed [HSR training](http://www.workcover.nsw.gov.au/NEWLEGISLATION2012/ASAFEWORKPLACE/HEALTHANDSAFETYREPRESENTATIVES/Pages/RegulatorapprovedHSRtraining.aspx), they can [exercise additional powers](http://www.workcover.nsw.gov.au/newlegislation2012/Asafeworkplace/Healthandsafetyrepresentatives/Functionsandpowersofhealthandsafetyrepresentatives):

* to direct unsafe work to stop when they have a reasonable concern that carrying out the work would expose a worker to a serious risk
* to issue a 'Provisional Improvement Notice' (PIN) when they reasonably believe there is a contravention of the Model [Work Health and Safety Act 201](http://www.legislation.nsw.gov.au/maintop/view/inforce/act+10+2011+cd+0+N)1.

HSRs provide [benefits to workers and PCBUs](http://www.workcover.nsw.gov.au/NEWLEGISLATION2012/ASAFEWORKPLACE/HEALTHANDSAFETYREPRESENTATIVES/Pages/Benefitsofhealthandsafetyrepresentatives.aspx) by fostering consultation.

**Election process for a health and safety representative (HSR)**

When agreement has been reached on the number of work groups and HSRs (and deputy HSRs), the [PCBU](http://www.workcover.nsw.gov.au/newlegislation2012/WhatsnewforNSW/Personsconductingabusinessorundertaking) (includes employers) must provide any reasonable resources, facilities and help that may be required to [conduct the election](http://www.workcover.nsw.gov.au/newlegislation2012/Asafeworkplace/Healthandsafetyrepresentatives/Electingahealthandsafetyrepresentative).

**Eligibility**

All workers who have been [nominated](http://www.workcover.nsw.gov.au/NEWLEGISLATION2012/ASAFEWORKPLACE/HEALTHANDSAFETYREPRESENTATIVES/Pages/Callfornominees.aspx) are eligible to be elected as an HSR or deputy HSR for their defined work group.

**PCBU obligations to health and safety representatives (HSRs)**

[PCBU](http://www.workcover.nsw.gov.au/newlegislation2012/WhatsnewforNSW/Personsconductingabusinessorundertaking)s (includes employers) should provide support for the HSR and must:

* allow the HSR adequate time at normal pay to carry out their role
* consult and confer with the HSR on work health and safety issues (eg when proposing measures to eliminate or minimise risks)
* allow the HSR access to information about hazards and risks at the workplace as well as information relating to the health and safety of workers at the workplace (excluding workers’ personal medical information without the workers' consent)
* allow the HSR to be present at an interview relating to work health and safety issues if a worker consents
* provide the resources, facilities and assistance that are reasonably necessary for them to perform their functions
* allow any person assisting the HSR, access to the workplace as necessary
* permit the HSR to accompany an inspector on an inspection.

1. **Work Groups**

Once an election for an HSR has been requested, the PCBU must start negotiations with workers within 14 days to establish work groups.

This process will also help the PCBU and workers in a work group negotiate the number of HSRs and work groups required.

 Decisions about establishing work groups must be made by consultation and agreement between the PCBU (includes employers) and the relevant workers. A worker’s representative can be appointed by the workers to negotiate on their behalf.

Principles Underlying this SOP

1. **Management Commitment**

[Officers, including company Directors](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers/Pages/Definitionofanofficer.aspx), are individuals who have high level obligations for work health and safety. These obligations are important as health and safety commitment and leadership from the top levels of the business or undertaking is critical to health and safety outcomes.

1. **Workplace Consultation**

Consultation provides an opportunity to share relevant information and participate in meaningful discussion on work health and safety matters.   
  
Using the knowledge and experience of everyone helps to achieve safer and healthier workplaces as well as better decision making.  
  
Consultation is mandatory under the [Work Health and Safety Act](http://www.legislation.nsw.gov.au/fragview/inforce/act+10+2011+pt.5+0+N?) 2011 for [persons conducting a business or undertaking](http://www.workcover.nsw.gov.au/newlegislation2012/Employersandbusinesses/Pages/personconductingabusinessorundertaking.aspx) (PCBUs - the new term that includes employers).

1. **Management of Risk**

See WHS-002 Policy / SOP (Safety Governance)

1. **Training and Induction**

See WHS-033 (Training and Induction Policy / SOP)

1. **Reporting safety**

See WHSF-005.4 (Workplace Safety Inspection Action List) and WHSF-005.5 (Incident/Near Miss Investigation Form)

These should be completed for the immediate reporting of safety issues, hazards, incidents, injuries and illnesses. This will enable [Company] to:

* identify potential problems early
* understand why incidents have happened
* decide how to prevent incidents
* measure how well your safe work procedures are working
* meet requirements for reporting workplace injuries and incidents.

1. **Notification of Incidents**

A PCBU must notify the WHS regulator e.g. WorkCover immediately after becoming aware that a notifiable incident arising out of the business’ conduct has occurred.

A notifiable incident includes:

1. A death
2. A serious injury or illness
3. A dangerous incident

Incident records must be kept for five years.

[Company] employees or contractors with management of control of the workplace must also preserve the incident scene until an inspector attends, or directs otherwise. Render assistance, if it is required, and allow police and ambulance officers to fulfil their functions.

If someone suffers an injury or illness where workers compensation is, or may be, payable, [Company] will contact its insurer within 48 hours.

1. **Workers compensation and return to work**

See WHS-029 (Return to Work Policy / SOP) and

See WHS-034 (Workers Comp Policy)

1. **Training and Induction Process**

See WHS-033 (Training and Induction Policy / SOP)

**Approvals & review**

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