



WORK HEALTH & SAFETY SERVICES

With the emphasis on Work Health Safety and national harmonisation, organisations need to be vigilant around compliance. Breaching your WHS duties can involve large fines and even a jail term (see below).

We can assist you to **PROTECT** your workers, **AVOID** penalties, and **PROTECT** your business and personal assets. Our services are designed to help your business comply with the legal requirements of the relevant Work Health and Safety Act ('WHS Act').

Our Work Health and Safety documentation service can help your business comply with its legal requirements under the relevant WHS Act.

YOUR LEGAL RESPONSIBILITY

Every employer has a duty of care to each employee to “ensure so far as is reasonably practicable that the employee is, while at work, safe from injury and risks to health”. This is a wide-ranging responsibility that involves taking action to control risks associated with hazards in the workplace.

In determining what are reasonably practicable, employers must take into account the knowledge about the hazard, severity of the risk and the availability and suitability of ways to remove or reduce the hazard, and the cost of taking such action.

Every employer must prepare policies that set down the arrangements for protecting the health and safety of employees while they are at work. Employers must also consult employees and their representatives about health and safety.

Managers are required to understand their responsibilities under health and safety legislation and be aware of the hazards specific to their organisation. Management must be committed to and held accountable for providing a healthy and safe workplace

You are required to:

- ✓ Know and understand your legal obligation to provide safe places of work, safe systems of work, using safe plant and equipment
- ✓ Know how to identify hazards, assess the risk and put in safe work methods to control the risk or eliminate it
- ✓ Know how to develop a safe work procedure
- ✓ Know what penalties you could face for failure to do so
- ✓ Know what documentation and procedures must be in place to evidence your compliance with the Work Health & Safety Act 2011
- ✓ Know what to do if a safety incident occurs in your workplace

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The services can be tailored to meet your business needs



- ✓ Know what injuries / incidents must be reported
- ✓ Know how to undertake an injury / incident investigation
- ✓ Know the power of WHS Inspectors

SUMMARY OF DOCUMENTATION & SERVICES:

We provide a wide range of work health and safety documentation as well as carrying out accident investigations and liaising with the relevant Work Health and Safety Regulator or authority where necessary

Documentation - Work Health & Safety Manual

- ✓ Legislative requirements
- ✓ Health and Safety Policy
- ✓ Who is responsible for health and safety in the workplace
- ✓ Managing health and safety in the workplace
- ✓ Hazard Management | Risk Assessment | Control Measures
- ✓ Consultation
- ✓ Resolution of Health and Safety issues
- ✓ Action if an Accident or Injury happens
- ✓ Safe conduct and local rules
- ✓ Induction, training and supervision

Documentation - Forms & Documentation

- ✓ Health and Safety Checklists
- ✓ Hazard Management Approach and Risk Assessment Matrix
- ✓ Employee Sign Off (Not signed – never happened)
- ✓ Hazard Report Form
- ✓ Workplace Injury/Incident Report
- ✓ Emergency Contacts List
- ✓ Safety Induction Checklist
- ✓ Record of Training
- ✓ Job Safety Analysis
- ✓ Equipment Register
- ✓ Safe Work Method Statements
- ✓ Accident Investigations
- ✓ Accident Reporting to WHS Qld where legally required
- ✓ We can act on your behalf as an intermediary with WHS Qld

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- ? Did you know failure to ensure the safety of workers, contractors, visitors and children is a breach of the *relevant WHS Act*.

Your business cannot buy an insurance policy to protect against WHS breaches; failure to discharge your WHS obligations is a legal breach that can be brought upon you in a court of law. This is in addition to WorkCover and Public Liability claims.

- ? Did you know that you must document and maintain appropriate records and where required all persons in the workplace must be trained and sign off as evidence of their understanding of safe work procedures and safety requirements.

- ? Work Health & Safety legal requirements apply even in the event of the self-employed, sole contractors who have no direct employees. Your duty of care covers anyone in a workplace where you are currently working.

Offences and Penalties (For example, under the Queensland Work Health & Safety Act 2011 – JANUARY 2015)

Penalties for a Category 1 Offence (the highest penalty – these are the most serious breaches where a duty holder recklessly endangers a person to risk of death or serious injury):

- Corporation: Up to \$3,000,000
- Individual as a PCBU (person conducting a business undertaking) or an officer: up to \$600,000/ 5 years jail
- Individual (e.g. worker): up to \$300,000/ 5 years jail

Penalties for a Category 2 Offence (failure to comply with a health and safety duty or electrical safety duty that exposes a person to risk of death, serious injury or illness)

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- Corporation: up to \$1,500,000
- Individual as a PCBU or an officer: up to \$300,000
- Individual e.g. worker: up to \$150,000.

Penalties for a Category 3 Offence (failure to comply with a health and safety duty or electrical safety duty):

- Corporation: up to \$500,000
- Individual as a PCBU or an officer: up to \$100,000
- Individual e.g. worker: up to \$50,000.

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An on-the-spot fine also known as an infringement notice is an alternative to prosecuting alleged offenders directly through court.

Examples of offences which can be issued with a fine include (but are not limited to):

- Failure to comply with an improvement notice
- Failure to record a notifiable incident (for example a work-caused serious injury or illness)
- Allowing persons to carry out high risk work without seeing written evidence that the worker has the relevant high risk work licence
- Failure to allow health and safety representative to exercise his/her powers or functions
- Failure to use/wear personal protective equipment (PPE) provided by PCBU in accordance with information, training or reasonable instruction given by PCBU (fine issued to worker)
- Failure to test electrical work
- Failure to ensure electrical equipment was de-energized before carrying out electrical work.

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