Assessment 7

Insure a Safe Workplace
Commitment and the Law

1.1

OH&S legislation exists in Australian on Commonwealth, State and Territory level. Businesses must comply with the legislation that applies at their level. OH&S also applies to the responsibilities of both employers and employees through common law. In some respects the requirements in each are similar.

For example:
- Supplying a safe workplace
- Providing systems and equipment that are operational and safe to use
- Adequate Supervision
- Proper training of employees and contractors
- Complying with OH&S regulations
- Supplying access to OH&S inspectors
- Preventing injury or disease to workers and visitors (consulting with employees)
- Enforcement of OH&S

Simply put, under each, both the OH&S Legislation and Common Law, the employer has a duty of care to all employees and visitors from injury and illness. Failure to supply a safe work environment leaves the employer legally liable under Common Law and OH&S regulation.

Common Law also covers:
- Supplying properly trained personnel
- Supplying an adequate number of personnel
- Maintaining a safe working environment and systems to operate

Private businesses operating in Victoria are covered by the 2004 Occupational Health and Safety Act. This Act describes the rights and duties of everyone who has rights and duties in the workplace. This includes employers, employees, designers of workplaces and owners of workplaces if they are not the business operating from the premises.

Acts are supported by Codes of Practice that apply to various sectors of industry. Examples of this would be:
- Dangerous Goods Act
- Asbestos Handling and Removal
- Protective Clothing
- Spray Painting
- Manual Handling
- Fire Safety
- Demolition
- Competency
- OH&S Reporting
Awards (such as the Printing and Graphic Arts Award) can also contain sections relating to OH&S issues which must be observed by employers.

OH&S in Victoria (Victorian Compliance Framework) operates under and is set up similarly to Core elements of the National Framework. Each element of the Victorian Framework reflects back to a Core element of the National Framework. The framework of this legislation is to provide an improvement of standards for health and safety in the workplace for employees and anyone else at work, the public and volunteers. It provides a framework for employers and their representatives to build better health and safety standards into their business practices and premises Australia wide. WorkSafe in Victoria applies the regulations governing OH&S. They can be in the form of regulating the method of removal of asbestos for example, or any activity of significant risk such as standards for handling of and exposure to dangerous substances and the processes to be followed when doing so. It also includes the permits and licences required to perform these tasks and accurate record keeping.

It is the duty of employers to make every effort that is reasonably practicable to provide a safe workplace that is without risk of injury or to health to employees, contractors and visitors. This includes the workplace environment, building design, erection of equipment, workplace practices, facilities such as washrooms, tea rooms and dining areas, easily obtainable information on workplace safety and health and who in the organisation to report to regarding OH&S issues. Application of the test of practicability when setting up and running a business is a suitable way of ensuring that the standards for OH&S are being complied with.

They are as follows:
1. Knowledge of the likelihood of a hazard or risk
2. Calculating the degree of harm it poses
3. Having knowledge of an OH&S issue and what it required to fix, reduce or eliminate it
4. The availability of solutions
5. The cost of the solution. (Note that this should not be a concern when injury or loss of life is a consideration, cost is calculated into the process of forming a solution for best practice given the degree of harm or danger involved and likelihood of it happening)

Using these requirements, a decision can be made to remove the danger, reduce the danger or remove the worker from the danger.

For example: A worker may be carrying reams of paper upstairs to a print room as there is no elevator. Manual handling of packages that impair vision of the steps and that are an awkward shape requiring spreading of the hands and arms to hold them whilst navigating hard wood steps leading from a concrete floor is considered too hazardous as it is required to be done several times a day. A decision is made to build in a lift system that stops at hip height (approx 90cm) to carry the loads from storage on shelving on one floor to another. The risk has now been removed as well as removing the need to bend to pick up the loads on the floor. The expense is in balance with the frequency of the actions and the degree of harm it poses from a fall to a concrete floor from an over 2 metre height of stairs. The lift can also be engineered to deliver or move any other piece of equipment through the offices from one floor to another safely.
The duties of employees in the workplace are to at all times work in a manner that is safe and competent. Under common law an employee must carry out work in a skillful manner and exercise a duty of care. Employees must not behave in a manner that will cause harm or illness to others in the workplace. The extent of competence to exercise reasonable care in performing duties depends on the skill and training of the individual employee.

Employees have the right to see the employer’s OH&S policies and should report OH&S issues to the company via OH&S officers and/or supervisors.

Employees must report injuries or illness to their employer within 30 days.

It is the responsibility of the employee OH&S representative to bring OH&S issues to the attention of the company and/or the company OH&S Officer.

Failure by breach of OH&S laws in Victoria are a Summary Offence with fines of up to $943,290 and can also be indictable with penalties of up to 5 years in prison.
Nemostar OH&S Policy Statement

1.2

Occupational Health and Safety Policy for Nemostar Pty Ltd is as follows:

CORE POLICY

1. Nemostar the company, its owners, directors and managers undertake as reasonably practicable, not to hold or operate from premises or undertake practices that will cause harm or injury to employees, contractors or visitors to the company through action or inaction.

The Nemostar OH&S kit is easily accessible to both Directors of the business. If in the future, employees are taken on by the company, all information will be freely available through the nominated OH&S Officer, an information kit will be supplied and other information regarding OH&S are posted in the kitchen area. The company has kept it’s OH&S policy short and simple. It basically falls back on the statement “Do no harm”. With adequate training, vigilant monitoring of the workplace and its systems and free-flow of dialogue between Directors, visitors and any future employees, as well as regular updating on new OH&S legislation and its application we believe the company is fulfilling it’s duty of care to employers, employees and visitors to the business-site. Safety in the workplace is an issue that Nemostar has taken seriously from its incorporation in the 1980’s, it is followed in and out of the premises in a professional manner at all times and is an important part of the ethics of both Directors.

POLICY UNDERTAKINGS

1. Nemostar undertakes to operate to the standards of the OH&S Act 2004 to the best of its ability and as far as reasonably practicable.

2. Nemostar will make available information regarding WorkSafe practices, policies, contact details and internal safety standards in easily accessible areas to all employees through posted notices in all required languages for staff and visitors.

3. Nemostar will make available an induction form to all new employees and contractors regarding OH&S policies and OH&S representatives.

4. Nemostar undertakes to as reasonably applicable, induct new employees, contractors and visitors to OH&S matters via tour, consultation and availability to question by introduction to the director responsible.

5. Nemostar Directors undertake to discuss at regular Director’s Meetings, all issues regarding the safe operation of the business and its premises. These meetings are held weekly and issues are scheduled for resolution according to the application of the test of practicability. (Refer to previous page)
Nemostar OH&S Policy
Management System

1.3

STAFF OH&S OFFICER

1. The nominated OH&S staff member is Janice Mills. Janice is a Director of the company and heads two of the 3 divisions. She has been nominated because of her long standing position, her knowledge of the operations of all three divisions of the business and her recent qualifications through study and research.

INDUCTION

1. It is the task of the OH&S staff member to, on the first day of employment, walk any new employee, contractor or visitor as required, through the layout of the building, access to safe emergency exits, access to fire blankets and retardants and use of if required, access to staff amenities, placement of OH&S information, access to first aid equipment and set up of work areas.

2. It is the task of the OH&S officer to ensure that new staff are trained and/or informed of company policy regarding the use of safety equipment.

3. It is the policy of the company to make information available that in the case of danger to an employee, contractor or visitor, that they immediately inform management of the problem and remove themselves from the danger until it is removed. Employees, contractors or visitors are not to resume activities until they are advised by the OH&S officer that is safe to do so.

4. The OH&S Officer has access to all OH&S Policy documentation from WorkSafe and internal documentation for the business. It is the shared responsibility of the Directors to maintain files for induction of new employees for OH&S and supply answers to any questions regarding OH&S to new or standing employees, contractors or visitors.

5. Nemostar expects all employees, contractors and visitors to at all times conduct themselves in a safe and professional manner with regard to the safety of themselves and others. Any behaviour that could reasonably result in the injury either physically, mentally or emotionally to another person or themselves will result in immediate disciplinary action if employed or contracted or order to leave the premises if a visitor.

6. If an employee, contractor or visitor is ill or injured, it is company policy for you to stay home. Bringing an illness or injury into the workplace places others and yourself in danger by spreading the illness or being placed in physical jeopardy.
2.1 CONSULTATION

1. As Nemostar is a micro business consisting of two Directors only as employees, OH&S arrangements are integrated into the regular Director’s Meetings. These meetings are held weekly and any issues arising during the week can be put on the agenda for discussion. This does not discount informal meetings held over lunch breaks to brainstorm any ideas for improving sections of the office space or public entry areas. Issues are given a priority and one of the Directors is given the responsibility to follow through and report on completion.

As in Victorian Employers are required to share OH&S information and consult with employees, if in the future Nemostar grows enough to employ a book-keeper/office manager, because of the position they will hold in the business handling the finances, we see no reason why they should not be included in regular Director’s meetings to discuss OH&S issues as well as OH&S planning and financing as they will have ready access to the company’s ability to finance improvements and will have welcomed insight and ideas. Nemostar posts OH&S information in an easily accessible position for employees and visitors and updates are emailed and discussed as soon as they are received.

For the size of the business both present and future, we believe we are adequately meeting the Victorian state requirements for OH&S.
Nemostar
Employee Involvement

2.2

ISSUE RESOLUTION

1. As Nemostar is a micro business consisting of two Directors as employees, OH&S issues are regularly discussed as a matter of running the business. Any new information into the business is immediately passed on for both Directors to read. OH&S information is free-flowing on a regular basis, as Nemostar Directors operate the business with health and safety as a number one priority. No new task is taken on without the necessary safety gear and information being acquired first. Both Directors must be immediately informed of all of these acquisitions.

Issue resolution process is for immediate reporting to OH&S Director. Where required lodgement of paperwork to WorkCover provider, lodgement of report for company files on register of incidents, accidents and near misses, copies to go into personnel files where required. A follow-up meeting to discuss the incident and how it can be avoided or minimised in the future and new procedures implemented if required. A final report of resolution at future meeting.

Advantages of a small business is that information is freely going back and forth on a regular basis. Issues can be addressed quickly. Having only two people in the workplace reduces the risks in the office and it is easier to maintain a safe working environment over a small area of approximately 14 squares plus storage facility. OH&S Director can quickly attend to any issue in the premises on a regular basis to proactively maintain a safe and healthy work environment.

The disadvantages are that issues can be casual and not formally documented. Preventative measures can be spoken about and dealt with and not documented. The more casual aspects of the OH&S management of the business will have to be formalised if a casual employee is hired.
2.3

ISSUE RESOLUTION - CASE STUDY

1. During the renovation of the business premises the senior Director was in the habit of working on the building on his own. Some of the work involved lifting and moving roofing materials off site. Whilst lifting iron sheeting he twisted awkwardly and injured his back. The injury proved to be minor after he was immediately taken to the chiropractor and physio for treatment. A workplace injury report was sent to the WorkCover insurance provider and a copy of the report was put into the company OH&S files. The cause of the injury was discussed at several follow-up Director’s meetings. The nature of the task was discussed, the method of performing it were covered and ways to lessen the likelihood or remove the chance of a similar injury were talked about. It was then evaluated how often this task would need to be done in future and ways the task could be performed more safely or “hired” out to an outside provider.

The decision of both Directors has been for a company policy of no manual work, especially where it involves lifting, to be done without another person to assist plus the use of lifting machinery where the weight or size of the item would make handling difficult.

If in doubt, do not lift an item.

When performing any manual work, another person must be present. (The business is on acreage, so this means not just on the property)

All injuries must be immediately checked by a medical provider.

Both Directors have discussed the conclusion and decisions resulting from this injury. Filed reports are available in the OH&S files for the company.
Nemostar  
Hazard Management  

3.1  

RISK MANAGEMENT PROCEDURES  

1. Identify the Issue  
   As regular “walk-throughs” are conducted by both directors, issues, as reasonably applicable, are proactively identified for either immediate solution or discussion for resolution.  

2. Analyse the Issue  
   After identifying an issue, it is up to the OH&S Director, along with the Managing Director, to analyse the seriousness of the issue and how often it is likely to be encountered in the course of duties.  

3. Minimise or Eliminate the Issue  
   After analysis of the issue, both Directors make a decision as to the priority and decide on either minimising or eliminating the issue. Most issues, even if they are a low hazard and not likely to be encountered on a regular basis, are attended to as a priority as a matter of company policy.  

4. Evaluate the Process  
   After each issue has been resolved, it is company policy for Directors to discuss the process at the next Director’s meeting. Any areas of failure in the process are identified and corrected.  

5. Review the Effectiveness of the Process and Solution  
   Proactive procedure and attitude are the goals for Nemostar. We do not want to wait for an incident to occur before acting. Reviews are regularly held to help identify shortcomings in procedures or layout of the business to make it as safe as reasonably possible.  

WHO IS RESPONSIBLE IN THE PROCESS  

The Creative Director for Nemostar is also the OH&S Officer. As Janice has done the highest qualified training, she has been nominated as the person to contact regarding all issues in the workplace. She follows up by reporting to the Managing Director who, in cases of claims or reports, submits the paperwork to the relevant authority and updates the company files and records.  

IDENTIFY RESPONSIBILITIES  

The responsibilities are therefore shared between the two Directors. Identifying and initial reporting are carried out by one and submissions and recording by the other. Follow up discussions are held at Director’s meetings to ensure that all duties have been completed. Both Directors at Nemostar take their duty of care seriously and both work to proactively maintain a safe working environment.
Nemostar
Hazard Management

3.2

NEMOSTAR SAFETY INSPECTION

1. WORKSHOP STORAGE
   CONSEQUENCE Trip Hazard resulting in bruising, abrasion, head trauma
   EXPOSURE At Least one person exposed 2-3 days per week
   LIKELIHOOD Unlikely
   RISK RANKING MODERATE
   DIRECTOR’S DECISION AND SCHEDULING
   The workroom is used only by the Managing Director for repair of client computer equipment. At present it is storing equipment against the walls instead of built-in storage racks. The work area is restricted but not completely blocked. It is not accessible to the public. Clearing of this area and addition of storage facilities has been added into the operational plan for the next 6 months. DONE

2. TRANSPORT OF EQUIPMENT IN THE OFFICE
   CONSEQUENCE Minor muscle or back strain
   EXPOSURE 2-3 days per week
   LIKELIHOOD Rare
   RISK RANKING MODERATE
   DIRECTOR’S DECISION AND SCHEDULING
   Most if not all equipment worked on is in separate parts and easily carried since the introduction of lighter monitors. Handling of supplies such as reams of paper and awkward shapes have also been considered and even though we consider the risk is very low, the purchase of a trolley for all transportation of items for the business as well as for clients picking up items has been approved for the next round of purchasing for the business. The prevention of back injury is a high priority. DONE

3. CLUTTER IN STAFF WALKWAYS
   CONSEQUENCE Trip Hazard resulting in bruising, abrasion, head trauma
   EXPOSURE Both Directors every day
   LIKELIHOOD Unlikely
   RISK RANKING MODERATE
   DIRECTOR’S DECISION AND SCHEDULING
   This is an issue that has no cost involved. The clutter is not directly in the way of movement from one area to another but does restrict the walking space. Directors have decided that proactive action to make sure all staff walkways have nothing in them to impede foot traffic is the best action. As the workshop storage is built all the materials in these walkways will be removed. IN PROGRESS
4. ERGONOMIC CHAIRS - LUMBAR SUPPORT FOR WORKSTATIONS

CONSEQUENCE Back and headache
EXPOSURE Daily by both Directors
 LIKELIHOOD Likely
 RISK RANKING HIGH

DIRECTOR’S DECISION AND SCHEDULING
Both Directors have the same type of office chairs for their workstations. The Admin Area has a gas lift chair with lumbar support. The business has to date not had any injuries or illness as a result of using the existing chairs but as they are not the type recommended by WorkSafe they will be incorporated into the operational plan for the meeting room and replaced as soon as possible by office chairs with gas lift and lumbar support. The Directors have decided that this is a high priority issue as the chairs are used every day for most of the day. DONE

5. EXHAUST FAN FOR FINE ART DIVISION

CONSEQUENCE Headache
EXPOSURE Daily by both Directors
 LIKELIHOOD Very Likely
 RISK RANKING LOW

DIRECTOR’S DECISION AND SCHEDULING
All solvents used by the Fine Art Division have been replaced by low fume alternatives and the air conditioning helps to replenish the fresh air however the Managing Director who works in an adjacent room is still feeling the effects of the fumes from oil paintings in particular. Considering that any new employee in the future and also visitors may also be affected, it has been decided to invest in an exhaust fan to be installed directly over the painting easel. A similar method is successfully used in the printing industry to remove fumes from large format printers that produce outdoor signage requiring solvent based ink. A follow up test of the air quality will be done to ensure that it is to industry standard. PLANNED BUT NOT COMPLETED YET

6. SUPERIOR LIGHTING

CONSEQUENCE Headache and eye strain
EXPOSURE Daily by both directors
 LIKELIHOOD Unlikely
 RISK RANKING INSIGNIFICANT TO MINOR

DIRECTOR’S DECISION AND SCHEDULING
The lighting through the entire premises is adequate but not ideal. Since much of the business relies on colour matching as the renovations are completed in each area new lighting is planned using 500K to 6500K tubes which flicker less and give true daylight simulation. Lighting will also be moved from current placement so that they are not directly overhead from workstations where the light could cause squinting or induce eyestrain. This will gradually be introduced into each work area according to frequency of use of the work station. IN PROGRESS

GENERAL CONCLUSION

It is the conclusion of both Directors that all of the above 6 items though varying in risk ranking, should be implemented as finances allow and as reasonably practicable during remaining months of 2012. As the business is not in a position to hire extra staff until at least 2014 it is planned to have all of these safety issues concluded by December 2012 or by Easter 2013. It has been decided that any hiring will not commence until the renovations for the premises are completed. Any duties such as book-keeping or accounts will be outsourced until these tasks are completed.
Health and Safety Management System Diagnostic Quiz:

For a quick and simple assessment of how well you are managing health and safety you can score your organization against each of the following statements. This diagnosis can be carried out by an individual or small team and is not based on any preconceived management structure.

0 Nothing in place to show that this occurs
1 Little evidence exists to show this occurs and it is likely to be overlooked on many occasions
2 Some evidence exists that things are in place but there are significant gaps in implementation
3 A fair amount of evidence exists but it there is still some way to go until everything is in place
4 A significant amount of evidence is in place to demonstrate that this occurs but more could be done to ensure that it will happen on a consistent basis
5 There is significant evidence to demonstrate this occurs and you have confidence that appropriate actions will occur when needed

1. We have a formal health and safety policy that sets clear responsibilities, goals and objectives for all parts of our organization.
2. We have a health and safety plan that shows what we are trying to achieve and we have communicated this to all employees.
3. We have provided adequate resources to implement our health and safety plan.
4. We have reviewed our legislative obligations for health and safety and checked that we comply with them.
5. Our employees are consulted about health and safety and involved in identifying and resolving health and safety issues.
6. Our organization has identified all workplace hazards and has reduced the risk associated with these hazards to an acceptable level.
7. All of our employees, including supervisors and managers, are trained in the health and safety requirements relevant to their position.
8. We have an induction process that ensures the health and safety of new employees.
9. We have developed documented work procedures for all hazardous tasks and we monitor and enforce compliance with them.
10. We have appropriate first aid resources that meet the needs of our organization.
11. We record any injuries and incidents and investigate the causes to prevent recurrence.
12. We have identified possible emergency situations that may occur, and have trained our employees in the procedures to respond to them.
13. We conduct regular inspections of our workplace to identify hazards and to check that our hazard control measures are working.
14. We specify our health and safety requirements when purchasing goods or using the services of contractors.
15. We have a health and safety manual that includes our safe work procedures, and these are known and used by our employees.
16. We have obtained current Material Safety Data Sheets for all the chemicals we use and we make them available in the workplace.
17. The materials we use are stored safely to minimise manual handling and to prevent spills or undesirable chemical reactions.
18. We maintain our plant and equipment according to a schedule and we keep records.
19. We regularly audit our organization’s health and safety management system and review the results.
20. We have a process to collect, file and retain our health and safety records.

Now check how your total score compares to this scale
Maintain a Safety Management System

4.1

NEMOSTAR INDUCTION
SAFETY TRAINING
KEYNOTE PRESENTATION

1. SEE ATTACHED PDF FROM KEYNOTE

SEE ATTACHED TRAINER’S GUIDE (NEXT PAGE)

2. RECORDING AND MAINTENANCE OF SAFETY TRAINING

OH&S Officer will hold informal meetings or pass on by email or hard copy any changes to OH&S Act, or OH&S issues during the year on a regular basis. OH&S Officer will report training sessions and new OH&S information that has been issued throughout the company at regular Director’s meetings. Records of OH&S issues and training will be kept in the company files with Register of Incidents and Injuries forms from Nemostar WorkCover provider. Files will also be kept in individual employee records where applicable.

4.2

1. ELEMENTS OF SAFETY MANAGEMENT SYSTEM

OH&S Information Sheets
Sheets covering worker’s OH&S rights and responsibilities are posted in the staff kitchen along with contact details for WorkCover.

OH&S FILES
Information regarding Victorian OH&S Law and Regulations are stored in the company files in the company accounts and administration area.

FIRST AID KIT
The company first aid kit is kept in the cabinet in the administration area.

2. MEASUREMENT OF EFFECTIVENESS AND PERFORMANCE OF SYSTEMS

As Nemostar is a micro business with only 2 Directors, at present the regular Director’s meetings discuss the effectiveness and performance of all safety procedures. Records are referred to for numbers of incidents, near misses and/or illnesses. The company has only had 2 minor recorded WorkCover incidents in the past 17 years and there has been a minimal number of lost “man hours” due to illnesses being spread through the workplace over the same period. (less than 2 weeks in total)
OH&S Trainer’s Schedule

1. OH&S PRESENTATION

OH&S Officer on arrival of new staff or contractor is to give the company OH&S induction presentation in the conference room.

2. DOCUMENTATION

OH&S Officer will supply a hard copy of the presentation plus any further OH&S and company information in the form of an orientation and information kit.

3. WALK THROUGH

OH&S Officer will conduct an OH&S walk through of the premises. The location of all exits, safety equipment and OH&S information will be pointed out. Contact information for the OH&S officer will be made available.

4. THREE MONTH REVIEW

OH&S Officer will hold a review to ensure that all information regarding OH&S policy is being followed and understood. OH&S Officer will make themselves available for questions and input regarding any issues that have arisen.

5. ONGOING

OH&S Officer will hold informal meetings or pass on by email or hard copy any changes to OH&S Act, OH&S issues during the year on a regular basis.