

Th!nk Safe

SAFETY AND HEALTH IN THE WORKPLACE

VOL. 4 NO. 1 JULY 2022

ISSN 2651-9577

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Western Australia
Mines, Industry Regulation and Safety



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**
WorkSafe

Th!nkSafe

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Bruce Atkinson and Naomi Elbrow, Safety and health representatives of the year for the 2021 Work Health and Safety Excellence Awards

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WorkSafe

supporting healthy and safe workplaces

WA's work health and safety (WHS) laws have changed, bringing together most workplaces under one WHS Act.

Work health and safety is everybody's business, so subscribe to the news alerts or follow WorkSafe WA on social media to keep up-to-date.



WorkSafeWA



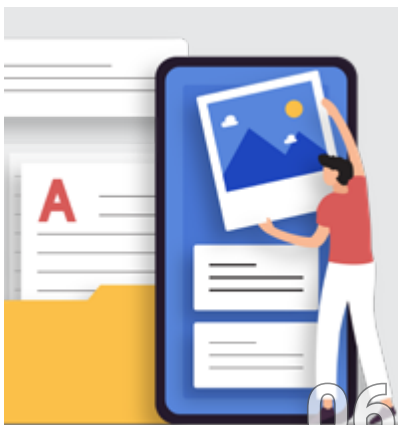
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REGULATORY APPROACH FOR THE FIRST 12 MONTHS OF WHS



WorkSafe Commissioner, Darren Kavanagh

Western Australia has joined other states and territories with proclamation of the *Work Health and Safety Act 2020* (WHS Act) on 31 March 2022. This is an exciting time for WA, and we are setting the pace in workplace health and safety as the first state or territory to bring workplaces in the general, mines and petroleum industries together under a single WHS Act.

It has been a long journey. The State Government committed to modernising the laws in 2017, and since then a complex and challenging process has taken place to get WA into a position where we now have contemporary work health and safety legislation. I'd like to acknowledge the Departmental officers whose hard work contributed to the implementation of these laws.

I'd also like to acknowledge the many stakeholders – employers, unions, workplace safety advocates and many other interested parties – whose public comment submissions were a significant and valuable contribution to the draft Act and Regulations. Many opportunities were provided to comment on drafts, and I can assure all Western Australians that these new laws are the result of extensive community and industry consultation.

Where mining and petroleum industries were previously regulated separately to general industry, they are all now operating under the one regulator. As a regulator I will be seeking to continue strong enforcement where necessary. There will be continued development of information and educational material in addition to reduced investigation timelines and consistent reactive and proactive compliance programs. This will also assist industry to meet the requirements of the new Act.

The WHS Act requires consultation, cooperation and coordination between duty holders. If more than one person has a duty in relation to the same matter, each person with a duty must, so far as it is reasonably practicable, consult, cooperate and coordinate activities with all other persons who have a duty in relation to the same matter.

A [*Statement of Regulatory intent*](#) has been formulated to provide the principles for the regulatory approach that WorkSafe will take during the first twelve months of the new legislation. I recognise that the new laws are a significant change for some and that industry may need some time to implement them. But at the same time, systems for identifying, assessing and controlling hazards should already be in place because they were required under the previous legislation.

WorkSafe inspectors will adopt a supportive and educative approach to compliance in relation to low-risk contraventions, providing duty holders have made genuine attempts to comply with legislative requirements. But enforcement action may still be taken where actions or omissions result in serious risks to workers or the community. In the case of a contravention of a provision similar to one under the previous law, enforcement action may be taken, which could include the issue of notices for which the recipient has the right to seek a review.

WorkSafe will continue to monitor the implementation of the WHS Act and engage with industry, employer and employee stakeholders. Where matters of high priority are identified during the first twelve months, the *Statement of Regulatory intent* may be amended to aid in the successful implementation of the new laws.

As the regulator, I'm confident that the new laws will contribute to workplaces that are both physically and mentally healthy and safe for all Western Australians, and the reforms that come with the new laws should assist in driving down the rate of injuries and fatalities in the state.

I have recently announced an inquiry into the agricultural industry beginning with examining the tragic deaths of agricultural workers and family members over the past five years. The statistics for the agricultural industry are not acceptable, and it is deeply concerning that the number of fatalities in the industry continues to increase. The inquiry will aim to establish how to make changes in safety in the industry, and a report will be generated with recommendations on investigations and enforcement for consideration by the State Government.



Minister for Industrial Relations and Mines and Petroleum, Hon Bill Johnston launched the Work Health and Safety laws in March 2022

On 23 June 2022, the Community Development and Justice Standing Committee tabled its report, [*Enough is Enough*](#), into sexual harassment against women in the FIFO mining industry. The findings of the report are deeply concerning and the recommendations are currently being considered by government.

I strongly encourage all workplaces to review the recently released psychosocial hazards codes of practice and gendered violence information sheets featured in this edition of Th!nkSafe. WorkSafe will continue to engage with industry to improve regulatory outcomes, and respond appropriately to the decisions of government in relation to the inquiry.

Darren Kavanagh
WorkSafe Commissioner



EARTHMOVING MACHINERY LICENSING CHANGES FOLLOWING INDUSTRY CONSULTATION

When the Work Health and Safety laws came into force, a new requirement was imposed for operators of earthmoving machinery to hold a high risk work licence (HRWL) for crane operation if the equipment is used as a crane. This HRWL requirement also extended to operators of earthmoving machinery on mines.

The WorkSafe Commissioner consulted with industry regarding the impact of the new requirements, resulting in amendments to the WHS Regulations being approved by the Minister. These are:

- to remove the requirement for an HRWL when earthmoving machinery with a rated safe working load of three tonnes or less is used as a crane
- for earthmoving machinery exceeding a rated safe working load of three tonnes, the HRWL requirement will be modified to align with the nature of the machinery to be operated:
 - for equipment that is non-slewing, the appropriate HRWL class will be “crane and hoist operation, non-slewing mobile crane” (CN); and
 - for equipment that is capable of slewing, the appropriate HRWL class will be “crane and hoist operation, mobile crane, basic” (C2).

A two-year transition period is in place for HRWLs, from commencement of the WHS laws. This means the operators of the earthmoving machinery will not require an HRWL until after 30 March 2024.

Until the amendments come into force, the WorkSafe Commissioner will apply the principles in the [*Statement of Regulatory intent*](#) to the earthmoving crane HRWL requirements at workplaces where the WHS regulations apply.

FUTURE INDUSTRY CONSULTATION PLANNED

The WorkSafe Commissioner has undertaken broad industry consultation with affected industries to develop the best approach to implement the earthmoving machinery requirement for an HRWL and will continue those discussions.

To be kept informed about participating in public consultations, subscribe to the [WorkSafe newsletters](#).



DUTIES AND RESPONSIBILITIES OF AN “OFFICER” UNDER THE WHS ACT

Under the WHS Act, an officer has clear duties and responsibilities for safety in their workplace.

An officer is a person who makes, or is involved in making, decisions that affect the whole or a substantial part of an organisation. For example, the director or secretary of a corporation, or an executive of a government department. An officer cannot be an elected member of a local council, or a State or Commonwealth Minister.

Officers must manage work health and safety risks and exercise due diligence to ensure the person conducting a business or undertaking (PCBU) complies with health and safety duties. An officer's due diligence includes taking reasonable steps to:

- keep up-to-date with knowledge of work health and safety matters
- understand the nature of the work being done and its associated risks
- ensure the PCBU has the appropriate resources and processes to minimise or eliminate risks to health and safety

- ensure the PCBU has the appropriate processes to receive and consider information about work-related incidents, hazards and risks and to respond in a timely manner
- ensure the PCBU has, and implements, processes for complying with their duties and obligations
- verify that relevant resources and processes are available and used.

An officer can ensure the PCBU meets their WHS duties by taking an active and inquisitive approach to WHS.

An officer can be prosecuted under the WHS Act even if the PCBU has not been convicted or found guilty of an offence under the Act.

Further information can be found in the [*Interpretive guideline: The health and safety duty of an officer.*](#)



GUIDING YOU THROUGH WHS LAWS

NEW WORK HEALTH AND SAFETY VIDEO SERIES

The Department has developed a series of short videos to explain WHS laws in simple terms.

The first series focuses on introducing WHS laws.

These videos are designed to be shared in the workplace and at health and safety or toolbox meetings to help raise awareness of responsibilities and duties under WHS:

- Guide to WHS resources – Introducing WHS laws [[YouTube video](#)] [[Word transcript](#)]
- What is a PCBU? [[YouTube video](#)] [[Word transcript](#)]
- Introduction to the *Work Health and Safety Act 2020* [[YouTube video](#)] [[Word transcript](#)]
- What is 'reasonably practicable'? [[YouTube video](#)] [[Word transcript](#)].

For a list of videos planned for release in 2022, see the [WHS website](#).

NEW WORK HEALTH AND SAFETY CODES OF PRACTICE FOR WA AVAILABLE NOW

Following endorsement from the Work Health and Safety Commission, the Codes of practice have been approved by the Minister and are now available. The Codes of practice are based on model codes of practice from Safe Work Australia and adapted for WA WHS legislation:

- Abrasive blasting
- Confined spaces
- Construction work
- Demolition work
- First aid in the workplace
- Hazardous manual tasks
- How to manage and control asbestos in the workplace

- How to manage work health and safety risks
- How to safely remove asbestos
- Labelling of workplace hazardous chemicals
- Managing noise and preventing hearing loss at work
- Managing risks of hazardous chemicals in the workplace
- Managing risks in stevedoring
- Managing the risk of falls at workplaces
- Managing the risk of falls in housing construction
- Managing risks of plant in the workplace
- Managing the risks of respirable crystalline silica from engineered stone in the workplace
- Managing the work environment and facilities
- Preparation of safety data sheets for hazardous chemicals
- Safe design of structures
- Spray painting and powder coating
- Welding processes
- Work health and safety consultation, cooperation and coordination.

The full list of approved code of practice is available [online](#).

WHAT HAS HAPPENED TO PREVIOUS CODES OF PRACTICE?

Transition arrangements allow for Codes of practice approved under the *Occupational Safety and Health Act 1984* and *Mines Safety and Inspection Act 1994* to remain in effect as if approved by the Minister under the WHS Act until revoked.

Codes of practice are published on the Department's website following approval by the Minister.



Report an incident to WorkSafe

The definitions of a notifiable incident, serious injury, serious illness, dangerous incident, notifiable occurrence and reportable incident are available online at www.dmirs.wa.gov.au/WHSincident



To report a **death, serious injury or illness, or life-threatening dangerous incident**, preserve the site and immediately call **1800 678 198**



For a **non life-threatening dangerous incident**, preserve the site and immediately notify WorkSafe **online**



In addition to the above, mines and petroleum operations must report as below

	Mines	Petroleum	
What happened?	Reportable incident	Additional dangerous incident	Notifiable occurrence
When to notify	As soon as practicable	Immediately	Immediately
How to notify	 Online	 Online	 Online
Preserve the site			



In an emergency also call 000

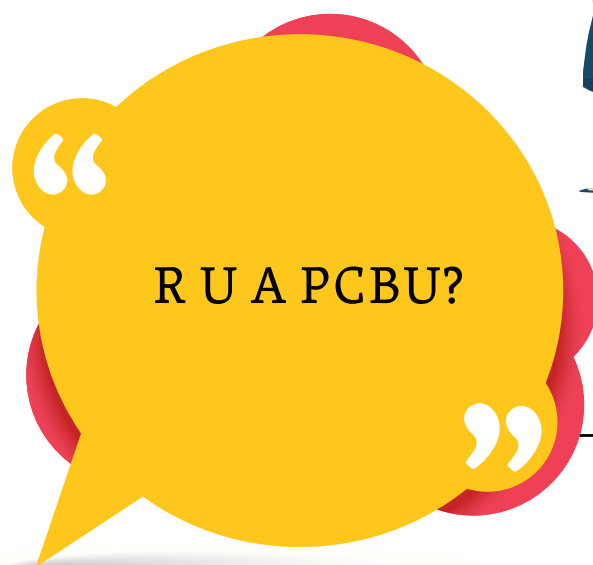


Provide first aid and care for injured workers



Preserve the site until authorised by a WorkSafe inspector

The above applies to reporting requirements under the Work Health and Safety (WHS) legislation. An incident may have additional reporting requirements under other legislation.



WHAT IS A PCBU?

The *Work Health and Safety Act 2020* (WHS Act) introduces the term, 'person conducting a business or undertaking', or PCBU. A PCBU is a broad term which captures all types of working arrangements or relationships which we refer to as businesses and includes:

- a company
- a business partnership
- an unincorporated body or association
- a sole trader or self-employed person
- an employer.

A business or undertaking is being carried out if it has elements of an organisation, such as systems and continuity in the work performed, and there is control over where the work is performed, how it is carried out and over the worker doing the work.

A worker is anyone who carries out work for a PCBU. This can be an employee, a contractor, sub-contractor, labour hire worker, apprentice, volunteer and work experience student.

As work is not defined in the WHS Act, it has its ordinary meaning of an activity involving mental or physical effort to achieve a purpose or result, whether or not for profit or payment. An activity that is domestic, recreational or social in nature may also be considered work unless the activities form part of ordinary daily life.

WHAT ARE THE DUTIES OF A PCBU UNDER THE WHS ACT?

The PCBU has a legal obligation to ensure the health and safety of workers and others (e.g. visitors) at the workplace. They can meet this obligation by eliminating risks to health and safety. If elimination is not reasonably practicable, risks must be minimised so far as is reasonably practicable. The WHS legislation sets out how this is to be done.

The duty of care extends to a PCBU who is providing a WHS service to another PCBU to assist them with meeting their obligations under the WHS Act, such as providing recommendations or advice, testing or analysis, training or education.

The WHS Act imposes additional duties on PCBUs where the primary function is designing, manufacturing, importing, supplying or installing plant and substances.



Further information can be found in the [Interpretive guideline: The meaning of 'person conducting a business or undertaking' \(PCBU\)](#).



Safe Work Month **WHS – think physical, think psychological**

Registrations will soon open for October's Safe Work Month 2022.

This year's theme is **"WHS – think physical, think psychological"**. The focus will be on health and safety for mining, petroleum and general industries through a series of on-demand videos, podcasts and webinars.

Health and safety representatives, managers, supervisors, safety professionals, workers, students and anyone with an interest in how to make workplaces safer are encouraged to register.

For further information about participating in Safe Work Month, subscribe to the [WorkSafe newsletters](#).



MINE SAFETY MANAGEMENT SYSTEM: CREATING HEALTHIER AND SAFER MINING OPERATIONS

The Australian mining industry is protected by world-leading regulatory and policy systems and is renowned for the development of best practice health and safety solutions that support high levels of productivity while ensuring the health of workers and safety of mining operations. In Western Australia, due to the dynamic and varied nature of mining operations and their physical environments, the industry is challenged by a diverse range of hazards and associated risks.

The WHS (Mines) Regulations 2022 create a duty for the mine operator to establish and implement a mine safety management system (MSMS). The MSMS is the primary means of ensuring safe operations by providing direction to everyone at a mine site. It must be in place before mining operations commence and also applies to exploration operations.

While most mining operations will have health and safety-related policies, plans and processes in place, the MSMS ties all these elements together into an integrated system to ensure there are no gaps in the management of all health and safety risks and that all of the elements work in a coordinated way.

Through ongoing consultation with workers, the MSMS outlines the health and safety responsibilities related to the safe operation of the mine, provides guidance to everyone involved and assists the mine operator to meet their duty of care. The MSMS, which also applies to exploration operations, recognises that no two operations are the same and that hazards will vary from site to site.

CODE OF PRACTICE NOW AVAILABLE

To assist mine operators to establish and implement an MSMS, the Work Health and Safety Commission and Mining Industry Advisory Committee, in consultation with industry, released the [*Code of practice: Mine safety management system*](#) in June 2022.



QUARTERLY STATUS REPORTING ON MINE SITES – WHAT’S REQUIRED?

With the commencement of the WHS laws, mine operators, including those conducting exploration activities, are now required to provide the regulator with a work health and safety report for each quarter. These quarterly status reports replace the monthly status report forms (MSRF) that were submitted to the Department prior to WHS commencement.

WorkSafe Mines Safety’s online business system, the Safety Regulation System (SRS), has been updated to include the new quarterly reporting requirements as set out in Schedule 25 of the Work Health and Safety (Mines) Regulations 2022. This includes the ability for mine operators to report worker numbers and working hours for the quarter (which is used to calculate the mines safety and inspection levy), summary information related to notifiable and reportable incidents for the relevant quarter, and the ability to update the work status timeline for ongoing injuries and illnesses. The mine operator is required to complete the quarterly status report with information related to all workers on the mine site, including contractors.

The quarterly status report is to be submitted to the regulator via SRS no later than 15 days after the end of the quarter to which the report relates, with the first quarterly status report completed to cover the three month period from 1 April–30 June 2022. Quarterly status reports are still completed and submitted through the Notifications area in SRS, with security access for external SRS users remaining unchanged.

LOOKING FOR MORE INFORMATION?

For further information on quarterly status reporting including details on the mines safety and inspection levy and notifiable and reportable incident reporting, see the Department’s announcement regarding [Changes to status reporting requirements under WHS](#). For further information on notifications visit the [WorkSafe website](#).

SUPPORTING OUR HEALTH AND SAFETY REPRESENTATIVES

The WHS Act aims to ensure fair and effective representation, consultation and cooperation to address and resolve health and safety issues in the workplace. Health and safety representatives (HSRs) can have a pivotal role in improving consultation between PCBUs and workers, and representing workers in health and safety issues.

There are transitional arrangements in place for HSRs elected under the previous workplace safety and health legislation:

- *Occupational Safety and Health Act 1984*
- *Mines Safety and Inspection Act 1994*
- *Petroleum and Geothermal Energy Resources Act 1967*
- *Petroleum Pipelines Act 1969*
- *Petroleum (Submerged Lands) Act 1982.*

DO HSRs NEED TO BE RE-ELECTED?

An HSR elected under one of the previous Acts listed above is considered an HSR under the WHS Act until:

- their two-year term of office expires, if they were elected before 30 March 2021, or
- the close of 30 March 2023 if they were elected after 30 March 2021.

After the HSR's term of office expires, the PCBU must negotiate with workers or workers' representatives to determine work groups and hold an election. Information on electing HSRs under the WHS Act can be found in the [*Information sheet – Electing health and safety representatives.*](#)

DO HSRs NEED TO BE RE-TRAINED?

HSRs who have completed a training course approved under the previous laws do not need to attend another five-day course. However, they are now entitled to complete up to one day of refresher training each year. This training is still in development and will be released soon.

HAVE THE POWERS OF HSRs CHANGED?

HSRs who have completed training, approved under either the WHS Act or previous laws, can issue provisional improvement notices. Trained HSRs now have the power to direct a worker in their work group to cease unsafe work. More information can be found in the [*Information sheet - Health and safety representative powers, functions and rights.*](#)



Work Health and Safety EXCELLENCE AWARDS 2022



WHS EXCELLENCE AWARD WINNERS TO BE ANNOUNCED DURING SAFE WORK MONTH

Hon Bill Johnston, Minister for Industrial Relations; Mines and Petroleum will announce this year's winners of the Work Health and Safety Excellence Awards on 28 October 2022.

WorkSafe Commissioner Darren Kavanagh said the Awards recognise outstanding solutions and innovations in health and safety across all workplaces.

"These awards are a terrific opportunity for WA businesses of all sizes to show off their workplace safety initiatives and to receive some well-deserved recognition," Mr Kavanagh said.

As part of the McGowan Government's commitment to addressing mental health in the workplace, a new category was announced in March.

The award – for best intervention to address a psychosocial hazard in the workplace – will recognise an organisation's successful commitment to the prevention of psychosocial hazards.

The awards feature five categories covering small to medium organisations, and large organisations and recognise:

- **Work health and safety invention of the year** – the development of plant/equipment engineering and/or infrastructure to enhance health and safety
- **Best solution to a work health and safety risk** – innovation, implementation and/or design of systems or procedures developed to improve health and safety
- **Best intervention to address a psychosocial hazard in the workplace** – an organisation's successful commitment to the prevention of psychosocial hazards
- **Leadership excellence award** – an organisation's excellence in leadership in improving health and safety in the workplace
- **Health and safety representative of the year** – an elected health and safety representative who has made a significant contribution and demonstrable difference to health and safety in their workplace.



Finalists will be announced in August, with the winners being announced at the awards ceremony during Safe Work Month in October.

BROADENING THE PSYCHOSOCIAL SCOPE: NEW CODES OF PRACTICE



Our understanding of the impact of psychological and social hazards on worker health and safety, known as psychosocial hazards, has grown over the last decade.

Workplace psychosocial hazards are related to the psychological and social conditions of the workplace rather than just the physical conditions. These include stress, fatigue, bullying, violence, aggression and harassment, and can be harmful to the health of workers and compromise their wellbeing.

In recognising this the Work Health and Safety Commission published three new codes of practice to assist persons conducting a business or undertaking (PCBUs) in managing psychosocial hazards in the workplace.

Codes of practice provide practical guidance on how to comply with duties under the legislation and are often referenced by WorkSafe inspectors when enforcement action is taken. These codes of practice outline the duty of a PCBU to manage risks to physical and psychological health and safety.

PSYCHOSOCIAL HAZARDS IN THE WORKPLACE

This code of practice looks at aspects of work and work situations which can lead to psychological or physical harm, known as psychosocial hazards. These stem from:

- the way the tasks or job are designed, organised, managed and supervised
- tasks or jobs where there are inherent psychosocial hazards and risks

- the equipment, working environment or requirements to undertake duties in physically hazardous environments
- social factors at work, workplace relationships and social interactions.

Workers are likely to be exposed to a combination of work-related psychosocial hazards and risk factors, and these may interact with non-work related factors making this a complex and multi-faceted area.

Ensuring a systematic process to manage psychosocial hazards and risks will help the PCBU and others to meet their responsibilities under WHS legislation. It will also decrease organisational disruptions and costs resulting from work-related harm to health and safety and may improve work health and safety and broader organisational performance and productivity.

WORKPLACE BEHAVIOUR

The focus of the *Code of practice: Workplace behaviour* is on inappropriate or unreasonable behaviour that may occur between co-workers, or between workers and management.

These behaviours include bullying and all forms of harassment, as well as violence and aggression. Discrimination, misconduct and conflict (especially if it is prolonged or unresolved) can also affect worker health and need to be addressed appropriately.

Organisational culture is a key risk factor and can affect worker behaviour in positive and negative ways. Visible leadership, good policies



and procedures, communication and provision of information and training, as well as reporting and investigation processes, are important elements in managing inappropriate and unreasonable behaviour in the workplace.

VIOLENCE AND AGGRESSION AT WORK

The third code is *Violence and aggression at work*. Work-related violence and aggression is any incident where a person is threatened, attacked or physically assaulted in circumstances relating to their work. All workers and other people at workplaces are potentially at risk of experiencing some form of violence or aggression. Workers most at risk are those who have regular contact with the general public or provide direct services to clients, such as in health care and social assistance, public administration and safety, retail and hospitality, and education and training.

Types of controls include:

- refusing service to clients who repeatedly expose workers to violence and aggression, including unwelcome touching
- providing alternative methods of customer service to eliminate face-to-face interactions (e.g. online licence renewal, ticket dispensers at customer service counters)
- using physical barriers such as screens and counters
- using technology (e.g. CCTV, controlled-access doors, GPS tracking in vehicles)

- training workers in dealing with difficult clients and conflict management
- having an emergency response procedure and ensuring all workers know what to do in an emergency.

GENDERED VIOLENCE

Sexual harassment and sexual assault are types of gendered violence that can harm worker health and safety. The Department has released information sheets on [sexual harassment](#) and [sexual assault](#) respectively.

RESOURCES

- [Code of practice: Psychosocial hazards in the workplace](#)
- [Code of practice: Workplace behaviour](#)
- [Code of practice: Violence and aggression at work](#)
- [Code of practice: Mentally healthy workplaces for fly-in fly-out \(FIFO\) workers in the resources and construction sectors](#)
- [Psychologically safe and healthy workplaces: Risk management approach toolkit](#)
- [Mentally Healthy Workplaces online hub](#) with resources for PCBU's and workers

NEW INDUSTRY GUIDANCE ON PREVENTING AND MANAGING WORKPLACE GENDERED VIOLENCE

The release of the Australian Human Rights Commission [Respect@Work report](#) in 2020 and subsequent Roadmap to Respect response from the Commonwealth Government has resulted in health and safety regulators across the country strengthening their capacity to prevent and manage gendered violence in workplaces.

Gendered violence at work is any behaviour directed at a person, or that affects a person, because of their sex, gender, or sexual orientation or because they do not adhere to socially prescribed gender roles. Work-related gendered violence can range in severity from comments and gestures through to sexual assault and, as with all psychosocial hazards, exposure to these behaviours can harm worker psychological and physical health.

WorkSafe has released two information sheets, which provide guidance on prevention and response to workplace [sexual harassment](#) and [sexual assault](#). These products support the [Codes of practice on psychosocial hazards](#).

RISK MANAGEMENT APPROACH FOR GENDERED VIOLENCE

As with all inappropriate workplace behaviours, the likelihood of exposure to sexual harassment and sexual assault is influenced

by a number of factors, including workplace culture, low worker diversity, use of alcohol in a work context, and the characteristics of the work environment. There are many reasons why incidents of gendered violence are significantly under-reported in workplaces. Because of this, PCBU's must identify and assess the risk that someone will be harmed by gendered violence by considering the organisational and work environment factors in the workplace that can contribute to the likelihood of gendered violence occurring and controlling these risks as far as practicable.

The information sheets provide information on eliminating and controlling risks, as well as guidance on how to respond to reports of gendered violence.

Reporting incidents of psychosocial hazard exposure and the occurrence of psychological injuries — which includes gendered violence— are within the range of incidents that must be [notified](#) for all Western Australian workplaces.

The [Notification of sexual harassment and/or sexual assault to WorkSafe Mines Safety](#) information sheet has been prepared specifically for minesites. For workplaces that are not minesites, psychosocial injuries are notifiable when they meet the criteria in [types of serious illness or injury](#).

KNOW YOUR HAZARDS: ASBESTOS MANAGEMENT FOR GENERAL WORKPLACES

The new WHS asbestos regulations cover asbestos management, asbestos removal and asbestos-related work. A new class of licence, an asbestos assessor, has been introduced, and is mandatory for conducting air monitoring and clearances for Class A (friable) removal work from 31 March 2023.

ASBESTOS MANAGEMENT

Effective asbestos management assists people with management and control of buildings and other workplace structures to prevent workers and visitors being exposed to airborne asbestos fibres. The WHS legislation specifies:

- All asbestos containing material (ACM) at the workplace must be identified:
 - if a material cannot be tested but a competent person believes it to be ACM then it must be assumed to be asbestos.
 - if part of a workplace is inaccessible and likely to contain ACM then it must be assumed that asbestos is present in that workplace.
- All samples must be analysed by a National Association of Testing Authorities (NATA) accredited laboratory.
- The presence and location of ACM must be identified and labelled where reasonably practicable.
- An asbestos register must be developed and kept at the workplace. It must include the date on which the ACM was identified, the location, the type and its condition. An asbestos register developed under the repealed OSH legislation is deemed valid under WHS legislation, however, must be reviewed if a control measure is required to be reviewed or otherwise reviewed by 31 March 2023.
- A written asbestos management plan must be developed. The information in the plan must contain identification of ACM, decisions and

reasons about the management of asbestos at the workplace, procedures for detailing incidents or emergencies in relation to ACM and it must be readily accessible to workers, health and safety representatives and PCBU's.

- The asbestos management plan must be reviewed under the following circumstances:
 - when there is a review of the asbestos register or a control measure
 - when asbestos is removed or remediated
 - if the plan is no longer adequate
 - if a health and safety representative requests a review, or
 - at least once every 5 years.

WHS Regulations relating to asbestos registers and asbestos management plans do not apply to any part of a residential premises that is only used for residential purposes.

LOOKING FOR GUIDANCE?

WorkSafe has developed a number of resources to assist stakeholders understand the new asbestos requirements:

- [Asbestos FAQs](#)
- [WHS webinar for Class A asbestos removal licence holders and consultants](#)
- [WHS webinar for Class B asbestos removal licence holders](#)
- [Class B asbestos removal checklist](#)
- [Asbestos contaminated soils – Information sheet](#)
- [Code of practice: How to manage and control asbestos in the workplace](#)
- [Code of practice: How to safely remove asbestos](#)

CONSIDERING HUMAN FACTORS IN SAFETY CASES AND REPORTS

Human factors are an integral component of safe and efficient operations within major hazard facilities (MHFs) and petroleum and geothermal energy operations. The nature of MHFs and petroleum and geothermal energy operations means they have major accident potential and many of the safety critical tasks to prevent and mitigate major accident events are human-dependent.

Safety critical tasks are considered to be safety critical elements or controls where a human failure could:

- lead directly to a major accident
- result in the escalation of a major accident
- reduce the effectiveness of a barrier against a major accident
- impact on the potential to recover from a major accident.

Both MHFs and petroleum and geothermal energy operations are required to submit a safety report/case. A safety report/case is a legislative requirement. It is a written document demonstrating that the risks associated with potential major accident events and incidents have been controlled so far as is reasonably practicable.

Operators can demonstrate the risks associated with these kinds of events and incidents have been controlled within the formal safety assessment contained in the safety report/case.

The formal safety assessment should describe how safety critical tasks are identified and how the risks associated with major accident events and incidents is reduced to so far as is reasonably practicable by identifying potential human failures, performance shaping factors and controls to support the desired human performance.

The Department will release further guidance on this topic soon.



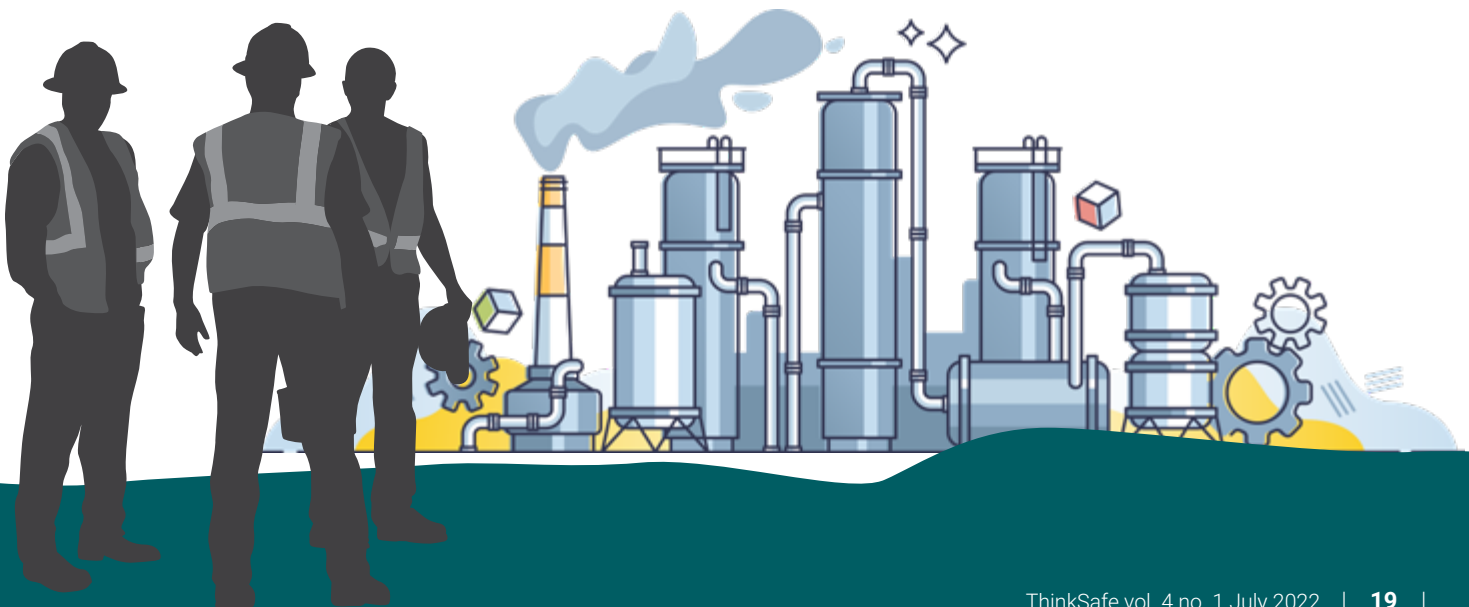
FURTHER INFORMATION

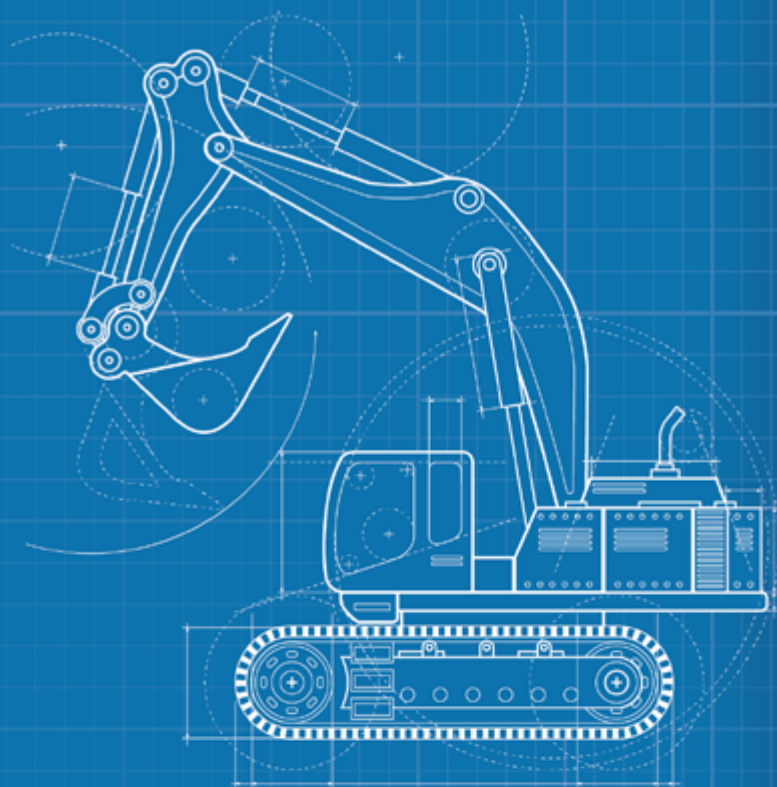
- [Human factors for major hazard facilities and petroleum and geothermal energy operations – FAQs](#)
- [Guide: Human factors fundamentals for petroleum and major hazard facility operators](#)
- [Guide: Human factors self-assessment guide and tool for safety management systems at petroleum and major hazard facility operations](#)
- [Human factors self-assessment tool for safety management systems – template](#)

The formal safety assessment may be depicted within a bow-tie analysis. Within the bowtie analysis below, human factors are considered a degradation factor.



Elements of a bowtie analysis (source: CIEHF Human Factors in Barrier Management 2016)





SAFE TRANSITION OF PLANT ON MINE SITES TO WHS

The commencement of the WHS Act and Regulations introduces changes for the management of plant on mine sites. These will either preserve the previous arrangements in the Mines Safety and Inspection Regulations 1995 (MSI Regulations) or delay the commencement of certain duties until the end of the applicable transition period.

WHAT ARE THESE KEY CHANGES?

- “Classified plant” is now known as “registered plant”
- All exemptions under MSI Regulations relating to classified plant on mines expire as outlined in transition provisions
- Classified plant registered under the MSI Regulations before 31 March 2022 are deemed to be both design and item registered under WHS
- New application process for mining operations to submit their design and plant registrations
- Retaining records of all plant as part of the mine’s maintenance system replaces requirement for a classified plant record book
- Removing the requirement to appoint a competent person for the inspection of registered plant at a mine. This will form part of the mine safety management system
- No longer defined statutory inspection intervals.

WHAT HAPPENS WITH EXISTING OR SUBMITTED PLANT REGISTRATIONS?

Any application submitted prior to the commencement of WHS legislation will be processed under the conditions of MSI Regulations. In some instances plant registration for both design and item will meet WHS legislation requirements, meaning no action for the mine.

Registration exemptions will apply to any item of plant manufactured or completed within 2 years of WHS commencement.

Transition information for plant on mines can be found in the [*Work Health and Safety \(Mines\) Regulations 2022 – transitional savings measures*](#).

WHO CAN APPLY FOR PLANT REGISTRATION?

Only a person with management or control of an item of plant (e.g. the mine operator or contractor) can apply for plant registration.

The designer can apply for the design registration of plant.

For more information about plant design and registration, see the [Plant design and item of plant registration webpage](#), or email WorkSafe Licensing, or call 1300 307 877.

IMPORTANT CHANGES TO DEMOLITION LICENSING

Important changes to the administration of class 1, class 2 and class 3 demolition licences came into effect with implementation of WHS laws.

DE-REGULATED CLASS 3 DEMOLITION WORK

Demolition work that previously required a Class 3 demolition licence (covering the removal of more than 200 square metres of brittle or fragile roofing material from a building or structure), may now be carried out without a licence.

However, where any demolition work is conducted at a workplace, all responsibilities and duties will apply under the WHS Act and Regulations.

Former Class 3 demolition licence holders will be issued pro rata refunds.

RENEWAL PROVISIONS

These requirements have changed. If you submit an application to renew your demolition licence prior to its expiry, renewal provisions have been provided to allow you to continue carrying out demolition work until a decision is made on your renewal.

LENGTH OF LICENCE

The duration of a demolition licence has increased from two years to three years and will be applied when you renew your licence. This will automatically apply to all new licence applications.

RESIDENCY REQUIREMENTS

When making a new application or renewing a demolition licence, you will need to provide evidence that you reside in WA, or that circumstances exist to justify the granting of a WA licence.

NOMINATED SUPERVISOR ARRANGEMENTS

The name of the appointed nominated supervisor for your demolition licence will now appear in the online licence search. To keep this information up to date, it is important you notify the regulator within 14 days if there has been a change to your nominated supervisor arrangements.

It is also important to note that under the WHS Regulations, a demolition licence holder is only able to have one nominated supervisor.

For more information on demolition licences visit the website [Demolition licence](#).

SAFETY REGULATION GROUP

Department of Mines, Industry Regulation and Safety

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WORKSAFE

for general industries, mines safety and petroleum safety

Telephone: 1300 307 877 (general enquiries)
1300 424 091 (licensing)
1800 678 198 (24 hours serious incident and fatality reporting)

Email: WSCallCentre@dmirs.wa.gov.au (general enquiries)
WSLicensing@dmirs.wa.gov.au (licensing)

WORKSAFE LIBRARY

Mason Bird Building, Level 1, 303 Sevenoaks Street, Cannington WA 6107

MINE PLANS

Telephone: 1300 307 877
Email: rsdmineplans@dmirs.wa.gov.au

DANGEROUS GOODS SAFETY

including explosives and fireworks

Telephone: +61 8 6251 2300
Email: dgsb@dmirs.wa.gov.au (dangerous goods safety enquiries)
cso@dmirs.wa.gov.au (dangerous goods licensing enquiries)

SAFETY REGULATION SYSTEM (SRS)

Telephone: 1300 307 877
Email: SRManager@dmirs.wa.gov.au

SAFETY EDUCATION

including publications and events

Telephone: 1300 307 877
Email: SafetyComms@dmirs.wa.gov.au



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