



HEALTH AND SAFETY HIGHLIGHTS

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Work Health and Safety Management Systems and why you need one



Shelley Dale – Principal

M.Hlth.Sci. (Env), Grad.Dip. OHS, CPMSIA (RSP Aust)
Exemplar Global Leader Auditor 11226
Qld Self-Insurance Auditor 70368

M 0431 287 553

E shelley@shelleydaleohs.com.au

W www.shelleydaleohs.com.au



Shelley Dale
OHS SERVICES

There's nothing in the WHS Act or Regulation that says you need a Work Health and Safety Management System... or is there?

Workplace Health and Safety Queensland defines a Safety Management System as *"... a planned, documented and verifiable method of managing WHS hazards. What makes it a system is the deliberate linking and flow of processes that creates an intentional way of managing WHS matters."*

In other words, a WHS Management System provides a co-ordinated framework in which WHS-related issues are addressed proactively by using pre-established processes.

Common elements of a WHS Management System include:

- Management Commitment
- Consultation
- Risk Management
- Training; and
- Reporting.

How does a WHS Management System help with WHS compliance?

The harmonisation of Australia's WHS laws in 2012 strengthened the existing duty of senior company officers (CEO's, Managing Directors, Boards etc) to ensure their business complies with its WHS obligations. This was a subtle, but not insignificant, change, because the "reasonable steps" that company officers need to take are now spelled out in the law.

Any business who has had recent contact with Workplace Health and Safety Queensland will know that inspectors are looking for a structured approach to managing WHS. They want to see at least a basic WHS Management System operating in the workplace – simply having a WHS Policy on the wall and wearing a high-vis vest won't cut it anymore.

WHS laws in every state of Australia oblige employers to consult with workers, manage risks, provide training and report incidents. These obligations, coupled with the duties of company officers to exercise due diligence, are very good reasons to develop a documented WHS Management System and demonstrate that your business is doing its very best to comply.

In the case of a workplace incident that results in a prosecution, the evidence your WHS Management System provides could be invaluable to any legal defence you may have.

If you don't have an SMS in place, where do you start?

There are a lot of different ways to go about this. WHS Management Systems range from complicated externally certified systems (such as Australian Standard AS4801 *Occupational Health and Safety Management Systems*), to simple systems such as those based on free products like Workplace Health and Safety Queensland's *Serious About Safe Business* tool (available from the WHS QLD [website](#)).

Unless you have suitably qualified and experienced WHS personnel within your business, selecting and implementing a WHS Management System can seem like a daunting task. And while it's not rocket science, it can be time consuming.

The table below demonstrates how some of the the legal duties of company officers can be met through the development of a WHS Management System that uses the criterion of AS 4801.

Legal Duty	AS 4801 Criterion (summarized)
Duty of officers to exercise due diligence (WHS Act 2011 s27)	
Acquire and keep up-to-date knowledge of WHS matters	4.6 Management review The organization's top management shall review the WHSMS, to ensure its continuing suitability, adequacy and effectiveness. The review process shall ensure necessary information is collected to allow management to carry out this evaluation. This review shall be documented. Management shall review the continued relevance of, and change where appropriate, policy, objectives, responsibilities and other elements of the WHSMS, in the light of audit results, changing circumstances and the commitment to continual improvement.
Understand the nature of the business, hazards and risks	4.4.6.2 Hazard identification The identification of hazards in the workplace shall take into account: <ul style="list-style-type: none"> • the situation or events or combination of circumstances that has the potential to give rise to injury or illness; • the nature of potential injury or illness relevant to the activity, product or service; • past injuries, incidents and illnesses.
Ensure appropriate resources available and used to control risks	4.4.1.1 Resources Management shall identify and provide the resources required to implement, maintain, and improve their WHSMS. Resources include human resources and specialized skills, technology and financial resources.
Ensure timely response to incidents	4.5.2 Incident investigation, corrective and preventive action The organization shall establish, implement and maintain procedures for: <ul style="list-style-type: none"> • investigating, responding to, and taking action to minimize any harm caused from, incidents; • investigating and responding to system failures; • initiating and completing appropriate corrective and preventive action. The organization shall implement and record any changes in the WHSMS procedures resulting from incident investigations and corrective and preventive action
Ensure processes for legal compliance	4.3.2 Legal and other requirements The organization shall establish, implement and maintain procedures to identify and have access to all legal and other requirements that are directly applicable to the WHS issues related to its activities, products or services, including relevant relationships with contractors or suppliers. The organization shall keep this information up-to-date. It shall communicate relevant information on legal and other requirements to its employees
Verify resources and processes are being used	4.5.4 OHSMS audit The organization shall establish, implement and maintain an audit program and procedures for periodic WHSMS audits to be carried out by a competent person, in order to determine whether the WHSMS: <ul style="list-style-type: none"> • conforms to planned arrangements for OHS management including the requirements of AS4801; • has been properly implemented and maintained; • is effective in meeting the organization's policy as well as objectives and targets for continual OHS improvement. Information on the results of audits shall be provided to management and employees.

Shelley Dale OHS Services can assist your business by identifying the processes you already use to manage safety, and integrating these into a tailored WHS Management System that considers the resources you have available, the complexity of your business, and the market in which you operate.

If you don't have a WHS Management System already in place, give serious consideration to developing one. Introducing processes which proactively prevent hazards becoming injuries can only be of benefit to your employees, and your company's bottom line.

WHS Management Systems can also give your business a commercial advantage, particularly when bidding for work by tender.

Complying with WHS law can be likened to complying with taxation law – you're probably not going to get found out until something goes wrong, but if it does the penalties can be harsh. It is infinitely better to have tried and failed at WHS compliance, than to not have tried at all.



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OCCUPATIONAL HEALTH & SAFETY CONSULTANTS

OUR SERVICES

- ◆ AS 4801 Safety Management Systems Development and Auditing
- ◆ WHS Management Reviews
- ◆ Workers Compensation Self-Insurance Auditing
- ◆ Workplace Hazard Assessments
- ◆ Regulatory Compliance Assessments
- ◆ Construction Safety Plans
- ◆ Safe Work Method Statements
- ◆ Risk Assessments
- ◆ Project Site Safety Advisor Services and Contractor Management
- ◆ Rehabilitation And Return-to-work Plans
- ◆ Work Health And Safety Training
- ◆ Enforceable Undertakings
- ◆ Incident Investigation
- ◆ Expert Witness Advice



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ABOUT US

Shelley Dale OHS Services has been helping clients achieve their work health and safety goals since 2008.

Whether your focus is compliance, continual improvement or gaining a competitive edge, we work with you to tailor a WHS program that delivers what your business needs. We provide support for both long and short term projects, and aim to align with your organisation's culture, values and people, and help you achieve results as soon as possible.

With over 20 years of experience managing work health and safety in all types of work environments, you have the reassurance of expert advice backed by recognised tertiary OHS qualifications, professional memberships and full insurance. All industries, no business too small or large.

CONTACT US

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M.Hlth.Sci.(Env), Grad.Dip. OHS, CPMSIA (RSP Aust)

RABOSA Leader Auditor 11226 Qld Self-Insurance Auditor 70368

Phone: 0431 287 553

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