

WORK HEALTH & SAFETY IN AUSTRALIA

LSBU's Occupational Health Nursing Program Mini Lecture Series

Welcome to this information sheet on work health and safety (WHS) in Australia, which accompanies the mini-lecture presented by Jo Kitney for the London South Bank University's Occupational Health Nursing Degree Program. Jo Kitney is a Visiting Teaching Fellow for the London South Bank University and Managing Director of Kitney Occupational Health and Safety.

To see the mini-lecture on WHS in Australia other lectures by Jo Kitney in this series, go to: <http://vimeopro.com/kitney/lsbu>

Introduction

As a country known for its sunshine, size, lifestyle, BBQ's, beaches – and even with its snakes, spiders and sharks - there's no doubt that Australia is a great place to live and work. As with any country, it of course has its challenges – for Australia this includes its sheer size, differences in legislation, diversity in culture, climate and commercial operations.

These challenges all add to the colour and vibrancy for managing health and safety and, having trained and worked in both occupational health and in health and safety in Australia and the UK, this mini lecture and information sheet is a great opportunity to take a step back and think about the similarities and differences between the two countries and the way in which health and safety is managed here in Australia.

WHS IN AUSTRALIA

- Similarities & differences in WHS legislation in Australia & UK
- Australian WHS legislation, codes of practice & duty holders
- Workers' compensation
- Australian Standards
- Safety leadership & culture
- Health & safety profession



The lecture and this information sheet look at the similarities and differences in health and safety between Australia and the United Kingdom, the way in which WHS legislation and Codes of Practice are used in Australia and the main duty holders laid down by legislation.

Workers compensation legislation, Australian Standards, safety leadership and culture and the health and safety profession from an Australian perspective are all then considered.

Similarities and Differences with the UK

In terms of its size and population, comparing the UK with Australia is like looking at two ends of a spectrum. Australia has a land mass six times larger than the UK with a population of approximately 22,485 million, compared to the small land mass of the UK and its population of approximately 60 million.

Australia has many of the work activities, hazards and risks we see in industry in the UK such as handling hazardous substances, manual handling, working with or being exposed to biological hazards, personal safety, computer use, ergonomic issues, fatigue and stress as well as emerging risks such as nanotechnology. It also has work activities, hazards and risks that are, in many respects, more unique to Australia such as remote working, high temperatures, humidity, fly in-fly out (FIFO) and camp based working, mining for resources and of course snake and spider bites.

Also similar to the UK, Australia has health and safety legislation laid down by Parliament to provide a safe workplace and manage hazards and risks associated with work.

One of the main differences with the UK is that whilst Australia has an overarching body, Safe Work Australia, which leads the development of policy and legislation to improve WHS and workers compensation, legislation in Australia is laid down individually within Australia's eight states and territories. You can see on the following slide these states and territories and their respective regulator.



The health and safety regulator in each of Australia's states and territories has its own website and provides copies of the state or territory legislation, codes of practice, details of prosecutions and regulatory action as well as educational materials and guidance. These regulatory bodies also run workshops, seminars and provide training across their own jurisdictions.

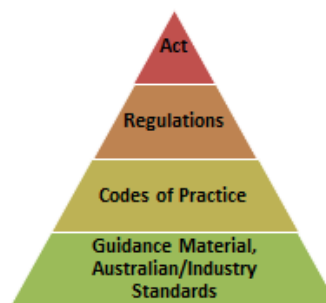
Similar to the UK, Australia recognises the important of managing health and safety beyond just compliance with legal obligations. Drivers such as human costs, business costs as well as achieving business goals, securing business capability, providing a healthy working environment and having a fit and productive workforce are increasing being seen as reason for managing health and safety at work as well as linking it with other important areas of management.

WHS Legislation and Codes of Practice

When we look at health and safety legislation in Australia, we can see though a similar framework to the UK. There is an overarching Act and Regulations which lay down duties and obligations and Codes of Practice that provide guidance on how to manage hazards, risks and meet obligations.

WHS LEGISLATION & CODES OF PRACTICE

- **Harmonised Legislation (WHS Act 2011)**
Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania, South Australia
- **Other WHS Legislation**
Victoria & Western Australia
(WA due to implement harmonised legislation in 2015)



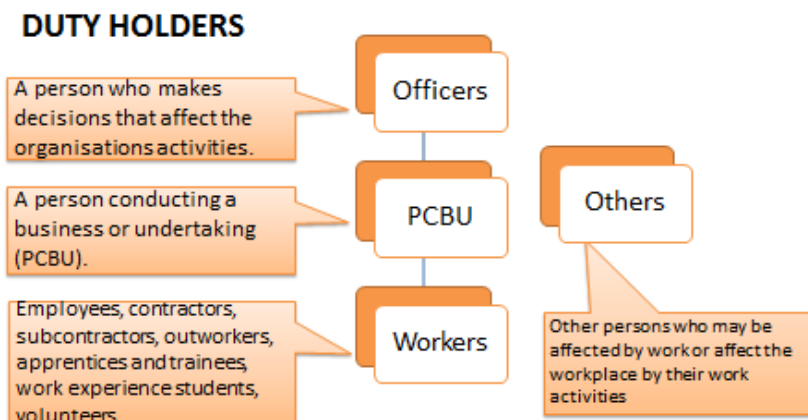
However, unlike the UK where there is common legislation across the country, each of Australia’s states and territories has its own regulatory body which lays down legislation, investigates incidents, undertakes prosecutions and provides guidance and education.

Harmonising health and safety legislation across Australia has been a major focus in recent years, with a move to adopt a common framework of legislation that was agreed nationally. This drive to ‘harmonise’ or have similar legislation is particularly relevant for businesses that operate across borders and fall within more than one jurisdiction.

At this point in time, six of Australia’s eight states and territories have passed the ‘harmonised’ Work Health and Safety legislation 2011, which came into effect on 1 January 2012 and gives consistency in health and safety duties as well as laying down the common principle of risk management and ‘so far as is reasonably practicable’ for businesses to manage hazards and risks associated with work.

WHS Duty Holders

There are four main duty holders in the harmonised work health and safety legislation. These are Officers, Persons Conducting a Business or Undertaking (PCBU) or Employer, Workers and Others. Similar to the UK, duty holders may have more than one obligation and duty holders may share obligations.



Officers are those with decision making powers across an organisation such as the Board of Directors, CEO or senior executives and have a proactive duty of care to demonstrate due diligence in their understanding of legislation and the hazards and risks of the organisation, to ensure sufficient resources to manage these and to respond to incidents.

The PCBU or Employer is responsible for providing a safe workplace, work activities, plant and equipment, for providing training and information, ensuring consultation and for monitoring workers health and the working environment. The PCBU or Employer must ensure that all hazards and risks are either eliminated or managed. It would be fair to say that the UK has a more extensive range of hazard specific legislation, With Australia relying on risk management to manage risks that are not yet covered in legislation. An example of this would be hand arm vibration.

Workers are obliged to ensure that they take reasonable care of their own and others health and safety and to follow all reasonable directions of their employer. Workers have a right to cease work that is not safe and are protected against discrimination for raising health and safety issues.

Legislation also provides for the role of health and safety representatives, with their rights to represent a group of workers and to enter a work place and issue improvement notices where employers don't take reasonable steps to manage hazards and risks. An example of a duty holder with more than one obligation under the harmonised legislation is contractors, who are considered PCBU's as business owners as well as workers when on a work site. They must meet these two sets of duties.

Workers Compensation

One piece of legislation that is not found in the UK, but is well established in Australia is workers compensation. Similar to the work health and safety legislation, each state or territory has its own workers compensation legislation. This legislation requires employers to be insured for workers who may experience a work related injury or ill health. Insurance premiums are based on the rating for the relevant industry and the claims experience of the particular business or organisation, with cover provided by a state or territory approved insurance providers.

WORKERS' COMPENSATION

- Legislation in each State or Territory
- Insurance for work-related injury or ill health
- 'No fault' system
- Common law claims managed by Insurer



Workers compensation is a no fault system, this means that where an injury or ill health is experienced due to work and the claim is accepted by the insurer, the worker will receive payment to cover sickness absence and costs such as medical expenses and re-training if they can't return to their usual role. Workers compensation

is not 'betterment', however costs of injury or ill health are covered regardless of whether the worker or employer is at fault.

Where workers believe the employer is at fault, damages for loss of income, pain and suffering etc may be claimed through common law. These claims are managed by the workers compensation insurer and can be adversarial, with some employers defending their position. The arrangements put in place by an organisation to meet WHS obligations play an important part of this defence.

Australian Standards

Similar to the UK, Australia refers to standards laid down by industry to define practice. These standards may be international as well as Australian. An example of this is where companies providing services or products to the international market may become accredited to the international standard OHSAS 18001 Occupational Health and Safety Management Systems.

Australia and New Zealand have an equivalent standard called AS/NZ 4801: Occupational Health and Safety Management Systems which gives the basis for health and safety management systems in Australia. There is also wide range of health and safety related standards such as welding, scaffolding, personal protective equipment and electrical safety that are referred to by legislation and used as standards for management.

AUSTRALIAN STANDARD'S

- Produced by Standards Australia
- Australian Standards (AS) & International Standards (ISO) are referred to in WHS legislation
- AS/NZ 4801: OHS Management Systems (similar to OHSAS 18001)
- Industry standards (welding, PPE, electrical safety etc.)



Safety Leadership and Culture

Across Australia there is a strong focus on safety leadership and culture in addition to the 'must do' of health and safety legislation. Australia has a strong sense of 'mateship' and the culture at work is really important.

Health and safety regulators and industry actively promote the roles of leaders through programs such as Queensland's Workplace Health and Safety 'Zero Harm at Work Leadership Program' and through partnerships between the Regulator, industry and Universities such as the construction industry's 'Construction Safety Competency Framework'.

SAFETY LEADERSHIP & CULTURE

- Strong focus on safety leadership & culture
- Roles of leaders promoted
- Sharing information and good practice
- ICT and internet virtual communities



A further driver of success for health and safety management in Australia is its positive approach to sharing health and safety information and good practice. Sharing of information and the use of information communication technology and the internet is being well used to overcome the distance between centres and in bringing together virtual communities with a common interest in managing issues and promoting good practice.

Health and Safety as a Profession

In regards to health and safety as professions, similar to the UK occupational health and health and safety are recognised professions, with educational organisations and professional bodies establishing and vocational tertiary qualifications and standards for practice.

I would say that there is a higher presence of occupational health physicians and nurses within the UK and that in its self, occupational health nursing is a better recognised profession in the UK, whereas in Australia allied professionals such as occupational therapists and rehabilitation and return to work co ordinators have a greater presence in the workplace and undertake roles that the occupational health nurse would more traditionally complete in the UK.

This demonstrates that whilst there are similarities in health and safety legislation, there are some differences in the practitioners who manage health, safety and related areas at work.

HEALTH & SAFETY AS A PROFESSION

- General OHS Professionals
- Allied Professionals:
 - Occupational Physicians
 - Occupational Hygienists
 - Occupational Health Nurses
 - Occupational Therapists
 - Rehabilitation and Return to Work Coordinators



My experience of working and study in both the UK and Australia has shown that whilst the basic principles for managing health and safety are similar, there are similarities and differences in how this is approached at government levels, within and between organisations and for health, safety and related practitioners within the workplace.

The key message on these differences and similarities are be flexible and adaptable and appreciate there are many different ways of resourcing and approaching health and safety at work – the important thing is to focus on the end goal and use the best way of getting there with what knowledge and resources there are available.

Further Information

For information on London South Bank University's Occupational Health Nursing Degree Program go to: <http://www.lsbu.ac.uk/courses>

For information on Kitney Occupational Health and Safety and to read other information sheets and articles written by Jo Kitney, go to www.kitney.com

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