Work Health and Safety Act 2011

Section 274

Work Health and Safety Codes of Practice 2011

I, Christopher Evans, Minister for Tertiary Education, Skills, Jobs and Workplace Relations, approve the following Codes of Practice under subsection 274(1) of the *Work Health and Safety Act 2011*.

Dated: 9th December 2011

Signed

CHRISTOPHER EVANS

Minister for Tertiary Education, Skills, Jobs and Workplace Relations

ARRANGEMENT

PRELIMINARY PROVISIONS

1. Name

This Instrument is the ***Work Health and Safety Codes of Practice 2011***.

NOTE: This Instrument is a legislative instrument within the meaning of the *Legislative Instruments Act 2003* (see paragraph 273B(1)(e) of the *Work Health and Safety Act 2011*) and, notwithstanding that Act, may apply, adopt or incorporate by reference, with or without modifications, any matter contained in any document as in force at a particular time or from time to time (see subsection 274(3) of the *Work Health and Safety Act 2011*).

2. Application

These Codes of Practice have been made for the purposes of the *Work Health and Safety Act 2011* and apply to all bodies and persons having duties under that Act or regulations made under that Act.

3. Commencement

3.1 These Codes of Practice commence on 1 January 2012.

3.2 Save for the Parts prescribed by regulation 761 of *Work Health and Safety Regulations 2011* for the purposes of sub item 23(1) of Schedule 2 to the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011*, these codes of Practice replace the *Occupational Health and Safety Code of Practice 2008*.

NOTES:

1. Regulation 761 of the *Work Health and Safety Regulations 2011* prescribes the following Parts of the *Occupational Health and Safety Code of Practice 2008*, namely -:
   - Part 2 (First Aid)
   - Part 5 (Vibration)
   - Part 16 (Timber Preservatives)
   - Part 20 (Occupational Diving)
   - Part 21 (Spray Painting)
   - Part 22 (Abrasive Blasting)
   - Part 23 (Construction Induction Training)
   - Part 24 (Falls in Construction)
   - Part 25 (Cash in Transit)
2. Sub item 23 of the Schedule 2 to the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011* provides that each prescribed Part of the Occupational Health and Safety Code of Practice 2008, as in force on 31 December 2011, is taken, on and from 1 January 20122, to be a code of practice approved under section 274 of the *Work Health and Safety Act 2011* for the purposes of that Act.
3. The *Occupational Health and Safety Code of Practice 2008* is registered on the Federal Register of Legislative Instruments as F2008L02054.

INTRODUCTION

These Codes of Practice are based on the model Codes of Practice developed by Safe Work Australia through consultation with Commonwealth, state and territory governments, unions and employer organisations and agreed by the Workplace Relations Ministers Council.

Comcare, as the regulator for the Commonwealth jurisdiction, has modified those model Codes of Practice as and to the extent required for conformity with:

- the *Work Health and Safety Act 2011* ('the WHS Act');
- the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011;*
- the *Work Health and Safety Regulations 2011* ('the WHS Regulations'); and
- the *Legislative Instruments Act 2003* and the regulations made under that Act.

These Codes of Practice:

- are to be read and construed with the WHS Act and the WHS regulations;
- provide guidance on meeting obligations under the WHS Act and Regulations;
- are admissible in proceedings under the WHS Act and Regulations as evidence of what is known about a hazard, risk or control and what is reasonably practicable.

A reference in these Codes of Practice to these Codes of Practice includes a reference to:

- the instrument of approval;
- the preliminary provisions;
- this Introduction;
- each Code of Practice;
- each document adopted or applied by, or incorporated by reference (with or without modification) into, any of these Codes of Practice;
- the Parts of the *Occupational Health and Safety Code of Practice 2008* prescribed by regulation 761 of the WHS Regulations for the purposes of sub item 23 of Schedule 2 to the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011*; and
- all headings and notes.

In accordance with the *Legislative Instruments Act 2003*, these Codes of Practice (including this Introduction and any documents adopted, applied or incorporated by reference to these Codes of Practice) are to be read and construed as if these Codes of Practice were an Act and each provision of these Codes of Practice were a provision of an Act.

Copies of these Codes of Practice are available for inspection, free of charge, by members of the public, at any Comcare office during normal business hours.

NOTES:

1. Comcare offices are listed on www.comcare.gov.au .
2. Copies of these Codes of Practice may be accessed online at www.comcare.gov.au and www.comlaw.gov.au .

GENERAL RISK AND WORKPLACE MANAGEMENT CODES OF PRACTICE

How to Manage Work Health and Safety Risks

Managing the Work Environment and Facilities

Work Health and Safety Consultation, Co-operation and Co-ordination

HOW TO MANAGE WORK HEALTH AND SAFETY RISKS

Code of Practice

TABLE OF CONTENTS

FOREWORD

This Code of Practice on how to manage work health and safety risks is an approved code of practice under section 274 of the Work Health and Safety Act (the WHS Act).

An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and the Work Health and Safety Regulations 2011 (the WHS Regulations).

A code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in the WHS Act, in relation to the subject matter of the code. Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks that may arise. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

Compliance with the WHS Act and Regulations may be achieved by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the code.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice.

This Code of Practice is based on the draft code of practice developed by Safe Work Australia as a model code of practice under the Council of Australian Governments' Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety for adoption by the Commonwealth, state and territory governments.

A draft of that model code of practice was released for public consultation on 7 December 2010 and was endorsed by the Workplace Relations Ministers' Council on 10 August 2011.

SCOPE AND APPLICATION

This Code of Practice provides practical guidance for persons who have duties under the WHS Act and Regulations to manage risks to health and safety. The duty is placed on persons conducting a business or undertaking, including employers, self-employed, principal contractors, persons with management or control of a workplace, designers, manufacturers, importers and suppliers of plant, substances or structures that are used for work.

This Code of Practice applies to all types of work and all workplaces covered by the WHS Act. Other approved codes of practice should be referenced for guidance on managing the risk of specific hazards.

How to use this Code of Practice

In providing guidance, the word 'should' is used in this Code of Practice to indicate a recommended course of action, while 'may' is used to indicate an optional course of action.

This Code of Practice also includes various references to sections of the WHS Act and to provisions of the WHS Regulations which set out the legal requirements. These references are not exhaustive. The words 'must', 'requires' or 'mandatory' indicate that a legal requirement exists and must be complied with.

1. INTRODUCTION

1.1 WHO HAS RESPONSIBILITY FOR MANAGING WORK HEALTH AND SAFETY RISKS?

The WHS Act and Regulations require persons who have a duty to ensure health and safety to 'manage risks' by eliminating health and safety risks so far as is reasonably practicable, and if it is not reasonably practicable to do so, to minimise those risks so far as is reasonably practicable.

Persons conducting a business or undertaking will have health and safety duties to manage risks if they:

- engage workers to undertake work for them, or if they direct or influence work carried out by workers
- may put other people at risk from the conduct of their business or undertaking
- manage or control the workplace or fixtures, fittings or plant at the workplace
- design, manufacture, import or supply plant, substances or structures for use at a workplace
- install, construct or commission plant or structures at a workplace.

Deciding what is 'reasonably practicable' to protect people from harm requires taking into account and weighing up all relevant matters, including:

- the likelihood of the hazard or risk concerned occurring
- the degree of harm that might result from the hazard or risk
- knowledge about the hazard or risk, and ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk, and
- after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

The process of managing risk described in this Code of Practice will help you decide what is reasonably practicable in particular situations so that you can meet your duty of care under the WHS laws.

Officers (for example company directors) must exercise due diligence to ensure that the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to:

- gain an understanding of the hazards and risks associated with the operations of the business or undertaking
- ensure that the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks to health and safety.

A person can have more than one duty and more than one person can have the same duty at the same time.

1.2 THE MEANING OF KEY TERMS

Hazard means a situation or thing that has the potential to harm a person. Hazards at work may include: noisy machinery, a moving forklift, chemicals, electricity, working at heights, a repetitive job, bullying and violence at the workplace.

Risk is the possibility that harm (death, injury or illness) might occur when exposed to a hazard.

Risk control means taking action to eliminate health and safety risks so far as is reasonably practicable, and if that is not possible, minimising the risks so far as is reasonably practicable. Eliminating a hazard will also eliminate any risks associated with that hazard.

1.3 WHAT IS INVOLVED IN MANAGING RISKS?

Management commitment

Effective risk management starts with a commitment to health and safety from those who operate and manage the business or undertaking. You also need the involvement and cooperation of your workers, and if you show your workers that you are serious about health and safety they are more likely to follow your lead.

To demonstrate your commitment, you should:

- get involved in health and safety issues
- invest time and money in health and safety
- ensure health and safety responsibilities are clearly understood.

A step-by-step process

A safe and healthy workplace does not happen by chance or guesswork. You have to think about what could go wrong at your workplace and what the consequences could be. Then you must do whatever you can (in other words, whatever is 'reasonably

practicable') to eliminate or minimise health and safety risks arising from your business or undertaking.

This process is known as *risk management* and involves the four steps set out in this Code (see **Figure 1** below):

- **identify hazards** – find out what could cause harm
- **assess risks** if necessary – understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening
- **control risks** – implement the most effective control measure that is reasonably practicable in the circumstances
- **review control measures** to ensure they are working as planned.

Figure 1: The risk management process

Many hazards and their associated risks are well known and have well established and accepted control measures. In these situations, the second step to formally assess the risk is unnecessary. If, after identifying a hazard, you already know the risk and how to control it effectively, you may simply implement the controls.

Risk management is a proactive process that helps you respond to change and facilitate continuous improvement in your

business. It should be planned, systematic and cover all reasonably foreseeable hazards and associated risks.

Consulting your workers

Section 47: The WHS Act requires that you consult, so far as is reasonably practicable, with workers who carry out work for you who are (or are likely to be) directly affected by a work health and safety matter.
Section 48: If the workers are represented by a health and safety representative, the consultation must involve that representative.

Consultation involves sharing of information, giving workers a reasonable opportunity to express views and taking those views into account before making decisions on health and safety matters.

Consultation with workers and their health and safety representatives is required at each step of the risk management process. By drawing on the experience, knowledge and ideas of your workers you are more likely to identify all hazards and choose effective control measures.

You should encourage your workers to report any hazards and health and safety problems immediately so that risks can be managed before an incident occurs.

If you have a health and safety committee, you should engage the committee in the risk management process as well.

Consulting, co-operating and co-ordinating activities with other duty holders

Section 46: The WHS Act requires that you consult, co-operate and co-ordinate activities with all other persons who have a work health or safety duty in relation to the same matter, so far as is reasonably practicable.

Sometimes you may share responsibility for a health and safety matter with other business operators who are involved in the same activities or who share the same workplace. For example, if you engage on-hire workers as part of your workforce you share a duty of care to these workers with the business that provides them. In these situations, you must discuss the hazards and risks associated with the work and what precautions will be taken with the on-hire firm.

Never assume that someone else is taking care of a health and safety matter. Find out who is doing what and work together with other duty holders in a co-operative and co-ordinated way so that all risks are eliminated or minimised as far as reasonably practicable.

When entering into contracts you should communicate your safety requirements and policies, review the job to be undertaken, discuss any safety issues that may arise and how they will be dealt with. Remember that you cannot transfer your responsibilities to another person.

Further guidance on consultation is available in the ***Code of Practice: Work Health and Safety Consultation, Co-operation and Co-ordination***.

1.4 WHEN SHOULD A RISK MANAGEMENT APPROACH BE USED?

Managing work health and safety risks is an ongoing process that is triggered when any changes affect your work activities. You should work through the steps in this Code when:

- starting a new business or purchasing a business
- changing work practices, procedures or the work environment
- purchasing new or used equipment or using new substances
- planning to improve productivity or reduce costs
- new information about workplace risks becomes available
- 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
- required by the WHS regulations for specific hazards

It is also important to use the risk management approach when designing and planning products, processes or places used for work, because it is often easier and more effective to eliminate hazards before they are introduced into a workplace by incorporating safety features at the design stage.

2. STEP 1 – HOW TO IDENTIFY HAZARDS

Identifying hazards in the workplace involves finding things and situations that could potentially cause harm to people. Hazards generally arise from the following aspects of work and their interaction:

- physical work environment
- equipment, materials and substances used
- work tasks and how they are performed
- work design and management

Table 1 below lists some common types of workplace hazards. Some hazards are part of the work process, such as mechanical hazards, noise or toxic properties of substances. Other hazards result from equipment or machine failures and misuse, chemical spills and structural failures.

A piece of plant, substance or a work process may have many different hazards. Each of these hazards needs to be identified. For example, a production line may have dangerous moving parts, noise, hazards associated with manual tasks and psychological hazards due to the pace of work.

Table 1: Examples of common hazards

Hazard	**Potential harm**
Manual tasks	Overexertion or repetitive movement can cause muscular strain
Gravity	Falling objects, falls, slips and trips of people can cause fractures, bruises, lacerations, dislocations, concussion, permanent injuries or death
Electricity	Potential ignition source. Exposure to live electrical wires can cause shock, burns or death from electrocution
Machinery and equipment	Being hit by moving vehicles, or being caught by moving parts of machinery can cause fractures, bruises, lacerations, dislocations, permanent injuries or death
Hazardous chemicals	Chemicals (such as acids, hydrocarbons, heavy metals) and dusts (such as asbestos and silica) can cause respiratory illnesses, cancers or dermatitis
Extreme temperatures	Heat can cause burns, heat stroke or fatigue Cold can cause hypothermia or frost bite
Noise	Exposure to loud noise can cause permanent hearing damage

Table 1 continued

Hazard	Potential harm
Radiation	Ultra violet, welding arc flashes, micro waves and lasers can cause burns, cancer or blindness
Biological	Micro-organisms can cause hepatitis, legionnaires' disease, Q fever, HIV/AIDS or allergies
Psychosocial hazards	Effects of work-related stress, bullying, violence and work-related fatigue

2.1 HOW TO FIND HAZARDS

Inspect the workplace

Regularly walking around the workplace and observing how things are done can help you predict what could or might go wrong. Look at how people actually work, how plant and equipment is used, what chemicals are around and what they are used for, what safe or unsafe work practices exist as well as the general state of housekeeping.

Things to look out for include the following:

- Does the work environment enable workers to carry out work without risks to health and safety (for example, space for unobstructed movement, adequate ventilation, lighting)?
- How suitable are the tools and equipment for the task and how well are they maintained?
- Have any changes occurred in the workplace which may affect health and safety?

Hazards are not always obvious. Some hazards can affect health over a long period of time or may result in stress (such as bullying) or fatigue (such as shiftwork). Also think about hazards that you may bring into your workplace as new, used or hired goods (for example, worn insulation on a hired welding set).

As you walk around, you may spot straightforward problems and action should be taken on these immediately, for example cleaning up a spill. If you find a situation where there is immediate or significant danger to people, move those persons to a safer location first and attend to the hazard urgently.

Make a list of all the hazards you can find, including the ones you know are already being dealt with, to ensure that nothing is missed. You may use a checklist designed to suit your workplace to help you find and make a note of hazards.

Consult your workers

Ask your workers about any health and safety problems they have encountered in doing their work and any near misses or incidents that have not been reported.

Worker surveys may also be undertaken to obtain information about matters such as workplace bullying, as well as muscular aches and pains that can signal potential hazards.

Review available information

Information and advice about hazards and risks relevant to particular industries and types of work is available from regulators, industry associations, unions, technical specialists and safety consultants.

Manufacturers and suppliers can also provide information about hazards and safety precautions for specific substances (safety data sheets), plant or processes (instruction manuals).

Analyse your records of health monitoring, workplace incidents, near misses, worker complaints, sick leave and the results of any inspections and investigations to identify hazards. If someone has been hurt doing a particular task, then a hazard exists that could hurt someone else. These incidents need to be investigated to find the hazard that caused the injury or illness.

3. STEP 2 – HOW TO ASSESS RISKS

A risk assessment involves considering what could happen if someone is exposed to a hazard and the likelihood of it happening. A risk assessment can help you determine:

- how severe a risk is
- whether any existing control measures are effective
- what action you should take to control the risk
- how urgently the action needs to be taken.

A risk assessment can be undertaken with varying degrees of detail depending on the type of hazards and the information, data and resources that you have available. It can be as simple as a discussion with your workers or involve specific risk analysis tools and techniques recommended by safety professionals.

3.1 WHEN SHOULD A RISK ASSESSMENT BE CARRIED OUT?

A risk assessment should be done when:

- there is uncertainty about how a hazard may result in injury or illness
- the work activity involves a number of different hazards and there is a lack of understanding about how the hazards may interact with each other to produce new or greater risks
- changes at the workplace occur that may impact on the effectiveness of control measures.

A risk assessment is mandatory under the WHS Regulations for high risk activities such as entry into confined spaces, diving work and live electrical work.

Some hazards that have exposure standards, such as noise and airborne contaminants, may require scientific testing or measurement by a competent person to accurately assess the risk and to check that the relevant exposure standard is not being exceeded (for example, by using noise meters to measure noise levels and using gas detectors to analyse oxygen levels in confined spaces).

A risk assessment is not necessary in the following situations:

- Legislation requires some hazards or risks to be controlled in a specific way – these requirements must be complied with.
- A code of practice or other guidance sets out a way of controlling a hazard or risk that is applicable to your situation and you choose to use the

recommended controls. In these instances, the guidance can be followed.

- There are well-known and effective controls that are in use in the particular industry, that are suited to the circumstances in your workplace. These controls can simply be implemented.

3.2 HOW TO DO A RISK ASSESSMENT

All hazards have the potential to cause different types and severities of harm, ranging from minor discomfort to a serious injury or death.

For example, heavy liquefied petroleum gas (LPG) cylinders can cause muscular strain when they are handled manually. However, if the cylinder is damaged causing gas to leak which is then ignited, a fire could result in serious burns. If that leak occurs in a store room or similar enclosed space, it could result in an explosion that could destroy the building and kill or injure anyone nearby. Each of the outcomes involves a different type of harm with a range of severities, and each has a different likelihood of occurrence.

Work out how severe the harm could be

To estimate the severity of harm that could result from each hazard you should consider the following questions:

- What type of harm could occur (e.g. muscular strain, fatigue, burns, laceration)? How severe is the harm? Could the hazard cause death, serious injuries, illness or only minor injuries requiring first aid?
- What factors could influence the severity of harm that occurs? For example, the distance someone might fall or the concentration of a particular substance will determine the level of harm that is possible. The harm may occur immediately something goes wrong (e.g. injury from a fall) or it may take time for it to become apparent (e.g. illness from long-term exposure to a substance).
- How many people are exposed to the hazard and how many could be harmed in and outside your workplace? For example, a mobile crane collapse on a busy construction site has the potential to kill or injure a large number of people.
- Could one failure lead to other failures? For example, could the failure of your electrical supply make any control measures that rely on electricity ineffective?

- Could a small event escalate to a much larger event with more serious consequences? For example, a minor fire can get out of control quickly in the presence of large amounts of combustible materials.

Work out how hazards may cause harm

In most cases, incidents occur as a result of a chain of events and a failure of one or more links in that chain. If one or more of the events can be stopped or changed, the risk may be eliminated or reduced.

One way of working out the chain of events is to determine the starting point where things begin to go wrong and then consider: 'If this happens, what may happen next?' This will provide a list of events that sooner or later cause harm. See the case study in **Appendix A**.

In thinking about how each hazard may cause harm, you should consider:

- the effectiveness of existing control measures and whether they control all types of harm,
- how work is actually done, rather than relying on written manuals and procedures
- infrequent or abnormal situations, as well as how things are normally meant to occur.

Consider maintenance and cleaning, as well as breakdowns of equipment and failures of health and safety controls.

Work out the likelihood of harm occurring

The likelihood that someone will be harmed can be estimated by considering the following:

- How often is the task done? Does this make the harm more or less likely?
- How often are people near the hazard? How close do people get to it?
- Has it ever happened before, either in your workplace or somewhere else? How often?

Table 2 below contains further questions that can help you estimate likelihood.

You can rate the likelihood as one of the following:

- Certain to occur - expected to occur in most circumstances
- Very likely - will probably occur in most circumstances
- Possible – might occur occasionally

- Unlikely – could happen at some time
- Rare – may happen only in exceptional circumstances

The level of risk will increase as the likelihood of harm and its severity increases.

Table 2 Questions to help determine likelihood

Questions to ask in determining likelihood	Explanation and examples
How often are people exposed to the hazard?	A hazard may exist all of the time or it may only exist occasionally. The more often a hazard is present, the greater the likelihood it will result in harm. *For example:* • Meshing gears in an enclosed gearbox can cause crushing only if the gearbox is open during maintenance, and therefore the potential for harm will not occur very often. • Continuously lifting heavy boxes has the potential to cause harm whenever the work is done.
How long might people be exposed to the hazard?	The longer that someone is exposed to a hazard, the greater the likelihood that harm may result. *For example:* The longer a person is exposed to noisy work, the more likely it is that they will suffer hearing loss.
How effective are current controls in reducing risk?	In most cases the risks being assessed will already be subject to some control measures. The likelihood of harm resulting from the risk will depend upon how adequate and effective the current measures are. *For example:* Traffic management controls have been implemented in a warehouse to separate moving forklifts from pedestrians by using signs and painted lines on the floor. These controls may need to be upgraded to include physical barriers.
Could any changes in your organisation increase the likelihood?	The demand for goods or services in many organisations varies throughout the year. Changes in demand may be seasonal, depend on environmental conditions or be affected by market fluctuations that are driven by a range of events. Meeting increased demand may cause unusual loads on people, plant and equipment and systems of work. Failures may be more likely. *For example:* Inner city restaurants and bistros are very busy in the period prior to Christmas, placing extra demands on kitchen and serving staff. The increase in volume of food to be prepared and serving a larger number of patrons increases the potential for human error and the likelihood of harm.

Table 2 continued

Questions to ask in determining likelihood	Explanation and examples
Are hazards more likely to cause harm because of the working environment?	Examples of situations where the risk of injury or illness may become more likely: • Environmental conditions change. For example, work performed in high temperatures in a confined space increases the potential for mistakes because workers become fatigued more quickly; wet conditions make walkways and other things slippery. • People are required to work quickly. The rate at which work is done (e.g. number of repetitions) can over-stress a person's body or make it more likely that mistakes will be made. • There is insufficient light or poor ventilation.
Could the way people act and behave affect the likelihood of a hazard causing harm?	The possibility that people may make mistakes, misuse items, become distracted or panic in particular situations needs to be taken into account. The effects of fatigue or stress may make it more likely that harm will occur.
Do the differences between individuals in the workplace make it more likely for harm to occur?	People with disabilities may be more likely to suffer harm if the workplace or process is not designed for their needs. New or young workers may be more likely to suffer harm because of inexperience. People who do not normally work at the workplace will have less knowledge than employees who normally work there, and may be more likely to suffer harm. These people include contractors, visitors or members of the public.

4. STEP 3 – HOW TO CONTROL RISKS

The most important step in managing risks involves eliminating them so far as is reasonably practicable, or if that is not possible, minimising the risks so far as is reasonably practicable.

In deciding how to control risks you must consult your workers and their representatives who will be directly affected by this decision. Their experience will help you choose appropriate control measures and their involvement will increase the level of acceptance of any changes that may be needed to the way they do their job.

There are many ways to control risks. Some control measures are more effective than others.

You must consider various control options and choose the control that most effectively eliminates the hazard or minimises the risk in the circumstances. This may involve a single control measure or a combination of different controls that together provide the highest level of protection that is reasonably practicable.

Some problems can be fixed easily and should be done straight away, while others will need more effort and planning to resolve. Of those requiring more effort, you should prioritise areas for action, focusing first on those hazards with the highest level of risk.

4.1 THE HIERARCHY OF RISK CONTROL

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest as shown in **Figure 2** below. This ranking is known as the hierarchy of risk control. The WHS Regulations require duty holders to work through this hierarchy when managing risk under the WHS Regulations.

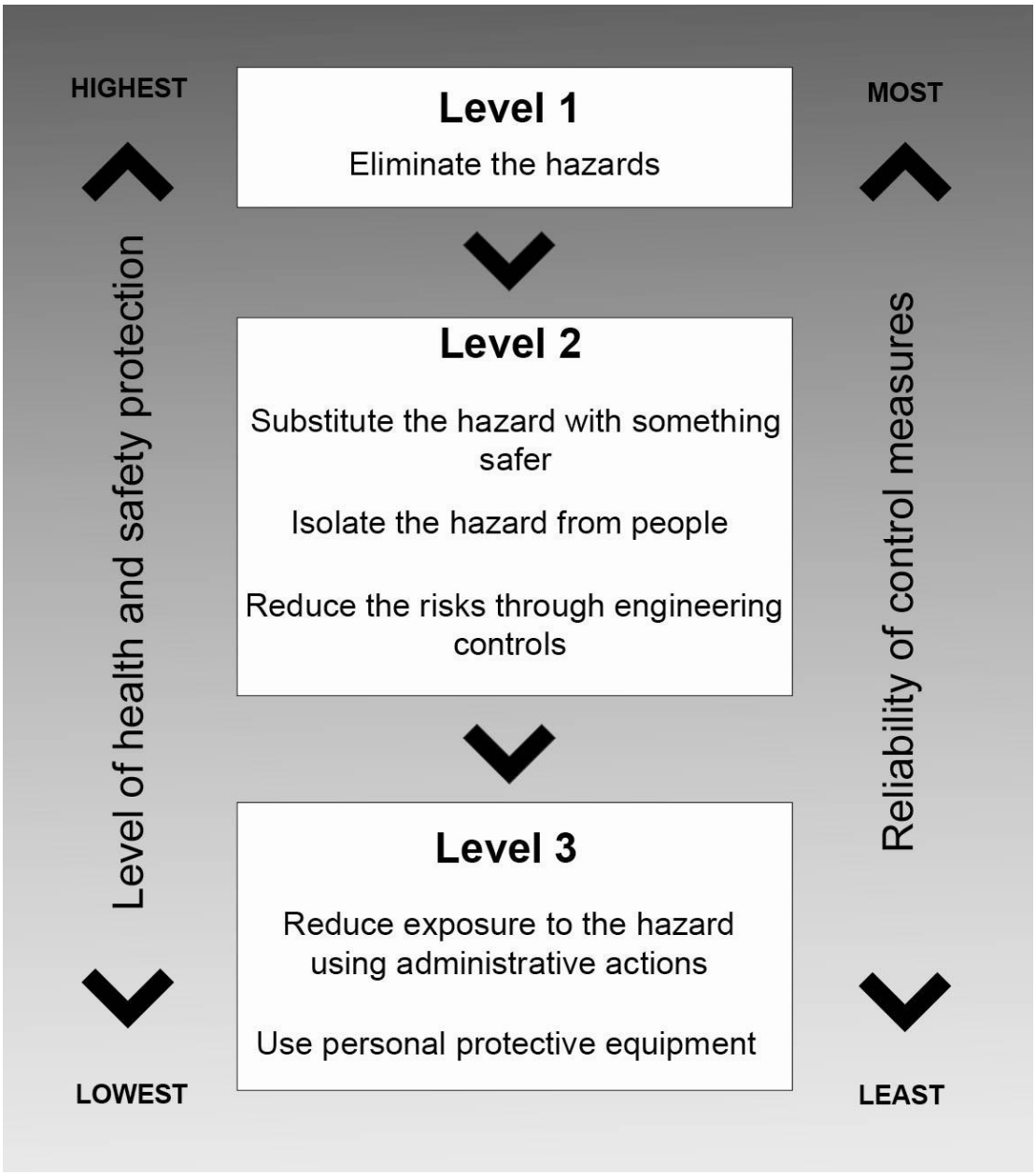


Figure 2: The hierarchy of risk

You must always aim to eliminate a hazard, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy.

Level 1 control measures

The most effective control measure involves eliminating the hazard and associated risk. The best way to do this is by, firstly, not introducing the hazard into the workplace. For example, you can eliminate the risk of a fall from height by doing the work at ground level.

Eliminating hazards is often cheaper and more practical to achieve at the design or planning stage of a product, process or

place used for work. In these early phases, there is greater scope to design out hazards or incorporate risk control measures that are compatible with the original design and functional requirements. For example, a noisy machine could be designed and built to produce as little noise as possible, which is more effective than providing workers with personal hearing protectors.

You can also eliminate risks by removing the hazard completely, for example, by removing trip hazards on the floor or disposing of unwanted chemicals.

It may not be possible to eliminate a hazard if doing so means that you cannot make the end product or deliver the service. If you cannot eliminate the hazard, then eliminate as many of the risks associated with the hazard as possible.

Level 2 control measures

If it is not reasonably practicable to eliminate the hazards and associated risks, you should minimise the risks using one or more of the following approaches:

- *Substitute the hazard with something safer*
  For instance, replace solvent-based paints with water-based ones.
- *Isolate the hazard from people*
  This involves physically separating the source of harm from people by distance or using barriers. For instance, install guard rails around exposed edges and holes in floors; use remote control systems to operate machinery; store chemicals in a fume cabinet.
- *Use engineering controls*
  An engineering control is a control measure that is physical in nature, including a mechanical device or process. For instance, use mechanical devices such as trolleys or hoists to move heavy loads; place guards around moving parts of machinery; install residual current devices (electrical safety switches); set work rates on a production line to reduce fatigue.

Level 3 control measures

These control measures do not control the hazard at the source. They rely on human behaviour and supervision, and used on their own, tend to be least effective in minimising risks. Two approaches to reduce risk in this way are:

- *Use administrative controls*
  Administrative controls are work methods or procedures that are designed to minimise exposure to a hazard. For instance, develop procedures on how to operate machinery safely, limit exposure time to a hazardous task, use signs to warn people of a hazard.
- *Use personal protective equipment (PPE)*
  Examples of PPE include ear muffs, respirators, face masks, hard hats, gloves, aprons and protective eyewear. PPE limits exposure to the harmful effects of a hazard but only if workers wear and use the PPE correctly.

Administrative controls and PPE should only be used:

- when there are no other practical control measures available (as a last resort)
- as an interim measure until a more effective way of controlling the risk can be used
- to supplement higher level control measures (as a back-up).

Regulation 44-47: The WHS Regulations include specific requirements if PPE is to be used at the workplace, including that the equipment is:

- selected to minimise risk to health and safety
- suitable for the nature of the work and any hazard associated with the work
- a suitable size and fit and reasonably comfortable for the person wearing it
- maintained, repaired or replaced so it continues to minimise the risk
- used or worn by the worker, so far as is reasonably practicable.

A worker must, so far as reasonably able, wear the PPE in accordance with any information, training or reasonable instruction.

4.2 HOW TO DEVELOP AND IMPLEMENT CONTROL OPTIONS

Information about suitable controls for many common hazards and risks can be obtained from:

- codes of practice and guidance material
- manufacturers and suppliers of plant, substances and equipment used in your workplace

- industry associations and unions.

In some cases, published information will provide guidance on the whole work process. In other cases, the guidance may relate to individual items of plant or how to safely use specific substances. You may use the recommended control options if they suit your situation and eliminate or minimise the risk.

Developing specific control measures

You may need to develop specific control measures if the available information is not relevant to the hazards and risks or circumstances at your workplace. This can be done by referring to the chain of events that were recorded during the risk assessment.

For each of the events in the sequence, ask: "What can be done to stop or change the event occurring?" An example of this approach is shown in **Appendix A.**

Working through the events in the sequence will give you ideas about all possible ways to eliminate or minimise the risk. There may be more than one solution for each of the events. The control option you choose should be:

- one that provides the highest level of protection for people and is the most reliable – that is, controls located towards the top of the hierarchy in **Figure 2**.
- available – that is, it can be purchased, made to suit or be put in place.
- suitable for the circumstance in your workplace – that is, it will work properly given the workplace conditions, work process and your workers.

Where the hazard or risk has the potential to cause death, serious injury or illness, more emphasis should be given to those controls that eliminate or reduce the level of harm, than those that reduce the likelihood of harm occurring.

Make sure that your chosen solution does not introduce new hazards.

Cost of control measures

All risks can be controlled and it is always possible to do something, such as stopping the activity or providing instructions to those exposed to the risk. There will normally be a number of different options between these two extremes. Cost (in terms of time and effort as well as money) is just one factor to consider when determining the best control option.

The cost of controlling a risk may be taken into account in determining what is reasonably practicable, but cannot be used as a reason for doing nothing.

The greater the likelihood of a hazard occurring and/or the greater the harm that would result if the hazard or risk did occur; the less weight should be given to the cost of controlling the hazard or risk.

If two control measures provide the same levels of protection and are equally reliable, you can adopt the least expensive option.

Cost cannot be used as a reason for adopting controls that rely exclusively on changing people's behaviour or actions when there are more effective controls available that can change the risk through substitution, engineering or isolation.

Implementing controls

The control measures that you put into operation will usually require changes to the way work is carried out due to new or modified equipment or processes, new or different chemicals or new personal protective equipment. In these situations, it is usually necessary to support the control measures with:

- *Work procedures*
  Develop a safe work procedure that describes the task, identifies the hazards and documents how the task is to be performed to minimise the risks.
- *Training, instruction and information*
  Train your workers in the work procedure to ensure that they are able to perform the task safely. Training should require workers to demonstrate that they are competent in performing the task according to the procedure. It is insufficient to simply give a worker the procedure and ask them to acknowledge that they understand and are able to perform it. Training, instruction and information must be provided in a form that can be understood by all workers.
  Information and instruction may also need to be provided to others who enter the workplace, such as customers or visitors.
- *Supervision*
  The level of supervision required will depend on the level of risk and the experience of the workers involved. High levels of supervision are necessary where inexperienced workers are expected to follow new procedures or carry out difficult and critical tasks.

You may prepare a risk register that identifies the hazards, what action needs to be taken, who will be responsible for taking the action and by when. An example is provided at **Appendix B**.

4.3 HOW TO ENSURE THAT CONTROLS REMAIN EFFECTIVE

The following actions may help you monitor the control measures you have implemented and ensure that they remain effective:

- *Accountability for health and safety*
  Accountability should be clearly allocated to ensure procedures are followed and maintained. Managers and supervisors should be provided with the authority and resources to implement and maintain control measures effectively.
- *Maintenance of plant and equipment*
  This will involve regular inspection and testing, repair or replacement of damaged or worn plant and equipment. It includes checking that any control measures are suitable for the nature and duration of work, are set up and used correctly.
- *Up-to-date training and competency*
  Control measures, particularly lower level controls, depend on all workers and supervisors having the appropriate competencies to do the job safely. Training should be provided to maintain competencies and to ensure new workers are capable of working safely.
- *Up-to-date hazard information*
  Information about hazards, such as plant and substances, may be updated by manufacturers and suppliers and should be checked to make sure controls are still relevant. New technology may provide more effective solutions than were previously available. Changes to operating conditions or the way activities are carried out may also mean that control measures need to be updated.
- *Regular review and consultation*
  Control measures are more effective where there is regular review of work procedures and consultation with your workers and their representatives.

5. STEP 4 – HOW TO REVIEW CONTROLS

The control measures that you put in place should be reviewed regularly to make sure they work as planned. Don't wait until something goes wrong.

There are certain situations where you must review your control measures under the WHS Regulations and, if necessary, revise them. A review is required:

- when the control measure is not effective in controlling the risk
- before a change at the workplace that is likely to give rise to a new or different health and safety risk that the control measure may not effectively control
- if a new hazard or risk is identified
- if the results of consultation indicate that a review is necessary
- if a health and safety representative requests a review.

You may use the same methods as in the initial hazard identification step to check controls. Consult your workers and their health and safety representatives and consider the following questions:

- Are the control measures working effectively in both their design and operation?
- Have the control measures introduced new problems?
- Have all hazards been identified?
- Have new work methods, new equipment or chemicals made the job safer?
- Are safety procedures being followed?
- Has instruction and training provided to workers on how to work safely been successful?
- Are workers actively involved in identifying hazards and possible control measures? Are they openly raising health and safety concerns and reporting problems promptly?
- Is the frequency and severity of health and safety incidents reducing over time?
- If new legislation or new information becomes available, does it indicate current controls may no longer be the most effective?

If problems are found, go back through the risk management steps, review your information and make further decisions about risk control. Priority for review should be based on the seriousness of the risk. Control measures for serious risks should be reviewed more frequently.

Quality assurance processes may be used if you design, manufacture or supply products used for work to check that the product effectively minimises health and safety risks. Obtain feedback from users of the product to determine whether any improvements can be made to make it safer.

Case studies demonstrating how to manage work health and safety risks in consultation with workers are at **Appendix C**.

6. KEEPING RECORDS

Keeping records of the risk management process demonstrates potential compliance with the WHS Act and Regulations. It also helps when undertaking subsequent risk assessments.

Keeping records of the risk management process has the following benefits. It:

- allows you to demonstrate how decisions about controlling risks were made
- assists in targeting training at key hazards
- provides a basis for preparing safe work procedures
- allows you to more easily review risks following any changes to legislation or business activities
- demonstrates to others (regulators, investors, shareholders, customers) that work health and safety risks are being managed.

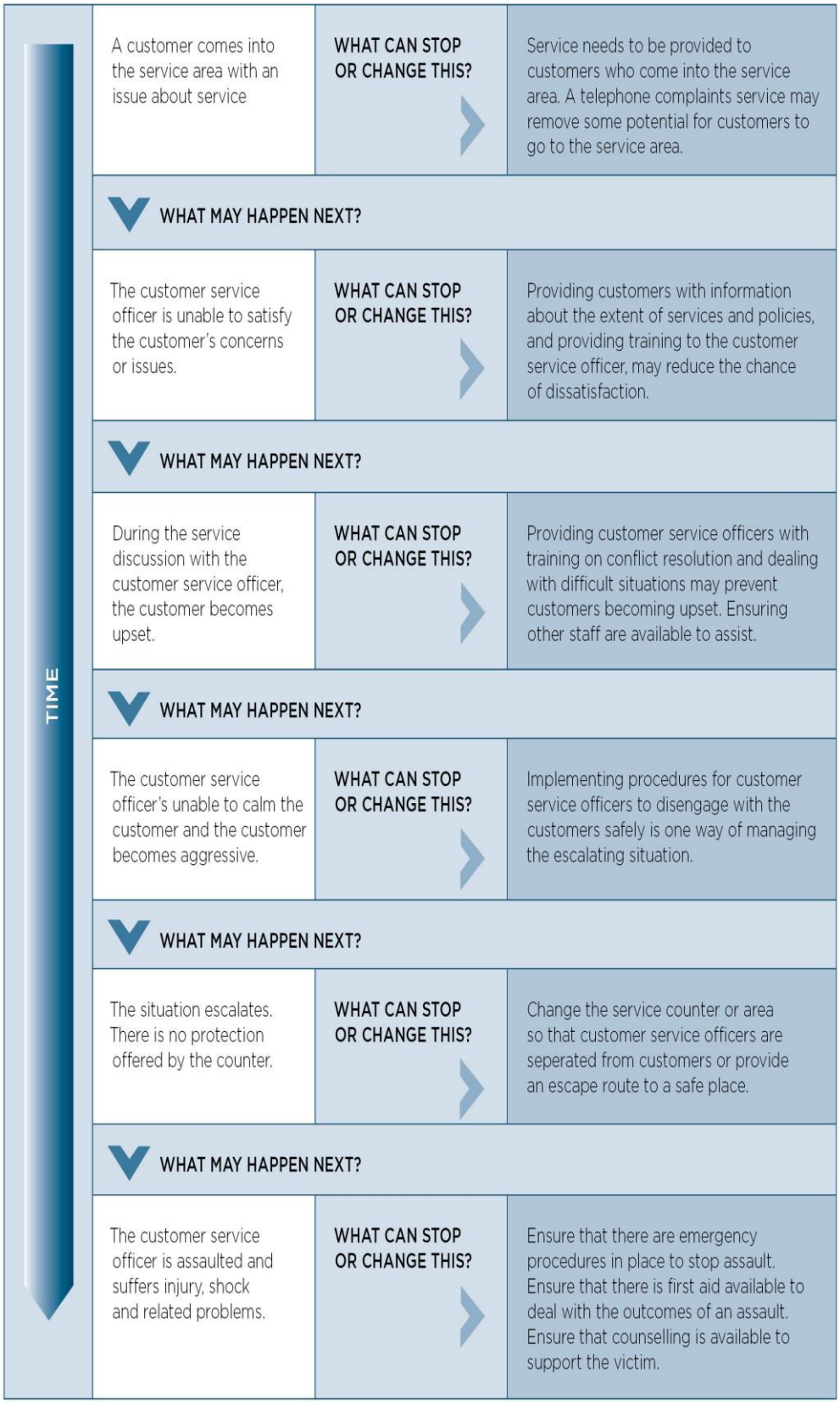
The detail and extent of recording will depend on the size of your workplace and the potential for major work health and safety issues. It is useful to keep information on:

- the identified hazards, assessed risks and chosen control measures (including any hazard checklists, worksheets and assessment tools used in working through the risk management process)
- how and when the control measures were implemented, monitored and reviewed
- who you consulted with
- relevant training records
- any plans for changes.

There are specific record-keeping requirements in the WHS Regulations for some hazards, such as hazardous chemicals. If such hazards have been identified at your workplace, you must keep the relevant records for the time specified.

You should ensure that everyone in your workplace is aware of record-keeping requirements, including which records are accessible and where they are kept.

APPENDIX A – Assessing how things go wrong



APPENDIX B – Risk REGISTER

Location:					Date:			
Hazard	**What is the harm that the hazard could cause?**	**What is the likelihood that the harm would occur?**	**What is the level of risk?**	**How effective are the current controls?**	**What further controls are required?**	**How will the controls be implemented?**		
						Action by	**Due Date**	**When Completed**

APPENDIX C – case studies

Case Study 1:

Two years ago, the Burbs Municipal Council implemented a number of written health and safety procedures used to train workers how to carry out particular tasks safely. As these procedures had not been reviewed since their implementation, the Safety Manager (SM) implemented a new approach to not only review these procedures but also promote health and safety more widely across the organisation by encouraging staff involvement and co-operation.

To do this, the SM established and facilitated safety workshops each Friday for an hour where a team would review a particular task and its procedures to identify hazards, assess risks and options to control these. The team included management, council workers, the respective health and safety representative and any contractors engaged to carry out the work.

The SM's approach was to facilitate the workshops but then hand this role over to the relevant team supervisor, who would then facilitate future meetings to review other tasks conducted by the workers. The written health and safety procedures were not used in the workshops as the SM wanted to learn more about the hazards, risks and controls from the workers without prompting. However, any changes discussed and agreed during the meeting would be included in the revised written safety procedures.

The first safety workshop was conducted in the Parks and Gardens Branch and involved management, workers, their health and safety representatives and a representative from the maintenance shop that supplied the Parks and Gardens Branch with a variety of vehicles and equipment.

Safety workshop – 20 August 2010	
Team	Parks and Gardens Branch
Task being reviewed	Cleaning of the toilets in the council's parks
Description of task	Undertaken by two workers each Monday morning in a Council truck who would clean the eight toilet blocks across the municipality
What does the task involve?	<u>At the depot</u>: • Load the truck with the compressor and pressure hose along with cleaning chemicals and materials
	<u>At the park</u>: • Open toilet block • Clean toilets • Unload compressor and pressure hose, place them in toilet block and attach to tap, turn on compressor and hose walls and floors

	• Put compressor and pressure hose along with cleaning gear back on truck • Dry out toilet block floor by sweeping • Leave park and go to next one

In order to gather advice and information from the team, the SM asked the following questions and shared the responses by writing them on a whiteboard or butchers paper:

	What hazards are encountered when doing the task?	***What risks do these pose to the health and safety?***	***How are these hazards and risks controlled?***
Plant	• Truck • Compressor and pressure hose	• Truck - faulty truck could cause accident and cause injuries to workers and others • Compressor and pressure hose - faulty fuel line in compressor could cause burns and injuries through fire or explosion	• Truck and compressor have maintenance schedule • Checklist for visual inspection for all plant before it leaves depot • Reporting and tagging system for all defective plant
Manual Handling	• Loading and unloading the compressor • Carrying the compressor to and from the toilet block	• Heavy load can cause sprains, strains, back injuries or fractures and cuts if dropped on foot	• Compressor has handles fitted to assist in lifting and carrying • Two persons required to lift and carry compressor • Only workers who have been trained able to lift and carry compressor
Chemical	• Cleaning agents used to clean toilets and basins	• Skin irritation, rashes and illness caused by exposure to chemicals and their vapours in confined space	• Only non-toxic cleaning agents used • Gloves provided to avoid skin contact
Noise	• Operating the compressor in a closed space with hard surfaces	• Hearing loss from prolonged exposure to the noise levels generated by the compressor	• Hearing protection provided for wearing when hosing out the toilet block
Slips, trips and falls	• Wet floor when hosing out the toilet block.	• Cuts and bruises caused by slipping on wet surface	• Safety boots were provided that had slip-resistant soles

Many staff present at the workshop indicated it was a waste of time as everything discussed was covered by the health and safety procedure, which they knew backwards. The SM acknowledged this concern but then asked the team whether the way the task was being conducted could be changed to improve health and safety.

One staff member raised concerns about lugging the compressor around 16 times every Monday morning and that doing this tempted them to call in sick. The SM was curious about this and asked why it was necessary to take the compressor off the truck and place it in the toilet. The workers explained that the length of the hose on the pressure spray was short and could only be operated with the compressor in the toilet block.

After hearing this, the representative from the maintenance shop who supplied the compressor mentioned that he could attach a 10-metre hose to the compressor, which would mean the compressor would not have to be taken off the truck. The team agreed this was a good idea and would eliminate the manual handling risks associated with lifting and carrying the compressor. The SM asked what other impacts this would have. The team agreed this would also reduce the noise as the compressor would now be outside the toilet block, but that there could be new risks associated with handling and storing a 10-metre long hose. The team agreed to trial the new hose. It was then installed with a hose handling system.

Following the workshop, the SM asked the supervisor to ensure the modifications were made within two weeks and to revise the procedures and have them checked by the health and safety representative and workers.

Case Study 2:

Jane Smith has been working at the local grocery store for the last 12 months. She had recently taken on a new role as the bakery supervisor and was eager to review the work activities and safety procedures. In preparing for the review, Jane considered how she would conduct the review and who she should speak with.

As a first step, Jane identified the different activities and tasks that were carried out by the workers. These included:

- preparing a number of different products such as bread, cakes, slices and doughnuts
- cleaning items used in product preparation
- general housekeeping.

The next step was to analyse what was involved with each activity. Jane spent three mornings that week with the four bakers who worked in the bakery department. She talked to them about the work activities and what they thought could be changed to improve the safety of the workplace. One of the bakers had been working in the store for over 10 years, whilst another had been working for over 25 years. The other two bakers were apprentices and had only been working with the store for around six months.

From these discussions, Jane identified a number of key tasks the bakers carried out every day when preparing the baked products:

- moving the ingredients from their storage locations to the area of use
- mixing the ingredients together using specialised mixers
- transferring the mixture to the container for baking
- putting them in the oven and removing them from the oven
- slicing and decorating
- packaging the products.

During an inspection of the bakery, Jane and the bakers identified a number of hazards, including the following:

- the doughnut mixer was not guarded and the mixing bowl could be accessed when the machine was operating
- the concrete floors were slippery in the mixing room and flour was spilt where the bakers walked
- low lighting in the food preparation area
- there was narrow access and restricted movement in the storage area where the flour bags were kept.

Jane and the bakers discussed the risks associated with each of the hazards and what could be done to control these risks. In relation to the unguarded mixer, one of the bakers suggested purchasing or hiring a new model with an interlocking guard. After considering the ideas of the bakers, Jane completed the following risk register:

XYZ Grocery Store Pty Ltd
Work area: Bakery department
Form completed by: Jane Smith (Bakery supervisor)
Date form completed: 05/11/2010

Hazard identification

Hazard: Doughnut mixer not guarded and mixing bowl can be accessed when machine is operating.

Risk Assessment

What is the harm the hazard could cause: The person operating the mixer could be injured by the moving parts if their hand slipped in while the machine was operating. Hand could be cut or could even lose a finger.

What is the likelihood of this happening: This machine is used several times a day. Two of the workers have not been working in the bakery for a long time and are not very experienced in using the equipment.

Persons at risk: All four bakers who operate the machine.

Existing control measure: Staff follow policy and operating instructions to use the mixer safely – not very effective because it relies on staff keeping hands away from the dangerous parts.

Consequence: Serious injuries

Likelihood: Very likely

Outcome: High risk - the mixer must not be used again until the risk has been controlled.

Control measures

Possible control options:

- *Elimination* – Eliminating the use of the mixer completely will mean the business cannot continue to sell baked products as the dough cannot be mixed. Business revenue will suffer.
- *Substitution* – Use of the mixer could be substituted by hand mixing the dough. One day's production will be lost in the change over. This method can only be considered an interim option as it is not sustainable for more than a day or two with present staff. However, part time staff could be hired to mix the dough. Business income would be reduced and impact on revenue. Alternatively, the mixer could be replaced by purchasing a new, safer machine with a built-in guard.
- *Engineering* – The mixer could be modified by adding an interlocking guard. A mixer could be hired for the period the old mixer is in for repairs. One day's production will be lost in this option. The modifications are estimated to cost $1600. Other costs included are: one day lost in production plus hire of substitute machine for approximately 10 days and transport. Estimated cost is less than $6000.
- *Administrative or PPE* – All staff told to keep hands away from the mixing bowl while it is in use. Only the more experienced bakers are to operate the mixer.

Preferred control option: Purchase a new mixer, which would not cost much more than having the old one modified. Mixing to be done by hand while waiting for replacement mixer to arrive. The costs involved are outweighed by worker safety and this option eliminates the risk of injury.

Implementation

Associated activities	Resources required	Person(s) responsible	Sign off and date
New mixer to be purchased. Mixing to be done by hand while waiting for new mixer. May require staff working more hours	Less than $6000	Jane Smith – Bakery supervisor	J Smith 9/11/10
Develop new work procedures Provide training to bakers on using the new machine	3 hours	Jane Smith – Bakery supervisor	J Smith 20/12/10

Review
Scheduled review date: 31 January 2011

Are the control measures in place?

- Yes – the new machine has an interlocking guard and bakers have been provided with training on how to use the machine in accordance with the manufacturer's instructions.

Are the controls eliminating or minimising the risk?

- Yes – the interlocking guard prevents people from putting their hand in the mixing bowl.

Are there any new problems with the risk?

- No.

Jane repeated these steps for each hazard that she identified. The review of the work activities and the implemented control measures improved the safety in the bakery department at the grocery store.

MANAGING THE WORK ENVIRONMENT AND FACILITIES

Code of Practice

TABLE OF CONTENTS

FOREWORD

This Code of Practice on managing the work environment and facilities is an approved code of practice under section 274 of the *Work Health and Safety Act* (the WHS Act).

An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and the *Work Health and Safety Regulations 2011* (the WHS Regulations).

A code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in the WHS Act, in relation to the subject matter of the code. Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks that may arise. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

Compliance with the WHS Act and Regulations may be achieved by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the code.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice.

This Code of Practice has been developed by Safe Work Australia as a model code of practice under the Council of Australian Governments' *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* for adoption by the Commonwealth, state and territory governments.

A draft of this Code of Practice was released for public consultation on 7 December 2010 and was endorsed by the Workplace Relations Ministers' Council on 10 August 2011.

SCOPE AND APPLICATION

This Code of Practice applies to all types of work and all workplaces covered by the WHS Act, including workplaces that are mobile, temporary and remote.

It provides practical guidance for persons conducting a business or undertaking on how to provide and maintain a physical work environment that is without risks to health and safety. This Code covers:

- the physical work environment, such as workspace, lighting and ventilation
- facilities for workers, including toilets, drinking water, washing and dining areas, change rooms, personal storage and shelter
- remote and isolated work
- emergency plans.

This Code of Practice takes into account that new buildings and major renovations must also comply with the ***National Construction Code of Australia*** which specifies certain requirements, for example the number of toilets that need to be provided in buildings used as workplaces.

For more specific information about providing facilities at construction sites, refer to the ***Code of Practice: Managing Risks in Construction Work***.

Guidance on the provision of first aid facilities can be found in the ***Code of Practice: First Aid in the Workplace.***

NOTE: Regulation 761 of the WHS Regulations prescribes Part 2 (First Aid) of the *Occupational Health and Safety Code of Practice 2008* for the purposes of sub item 23(1) of Schedule 2 to the *Work Health and Safety (Transitional and Consequential Provisions) Act 2011*. That Part is taken to be an approved code of practice approved for the purposes of the WHS Act.

How to use this Code of Practice

In providing guidance, the word 'should' is used in this Code of Practice to indicate a recommended course of action, while 'may' is used to indicate an optional course of action.

This Code of Practice also includes various references to sections of the WHS Act and the Regulations which set out the legal requirements. These references are not exhaustive. The words 'must', 'requires' or 'mandatory' indicate that a legal requirement exists and must be complied with.

1. INTRODUCTION

1.1 WHO HAS DUTIES IN RELATION TO THE WORK ENVIRONMENT AND FACILITIES?

A **person conducting a business or undertaking** has the primary duty under the WHS Act to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the business or undertaking.

The WHS Regulations place more specific obligations on a person conducting a business or undertaking in relation to the work environment and facilities for workers, including requirements to:

- ensure, so far as is reasonably practicable, that the layout of the workplace, lighting and ventilation enables workers to carry out work without risks to health and safety
- ensure, so far as is reasonably practicable, the provision of adequate facilities for workers, including toilets, drinking water, washing and eating facilities
- manage risks associated with remote and isolated work
- prepare emergency plans.

Persons conducting a business or undertaking who have management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace is without health and safety risks to any person.

This means that the duty to provide and maintain a safe work environment and adequate facilities may be shared between duty holders, for example a business leasing premises will share the duty with the landlord or property manager of the premises. In these situations the duty holders must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with each other.

Persons who design and construct buildings and structures that are intended to be used as workplaces must ensure, so far as is reasonably practicable, that the building or structure is without risks to health and safety.

Officers, such as company directors, have a duty to exercise due diligence to ensure that the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to ensure that the business or undertaking has

and uses appropriate resources and processes to provide and maintain a safe work environment and adequate facilities for workers.

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

1.2 IDENTIFYING WHAT FACILITIES ARE NEEDED

Decisions about workplace facilities and the work environment will depend on the industry the business is operating in, the nature of the work carried out as well as the size and location of the workplace and the number and composition of workers at the workplace.

The requirements in the ***National Construction Code of Australia*** will also determine what facilities are required for new buildings.

Consulting workers

Consultation involves sharing of information, giving workers a reasonable opportunity to express views and taking those views into account before making decisions on health and safety matters.

Section 47: The WHS Act requires that you consult, so far as is reasonably practicable, with workers who carry out work for you who are (or are likely to be) directly affected by a work health and safety matter.
Section 48: If the workers are represented by a health and safety representative, the consultation must involve that representative.

You must consult your workers when proposing any changes to the work environment that may affect their health and safety and when making decisions about what facilities are needed (for example, the number and location of toilets). The consultation should also cover things such as access, cleaning and maintenance of the facilities.

If the facilities are already provided at the workplace, you should consult your workers and their health and safety representatives when there are any changes that may affect the adequacy of the facilities. This will help you determine if you need to change or expand your facilities.

Consulting, co-operating and co-ordinating activities with other duty holders

Section 46: The WHS Act requires that you consult, co-operate and co-ordinate activities with all other persons who have a work health or safety duty in relation to the same matter, so far as is reasonably practicable.

Sometimes you may share responsibility for a health and safety matter with other business operators who are involved in the same activities or who share the same workplace. In these situations, you should exchange information to find out who is doing what and work together in a co-operative and co-ordinated way so that all risks are eliminated or minimised so far as is reasonably practicable.

For example, if you are a tenant in a building, you will share responsibility for providing a safe physical work environment and facilities with the property manager or building owner, and you should therefore discuss your requirements regarding these matters with them. This would include checking that they have arrangements in place for the proper maintenance of plant such as air-conditioning systems and facilities such as toilets.

Further guidance on consultation is available in the ***Code of Practice: Work Health and Safety Consultation, Co-operation and Co-ordination***.

The nature of the work

To understand the nature of the work activities and the type of hazards involved, the following questions should be considered:

- Does the work involve exposure to infectious material or contaminants? If so, workers may need access to shower facilities before they leave the workplace.
- Do workers need to change out of their clothes? If so, they may need change rooms and appropriate personal storage.
- Is the work mostly conducted standing or seated? If so, floor coverings and seats should be considered.
- Is the work sedentary or physically active? If so, this may affect the ideal comfortable air temperature.
- Is the work done in shifts? If so, cleaning and maintenance schedules may need to take into account the times when the facilities are used.

Workers undertaking different work within the same workplace may also have different requirements for facilities depending on the work they do and the equipment they use.

Size, location and nature of the workplace

The type of facilities needed also depends on the size, location and nature of the workplace. For example, whether the work is carried out in a building or structure, or whether work is performed outdoors or in a workplace belonging to another business should be taken into consideration. Some workers may be mobile, for example sales representatives, tradespeople or visiting health care workers. The following questions should be considered:

- Does the workplace cover an extensive area, or is work undertaken in a single location?
- Do the workers travel between workplaces, to numerous work sites or to other locations?
- Is the workplace permanent or temporary?
- Is the workplace close to appropriate welfare facilities?
- Will the facilities be available at the times workers need to use them, for example during a night shift?
- Is the means of access safe?

Number and composition of the workforce

The number of workers at the workplace will determine the size and type of facilities required. For example, calculating the number of toilets and hand washing facilities should take account of the number of workers who usually use them at the same time.

Facilities should provide privacy and security for men and women. The requirements of workers with any particular needs (for example, pregnant or lactating women) or disabilities should also be addressed in the design of the workplace.

1.3 MAINTAINING THE WORK ENVIRONMENT AND FACILITIES

The work environment should be maintained so that it remains in a clean and safe condition. Broken or damaged furniture, fixtures and fittings, including chairs, plumbing, air-conditioning and lighting should be repaired promptly.

Facilities should be clean, safe, accessible and in good working order. Consumable items, including soap and toilet paper, should be replenished regularly. Equipment and furniture such as toasters, fridges, lockers or seating should be maintained in good

working order.

Workplaces and facilities should be cleaned regularly, usually on a daily or weekly basis. The cleaning schedule of facilities such as dining areas, toilets, hand basins and showers should take into account shift work, the type of work performed, the likelihood of contamination and the number of workers using them.

Appendix A may be used as a checklist to help you review the work environment and the adequacy of facilities provided to workers.

2. THE WORK ENVIRONMENT

Regulation 40: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that:

- the layout of the workplace allows, and is maintained to allow, persons to enter and exit the workplace and move within it safely, both under normal working conditions and in an emergency
- work areas have space for work to be carried out safely
- floors and other surfaces are designed, installed and maintained to allow work to be carried out safely
- lighting enables each worker to carry out work safely, persons to move around safely and safe evacuation in an emergency
- ventilation enables workers to carry out their work without risk to their health and safety
- workers exposed to extremes of heat or cold are able to carry out work without risk to their health and safety
- work in relation to or near essential services (such as gas, electricity, water, sewerage and telecommunications) does not affect the health and safety of persons at the workplace.

2.1 ENTRY AND EXIT

The means of entry and exit to and from the workplace must be safe. This may include ensuring that workers with special needs or disabilities can safely enter and leave the workplace.

Entries and exits should be slip-resistant under wet and dry conditions.

Aisles and walkways should be at least 600 mm wide and kept free of furniture or other obstructions at all times. Where it is necessary to clearly define entry and exit routes, the boundaries of the route should be marked by a permanent line of white, yellow or other contrasting colour at least 50 mm wide or by glowing markers. Entry and exit routes, stairs and walkways should be adequately lit.

Open sides of staircases should be guarded with an upper rail at 900 mm or higher and a lower rail. A handrail should be provided on at least one side of every staircase. Additional handrails may be needed down the centre of wide staircases. Further information is available in **AS 1657 – *Fixed platforms, walkways, stairways and ladders - Design, construction and installation***.

Separate entries and exits for mobile equipment (for example, forklifts or trucks) and pedestrians should be provided to minimise the risk of persons being hit by moving vehicles. If

people and vehicles have to share a traffic route, use kerbs, barriers or clear markings to designate a safe walkway. Doors and gates should be fitted with safety devices if necessary. Doors on main traffic routes should have a transparent viewing panel (unless they are fire-rated doors).

Power-operated doors and gates should have safety features to prevent people being struck or trapped. Upward-opening doors or gates should be fitted with an effective device (such as counterbalance springs or ratchet devices) to prevent them falling back.

The location of exits should be clearly marked and signs should be posted to show the direction to exit doors to aid emergency evacuation.

2.2 HOUSEKEEPING

An untidy workplace can cause injuries in particular, injuries resulting from slips and trips, therefore good housekeeping practices are essential for all workplaces. For example:

- spills on floors should be cleaned up immediately
- walkways should be kept clear of obstructions
- work materials should be neatly stored
- any waste should be regularly removed.

It will be much easier to keep the workplace clean and tidy if it is well laid out with sufficient space for storage and for the movement of people. Space close to workstations should be allocated to allow for the storage of tools and materials that are used frequently, for example providing racks for hand tools above workbenches.

Tidiness throughout the working day can be difficult to maintain in industries where there is rapid production of finished goods and/or waste. In these situations, training all workers in good housekeeping procedures and their co-operation with these procedures is necessary to keep the workplace tidy.

Suitable containers for waste should be conveniently located and regularly emptied.

While it may be reasonable to expect workers to leave their immediate work area in a clean and tidy condition at the end of the working day, other options for carrying out the general cleaning of the workplace should be considered, for example engaging cleaners.

2.3 WORK AREAS

The layout of work areas should be designed to provide sufficient clear space between furniture, fixtures and fittings so that workers can move about freely without strain or injury and also evacuate quickly in case of an emergency. Space for aisles, passages and access to other areas is needed in addition to the space around workstations.

In determining how much space is needed, the following should be considered:

- the physical actions needed to perform the task
- the need to move around while working
- whether the task is to be performed from a sitting or standing position
- access to workstations
- the equipment to be handled and the personal protective equipment that may be worn to perform the work.

Environmental factors including heat or noise may require an increase to the space, as will work activities that involve manual tasks or the use of tools such as knives where the risk of injury is increased due to close working conditions.

Further guidance in relation to manual tasks and the layout of work areas is available in the ***Code of Practice: Hazardous Manual Tasks***.

2.4 FLOORS AND OTHER SURFACES

Floor surfaces should be suitable for the work area. The choice of floor surfaces or coverings will depend on the type of work carried out at the workplace, as well as the materials used during the work process, the likelihood of spills and other contaminants, including dust, and the need for cleaning.

Floors should be inspected regularly and maintained to eliminate slip and trip hazards. Common examples of hazards include trailing cables, uneven edges or broken surfaces, gratings or covers, loose mats or carpet tiles. Floor surfaces require sufficient grip to prevent slipping, especially in areas that may become wet or contaminated. Cleaning methods should also take account of the potential for slips, which may be increased by the use of some cleaning agents.

Workers who undertake static standing work should be protected from discomfort and the jarring effects of direct contact with concrete, masonry or steel floors, for example, by providing carpet, cushion-backed vinyl, shock-absorbent underlay, anti-fatigue matting, grates or duckboards.

Generally carpet is preferred in office areas to provide a comfortable walking surface and to reduce noise, reflected light from polished floor surfaces and the risk of slips and falls. Selection of wool mix carpets reduces the build-up of static electricity which can give a mild electric shock. Carpets should be properly laid without loose edges or ripples and should be well maintained.

If tasks require the use of wheeled equipment (for example, trolleys) the floor covering should be selected to minimise friction and resistance.

Some floor surfaces can become hazardous in certain work situations. For example, machining of metals can produce hot scrap and requires a surface safe from fire risk.

Floors and any other surfaces, such as mezzanines or platforms that people may walk on, must be strong enough to support loads placed on them.

2.5 WORKSTATIONS

It may be necessary to determine whether the work is best carried out in a seated or standing position (or a combination of the two). Ideally, there should be a mix of seated and standing tasks – neither prolonged sitting nor standing is desirable.

Workers should be consulted when carrying out this assessment.

Workstations should be designed so that workers can carry out their work in a comfortable, upright position with shoulders relaxed and upper arms close to the body. Different workers require different working heights so it is best to provide adjustable workstations to make the work height suitable for the person and the task.

Many tasks are best done in a seated position, for example screen-based work, fine component assembly or tasks involving the frequent use of foot controls. For tasks undertaken in a seated position, workers should be provided with seating that:

- provides good body support, especially for the lower back
- provides foot support, preferably with both feet flat on the floor, otherwise a footrest should be provided
- allows adequate space for leg clearance and freedom of movement.

Chairs should be fully adjustable to accommodate different sized workers (with seat height, back rest height and back rest tilt adjustments) and should not tip or slip – a five-point base is the

most stable. Castors should be used on carpet and glides or braked castors on hard surfaces.

Some standing tasks may be carried out using a sit/stand chair, for example some process or inspection work. This means that workers can support themselves on the chair while still carrying out the standing task. If the job is primarily carried out while standing, but the nature of the work allows workers to sit from time to time, appropriate seating should be provided. This allows workers to vary their position between sitting and standing.

2.6 LIGHTING

Sufficient lighting must be provided, whether it is from a natural or artificial source, to allow safe movement around the workplace and to allow workers to perform their job without having to adopt awkward postures or strain their eyes to see.

The following factors should be taken into account:

- the nature of the work activity
- the nature of hazards and risks in the workplace
- the work environment
- illumination levels, including both natural and artificial light
- the transition of natural light over the day
- glare
- contrast
- reflections.

Additional lighting may be needed for some types of work or at places of particular risk (such as crossing points on traffic routes). **Table 1** below provides guidance on the recommended illumination levels for various types of tasks, activities or interiors.

Different lighting levels may be needed for different times of the day. Too much lighting can result in glare. Measures to prevent low or excessive levels of lighting, glare or reflection include:

- providing additional lighting, such as a lamp on a movable arm
- changing the position of existing lights
- changing the location of the workstation
- increasing or decreasing the number of lights
- changing the type of lighting used e.g. from white light to blue light
- changing the diffusers or reflectors on existing lights

- using screens, visors, shields, hoods, curtains, blinds or external louvers to reduce reflections, shadows and glare.

Emergency lighting must be provided for the safe evacuation of people in the event of an emergency.

Table 1: Recommended illumination levels[1]

Class of task	Recommended illuminance (lux)	Characteristics of the activity/interior	Examples of types of activities/interiors
Movement and orientation	40	For little-used interiors with visual tasks limited to moving around.	Corridors; cable tunnels; indoor storage tanks; walkways.
Rough intermittent	80	For interiors used intermittently, with visual tasks limited to movement, orientation and coarse detail.	Workers change and locker rooms; live storage of bulky materials; dead storage of materials needing care; loading bays.
Normal range of tasks and workplaces			
Simple	160	Continuously occupied interior with visual tasks (coarse detail only.) Occasional reading of clearly printed documents for short periods.	Waiting rooms; entrance halls; canteens; rough checking of stock; rough bench and machine work; general fabrication of structural steel; casting concrete; automated process monitoring; turbine halls.
Ordinary or moderately easy	240	Continuously occupied interiors with moderately easy visual tasks with high contrasts or large detail.	School boards and charts; medium woodworking; food preparation; counters for transactions; computer use.

[1] *SOURCE: AS/NZS 1680.1: 2006* – INTERIOR WORKPLACE LIGHTING

Class of task	Recommended illuminance (lux)	Characteristics of the activity/interior	Examples of types of activities/interiors
Moderately difficult	320	Areas where visual tasks are moderately difficult with moderate detail or with low contrasts.	Routine office tasks (e.g. reading, writing, typing, enquiry desks.)
	400		Inspection of medium work; fine woodwork; enquiry points; car assembly.
Difficult	600	Areas where visual tasks are difficult with small detail or with low contrast.	Drawing boards; most inspection tasks; proofreading; fine machine work; fine painting and finishing; colour matching.
Very difficult	800	Areas where visual tasks are very difficult with very small detail or with very low contrast.	Fine inspection; plant retouching; fine manufacture; grading of dark materials; colour matching of dyes.

2.7 AIR QUALITY

Workplaces should be adequately ventilated. Fresh, clean air should be drawn from outside the workplace, uncontaminated by discharge from flues or other outlets, and be circulated through the workplace.

Workplaces inside buildings may have natural ventilation, mechanical ventilation (fans or extraction units) or air-conditioning. An air-conditioning system should:

- provide a comfortable environment in relation to air temperature, humidity and air movement
- prevent the excessive accumulation of odours
- reduce the levels of respiratory by-products, especially carbon dioxide, and other indoor contaminants that may arise from work activities
- supply an amount of fresh air to the workplace, exhaust some of the stale air as well as filter and recirculate some of the indoor air.

Natural ventilation should consist of permanent openings, including windows and doors, that:

- in total are the size of at least five per cent of the floor area of the room
- are open to the sky, an open covered area or an appropriately ventilated adjoining room.

Natural ventilation may be assisted by mechanical ventilation.

Enclosed workplaces should be supplied with comfortable rates of air movement (usually between 0.1 m and 0.2 m per second).

Air-conditioning and other ventilation systems should be regularly serviced and maintained in accordance with manufacturer's instructions. Cooling towers that form part of many air-conditioning systems may be a favourable environment for Legionella bacteria if they are not properly designed and maintained. Exposure to these bacteria can cause the potentially fatal Legionnaire's disease. Cooling towers should be designed, installed and maintained in accordance with **AS/NZS 3666 – *Air handling and water systems of buildings***.

Further information regarding air quality is available in **AS 1668.2 – *The use of ventilation and air-conditioning in buildings***.

Work processes that release harmful levels of airborne contaminants (e.g. lead fumes, acid mist, solvent vapour) will require specific control measures to remove them at the source, such as local exhaust ventilation.

Regulation 49-50: A person conducting a business or undertaking must ensure that no-one at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture. This may require air monitoring to be carried out.

2.8 HEAT AND COLD

Workers carrying out work in extreme heat or cold must be able to carry out work without a risk to their health and safety so far as is reasonably practicable.

It is important to distinguish between a condition that threatens health and safety, and a feeling of discomfort.

The risk to the health of workers increases as conditions move further away from those generally accepted as comfortable. Heat strain can arise from working in high air temperatures, exposure to high thermal radiation or high levels of humidity, such as those in foundries, commercial kitchens and laundries. Hypothermia arises when a person gets an abnormally low body

temperature as a result of exposure to cold environments. Both these conditions are potentially fatal.

Both personal and environmental factors should be considered when assessing the risk to workers' health from working in a very hot or cold environment. Personal factors include the level of physical activity, the amount and type of clothing worn, and duration of exposure. Environmental factors include air temperature, the level of humidity, air movement and radiant heat.

Thermal comfort

Work should be carried out in an environment where a temperature range is comfortable for workers and suits the work they carry out. Air temperatures that are too high or too low can contribute to fatigue and heat or cold related illnesses. Thermal comfort is affected by many factors, including air temperature, air movement, floor temperature, humidity, clothing, the amount of physical exertion, average temperature of the surroundings and sun penetration.

Optimum comfort for sedentary work is between 20 and 26 degrees Celsius, depending on the time of year and clothing worn. Workers involved in physical exertion usually prefer a lower temperature range. The means of maintaining a comfortable temperature will depend on the working environment and the weather, and could include any of the following:

- air-conditioning
- fans
- electric heating
- open windows
- building insulation
- the layout of workstations
- direct sunlight control
- controlling air flow and the source of drafts.

Hot environments

If it is not possible to eliminate exposure to extreme heat, the risk of heat strain and heat exhaustion must be minimised so far as is reasonably practicable. For example:

- increase air movement using fans
- install air-conditioners or evaporative coolers to lower air temperature
- isolate workers from indoor heat sources, for example by insulating plant, pipes and walls

- remove heated air or steam from hot processes using local exhaust ventilation
- use mechanical aids to assist in carrying out manual tasks
- alter work schedules so that work is done at cooler times.

The following control measures should also be considered but are least effective if used on their own:

- slow down the pace of work if possible
- provide a supply of cool drinking water
- provide a cool, well-ventilated area where workers can take rest breaks
- provide opportunities for workers who are not used to working in hot conditions to acclimatise, for example job rotation and regular rest breaks
- ensure light clothing is worn to allow free movement of air and sweat evaporation.

Immediate assistance should be provided if any worker experiences any of the following symptoms of heat strain: dizziness, fatigue, headache, nausea, breathlessness, clammy skin or difficulty remaining alert.

Cold environments

If it is not possible to eliminate exposure to extreme cold, the risks must be minimised so far as is reasonably practicable. For example:

- provide localised heating, for example cab heaters for fork-lift trucks used in cold stores
- provide protection from wind and rain, such as a hut or the cabin of a vehicle.

The following control measures should also be considered but are least effective if used on their own:

- provide protection through warm (and if necessary, waterproof) clothing
- provide opportunities for workers who are not used to working in cold conditions to acclimatise, for example, job rotation and regular rest breaks.

Immediate assistance should be provided if any worker shows any of the following warning signs of hypothermia:

- numbness in hands or fingers
- uncontrolled shivering
- loss of fine motor skills (particularly in hands – workers may have trouble with buttons, laces, zips)

- slurred speech and difficulty thinking clearly
- irrational behaviour – sometimes a person will even begin to discard clothing.

The environmental conditions and physical well being of workers should be monitored when work involves prolonged or repeated exposure to heat or cold.

You should train workers to recognise the early symptoms of heat strain or hypothermia, how to follow safe work procedures and to report problems immediately.

3. WELFARE FACILITIES

All workers require access to adequate facilities. However, it may not always be reasonably practicable to provide the same types of facilities for a temporary, mobile or remote workplace that are normally provided for a fixed workplace.

Appendix B provides examples of facilities for two types of workplaces.

Regulation 41: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision of adequate facilities for workers, including toilets, drinking water, washing and eating facilities. These facilities must be in good working order, clean, safe and accessible.

When considering how to provide and maintain facilities that are adequate and accessible, a person conducting a business or undertaking must 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.

3.1 ACCESS TO FACILITIES

Workers, including those who have particular needs or disabilities, must have access to the facilities. Facilities may not need to be provided if they are already available close to the workplace, are suitable for workers to use and the workers have appropriate opportunities to use them. This would mean that:

- workers are provided with breaks to use facilities
- the facilities are within a reasonable distance from the work area
- night shift workers have similar access as those working in the day
- the means of access is safe at all times.

3.2 DRINKING WATER

An adequate supply of clean drinking water must be provided free of charge for workers at all times. The supply of the drinking water should be:

- positioned where it can be easily accessed by workers
- close to where hot or strenuous work is being undertaken to reduce the likelihood of dehydration or heat stress

- separate from toilet or washing facilities to avoid contamination of the drinking water.

The temperature of the drinking water should be at or below 24 degrees Celsius. This may be achieved by:

- refrigerating the water or providing non-contaminated ice
- shading water pipes and storage containers from the sun.

Water should be supplied in a hygienic manner, so that workers do not drink directly from a shared container. This may involve:

- a drinking fountain, where the water is delivered in an upward jet
- a supply of disposable or washable drinking containers.

Water supplied for certain industrial processes or for fire protection may not be suitable for drinking. These water supply points should be marked with signs warning that the water is unfit for drinking.

Mobile, temporary or remote workplaces

Sometimes direct connection to a water supply is not possible. In these cases, alternatives – including access to public drinking water facilities, bottled water or containers – should be provided for workers.

3.3 TOILETS

Access to clean toilets must be provided for all workers while they are at work. Where reasonably practicable, toilet facilities should be provided for workers, rather than relying on access to external public toilets.

Number of toilets

For workplaces within buildings, the *National Construction Code of Australia* sets out the ratio of toilets to the number of workers, and the specifications for toilets. Generally, separate toilets should be provided in workplaces where there are both male and female workers. However, one unisex toilet may be provided in workplaces with both male and female workers where:

- the total number of people who normally work at the workplace is 10 or less
- there are two or less workers of one gender.

For example, a workplace with two male and eight female workers or with one female and three male workers could have a

unisex toilet because there are 10 or fewer workers in total and two or fewer workers of one gender.

A unisex toilet should include one closet pan, one washbasin and means for disposing of sanitary items.

For all other workplaces, separate toilets should be provided in the following ratios:

Workers	Closet Pan(s)	Urinals
Males	1 per 20 males	1 per 25 males
Females	1 per 15 females	N/A

These ratios are the minimum standard that should be provided. However, in some workplaces, the scheduling of workers' breaks will affect the number of toilets required. There should be enough toilets available for the number of workers who may need to use them at the same time.

Design of toilets

Toilets should be:

- fitted with a hinged seat and lid
- provided with adequate lighting and ventilation
- clearly signposted
- fitted with a hinged door capable of locking from the inside on each cubicle
- designed to allow emergency access
- positioned to ensure privacy for users
- separated from any other room by an airlock, a sound-proof wall and a separate entrance that is clearly marked.

Toilets should be supplied with:

- an adequate supply of toilet paper for each toilet
- hand washing facilities
- rubbish bins
- for female workers, hygienic means to dispose of sanitary items.

Access to toilets

Toilets must be accessible, preferably located inside a building or as close as possible to the workplace. In multi-storey buildings, toilets should be located on at least every second floor.

Mobile, temporary or remote workplaces

If work is undertaken away from base locations or at outdoor sites (for example, gardeners, bus drivers, couriers): workers must have access to other toilets, for example public toilets or

toilets at clients' premises. In such cases, information should be provided to workers on where the toilets are located.

Where it is not reasonably practicable to provide access to permanent toilets (for example, short-term temporary workplaces and workplaces in remote areas): portable toilets should be provided. Portable toilets should be located in a secure place with safe access. They should be installed so they do not fall over or become unstable and should be serviced regularly to keep them clean.

3.4 HAND WASHING

Hand washing facilities must be provided to enable workers to maintain good standards of personal hygiene. Workers may need to wash their hands at different times (for example, after visiting the toilet, before and after eating meals, after handling chemicals or handling greasy machinery).

Number of hand washing basins

In most cases, for both males and females, hand washing basins should be provided in at least the ratio of one wash basin for every 30 males and one for every 30 female workers, or part thereof.

The number of hand washing basins may need to be increased depending on the nature of the work carried out at the workplace. For example, where the work involves exposure to infectious substances or other contaminants, separate hand washing basins should be provided in addition to those provided with toilets.

Design of hand washing facilities

Hand washing facilities should:

- be accessible at all times to work areas, eating areas and the toilets
- be separate from troughs or sinks used in connection with the work process
- contain both hot and cold water taps or temperature mixers
- be protected from the weather
- be supplied with non-irritating soap (preferably from a soap dispenser)
- contain hygienic hand drying facilities, for example automatic air dryers or paper towels.

Where a business engages in activities such as food preparation or health care, there are also duties under health legislation in relation to hand washing facilities.

Mobile, temporary or remote workplaces

If work is carried out in locations where there are no hand washing facilities, workers should have access to alternative hand hygiene facilities, for example a water container with soap and paper towels, hand wipes or alcohol-based hand wash.

3.5 DINING FACILITIES

Workers should be provided with access to hygienic dining facilities for eating their meals and for preparing and storing food. Depending on the type of workplace, a range of facilities may be appropriate, which could include a shared facility such as a canteen or cafeteria, a dedicated meals area or allowing time for mobile workers to access meal facilities.

A separate dining room should be provided if:

- 10 or more workers usually eat at the workplace at the same time
- there is a risk of substances or processes contaminating food.

Facilities for large static workplaces

A dedicated dining room should be provided that is protected from the weather and is separated from work processes, toilet facilities and any hazards (including noise, heat and atmospheric contaminants). It should be supplied with:

- adequate numbers of tables and seats to accommodate each worker likely to use the dining room at one time
- a sink with hot and cold water, washing utensils and detergent
- an appliance for boiling water
- crockery and cutlery
- food warming appliances, such as a microwave oven
- clean storage, including a refrigerator for storing perishable food
- vermin-proof rubbish bins, which should be emptied at least daily.

Dining rooms should have 1 m² of clear space for each person likely to use the dining room at any one time. The clear space is calculated free of any furniture, fittings or obstructions such as pillars. This means that the size of a dining room for 10 workers

should be 10 m² plus additional space for dining furniture, appliances and fittings such as sinks.

Facilities for small static workplaces

For some small workplaces, an area within the workplace for making tea and coffee and preparing and storing food might be all that is needed. The facility should be protected from the weather, be free of tools and work materials and be separated from toilet facilities and any hazards (including noise, heat and atmospheric contaminants). It should be supplied with:

- seating
- a sink with hot and cold water, washing utensils and detergent
- an appliance for boiling water
- clean storage, including a refrigerator for storing perishable food
- vermin-proof rubbish bins, which should be emptied at least daily.

Mobile, temporary or remote workplaces

Where the work involves travelling between different workplaces, or is remote or seasonal, workers need reasonable access to dining facilities. This may involve organising rosters for mobile workers to ensure that they are back at their base location for meal breaks or allowing workers to take their meal breaks at a public cafeteria.

It may be appropriate for some temporary workplaces to provide portable dining facilities such as mobile caravans or transportable lunchrooms.

Access to dining facilities for workers in remote areas, such as loggers or mining exploration workers, may be limited. At times the only enclosed facility available to them may be their vehicle. In this instance portable food storage facilities may be required, such as a car fridge or insulated lunch box.

3.6 PERSONAL STORAGE

Accessible and secure storage should be provided at the workplace for personal items belonging to workers (for example, handbags, jewellery, medication or hygiene supplies). This storage should be separate from that provided for personal protective clothing and equipment in cases where contamination is possible.

Where any work involves the use of tools provided by a worker, provision should be made for secure and weatherproof storage of those tools during non-working hours.

Mobile, temporary or remote workplaces

Where the workplace is temporary or mobile, lockable containers that can be held in a safe place should be provided. Where lockers are provided, they may also serve as secure storage for other personal items.

3.7 CHANGE ROOMS

If workers have to change in and out of clothing due to the nature of their work, access to private changing areas with secure storage for personal belongings should be provided. This includes workers who need to:

- wear personal protective clothing or uniforms while they are working
- leave their work clothing at the workplace.

If male and female workers need to change at the same time, separate male and female changing rooms should be provided. The changing room should allow a clear space of at least 0.5 m² for each worker.

The temperature in the changing room should be maintained so that it is comfortable for workers when changing. Additional heating or cooling may be needed.

Change rooms should be conveniently located and equipped with:

- seating to enable the numbers of workers changing at one time to sit when dressing or undressing
- mirrors, either within the changing room or directly outside it
- an adequate number of hooks and/or shelves.

Where change rooms are provided, it may be reasonably practicable to provide lockers for storing clothing and personal belongings. Lockers should be:

- well ventilated, accessible and secure
- a sufficient size to accommodate clothing and personal belongings.

There should also be a clear space of at least 1800 mm between rows of lockers facing each other and at least 900 mm between lockers and a seat or wall.

Mobile, temporary or remote workplaces

Where the workplace is located away from buildings or other fixed accommodation, portable private facilities containing secure storage and seating should be provided.

3.8 SHOWER FACILITIES

Certain jobs may involve dirty, hot or hazardous work and may require the provision of showering facilities. For example, jobs including mining, fire fighting, work in abattoirs, foundry work, welding, and police search and rescue.

At least one shower cubicle for every 10 workers who may need to shower should be provided. Usually separate facilities should be provided for male and female workers. However, in small or temporary workplaces where privacy can be assured, it may be acceptable to provide one unisex shower.

Showers should have:

- a floor area of not less than 1.8 m^2
- a slip-resistant surface that is capable of being sanitised
- partitions between each shower that are at least 1650 mm high and no more than 300 mm above the floor
- an adjacent dressing area for each shower containing a seat and hooks
- a lockable door enclosing the shower and dressing cubicle.

Each shower should be supplied with clean hot and cold water and individual non-irritating soap or another cleaning product. If grime or other by-products of the work process cannot be removed just by washing, individual nail or scrubbing brushes should be provided. Also provide drying facilities such as towels if the work the workers carry out means they need to shower before leaving the workplace.

Mobile, temporary or remote workplaces

If workers work in remote or temporary locations, they should have access to shower facilities. This may involve providing portable shower units of the same standard.

4. GUIDANCE FOR SPECIFIC TYPES OF WORK

4.1 OUTDOOR WORK

Outdoor workers should have access to shelter for eating meals and taking breaks, and to protect them in adverse weather conditions.

Access to shelter should be provided, for example, using sheds, caravans, tents, windbreaks or portable shade canopies. In some situations, vehicles or public facilities may provide appropriate short-term shelter.

Protection against solar ultraviolet (UV) exposure should also be provided for outdoor workers, for example:

- reorganising outdoor work if possible so that workers carry out alternative tasks, or work in shade, when the sun is most intense, that is, between 10.00 am and 2.00 pm (11.00 am and 3.00 pm when there is daylight saving)
- providing personal protective clothing (wide brim hat, long-sleeved collared shirt, long pants, sunglasses) and sunscreen.

4.2 REMOTE OR ISOLATED WORK

Regulation 48: A person conducting a business or undertaking must manage the risks associated with remote or isolated work, including ensuring effective communication with the worker carrying out remote or isolated work.

Remote or isolated work is work that is isolated from the assistance of other people because of the location, time or nature of the work being done. Assistance from other people includes rescue, medical assistance and emergency services.

A worker may be isolated even if other people may be close by, for example, a cleaner working by themselves at night in a city office building. In other cases, a worker may be far away from populated areas, for example, on a farm.

Remote and isolated work includes:

- all-night convenience store and service station attendants
- sales representatives, including real estate agents
- long distance freight transport drivers
- scientists, park rangers and others carrying out field work alone
- health and community workers working in isolation with members of the public.

In some situations, a worker may be alone for a short time. In other situations, the worker may be on their own for days or weeks in remote locations, for example, on sheep and cattle stations.

Assessing the risks

Working alone or remotely increases the risk of any job. Exposure to violence and poor access to emergency assistance are the main hazards that increase the risk of remote or isolated work. The following factors should be considered when assessing the risks:

The length of time the person may be working alone

- How long would the person need to be alone to finish the job?

The time of day when a person may be working alone

- Is there increased risk at certain times of day? For example, a service station attendant working alone late at night may be at greater risk of exposure to violence.

Communication

- What forms of communication does the worker have access to?
- Are there procedures for regular contact with the worker?
- Will the emergency communication system work properly in all situations?
- If communication systems are vehicle-based, what arrangements are there to cover the worker when he or she is away from the vehicle?

The location of the work

- Is the work in a remote location that makes immediate rescue or attendance of emergency services difficult?
- What is likely to happen if there is a vehicle breakdown?

The nature of the work

- What machinery, tools and equipment may be used?
- Are high risk activities involved? For example work at heights, work with electricity, hazardous substances or hazardous plant.

- Is fatigue likely to increase risk (for example, with long hours driving a vehicle or operating machinery)?
- Is there an increased risk of violence or aggression when workers have to deal with clients or customers by themselves?
- Can environmental factors affect the safety of the worker? For example, exposure to extreme hot or cold environments?
- Is there risk of attack by an animal, including reptiles, insects and sea creatures?

The skills and capabilities of the worker

- What is the worker's level of work experience and training? Is the worker able to make sound judgements about his or her own safety?
- Are you aware of a pre-existing medical condition that may increase risk?

Controlling the risks

Buddy system – some jobs present such a high level of risk that workers should not work alone, for example jobs where there is a risk of violence or where work is carried out in confined spaces.

Workplace layout and design – workplaces and their surrounds can be designed to reduce the likelihood of violence, for example by installing physical barriers, monitored CCTV and enhancing visibility.

Communication systems – the type of system chosen will depend on the distance from the base and the environment in which the worker will be located or through which he or she will be travelling. Expert advice and local knowledge may be needed to assist with the selection of an effective communication system.

If a worker is working alone in a workplace that has a telephone, communication via the telephone is adequate, provided the worker is able to reach the telephone in an emergency. In situations where a telephone is not available, a method of communication that will allow a worker to call for help in the event of an emergency at any time should be chosen, for example:

- *Personal security systems*, being wireless and portable, are suitable for people moving around or checking otherwise deserted workplaces. Some personal security systems include a non-movement sensor that will automatically activate an alarm transmission if the transmitter or transceiver has not moved within a certain time.

- *Radio communication systems* enable communication between two mobile users in different vehicles or from a mobile vehicle and a fixed station. These systems are dependent upon a number of factors such as frequency, power and distance from or between broadcasters.
- *Satellite communication systems* enable communication with workers in geographically remote locations. Satellite phones allow voice transmission during transit, but their operation can be affected by damage to aerials, failure of vehicle power supplies, or vehicle damage.
- *Distress beacons* should be provided where life-threatening emergencies may occur, to pinpoint location and to indicate by activation of the beacon that an emergency exists. Distress beacons include Emergency Position Indication Radio Beacons (EPIRB) used in ships and boats, Emergency Locator Transmitters (ELT) used in aircraft and Personal Locator Beacons (PLB) for personal use.
- *Mobile phones* cannot be relied upon as an effective means of communication in many locations. Coverage in the area where the worker will work should be confirmed before work commences. Geographical features may impede the use of mobile phones, especially at the edge of the coverage area, and different models have different capabilities in terms of effective range from the base station. Consult the provider if there is any doubt about the capability of a particular phone to sustain a signal for the entire period the worker is alone. If any gaps in coverage are likely, other methods of communication should be considered. It is important that batteries are kept charged and a spare is available.

Movement records – knowing where workers are expected to be can assist in controlling the risks, for example call-in systems with supervisors or colleagues. Satellite tracking systems or devices may also have the capability of sending messages as part of a scheduled call in system, and have distress or alert functions.

Training, information and instruction – workers need training to prepare them for working alone and, where relevant, in remote locations. For example, training in dealing with potentially aggressive clients, using communications systems, administering

first aid, obtaining emergency assistance driving off-road vehicles or bush survival.

4.3 ACCOMMODATION

If a business has workers working in regional and remote areas, accommodation may need to be provided while the work is being carried out. An example of such arrangements would be where accommodation is provided to fruit pickers during the harvesting season, shearers on a sheep station or workers engaged in construction work at a remote location.

Section 19: A person conducting a business or undertaking who provides accommodation for workers and owns or manages the accommodation must, so far as is reasonably practicable, maintain the premises so that the worker occupying them is not exposed to health and safety risks.

Where reasonably practicable, the accommodation should be separated from any hazards at the workplace likely to adversely affect the health and safety of a worker using the accommodation. The accommodation facilities should also:

- be lockable, with safe entry and exit
- meet all relevant structural and stability requirements
- meet electrical and fire safety standards
- have a supply of drinking water
- have appropriate toilets, washing and laundry facilities
- be regularly cleaned and have rubbish collected
- be provided with suitable sleeping quarters shielded from noise and vibration
- have crockery, utensils and dining facilities
- have adequate lighting, heating, cooling and ventilation
- have storage cupboards and other suitable furniture
- be provided with a refrigerator or cool room
- have all fittings, appliances and equipment in good condition.

5. EMERGENCY PLANS

Regulation 43: A person conducting a business or undertaking must ensure that an emergency plan is prepared for the workplace that provides for:

a) emergency procedures, including:
- an effective response to an emergency
- evacuation procedures
- notification of emergency services at the earliest opportunity
- medical treatment and assistance; and
- effective communication between the person authorised by the person conducting the business or undertaking to coordinate the emergency response and all persons at the workplace.

b) testing of the emergency procedures, including how often they should be tested

c) information, training and instruction to relevant workers in relation to implementing the emergency procedures.

There are different types of emergency situations, including fire or explosion, dangerous chemical release, medical emergency, natural disaster, bomb threats, violence or robbery.

In preparing and maintaining an emergency plan, the following must be taken into account:

- the particular work being carried out at the workplace
- the specific hazards at a workplace
- the size and location of a workplace
- the number and composition of the workers and other people at a workplace.

The plan must be based on an assessment of the hazards at the workplace, including the possible consequences of an incident occurring as a result of those hazards. For example, a cleaner working by themselves in a city office building will be subject to different hazards to a worker in a chemical plant. The varying nature of the hazards requires the risks of the particular job to be assessed, and an appropriate emergency procedure put in place.

The impact of external hazards that may affect the health and safety of workers should also be taken into account (for example, a chemical storage facility across the road).

The preparation of an emergency plan for a workplace shared by a number of businesses (for example, a shopping centre, construction site or multi-tenanted office building) should be co-ordinated by the person with management or control of the

workplace (who may be the property manager, principal contractor or landlord) in consultation with all tenants or businesses at the workplace.

If the business is conducted at such a workplace and an emergency plan has already been prepared, the types of emergency situations that may arise from the business must be taken into account in the emergency plan. Workers and their health and safety representatives must be consulted when reviewing, and if necessary revising, the emergency plan by the person responsible for preparing it.

A plan must be developed if there is no emergency plan at the workplace. If the workplace presents a significant hazard in an emergency, consultation with the local emergency services when developing the plan should occur.

5.1 PREPARING EMERGENCY PROCEDURES

The emergency procedures in the emergency plan must clearly explain how to respond in various types of emergency, including how to evacuate people from the workplace in a controlled manner.

The procedures should be written clearly and simple to understand. Where relevant, the emergency procedures should address:

- allocation of roles and responsibilities for specific actions in an emergency to persons with appropriate skills, for example appointment of area wardens
- clear lines of communication between the person authorised to co-ordinate the emergency response and all persons at the workplace
- the activation of alarms and alerting staff and other people at the workplace
- the safety of all the people who may be at the workplace in an emergency, including visitors, shift workers and tradespeople
- workers or other persons who will require special assistance to evacuate
- specific procedures for critical functions such as a power shut-off
- identification of safe places
- potential traffic restrictions
- distribution and display of a site plan that illustrates the location of fire protection equipment, emergency exits and assembly points

- the distribution of emergency phone numbers, including out-of-hours contact numbers
- access for emergency services (such as ambulances) and their ability to get close to the work area
- regular evacuation practice drills (at least every twelve months)
- the use and maintenance of equipment required to deal with specific types of emergencies (for example, spill kits, fire extinguishers, early warning systems such as fixed gas monitors or smoke detectors and automatic response systems such as sprinklers)
- regular review of procedures and training.

Emergency procedures must be tested in accordance with the emergency plan in which they are contained.

Evacuation procedures should be displayed in a prominent place, for example, on a noticeboard. Workers must be instructed and trained in the procedures.

A more comprehensive plan may be needed to address high risk situations such as:

- people sleeping on site (for example, hotels)
- large numbers of people at the site at the same time (for example, stadiums)
- high risk chemical processes and major hazard facilities
- significant cash handling, particularly outside normal business hours.

Further guidance on emergency plans and procedures is available in **AS 3745: 2010 – *Planning for Emergencies in Facilities*.**

APPENDIX A – Work environment and facilities checklist

Consultation	✓/ ✗	**Action to be taken**
Have workers and their health and safety representatives been consulted on any decisions about the adequacy of the facilities?		
Location and nature of the workplace	**✓/ ✗**	**Action to be taken**
Is the workplace near appropriate facilities?		
Is the means of access safe?		
Do all workers on all shifts have access to the facilities?		
Managing facilities	**✓/ ✗**	**Action to be taken**
Are consumable items, such as soap and toilet paper, replaced regularly?		
Is broken or damaged infrastructure, such as plumbing, air-conditioning or lighting, repaired promptly?		
Is equipment and furniture, like fridges, lockers and seating, maintained in good condition?		
Are facilities cleaned regularly, at least daily?		
Workspace	**✓/ ✗**	**Action to be taken**
Is there safe entry to and exit from the workstation?		
Is there enough clear space, taking into account the physical actions needed to perform the task, and any plant and personal protective equipment that is needed?		
Is there enough space in walkways and around cupboards, storage or doors, in addition to the clear workstation space?		
Floors	**✓/ ✗**	**Action to be taken**
Is adequate floor covering provided for workers who need to stand for long periods?		
Are the floors maintained to be free of slip and trip hazards?		
Are factors such as the work materials used, the likelihood of spills and the need for washing considered when choosing floor coverings?		

Seating	**✓/ ×**	**Action to be taken**
Can the work be done from a seated position?		
Can the chair be adjusted for individual needs and is it appropriate to the type of work being carried out?		
Is there additional seating for workers who work standing and need to sit from time to time?		
Lighting	**✓/ ×**	**Action to be taken**
Does the lighting allow workers to move about easily and to carry out their work effectively without adopting awkward postures or straining their eyes to see?		
Does the working environment minimise the amount of glare, contrast or reflection?		
Air quality	**✓/ ×**	**Action to be taken**
Is the temperature between 20°C and 26°C (or less if the work is physically active)?		
Are ventilation and air-conditioning systems serviced regularly and maintained in a safe condition?		
Are rates of air movement in enclosed workplaces between 0.1 m and 0.2 m per second?		
Is local exhaust ventilation used to control airborne contaminants released during a work process?		
Exposure to heat or cold	**✓/ ×**	**Action to be taken**
Have all reasonably practicable control measures been implemented to minimise the risks of working in extreme hot or cold conditions?		
Have workers been trained to recognise unsafe conditions arising from exposure to hot or cold conditions, to follow safe work procedures and to report problems immediately?		
Drinking water	**✓/ ×**	**Action to be taken**
Are the drinking water outlets accessible to workers?		
Are the drinking water outlets separate from toilet and washing facilities?		
Is the water clean, cool and hygienically provided?		

Toilets	**✓/ ×**	**Action to be taken**
If the workplace has 10 or fewer workers (and two or fewer of one gender), has at least one unisex toilet been provided?		
If the workplace has more than 10 workers, is there at least one male toilet for every 20 men and one female toilet for every 15 women?		
Are there adequate toilet facilities for workers with disabilities?		
Are toilets clearly marked, and do they have lockable doors, adequate lighting and ventilation?		
Are toilets cleaned regularly?		
Is there adequate toilet paper, hand washing facilities and soap, rubbish bins and sanitary disposal?		
Hand washing	**✓/ ×**	**Action to be taken**
Are there enough hand washing basins for men and women?		
Does the nature of the work require additional hand washing facilities (taking into account exposure to dirty conditions, infectious agents, contaminants and health regulations)?		
Are the hand washing facilities separate from work-related troughs or sinks, protected from weather and accessible from work areas, dining facilities and toilets?		
Is hot and cold water, soap or other cleaning product provided?		
Is hygienic hand drying provided that does not involve workers sharing towels?		
Dining facilities	**✓/ ×**	**Action to be taken**
Does the nature of the work cause a health and safety risk to workers from preparing food or eating in the workplace?		
Is a dining room or dining area required, taking into account the guidance in this Code?		
Is there adequate protection from the elements, the work area, contaminants and hazards?		
For workplaces needing a dining room, is there 1 m^2 of clear floor space for each person likely to use the dining room at one time?		
If a shared dining facility is used, can it accommodate all workers likely to be eating at one time?		

Personal storage	**✓/ ×**	**Action to be taken**
Is there accessible, secure storage at the workplace for workers' personal property, including any tools provided by a worker?		
Is it separate from any storage facilities provided for personal protective clothing and equipment?		
Change rooms	**✓/ ×**	**Action to be taken**
Are change rooms provided for workers who are required to change in and out of clothing?		
Are there arrangements in place for the privacy of male and female workers?		
Do change rooms allow a clear space of at least 0.5 m^2 for each worker?		
Is the change room temperature comfortable for changing clothing?		
Is there enough seating, accessible mirrors, an adequate number of hooks for the numbers of workers changing at one time?		
Are there well-ventilated, accessible and secure lockers for each worker for storing clothing and personal belongings?		
Is there clear space of at least 1800 mm between rows of lockers facing each other and at least 900 mm between lockers and a seat or a wall?		
Showers	**✓/ ×**	**Action to be taken**
Are showers provided for workers where the work: • requires strenuous effort • leaves them dirty or smelly • exposes them to chemicals or bio-hazards		
Is there one shower cubicle for every 10 workers who may need to shower?		
Are there separate facilities for male and female workers, or other appropriate forms of security to ensure privacy?		
Is there a slip-resistant floor area of not less than 1.8 m^2, which is capable of being sanitised?		
Are partitions between each shower at least 1650 mm high and no more than 300 mm above the floor?		
Is there an adjacent dressing area for each shower, containing a seat and hooks, with a curtain or lockable door enclosing the shower and dressing cubicle?		

Showers continued	**✓/ ×**	**Action to be taken**
Is there clean hot and cold water and soap or other cleaning product?		
If workers need to shower before they can leave the workplace, are towels provided?		
Outdoor work	**✓/ ×**	**Action to be taken**
Are there appropriate procedures to ensure outdoor workers have access to clean drinking water, toilets, dining facilities, hygienic storage of food and water, and emergency and first aid assistance?		
Is there access to shelter for eating meals and taking breaks and for protection when weather conditions become unsafe?		
Mobile or remote work	**✓/ ×**	**Action to be taken**
Are there appropriate procedures to ensure that mobile or remote workers have access to clean drinking water, toilets, dining facilities, hygienic storage of food and water, and emergency and first aid assistance?		
Can mobile or remote workers access emergency communications that are reliable in their location, such as a satellite or mobile phone?		
Accommodation	**✓/ ×**	**Action to be taken**
Is the person conducting a business or undertaking accommodation separate from any hazards at the workplace likely to present a risk to the health or safety of a worker using the accommodation?		
Is it appropriately equipped, including: • safe access and egress • security of personal possessions • fire safety arrangements • electrical safety standards • drinking water • toilets, washing, bathing and laundry facilities • procedures to ensure cleanliness • suitable, quiet sleeping accommodation • crockery, utensils and dining facilities • rubbish collection • heating, cooling and ventilation		

Accommodation continued	✓/ ✖	**Action to be taken**
Does the accommodation meet all relevant structural and stability requirements?		
Are the fittings, appliances and any other equipment maintained in good working condition?		
Emergency plans	✓/ ✖	**Action to be taken**
Is there a written emergency plan covering relevant emergency situations, with clear emergency procedures?		
Is the plan accessible to all workers?		
Are workers, managers and supervisors instructed and trained in the procedures?		
Has someone with appropriate skills been made responsible for specific actions in an emergency (e.g. appointment of an area warden)?		
Is someone responsible for ensuring workers and others in the workplace are accounted for in the event of an evacuation?		
Are emergency contact details relevant to the types of possible threats (e.g. fire, police, poison information centre) displayed at the workplace in an easily accessible location?		
Are contact details updated regularly?		
Is there a mechanism, such as a siren or bell alarm, for alerting everyone in the workplace of an emergency?		
Is there a documented site plan that illustrates the location of fire protection equipment, emergency exits and assembly points?		
If there is a site plan and is it displayed in key locations throughout the workplace?		

Emergency plans continued	✓/ ✗	**Action to be taken**
Are procedures in place for assisting mobility-impaired people?		
Does the workplace have first aid facilities and emergency equipment to deal with the types of emergencies that may arise?		
Is the fire protection equipment suitable for the types of risks at the workplace (e.g. foam or dry powder type extinguishers for fires that involve flammable liquids)?		
Is equipment easily accessible in an emergency?		
Are workers trained to use emergency equipment (e.g. fire extinguishers, chemical spill kits, breathing apparatus, lifelines)?		
Have you considered neighbouring businesses and how you will let them know about an emergency situation should one arise?		
Have you considered the risks from neighbouring businesses (e.g. fire from restaurant/takeaway food outlets, Q fever from cattle yards)?		
Are emergency practice runs (e.g. evacuation drills) regularly undertaken to assess the effectiveness of the emergency plan?		
Is someone responsible for reviewing the emergency plan and informing staff of any revisions?		

APPENDIX B – Examples of facilities for different workplaces

Temporary workplace - Gardening

Assessment of facilities needed	Facilities plan
Nature of work being carried out • Garden maintenance. Workers gather tools from depot at the start of the shift, and work outdoors in pairs most of the day, returning to the depot at the end of the day **Size and location of the place of work** • Depot located in township - gardens within 8 km of depot **Composition of the workforce** • Ten men and three women. **Type of workplace** • Depot is a permanent building, garden maintenance done at temporary sites **Need for maintenance** • Cleaning • Replenishing consumable items	**Toilets** • Separate male and female toilets available at the depot. Workers can use public toilets in gardens. **Shelter sheds** • Some of the gardens have public shelter accessible to workers. Can also seek temporary shelter in vehicle or return to depot. **Seating** • Sit/stand chair provided in potting room, and comfortable seating in lunchroom. Most other tasks done when standing or kneeling. **Dining rooms** • Workers have the option of returning to base for lunch where a lunchroom is provided, or taking lunch on site. Vehicles equipped with folding stools if latter is chosen. **Change room** • Separate male and female change rooms provided at the depot. **Drinking water** • Cool drinking water provided at depot, plus refrigerator for other types of drinks. • Workers take insulated individual flasks when off site. **Lockers** • Lockable locker provided for each worker, located in change room. **Washing facilities** • Hand basins located adjacent to male and female toilets; workers can use garden taps and paper towels if off site. One shower located adjacent to change rooms with room to change clothes and lockable door.

Permanent workplace – Office

Assessment of facilities needed	Facilities plan
Nature of work being carried out • Workers undertaking general office work **Size and location of the place of work** • Three-storey building located in the central business district. All floors in use. **Composition of the workforce** • 50 females and 20 males • Some staff have disabilities **Type of workplace** • Permanent building **Need for maintenance** • Cleaning • Replenishing consumable items	**Toilets** • Toilet block located on the 2nd floor • Lift provides access for disabled • Male: one toilet and urinal provided • Female: four toilets provided • Facilities for workers with disabilities - one unisex toilet provided. **Shelter sheds** • Not applicable, as all work is indoors. **Seating** • All workers provided with fully adjustable office chair. • Kitchen area provided with comfortable, non-adjustable dining chairs. **Dining rooms** • Dining room on ground floor has tables and seating to accommodate up to 20 persons at any one time – it also has a kitchen. • 2nd and 3rd floors have kitchenettes for boiling water and washing utensils. **Change room** • Change rooms not required. **Drinking water** • Drinking water and refrigerators provided in kitchen and kitchenettes • Cool water dispenser in ground floor kitchen. **Lockers** • Each worker has a lockable drawer for personal belongings at their workstation, or a locker or cabinet to store valuables on the same level as their workstation. **Washing facilities** • Hand basins located adjacent to male and female toilets. • Facilities for workers with disabilities - one hand basin provided.

WORK HEALTH AND SAFETY CONSULTATION, CO-OPERATION AND CO-ORDINATION

Code of Practice

TABLE OF CONTENTS

FOREWORD

This Code of Practice on how to meet the requirements for consultation, co-operation and co-ordination on work health and safety matters is an approved code of practice under section 274 of the *Work Health and Safety Act* (the WHS Act).

An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and the *Work Health and Safety Regulations 2011* (the WHS Regulations).

A code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in the WHS Act, in relation to the subject matter of the code. Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks that may arise. The health and safety duties require duty holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

Codes of practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

Compliance with the WHS Act and Regulations may be achieved by following another method, such as a technical or an industry standard, if it provides an equivalent or higher standard of work health and safety than the code.

An inspector may refer to an approved code of practice when issuing an improvement or prohibition notice.

This Code of Practice is based on the draft code of practice developed by Safe Work Australia as a model code of practice under the Council of Australian Governments' *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* for adoption by the Commonwealth, state and territory governments.

A draft of that model code of practice was released for public consultation on 7 December 2010 and was endorsed by the Workplace Relations Ministers' Council on 10 August 2011.

SCOPE AND APPLICATION

This Code of Practice provides practical guidance to persons conducting a business or undertaking on how to effectively consult with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter. It includes information on mechanisms to facilitate worker participation and representation.

This Code also provides guidance to duty holders who share responsibility for the same work health and safety matter on how to consult, co-operate and co-ordinate activities with each other.

This Code applies to all types of work and all workplaces covered by the WHS Act.

How to use this code of practice

In providing guidance, the word 'should' is used in this Code of Practice to indicate a recommended course of action, while 'may' is used to indicate an optional course of action.

This Code of Practice also includes various references to sections of the WHS Act and Regulations which set out the legal requirements. These references are not exhaustive. The words 'must', 'requires' or 'mandatory' indicate that a legal requirement exists and must be complied with.

1. INTRODUCTION

1.1 WHO HAS DUTIES IN RELATION TO CONSULTATION, CO-OPERATION AND CO-ORDINATION?

Consulting with workers

Section 47: A person conducting a business or undertaking must consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter

This duty to consult is based on the recognition that worker input and participation improves decision-making about health and safety matters and assists in reducing work-related injuries and disease.

The broad definition of a 'worker' under the WHS Act means that you must consult with your employees plus anyone else who carries out work for your business or undertaking. You must consult, so far as is reasonably practicable, with your contractors and sub-contractors and their employees, on-hire workers, volunteers and any other people who are working for you and who are directly affected by a health and safety matter.

Workers are entitled to take part in consultation arrangements and to be represented in relation to work health and safety by a health and safety representative who has been elected to represent their work group. If workers are represented by a health and safety representative, consultation must involve that representative

Consulting, co-operating and co-ordinating activities with other duty holders

Section 46: If more than one person has a duty in relation to the same matter, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter

Persons conducting a business or undertaking will have health and safety duties if they:

- engage workers to undertake work for them, or if they direct or influence work carried out by workers
- may put other people at risk from the conduct of their business or undertaking
- manage or control the workplace or fixtures, fittings or plant at the workplace

- design, manufacture, import or supply plant, substances or structures for use at a workplace
- install, construct or commission plant or structures at a workplace.

These duty holders' work activities may overlap and interact at particular times. When they share a duty, for example, a duty to protect the health and safety of a worker, or are involved in the same work, they will be required to consult, co-operate and co-ordinate activities with each other so far as is reasonably practicable.

Principal contractors for a construction project, as persons who manage or control the workplace, have specific duties under the WHS Regulations to have arrangements in place for consultation, co-operation and the co-ordination of activities between any persons conducting a business or undertaking at the site.

Officers, such as company directors, have a duty to exercise due diligence to ensure that the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to ensure that the business or undertaking implements processes for complying with the duty to consult workers as well as consulting, co-operating and co-ordinating activities with other duty holders.

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and co-operate with any reasonable health and safety policy or procedure, for example procedures for consultation at the workplace.

1.2 WHY IS CONSULTATION IMPORTANT?

Consultation is a legal requirement and an essential part of managing health and safety risks.

A safe workplace is more easily achieved when everyone involved in the work communicates with each other to identify hazards and risks, talks about any health and safety concerns and works together to find solutions. This includes cooperation between the people who manage or control the work and those who carry out the work or who are affected by the work.

By drawing on the knowledge and experience of your workers, more informed decisions can be made about how the work should be carried out safely.

Effective health and safety consultation also has other benefits:

- *Greater awareness and commitment* – because workers who have been actively involved in how health and safety decisions are made will better understand the decisions.
- *Positive working relationships* – because understanding the views of others leads to greater co-operation and trust.

In situations where you share responsibility for health and safety with another person, the requirement to consult, co-operate and co-ordinate activities with other duty holders will help address any gaps in managing health and safety risks that often occur when:

- there is a lack of understanding of how the activities of each person may add to the hazards and risks to which others may be exposed
- duty holders assume that someone else is taking care of the health and safety matter
- the person who takes action is not the best person to do so.

The outcome of consulting, co-operating and co-ordinating activities with other duty holders is that you each understand how your activities may impact on health and safety and that the actions you each take to control risks are complementary.

2. WHEN TO CONSULT WITH WORKERS

Many organisational decisions or actions have health and safety consequences for workers. For example, introducing new equipment into the workplace may affect the tasks your workers carry out, the timeframes for doing work, how they interact with each other and the environment in which they work.

The WHS Act identifies specific matters that trigger the requirement for consultation.

Section 49: A person conducting a business or undertaking must consult with workers when:

- identifying hazards and assessing risks arising from the work carried out or to be carried out
- making decisions about ways to eliminate or minimise those risks
- making decisions about the adequacy of facilities for the welfare of workers
- proposing changes that may affect the health or safety of your workers, and
- making decisions about procedures for consulting with workers; resolving health or safety issues; monitoring health of your workers; monitoring the conditions at the workplace and providing information and training for your workers.

However, it may be useful to also consult workers about matters that are not listed above, for example when conducting investigations into incidents or 'near misses'.

Regular consultation is better than consulting on a case-by-case basis only as issues arise because it allows you to identify and fix potential problems early.

2.1 MANAGING RISKS

Consultation is required when identifying hazards, assessing risks and deciding on measures to control those risks.

In deciding how to control risks, you must consult with your workers who will be affected by this decision, either directly or through their health and safety representative. Their experience may help you identify hazards and choose practical and effective control measures.

Regularly walking around the workplace, talking to your workers and observing how things are done will also help you identify hazards. Conducting a survey of your workers can provide valuable information about work-related health issues such as

workplace bullying, stress, as well as muscular aches and pains that can signal potential hazards.

Workers and their health and safety representatives may need access to information such as technical guidance about workplace hazards and risks (plant, equipment and substances). Information should not be withheld just because it is technical or may be difficult to understand.

The WHS Act requires that you allow any health and safety representative for a work group to have access to information you have relating to hazards (including associated risks) affecting workers in the work group and also any information about the health and safety of workers in the work group. This does not extend access to any personal or medical information concerning a worker without the worker's consent.

Further guidance on risk management is available in the ***Code of Practice: How to Manage Work Health and Safety Risks***.

2.2 DECIDING ON WELFARE FACILITIES

Facilities are things provided for the welfare of workers, such as toilets, drinking water, washing facilities, dining areas, change rooms, personal storage and first aid.

You must consult your workers when making decisions about what facilities are needed (for example, the number and location of toilets), taking into consideration the number and composition of your workforce, the type of work your workers do and the size and location of your workplace. The consultation should also cover things such as access, cleaning and maintenance of the facilities.

If the facilities are already provided at the workplace, you should consult your workers and their health and safety representatives when there are any changes that may affect the adequacy of the facilities. This will help you determine if you need to change or expand your facilities.

Further guidance is available in the ***Code of Practice: Managing the Work Environment and Facilities***.

2.3 MAKING CHANGES

You must consult your workers when planning to make changes that may affect their work health and safety, for example when:

- changing work systems such as shift work rosters, work procedures or the work environment
- developing a new product or planning a new project
- purchasing new or used equipment or using new substances
- restructuring the business.

2.4 DEVELOPING PROCEDURES

A procedure sets out the steps to be followed for work activities. You must consult with affected workers when developing procedures for:

- resolving work health and safety issues
- consulting with workers on work health and safety
- monitoring workers' health and workplace conditions
- providing information and training.

Procedures should be in writing to provide clarity and certainty at the workplace and assist in demonstrating compliance. They should clearly set out the role of health and safety representatives, and any other parties involved in the activity. The procedures should be easily accessible, for example by placing them on noticeboards and intranet sites.

If issue resolution procedures are agreed to, the WHS Regulations include minimum requirements including that these procedures are set out in writing and communicated to all workers to whom the procedure applies.

3. WHAT IS EFFECTIVE CONSULTATION?

Consultation is a two-way process between you and your workers where you:

- *talk* to each other about health and safety matters
- *listen* to their concerns and raise your concerns
- *seek and share* views and information, and
- *consider* what your workers say before you make decisions.

Section 48: Consultation requires that:

- relevant work health and safety information is shared with workers
- workers are given a reasonable opportunity to express their views and to raise health or safety issues
- workers are given a reasonable opportunity to contribute to the decision-making process relating to the health and safety matter
- the views of workers are taken into account, and
- workers are advised of the outcome of any consultation in a timely manner.

Management commitment and open communication between managers and workers is important in achieving effective consultation. Your workers are more likely to engage in consultation when their knowledge and ideas are actively sought and any concerns about health and safety are taken seriously.

Consultation does not mean telling your workers about a health and safety decision or action after it has been taken. Workers should be encouraged to:

- ask questions about health and safety
- raise concerns and report problems
- make safety recommendations
- be part of the problem solving process.

While consultation may not result in agreement, this should be the objective as it will make it more likely that the decisions are effective and will be actively supported.

3.1 SHARING INFORMATION

You must share relevant information with workers and their health and safety representatives about matters that may affect their health and safety. This information should be provided early on so that workers and health and safety representatives have enough time to consider the matters, discuss them and then provide feedback to you.

You should make available all the information that you have relating to the health and safety matter to enable informed and constructive discussions. This information may include:

- health and safety policies and procedures
- technical guidance about hazards, risks and risk control measures
- hazard reports and risk assessments
- proposed changes to the workplace, systems of work, plant or substances
- data on incidents, illnesses or injuries (in a way that protects the confidentiality of personal information).

The information should be presented in a way that can be easily understood by your workers and take into account literacy needs and the cultural or linguistically diverse backgrounds of your workers.

Young workers and those with limited English may be less likely to question health and safety practices or speak up if they are unsure. They may find it easier to communicate through a health and safety representative, an interpreter or worker representative. Information should also be simplified and presented in different ways, such as using diagrams, to make it easier to understand.

Meeting face-to-face is usually the most effective way of communicating, although that may not always be possible or preferable. Information can also be shared in other ways, including:

- by telephone or email
- featuring current health and safety news and information on intranet sites or noticeboards.

Information should be updated and attention drawn to new material so that people who do not regularly check it will know what is happening in their workplace.

3.2 PROVIDING REASONABLE OPPORTUNITIES TO EXPRESS VIEWS AND CONTRIBUTE

Giving your workers a reasonable opportunity to express their views and contribute to health and safety decisions may involve:

- providing a suitable time during work hours for consultation with workers
- allowing opinions about health and safety to be regularly discussed and considered during workplace meetings

- providing workers with different ways to provide feedback, for example using email, setting up an intranet health and safety page or a suggestion box.

How long the consultation process takes will depend on the complexity of the health and safety matter, how many people are being consulted, the accessibility of workers and the methods of consultation. A simple issue affecting only a small number of workers can probably be dealt with in a few hours or days through regular channels of communication. A complex technical matter, or consulting a large workforce, may require more time.

If there are health and safety representatives for the workplace, you must include them in the discussions, with or without the involvement of workers directly.

3.3 TAKING VIEWS INTO ACCOUNT

You must take the views of your workers and health and safety representatives into account before making a decision. Consultation does not require consensus or agreement but you must allow your workers to contribute to any health and safety decisions you make in your business.

3.4 ADVISING OUTCOMES OF CONSULTATION

You should agree to respond to concerns and questions raised by workers within a certain timeframe and offer feedback about any options they propose. You must inform your workers of your final decision or course of action as soon as possible. You should provide information to help them understand the reasons for your decision.

3.5 TO WHAT EXTENT SHOULD YOU CONSULT?

You must consult on health and safety matters so far as is reasonably practicable with workers who carry out work for you and who are (or are likely to be) directly affected. This includes consulting with your contractors and their workers and volunteers (if any) about health and safety decisions that directly affect them and which you influence or control.

Consultation that is 'reasonably practicable' is both possible and reasonable in the particular circumstances. What is reasonably practicable will depend on factors such as the:

- size and structure of the business
- nature of the work that is carried out
- nature and severity of the particular hazard or risk

- nature of the decision or action, including the urgency to make a decision or take action
- availability of the relevant workers and any health and safety representatives
- work arrangements, such as shift work and remote work
- characteristics of the workers, including languages spoken and literacy levels.

The aim of consultation should be to ensure that you have sufficient information to make well-informed decisions and that the workers who may be affected are given a reasonable opportunity to provide their views and understand the reasons for the decisions.

You are not expected to do the impossible, but are required to take a proactive and sensible approach to consultation. For example, an urgent response to an immediate risk may necessarily limit the extent of consultation in some circumstances. It may also not be reasonably practicable to consult with workers who are on extended leave. However, it would be appropriate to ensure that these workers are kept informed about any matters that may affect their health and safety when they return to work.

It is not always necessary to consult with every worker in your workplace. The workers you consult with will be those who are, or could be, directly affected by the health and safety matter. For example, a problem with air temperature experienced on one level of an office block may not directly affect the work health and safety of workers on other levels. Only workers on the affected level need to be consulted about the matter.

3.6 MUST CONSULTATION BE DOCUMENTED?

Consultation with workers and with other duty holders does not have to be documented unless specifically required under the WHS Regulations. However, it is recommended that you keep records to demonstrate compliance with consultation requirements. Records of consultation may also assist the risk management process and make disputes less likely.

The records should include any outcomes of discussions. The records can be brief and simple, and cover:

- who is involved
- what the safety matter is
- what decision has been made
- who is to take action and by when
- when the action has been completed.

4. HOW TO CONSULT WITH WORKERS

Consultation with workers can be undertaken in various ways. It does not need to be a formal process and can be as simple as talking to them regularly and considering their views when making health and safety decisions.

Consultation can also be undertaken through health and safety representatives and health and safety committees. However, the WHS Act does not require the establishment of these consultation mechanisms, unless:

- in relation to a health and safety representative – a request is made by a worker
- in relation to a health and safety committee – a request is made by 5 or more workers or a health and safety representative.

You may establish any arrangements for consultation to suit your workers and workplace situations, including agreed consultation procedures, as long as those arrangements are consistent with the requirements of the WHS Act.

4.1 WHAT KIND OF CONSULTATION IS BEST FOR YOUR WORKPLACE?

Consultation arrangements should take into account the size of the business, the way work is arranged and what suits your workers. Many workplaces will already have ways to consult on health and safety that suit their needs. These arrangements can continue if they are consistent with the requirements of the WHS Act and workers have been consulted about them.

To determine how best to consult, you should first discuss with your workers issues such as:

- the duty to consult and the purpose of consultation
- the range of work and associated health and safety issues at the workplace
- the various ways for consultation to occur, including your workers' right to elect health and safety representatives
- your workers' ideas about the most effective way to consult.

You should work out methods that:

- meet your duty to consult
- ensure all workers can participate in consultation including any shift workers or mobile workers
- will best integrate with the way your business manages health and safety.

Consideration should be given to how management normally communicates with the workers. You may not need to establish separate consultation arrangements if there are regular discussions between managers or supervisors and the workers, for example weekly team meetings. This may be the case in a small business with few workers where there are direct discussions as part of everyday work.

In organisations where it may not be reasonably practicable to consult each worker individually, health and safety representatives or committees may be more appropriate. Some workplaces may need a mix of consultation arrangements to suit different types of workers and situations. For example, a business may have a number of full-time workers where structured arrangements involving health and safety representatives and committees may be suitable. On occasions the business may also engage contractors or on-hire workers to carry out specific tasks, where arrangements such as 'toolbox talks' (short discussions on specific health and safety topics relevant to the task) may be the most practical way to consult with them.

When unexpected matters arise, there may not be time to plan consultation, so consideration should be given to whether the issue can be addressed through one of the regular communication channels, or if there is a need to do something different like hold a one-off meeting.

See **Appendix A** for examples of consultation arrangements for different types of workplaces.

4.2 AGREEING ON CONSULTATION PROCEDURES

The WHS Act does not require a person conducting a business or undertaking to reach agreement with their workers on how consultation will occur, but doing so will help to make the consultation more effective.

Section 47(2): If a person conducting a business or undertaking and the workers have agreed to procedures for consultation, the consultation must be undertaken according to those procedures.

Agreeing on procedures for consultation with workers can save time and confusion about how and when consultation must occur. The agreed consultation procedures should clarify key responsibilities of people in the workplace and clearly state when consultation is necessary.

Before consultation procedures can be agreed, you must genuinely consult about the proposed procedures with all

affected workers, including any health and safety representatives for the relevant workers.

If procedures for consultation are agreed, they must be consistent with the requirements of the WHS Act and the consultation must be conducted in accordance with those procedures. For example, the procedures must include sharing of information, allowing workers a reasonable opportunity to express their views and cannot remove the powers of any health and safety representatives or the functions of any health and safety committee established for the workplace.

Agreed consultation procedures are likely to be most effective if they include:

- the matters that require consultation
- who will be consulted
- the ways consultation will occur, for example, through regular meetings, tool-box talks or health and safety representatives
- how information will be shared with workers and health and safety representatives
- what opportunities will be provided for workers and health and safety representatives to give their views on proposed matters
- how feedback will be given to workers and health and safety representatives
- how consultation will occur with any workers who have special language and literacy needs
- timeframes for reviewing the procedures.

The procedures may also include the provision of practical assistance for affected workers and health and safety representatives to facilitate the consultation process. For example, opportunities may be made available for affected workers and their health and safety representatives to come together to consider the information that has been provided, to discuss the issues and form their views.

While more detailed procedures will assist in providing consistency and certainty of approach, the procedures should be flexible enough to respond to different circumstances (such as urgency).

In a small business with few workers, effective informal agreed procedures that are understood by everyone in the business should be sufficient, though these should be discussed and reinforced regularly. In larger workplaces, documented procedures are appropriate.

Consultation procedures should be monitored and reviewed to ensure they continue to be effective.

4.3 CONSULTING USING HEALTH AND SAFETY REPRESENTATIVES AND COMMITTEES

Health and safety representatives

A worker may ask you for the election of a health and safety representative to represent them on work health and safety matters. If a worker makes this request, work groups must be established to facilitate the election. The process requires you and your workers to negotiate and agree on the formation of work groups.

Section 52(3): The purpose of the negotiations is to determine:

- the number and composition of work groups to be represented by health and safety representatives;
- the number of health and safety representatives and deputy health and safety representatives (if any) to be elected;
- the workplace or workplaces to which the work groups will apply, and
- the businesses or undertakings to which the work groups will apply.

A work group may operate across multiple businesses if all parties agree to such an arrangement.

Section 52-53: To establish a work group, the person conducting the business or undertaking must:

- Take all reasonable steps to commence negotiations with the workers within 14 days after a worker makes the request.
- Negotiate with a worker's representative (such as a union official) if a worker asks you to do so.
- Notify the workers of the outcome of the negotiations and of any work groups determined by agreement as soon as practicable after negotiations are complete.

Section 54: If negotiations fail, you or a work group member can ask Comcare to appoint an inspector to assist negotiations and determine certain matters if negotiations remain unresolved.

Even if your workers do not make a request you can alert your workers to their rights to be consulted and to elect health and safety representatives under the WHS Act.

Where health and safety representatives have been elected, they must always be included in any consultation that affects, or is

likely to affect, the health and safety of members of their work group.

The WHS Act and Regulations contain further provisions regarding health and safety representatives including the determination of work groups, conduct of elections and their functions and powers.

Health and safety committees

A health and safety committee brings together workers and management to assist in the development and review of health and safety policies and procedures for the workplace.

Section 75: A person conducting a business or undertaking must establish a health and safety committee within two months after being requested to do so by 5 or more workers, or by a health and safety representative, at the workplace.
Section 76: Health and safety representatives may choose to be members of the health and safety committee. In total, at least half of the members of the committee must be workers who are not nominated by management.
If you and your workers cannot agree about the health and safety committee in a reasonable time, either party can ask Comcare to appoint an inspector to decide on the make-up of the health and safety committee, or whether it should be established at all.
Section 78: Health and safety committees must meet at least every 3 months.

You can also initiate establishing a committee yourself if you consider it will help you meet your duty to consult and assist your workforce to participate in making health and safety decisions. A health and safety committee can be a good option if a business has a significant number of workers who are reluctant to take on the role of a health and safety representative, but some would be willing to participate on a committee. A committee may also be effective for a large business to consult on matters that are the same across a number of work groups or workplaces.

The benefits of a health and safety committee include:

- having regular, planned and structured discussions about health and safety matters
- encouraging a co-operative approach to health and safety
- bringing together a group of worker and business representatives to collaboratively discuss and

develop ways of improving the systems for managing health and safety at the workplace

- encouraging the development and retention of corporate knowledge on health and safety matters for the workplace.

The membership of the health and safety committee should be determined by agreement between you and the workers at the workplace to be represented by the committee.

When a workplace has both a health and safety committee and health and safety representatives then there should be a clear distinction between their roles.

- Health and safety representatives are involved with the specific health and safety issues relevant to the work group they represent.
- The health and safety committee is the forum for consultation on the management of health and safety across the whole workforce. It should consider the development, implementation and review of the policies and procedures associated with the organisation's work health and safety system.

If the workplace has a health and safety committee but does not have health and safety representatives, the committee may consider the issues that a health and safety representative would normally be involved in.

The ***Worker Representation and Participation Guide*** provides further information on health and safety representatives and committees.

4.4 SHARING CONSULTATION ARRANGEMENTS WITH OTHER DUTY HOLDERS

If you have contractors or on-hire workers as part of your workforce you share a duty of care to these workers as well as consultation duties with the business that provides them. You should consult, co-operate and co-ordinate activities with the contractor or on-hire firm to develop your shared consultation arrangements with the workers. In doing this you should consider the types of issues that may arise where you would need to consult the contractor or on-hire firm and their workers.

For example, you may propose to change the work carried out by contractors. This may involve changing the equipment, substances or materials used in the production process or the way tasks are carried out. You should ask:

- How should I inform and discuss proposed changes with the contractors' on-hire or contractor firm?

- How should we both co-ordinate consultation with the affected workers?
- How should we each respond to a safety issue raised by one or more of the contractors or to a request from the workers to be represented by a health and safety representative?

A health and safety committee may be in place at the workplace and may be an effective way of consulting with workers, or between duty holders.

4.5 HOW SHOULD THE CONSULTATION ARRANGEMENTS BE REVIEWED?

When you have established ways to consult on health and safety that suit your workplace, you should monitor and review these procedures in consultation with workers and health and safety representatives to ensure that consultation meets the requirements under the WHS Act and Regulations.

A checklist of things to consider when reviewing consultation arrangements is at **Appendix B**.

5. HOW TO CONSULT, CO-OPERATE AND CO-ORDINATE ACTIVITIES WITH OTHER DUTY HOLDERS

There are often situations where more than one business or undertaking operates at a workplace and where people share responsibility for work health and safety to varying degrees, for example shopping centres, construction projects, labour hire and multi-tenanted office buildings.

Section 16: The WHS Act requires that where more than one person has a duty for the same matter, each person retains responsibility for their duty in relation to the matter and must discharge the duty to the extent to which the person can influence and control the matter.

Section 46: In these situations, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a work health or safety duty in relation to the same matter.

People often assume that someone else is going to take action for health and safety, perhaps because that other person is more directly involved in the activity. This may be more likely where there are numerous people involved in the work. This can mean that nobody takes the necessary action.

Each person conducting a business or undertaking must ensure, so far as is reasonably practicable, the elimination or minimisation of risks to health and safety. This includes ensuring, for example, that safe plant is used, that there are adequate welfare facilities for workers and that training is provided to workers.

You must ensure these requirements are met even if others may also have the duty to do so. You may ensure the outcomes by not necessarily taking the required action yourself, but making sure that another person is doing so.

Talking to, and co-operating and co-ordinating activities with others who are involved in the work or things associated with the work will make the control of risks more likely and assist each duty holder comply with their duty. It can also mean that health and safety measures are more efficiently undertaken.

For example, you may not need to provide toilet facilities for your workers if they are already available, but you need to check that those facilities are in good working order, clean and accessible for your workers. Consultation, co-operation and co-ordination between you and the person providing those facilities

will help you ensure that the necessary steps are being taken so that you can meet your duty.

What is reasonably practicable in relation to consulting, co-operating and co-ordinating activities with other duty holders will depend on the circumstances, including the nature of the work and the extent of interaction. For example, two contractors working together may engage in direct discussions and planning as part of their everyday work, whereas the owner of a large shopping centre may need formal mechanisms with the retail businesses, such as written agreements and consultative committees.

5.1 WHO MUST CONSULT, CO-OPERATE AND CO-ORDINATE AND WITH WHOM

The first step is to identify who the other duty holders are that you need to consult, co-operate and co-ordinate activities with. The duty requires each person with a health and safety duty to consult, co-operate and co-ordinate activities with each other person who has a duty over the same matter.

Examples of who may need to be involved in consultation, co-operation and co-ordination of activities are as follows:

- Various contractors who are involved in the same work at the same time at a workplace will need to consult, co-operate and co-ordinate activities with each other as they may each affect the health or safety of their own workers or the workers of other business operators or other people at or near the workplace.
- An installer of plant at a workplace and the person with management or control of the workplace should consult, co-operate and co-ordinate activities with each other in relation to when, where and how the plant is to be installed to control any health and safety risks.
- A landlord or managing agent should consult, co-operate and co-ordinate activities with the tenant (for example, in relation to emergency plans and procedures) or with a contractor carrying out maintenance or repair work.
- Each of the business operators involved in the supply and logistics chain (the consignor and consignee, the operator of a warehouse, the trucking company and any sub-contracted drivers) should consult, co-operate and co-ordinate activities with each other on the timing and

process for the collection and delivery of the goods.

- A franchisor and franchisee should consult, co-operate and co-ordinate activities with each other when determining how the franchise arrangements are to operate and any requirements that the franchisor may impose on the franchisee relating to work health and safety.

5.2 WHEN MUST YOU CONSULT, CO-OPERATE AND CO-ORDINATE WITH OTHERS?

You should commence consultation, co-operation and co-ordinating activities with other duty holders when you become aware they are or will be involved in the work. This will usually be apparent from the circumstances, through contractual arrangements, presence on site or the need for others to be involved in the work.

You should identify who else will be involved in the work, make contact with them and commence discussions as soon as they are reasonably able to do so. This may occur as part of contractual negotiations, or discussions when you are engaged to carry out the work, or when you engage another business to carry out work for your business or undertaking.

You may not be the first business or undertaking to be involved in the work, or may not initially be aware that others are involved in it. You may be contacted by another duty holder and asked to engage in consultation.

Consultation should commence during the planning of the work, to ensure that health and safety measures are identified and implemented from the start. A need for further consultation may arise when circumstances change over the period of the work, including the work environment and the people involved in the work. This is particularly so in construction and other long term projects.

Co-operation and co-ordination with other duty holders should be an ongoing process throughout the time in which you are involved in the same work and share the same duty.

5.3 WHAT IS MEANT BY CONSULTATION WITH OTHER DUTY HOLDERS?

The objective of consultation is to make sure everyone associated with the work has a shared understanding of what the risks are, which workers are affected and how the risks will be controlled. The exchange of information will allow the duty holders to work together to plan and manage health and safety.

The consultation should include:

- what each will be doing, how, when and where and what plant or substances may be used
- who has control or influence over aspects of the work or the environment in which the work is being undertaken
- ways in which the activities of each duty holder may affect the work environment
- ways in which the activities of each duty holder may affect what others do
- identifying the workers that are or will be involved in the activity and who else may be affected by the activity
- what procedures or arrangements may be in place for the consultation and representation of workers, and for issue resolution
- what information may be needed by another duty holder for health and safety purposes
- what each knows about the hazards and risks associated with their activity
- whether the activities of others may introduce or increase hazards or risks
- what each will be providing for health and safety, particularly for controlling risks
- what further consultation or communication may be required to monitor health and safety or to identify any changes in the work or environment.

This consultation will determine which health and safety duties are shared and what each person needs to do to co-operate and co-ordinate activities with each other to comply with their health and safety duty.

5.4 WHAT IS MEANT BY CO-OPERATION?

What is required for co-operation should have been identified in the consultation process.

Co-operation may involve implementing arrangements in accordance with any agreements reached during consultation with the other duty holder and involve not acting in a way that may compromise what they are doing for health and safety.

Co-operation also means that, if you are approached by other duty holders wanting to consult with you on a health and safety matter, you should:

- not obstruct communication

- respond to reasonable requests from other duty holders to assist them in meeting their duty.

5.5 WHAT IS MEANT BY CO-ORDINATION?

The co-ordination of activities requires duty holders to work together so that each person can meet their duty of care effectively without leaving any gaps in health and safety protection. You should plan and organise activities together with the other duty holders.

This will include making sure that the measures you each put in place work effectively together to control the risks. You should:

- identify when and how each control measure is to be implemented
- ensure control measures complement each other.

Co-ordination of activities may include the scheduling of work activities so that each duty holder carries out their work separately. It may require work to be arranged in a way that will allow for necessary precautions to be in place or pre-conditions met before particular work is done.

Where work is not effectively co-ordinated, the parties should consult further to determine what should be changed.

5.6 WHAT IF ANOTHER DUTY HOLDER REFUSES TO CONSULT OR CO-OPERATE OR CO-ORDINATE?

What is reasonably practicable for you may depend on the level of participation of other duty holders. For example, there may be disagreement between you as to the extent of consultation, co-operation and co-ordination of activities that is required in the circumstances.

This does not mean that you should simply accept what you consider to be inadequate action by another duty holder. You should check that they are aware of this duty and what you consider is needed to comply with it, and with the health and safety duties that you each have.

Written arrangements are not essential, but they may help to clarify everyone's expectations. You should consider including in your contracts a requirement for other parties to consult, co-operate and co-ordinate on safety matters, as that can be very useful. This will make the other party clearly aware of the obligation and give you a contractual right to enforce it.

See **Appendix C** for examples of how to consult, co-operate and co-ordinate activities with other duty holders.

APPENDIX A – EXAMPLES OF CONSULTATION ARRANGEMENTS

Example 1:

Consultation in a workplace with no health and safety representatives	
Overview	A small crane hire business employs 7 workers, 5 of whom are crane operators. When the operators return to the yard after a job, they report any defects or problems with the crane. This has been an informal process and many times there have been failures to report mainly small problems. The owner has decided to introduce a checklist to be filled out by the operator when returning the crane.
WHEN to consult	Consultation with workers was required for: • the identification and assessment of hazards and risks • making decisions about control measures • proposing changes to the workplace. Before introducing the checklist, the owner wanted to discuss its merits with the crane operators.
WHO to consult	As there are no health and safety representatives in the workplace, the company consulted with all workers directly.
HOW to consult	The agreed consultation procedure for the workplace is the regular weekly meeting with workers where work health and safety is always an item on the agenda. The owner circulated the checklist to the workers a week before the meeting. In discussions at the meeting, there was support for using the checklist with a few more items added to it. It was agreed that workers would trial the new checklist for three months as some operators were concerned that it would be a waste of time if no action was taken on any problems recorded on the checklist. The business kept records of significant work health and safety issues that were discussed, actions to be taken and timelines for taking action. The records were displayed on the noticeboard in the workplace and were sent via email to workers as well.

Example 2:

Consultation in a transport company with health and safety representatives	
Overview	This company operates around the clock and has 200 workers. Work groups have been established covering all workers working across three shifts, each of which is represented by a health and safety representative. A health and safety committee has been established and is made up of all health and safety representatives and some management representatives who hold senior positions in the organisation. When the company identified the need to move to new premises, it recognised this had the potential to affect all workers. The committee played a major role in obtaining worker and health and safety representative input about warehouse layout, ergonomics, selection of new equipment and machinery, traffic management, access/egress and emergency procedures. Regular site visits were arranged to view progress and provide advice.
WHEN to consult	Consultation with workers was required for: • the identification and assessment of hazards and risks • making decisions about control measures • proposing changes to the workplace, and • making decisions about the adequacy of welfare facilities. The design and fit-out of the new premises included consideration of layout, equipment selection, new work systems, lighting installation, design and commissioning of a sorting table and warehouse airflow.
WHO to consult	The relocation affected all workers and they were all consulted via their respective health and safety representatives. The committee acted as a centralised conduit for information flow in this process.
HOW to consult	The organisation consulted via health and safety representatives and the committee. **Health and safety representatives** Health and safety representatives acted as a communication channel between management and workers. Health and safety representatives chaired the health and safety sections of weekly toolbox meetings, using these as an open forum to the committee. **Health and safety committee** Consultation procedures were developed and agreed and the membership of the committee was determined via extensive consultation between health and safety representatives and all workers. The committee takes ongoing responsibility for ensuring that all relevant health and safety information is posted on worker noticeboards, e.g. meeting agendas, minutes, alerts and newsletters. The committee also sets timelines and frameworks for evaluating systems and processes, e.g. warehouse airflow to be assessed by external consultant every 3 months.

APPENDIX B – CONSULTATION CHECKLIST

Consultation compliance	Yes /No	Chapter in Code
Do I have one or more consultation arrangements in place after consultation with my workers?		4
Do the consultation arrangements include workers other than my employees such as contractors or labour hire workers who are part of my workforce?		4, 5
Do I use my consultation mechanism when I:		2
• identify hazards and assess risks? • make decisions to control risks? • make decisions about welfare facilities? • propose changes to the work, including purchasing new or used plant or new substances or materials? • develop and review safety policies and procedures?		
When I consult with my workers on these issues do I: • Inform them of what I intend to do (*e.g. purchase a new piece of equipment)?* • Share relevant information about the issue with them? • Give them a reasonable opportunity to respond? • Discuss any of their safety concerns? • Take into account the views they express? • Advise them of my decision and the reasons for it?		3
If workers are represented by a health and safety representative, do I: • Include the representative in all health and safety consultations? • Make myself available for the representative to raise and discuss health and safety matters with me? • Do I consult other duty holders who share responsibility for a health and safety matter with me? • Do I co-operate and co-ordinate activities with them?		4 5

APPENDIX C – CONSULTING, CO-OPERATING AND CO-ORDINATING ACTIVITIES

Example 1:

Sharing the same workplace: Finance company leasing premises in a multi-tenanted office block – lift maintenance	
IDENTIFY health and safety duties and other duty holders	The finance company has a duty as a person conducting a business or undertaking to ensure the health and safety of its workers and clients visiting its offices. At the same time, the building owner and property manager have duties as persons with management or control of the building to ensure people can safely enter and exit the building and that the building is safe and without risk to others. A company contracted to maintain and repair lifts (maintenance contractor) has a duty to ensure that its workers and other persons are not put at risk from work carried out as part of its business. Each of these duties is subject to what is reasonably practicable.
CONSULT	The finance company consults the property manager to find out what arrangements are in place for the proper maintenance of plant such as air-conditioning systems and lifts. Before maintenance is to be carried out on the lifts the property manager consults with the maintenance contractor, the tenants and the cleaning contractor so that all duty holders know of the work and what they each need to do to ensure the safety of persons in the building. This includes identifying the best time for the work to be done, how the work area will be barricaded and what information, if any, the finance company will need to give to its workers and clients. As the work proceeds, the finance company informs the property manager and the maintenance contractor of any concerns or incidents, to enable these to be considered and any changes made.
CO-OPERATE	The finance company and other tenants co-operate with the maintenance contractor by complying with contractor's safety procedures.
CO-ORDINATE activities	The finance company ensures that its workers and clients do not use the lifts during the maintenance work and that they have another safe means of entry and exit. The maintenance contractor works with the property manager to schedule maintenance work so that it does not interfere with the safe movement of persons in the building, as far as is reasonably practicable.

Example 2:

Sharing the same workers: Manufacturing company engaging on-hire workers	
IDENTIFY health and safety duties and other duty holders	The manufacturing company has a duty to ensure the health and safety of its workers, including its own employees and on-hire workers who are engaged to work on the production line. The on-hire firm has a duty to protect the health and safety of the on-hire workers it provides to the manufacturing business. Each of these duties is subject to what is reasonably practicable.
CONSULT	The manufacturing company and on-hire firm consult each other about the job requirements, the skills required of the workers, any health and safety risks associated with the work and what each will do to control the risks. As part of the contract, they clarify responsibility for the provision of any equipment (such as personal protective equipment) and agree to consult prior to any changes being made that may affect the health and safety of the on-hired workers.
CO-OPERATE	The manufacturing company co-operates with the on-hire firm by allowing the on-hire firm to visit the workplace to assess and monitor the adequacy of control measures being provided at the workplace. The manufacturing company also allows the on-hire workers to maintain communication with the on-hire firm.
CO-ORDINATE activities	The manufacturing company and on-hire firm agree to co-ordinate arrangements for: • on-hire workers to be consulted and represented on work health and safety reporting and investigation of incidents.

Example 3:

A local council running a street festival together with a large community organisation	
IDENTIFY health and safety duties and other duty holders	The council has a duty as a person conducting a business or undertaking to ensure the health and safety of its workers, those of the community organisation and the public. The community organisation is a person conducting a business or undertaking and has a duty to ensure the work health and safety of its workers, those of the council and the public. A company contracted by the council to supply marquees and other equipment (including bain maries and other equipment that will be used for cooking and serving) has a duty to ensure that its workers and other persons are not put at risk from work carried out as part of its business, in this case the provision of the equipment. A company contracted by the supplier to transport and deliver the equipment has a duty to ensure that its workers and other persons are not put at risk from work carried out as part of its business. The police force will be providing members for crowd control and other purposes and has a duty to ensure the health and safety of its workers, those of the council and the community organisation and the public. First aid facilities and officers will be provided by another organisation, which has a duty to ensure that its workers and other persons are not put at risk from work carried out as part of its business or undertaking. Each of these duties is subject to what is reasonably practicable.
CONSULT	The council and the community organisation consult with each other to identify how each will be involved in the activities and how each will be minimising the risks associated with what they will be doing. They identify how to co-ordinate their activities. The council consults the supplier about the health and safety risks of the equipment. This includes the detail of delivery times and circumstances and what will be needed for it to be safely unloaded. The supplier consults the transport company about when and where the equipment is to be delivered, and how to deal with potential hazards during the transport and unloading. The police consult with both the council and the community organisation to identify how the festival is to be conducted and the hazards and risks that are relevant to their activities. This includes making clear the role of the police in minimising risks to the public

	and to the police officer through crowd management. The police identify their requirements of the council and the community organisation for matters such as vehicle access. The council, community organisation and first aid provider consult on the requirements for the first aid facilities, including the nature, quantity and location of them. The council organises a meeting inviting the community organisation, including its health and safety representatives, the supplier and each organisation providing services at the event to facilitate the consultation.
CO-OPERATE	The council and community organisation co-operate with the transport company in the arrangements needed for safe delivery and unloading. The council and community organisation co-operate with the police and the first aid provider in their requirements. The transport contractor follows the instructions for safe transport and delivery. The supplier and council co-operate with the transport company in any requirements that it has for the delivery.
CO-ORDINATE activities	The council and community organisation co-ordinate their activities to ensure that they do not get in the way of each other and ensure that what they each do for health and safety is complementary. The transport company co-ordinates the collection of the equipment with the supplier and the delivery of the equipment with the supplier and council. The council and community organisation co-ordinate the layout of the festival site with the needs of the police and first aid providers.