

INTRODUCTION

2016 sees Building a Safe Workplace Together move to a new and fresher format. We are in the process of moving our newsletter online! This will allow you to receive and read future editions on your mobile device. If you have not yet subscribed, [Sign-Up here](#).

February already – that went fast! The New Year should signal a time to reflect. How has your workplace become a safer place to work? What new opportunities lay ahead? We accept that workplace safety can be a never-ending road of continual improvement; however, this is the underlying reason why it is important that we stop and reflect. The danger of not stopping, is that we miss out on the positive reinforcement that comes with jobs well done, or fail to see the opportunities to adjust the pathway we are on to effectively move forward.

In early January, to support clients achieve their safety goals for 2016, Action OHS provided clients with an opportunity to complete a survey (2016: Safety Planning Survey).

Due to the overwhelming response and positive feedback received for this pro-active initiative, we have decided to open the survey up to all our newsletter subscribers to allow us, where possible, assist you achieve your health and safety goals for 2016. In addition we have included an article below to support you in developing/refining your health and safety strategic plan. Find a link to our survey here – [2016: Safety Planning Survey](#).

Within this edition, we have taken a look at the health and safety prosecutions issued in New South Wales and Victoria during 2015. In addition, we have included a cheeky review on technology and an interesting training article for your consideration that will hopefully challenge your thinking. On training, keep an eye out for our training calendar that will be released during March.

The next issue of Building a Safe Workplace Together will be released in June 2016.

OVERVIEW

- Prosecutions: 2015 Summary for NSW & Victoria
- Planning: What is your health and safety strategic plan?
- Training: Are you training for compliance or safety?
- Technology: Wait, there's more "stuff" that you don't have easy access to!

WorkSafe Victoria offers free OHS consultations to businesses that have less than 200 employees based in Victoria.

Small businesses (less than 20 employees) are entitled to an initial visit of up to 4 hours with a consultant, with a 2 hour follow-up visit scheduled 2-6 months after the initial visit.

Medium businesses (20 to 200 employees) are entitled to an initial visit of up to 6 hours with a consultant, with a 4 hour follow-up visit scheduled 2-6 months after the initial visit.

During the review our health and safety consultant will undertake a site walk through with you and address the areas of safety concern that you have. The Safety Action Plan report that will be provided to you will consider broader management system requirements.

With the current program concluding on 30 June 2016 – should this free review be something that appeals to you, please [contact us](#) for details in relation to registration.

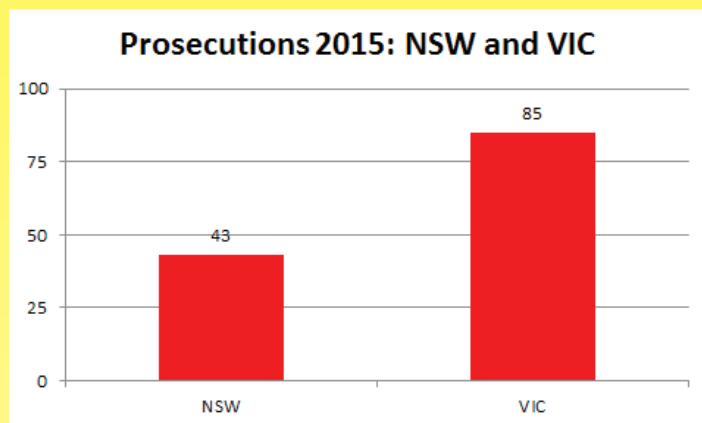


PROSECUTIONS: 2015 SUMMARY FOR NSW & VICTORIA

Workplace prosecutions are something that health and safety practitioners should maintain oversight of to identify trends. This article provides an overview of the prosecutions listed by WorkSafe Victoria and Safe Work NSW for 2015 as of 31 January 2016.

Prosecutions: Numbers and Related Legislation

2015 saw a total of 85 health and safety prosecutions in Victoria and 43 prosecutions in NSW.



Within Victoria:

- 80 prosecutions were recorded against the Occupational Health and Safety Act 2004
- 2 prosecutions were recorded against the Dangerous Goods Act 1985
- 1 prosecution was recorded against the Occupational Health and Safety Regulations 2007
- 1 prosecution involved both the Occupational Health and Safety Act 2004 and the Occupational Health and Safety Regulations 2007
- 1 prosecution involved both the Occupational Health and Safety Act 2004 and the Dangerous Goods Act 1985.

Within NSW:

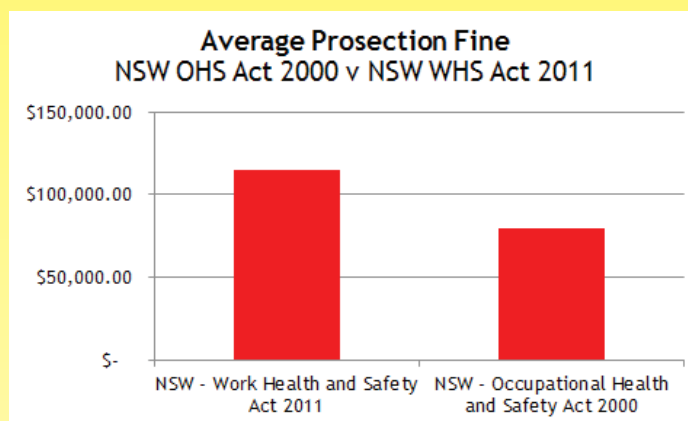
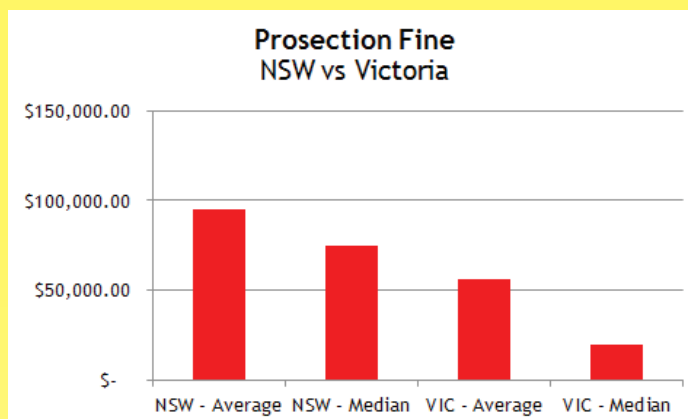
- 21 prosecutions were recorded against the Occupational Health and Safety Act 2000
- 21 prosecutions were recorded against the Work Health and Safety Act 2011
- 1 prosecution was against the Explosives Act 2003.

Interestingly, whilst the Occupational Health and Safety Act 2000 in NSW was superseded as of 1 January 2012, approximately 50% of the prosecutions listed in NSW during 2015 were against the superseded Act.

Prosecutions: An Overview of Fines

The average fine in both states exceeded \$50,000. In NSW the fines were slightly greater and, when comparing fines between the current and superseded legislation, fines were found to increase when prosecuted against the current legislation. This is in line with the guidance that was provided when the harmonised Work Health and Safety Legislation was enacted.

In NSW each prosecution resulted in a monetary fine. In



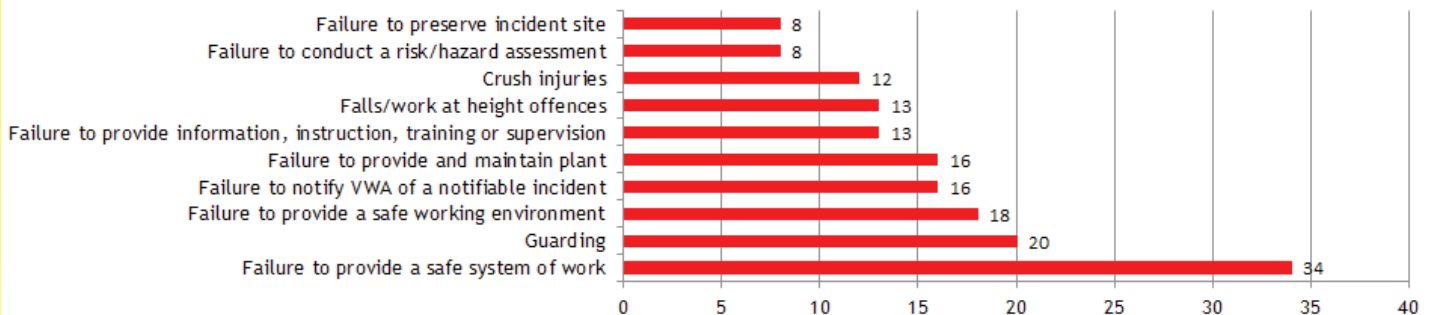
Victoria 59 fines were issued (69% of the total prosecutions). In addition to the fines, WorkSafe Victoria issued 7 Enforceable Undertakings. In these cases, the enforceable undertaking is a legally binding agreement between WorkSafe Victoria and the employer. The employer is obliged to carry out the specific activities outlined in the undertaking. Such scenarios ensure that the workplace implement agreed corrective actions.

Prosecutions: What is the Cause and where are the Gaps?

With respect to the criteria/codes that lead to prosecution – the top 10 criteria, as defined by WorkSafe Victoria, are outlined below.

1. Failure to provide a safe system of work – 34%
2. Guarding – 20%
3. Failure to provide a safe working environment – 18%
4. Failure to notify WSV of a notifiable incident – 16%
5. Failure to provide and maintain plant – 16%
6. Failure to provide information, instruction, training or supervision – 13%
7. Falls/work at height offences – 13%
8. Crush injuries – 12%
9. Failure to conduct a risk/hazard assessment – 8%
10. Failure to preserve incident site – 8%.

Code/Criteria attached to Workplace Prosecutions 2015 WorkSafe Victoria



Combined, failure to provide a safe system of work and safe working environment resulted in over half of the prosecutions. This outlines the requirement for workplaces to actively:

- Assess their workplace risks. Workplaces should consider listing all foreseeable hazards in the workplace, and document the current controls that have been implemented to support the management of the hazard. At this time, the workplace should consider additional/alternative control strategies. If the risk associated with the hazard can be further mitigated, this should be documented with a Safety Action Plan developed to support implementation.
- Consider safety when procuring equipment. Often safety is an afterthought. Considering safety prior to purchasing will better ensure that controls do not require retro-fitting and/or additional equipment is not required to manage the “new” hazard presented – both having financial implications.
- Considering safety when engaging contractors. Workplaces often engage contractors to support processes that they are not familiar with, which means new hazards may be introduced to the workplace. Prior to engaging contractors, along with price, seek information from those you are about to engage to ensure that they can maintain that safe working environment you have established.

Guarding and maintenance of plant equates for over one third of prosecutions. Guarding is a high level control that ensures there is separation between workers (and their limbs) and moving parts. Management and supervisors should be undertaking regular walk-throughs to ensure that guarding is not overridden. The guarding that management and supervisor walk past is the fatality and/ or amputation that they accept. Where guarding has been removed, management and supervisors should talk with the operators to understand the basis for this. Are operational KPIs realistic? Can processes

be reviewed? Is the plant fit for the purpose that the workplace wants? Is additional equipment required?

Worth a mention is the 16% of workplaces that failed to notify WorkSafe Victoria of the notifiable incident that occurred in their workplace and the 8% of workplaces that failed to preserve the incident site. Both of these requirements are expressed clearly within the Occupational Health and Safety Act 2004. If your workplace is not familiar with what incidents require notification, or there is no training or reference in your procedures on how to manage a notifiable incident – it is something you should consider reviewing immediately.

Finally, apart from legal fees, fines and a negative prosecution result, the lengthy duration of legal proceedings can impact workplace resources (e.g. with conflicting focuses between the prosecution and workplace safety). The impact also flows through to other areas of the business resulting in a negative safety culture, low morale amongst workers as well as the negative impact on business development due to ‘loss of faith/brand damage’ that is perceived by the general public.



PLANNING: WHAT IS YOUR HEALTH AND SAFETY STRATEGIC PLAN?

Does your workplace have OHS targets?

Does your workplace have an OHS plan?

If established, are these periodically reviewed, evaluated and redefined (as necessary)?

“A target without a plan is just a wish...”

When we take time to consider the statements above, it is evident that to achieve workplace safety goals, careful and considered planning is required. Why then do many workplaces continue to leave their Health and Safety Program in “the hands of the Gods”? Tips to get started...

1. Ensure Senior Managers are aware of their legislated health and safety duties and due diligence obligations.
2. Establish stakeholders to define Health and Safety Targets. Your workplace’s Health and Safety Targets should be aligned to your Health and Safety Policy.

When establishing targets make sure that they are:

- S – Specific**
- M – Measureable**
- A – Achievable**
- R – Realistic**
- T – Time-framed**

- *Lead performance indicators:* Measure the actions your business takes to improve performance. They are inprocess measures and can be predictive.
 - *Lag performance indicators:* Report on outcomes. This is an after-the-event measurement, essential for charting progress, but useless when attempting to influence the future.
 - *Note:* Lead indicators often require an investment in time to implement. Generally, lead indicators require initiative and/or action prior to a result being seen by a lag indicator.
3. With consideration to your workplace’s Health and Safety Targets, establish a Safety Action Plan. Within the Safety

As outlined at the beginning of this newsletter, we have opened up our **2016: Safety Planning Survey** to all of our newsletter subscribers. Complete the survey (which will be open until the end of March) and one of our consultants will contact you at a convenient time to discuss. Alternatively, do not hesitate to **Contact Us**.

Action Plan outline timeframes and attach responsibilities.

4. Communicate Health and Safety Targets to workplace.
5. Periodically review Health and Safety Targets and Safety Action Plan.

TRAINING: ARE YOU TRAINING FOR COMPLIANCE OR SAFETY?



The majority of workplaces we speak with understand the need for training; however, many do not “understand” the purpose of training. Well-kept and documented training records demonstrate excellent compliance practices, not excellent training practices.

The purpose of training is not to demonstrate your records management skills; it is to ensure that your workers have been provided with the right skills to complete their job safely. Think about it for a moment; has your training been developed for you workers, or have they been developed to tick a compliance box?

Whilst your business may have well-presented training materials, do these training materials focus on all learning styles? If your training is based on paper based instructions or reading off a computer screen, you may have missed the mark for some workers. Robust training should be developed to include all learning styles. One of the most common and widely used categorisations of learning styles is Fleming’s VARK model. This model suggests there are three learning styles:

- **Auditory:** The worker learns through listening. These workers depend on hearing and speaking as their main way of learning. Auditory learners must be able to hear what is being said in order to understand. These workers may have difficulty with instructions that are written.
- **Visual:** The worker learns when ideas, concepts, data and other information is associated and presented with images and techniques.
- **Kinaesthetic (Tactile):** Learning takes place by the workers doing the task or role playing the task, rather than listening to how the task is done or watching a demonstration.

Whilst most workers will learn across all styles, some may be strongly aligned to one style. To ensure that training is not only a compliance exercise, look to incorporate all three learning styles into the delivery of all of your training sessions.

TECHNOLOGY: WAIT, THERE'S MORE "STUFF" THAT YOU DON'T HAVE EASY ACCESS TO!

A Safety Officer's workplace is often a nightmare of folders, disorganised paperwork, papers, folders and folders; mixed with checklists, spreadsheets and templates.

Action OHS Consulting is often engaged to undertake a safety audit for our clients. The nervous Safety Officer that greets us is not an irregularity. Whilst there is no need to be nervous – I get it. Folders for incidents, folders for chemicals, folders full of meeting and training records, spreadsheets acting as risk registers, contractor registers and incident registers and email chain after email chain. This form of management often means that we are engaged to visit multiple sites to "verify" safety performance.

It often leads to gaps in the implementation of the Safety Management Plan that are not picked up until we are on-site. Is this because safety records are misplaced, lost, or not completed – we will never know.

There has to be an easier way – and there is. With technology advancing, cloud and webbased solutions are becoming more relevant and accessible.

Cloud based software provides a more efficient and transparent way of working. Automated reminders and remote visibility of implementation, the days of the Safety Officer having to be on-site to "influence" safety is quickly disappearing. Influencing safety is about impacting behaviours and empowering site management to talk, and manage, safety ongoing. It is about understanding 'pain points' of implementation of your workplace's health and safety system with a view to

continuously improve it. If a Safety Officer "needs" to be on-site for "safety to happen"; the issue is not safety; it is the knowledge and/or skills of your workplace managers.

The endless nightmare of paper files, or records stored on hard drives, shared over email – restricts the Safety Officer to do their job. It restricts the Safety Officer's ability to access information to verify, and monitor,

performance when they are not at the workplace. It moves their role from being a safety leader or coach, to a safety compliance officer. It restricts their ability to influence which limits their ability to improve safety performance.

From our experience, it is obvious that most businesses are keen to take a step forward...some, however, are unsure how to.

Setting up a system that facilitates remote access to workplace specific information such as: incident records and registers; programmed events; and, maintenance or contractor registers, will allow the Safety Officer to monitor, gather knowledge, and then influence.

With technology progressing, change is imminent and now is an opportune time to consider if you want to lead or follow.

If you are looking to head down the technology pathway, before you start the conversation with providers, take some time to identify what "you want" from a cloud based software system. Consider your current stressors and pain points. Identify your "not negotiables" and "it would be nice if it could". Be aware that you will be dealing with businesses that have a commercial interest in your decision, meaning that there is a lot of "slick" marketing out there designed to confuse and convince.

Start the conversation. Ask questions and think about who you are dealing with. For example, are you dealing with a software company that is knowledgeable about software? Or, a safety focused company that is knowledgeable about software and safety?

