

PULLING TOGETHER FOR SAFETY'S SAKE

Government departments at all levels will soon be impacted by a national OHS regime. **Craig Donaldson** looks at what it will mean for the public sector and examines the hallmarks of good practice.



The introduction of a national occupational health and safety (OHS) regime is set to have a significant impact on the public sector.

The change, designed to harmonise and raise the standard of health and safety laws across the country, will come into force on January 1, 2012. Although it is yet to be finalised, this model legislation will allow employers to more effectively manage workplace safety and comply with one set of laws, regardless of which state or territory they operate in.

The main elements of the draft model OHS Act include a broader definition of who a 'worker' is; increased duties of care on directors, with breaches of duties of care being classified as criminal offences; conferred powers on authorised union representatives to enter workplaces for OHS purposes; and a wider range of functions and powers for inspectors.

Steve Bell, a senior associate in the workplace health and safety team at law firm Freehills, says many government departments are coming to terms with the imposition of a new duty on senior managers to exercise due diligence for the safety of those affected by their decisions.

For departments operating in the Comcare regime, he says this is a new frontier. For other state government departments, it emphasises existing obligations and serves as a reminder of their importance.

"Exercising 'due diligence' is no simple task," says Bell, who assists federal government departments and agencies in developing proactive systems for managing health and safety, and acts for them following workplace incidents.

"The new laws set out a prescriptive list of obligations for senior managers (referred to as 'officers' in the legislation). Many government departments have begun reviewing their decisions and asking: Are we doing enough to assert that we exercise 'due diligence'? For many the answer is no, and so review and reform of existing governance arrangements is taking place."

Another important reform will be the expansion of the general duty to ensure safety. At present, the laws require that 'employers' take steps to ensure the safety of 'employees' with other classes of persons owed similar duties. The new laws will remove the concept of 'employer' and 'employee' entirely.

"These words won't appear in the new act," Bell explains.

"They have been replaced with the concepts of a 'business or undertaking', which owes an obligation to ensure the safety of 'workers'".

Under the new laws, government departments will need to carefully plan and implement contractor management systems, he says. These should ensure that all workers (whether employees or not) are safe when performing work and contributing to a department's 'undertaking'.

Finally, the laws will continue to place an obligation on departments to look after the psychological welfare of those who perform work for them.

"The incidence of psychological injury in government departments is considered to be disproportionately high," Bell asserts.

"Consistent with building a culture of safety, government agencies and departments will need to continue to assess the hazards which give rise to psychological injury and take steps to address them. Failure to do so is likely to result in regulatory attention, and in some cases prosecution of individuals or agencies."

COMMON PITFALLS

The public sector covers a vast range of industries, including health and community services, transport, education, police and

emergency services, corrective services and local government, where there may be workers involved in construction, plumbing, landscaping and administration.

As government departments cover multiple industries, John Watson, general manager of WorkCover NSW's occupational health and safety division, says some of the associated workplace challenges may include issues such as ergonomics, manual handling, slips, trips and falls, violence and aggression as well as psychological injuries.

Watson says WorkCover NSW regularly liaises with public sector agencies to raise awareness and develop programs to tackle specific safety issues such as rolling out the 'Safe Steps - National Hospital Intervention and Compliance Campaign' across hospital workers in NSW.

Matt Goldrick, general manager of prevention and rehabilitation for Comcare, the workers' compensation insurer for the Australian Federal Government, says government departments commonly experience OHS challenges in prevention of accidents. As such, departments need to plan strategically to maintain their employees' health, wellbeing and safety. This helps organisations ensure they are equipped to face upcoming challenges and economic pressures and manage their people.

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Another OHS challenge the public sector faces is slow onset illness prevention and management. With physical hazard injuries on the decline, Goldrick says the challenge now is to develop robust systems to manage complex psychological injuries and other slow onset diseases.

"Early intervention is another common issue, and an early focus on the steps in returning to work reduces both the human and financial costs of injury. Commencing injury management as soon as practicable after an injury demonstrates a commitment to the injured worker and enables early support and assistance to be provided," Goldrick says.

The last two common OHS pitfalls facing government agencies are change and risk management (identifying and managing risks in diverse and high-tempo operational environments) and health and safety awareness and strong safety systems, which Goldrick says are essential to preventing injuries in the workplace.

HALLMARKS OF GOOD SYSTEMS

Strong OHS programs and systems have a number of elements in common.

Bell says that legal compliance with workplace health and safety laws requires an integrated and effective system for assessing risks and hazards in the workplace, and then taking steps to eliminate or control them so far as practicable.

"When we think about all of the hazards and risks faced by employees of the state, this is no easy task," he says.

"Where we work with clients to improve health and safety performance, the first questions we ask are about culture. How do you assess safety culture? Start at the top. Is there effective leadership of safety issues, are managers engaged and eager to improve safety outcomes?"

"If there is an appropriate level of oversight, move down to those likely to face the hazards and risks which might cause injury. Have they been properly trained? Not just in the task at hand, but do they understand the process of risk assessment and risk management?"

Bell says this need not be a process that relies heavily on filling out written forms. Some of the most effective safety systems can be broken down to key rules, and provided to outdoor workers on a laminated sheet. Many government employees spend their days on the road, or out of office environments; for these employees the system has to be credible and functional, he says.

"If the leadership is engaged, and the employees are properly trained, this will provide the basis for the development of detailed procedures and processes addressing common risks and hazards. These procedures must be supported by cultural engagement, though, otherwise they risk existing on the intranet alone," Bell cautions.

Sonja Falkiner, a senior consultant at the National Safety Council of Australia, echoes Bell's comments and says that at all times OHS programs and systems needs to be systematic, proactive and consultative.

"Senior managers and department managers need to be committed to their OHS programs and exercise and enforce their responsibilities and that of their direct reports. If they can see

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improvements that need to be made, they proactively change the system and adapt it to best practice," she says.

Falkiner also recommends making all employees accountable for OHS objectives by incorporating elements that affect them in their job description, which are then evaluated in their performance appraisal.

"All employees need to know that OHS

affects them and their role within an organisation and that as an organisation OHS objectives flow through to a department level," she asserts.

For OHS to be successful, it needs to be developed in consultation with the workforce, gain financial support from senior management (for systems and training) and be measurable, Falkiner states.

"Performance then needs to be tracked and reported to the OHS committee and reported in the organisation's annual report to demonstrate their commitment to OHS."

WorkCover NSW's Watson says that the elements of a proactive safety culture include regular and ongoing consultative relationships between employers and employees; employers and employees identifying, assessing and controlling hazards and risks; and clear responsibilities and clear policies and procedures which are followed.

"The best way to identify and resolve safety issues in the workplace is for employers to involve their workers so they have a clear understanding of each other's responsibilities," he says.

OHS policies and procedures should be built by employers in consultation with workers to help ensure that the systems in place are practical and everyone takes ownership for them, Watson explains, adding that effective OHS management systems involve effective engagement of employees in all decision making processes, from purchasing, job design and redesign to developing and reviewing safe work procedures.

He says all public sector employers should also take care to consider the needs of vulnerable workers, such as those with a disability and those from culturally and linguistically diverse backgrounds, when developing and maintaining OHS management systems. **EN**

GOOD OHS: A CASE STUDY

The NSW Roads and Traffic Authority (RTA) recently won WorkCover NSW's SafeWork award for best workplace health and safety management system in the public sector.

Elizabeth Tosti, the NSW RTA's general manager of OHS, says an employee safety campaign titled 'Stop. Think. Act' is designed to encourage staff to stop and think about what they need to do to work safely, and to take action to make their workplace safe.

The new campaign forms part of a plan to promote a strong safety culture within the organisation, and Tosti says it is designed to ensure that safety is an integral part of everyday actions and behaviours.

The campaign is also aimed at increasing near miss reporting. Near misses are incidents where someone is almost injured.

"Near misses serve as a warning. If we report near misses and take action to make the workplace safer, we will prevent injuries from occurring," Tosti says.

"A near miss might include tripping over a box lying in a walkway. Near misses should be reported immediately and the details logged in the online incident reporting system, EnSafe."

At the centre of the campaign are the NSW RTA's four safety beliefs: all injuries can be prevented; safety first, work second; everyone is responsible for safety; and working safely is a condition of employment.

Posters featuring these beliefs will be distributed to work locations around the state, and as part of the campaign rollout Tosti says OHS performance indicators will also be reported, so all staff can see how the organisation is performing.

Tosti notes that there have been two significant lessons learned in developing and improving the RTA's OHS systems.

"The first is to continually consult with employees, to ensure that the system matches the needs of employees. The second lesson is to keep it simple. OHS systems should seamlessly integrate into daily operations," she explains.

Some safety professionals work hard at improving procedures and policies, plant and equipment, but Tosti says that they forget to implement strategies that will change the behaviour of staff to create safe work cultures.

"Our new campaign is focused on winning the commitment of all employees to work safely, which is far more effective than just working towards a compliant workforce," she says.