Work Health and Safety Management System

Introduction

[Company] strives to provide and maintain a safe work environment, in recognition of the requirements of the Work Health and Safety Act 2011, including its Regulation and Codes of Practice.

We achieve this through the implementation of a basic Work Health and Safety Management System (WHSMS).

The System helps us to integrate health and safety considerations into all our business activities. It includes some policy statements which express our commitment to managing key risks. Related procedural frameworks (Safe Operating Procedures *or SOPs*) guide how we put the policies into action.

In responding to the System, our directors / officers consult on safety issues with all in the workplace. The feedback we give and receive helps us all to take a coordinated and diligent approach to safety, by determining what resources and processes may be needed to minimise or eliminate risks. We call this process ‘due diligence’.



Key components of the due diligence process at [Company]

The System provides some key tools to guide and document our safety efforts. These include:

1. Key Definitions
2. Guiding Statement for our Safety Business Plan
3. Master Work Health and Safety Policy
4. Policy identifying our Safety Duty Holders
5. Various key forms/templates including:

WHS FORM 001: Incident/Near Miss

WHS FORM 002: Director/Officer Register of Safety Decisions

WHS FORM 003: Checklist: Director/officer Compliance with Safety Obligations

 WHS FORM 004: Record of Hazard, Health or Safety Issue

1. The Master Safety Register template. This tool provides a central point of compiling safety hazards identified on Form 004, and the controls we enact to remove or minimise each of those hazards

In summation, the [Company] WHSMS establishes processes that train and direct us to identify and document hazards, assess risks, and implement safety controls in the workplace.

All staff are asked to become familiar with the system and contribute actively to its implementation

Key Definitions Relevant to the [Company] Work Health and Safety Management System

Officer

An officer is defined for WHS Act purposes as:

* the director or secretary of a corporation (within the meaning of section 9 of the Corporations Act 2001)
* a person who makes decisions, or participates in making decisions, which affect the whole, or a substantial part, of a business or undertaking
* a person who has the capacity to significantly affect the financial standing of the business or undertaking, in accordance with whose instructions or wishes the directors of the organisation are accustomed to act

Person Conducting a Business or Undertaking (PCBU)

A PCBU is defined for WHS Act purposes as:

* a person, corporation, partnership or unincorporated association who conducts a business or undertaking, whether or not the business or undertaking is conducted for profit or gain

In addition to employers, a PCBU can be a corporation, an Association, a partnership or sole trader. i.e. in partnerships, the PCBU is each partner.

The definition of a PCBU focuses on the work arrangements and the relationships to carry out the work.

(Positive) Due Diligence

A new concept in safety throughout Australia. It creates new legal responsibilities and a new compliance regime.

Directors / officers must exercise due diligence, which at its simplest, requires an officer to concentrate on managing the work health and safety (WHS) risks of the business or undertaking.

An officer must have high, yet attainable standards of due diligence.

These standards reflect the position and influence of the officer within the business or undertaking as the officer governs and makes management decisions for the PCBU.

Achieving a high standard of due diligence requires persistent examination and care to ensure that the resources and systems of the PCBU are adequate to comply with all its WHS obligations.

Where the officer relies on the expertise of a manager or other person, that reliance must be reasonable and their expertise must be verified.

The reasonable steps officers must take to ensure they are exercising due diligence includes, but is not limited to:

* [acquiring and keeping up to date with knowledge of WHS matters](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers/Pages/Duediligence.aspx#acquireandkeepuptodatewithknowledgeofwhsmatters)
* [gaining an understanding of the PCBU’s business operations and the associated hazards and risks](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers/Pages/Duediligence.aspx#gainanunderstandingofthePCBUsbusinessoperationsandtheassociatedhazardsandrisks)
* [ensuring the PCBU has available for use, and uses, the appropriate resources and processes to eliminate or minimise risks to health and safety](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers/Pages/Duediligence.aspx#ensuringthePCBUhasavailableforuseandusestheappropriateresourcesandprocessestoeliminateorminimiseriskstohealthandsafety)
* [ensuring the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers/Pages/Duediligence.aspx#ensurethepcbuhasappropriateprocessesforreceivingandconsideringinformationregardingincidentshazardsandrisks)
* [ensuring the PCBU implements processes for complying with any duty or obligation under the WHS Act](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers/Pages/Duediligence.aspx#ensuringthepcbuhasandimplementsprocessesforcomplyingwithanydutyorobligationunderthewhsact)
* [verifying the provision and use of resources and processes required for compliance](http://www.workcover.nsw.gov.au/newlegislation2012/Directorsandofficers/Pages/Duediligence.aspx#verifytheprovisionanduseofresourcesandprocessesrequiredforcompliance)

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

* the identification of hazards
* risk management
* resource allocation
* system development

Reasonable Care

The standard of consideration that workers must meet. Reasonable care applies to all workers, which by definition includes volunteers.

Workers must do what a rational person would do in a given situation. This involves taking into consideration their:

* knowledge
* role
* skills
* available resources
* qualifications
* available information and;
* the ramifications to health and safety of a failure to act

Reasonably Practicable

**The WHS Act now defines and applies what is ‘reasonably practicable’.**

Reasonably practicable, in relation to a duty to ensure health and safety, refers to what is reasonably able to be done when ensuring health and safety, taking into account and weighing all the relevant matters including:

* or minimizing the risk, the cost associated and the ways of eliminating or minimizing the likelihood of the hazard or risk concerned occurring
* the degree of harm that may result from the hazard or risk
* what the person concerned knows ought reasonably to know about the hazard or risk, and ways of eliminating or minimising the risk
* the availability and suitability of ways to eliminate or minimize the risk, and after assessing the extent of the risk and the available ways of eliminating the risk, including whether the cost is grossly disproportionate to the risk

Safe Operating Procedure (SOP)

A written document that provides step-wise guidance on how to undertake a workplace function safely. Traditionally these are known as Safe Work Method Statements.

Work Health and Safety Management System (WHSMS)

There is a primary duty for an organisation to provide and maintain a safe system of work. A WHSMS will help ensure that health and safety is addressed systemically in the workplace.

Worker

A worker is any person who carries out work for a PCBU in any capacity.

[Company] Safety Business Plan Guiding Statement

At [Company] we acknowledge that the WHS Act makes use of the roles of Directors/Officers as defined under the Corporations Act 2001, in order to align safety obligations with wider business requirements.

Therefore a Safety Business Plan forms another central component of our WHSMS, as well as being part of the [Company] approved corporate business plan. It includes methods, budgets, delivery indicators and outcomes, using a reporting structure.

Our officers 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 operating circumstances, especially when there is material change to the structure or operations of the company.

The plan will:

* identify operational safety priorities appropriate to the size, mix and complexity of operations
* establish lead and lag indicators dealing with safety issues such as audits, supervision and training, and hazard and risk identification and control

The Safety Business Plan assumes there is a fundamental need for health and safety flow throughout the business, as illustrated in the following diagram:



The plan will project specific upcoming activities, indicate whether these are being implemented, and if not, why not.

Effective flow of safety information through our Safety Business Plan ensures that risks and hazards are fully identified and controlled, and the workplace remains safe.

WHS Policy 1 - Master Workplace Health and Safety Policy

Purpose of this Policy

Health and Safety at work is both an individual and shared responsibility of everyone at [Company].

This policy confirms our company commitment to providing a safe working environment for all employees, coordinators, volunteers, contractors, and visitors to our workplace(s), and to provide effective communication about Workplace Health and Safety (WHS) matters.

The Policy

[Company] is committed to providing a safe and healthy working environment for employees, volunteers, contractors, visitors, and all other persons whose health or safety could be at risk through our work. We will do this by ensuring:

* compliance with relevant legislation, including the WHS Act and supporting regulations
* the implementation of the Work Health and Safety Management System, and the reports, plans, policies, procedures and programs necessary to support and implement this policy

[Company] accepts responsibility for implementing and maintaining this WHS Policy and WHS Management System. We will ensure that:

* we establish measurable safety performance objectives and targets and that we review these to continuously improve WHS performance. This shall include regular workplace inspections and the prompt control of identified hazards
* employees and volunteers are trained on all health and safety matters relevant to their work
* contractors are fully aware of the hazards associated with their work, and implement appropriate hazard control measures
* all managers, coordinators, employees, volunteers, contractors and other persons are inducted into the requirements of the WHS Management System, and are held accountable for enacting their roles and responsibilities as defined in the WHS Management System
* effective employee, volunteer and contractor consultation on health and safety matters includes the two-way communication of relevant information, meetings, reporting and feedback mechanisms
* adequate resources are provided to enable full implementation of this WHS Policy and WHS Management System. Where [Company] does not have the necessary in- house knowledge or expertise to enable it to meet its work health and safety objectives, it will ensure that advice and guidance are obtained from a competent WHS professional
* this WHS Policy and the WHS Management System are reviewed every year to ensure they remain relevant and appropriate to [Company].

All directors/ officers, employees, volunteers and contractors at [Company] are required to comply with this WHS Policy and the WHS Management System at all times. The directors /officers are responsible for the implementation and dissemination of all matters dealing with the health and safety of employees, volunteers and contractors under their control.

Employees, contractors and volunteers must cooperate with [Company] regarding safety actions taken to maintain health and safety. In addition, they shall take reasonable care of their own safety and not adversely affect the safety of others at the workplace.

This WHS Policy shall be posted in the [Company] workplace at all times.

Approvals & review

|  |  |
| --- | --- |
| Policy review date: |  |
| Policy approved by title: |  |
| Policy approved by signature: |  |

WHS Policy 2 - Safety Duty Holders

All [Company] personnel are required to ensure that the promotion of a safe work culture is evident in all that we do.

Such a culture is achieved by each of us playing a contributing part. The sum of our efforts combines to create the culture.

Policy:

Designated duty holders at [Company] are established under the Work Health and Safety Act 2011.

Duty holders are made aware of their obligations under the above legislation, and ensure that they fulfill these obligations (to follow) at all times.

This policy defines who the safety duty holders are at [Company]. The Safe Operating Procedure (to follow) outlines what they must do to comply with their safety obligations when implementing the above processes.

The WHS Act imposes obligations on three critical levels of duty holders in the [Company] workplace. The levels are:

|  |  |  |
| --- | --- | --- |
| Officers (Directors) |  | Duty to exercise their duty of care diligence |
| PCBU |  | Duty to do what is (the organisation i.e. [Company]) reasonably practicable |
| Workers |  | Duty to take reasonable care and comply with reasonable direction (incl contractors & volunteers) |

Directors/Officers:

[Company] officers are required to exercise their due diligence duty at all times, to ensure that the organisation complies with its safety obligations. The directors/officers at [Company] include:

Person Conducting a Business or Undertaking (PCBU):

As a ‘person conducting a business or undertaking’ [Company] is required to exercise its duty to take all reasonably practicable steps to ensure the health and safety of workers and other persons impacted by the business. Persons representing the PCBU at [Company] include:

Workers:

[Company] workers, including contractors and volunteers, are required to exercise their duty to take reasonable care for their own health and safety while at work, and also to take reasonable care so that their conduct does not adversely affect the health and safety of other persons at the workplace. The workers at [Company] include:

Approvals & review

|  |  |
| --- | --- |
| Policy review date: |  |
| Policy approved by title: |  |
| Policy approved by signature: |  |

WHS SOP 2 - Safety Duty Holders

To build the culture described by WHS Policy 2, we must effect and implement certain key safety functions and operations.

The ideal duty holders of these functions or operations are shown in brackets. However responsibility for their implementation may be shared, as long as the resulting arrangements are communicated effectively to all, and overall responsibility is retained by the directors/officers.

The functions and operations include:

* a demonstrated commitment to safety by the directors / officers (directors/officers)
* demonstrated workplace safety [consultation p](http://www.workcover.nsw.gov.au/newlegislation2012/Asafeworkplace/consultation)rocesses (directors/officers, PCBU, workers)
* a WHSMS which enables the effective [management of risk (](http://www.workcover.nsw.gov.au/newlegislation2012/Employersandbusinesses/Pages/dutiesofapersonconductingabusinessorundertaking.aspx)directors/officers, PCBU, workers)
* an ongoing program of safety training and supervision (PCBU)
* a documented method for reporting safety (directors/officers, PCBU, workers)
* notification of incidents (directors/officers)
* established arrangements for worker's compensation and [return to work (](http://www.workcover.nsw.gov.au/formspublications/publications/Pages/WC04951_SeriousAboutSafeBusinessWorkersCompensat_.aspx)PCBU)

[Company] Safety Duty Holders - Practical ways to meet our duties:

**Directors/Officers**

Directors/Officers demonstrate their safety due diligence by the development and implementation of a Work Health and Safety Management System that strengthens their:

* full understanding of the business
* development of a safety culture
* safety resource allocation

[Company] directors/officers must be proactive and visible health & safety leaders. They may delegate tasks but not their responsibilities under the WHS Act.

Person Conducting a Business or Undertaking (PCBU)

As a ‘person conducting a business or undertaking’ (*PCBU*), [Company] directors/officers have a concurrent 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 having 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 ensuring that the workplace and anything arising out of it are without risks to health and safety.

Workers

[Company] workers and contractors must comply with reasonable directions and instructions as well as cooperating with any reasonable policy or procedure by the directors/officers.

Approvals & review

|  |  |
| --- | --- |
| Policy review date: |  |
| Policy approved by title: |  |
| Policy approved by signature: |  |

WHS FORM 001 (v1.0; 071212)

 Incident / Near Miss Investigation Form

|  |
| --- |
| Note: this template is for internal use only, and should not be submitted to WorkCover |

|  |  |
| --- | --- |
| Details of the incident/near miss: |  |
| Short description of incident / near miss: |  |
| Area where incident / near miss occurred: |  |
| Date of incident: |  |
| Time of incident: |  |

Details of the incident/near miss investigation

|  |  |
| --- | --- |
| Name of injured person (if relevant): |  |
| Injury sustained (if relevant): |  |
| Name of person who reported incident: |  |
| Date of report: |  |
| Name of person completing this form: |  |
| Telephone number: |  |
| Date report completed: |  |

Witness Details

|  |  |
| --- | --- |
| Name/s |  |
| Job title (if relevant) |  |
| Contact number |  |
| Name of person/s conducting investigation |  |
| Job title (if relevant) |  |
| Contact number |  |

Full description of events

(Briefly describe what happened including the sequence of events, investigate scene of incident or near miss; who was involved e.g. worker, visitor; conditions present at time of incident; what was involved, what activity (if any) was taking place prior and at time of incident. What hazards was the worker exposed to? What hazards may have contributed to the incident occurring? Attach photos if available)

When the following serious incidents (known as notifiable incidents) occur, they must be immediately reported to WorkCover and possibly our Insurer in the timeframes provided in the table below.

|  |  |  |
| --- | --- | --- |
| Witness details | Report to: | Timeframe: |
| Serious incidents involving a death (fatality) or a serious injury or illness | 1. WorkCover 13 10 50 and2. Insurer | ImmediatelyWithin 48 hrs |
| Serious incidents involving injury or illness to non-workers at your workplace | WorkCover 13 10 50 | Immediately |
| Other incidents involving an injury or illness where workers compensation is payable | Insurer | Within 48 hrs |

Complete the following based on the type of incident (if applicable)

 Yes No

WorkCover NSW notified (13 10 50) 

Insurer

Incident scene preserved (required by law)

|  |
| --- |
| **Comments** |
|  |

|  |
| --- |
| **Investigation Recommendations e.g. new equipment, re-engineer, re-design work area, re-design work practices, review training standards, etc** |
|  |

|  |
| --- |
| **Implementation Details including action taken, date implemented, responsible person, date for review** |
|  |

WHS FORM 002 (v1.0; 071212)

Director/Officer Register of Safety Decisions

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Subjectmatter and purpose of the decision** | **Reasons forthe decision** | **Why thedecision is thought to affect the business** | **Who madethe decision and why?** | **Whoparticipated in making the decision?** | **Other mattersthat were considered in reaching the decision** |
|  |  |  | Made by the directors in order to protect all persons in the workplace |  |  |
|  |  |  | Made by the directors in order to protect all persons in the workplace |  |  |

WHS FORM 003 (v1.0; 071212)

Checklist: Director/Officer Compliance with Safety Obligations

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Yes** | **No** | **Agreed action, by whom and by when?** | **Date complied** |
| Do we have the appropriate policies, procedures and reporting structures in place? |  |  |  |  |
| Do our policies, procedures and reporting structures capture all major hazards and risks within our business? |  |  |  |  |
| Are we aware of the major hazards and risks within our business? |  |  |  |  |
| Are we aware of the specific controls that prevent those hazards from injuring or causing illness to workers? |  |  |  |  |
| Does our reporting structure:* identify serious risks of injury or death;
* advise us of near misses;
* advise us of past injuries;
* provide analysis that identifies areas of risk;
* manage safety performance;
* identify the success of health and safety controls that have been put into place after a workplace incident and investigation?
 |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Yes** | **No** | **Agreed action, by whom and by when?** | **Date complied** |
| Does our reporting structure advise us that the necessary training and inspections, supervision and audits are being conducted, gaps analysed and solutions implemented in a timely manner? |  |  |  |  |
| Do we understand the entire operation of our business? This includes the high-level risks within the business and the appropriate controls in respect of those risks. |  |  |  |  |
| Do we have a governance structure in place that illustrates safety duties? |  |  |  |  |
| Are workers involved in regular safety discussions? Is there discussion around each incident when injury has, or could have occurred so that all workers gain an understanding of the hazard, its level of risk and how it was appropriately controlled? |  |  |  |  |
| Are we satisfied that all our workers are competent in our safety system? Does our reporting system advise us in relation to training and other aspects of our safety system, and inform us that the people who are trained, supervising or inspecting are competent? |  |  |  |  |

Our Goal at [Company]

When we can answer ‘yes’ to all of the above questions, we are carrying out our duty as directors/officers.

If we cannot, then our safety system is incomplete and we remain at risk of prosecution.

Date completed: 

By whom:

Signed:

WHS FORM 004 (v1.0; 071212)

Record of Hazard, Health or Safety Issue

|  |
| --- |
| 1. Who reported the health or safety issue? |
| Time: : am/pm Date: / /  |
| 2. Who was the health and safety issue reported to? |
| Time: : am/pm Date: / /  |
| 3. What is the health or safety issue? Location of hazard/risk? |
|  |
| 4. What is its priority? Assess the priority of the health or safety issue by identifying its most likely impact/consequence on workers and the chance of it actually happening. |
|  |
| 5. What has been done to rectify the health or safety issue? |
|  |
| Signed: Date: / /  |

|  |
| --- |
| 6. What further action needs to be taken? (e.g. Training, item creating hazard to be removed, manual task changed in a way that it no longer requires lifting, noise assessment, review of safe work procedures, training, etc). |
| List Responsibility Date for completion |
|  |