



Workplace Health and Safety - It could happen to you!



By Steve Crea

ED: Workshop owners and managers already have a lot on their plate, so the subject of workplace safety can be seen as boring – until there is an accident. Our expert contributor Steve Crea continues...

Have you ever thought about some of the things you have done in the workshop with a sigh of relief because 'luckily nothing went wrong'?

You may have used obvious things like welding goggles and safety boots, but what about safety glasses or hearing protection for regular routine jobs? Were your employees

educated to wear these as a matter of course? This article discusses the complex but important area of Work Health and Safety (WHS). WHS is the common term now given to Occupational Health, Safety and Welfare (OHS&W).

Apart from avoiding serious injury to ourselves and our employees, and the subsequent emotional and financial issues that can bring, there are also severe penalties for failure to comply with relevant Work Health and Safety Laws. The Federal Government has recently enacted the Work Health And Safety Act 2011 (Cth). This Act was designed to aid creation of uniform 'model' state acts, and following on from that, most of the states are in the process of or have already amended their relevant WHS laws.

A new term introduced into the WHS arena is 'Person Conducting a Business or Undertaking' (PCBU). This is a term used to encompass

associations which use contractors/sub-contractors, in addition to the more common employer/employee relationship. This means that you are responsible for the health and safety of contractors working in your business as well as employees.

The main areas of responsibility are to;

- Eliminate or minimise risks arising from work or workplaces,
- Foster worker representation, consultation and cooperation in the workplace, and
- Provide all people with the highest level of health and safety protection from hazards arising from work, so far as is reasonably practicable.

The term 'reasonably practicable' used above means, what could reasonably be done at a particular time to ensure health and safety measures

are in place. Reasonably practicable includes an assessment of;

- The likelihood of a hazard or risk occurring (the probability of a person being exposed to harm),
- The degree of harm that might result if the hazard or risk occurred (the potential seriousness of injury or harm),
- What you know, or should know, about the hazard or risk, and how it could be eliminated or minimised,
- The availability of suitable ways to eliminate or minimise the hazard or risk, and
- The cost of eliminating or minimising the hazard or risk.

The consideration of 'cost' is made after assessing the extent of the risk and the available ways of eliminating or minimising the risk. Cost is usually only considered to be a key factor if it is 'grossly

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disproportionate' to the risk. It may be acceptable to use a less costly measure if it still effectively eliminates or minimises the risk.

Hazards you should be considering include, chemicals (skin contact and ingestion/inhalation), burns (hot and cold), moving vehicles and machinery, hoists and pits, rotating tools, use of hand tools, and slips and trips.

There are a number of ways to conduct a hazard risk assessment. A matrix similar to the following is commonly used:

| | | Severity / Impact | | | |
|-------------|------------------------|-------------------|--------------|--------------|--------------|
| | | Negligible | Marginal | Critical | Catastrophic |
| Probability | Very Likely / Frequent | Medium 2 | Serious 3 | High 4 | High 4 |
| | Probable | Medium 2 | Serious 3 | High 4 | High 4 |
| | Likely / Occasional | Low 1 | Medium 2 | Serious 3 | High 4 |
| | Remote | Low 1 | Medium 2 | Medium 2 | Serious 3 |
| | Unlikely / Improbable | Low 1 | Medium 2 | Medium 2 | Medium 2 |

If the worst does happen and a worker is injured, it is important that the relevant body in your state is notified immediately. A notifiable incident is generally where;

- a person dies,
- a person suffers a 'serious injury or illness' (for example where immediate hospitalisation is required, or treatment is needed for serious head or eye injuries or serious burns, cuts, or loss of body parts or functions), or
- a 'dangerous incident' (such as uncontrolled spills or chemical escapes, or falls, collapses, or electric shocks).

Once identified, the hazard should be addressed using this hierarchy:

| | Control Measure | Example |
|---|-------------------------------------|---|
| Most Effective ↑ ↓ Least Effective | Elimination | Remove the task or practice |
| | Substitution | Find an alternative way to do the task |
| | Isolation | Remove workers from the hazard area |
| | Engineering | Guards, or improvements to equipment. |
| | Administration | Training, or use of procedural guides and notices |
| Least Effective | PPE (Personal Protective Equipment) | Goggles, gloves, boots etc. |

There are a numerous resources available to help you meet your obligations. A good place to start is www.safeworkaustralia.gov.au.

Crea Legal acknowledges the work of Wayne Turner in drafting this article. More info go to www.crealegal.com.au

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