

BSBWHS414

Contribute to WHS risk management (Release 1)



Learner Guide

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Knowledge Evidence

Contributing to WHS risk management



The Work Health and Safety (WHS) Legislative Framework

In 2011, all Australian states and territories, except WA and Vic, agreed to harmonise their health and safety legislation. As a result, the participating states and territories adopted the Work Health and Safety (WHS) Act and Regulations.

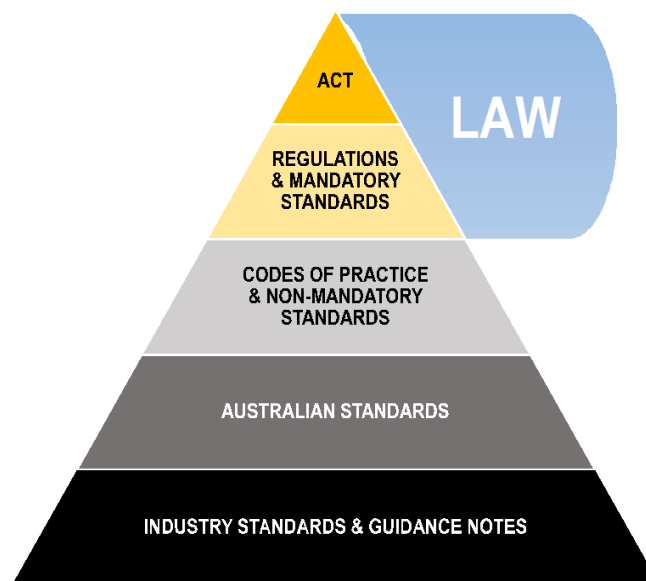
They were adopted in different years and, although differing in some details, are consistent across the participating states. WA adopted the WHS Act in 2020, Victoria has still not adopted it.

The following are the relevant WHS Acts and Regulations in each state and territory.

- New South Wales:
 - Work Health and Safety Act 2011 (NSW).
 - Work Health and Safety Regulation 2017 (NSW).
 - Work Health and Safety (Mines and Petroleum Sites) Act 2013.
 - Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.
- Victoria:
 - Chapter 5.3 (Mines) of the Occupational Health and Safety Regulations 2017.
 - Occupational Health and Safety Regulations 2017.
- Queensland:
 - Work Health and Safety Act 2011 (QLD).
 - Work Health and Safety Regulation 2011 (QLD).
 - Mining and Quarrying Safety and Health Act 1999.
 - Mining and Quarrying Safety and Health Regulation 2017.
 - Coal Mining Safety and Health Act 1999.
 - Coal Mining Safety and Health Regulation 2017.
- Western Australia:
 - Work Health and Safety Act 2020 (WA).
 - Work Health and Safety (General) Regulations 2022.
 - Work Health and Safety (Mines) Regulations 2022.
- South Australia:
 - Work Health and Safety Act 2012 (SA).
 - Work Health and Safety Regulations 2012 (SA).

- Mines and Works Inspection Act 1920.
- Mines and Works Inspection Regulations 2013.
- Tasmania:
 - Work Health and Safety Act 2012 (Tas).
 - Work Health and Safety Regulations 2022 (Tas).
 - Mines Work Health and Safety (Supplementary Requirements) Act 2012.
 - Mines Work Health and Safety (Supplementary Requirements) Regulations 2022.
- Australian Capital Territory:
 - Work Health and Safety Act 2011 (ACT).
 - Work Health and Safety Regulation 2011 (ACT).
- Northern Territory:
 - Work Health and Safety (National Uniform Legislation) Act 2011.
 - Chapter 10 (Mines) of the Work Health and Safety (National Uniform Legislation) Regulations 2011.

WHS legislation in Australia consists of several layers, as shown in the image below.



Each element of the WHS legislative framework (the image above) is explained below:

- Act (WHS Act): This is the primary legislation providing the overarching framework for workplace health and safety. It sets out the broad duties of care for employers, employees, and other parties and establishes the key principles, duties, and rights in relation to workplace health and safety.
- Regulations (WHS Regulations): These are legally binding rules established under the Act. Regulations provide detailed requirements on how to prevent or minimise risks in specific health and safety matters, such as handling hazardous chemicals, noise management, or the use of personal protective equipment.
- Codes of Practice: These are practical guides to achieving the standards of health and safety required under the Act and the Regulations. While codes of practice are not law, under the Act, they have a special legal status. If the business follows an approved code of practice, they are deemed to comply with the WHS laws.

- **Non-mandatory Standards:** These include recommended practices and guidelines that are not legally binding. They offer guidance on best practices in specific industries or for specific activities, but following them is not compulsory.
- **Australian Standards:** Developed by Standards Australia, these are voluntary standards setting out specifications, procedures, and guidelines intended to ensure products, services, and systems are safe, reliable, and consistent.
- **Industry Standards and Guides:** These are developed by industry bodies and are specific to certain sectors. They provide guidance and best practices tailored to the unique needs and risks of specific industries.

In addition to the Act and Regulations, a number of Model Codes of Practice were also developed to provide guidance in key risk areas. Model Codes of Practice are practical guides to achieving the standards of health and safety required under the model WHS Act and Regulations.

To have legal effect in a jurisdiction, a model Code of Practice must be approved as a code of practice there. To determine if a model Code of Practice has been approved in a particular jurisdiction, check with your local WHS regulator.

An approved code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in a jurisdiction's WHS Act and Regulations.

Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks that may arise. Health and safety duties require you to consider all risks associated with work, not only those risks that regulations and codes of practice exist for.

While approved codes of practice are not law, they are admissible in court proceedings. Courts may regard an approved code of practice as evidence of what is known about a hazard, risk or control and may rely on the relevant code to determine what is reasonably practicable in the circumstances.

Model Codes of Practice include:

- Abrasive blasting.
- Confined spaces.
- Construction work.
- Demolition work.
- Excavation 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 electrical risks in the workplace.
- Managing noise and preventing hearing loss at work.
- Managing psychosocial hazards at work.
- Managing risks in stevedoring.
- Managing risks of hazardous chemicals in the workplace.

- Managing risks of plant in the workplace.
- Managing the risk of falls at workplaces.
- Managing the risk of falls in housing construction.
- 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.
- Tower cranes.
- Welding processes.
- Work health and safety consultation, cooperation and coordination.

Approved Codes of Practice in each state and territory can be accessed via the state and territory WHS Regulator website. Work Health and Safety (WHS) regulatory bodies in Australia are responsible for enforcing the WHS laws in each jurisdiction.

Always refer to your local WHS regulator. SafeWork Australia is a good place to start your journey into WHS legislative requirements: <https://www.safeworkaustralia.gov.au/safety-topic>

State and territory WHS regulators are listed below:

- New South Wales: SafeWork NSW: <https://www.safework.nsw.gov.au/>
- Victoria: WorkSafe Victoria: <https://www.worksafe.vic.gov.au/>
- Queensland: Workplace Health and Safety Queensland: <https://www.worksafe.qld.gov.au/>
- South Australia: SafeWork SA: <https://www.safework.sa.gov.au/>
- Western Australia: WorkSafe WA: <https://www.commerce.wa.gov.au/worksafe>
- Tasmania: WorkSafe Tasmania: <https://www.worksafe.tas.gov.au/>
- Northern Territory: NT WorkSafe: <https://worksafe.nt.gov.au/>
- Commonwealth: Comcare: <https://www.comcare.gov.au/>

WHS Basics

A hazard is a source or a situation with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, or a combination of these.

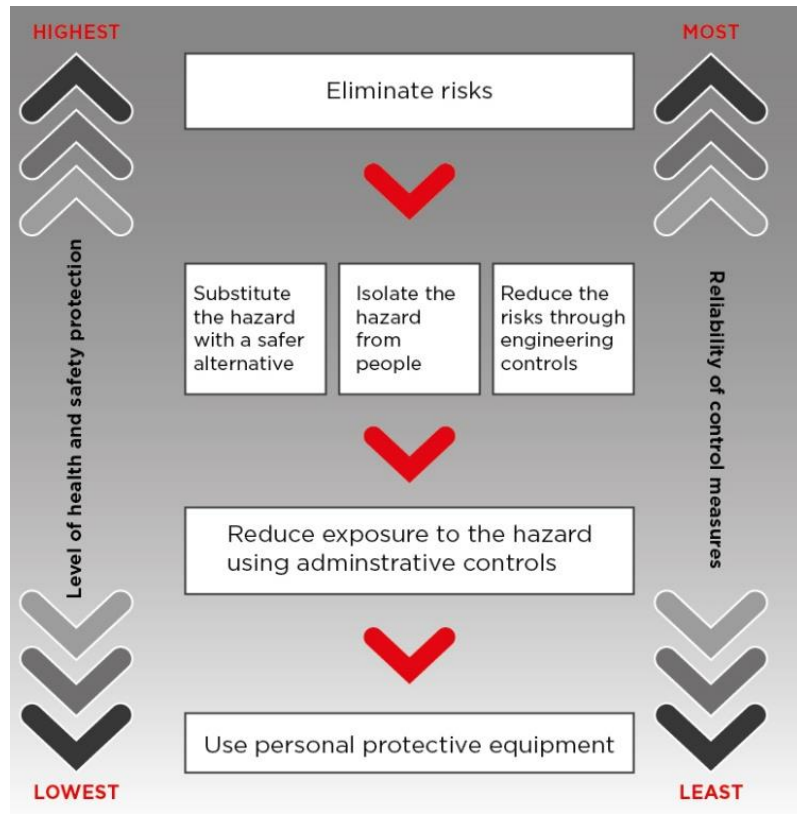
A risk is the chance of something happening that will have a negative effect. The level of risk reflects:

- The likelihood of the unwanted event (e.g., an incident or procedural breach).
- The potential consequences of the unwanted event.

Another key definition is a 'control'. A control is something you can do or put in place to either remove a hazard or risk, make it less likely to cause harm, or reduce the severity of the harm.

Hierarchy of Control

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest, as shown in the diagram below. This ranking is known as the hierarchy of control measures.



The hierarchy of control measures can be applied in relation to any risk. The WHS Regulations make it mandatory for duty holders to work through this hierarchy when managing certain risks. It is also standard practice to apply the hierarchy of control to all risk management processes, whether mandated by legislation or not.

You must always aim to eliminate the risk, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy.

The lower levels in the hierarchy are less effective because controls that change the hazard or minimise exposure to the hazard can only minimise the risk. You cannot eliminate the risk without eliminating the hazard.

The Risk Management Process

The risk management process is cyclical, meaning that it is continuous, as shown in the diagram below.



A safe and healthy workplace does not happen by chance or guesswork. You have to think about what could go wrong at your workplace and what the consequences could be. Then, you must do whatever you can (in other words, whatever is 'reasonably practicable') to eliminate or minimise health and safety risks arising from the business or undertaking.

This process is known as risk management and involves four steps (see the diagram below):

- Identify hazards: Find out what could cause harm.
- Assess risks, if necessary: Understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening. This step may not be necessary if you are dealing with a known risk with known controls.
- Control risks: Implement the most effective control measure that is reasonably practicable in the circumstances and ensure it remains effective over time.
- Review hazards and control measures to ensure they are working as planned.

Internal and external sources of WHS information and data relating to the performance evidence, and procedures for accessing them



All the elements of the legislative framework are examples of external sources of WHS information.

There are more that will be covered in due course, but for now, these are the most important ones that will assist your organisation in achieving and maintaining compliance with WHS law.

Acts, Regulations, Codes of Practice and Guidance notes/materials can be freely downloaded from your state or territory's health and safety regulator website or may be available in hard copy format at your workplace.

The WHS regulatory bodies in Australia are:

- SafeWork Australia.
- SafeWork NSW.
- WorkSafe Victoria.
- Workplace Health and Safety Queensland.
- SafeWork SA.
- WorkSafe WA.
- WorkSafe Tasmania.
- NT WorkSafe.
- Comcare.

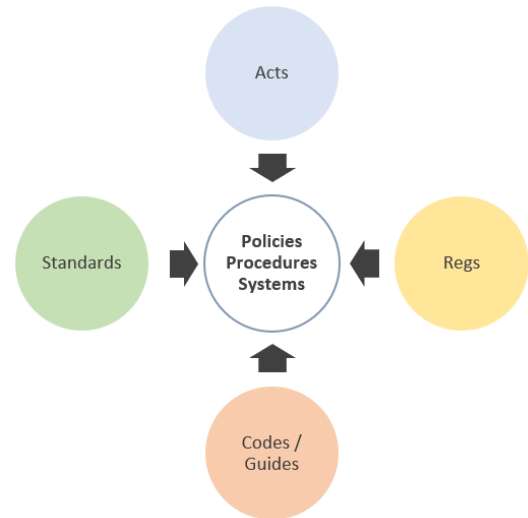
Additional sources of external information may include:

- Industry body/association or union publications such as statistics and safety bulletins.
- Alerts or recalls from manufacturers or suppliers.
- Safety Data Sheets (SDS) from manufacturers or suppliers.

- Machinery operator's manuals from manufacturers or suppliers.
- Incident alerts from a similar business or businesses within a company group, e.g., another site.

Internal Sources of Information

Your workplace will create policies, procedures, processes and systems by analysing and applying the requirements of the relevant health and safety legislation and other publications in your jurisdiction. The requirements of legislation will be the foundation of policies, procedures, processes and systems to ensure that the organisation is complying with legislation and meeting best practice requirements, as shown in the diagram.



WHS Policies are overarching documents that serve as a statement of intent that spells out the organisation's commitment to the health and safety of a certain component of it. WHS policies may include:

- WHS Policy (Overarching commitment to WHS).
- Risk Management Policy.
- Consultation and Participation Policy.
- Mental Health and Wellbeing Policy.
- Hazard and Incident Management Policy.
- WHS Performance Monitoring Policy.
- WHS Inspection and Auditing Policy.
- Personal Protective Equipment Policy.
- Plant and Equipment Safety Policy.

A WHS procedure is a document that details how to carry out the commitments made within WHS policies. For example, if the Risk Management Policy states that the organisation will ensure that hazards are reported, recorded and acted upon in a timely manner, the Hazard Reporting Procedure will spell out who will report hazards, when using what form or method and to whom. In short, policies state what must be done, and procedures list how it will be done.

Each workplace will implement different procedures to manage risk as per the requirements of the WHS Act and Regulations and commitments made in their own policies, which factor in the nature of the business or undertaking, the location, the types of hazards and risks associated with the work, plant, materials and location. You must consult with supervisors and WHS personnel to access the procedures that are available in your workplace.

Typical examples applicable to a range of workplaces are provided below.

- Hazard Identification and Reporting Procedure.
- Hazardous Material Handling Procedure.
- Workplace Inspection Procedure.
- Risk Assessment Procedure.
- Health and Safety Training Procedure.
- Fire Safety Management Procedure.
- Fire Prevention and Control Procedure.

- Emergency Preparedness and Response Procedure.
- First Aid Procedure.
- Accident Reporting and Investigation Procedure.
- Workplace Violence and Harassment Procedure.
- Personal Protective Equipment (PPE) Procedure.
- Incident Management Procedure.
- Natural Disaster Preparedness Procedure.
- Chemical Spill Response Procedure.
- Biohazard Handling and Disposal Procedure.
- Ergonomic and Manual Handling Procedure.
- Machine Safety Procedure.
- Electrical Safety Procedure.
- Lone Working Procedure.
- Emergency Evacuation Procedure.

Internal sources of WHS information may include those created as a result of an analysis of the legislative framework and those that are produced by day-to-day work activities. For example:

- Policies and work procedures, e.g., Safe Operating Procedures (SOPs) for tasks and equipment.
- Legal compliance management systems.
- Risk management systems.
- Incident management systems.
- Reports, e.g., incident reports and audit reports.
- Results of workplace inspections, equipment and environmental testing and monitoring, e.g., light, noise and dust.
- Registers of equipment, hazards, and risks.

All of this information can be accessed via:

- Conversations with members of the organisation's management team.
- From the workplace website (for policies) and intranet or filing system for procedures, reports, registers, etc.
- Hard copies of SOPs may be found in, on or near machines and equipment.

WHS hazard identification, risk assessment and risk control processes

Identifying, assessing and controlling hazards and risks (i.e., risk management) is a legal requirement under WHS law. Your organisation will take legal duties for risk management from the WHS Act and Regulations and develop policies, procedures, systems and processes to manage the risk associated with its business and/or operations.



Required WHS laws

Duty of Care

Under the WHS Act and Regulations, everyone has a duty of care, a responsibility, to make sure that they and other people are safe in the workplace.

If you are an employer, or PCBU, you have the main responsibility for the health and safety of everyone in your workplace, including visitors. This is your 'primary duty of care'.

Note: Person Conducting a Business or Undertaking (PCBU) is essentially the employer, although there are further definitions and conditions that apply in certain scenarios. You can read more about who or what is a PCBU here: <https://www.wa.gov.au/government/publications/the-meaning-of-person-conducting-business-or-undertaking-pcbu>

Under the WHS Act, a PCBU has the following Primary Duty of Care:

19. Primary duty of care

- (1) *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of —*
 - (a) *workers engaged, or caused to be engaged, by the person; and*
 - (b) *workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*
- (2) *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*
- (3) *Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable —*
 - (a) *the provision and maintenance of a work environment without risks to health and safety; and*
 - (b) *the provision and maintenance of safe plant and structures; and*
 - (c) *the provision and maintenance of safe systems of work; and*
 - (d) *the safe use, handling and storage of plant, structures and substances; and*
 - (e) *the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and*
 - (f) *the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and*
- (4) *that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.*

Workers

Under the Work Health and Safety Act (WHS Act), a worker includes any person who works, in any capacity, in or as part of the business or undertaking.

You are a worker under health and safety legislation if you are an:

- Employee.
- Independent contractor or subcontractor (or their employee).
- Employee of a labour hire company.
- Outworker, such as a home-based worker.
- Apprentice or trainee.
- Student gaining work experience.
- Volunteer.

Under the WHS Act, workers have the following Duty of Care:

28. Duties of workers

While at work, a worker must —

- (a) take reasonable care for the worker's own health and safety; and*
- (b) take reasonable care that the worker's acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and*
- (d) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.*

As well as the primary duty of care placed upon PCBUs, workers and others, there are specific duties listed in the WHS Act that refer directly to the management of WHS hazards/risks. The excerpt below is from Section 17 of the WHS Act:

A duty imposed on a person to ensure health and safety requires the person—

- a) to eliminate risks to health and safety, so far as is reasonably practicable; and*
- b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.*

You will see that this duty is placed upon 'a person'. This means it applies to everyone regardless of title or role in the workplace, therefore, it is applicable to PCBUs, managers, supervisors, workers, visitors, or anyone else in the workplace.

The WHS Act is vague by nature. Therefore, to find examples of risk management processes specified in WHS laws, you must look at the WHS Regulations (34 to 38).

34 Duty to identify hazards

A duty holder, in managing risks to health and safety, must identify reasonably foreseeable hazards that could give rise to risks to health and safety.

35 Managing risks to health and safety

A duty holder, in managing risks to health and safety, must:

- a) eliminate risks to health and safety so far as is reasonably practicable; and*

- b) *if it is not reasonably practicable to eliminate risks to health and safety—minimise those risks so far as is reasonably practicable.*

36 Hierarchy of control measures

1. *This regulation applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.*
2. *A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this regulation.*
3. *The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following:*
 - a) *substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk;*
 - b) *isolating the hazard from any person exposed to it;*
 - c) *implementing engineering controls.*
4. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.*
5. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of suitable personal protective equipment.*

37 Maintenance of control measures

A duty holder who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is, and is maintained so that it remains, effective, including by ensuring that the control measure is and remains:

- a) *fit for purpose; and*
- b) *suitable for the nature and duration of the work; and*
- c) *installed, set up and used correctly.*

38 Review of control measures

1. *A duty holder must review and as necessary revise control measures implemented under these Regulations so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety.*
2. *Without limiting subregulation (1), the duty holder must review and as necessary revise a control measure in the following circumstances:*
 - a) *the control measure does not control the risk it was implemented to control so far as is reasonably practicable;*

Implied versus Explicit

Implied – Means that something is suggested without being directly stated.

Explicit – Means that something is directly stated and clearly expressed.

Legal requirements within the WHS Act and Regulations are rarely explicit. They are generally implied, which means that you need to interpret them within the context of the topic and organisation. That said, some risk management requirements are explicitly stated.

An example of an implied requirement is that the primary duty of care of a PCBU states:

- (1) *a person conducting a business or undertaking must ensure, so far as is reasonably practicable —*

- (a) *the provision and maintenance of a work environment without risks to health and safety;*
and

This requirement does not state how to ensure a safe work environment, so you must interpret it. Before you can put in controls to stop workers and others from becoming ill or injured as a result of an unsafe work environment, you need to know what can cause them to become ill or injured. These are the workplace hazards. Before you can control hazards, you need to identify them. So, you need to determine how you will identify them. This could be through workplace inspections, reading supplier information and manuals, reviewing past incident reports or reading an SDS for a chemical. By following this process, you have gone from a vague requirement to a list of workplace procedures for hazard identification.

Explicit requirements are much more simple as there is either no interpretation required, or very little. They state exactly what must be done. For example:

150. Inspection and testing of electrical equipment

- (1) *A person conducting a business or undertaking at a workplace must ensure that electrical equipment is regularly inspected and tested by a competent person if the electrical equipment is —*
- (a) *supplied with electricity through an electrical socket outlet; and*
 - (b) *used in an environment in which the normal use of electrical equipment exposes the equipment to operating conditions that are likely to result in damage to the equipment or a reduction in its expected life span, including conditions that involve exposure to moisture, heat, vibration, mechanical damage, corrosive chemicals or dust.*
- (2) *In the case of electrical equipment that is new and unused at the workplace, the person conducting the business or undertaking —*
- (a) *is not required to comply with subregulation (1); and*
 - (b) *must ensure that the equipment is inspected for obvious damage before being used.*
- (3) *The person must ensure that a record of any testing carried out under subregulation (1) is kept until the electrical equipment is —*
- (a) *next tested; or*
 - (b) *permanently removed from the workplace or disposed of.*
- (4) *The record of testing —*
- (a) *must specify the following —*
 - (i) *the name of the person who carried out the testing;*
 - (ii) *the date of the testing;*
 - (iii) *the outcome of the testing;*
 - (iv) *the date on which the next testing must be carried out;*

and
 - (b) *may be in the form of a tag attached to the electrical equipment tested.*

Organisational WHS policies, procedures, processes, and systems



Using the elements of the legislative framework as a guide, an organisation must interpret the requirements for risk management as specified under WHS law and create workplace policies, procedures, systems and processes to effectively manage risk according to their duties under WHS law.

As a result, a best practice and legally compliant workplace will have policies (statements detailing what should be done) and procedures (instructions on how to do it) for most work tasks and the hazards they represent.

A list of policies and procedures an organisation might have in place could include the following topics:

- Acquisition, use, storage and disposal of hazardous chemicals.
- Alcohol and other drug intoxication.
- Consultation arrangements for workers.
- Emergency and evacuation procedures.
- First aid provision and medical treatment.
- Hazard reporting procedures.
- Incident investigation.
- Maintenance and use of plant and equipment.
- Procedures for hazard identification.
- Procedures for risk assessment, and selection and implementation of risk controls.
- Purchasing policy and procedures.
- Requirements of applicable commonwealth and state or territory WHS Acts, regulations and codes of practice.
- Safe operating procedures and instructions.
- Site access and egress.
- Transport and storage of dangerous goods.
- Use and care of personal protective equipment (PPE).
- WHS arrangements for on-site contractors and subcontractors, visitors and members of the public.
- WHS audits and inspections.

As well as specific policies and procedures, the organisation should have in place systems and processes for:

- Hazard identification – Workplace inspections, hazard reporting, hazard logging and tracking systems, audits, plant inspections, health and safety record keeping requirements for incidents and injuries.

- Risk assessment – Individual pre-task risk assessments, team-based risk assessments for larger tasks, project-based risk assessments for the whole project or work site, classifications for hazards, consequences, likelihood, a risk matrix and training in their use.
- Risk control activities – Workplace policies and procedures instructing users on which controls to implement and how, worksite inspections and consultation to confirm the effectiveness of implemented controls.

Risk management requirements

Researching elements of the legislative framework will provide you with knowledge on the specific risk management processes that are required under WHS law.

Identifying duty holders and their roles and responsibilities

The three main duty holders under WHS law are:

- Person Conducting a Business or Undertaking (PCBU).
- Workers.
- Officer.



A good analogy to understand the relationship between these three main duty holders is that of a restaurant. The officer owns the restaurant but is not involved in the day-to-day running of the restaurant as she owns several other businesses. Therefore, her main role is focused on making sure the business is profitable and that the premises and facilities are maintained. She also makes key business decisions such as marketing, branding, changes to the direction of the business, etc.

The PCBU is the manager of the restaurant who is present at the restaurant each day and runs the business. He takes and banks the money, creates rosters, makes changes to the menu in consultation with the chefs, orders supplies and deals with any day-to-day requirements such as cleaning, inspections of the facilities, checking emergency exits, fire extinguishers and blankets, arranges contractors for pest control, window cleaning, and minor repairs, handles complaints, completes daily accounts, manages the staff and provides reports and information to the owner (Officer).

The workers are the servers, chefs and kitchen staff. They do the work under the direction of the manager.

There is a direct link between the workers and the manager. The manager gives instructions, and the workers follow them. The manager makes sure that the workers are safe, trained, informed, provided with safe equipment and facilities and that they are following all relevant policies and procedures. The workers work safely in accordance with the policies, procedures and manager's instructions and look after themselves and others at work.

There is no direct link between the workers and the officer. However, the decisions that the officer takes can directly impact the health and safety of the workers. If the officer decides to reduce staff numbers to cut costs, this means that the workers must work harder or for longer hours, which has the potential to lead to hazards or incidents because of fatigue and rushing. If the officer does not pay for repairs or provide adequate funds to the business to keep all facilities and equipment in a good state of repair, this can lead to workers having to use unsafe equipment or work in an unsafe workplace.

The legislative duties (roles and responsibilities) of a PCBU, Workers, and Officers are explained below.

PCBU/Employer

If you are an employer, or PCBU, you have the main responsibility for the health and safety of everyone in your workplace, including visitors. This is your 'primary duty of care'.

Note: Person Conducting a Business or Undertaking (PCBU) is essentially the employer, although there are further definitions and conditions that apply in certain scenarios. You can read more about who or what is a PCBU here: <https://www.wa.gov.au/government/publications/the-meaning-of-person-conducting-business-or-undertaking-pcbu>

Under the WHS Act, a PCBU has the following Primary Duty of Care:

19. Primary duty of care

- (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of —*
 - (a) workers engaged, or caused to be engaged, by the person; and*
 - (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*
- (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*
- (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable —*
 - (a) the provision and maintenance of a work environment without risks to health and safety; and*
 - (b) the provision and maintenance of safe plant and structures; and*
 - (c) the provision and maintenance of safe systems of work; and*
 - (d) the safe use, handling and storage of plant, structures and substances; and*
 - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and*
 - (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and*
- (4) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.*

As well as the primary duty of care placed upon PCBUs, workers and others, there are specific duties listed in the WHS Act that refer directly to the management of WHS hazards/risks. The excerpt below is from Section 17 of the WHS Act:

A duty imposed on a person to ensure health and safety requires the person—

- (a) to eliminate risks to health and safety, so far as is reasonably practicable; and*
- (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.*

The WHS Regulations will go further in spelling out specific legal duties for broader categories of hazards and hazardous work tasks and equipment. For example, the WHS Regulations have separate divisions regarding:

- Emergencies.
- Remote or isolated work.

- Risks from airborne contaminants.
- Hazardous atmospheres.
- Storage of flammable or combustible substances.
- Falling objects.
- Noise.
- Hazardous manual tasks.
- Confined spaces.
- High risk work.
- Demolition work.
- General electrical safety and energised electrical work.
- Diving work.
- Plant and structures.
- Construction work.
- Hazardous chemicals.
- Lead.
- Asbestos.
- Demolition and refurbishment.
- Major hazard facilities.
- Mines.

Each of the above will detail specific duties for risk management in relation to these types of hazards or hazardous work tasks.

Workers

Under the Work Health and Safety Act (WHS Act), a worker includes any person who works, in any capacity, in or as part of the business or undertaking.

You are a worker under health and safety legislation if you are an:

- Employee.
- Independent contractor or subcontractor (or their employee).
- Employee of a labour hire company.
- Outworker, such as a home-based worker.
- Apprentice or trainee.
- Student gaining work experience.
- Volunteer.

Under the WHS Act, workers have the following Duty of Care:

28. Duties of workers

While at work, a worker must —

- (a) take reasonable care for the worker's own health and safety; and*
- (b) take reasonable care that the worker's acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and*
- (d) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.*

Officer

An officer is someone who:

- Makes, or participates in making, significant decisions that affect the whole, or a substantial part, of the business; or
- Has the capacity to significantly affect the business's financial standing.

For small businesses, officers are usually the owners or operators of the business.

An officer of a PCBU has a duty to exercise due diligence to ensure a business or undertaking complies with their duties under WHS laws. An officer can be prosecuted for failing to exercise due diligence.

Under the WHS Act, an Officer has the following duties:

- (1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.*
- (2) Subject to subsection (3), the maximum penalty applicable under Division 5 of this Part for an offence relating to the duty of an officer under this section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.*
- (3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of Division 2 or 3 of this Part or this Division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.*
- (4) An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation.*
- (5) In this section, due diligence includes taking reasonable steps:*
 - (a) to acquire and keep up-to-date knowledge of work health and safety matters; and*
 - (b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and*
 - (c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and*

- (d) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
- (e) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and
- (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

Examples

For the purposes of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include:

- *reporting notifiable incidents;*
- *consulting with workers;*
- *ensuring compliance with notices issued under this Act;*
- *ensuring the provision of training and instruction to workers about work health and safety;*
- *ensuring that health and safety representatives receive their entitlements to training.*

You can read more about duties under WHS laws here: <https://www.safeworkaustralia.gov.au/law-and-regulation/duties-under-whs-laws>

Selecting and using hazard identification tools and techniques

A hazard is a source or a situation with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, or a combination of these.

Hazards generally arise from the following aspects of work and their interaction:

- Physical work environment.
- Equipment, materials and substances used.
- Work tasks and how they are performed.
- Work design and management.
- Workplace interactions or behaviours.

Hazards are generally split into six main categories:

- Safety Hazards:
 - Hazards relating to safety are the most common workplace risks and are usually the cause of creating unsafe working conditions. Exposed electrical wiring or damaged flooring resulting in tripping accidents fall under this category.
- Biological Hazards:
 - Biological hazards refer to any substance that can bring harm to workers. These include exposure and contact with viruses, bacteria, insect bites, animals, etc., resulting in adverse health impacts.
 - Other common biological hazards are mould, harmful plants, sewage, dust, vermin, blood, and other bodily fluids.

- This type of workplace hazard can be found mostly in schools, daycare facilities, universities, hospitals, laboratories, nursing homes, and other outdoor occupations.
- Physical Hazards:
 - Despite its name, physical hazards are not always something that is visible to the eyes or can be touched. In fact, this type might be the least obvious than the rest.
 - Physical hazards are environmental factors that can harm the body without necessarily being in contact with it.
 - Common physical hazards include height risks, noise, radiation, pressure, high exposure to sunlight or ultraviolet rays, gases, and temperature extremes.
- Ergonomic Hazards:
 - Ergonomic hazards are mostly a result of physical factors resulting in musculoskeletal injuries. These include poor workstation setup, bad posture when sitting and standing, and incorrect manual handling.
- Chemical Hazards:
 - Chemical hazards mainly threaten workers dealing with dangerous solvents, liquids, or flammable gases.
 - Workers who are most likely to be exposed or affected by these hazards work in engineering, cleaning facilities, and other field-based occupations.
 - Exposure and being in contact with harmful chemicals can lead to skin irritation, breathing difficulties, severe allergic reactions, and in extreme cases, death.
- Psychosocial Hazards:
 - Psychosocial hazards refer to situations that can negatively impact a worker's mental health and well-being. For example, deadlines, hectic schedules, work stress, sexual harassment, and workplace violence.

There are many ways to identify risk and many tools and techniques that can be employed to assist. A tool in this context is something that is used to facilitate hazard identification. This might be a checklist, a reference document, or similar. It might also refer to the use of technology such as computers and smart devices. Techniques simply refer to the manner in which the tool is used. For example, a checklist might be paper-based or cloud-based via a smart device, and it may be used out in the field where the work is happening during a work task observation, or it may be used during an office-based risk assessment. Therefore, the tool is what is used, and the technique is how the tool is used. Hazard identification tools and techniques can include:

- Inspecting the work area using a checklist.
- Using monitoring equipment.
- Reading Safety Data Sheets (SDS) for chemicals.
- Looking at site maps and plans.
- Consulting with your supervisor and other workers.
- Reading Safe Operating Procedures (SOPs) and manufacturer's instructions for plant and equipment.
- Reading codes of practice, guidance materials and other information published by WHS and other regulators.
- Reviewing past risk assessments, hazard reports and incident reports.

- Reading workplace signage, labels, stickers and warnings.
- Conducting a risk assessment such as a Job Safety/Hazard Analysis (JSA/JHA) or Take 5.

Hazard identification tools and techniques can be used in the following ways:

- Consultation with workers and others such as experts and professionals when seeking to identify obvious hazards in the workplace or when dealing with hidden or emerging hazards such as dust, fumes, gases, noise and others that may require specialist knowledge or equipment such as monitoring devices and sound meters.
- Workplace inspections and inspections of equipment may be suitable for hazards relating to materials and equipment being stored incorrectly, faulty parts or components on items of plant, and condition of machinery safety equipment such as seat belts, brakes, guards and cut-off switches.
- Hazard identification checklists can be used when identifying hazards relating to a specific task or hazard category such as plant and equipment.
- Codes of practice, guides and standards can be used for almost all hazards, as there is practically one for every imaginable hazard associated with a work task or item of plant and equipment.
- Safety Data Sheets (SDSs) enable the user to quickly identify hazards associated with its use such as inhalation of fumes, contact with skin, combustibility and flammability and incorrect storage.
- Knowledge obtained from workers and others such as experts and professionals can be used when seeking to identify obvious hazards in the workplace or when dealing with hidden or emerging hazards such as dust, fumes, gases, noise and others that may require specialist knowledge or equipment, such as monitoring devices and sound meters.
- Previous incident reports can be used to identify all manner of workplace hazards but will be limited to those incidents that are similar in nature or were caused by exposure to specific hazards.
- Hazard reporting or tracking systems such as databases and spreadsheets used to log hazards as they are reported and controlled can be used to identify repeat hazards to determine if they have occurred before and therefore, have not been adequately controlled. These can include machinery faults, hazards related to poor work practices or non-compliance with workplace policies and procedures.
- A filing system containing policies and procedures, SDSs and manufacturer's specifications and instructions that can be accessed prior to using materials or equipment. These can be used when identifying hazards relating to chemicals and materials, use of plant and equipment or any work task being conducted.

Undertaking, documenting and communicating risk assessments

A risk is the chance of something happening that will have a negative effect. The level of risk reflects:

- The likelihood of the unwanted event (e.g., an incident or procedural breach).
- The potential consequences of the unwanted event.

Risk assessment is the process of identifying hazards and evaluating the likelihood and consequences of potential harm. A risk assessment is about understanding how hazards lead to risks by understanding the scenarios in which people are exposed to hazards and what can happen when they are exposed to them.

The Risk Management Process

The risk management process is cyclical, meaning that it is continuous, as shown in the diagram below.



A safe and healthy workplace does not happen by chance or guesswork. You have to think about what could go wrong at your workplace and what the consequences could be. Then, you must do whatever you can (in other words, whatever is 'reasonably practicable') to eliminate or minimise health and safety risks arising from the business or undertaking.

This process is known as risk management and involves four steps (see the diagram below):

- Identify hazards: Find out what could cause harm.
- Assess risks, if necessary: Understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening. This step may not be necessary if you are dealing with a known risk with known controls.
- Control risks: Implement the most effective control measure that is reasonably practicable in the circumstances and ensure it remains effective over time.
- Review hazards and control measures to ensure they are working as planned.

Once hazards have been identified, you must conduct a risk assessment before planning to implement risk controls. A risk assessment is simply asking:

- What could happen if I am exposed to the hazard? E.g., if the electric tool I am using malfunctions, or a heavy item falls on me. The answer could be death or serious injury. (However, the maximum reasonable risk is more likely to be serious injury rather than death, as death may occur in some circumstances but not in the majority).
- How likely is it that harm of that severity (e.g., death or serious injury) will occur in this situation?

Once you have answered these questions, you can use the consequence and likelihood descriptors and a risk matrix to determine the level of risk.

Consequence Descriptors:

1. Negligible: No injuries or property damage. Minimal impact on operations.
2. Minor: Minor injuries or property damage. Minor disruption to operations.
3. Moderate: Moderate injuries or property damage. Significant disruption to operations.
4. Major: Major injuries or property damage. Severe disruption to operations.
5. Catastrophic: Fatalities or extensive property damage. Complete shutdown of operations.

Likelihood Descriptors:

1. Rare: Unlikely to occur in normal circumstances. Almost impossible.
2. Unlikely: May occur sporadically or under exceptional circumstances.
3. Possible: May occur occasionally or under specific conditions.
4. Likely: Will probably occur in most circumstances.
5. Almost Certain: Will occur in most circumstances.

Risk Matrix

	Rare (1)	Unlikely (2)	Possible (3)	Likely (4)	Almost Certain (5)
Negligible	Low (1)	Low (2)	Low (3)	Medium (4)	High (5)
Minor	Low (2)	Low (3)	Medium (4)	Medium (5)	High (5)
Moderate	Low (3)	Medium (4)	Medium (4)	High (5)	High (5)
Major	Medium (4)	Medium (4)	High (5)	High (5)	High (5)
Catastrophic	Medium (4)	High (5)	High (5)	High (5)	High (5)

The risk rating is the point where the consequence and likelihood intersect. E.g., Moderate + Possible (3) = Medium (4)

If the risk rating is Medium or High, the controls to be implemented will be more robust, and workers should seek to remove the hazard completely. Work activities with a high risk rating may also require a supervisor’s approval prior to commencing.

Documenting a Risk Assessment

You can carry out and document a risk assessment using a Job Hazard Analysis (JHA) worksheet or another format, such as the example shown below. A simple template will suffice as long as it allows you to list the hazards associated with each task, assess the risk of exposure to them and then plan the controls to be implemented.

Task	Hazards	Risk	Consequence	Likelihood	Risk Rating	Control	Responsible Person

Job Safety/Hazard Analysis (JHA/JSA)

A JSA/JHA is a form of risk assessment that details step-by-step how a task is to be carried out safely. Sometimes, the JSA/JHA is called a JSEA and includes environmental aspects as well. Other than the employer’s primary duty of care to ensure workers are trained and competent for their work, there are no specific legal requirements to have a JSA or any regulations prescribing the format or content for JSAs.

JSAs have four main components. These include:

1. Job steps in chronological order.

There is an example of a risk register in Appendix D of the Code of Practice – How to manage work health and safety risks. You can access this code of practice here:

https://www.safeworkaustralia.gov.au/sites/default/files/2024-11/model_code_of_practice-how_to_manage_work_health_and_safety_risks-nov24.pdf

Communicating Information About Risk Assessment

The WHS Act places specific duties on duty holders in relation to WHS consultation. The WHS Act, for example, specifically states:

Section 47: A person conducting a business or undertaking must consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter.

The Act then goes on to state how consultation should occur. E.g.:

that workers be given a reasonable opportunity—

- i. to express their views and to raise work health or safety issues in relation to the matter; and*
- ii. to contribute to the decision-making process relating to the matter;*

The WHS Act also includes information on when consultation is required (WHS Act section 49 When consultation is required):

Consultation under this division is required in relation to the following health and safety matters—

- a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
- b) when making decisions about ways to eliminate or minimise those risks;*
- c) when making decisions about the adequacy of facilities for the welfare of workers;*
- d) when proposing changes that may affect the health or safety of workers;*
- e) when making decisions about the procedures for—*
 - i. consulting with workers; or*
 - ii. resolving work health or safety issues at the workplace; or*
 - iii. monitoring the health of workers; or*
 - iv. monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking; or*
 - v. providing information and training for workers; or*
- f) when carrying out any other activity prescribed under a regulation for this section.*

The WHS Act 49 a), as shown above, clearly states that consultation must occur when assessing risk. Consultation does not mean simply telling people what has been done, or the decisions made, but also requires that workers and others have the opportunity to participate and be informed of WHS matters.

In addition to the above, the primary duty of care in the WHS Act requires a PCBU to ensure:

(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

This means that workers and others in the workplace must be made aware of information that may affect their ability to work safely. The outcomes of risk assessments certainly fall under this heading. As well as legislative requirements to communicate WHS information, such as the outcomes of risk assessments, there will be organisational requirements that dictate who must be notified, when and how. For example, if a group of workers have carried out a risk assessment for a task they are due to complete and one or more of the risks is ranked as 'high' or similar as per the risk matrix used, organisational procedures may state that the work crew must get approval from their supervisor or manager prior to commencing the task. This may be to further investigate whether the risk can be further reduced, implement additional controls such as a work permit, or simply to approve of a high risk task.

Therefore, risk assessments and risk assessment information should be communicated via:

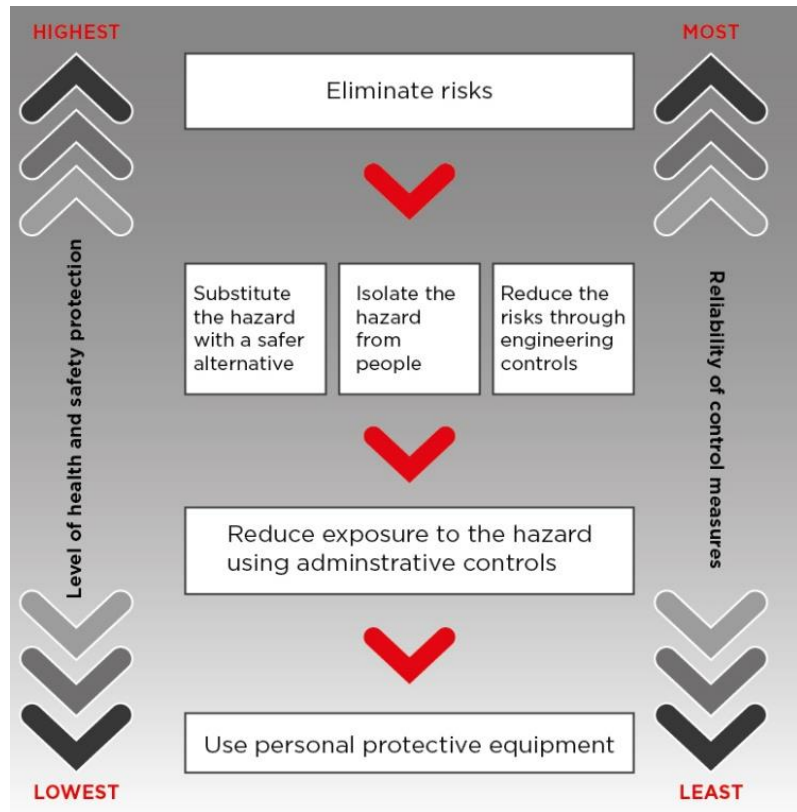
- Providing access to risk assessment documentation, such as:
 - Written reports.
 - Copies of documents such as checklists, brainstorming activities and processes.
 - Completed checklists.
 - Completed risk assessment documents, such as the use of a risk matrix to rate risks.
 - A completed Job Safety Analysis (JSA/JHA), Safe Work Method Statement (SWMS) or incident investigation report (to determine the risk of recurrence of an incident).
 - A risk register.
- Meetings and formal and informal discussions.
- Training.
- Email, alerts and safety bulletins.
- Company intranet pages.

Evaluating risk controls

A risk control is something you can do or put in place to either remove a hazard or risk, make it less likely to cause harm, or reduce the severity of the harm.

Hierarchy of Control

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest, as shown in the diagram below. This ranking is known as the hierarchy of control measures.



The hierarchy of control measures can be applied in relation to any risk. The WHS Regulations make it mandatory for duty holders to work through this hierarchy when managing certain risks. It is also standard practice to apply the hierarchy of control to all risk management processes, whether mandated by legislation or not.

You must always aim to eliminate the risk, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy.

The lower levels in the hierarchy are less effective because controls that change the hazard or minimise exposure to the hazard can only minimise the risk. You cannot eliminate the risk without eliminating the hazard.

Administrative controls and personal protective equipment (PPE) are the least effective at minimising risk because they do not control the hazard at the source and rely on human behaviour and supervision. These control measures should only be used:

- To supplement higher level control measures (as a back-up).
- As a short-term interim measure until a more effective way of controlling the risk can be used.
- When there are no other practical control measures available (as a last resort).

The Hierarchy of Control Explained

Elimination

The most effective control measure involves eliminating the hazard and associated risk. The best way to do this is by, firstly, not introducing the hazard into the workplace. For example, you can eliminate the risk of a fall from height by doing the work at ground level.

Substitution, Isolation and Engineering Controls

If it is not reasonably practicable to eliminate the hazards and associated risks, you must minimise the risks using one or more of the following approaches, so far as is reasonably practicable.

Substitute the Hazard with Something Safer

For instance, replace solvent-based paints with water-based ones or manage both the physical and psychosocial risks by allowing workers to have more control of line speed instead of pacing line work by computer.

Isolate the Hazard from People

This involves physically separating the source of harm from people by distance or using barriers. For instance, install guardrails around exposed edges and holes in floors, use remote control systems to operate machinery, store chemicals in a fume cabinet, place barriers between workers and customers or move services online where there is a risk of violence or aggression or other harmful behaviours.

Use Engineering Controls

An engineering control is a control measure that is physical in nature, including a mechanical device or process. For instance, use mechanical devices such as trolleys or hoists to move heavy loads, place guards around moving parts of machinery, install residual current devices (electrical safety switches), set work rates on a production line to reduce fatigue, install sound-dampening measures to reduce exposure to unpleasant or hazardous noise, ensure IT systems are fit for purpose to reduce job demands.

Administrative Controls

If risks remain, they must be minimised by implementing administrative controls, so far as is reasonably practicable. Administrative controls include work methods or procedures that are designed to minimise exposure to a hazard as well as the information, training and instruction needed to ensure workers can work safely. For instance, develop procedures on how to operate machinery safely, provide training and support to managers and workers to identify and manage both physical and psychosocial health and safety risks, implement workplace behavioural policies, limit exposure time to a hazardous task, and/or use signs to warn people of a hazard.

Some administrative measures will be necessary to ensure substitution, isolation and engineering controls are implemented effectively, for example, following safe work procedures when using equipment.

Personal Protective Equipment

Any remaining risks must be minimised with suitable PPE. Examples of PPE include earmuffs, respirators, face masks, hard hats, gloves, aprons and protective eyewear. PPE limits exposure to the harmful effects of a hazard, but only if workers wear and use the PPE correctly.

Evaluating Risk Controls

Information about suitable controls for many common hazards and risks can be obtained from:

- Codes of practice and guidance material.
- Manufacturers and suppliers of plant, substances and equipment used in your workplace.
- Industry associations and unions.

In some cases, published information will provide guidance on the whole work process. In other cases, the guidance may relate to individual items of plant or how to safely use specific substances. You may use the recommended control options if they suit your situation and eliminate or minimise the risk.

You may need to develop specific control measures if the available information is not relevant to the hazards and risks or circumstances at your workplace. This can be done by referring back to your risk assessment and asking: 'What can be done to stop or change the risk or reduce exposure?'

Working through the risk assessment in this way will give you ideas about possible ways to eliminate or minimise the risk. There may be more than one solution for each of the hazards, scenarios, or risks. The control option you choose should be:

- One or more controls that provide the highest level of protection for people and are the most reliable—that is, controls located towards the top of the hierarchy of controls; and

- Available—that is, it can be purchased, made to suit or be put in place; and
- Suitable for the circumstance in your workplace—that is, it will work correctly given the workplace conditions, work process and your workers.

Where the hazard or risk has the potential to cause death, serious injury or illness, more emphasis should be given to those controls that eliminate or reduce the level of harm than those that reduce the likelihood of harm occurring.

Make sure that your chosen solution does not introduce new hazards. If this is not possible, any new hazards or risks introduced will also need to be managed.

You may prepare a risk register that identifies the hazards, what action needs to be taken, who will be responsible for taking the action, and by when.

All risks can be controlled, and it is always possible to do something, such as stopping the activity or providing instructions to those exposed to the risk. There will normally be a number of different options between these two extremes. Cost (in terms of time and effort as well as money) is just one factor to consider when determining the best control option.

The cost of controlling risk may be taken into account in determining what is reasonably practicable, but cannot be used as a reason for doing nothing. The greater the likelihood of harm occurring or the greater the extent of that harm, the less weight should be given to the cost of controlling the hazard or risk. If two control measures provide the same level of protection and are equally reliable, you can adopt the less expensive option.

Cost cannot be used as a reason for adopting controls that rely exclusively on changing people's behaviour or actions when there are more effective controls available that can change the risk through substitution, engineering or isolation.

A risk evaluation can be undertaken by considering all of the information above and consulting with relevant members of the workforce who have a stake in controlling risk. Stakeholders who may be consulted via reading website information, documents, bulletins, or in person, by email, at meetings or via formal or informal discussions over the phone or face-to-face may include:

- Contractors and subcontractors.
- Customers.
- PCBUs or their officers.
- Workers.
- Other persons at a workplace.
- Health and safety committees.
- Health and safety representatives.
- Suppliers.
- Unions.
- WHS entry permit holders.
- WHS inspectors.
- WHS regulators.

Documenting and communicating risk control plan

Risk control plans are the plans created to implement the required controls following the risk assessment process. Risk controls must be implemented systematically to ensure that they are effective. This means

planning reasonably practicable controls that are determined by researching the various sources of information and data that have already been discussed.

Implementing risk controls will result in changes to policies, procedures, processes and systems. To adopt a systematic approach to implementing corrective actions to implement risk controls, you must look at several considerations:

- What is the hazard/risk?
- What controls can be implemented?
- What resources are required to implement the controls?
- When will the controls be implemented?
- Who will implement the controls?
- How will you know if the controls have been implemented and that they have worked?

Sometimes, it can require more than one action to implement a control, and larger actions/goals should be broken down into smaller achievable and very specific actions or tasks. For example, writing 'make all plant safe' as an action on an action plan might leave the responsible person wondering how they achieve this. Breaking this broad aim down into manageable tasks will increase the likelihood of successful implementation, e.g., risk assess all items of plant, create a maintenance program, etc. It is also important to include a 'verb' in each action to clearly explain what task the responsible person is being given. For example, if the corrective action was simply listed as 'training', this does not explain what must be done. Including a verb such as plan, schedule, conduct, etc., will ensure that nothing is lost in translation. This will be demonstrated in the example of the action plan to follow. It is important to consider the resources required for each specific action too. Asking someone to create a specific policy or procedure for the use of plant and equipment without considering the time it will take, the different sources of information such as Acts, Regulations, Codes of Practice and Guides, the physical resources such as computers and programs as well as the number of people who will need to be consulted with throughout the organisation will make the job of the responsible person that much more difficult. Specifying a deadline for implementation is vital too, as to leave a task open-ended may result in it never being done. The timescale will depend on the level of risk associated with not completing the task given. The more important it is, i.e., the higher the risk, the sooner it should be completed. Actions must be assigned to a person or persons who are capable of completing them as required in the time allowed.

It is not enough just to implement an action. An action is like a risk control that, once implemented, must be reviewed to ensure that it has been effective. This is specified in health and safety legislation such as the WHS Regulations:

37 Maintenance of control measures

A duty holder who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is, and is maintained so that it remains, effective, including by ensuring that the control measure is and remains:

- (a) fit for purpose; and*
- (b) suitable for the nature and duration of the work; and*
- (c) installed, set up and used correctly.*

You must assign a performance indicator to each action so you can gauge if it has been completed. The best way to think about a performance indicator is by asking, what will indicate the performance of the responsible person in completing the assigned action? For example, if the action was to train all staff on how to operate an item of plant, the performance indicator assigned to this action could be the percentage of staff trained in the time allowed out of a target of 100% (all staff). If the responsible person has only trained 50% of staff in the time allowed, then this will indicate poor performance, conversely 100% trained in the time allowed would indicate excellent performance. The following is an example risk control plan to implement the controls related to training plant operators in the safe use of equipment.

Risk Control / Action Plan				
Corrective Action / Control	Resources Required	Responsible Person	Implementation Timeline	Performance Indicator
Research plant training courses	Time, computer	Training manager	1 week	A list of relevant courses by deadline
Book all required operators onto training course	Time, money	Training manager	2 weeks	100% of plant operators booked onto training course
Conduct training for plant operators	Time, money, external trainer, training room	Training manager	4 weeks	100% of plant operators successfully complete training

Risk control plans can be documented using:

- An action plan.
- Written reports.
- Copies of documents such as checklists, brainstorming activities and processes.
- Completed checklists.
- A completed Job Safety Analysis (JSA/JHA), Safe Work Method Statement (SWMS) or incident investigation report (to determine recommendations for corrective or preventative actions).
- A risk register.
- Workplace policies and procedures.
- Training materials.

Risk control plans must be created in consultation with members of the workforce, either directly or via their health and safety representatives. Section 49 of the WHS Act states:

49 When consultation is required

Consultation under this division is required in relation to the following health and safety matters:

- when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
- when making decisions about ways to eliminate or minimise those risks;*

Risk control plans must also be created by using the best available sources of information and data to determine the most appropriate controls to be implemented. In some cases, health and safety legislation will dictate specific controls that must be implemented, and it is important that these are considered in the risk control plan. Not using these sources of information and data may result in the implementation of ineffective controls that do not meet legislative requirements.

Just as hazard identification, risk assessment and risk control evaluation must be the subject of consultation, so too must risk control plans. As discussed previously, the WHS Act includes information on when consultation is required (WHS Act section 49 When consultation is required):

Consultation under this division is required in relation to the following health and safety matters—

- when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
- when making decisions about ways to eliminate or minimise those risks;*
- when making decisions about the adequacy of facilities for the welfare of workers;*

- d) *when proposing changes that may affect the health or safety of workers;*
- e) *when making decisions about the procedures for—*
 - i. *consulting with workers; or*
 - ii. *resolving work health or safety issues at the workplace; or*
 - iii. *monitoring the health of workers; or*
 - iv. *monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking; or*
 - v. *providing information and training for workers; or*
- f) *when carrying out any other activity prescribed under a regulation for this section.*

Parts b), d) of the above, and the primary duty of care regarding the provision of information and training apply directly to communicating risk control plans.

If personnel are to be affected by the risk control options to be implemented or to play a part in their implementation and/or maintenance, they must be made aware of them. Therefore, risk control plans and related information can be communicated via:

- Providing access to written information such as:
 - Written reports.
 - Copies of documents such as checklists, brainstorming activities and processes.
 - Completed checklists.
 - A completed Job Safety Analysis (JSA/JHA), Safe Work Method Statement (SWMS) or incident investigation report (to determine recommendations for corrective or preventative actions).
 - A risk register.
 - Workplace policies and procedures.
 - Training materials.
- Meetings.
- Training.
- Formal and informal discussions.
- Email, alerts and safety bulletins.
- Company intranet pages.

Differences between hazards and risks in the workplace

A hazard is a source or a situation with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, or a combination of these.

A risk is the chance of something happening that will have a negative effect. The level of risk reflects:

- The likelihood of the unwanted event (e.g., an incident or procedural breach).
- The potential consequences of the unwanted event.



Essentially, a hazard is what can hurt you, and the risk is how it can hurt you, to what extent and how likely it is that it will hurt you in that way.

Example: A puddle of water on the floor is a hazard, and there is a risk of slipping and falling, leading to a musculoskeletal injury when walking through the puddle. How likely it is that you will slip will depend on how often you walk through the puddle (exposure), how deep it is, how slippery it is, and how much grip you have on your shoes.

Range of common workplace hazards, and the nature, severity and likelihood of those hazards

Hazards generally arise from the following aspects of work and their interaction:

- Physical work environment.
- Equipment, materials and substances used.
- Work tasks and how they are performed.
- Work design and management.
- Workplace interactions or behaviours.

Hazards are generally split into six main categories:

- Safety Hazards:
 - Hazards relating to safety are the most common workplace risks and are usually the cause of creating unsafe working conditions. Exposed electrical wiring or damaged flooring resulting in tripping accidents fall under this category.
- Biological Hazards:
 - Biological hazards refer to any substance that can bring harm to workers. These include exposure and contact with viruses, bacteria, insect bites, animals, etc., resulting in adverse health impacts.
 - Other common biological hazards are mould, harmful plants, sewage, dust, vermin, blood, and other bodily fluids.
 - This type of workplace hazard can be found mostly in schools, daycare facilities, universities, hospitals, laboratories, nursing homes, and other outdoor occupations.



- Physical Hazards:
 - Despite its name, physical hazards are not always something that is visible to the eyes or can be touched. In fact, this type might be the least obvious than the rest.
 - Physical hazards are environmental factors that can harm the body without necessarily being in contact with it.
 - Common physical hazards include height risks, noise, radiation, pressure, high exposure to sunlight or ultraviolet rays, gases, and temperature extremes.
- Ergonomic Hazards:
 - Ergonomic hazards are mostly a result of physical factors resulting in musculoskeletal injuries. These include poor workstation setup, bad posture when sitting and standing, and incorrect manual handling.
- Chemical Hazards:
 - Chemical hazards mainly threaten workers dealing with dangerous solvents, liquids, or flammable gases.
 - Workers who are most likely to be exposed or affected by these hazards work in engineering, cleaning facilities, and other field-based occupations.
 - Exposure and being in contact with harmful chemicals can lead to skin irritation, breathing difficulties, severe allergic reactions, and in extreme cases, death.
- Psychosocial Hazards:
 - Psychosocial hazards refer to situations that can negatively impact a worker's mental health and well-being. For example, deadlines, hectic schedules, work stress, sexual harassment, and workplace violence.

To understand the nature, severity and likelihood of workplace hazards, you need to carry out a hazard analysis, which is usually a part of a risk assessment. A hazard analysis can be carried out by asking:

- What is the hazard?
- What kind of hazard is it? E.g., a safety, biological, physical or chemical hazard.
- How can I be exposed to the hazard? E.g., by using bleach when cleaning.
- In what scenario can I be exposed to the hazard while cleaning? E.g., spilling bleach on your hand while cleaning.
- What kind of harm will be caused in that scenario? If you read the SDS, it will tell you that bleach causes 'severe skin burns and eye damage.'
- How severe will the harm be? This depends on how much you spill, but according to the SDS, the harm will be severe.
- How likely is it that harm of this severity will occur in this scenario? To determine the likelihood, you need to consider:
 - The exposure, i.e., how often you use bleach and how much you use. The higher the frequency of use and the larger amount used will increase the likelihood of this scenario occurring.
 - How many times it has happened before in the same or similar workplace.
 - What controls are in place. E.g., Are chemical handling gloves available and used?
 - Any available workplace or external statistics on incidents of the same or similar nature.

Risk assessment and controls that can eliminate or minimise risks.



Risk assessment is the process of identifying hazards and evaluating the likelihood and consequences of potential harm. A risk assessment is about understanding how hazards lead to risks by understanding the scenarios in which people are exposed to hazards and what can happen when they are exposed to them.

If you don't assess risk, you cannot understand it. To understand a risk, you need to know its source (hazard) and the nature, severity and likelihood of an unwanted event, e.g. an incident.

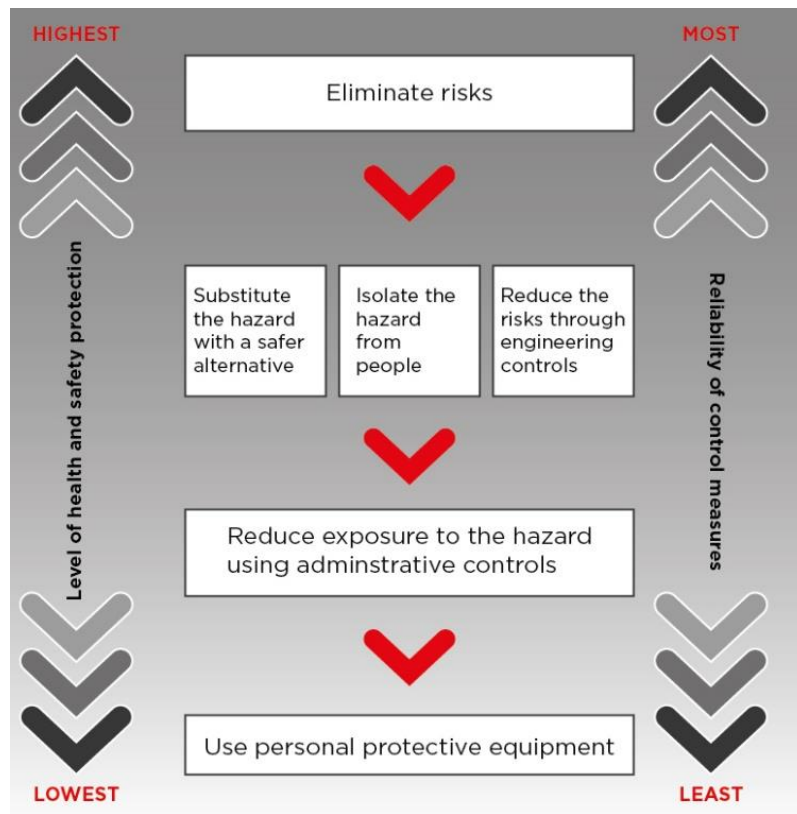
If you do not understand a risk and its characteristics, you cannot accurately plan and

implement appropriate controls to either eliminate or mitigate it. An inadequate or poorly conducted risk assessment can lead to risks being overstated or understated. If you overstate risk, there is a high likelihood that the controls you implement to control that perceived level of risk will be over the top and beyond what is both reasonably practicable and realistic. Over the top controls will be prohibitive to work practices and are less likely to be adhered to by workers and others as they perceive them to be unreasonable. Likewise, understating risk will result in controls that are ineffective in managing risk and will leave gaps for incidents to occur. Therefore, it is vital that those involved in a risk assessment are knowledgeable and trained and have access to the best available sources of information. If you overstate or understate risk and the implemented controls are either ignored or useless, all of the work in gathering hazard identification information, analysing and assessing risk will have been wasted. So, to get risk assessment wrong is actually a risk in itself and will increase the level of workplace risk when the intention was to reduce it.

A risk control is something you can do or put in place to either remove a hazard or risk, make it less likely to cause harm, or reduce the severity of the harm.

Hierarchy of Control

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest, as shown in the diagram below. This ranking is known as the hierarchy of control measures.



The hierarchy of control measures can be applied in relation to any risk. The WHS Regulations make it mandatory for duty holders to work through this hierarchy when managing certain risks. It is also standard practice to apply the hierarchy of control to all risk management processes, whether mandated by legislation or not.

You must always aim to eliminate the risk, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy.

The lower levels in the hierarchy are less effective because controls that change the hazard or minimise exposure to the hazard can only minimise the risk. You cannot eliminate the risk without eliminating the hazard.

Administrative controls and personal protective equipment (PPE) are the least effective at minimising risk because they do not control the hazard at the source and rely on human behaviour and supervision. These control measures should only be used:

- To supplement higher level control measures (as a back-up).
- As a short-term interim measure until a more effective way of controlling the risk can be used.
- When there are no other practical control measures available (as a last resort).

The Hierarchy of Control Explained

Elimination

The most effective control measure involves eliminating the hazard and associated risk. The best way to do this is by, firstly, not introducing the hazard into the workplace. For example, you can eliminate the risk of a fall from height by doing the work at ground level.

Substitution, Isolation and Engineering Controls

If it is not reasonably practicable to eliminate the hazards and associated risks, you must minimise the risks using one or more of the following approaches, so far as is reasonably practicable.

Substitute the Hazard with Something Safer

For instance, replace solvent-based paints with water-based ones or manage both the physical and psychosocial risks by allowing workers to have more control of line speed instead of pacing line work by computer.

Isolate the Hazard from People

This involves physically separating the source of harm from people by distance or using barriers. For instance, install guardrails around exposed edges and holes in floors, use remote control systems to operate machinery, store chemicals in a fume cabinet, place barriers between workers and customers or move services online where there is a risk of violence or aggression or other harmful behaviours.

Use Engineering Controls

An engineering control is a control measure that is physical in nature, including a mechanical device or process. For instance, use mechanical devices such as trolleys or hoists to move heavy loads, place guards around moving parts of machinery, install residual current devices (electrical safety switches), set work rates on a production line to reduce fatigue, install sound-dampening measures to reduce exposure to unpleasant or hazardous noise, ensure IT systems are fit for purpose to reduce job demands.

Administrative Controls

If risks remain, they must be minimised by implementing administrative controls, so far as is reasonably practicable. Administrative controls include work methods or procedures that are designed to minimise exposure to a hazard as well as the information, training and instruction needed to ensure workers can work safely. For instance, develop procedures on how to operate machinery safely, provide training and support to managers and workers to identify and manage both physical and psychosocial health and safety risks, implement workplace behavioural policies, limit exposure time to a hazardous task, and/or use signs to warn people of a hazard.

Some administrative measures will be necessary to ensure substitution, isolation and engineering controls are implemented effectively, for example, following safe work procedures when using equipment.

Personal Protective Equipment

Any remaining risks must be minimised with suitable PPE. Examples of PPE include earmuffs, respirators, face masks, hard hats, gloves, aprons and protective eyewear. PPE limits exposure to the harmful effects of a hazard, but only if workers wear and use the PPE correctly.

Elements and Performance Criteria

Element 1. Access information and data used to identify hazards, and to assess and control risks

1.1. Access and review current WHS laws relevant to organisation's hazard identification and risk control processes



In 2011, all Australian states and territories, except WA and Vic, agreed to harmonise their health and safety legislation.

As a result, the participating states and territories adopted the Work Health and Safety (WHS) Act and Regulations.

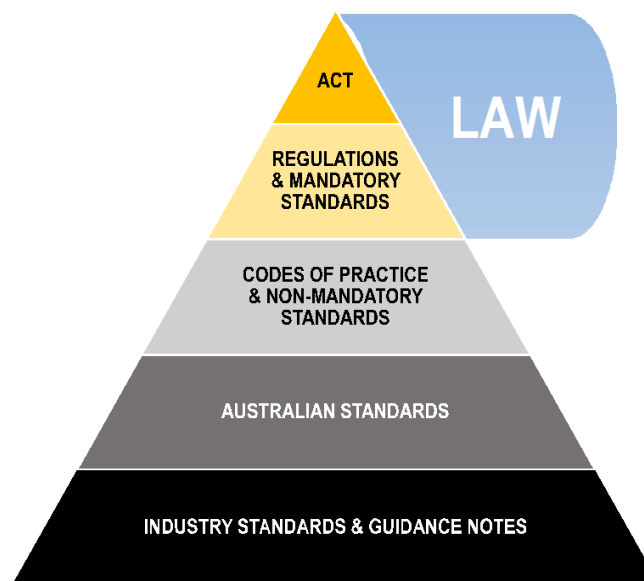
They were adopted in different years and, although differing in some details, are consistent across the participating states. WA adopted the WHS Act in 2020, Victoria has still not adopted it.

The following are the relevant WHS Acts and Regulations in each state and territory.

- New South Wales:
 - Work Health and Safety Act 2011 (NSW).
 - Work Health and Safety Regulation 2017 (NSW).
 - Work Health and Safety (Mines and Petroleum Sites) Act 2013.
 - Work Health and Safety (Mines and Petroleum Sites) Regulation 2022.
- Victoria:
 - Chapter 5.3 (Mines) of the Occupational Health and Safety Regulations 2017.
 - Occupational Health and Safety Regulations 2017.
- Queensland:
 - Work Health and Safety Act 2011 (QLD).
 - Work Health and Safety Regulation 2011 (QLD).
 - Mining and Quarrying Safety and Health Act 1999.
 - Mining and Quarrying Safety and Health Regulation 2017.
 - Coal Mining Safety and Health Act 1999.
 - Coal Mining Safety and Health Regulation 2017.
- Western Australia:
 - Work Health and Safety Act 2020 (WA).
 - Work Health and Safety (General) Regulations 2022.
 - Work Health and Safety (Mines) Regulations 2022.
- South Australia:

- Work Health and Safety Act 2012 (SA).
- Work Health and Safety Regulations 2012 (SA).
- Mines and Works Inspection Act 1920.
- Mines and Works Inspection Regulations 2013.
- Tasmania:
 - Work Health and Safety Act 2012 (Tas).
 - Work Health and Safety Regulations 2022 (Tas).
 - Mines Work Health and Safety (Supplementary Requirements) Act 2012.
 - Mines Work Health and Safety (Supplementary Requirements) Regulations 2022.
- Australian Capital Territory:
 - Work Health and Safety Act 2011 (ACT).
 - Work Health and Safety Regulation 2011 (ACT).
- Northern Territory:
 - Work Health and Safety (National Uniform Legislation) Act 2011.
 - Chapter 10 (Mines) of the Work Health and Safety (National Uniform Legislation) Regulations 2011.

WHS legislation in Australia consists of several layers, as shown in the image below.



Each element of the WHS legislative framework (the image above) is explained below:

- Act (WHS Act): This is the primary legislation providing the overarching framework for workplace health and safety. It sets out the broad duties of care for employers, employees, and other parties and establishes the key principles, duties, and rights in relation to workplace health and safety.
- Regulations (WHS Regulations): These are legally binding rules established under the Act. Regulations provide detailed requirements on how to prevent or minimise risks in specific health and safety matters, such as handling hazardous chemicals, noise management, or the use of personal protective equipment.
- Codes of Practice: These are practical guides to achieving the standards of health and safety required under the Act and the Regulations. While codes of practice are not law, under the Act,

they have a special legal status. If the business follows an approved code of practice, they are deemed to comply with the WHS laws.

- **Non-mandatory Standards:** These include recommended practices and guidelines that are not legally binding. They offer guidance on best practices in specific industries or for specific activities, but following them is not compulsory.
- **Australian Standards:** Developed by Standards Australia, these are voluntary standards setting out specifications, procedures, and guidelines intended to ensure products, services, and systems are safe, reliable, and consistent.
- **Industry Standards and Guides:** These are developed by industry bodies and are specific to certain sectors. They provide guidance and best practices tailored to the unique needs and risks of specific industries.

In addition to the Act and Regulations, a number of Model Codes of Practice were also developed to provide guidance in key risk areas. Model Codes of Practice are practical guides to achieving the standards of health and safety required under the model WHS Act and Regulations.

To have legal effect in a jurisdiction, a model Code of Practice must be approved as a code of practice there. To determine if a model Code of Practice has been approved in a particular jurisdiction, check with your local WHS regulator.

An approved code of practice applies to anyone who has a duty of care in the circumstances described in the code. In most cases, following an approved code of practice would achieve compliance with the health and safety duties in a jurisdiction's WHS Act and Regulations.

Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks that may arise. Health and safety duties require you to consider all risks associated with work, not only those risks that regulations and codes of practice exist for.

While approved codes of practice are not law, they are admissible in court proceedings. Courts may regard an approved code of practice as evidence of what is known about a hazard, risk or control and may rely on the relevant code to determine what is reasonably practicable in the circumstances.

Model Codes of Practice include:

- Abrasive blasting.
- Confined spaces.
- Construction work.
- Demolition work.
- Excavation 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 electrical risks in the workplace.
- Managing noise and preventing hearing loss at work.
- Managing psychosocial hazards at work.

- Managing risks in stevedoring.
- Managing risks of hazardous chemicals in the workplace.
- Managing risks of plant in the workplace.
- Managing the risk of falls at workplaces.
- Managing the risk of falls in housing construction.
- 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.
- Tower cranes.
- Welding processes.
- Work health and safety consultation, cooperation and coordination.

Approved Codes of Practice in each state and territory can be accessed via the state and territory WHS Regulator website. Work Health and Safety (WHS) regulatory bodies in Australia are responsible for enforcing the WHS laws in each jurisdiction.

Always refer to your local WHS regulator. SafeWork Australia is a good place to start your journey into WHS legislative requirements: <https://www.safeworkaustralia.gov.au/safety-topic>

State and territory WHS regulators are listed below:

- New South Wales: SafeWork NSW: <https://www.safework.nsw.gov.au/>
- Victoria: WorkSafe Victoria: <https://www.worksafe.vic.gov.au/>
- Queensland: Workplace Health and Safety Queensland: <https://www.worksafe.qld.gov.au/>
- South Australia: SafeWork SA: <https://www.safework.sa.gov.au/>
- Western Australia: WorkSafe WA: <https://www.commerce.wa.gov.au/worksafe>
- Tasmania: WorkSafe Tasmania: <https://www.worksafe.tas.gov.au/>
- Northern Territory: NT WorkSafe: <https://worksafe.nt.gov.au/>
- Commonwealth: Comcare: <https://www.comcare.gov.au/>

Reviewing WHS Legislation

To provide an example of how WHS legislation and elements of the legislative framework above can be applied in the workplace, consider the implementation of a new piece of equipment, a work process or a completely new scope of work. The organisation needs to ensure that whatever is being implemented or done is in accordance with WHS legislation. Therefore, the organisation may ask:

- What do we have to do? “Let’s check the Act.”
- How do we do what we have to do? “Let’s check the Regulations.”
- The Regulations refer to a Code of Practice. “Let’s check the Codes.”
- Is there information specific to our industry, equipment or task? “Let’s check the Guides.”
- Is there more information that we can consult? “Let’s check the Standards.”

Armed with all this information, an organisation can implement workplace policies, procedures and systems of work that not only comply with legislative requirements but that also have a fighting chance of enabling the new piece of equipment, work process or new scope of work to be implemented and conducted in a manner that ensures hazards and risks are managed effectively.

Keep Up to Date with WHS Laws

Legislation, and the nature of the workplace can change over time, meaning that the applicable legal requirements may be different, and what was not relevant last year, is relevant this year. Add to this the ever-changing nature of risk and risk controls. Therefore, it is important to maintain an awareness and currency of knowledge in relation to health and safety legislation and risk to ensure that the organisation is always compliant with current legislative requirements and can effectively manage risk. There are many sources of information and data that can be accessed to assist you in keeping up to date with legislation and relevant publications. These can include:

- Email notifications and alert subscriptions from your health and safety regulator.
- Workplace publications, alerts and bulletins or information posted on workplace noticeboards.
- Industry or health and safety magazines and publications.
- Industry or health and safety websites.
- Lawyers.
- Unions.

1.2. Access workplace sources of information and data to inform hazard identification, risk assessment and risk controls



Your workplace will create policies, procedures, processes and systems by analysing and applying the requirements of the relevant health and safety legislation and other publications in your jurisdiction. The requirements of legislation will be the foundation of policies, procedures, processes and systems to ensure that the organisation is complying with legislation and meeting best practice requirements, as shown in the diagram.

WHS Policies are overarching documents that serve as a statement of intent that spells out the organisation's commitment to the health and safety

of a certain component of it. WHS policies may include:

- WHS Policy (Overarching commitment to WHS).
- Risk Management Policy.
- Consultation and Participation Policy.
- Mental Health and Wellbeing Policy.
- Hazard and Incident Management Policy.
- WHS Performance Monitoring Policy.
- WHS Inspection and Auditing Policy.
- Personal Protective Equipment Policy.
- Plant and Equipment Safety Policy.

A WHS procedure is a document that details how to carry out the commitments made within WHS policies. For example, if the Risk Management Policy states that the organisation will ensure that hazards are reported, recorded and acted upon in a timely manner, the Hazard Reporting Procedure will spell out who will report hazards, when using what form or method and to whom. In short, policies state what must be done, and procedures list how it will be done.

Each workplace will implement different procedures to manage risk as per the requirements of the WHS Act and Regulations and commitments made in their own policies, which factor in the nature of the business or undertaking, the location, the types of hazards and risks associated with the work, plant, materials and location. You must consult with supervisors and WHS personnel to access the procedures that are available in your workplace.

Typical examples applicable to a range of workplaces are provided below.

- Hazard Identification and Reporting Procedure.
- Hazardous Material Handling Procedure.
- Workplace Inspection Procedure.
- Risk Assessment Procedure.
- Health and Safety Training Procedure.
- Fire Safety Management Procedure.

- Fire Prevention and Control Procedure.
- Emergency Preparedness and Response Procedure.
- First Aid Procedure.
- Accident Reporting and Investigation Procedure.
- Workplace Violence and Harassment Procedure.
- Personal Protective Equipment (PPE) Procedure.
- Incident Management Procedure.
- Natural Disaster Preparedness Procedure.
- Chemical Spill Response Procedure.
- Biohazard Handling and Disposal Procedure.
- Ergonomic and Manual Handling Procedure.
- Machine Safety Procedure.
- Electrical Safety Procedure.
- Lone Working Procedure.
- Emergency Evacuation Procedure.

Internal sources of WHS information may include those created as a result of an analysis of the legislative framework and those that are produced by day-to-day work activities. For example:

- Policies and work procedures, e.g., Safe Operating Procedures (SOPs) for tasks and equipment.
- Legal compliance management systems.
- Risk management systems.
- Incident management systems.
- Reports, e.g., incident reports and audit reports.
- Results of workplace inspections, equipment and environmental testing and monitoring, e.g., light, noise and dust.
- Registers of equipment, hazards, and risks.

All of this information can be accessed via:

- Conversations with members of the organisation's management team
- From the workplace website (for policies) and intranet or filing system for procedures, reports, registers, etc.
- Hard copies of SOPs may be found in, on or near machines and equipment.

Workplace sources of information and data can be used to inform hazard identification, risk assessment and risk controls by:

- Referring to SOPs to identify the job steps for tasks when developing a JHA or risk register.
- Reading the recommended controls in work procedures to create a list of equipment and conditions that should be in place to create workplace inspection checklists.

- Reviewing workplace hazard and risk registers to identify hazards, risk and controls for tasks, equipment operation and work areas and the risk ratings assigned to risks to assist with evaluating consequences and likelihood.
- Analysing incident statistics to determine the likelihood of unwanted events or incidents occurring.
- Using risk management procedures to guide risk assessment practice.

Keep Up to Date with Organisational Policies and Procedures

It is important that you are aware of the current policies and procedures in place so that the work you carry out is conducted according to current practice. You should be informed when policies and procedures change.

- Workplace publications, alerts and bulletins or information posted on workplace noticeboards.
- Workplace reports.
- Supervisors and managers.
- Workplace health and safety personnel.

1.3. Access external sources of information and data to inform hazard identification, risk assessment and risk controls

External sources of WHS information and data that can be used to inform hazard identification, risk assessment and risk controls will include the WHS Act, WHS Regulations, codes of practice, guides and standards. Acts, regulations, codes and guides can be obtained from your WHS regulator. State and territory WHS regulators are listed below:

- New South Wales: SafeWork NSW: <https://www.safework.nsw.gov.au/>
- Victoria: WorkSafe Victoria: <https://www.worksafe.vic.gov.au/>
- Queensland: Workplace Health and Safety Queensland: <https://www.worksafe.qld.gov.au/>
- South Australia: SafeWork SA: <https://www.safework.sa.gov.au/>
- Western Australia: WorkSafe WA: <https://www.commerce.wa.gov.au/worksafe>
- Tasmania: WorkSafe Tasmania: <https://www.worksafe.tas.gov.au/>
- Northern Territory: NT WorkSafe: <https://worksafe.nt.gov.au/>
- Commonwealth: Comcare: <https://www.comcare.gov.au/>



Australian and international standards can be obtained from Standards Australia or SAI Global.

- Standards Australia: <https://www.standards.org.au/>
- SAI Global: <https://www.saiglobal.com/online/>

You can also access external information from suppliers and manufacturers, such as operating manuals and instructions for tools and equipment and Safety Data Sheets (SDS). These can be used to identify hazards and risks and recommended controls.

Examples.

Power Drill Operator's Manual

GENERAL POWER TOOL SAFETY WARNINGS

WARNING Read all safety warnings, instructions, illustrations and specifications provided with this power tool. Failure to follow all instructions listed below may result in electric shock, fire and/or serious injury. **Save all warnings and instructions for future reference.** The term "power tool" in the warnings refers to your mains-operated (corded) power tool or battery-operated (cordless) power tool.

WORK AREA SAFETY

- **Keep work area clean and well lit.** Cluttered or dark areas invite accidents.
- **Do not operate power tools in explosive atmospheres, such as in the presence of flammable liquids, gases or dust.** Power tools create sparks which may ignite the dust or fumes.
- **Keep children and bystanders away while operating a power tool.** Distractions can cause you to lose control.

Safety Data Sheet Solvent Degreaser

2. HAZARDS IDENTIFICATION

Classification

This material is hazardous according to health criteria of Safe Work Australia.

Hazard Classifications

Flammable Liquids - Category 4
Aspiration Hazard - Category 1
Skin Corrosion/Irritation - Category 2
Specific Target Organ Toxicity (Single Exposure) - Category 3
Narcotic Effects
Chronic Hazard to the Aquatic Environment - Category 2

Label Elements

Hazard Pictograms

Signal Word

Danger

Hazard Statements

H227	Combustible liquid.
H304	May be fatal if swallowed and enters airways.
H315	Causes skin irritation.
H336	May cause drowsiness or dizziness.
H411	Toxic to aquatic life with long lasting effects.

1.4. Analyse information and data and determine nature and scope of workplace hazards, risk assessment and risk controls

Internal information and data that can be used to determine the nature and scope of workplace hazards include:

- Hazard reports.
- SOPs for tasks and equipment.
- Incident reports.
- Incident investigation reports.
- Incident statistics.

Hazard reports and SOPs for tasks and equipment can be used to understand what risks could arise or incidents could occur based on the tasks, equipment and the associated hazards. An example of a Safe Operating Procedure for an excavator is provided below.

SPECIAL INSTRUCTIONS:			
1. Only persons who hold the appropriate National Certificate of Competency and who have been authorised to do so are to operate an excavator (except mini-skid steer).			
2. This restriction does not apply to a person who is authorised to carry out maintenance or repairs to a tractor or an attachment.			
Task sequence	Identified hazards in task	Key processes to be followed	Precautions / PPE required
1. Pre-start checks	Roll-over protection Fuel and fluids Tyres (rubber tyred units) Tracks (tracked units) Buckets Hydraulics	Tractors must be fitted with an approved roll-over protective structure (ROPS) unless specifically exempted by the appropriate statutory authority. Check fuel, hydraulic oil, engine oil, transmission oil, coolant and battery. Check tyre condition and pressures; remove any mud lumps from treads. Check condition and tension of tracks (refer to operator's manual to determine correct sag range). Inspect for worn or missing teeth or worn cutting edges. Check pins, bushes and connections for excessive wear. Check rams, hoses and connections for splits, leaks or fractures.	Wear eye and hand protection . Wear gloves .
2. Entry and exit	Slipping and falls	Steps and ladders should be of a non-slip type. Hand holds must be provided to assist operator to maintain 3 points of contact at all times while mounting or dismounting tractor.	Safe means of access must be provided and used for machines when being transported or used.
3. Operator position	Seating Controls Cabin (if fitted)	Seat should be well-sprung and adjustable to allow operator to maintain a comfortable operating position. All levers and gauges must be clearly identified, within easy reach and be easily read. Preferred orientation should be such that all needles are in vertical position during correct operating conditions. Exhaust must be placed so as to not allow fumes to enter cabin.	Maintain proper ergonomic principles when setting up seat for operating position. Adequate ventilation must be provided.

Incident reports, incident investigation reports and incident statistics can be used to identify what has happened previously to understand the actual harms that can be caused and how likely they are to occur. This information can be used to inform a risk assessment.

An example of incident statistics that can be used to determine the types of incidents that could occur and how likely they are to occur, based on previous examples, is provided below.

Incident Type	Incidents (Year 1)	% of Total (Year 1)	Incidents (Year 2)	% of Total (Year 2)	Occurrence Rate	Variance
Manual handling	15	27.3%	12	24.0%	Common	-3
Chemical exposure	5	9.1%	6	12.0%	Rare	+1
Falls	12	21.8%	10	20.0%	Common	-2
Impact by moving plant	8	14.5%	9	18.0%	Common	+1
Heat related illness	15	27.3%	13	26.0%	Common	-2

External information can be used to identify hazards, risks and controls when carrying out a risk assessment.

An example of an external publication that can be used during a risk assessment is the checklist Appendix C of the 'Code of Practice – Managing the risks of plant in the workplace' that can be used to

assist in identifying hazards associated with plant. An excerpt is provided below. You can access this and other codes of practice here: <https://www.safeworkaustralia.gov.au/law-and-regulation/codes-practice>

Appendix C—Hazard checklist

Plant description: Click here to enter text.

Activities for example use, cleaning and maintenance: Click here to enter text.

Assessed by: Click here to enter text.

Date: Click here to enter a date.

‘Yes’ to any of the following indicates the need to implement control measures		
Entanglement	Yes	No
Can a person’s hair, clothing, gloves, necktie, jewellery, cleaning brush or rag become entangled with moving parts of the plant?	<input type="checkbox"/>	<input type="checkbox"/>
Crushing	Yes	No
Can anyone be crushed due to:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • material falling off the plant? • uncontrolled or unexpected movement of the plant? • lack of capacity for the plant to be slowed, stopped or immobilised? • the plant tipping or rolling over? • parts of the plant collapsing? • coming into contact with moving parts of the plant during testing, inspection, operation, maintenance, cleaning or repair? • being thrown off or under plant? • being trapped between the plant and materials or fixed structures? • other factors not mentioned? 		
Cutting, Stabbing or Puncturing	Yes	No
Can anyone be stabbed or punctured due to:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • coming in contact with sharp or flying objects? • coming in contact with moving parts during testing, inspection, operation, maintenance, cleaning or repair? • the plant, parts of the plant or work pieces disintegrating? • work pieces being ejected? • the mobility of the plant? • uncontrolled or unexpected movement of the plant? • other factors not mentioned? 		
Shearing	Yes	No
Can anyone’s body parts be sheared between two parts of the plant, or between a part of the plant and a work piece or structure?	<input type="checkbox"/>	<input type="checkbox"/>

Another example of an external document that can be used when identifying risks and controls to eliminate or control those risks is the ‘Industrial Lift Trucks – General Guide’ publication from Safe Work Australia. Excerpts are provided below, and you can access the complete document here: <https://www.safeworkaustralia.gov.au/system/files/documents/1703/industrial-lift-trucks-general-guide.pdf>

#2
Assess
risks



2. Assess the risk if necessary. In many cases the risks and related control measures will be well known. In other cases you may need to carry out a risk assessment to identify the likelihood of somebody being harmed by the hazard and how serious the harm could be.

Most incidents involving industrial lift trucks are from:

- the industrial lift truck overturning or the operator being ejected
- collisions with pedestrians or other vehicles working in the same area
- loading and unloading e.g. loads falling on operators or workers, and
- mechanical failure of pressurised systems (e.g. hydraulic) that may release fluids that pose a risk.

People who work with or near industrial lift trucks are most at risk. Customers and visitors may also be at risk. A risk assessment can help you determine what action you should take to control the risk and how urgently the action needs to be taken.

Control Measures	Examples of how to use control measures
Barricades	Separating pedestrian and traffic areas with physical barriers can prevent pedestrians entering areas where industrial lift trucks are working.
Bollards or guard rails	These can be installed inside and outside on both sides of doorways used by industrial lift trucks to minimise the risk of collision with the doorway, pedestrians, other vehicles or immovable objects. Bollards and guard rails should be clearly identified e.g. painted with black and yellow diagonal stripes.
Doors	Doors made of transparent material can assist visibility and minimise, so far as is reasonably practicable, the risk of collision.
Speed limits and speed humps	Apply work area speed limits and install speed limiting devices in ride-on industrial lift trucks to control speed. Speed humps are unsuitable for controlling the speed of industrial lift trucks. Where they are installed to control other vehicles, provision should be made for industrial lift trucks to by-pass the speed humps.
Satisfactory lighting	This must be provided, so far as is reasonably practicable including in work areas where industrial lift trucks operate. The area immediately inside a building where industrial lift trucks enter should be well lit to avoid vision problems when passing from bright sunlight into a poorly lit area. Travelling in and out of covered areas creates a risk to operators who wear photo-chromatic glasses. These glasses darken as light intensity increases.
Satisfactory ventilation	<p>This must be provided, so far as is reasonably practicable including in work areas where industrial lift trucks powered by Liquefied Petroleum Gas (LPG), petrol and diesel fuel are used so as to minimise the concentration of exhaust gas contaminants. Battery powered industrial lift trucks should be used in poorly ventilated or enclosed areas.</p> <p>If it is necessary to use a combustion engine powered industrial lift truck in a poorly ventilated area like a shipping container or cool store it is preferable to use a diesel powered unit. This is because diesel engines produce less carbon monoxide than petrol or LPG powered units, noting diesel produces a visibly dirtier exhaust. Regular engine tuning and air monitoring should be carried out to minimise the exhaust of carbon monoxide and diesel particulates. Where reasonably practicable, avoid using powered mobile plant within an enclosed area.</p> <p>If an industrial lift truck has to operate in a potentially flammable gas or combustible dust atmosphere, it should meet the relevant standard including the requirements for use in hazardous areas.</p>

Safe Work Australia and your state or territory WHS regulator have many publications and resources that can be used when seeking to identify and manage risk. A good place to start is here:

<https://www.safeworkaustralia.gov.au/safety-topic>

1.5. Confirm information and data with required stakeholders, seeking input from technical and other advisors as required



When using internal and external sources of information and data, you must check that they are current, valid and relevant to the organisation, its operations, location and workforce. There may also be elements of the information and data that you do not understand, or you may need further clarification on how the hazards can lead to risks or what a specific control actually means. You might also need assistance understanding complex topics or technical information. As a result, you may be required to discuss the information and data you plan to use for a risk assessment with a subject matter expert (SME).

Stakeholders with whom you could confirm the information and data may include your supervisor, WHS Advisors, managers, elected health and safety representatives, or internal SMEs such as equipment operators, engineers or workers with in-depth experience in the topic area.

You can also call on external technical and other advisors according to the nature of the information and your needs, which can include:

- Structural, chemical, mechanical or electrical engineer.
- Ergonomist.
- Occupational hygienist.
- WHS consultant.
- Industrial hygienist.
- Fire safety specialist.
- Human factors specialist.
- Medical or occupational health professional.

Element 2. Contribute to identifying risk management requirements and compliance

2.1. Contribute to identifying and complying with requirements of organisational policies, procedures, processes and systems for hazard identification, risk assessment and risk controls



Using the elements of the legislative framework as a guide, an organisation must interpret the requirements for risk management as specified under WHS law and create workplace policies, procedures, systems and processes to effectively manage risk according to their duties under WHS law.

As a result, a best practice and legally compliant workplace will have policies (statements detailing what should be done) and procedures (instructions on how to do it) for most work tasks and the hazards they represent.

A list of policies and procedures an organisation might have in place could include the following topics:

- Acquisition, use, storage and disposal of hazardous chemicals.
- Alcohol and other drug intoxication.
- Consultation arrangements for workers.
- Emergency and evacuation procedures.
- First aid provision and medical treatment.
- Hazard reporting procedures.
- Incident investigation.
- Maintenance and use of plant and equipment.
- Procedures for hazard identification.
- Procedures for risk assessment, and selection and implementation of risk controls.
- Purchasing policy and procedures.
- Requirements of applicable commonwealth and state or territory WHS Acts, regulations and codes of practice.
- Safe operating procedures and instructions.
- Site access and egress.
- Transport and storage of dangerous goods.
- Use and care of personal protective equipment (PPE).
- WHS arrangements for on-site contractors and subcontractors, visitors and members of the public.
- WHS audits and inspections.

As well as specific policies and procedures, the organisation should have in place systems and processes for:

- Hazard identification – Workplace inspections, hazard reporting, hazard logging and tracking systems, audits, plant inspections, health and safety record keeping requirements for incidents and injuries.
- Risk assessment – Individual pre-task risk assessments, team-based risk assessments for larger tasks, project-based risk assessments for the whole project or work site, classifications for hazards, consequences, likelihood, a risk matrix and training in their use.
- Risk control activities – Workplace policies and procedures instructing users on which controls to implement and how, worksite inspections and consultation to confirm the effectiveness of implemented controls.

Under WHS law, workers have a duty to 'co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.'

This means that management at a workplace must communicate policies and procedures to the workforce and others who may enter it so that they can be adhered to.

As well as the specific requirement to comply with policies and procedures in the workplace, all persons have a duty of care to ensure their own health and safety at work and that of others. This means that they must comply with the policies, procedures, systems and processes that are in place for risk management. How they comply with these policies, procedures, systems, and processes will depend upon the workplace, their role and the policies, procedures, systems and processes in question. Some general examples may include:

- Hazard identification – Workers and others are required to inspect the work area prior to commencing a task. All personnel are required to report hazards to their supervisor or manager. Workers are required to read any instructions and work procedures prior to operating equipment to ensure that they are aware of the hazards. Management and WHS personnel are required to record hazard data to allow for statistical analysis and hazard tracking/trending. Management must make the relevant sources of information and data available to the workforce and provide training to enable them to conduct effective hazard identification.
- Risk assessment – Work teams and individuals are required to complete Job Safety Analyses (JSA) or Safe Work Method Statements (SWMS) prior to commencing tasks to understand the nature and scope of the risks associated with that task and to enable them to implement effective controls. Management and WHS personnel must conduct risk assessments for tasks, work areas, projects, materials and equipment prior to purchasing, hire or use at a workplace. The organisation must establish consequence and likelihood descriptors as well as a matrix for use during risk assessments. Management must make the relevant sources of information and data available to the workforce and provide training to enable them to conduct effective risk assessment.
- Risk control activities – Workers must adhere to the instructions provided in manuals, instructions and procedures relating to specific controls that are recommended. Workers and others must not shortcut or bypass control equipment such as barriers and guards. Management must provide information and training to ensure that all personnel are knowledgeable of control options according to the hierarchy of controls.

2.2. Contribute to identifying and complying with requirements of WHS laws and guidelines for hazard identification, risk assessment and risk controls



Under the WHS Act and Regulations, everyone has a duty of care, a responsibility, to make sure that they and other people are safe in the workplace.

If you are an employer, or PCBU, you have the main responsibility for the health and safety of everyone in your workplace, including visitors. This is your 'primary duty of care'.

Note: Person Conducting a Business or Undertaking (PCBU) is essentially the employer, although there are further definitions and conditions that apply in certain scenarios. You can read more about who or what is a PCBU here:

<https://www.wa.gov.au/government/publications/the-meaning-of-person-conducting-business-or-undertaking-pcbu>

Under the WHS Act, a PCBU has the following Primary Duty of Care:

19. Primary duty of care

- (1) *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of —*
 - (a) *workers engaged, or caused to be engaged, by the person; and*
 - (b) *workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*
- (2) *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*
- (3) *Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable —*
 - (a) *the provision and maintenance of a work environment without risks to health and safety; and*
 - (b) *the provision and maintenance of safe plant and structures; and*
 - (c) *the provision and maintenance of safe systems of work; and*
 - (d) *the safe use, handling and storage of plant, structures and substances; and*
 - (e) *the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and*
 - (f) *the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and*
- (4) *that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.*

Workers

Under the Work Health and Safety Act (WHS Act), a worker includes any person who works, in any capacity, in or as part of the business or undertaking.

You are a worker under health and safety legislation if you are an:

- Employee.
- Independent contractor or subcontractor (or their employee).
- Employee of a labour hire company.
- Outworker, such as a home-based worker.
- Apprentice or trainee.
- Student gaining work experience.
- Volunteer.

Under the WHS Act, workers have the following Duty of Care:

28. Duties of workers

While at work, a worker must —

- (a) take reasonable care for the worker's own health and safety; and*
- (b) take reasonable care that the worker's acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and*
- (d) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.*

As well as the primary duty of care placed upon PCBUs, workers and others, there are specific duties listed in the WHS Act that refer directly to the management of WHS hazards/risks. The excerpt below is from Section 17 of the WHS Act:

A duty imposed on a person to ensure health and safety requires the person—

- a) to eliminate risks to health and safety, so far as is reasonably practicable; and*
- b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.*

The WHS Act is vague by nature. Therefore, to find examples of risk management processes specified in WHS laws, you must look at the WHS Regulations (34 to 38):

34 Duty to identify hazards

A duty holder, in managing risks to health and safety, must identify reasonably foreseeable hazards that could give rise to risks to health and safety.

35 Managing risks to health and safety

A duty holder, in managing risks to health and safety, must:

- a) eliminate risks to health and safety so far as is reasonably practicable; and*
- b) if it is not reasonably practicable to eliminate risks to health and safety—minimise those risks so far as is reasonably practicable.*

36 Hierarchy of control measures

- 1. This regulation applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.*

2. *A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this regulation.*
3. *The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following:*
 - a) *substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk;*
 - b) *isolating the hazard from any person exposed to it;*
 - c) *implementing engineering controls.*
4. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.*
5. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of suitable personal protective equipment.*

37 Maintenance of control measures

A duty holder who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is, and is maintained so that it remains, effective, including by ensuring that the control measure is and remains:

- a) *fit for purpose; and*
- b) *suitable for the nature and duration of the work; and*
- c) *installed, set up and used correctly.*

38 Review of control measures

1. *A duty holder must review and as necessary revise control measures implemented under these Regulations so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety.*
2. *Without limiting subregulation (1), the duty holder must review and as necessary revise a control measure in the following circumstances:*
 - a) *the control measure does not control the risk it was implemented to control so far as is reasonably practicable;*

2.3. Identify duty holders, and their roles and responsibilities according to risk management requirements

The three main duty holders under WHS law are:

- Person Conducting a Business or Undertaking (PCBU).
- Workers.
- Officer.

The legislative duties (roles and responsibilities) of a PCBU, Workers, and Officers are explained below.

PCBU/Employer

If you are an employer, or PCBU, you have the main responsibility for the health and safety of everyone in your workplace, including visitors. This is your 'primary duty of care'.

Note: Person Conducting a Business or Undertaking (PCBU) is essentially the employer, although there are further definitions and conditions that apply in certain scenarios. You can read more about who or what is a PCBU here: <https://www.wa.gov.au/government/publications/the-meaning-of-person-conducting-business-or-undertaking-pcbu>

Under the WHS Act, a PCBU has the following Primary Duty of Care:

19. Primary duty of care

- (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of —*
 - (a) workers engaged, or caused to be engaged, by the person; and*
 - (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*
- (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*
- (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable —*
 - (a) the provision and maintenance of a work environment without risks to health and safety; and*
 - (b) the provision and maintenance of safe plant and structures; and*
 - (c) the provision and maintenance of safe systems of work; and*
 - (d) the safe use, handling and storage of plant, structures and substances; and*
 - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and*
 - (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and*
- (4) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.*



As well as the primary duty of care placed upon PCBUs, workers and others, there are specific duties listed in the WHS Act that refer directly to the management of WHS hazards/risks. The excerpt below is from Section 17 of the WHS Act:

A duty imposed on a person to ensure health and safety requires the person—

- (a) to eliminate risks to health and safety, so far as is reasonably practicable; and*
- (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.*

The WHS Regulations will go further in spelling out specific legal duties for broader categories of hazards and hazardous work tasks and equipment. For example, the WHS Regulations have separate divisions regarding:

- Emergencies.
- Remote or isolated work.
- Risks from airborne contaminants.
- Hazardous atmospheres.
- Storage of flammable or combustible substances.
- Falling objects.
- Noise.
- Hazardous manual tasks.
- Confined spaces.
- High risk work.
- Demolition work.
- General electrical safety and energised electrical work.
- Diving work.
- Plant and structures.
- Construction work.
- Hazardous chemicals.
- Lead.
- Asbestos.
- Demolition and refurbishment.
- Major hazard facilities.
- Mines.

Each of the above will detail specific duties for risk management in relation to these types of hazards or hazardous work tasks.

Workers

Under the Work Health and Safety Act (WHS Act), a worker includes any person who works, in any capacity, in or as part of the business or undertaking.

You are a worker under health and safety legislation if you are an:

- Employee.
- Independent contractor or subcontractor (or their employee).
- Employee of a labour hire company.
- Outworker, such as a home-based worker.
- Apprentice or trainee.
- Student gaining work experience.
- Volunteer.

Under the WHS Act, workers have the following Duty of Care:

28. Duties of workers

While at work, a worker must —

- (a) take reasonable care for the worker's own health and safety; and*
- (b) take reasonable care that the worker's acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and*
- (d) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.*

Officer

An officer is someone who:

- Makes, or participates in making, significant decisions that affect the whole, or a substantial part, of the business; or
- Has the capacity to significantly affect the business's financial standing.

For small businesses, officers are usually the owners or operators of the business.

An officer of a PCBU has a duty to exercise due diligence to ensure a business or undertaking complies with their duties under WHS laws. An officer can be prosecuted for failing to exercise due diligence.

Under the WHS Act, an Officer has the following duties:

- (1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.*
- (2) Subject to subsection (3), the maximum penalty applicable under Division 5 of this Part for an offence relating to the duty of an officer under this section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.*
- (3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of Division 2 or 3 of this Part or this Division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.*

(4) *An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation.*

(5) *In this section, due diligence includes taking reasonable steps:*

- (a) to acquire and keep up-to-date knowledge of work health and safety matters; and*
- (b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and*
- (c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and*
- (d) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and*
- (e) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and*
- (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).*

Examples

For the purposes of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include:

- reporting notifiable incidents;*
- consulting with workers;*
- ensuring compliance with notices issued under this Act;*
- ensuring the provision of training and instruction to workers about work health and safety;*
- ensuring that health and safety representatives receive their entitlements to training.*

You can read more about duties under WHS laws here: <https://www.safeworkaustralia.gov.au/law-and-regulation/duties-under-whs-laws>

2.4. Identify tools used by organisational in current hazard identification and risk control processes

The tools used by an organisation to identify hazards are the documents, forms, processes and systems used to carry out hazard identification processes. These can include:

- Risk assessment documentation and forms such as a Job Safety/Hazard Analysis (JSA/JHA) or Take 5.
- Work area inspections and checklists.
- Equipment pre-start inspection checklists.
- Hazard reports.
- Audits and previous audit reports.
- A hazard or risk register.
- In-field task observations.
- Safety interactions.
- Monitoring equipment, e.g., gas detectors, noise level meters.
- Safety Data Sheets (SDS) for chemicals.
- Consultation between supervisors, workers, and others.
- Handover, pre-shift and toolbox meetings.
- Safe Operating Procedures (SOPs).
- Manufacturer's instructions for plant and equipment.
- Codes of practice, guidance materials and other information published by WHS and other regulators.
- Past risk assessments.
- Previous incident reports and incident investigation reports.
- Workplace WHS statistics.
- Workplace signage, labels, stickers and warnings.



Risk control processes are the ways in which controls are considered and selected. Different workplaces will use different processes, and the ones they implement will be determined by the hazards and risks and the nature and type of organisation and work conducted.

Risk control processes can include:

- Risk assessments such as JHA/JSA or project-based risk assessment.
- Referring to codes of practice, guides and standards.
- Employing the services of specialists and consultants.
- Running team-based risk assessments.
- Developing and maintaining a risk register.

As per the WHS Regulations, all risks must be controlled according to the hierarchy of controls. Therefore, the controls implemented will vary depending on the risk, but they must be arrived at using the hierarchy of controls.

36 Hierarchy of control measures

1. *This regulation applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.*
2. *A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this regulation.*
3. *The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following:*
 - a) *substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk;*
 - b) *isolating the hazard from any person exposed to it;*
 - c) *implementing engineering controls.*
4. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.*
5. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of suitable personal protective equipment.*

In addition, there are certain tasks for which controls are set out in the WHS Regulations and associated Code of Practice. An example of this is working within a confined space. The WHS Regulations stipulate that the following controls must be implemented.

- Ensuring workers avoid entering confined spaces wherever possible.
- Ensuring workers have completed confined space training.
- Completing an entry permit.
- Providing signage.
- Providing adequate personal protective equipment.
- Ensuring emergency procedures are in place for rescue.

You can read more about confined spaces here: <https://www.safeworkaustralia.gov.au/duties-tool/agriculture/additional-info/confined-spaces>

Another example of a mandatory control under the WHS Regulations is the requirement for a Safe Work Method Statement (SWMS) to be developed for all work that is classified as 'high risk construction work'.

High risk construction work includes work that:

- Involves a risk of a person falling more than 2 m.
- Is carried out on a telecommunication tower.
- Involves demolition of an element of a structure that is load-bearing.
- Involves demolition of an element of a structure that is related to the physical integrity of the structure.
- Involves, or is likely to involve, disturbing asbestos.
- Involves structural alteration or repair that requires temporary support to prevent collapse.
- Is carried out in or near a confined space.

- Is carried out in or near a shaft or trench deeper than 1.5 m or a tunnel.
- Involves the use of explosives.
- Is carried out on or near pressurised gas mains or piping.
- Is carried out on or near chemical, fuel or refrigerant lines.
- Is carried out on or near energised electrical installations or services.
- Is carried out in an area that may have a contaminated or flammable atmosphere.
- Involves tilt-up or precast concrete.
- Is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor in use by traffic other than pedestrians.
- Is carried out in an area of a workplace where there is any movement of powered mobile plant.
- Is carried out in areas with artificial extremes of temperature.
- Is carried out in or near water or other liquid that involves a risk of drowning.
- Involves diving work.

A PCBU that carries out high risk construction has additional WHS duties. These include requirements to prepare, keep, comply with and review a SWMS for the work. The PCBU must provide a copy of the SWMS to the principal contractor.

You can read more about SWMS and high risk construction work within the 'Safe work method statement for high risk construction work - information sheet', which is accessible here:

<https://www.safeworkaustralia.gov.au/resources-and-publications/guidance-materials/safe-work-method-statement-high-risk-construction-work-information-sheet>

Element 3. Contribute to workplace hazard identification

3.1. Contribute to selecting hazard identification tools and techniques according to WHS laws, and risk management requirements

A hazard is a source or a situation with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, or a combination of these.

Hazards generally arise from the following aspects of work and their interaction:

- Physical work environment.
- Equipment, materials and substances used.
- Work tasks and how they are performed.
- Work design and management.
- Workplace interactions or behaviours.

Hazards are generally split into six main categories:

- Safety Hazards:
 - Hazards relating to safety are the most common workplace risks and are usually the cause of creating unsafe working conditions. Exposed electrical wiring or damaged flooring resulting in tripping accidents fall under this category.
- Biological Hazards:
 - Biological hazards refer to any substance that can bring harm to workers. These include exposure and contact with viruses, bacteria, insect bites, animals, etc., resulting in adverse health impacts.
 - Other common biological hazards are mould, harmful plants, sewage, dust, vermin, blood, and other bodily fluids.
 - This type of workplace hazard can be found mostly in schools, daycare facilities, universities, hospitals, laboratories, nursing homes, and other outdoor occupations.
- Physical Hazards:
 - Despite its name, physical hazards are not always something that is visible to the eyes or can be touched. In fact, this type might be the least obvious than the rest.
 - Physical hazards are environmental factors that can harm the body without necessarily being in contact with it.
 - Common physical hazards include height risks, noise, radiation, pressure, high exposure to sunlight or ultraviolet rays, gases, and temperature extremes.
- Ergonomic Hazards:
 - Ergonomic hazards are mostly a result of physical factors resulting in musculoskeletal injuries. These include poor workstation setup, bad posture when sitting and standing, and incorrect manual handling.
- Chemical Hazards:



- Chemical hazards mainly threaten workers dealing with dangerous solvents, liquids, or flammable gases.
- Workers who are most likely to be exposed or affected by these hazards work in engineering, cleaning facilities, and other field-based occupations.
- Exposure and being in contact with harmful chemicals can lead to skin irritation, breathing difficulties, severe allergic reactions, and in extreme cases, death.
- Psychosocial Hazards:
 - Psychosocial hazards refer to situations that can negatively impact a worker's mental health and well-being. For example, deadlines, hectic schedules, work stress, sexual harassment, and workplace violence.

There are many ways to identify risk and many tools and techniques that can be employed to assist. A tool in this context is something that is used to facilitate hazard identification. This might be a checklist, a reference document, or similar. It might also refer to the use of technology such as computers and smart devices. Techniques simply refer to the manner in which the tool is used. For example, a checklist might be paper-based or cloud-based via a smart device, and it may be used out in the field where the work is happening during a work task observation, or it may be used during an office-based risk assessment. Therefore, the tool is what is used, and the technique is how the tool is used. Hazard identification tools and techniques can include:

- Inspecting the work area using a checklist.
- Using monitoring equipment.
- Reading Safety Data Sheets (SDS) for chemicals.
- Looking at site maps and plans.
- Consulting with your supervisor and other workers.
- Reading Safe Operating Procedures (SOPs) and manufacturer's instructions for plant and equipment.
- Reading codes of practice, guidance materials and other information published by WHS and other regulators.
- Reviewing past risk assessments, hazard reports and incident reports.
- Reading workplace signage, labels, stickers and warnings.
- Conducting a risk assessment such as a Job Safety/Hazard Analysis (JSA/JHA) or Take 5.

The tools and techniques used to identify hazards must be relevant to the organisation and should be selected based on the suitability to the work being carried out, the location, plant, equipment and chemicals or materials in use and the makeup of the workforce. When selecting hazard identification tools and techniques, you should consider:

- Their suitability to the hazards. E.g., gas monitors for confined spaces or underground mining and checklists for workplace inspections. A checklist is great for performing an inspection on a vehicle or work area but not appropriate to determine if the noise level in the workplace is hazardous.
- Their usability, i.e., they do not take too long to use or are too complex for most people to use.
- Their relevance to the workplace. This means that they accurately represent the workplace and the plant and equipment in use. E.g., a pre-start inspection checklist for a forklift should be tailored to that make and model of forklift, and a workshop inspection should include all plant, equipment and tools within the workshop.

- Their currency. If they are out of date and do not accurately represent the workplace as it is now, they can have gaps in coverage, which may leave some hazards unidentified.
- Their level of compliance with best practices and WHS legislation.
- Whether a specific tool or technique is required under the Act or regulations or within a code of practice.
- Whether a specific tool or technique is required by organisational policies and procedures.
- Whether the use of the tool or technique would expose the user to risk. E.g., entering a confined space to test for gases that may harm the tester, as opposed to using a gas tester on an extendable rod or remotely.

To select the most appropriate tool and technique, you will need to research the available sources of information and data, consult with others and consider the factors above.

3.2. Use hazard identification tools and techniques to assist with identifying hazards according to risk management requirements

Hazard identification tools and techniques can be used in the following ways:

- Consultation with workers and others such as experts and professionals when seeking to identify obvious hazards in the workplace or when dealing with hidden or emerging hazards such as dust, fumes, gases, noise and others that may require specialist knowledge or equipment such as monitoring devices and sound meters.
- Workplace inspections and inspections of equipment may be suitable for hazards relating to materials and equipment being stored incorrectly, faulty parts or components on items of plant, and condition of machinery and safety equipment such as seat belts, brakes, guards and cut-off switches.
- Hazard identification checklists can be used when identifying hazards relating to a specific task or hazard category such as plant and equipment.
- Codes of practice, guides and standards can be used for almost all hazards, as there is practically one for every imaginable hazard associated with a work task or item of plant and equipment.
- Safety Data Sheets (SDSs) enable the user to quickly identify hazards associated with their use such as inhalation of fumes, contact with skin, combustibility and flammability and incorrect storage.
- Knowledge obtained from workers and others such as experts and professionals can be used when seeking to identify obvious hazards in the workplace or when dealing with hidden or emerging hazards such as dust, fumes, gases, noise and others that may require specialist knowledge or equipment, such as monitoring devices and sound meters.
- Previous incident reports can be used to identify all manner of workplace hazards but will be limited to those incidents that are similar in nature or were caused by exposure to specific hazards.
- Hazard reporting or tracking systems such as databases and spreadsheets used to log hazards as they are reported and controlled can be used to identify repeat hazards to determine if they have occurred before and therefore, have not been adequately controlled. These can include machinery faults, hazards related to poor work practices or non-compliance with workplace policies and procedures.
- A filing system containing policies and procedures, SDSs, and manufacturer's specifications and instructions that can be accessed prior to using materials or equipment. These can be used when identifying hazards relating to chemicals and materials, use of plant and equipment or any work task being conducted.



3.3. Contribute to documenting hazard identification processes and results according to risk management requirements



All hazard identification processes and results must be documented when carrying out inspections, observations and interactions, risk assessments, when reviewing codes of practice, guides and standards or using measuring and monitoring equipment such as noise or gas meters.

Documenting hazard identification processes and results simply means recording what you observe, so this information can be used for tracking/trending, risk assessment, reporting, or for assigning corrective or preventative actions to people to fix the hazard.

The results of hazard identification processes will include the following types of observations:

- Unsafe conditions, e.g., poorly maintained access or haul roads.
- Unsafe behaviours, e.g., not clipping onto an EWP when working at height.
- Exposure level exceedances such as noise, dust, or the presence of an irrespirable atmosphere in a confined space.
- Unsafe equipment or equipment that is overdue for statutory inspections, e.g., fire extinguisher overdue for 6 monthly inspections, or electrical or lifting equipment not correctly tagged for the quarter.
- Chemicals and other hazardous substances or dangerous goods that are stored, handled, or used incorrectly.
- Procedural breach, e.g., not isolating a machine before a pre-start inspection or not having a fire extinguisher in place during hot works.
- Non-compliance with a policy, e.g., not wearing the correct PPE for a task, not having a permit in place or not working to the permit.
- Non-compliance with 'golden' or 'life saving' rules, which would also count as an incident.

You can document hazard identification processes and results by:

- Filling in forms and checklists.
- Writing notes in a field notebook.
- Using a phone or tablet to write notes.
- Taking photos.
- Taking video or voice records (dictation).
- Logging data on monitoring devices and meters.
- Transcribing data into spreadsheets and systems, etc., from handwritten notes.
- Writing reports on observations and findings.
- Entering results and findings into the organisation's risk register.
- Documenting hazards in a JSA/JHA or SWMS.

3.4. Apply knowledge of hazards to advise individuals and/or parties about workplace hazards and the harms they may cause

Workers and others in the workplace must be made aware of any information that is relevant to their health and safety. This is clearly stated in the WHS Act Sections 47 and 49, which states:

Section 47:

A person conducting a business or undertaking must consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter.

Section 49:

Consultation under this division is required in relation to the following health and safety matters—

- a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*

This means that if a person has information relating to hazards that have the potential impact on a worker or other person, they must be made aware of the hazards and the harms they may cause. This enables the person to take the necessary steps to keep themselves and others safe at work and to understand the controls that should be implemented. For example, when asking a worker to carry out a task that has the potential to expose them to respirable crystalline silica or the adverse effects of a cleaning chemical. These hazards may not be immediately obvious to the person conducting the task. Therefore, those with the knowledge must ensure that this information is provided to them. This is also a requirement under the WHS Act primary duty of care, as shown below.

Section 19 (3)

(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking

You can advise individuals and/or parties about workplace hazards and the harms they may cause by providing information:

- At a workplace or area-specific induction.
- On workplace signage.
- During pre-shift and safety toolbox meetings.
- In written SOPs and other procedures.
- During task, equipment or work area specific training sessions.
- During formal conversations.
- During a risk assessment.
- When developing a JSA/JHA or SWMS.



Element 4. Contribute to WHS risk assessment

4.1. Identify individuals and/or parties at risk of exposure to hazards and determine the nature, severity and likelihood of potential harm



In the context of work health and safety, it is the health and safety of people that is the core concern. While risk assessments will generally include damage to plant and equipment, infrastructure or the environment, in the case of a JSEA, the primary goal of WHS risk is to identify who could be hurt, how, and how badly.

In health and safety risk assessments, exposure groups are used to streamline risk assessments, rather than assessing individuals separately. Exposure groups are groups of workers who have similar exposure to a particular hazard due to their job tasks, work environment, or the

materials they handle. Exposure groups are identified based on factors such as job roles, duration and frequency of exposure, and the type of hazard present.

In a mining operation, exposure groups and the hazards and risks to which they may be exposed could include:

- Drill and Blast Crew – Dust, noise, vibration, and explosives.
- Underground Operators – Diesel particulate matter (DPM), dust, heat, and confined workspaces.
- Surface Equipment Operators – Dust, noise, vibration, and weather conditions.
- Processing Plant Workers – Chemicals, dust, noise, and heat.
- Maintenance Personnel – Welding fumes, solvents, oils, and manual handling risks.
- Laboratory Technicians – Chemicals, dust, and sample preparation hazards.
- Exploration Teams – Dust, noise, fauna (snakes and spiders), isolation, vibration, and extreme weather.
- Shotcrete and Ground Support Crew – Unsupported ground, cement dust, chemical additives, and ergonomic strain.
- Contractors and Visitors – Exposed to general site hazards.
- Drivers (Light Vehicles and Trucks) – Dust, vibration, fatigue, and traffic hazards.
- Mobile Plant Operators – Fatigue, noise, dust, vibration, and ergonomic strain.
- Control Room Operators – Ergonomic risks, extended screen time, and psychological stress.
- Cleaners – Chemicals, dust, manual handling risks, and slip hazards.

The choice to use exposure groups or individual personnel will depend on the scope of the risk assessment. For a large project or site risk assessments, such as when establishing the site's risk register, exposure groups would be appropriate, but for a single task JSA or SWMS, the risk assessment should include only those carrying out the task.

To determine who could be exposed to hazards, you need to look at the tasks and identify who is doing them. Once you know who could be exposed to a hazard, you can then follow the risk assessment process by determining the nature, severity and likelihood of potential harm.

The first step in determining the nature, severity and likelihood of potential harm is to determine how exposure to the hazard could lead to harm. You can make assumptions based on experience, and some harms will be immediately obvious. E.g., a hole in the ground could lead to serious injury from falling into it. However, to do this accurately, you should refer to a range of documentation so that nothing is missed. External information can include:

- Codes of practice.
- Guides.
- Australian standards.
- Operating manuals and instructions for tools and equipment.
- Safety Data Sheets (SDS).
- Weather forecasts.
- Fire risk warnings from emergency services.
- Incident alerts and reports from other businesses, industry bodies and WHS regulators.
- Area and topographical maps.
- Reports and advice from external consultants and experts.

An example of an external publication that can be used during a risk assessment to determine who could be hurt and how is the checklist Appendix C of the 'Code of Practice – Managing the risks of plant in the workplace'. An excerpt is provided below. You can access this and other codes of practice here:

<https://www.safeworkaustralia.gov.au/law-and-regulation/codes-practice>

Appendix C—Hazard checklist

Plant description: Click here to enter text.

Activities for example use, cleaning and maintenance: Click here to enter text.

Assessed by: Click here to enter text.

Date: Click here to enter a date.

‘Yes’ to any of the following indicates the need to implement control measures		
Entanglement	Yes	No
Can a person’s hair, clothing, gloves, necktie, jewellery, cleaning brush or rag become entangled with moving parts of the plant?	<input type="checkbox"/>	<input type="checkbox"/>
Crushing	Yes	No
Can anyone be crushed due to:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • material falling off the plant? • uncontrolled or unexpected movement of the plant? • lack of capacity for the plant to be slowed, stopped or immobilised? • the plant tipping or rolling over? • parts of the plant collapsing? • coming into contact with moving parts of the plant during testing, inspection, operation, maintenance, cleaning or repair? • being thrown off or under plant? • being trapped between the plant and materials or fixed structures? • other factors not mentioned? 		
Cutting, Stabbing or Puncturing	Yes	No
Can anyone be stabbed or punctured due to:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • coming in contact with sharp or flying objects? • coming in contact with moving parts during testing, inspection, operation, maintenance, cleaning or repair? • the plant, parts of the plant or work pieces disintegrating? • work pieces being ejected? • the mobility of the plant? • uncontrolled or unexpected movement of the plant? • other factors not mentioned? 		
Shearing	Yes	No
Can anyone’s body parts be sheared between two parts of the plant, or between a part of the plant and a work piece or structure?	<input type="checkbox"/>	<input type="checkbox"/>

Internal information will include:

- Previous incident reports and incident investigation reports.
- Previous risk assessments.
- SOPs for tasks and equipment.
- Site plans and maps.
- Workers’ own knowledge.
- In-house experts and advisors.

Once you know who could be harmed, by what, in what scenario and how badly, you will have arrived at the consequences of exposure to the hazard/risk, you can then assess the likelihood of harm of that nature and severity occurring in that specific scenario to those particular people.

To determine the likelihood, you need to consider:

- The exposure, i.e., how often a person is exposed to the hazard.
- How many times it has happened before in the same or similar workplace.
- What controls are currently in place.
- Workplace or external statistics on incidents of the same or similar nature.

Likelihood can be difficult to assess, and sometimes, it is just a case of making as good an informed judgment as you can, based on experience and knowledge of the workplace and the incidents that have happened previously. It is important to remember that when determining likelihood, you are trying to decide how likely it is that *this* harm, from *this* hazard, in *this* situation, will occur. You are not assessing the likelihood of someone falling off a ladder in general. You are assessing the likelihood that a person will fall from a ladder at a height of 3 metres and break their arm. So, it is the likelihood of the harm occurring that is important, not the incident.

4.2. Contribute to applying tools, techniques and processes to identified hazards to assess risk, according to risk management requirements

Hazards can be identified using a range of methods (tools and techniques), including:

- Inspecting the work area.
- Using monitoring equipment.
- Reading Safety Data Sheets (SDS) for chemicals.
- Looking at site maps and plans.
- Consulting with your supervisor and other workers.
- Reading Safe Operating Procedures (SOPs) and manufacturer's instructions for plant and equipment.
- Reading codes of practice, guidance materials and other information published by WHS and other regulators.
- Reviewing past risk assessments, hazard reports and incident reports.
- Reading workplace signage, labels, stickers and warnings.
- Conducting a risk assessment such as a Job Safety/Hazard Analysis (JSA/JHA) or Take 5.



Once hazards have been identified, you must conduct a risk assessment before planning to implement risk controls. A risk assessment is simply asking:

- What could happen if I am exposed to the hazard? E.g., if the electric tool I am using malfunctions, or a heavy item falls on me. The answer could be death or serious injury. (However, the maximum reasonable risk is more likely to be serious injury rather than death, as death may occur in some circumstances but not in the majority).
- How likely is it that harm of that severity (e.g., death or serious injury) will occur in this situation?

Once you have answered these questions, you can use the consequence and likelihood descriptors and a risk matrix to determine the level of risk.

Consequence Descriptors:

1. Negligible: No injuries or property damage. Minimal impact on operations.
2. Minor: Minor injuries or property damage. Minor disruption to operations.
3. Moderate: Moderate injuries or property damage. Significant disruption to operations.
4. Major: Major injuries or property damage. Severe disruption to operations.
5. Catastrophic: Fatalities or extensive property damage. Complete shutdown of operations.

Likelihood Descriptors:

1. Rare: Unlikely to occur in normal circumstances. Almost impossible.
2. Unlikely: May occur sporadically or under exceptional circumstances.
3. Possible: May occur occasionally or under specific conditions.
4. Likely: Will probably occur in most circumstances.
5. Almost Certain: Will occur in most circumstances.

Risk Matrix

	Rare (1)	Unlikely (2)	Possible (3)	Likely (4)	Almost Certain (5)
Negligible	Low (1)	Low (2)	Low (3)	Medium (4)	High (5)
Minor	Low (2)	Low (3)	Medium (4)	Medium (5)	High (5)
Moderate	Low (3)	Medium (4)	Medium (4)	High (5)	High (5)
Major	Medium (4)	Medium (4)	High (5)	High (5)	High (5)
Catastrophic	Medium (4)	High (5)	High (5)	High (5)	High (5)

The risk rating is the point where the consequence and likelihood intersect. E.g., Moderate + Possible (3) = Medium (4)

4.3. Contribute to documenting risk assessment results according to risk management requirements

You can carry out and document a risk assessment using a Job Hazard Analysis (JHA) worksheet or another format, such as the example shown below. A simple template will suffice as long as it allows you to list the hazards associated with each task, assess the risk of exposure to them and then plan the controls to be implemented.

Task	Hazards	Risk	Consequence	Likelihood	Risk Rating	Control	Responsible Person

Job Safety/Hazard Analysis (JHA/JSA)

A JSA/JHA is a form of risk assessment that details step-by-step how a task is to be carried out safely. Sometimes, the JSA/JHA is called a JSEA and includes environmental aspects as well. Other than the employer's primary duty of care to ensure workers are trained and competent for their work, there are no specific legal requirements to have a JSA or any regulations prescribing the format or content for JSAs.

JSAs have four main components. These include:

1. Job steps in chronological order.
2. Hazards and risks associated with each job step.
3. A risk assessment including consequences, likelihood and risk rating for each hazard or risk in each job step.
4. Control measures to be implemented according to the hierarchy of controls to eliminate or control the hazards and risks.

A JSA template can be accessed here:

- https://www.commerce.wa.gov.au/sites/default/files/atoms/files/job_safety_analysis.doc

Safe Work Method Statement (SWMS)

A SWMS is similar to a JHA in that it details the job steps, hazards/risks, risk assessment and controls. However, a SWMS is required under the WHS Regulations for specific tasks. A person conducting a business or undertaking (PCBU) carrying out high risk construction work is required to:

- Ensure that a safe work method statement (SWMS) is prepared before the proposed work starts.
- Make arrangements to ensure that the high risk construction work is carried out in accordance with the SWMS.
- Ensure that a copy of the SWMS is given to the principal contractor before the work starts.
- Ensure that a SWMS is reviewed and revised if necessary.
- Keep a copy of the SWMS until the high risk construction work is completed.

A SWMS template can be accessed here:

- <https://www.safeworkaustralia.gov.au/system/files/documents/1703/information-sheet-safe-work-method-statement.pdf>

A risk assessment does not have to be documented to be effective, but not having documented risk assessments may cause a problem should an incident occur and an incident investigator cannot find evidence to prove that a risk assessment did in fact occur. Therefore, it is good practice to document risk assessments. Your organisation will have specific requirements for how risk assessments are conducted and documented, and you should comply with these. Once a risk assessment has been undertaken, it can be documented in many ways, including:

- Written reports.
- Copies of documents such as checklists, brainstorming activities and processes.
- Completed checklists.
- Completed risk assessment documents, such as the use of a risk matrix to rate risks.
- A completed Job Safety Analysis (JSA/JHA), Safe Work Method Statement (SWMS) or incident investigation report (to determine the risk of recurrence of an incident).
- A risk register (see the example below).

An example risk register:

Location:					Date:			
Hazard	What is the harm that the hazard could cause?	What is the likelihood that the harm would occur?	What is the level of risk?	How effective are the current controls?	What further controls are required?	How will the controls be implemented?		
						Action by	Due Date	When completed

There is an example of a risk register in Appendix D of the Code of Practice – How to manage work health and safety risks. You can access this code of practice here:

https://www.safeworkaustralia.gov.au/sites/default/files/2024-11/model_code_of_practice-how_to_manage_work_health_and_safety_risks-nov24.pdf

4.4. Contribute to communicating risk assessment outcomes with workers, contract workers, managers and technical specialists according to risk management requirements

The WHS Act places specific duties on duty holders in relation to WHS consultation. The WHS Act, for example, specifically states:

Section 47: A person conducting a business or undertaking must consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter.

The Act then goes on to state how consultation should occur. E.g.:

that workers be given a reasonable opportunity—

- i. to express their views and to raise work health or safety issues in relation to the matter; and*
- ii. to contribute to the decision-making process relating to the matter;*

The WHS Act also includes information on when consultation is required (WHS Act section 49 When consultation is required):

Consultation under this division is required in relation to the following health and safety matters—

- a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
- b) when making decisions about ways to eliminate or minimise those risks;*
- c) when making decisions about the adequacy of facilities for the welfare of workers;*
- d) when proposing changes that may affect the health or safety of workers;*
- e) when making decisions about the procedures for—*
 - i. consulting with workers; or*
 - ii. resolving work health or safety issues at the workplace; or*
 - iii. monitoring the health of workers; or*
 - iv. monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking; or*
 - v. providing information and training for workers; or*
- f) when carrying out any other activity prescribed under a regulation for this section.*

The WHS Act 49 a), as shown above, clearly states that consultation must occur when assessing risk. Consultation does not mean simply telling people what has been done, or the decisions made, but also requires that workers and others have the opportunity to participate and be informed of WHS matters.

In addition to the above, the primary duty of care in the WHS Act requires a PCBU to ensure:

(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

This means that workers and others in the workplace must be made aware of information that may affect their ability to work safely. The outcomes of risk assessments certainly fall under this heading. As well as



legislative requirements to communicate WHS information, such as the outcomes of risk assessments, there will be organisational requirements that dictate who must be notified, when and how. For example, if a group of workers have carried out a risk assessment for a task they are due to complete and one or more of the risks is ranked as 'high' or similar as per the risk matrix used, organisational procedures may state that the work crew must get approval from their supervisor or manager prior to commencing the task. This may be to further investigate whether the risk can be further reduced, implement additional controls such as a work permit, or simply to approve of a high risk task.

Therefore, risk assessments and risk assessment information should be communicated via:

- Providing access to risk assessment documentation, such as:
 - Written reports.
 - Copies of documents such as checklists, brainstorming activities and processes.
 - Completed checklists.
 - Completed risk assessment documents, such as the use of a risk matrix to rate risks.
 - A completed Job Safety Analysis (JSA/JHA), Safe Work Method Statement (SWMS) or incident investigation report (to determine the risk of recurrence of an incident).
 - A risk register.
- Meetings and formal and informal discussions.
- Training.
- Email, alerts and safety bulletins.
- Company intranet pages.

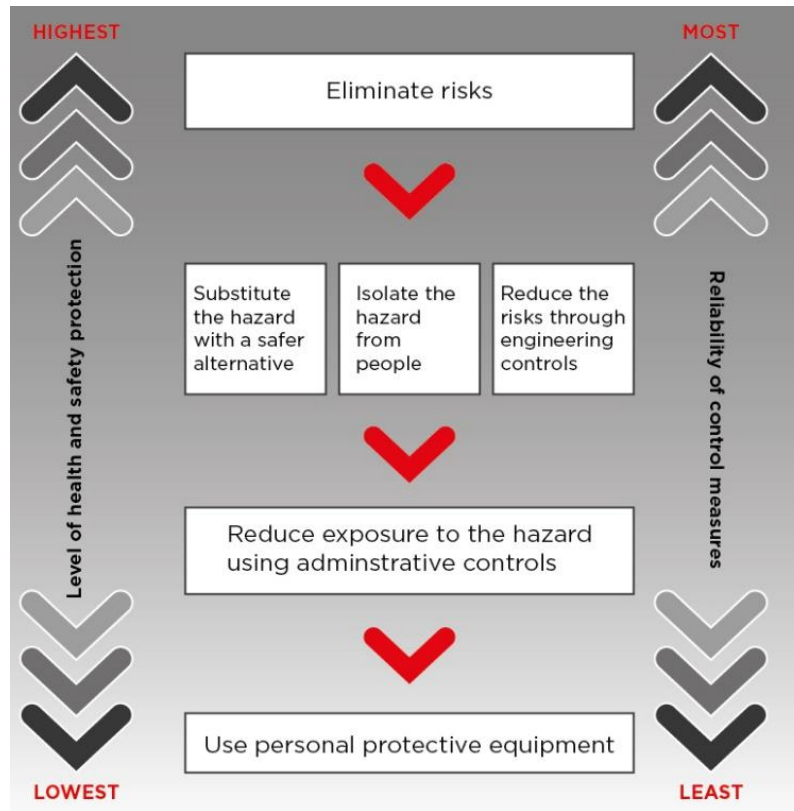
Element 5. Contribute to developing and implementing risk controls

5.1. Contribute to selecting risk controls for identified hazards based on the risk assessment

A risk control is something you can do or put in place to either remove a hazard or risk, make it less likely to cause harm, or reduce the severity of the harm.

Hierarchy of Control

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest, as shown in the diagram below. This ranking is known as the hierarchy of control measures.



The hierarchy of control measures can be applied in relation to any risk. The WHS Regulations make it mandatory for duty holders to work through this hierarchy when managing certain risks. It is also standard practice to apply the hierarchy of control to all risk management processes, whether mandated by legislation or not.

You must always aim to eliminate the risk, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy.

The lower levels in the hierarchy are less effective because controls that change the hazard or minimise exposure to the hazard can only minimise the risk. You cannot eliminate the risk without eliminating the hazard.

Administrative controls and personal protective equipment (PPE) are the least effective at minimising risk because they do not control the hazard at the source and rely on human behaviour and supervision. These control measures should only be used:

- To supplement higher level control measures (as a back-up).
- As a short-term interim measure until a more effective way of controlling the risk can be used.
- When there are no other practical control measures available (as a last resort).

The Hierarchy of Control Explained

Elimination

The most effective control measure involves eliminating the hazard and associated risk. The best way to do this is by, firstly, not introducing the hazard into the workplace. For example, you can eliminate the risk of a fall from height by doing the work at ground level.

Substitution, Isolation and Engineering Controls

If it is not reasonably practicable to eliminate the hazards and associated risks, you must minimise the risks using one or more of the following approaches, so far as is reasonably practicable.

Substitute the Hazard with Something Safer

For instance, replace solvent-based paints with water-based ones or manage both the physical and psychosocial risks by allowing workers to have more control of line speed instead of pacing line work by computer.

Isolate the Hazard from People

This involves physically separating the source of harm from people by distance or using barriers. For instance, install guardrails around exposed edges and holes in floors, use remote control systems to operate machinery, store chemicals in a fume cabinet, place barriers between workers and customers or move services online where there is a risk of violence or aggression or other harmful behaviours.

Use Engineering Controls

An engineering control is a control measure that is physical in nature, including a mechanical device or process. For instance, use mechanical devices such as trolleys or hoists to move heavy loads, place guards around moving parts of machinery, install residual current devices (electrical safety switches), set work rates on a production line to reduce fatigue, install sound-dampening measures to reduce exposure to unpleasant or hazardous noise, ensure IT systems are fit for purpose to reduce job demands.

Administrative Controls

If risks remain, they must be minimised by implementing administrative controls, so far as is reasonably practicable. Administrative controls include work methods or procedures that are designed to minimise exposure to a hazard as well as the information, training and instruction needed to ensure workers can work safely. For instance, develop procedures on how to operate machinery safely, provide training and support to managers and workers to identify and manage both physical and psychosocial health and safety risks, implement workplace behavioural policies, limit exposure time to a hazardous task, and/or use signs to warn people of a hazard.

Some administrative measures will be necessary to ensure substitution, isolation and engineering controls are implemented effectively, for example, following safe work procedures when using equipment.

Personal Protective Equipment

Any remaining risks must be minimised with suitable PPE. Examples of PPE include earmuffs, respirators, face masks, hard hats, gloves, aprons and protective eyewear. PPE limits exposure to the harmful effects of a hazard, but only if workers wear and use the PPE correctly.

Evaluating Risk Controls

Information about suitable controls for many common hazards and risks can be obtained from:

- Codes of practice and guidance material.
- Manufacturers and suppliers of plant, substances and equipment used in your workplace.
- Industry associations and unions.

Risk controls can be selected by considering internal and external sources of information and by consulting with relevant members of the workforce who have a stake in controlling risk. Stakeholders

who may be consulted via reading website information, documents, bulletins or in person by email, at meetings or via formal or informal discussions over the phone or face-to-face may include:

- Contractors and subcontractors.
- Customers.
- PCBUs or their officers.
- Workers.
- Other persons at a workplace.
- Health and safety committees.
- Health and safety representatives.
- Suppliers.
- Unions.
- WHS entry permit holders.
- WHS inspectors.
- WHS regulators.

Risk controls should be compliant with the guidance provided by the WHS Regulations, codes of practice, guides and standards, as well as current organisational policies and procedures. Therefore, once you have selected and documented the controls to be implemented, you must check that they are correct and will be effective.

Examples of external information that can be used to select controls are provided below.

Hazardous Manual Tasks

This information is taken from the 'Code of Practice - Hazardous manual tasks'. You can access this code here: <https://www.safeworkaustralia.gov.au/doc/model-code-practice-hazardous-manual-tasks>

Hierarchy of control measures		Examples of control measures
Level 1	Elimination	Automate the manual task, for example by using robotics. Deliver goods directly to the point of use to eliminate multiple handling.
Level 2	Substitution	Replace heavy items with lighter, smaller or easier to handle items, be aware of the risk of increased repetition. Replace hand tools with power tools to reduce the level of force required to do the task. Coordinate with suppliers to replace packaging with packaging designed to allow goods to be handled using powered plant. Handle items mechanically to reduce the risk to the worker.
	Isolation	Isolate vibrating machinery from the user. Enclose the machinery or the personnel, creating an isolating barrier between the hazard and the person at risk. Redesign the workplace to minimise distractions from the task performed.
	Engineering	Use mechanical lifting aids and trolleys.

Hierarchy of control measures		Examples of control measures
		Design the workplace to minimise the need to lift and move things. Provide workstations that are height adjustable.
Level 3	Administrative	Rotate workers between different tasks. Develop lifting procedures including what devices should be used, how many workers are required to operate them and what training those workers need.
Level 4	Personal protective equipment	Heat-resistant gloves for handling hot items. Shock-absorbent shoes for work on hard concrete floors.

Noise

This information is taken from the 'Code of Practice - Managing noise and preventing hearing loss at work'. You can access this code here: <https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-noise-and-preventing-hearing-loss-work>

Using Engineering Controls

A good understanding of the operation of the plant or process is necessary when considering ways of minimising noise at its source.

Examples of engineering control measures include:

- Eliminating impacts between hard objects or surfaces through cushioning or separation.
- Minimising the drop height of objects or the angle that they fall onto hard surfaces.
- Using absorbent lining on surfaces to cushion the fall or impact of objects.
- Fitting exhaust mufflers on internal combustion engines.
- Fitting silencers to compressed air exhausts and blowing nozzles.
- Ensuring gears mesh together better.
- Fixing damping materials (such as rubber) or stiffening to panels to reduce vibration.
- Fitting sound-absorbing materials to hard reflective surfaces.
- Changing fan speeds or the speeds of particular components.
- Changing the material the equipment or its parts are made of (for example, change metal components to plastic components).
- Selecting tyre types that are suitable for the ground surface or terrain.
- Installing vibration-minimising seats on mobile plant.

Maintenance of Plant

It is essential that you maintain plant and equipment regularly as it will deteriorate with age and can become noisier. Check for changes in noise levels, badly worn bearings and gears, poor lubrication, blunt blades, loose parts, unbalanced rotating parts, and steam or air leaks, which all create noise that can be reduced with good maintenance. Engineering controls such as vibration mountings, impact absorbers, gaskets, seals, silencers, barriers and other equipment should be regularly inspected and maintained.

Where relevant, regularly inspect and maintain workplace roadways, vehicle suspensions and tyres to reduce exposure to whole-body vibration (WBV).

Using Administrative Controls

Administrative noise control measures reduce the amount of noise to which a person is exposed by reducing the time they are exposed to it. Examples include:

- Organising schedules so that noisy work is done when only a few workers are present.
- Notifying workers and others in advance of noisy work so they can limit their exposure to it.
- Keeping workers out of noisy areas if their work does not require them to be there.
- Providing quiet areas for rest breaks for workers exposed to noisy work.
- Using job rotation to limit the time workers spend in noisy areas by moving them to quiet work before their daily noise exposure levels exceed the exposure standard.

If you rely on administrative controls, you should conduct regular checks to ensure that they are being complied with.

Chemicals

This information is taken from the 'Code of Practice - Managing risks of hazardous chemicals in the workplace'. You can access this code here: <https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-risks-hazardous-chemicals-workplace>

Administrative Controls

Administrative controls should only be considered when other higher order control measures are not practicable, or to supplement other control measures. For carcinogens, administrative controls should only be used to provide additional protection.

Administrative controls should also be considered for emergencies when other control measures fail, such as for managing spills and leaks, and are particularly important for those workers who are required to clean up spills, or who carry out regular cleaning and maintenance work. Examples of administrative controls include:

- Written rules and policies for using, handling or storing hazardous chemicals. For example, having a written clean-up procedure for spills.
- A job rotation schedule, so that the same workers are not continually exposed to chemicals with chronic health effects.
- A purchasing policy, this may include just-in-time ordering so that large quantities of chemical do not need to be stored on site, or preferential purchasing of premixed chemicals so that workers do not need to manually mix hazardous chemicals.
- Restricted area policies, so that only staff who are involved in the use, handling, storage or generation of hazardous chemicals are allowed access to high risk areas where there may be a greater risk of exposure.
- Implementing procedures to prevent introduction of ignition sources in hazardous areas.
- Using a work method that minimises the time that mixers, reactors or ovens are open to the environment (both during and after use). This limits the period of time in which a chemical could escape into the work area.
- Having a cleaning schedule for work areas and a maintenance schedule for engineered controls.
- Requiring staff to use vacuuming or wet sweeping methods to suppress dust that may be generated during dry sweeping.
- Prohibiting eating, drinking and smoking in areas where hazardous chemicals are used, stored or handled.

- Providing washing facilities for rinsing off chemicals (such as hand washing, showers, laundering of clothes).

Training and supervision should always be provided to ensure administrative controls are implemented effectively.

5.2. Document agreed risk controls according to risk management requirements



Once risk controls have been evaluated and selected, they must be documented. How they are documented will depend on the nature and scope of the risk assessment and the kind of controls that are to be implemented. To be implemented, controls must be planned. This means that you need to consider who will implement them, using what resources, when, and how.

You can document all of this information using a risk control plan or risk control implementation plan. This may already be included in some risk assessments, such as a JSA or SWMS form or risk

register, or you may need to develop a separate document or means of documenting the control plan.

Risk control plans are the plans created to implement the required controls following the risk assessment process. Risk controls must be implemented systematically to ensure that they are effective. This means planning reasonably practicable controls that are determined by researching the various sources of information and data that have already been discussed.

Implementing risk controls will result in changes to policies, procedures, processes and systems. To adopt a systematic approach to implementing corrective actions to implement risk controls, you must look at several considerations:

- What is the hazard/risk?
- What controls can be implemented?
- What resources are required to implement the controls?
- When will the controls be implemented?
- Who will implement the controls?
- How will you know if the controls have been implemented and that they have worked?

Sometimes, it can require more than one action to implement a control, and larger actions/goals should be broken down into smaller achievable and very specific actions or tasks. For example, writing 'make all plant safe' as an action on an action plan might leave the responsible person wondering how they achieve this. Breaking this broad aim down into manageable tasks will increase the likelihood of successful implementation, e.g., risk assess all items of plant, create a maintenance program, etc. It is also important to include a 'verb' in each action to clearly explain what task the responsible person is being given. For example, if the corrective action was simply listed as 'training', this does not explain what must be done. Including a verb such as plan, schedule, conduct, etc., will ensure that nothing is lost in translation. This will be demonstrated in the example of the action plan to follow. It is important to consider the resources required for each specific action too. Asking someone to create a specific policy or procedure for the use of plant and equipment without considering the time it will take, the different sources of information such as Acts, Regulations, Codes of Practice and Guides, the physical resources such as computers and programs as well as the number of people who will need to be consulted with throughout the organisation will make the job of the responsible person that much more difficult. Specifying a deadline for implementation is vital too, as to leave a task open-ended may result in it never being done. The timescale will depend on the level of risk associated with not completing the task given. The more important it is, i.e., the higher the risk, the sooner it should be completed. Actions must be assigned to a person or persons who are capable of completing them as required in the time allowed.

It is not enough just to implement an action. An action is like a risk control that, once implemented, must be reviewed to ensure that it has been effective. This is specified in health and safety legislation such as the WHS Regulations:

37 Maintenance of control measures

A duty holder who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is, and is maintained so that it remains, effective, including by ensuring that the control measure is and remains:

- (a) fit for purpose; and*
- (b) suitable for the nature and duration of the work; and*
- (c) installed, set up and used correctly.*

You must assign a performance indicator to each action so you can gauge if it has been completed. The best way to think about a performance indicator is by asking, what will indicate the performance of the responsible person in completing the assigned action? For example, if the action was to train all staff on how to operate an item of plant, the performance indicator assigned to this action could be the percentage of staff trained in the time allowed out of a target of 100% (all staff). If the responsible person has only trained 50% of staff in the time allowed then this will indicate poor performance, conversely 100% trained in the time allowed would indicate excellent performance. The following is an example risk control plan to implement the controls related to training plant operators in the safe use of equipment.

Risk Control / Action Plan				
Corrective Action / Control	Resources Required	Responsible Person	Implementation Timeline	Performance Indicator
Research plant training courses	Time, computer	Training manager	1 week	A list of relevant courses by deadline
Book all required operators onto training course	Time, money	Training manager	2 weeks	100% of plant operators booked onto training course
Conduct training for plant operators	Time, money, external trainer, training room	Training manager	4 weeks	100% of plant operators successfully complete training

Risk control plans can be documented using:

- An action plan.
- Written reports.
- Copies of documents such as checklists, brainstorming activities and processes.
- Completed checklists.
- A completed Job Safety Analysis (JSA/JHA), Safe Work Method Statement (SWMS) or incident investigation report (to determine recommendations for corrective or preventative actions).
- A risk register.
- Workplace policies and procedures.
- Training materials.

Risk control plans must be created in consultation with members of the workforce, either directly or via their health and safety representatives. Section 49 of the WHS Act states:

49 When consultation is required

Consultation under this division is required in relation to the following health and safety matters:

- (a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
- (b) when making decisions about ways to eliminate or minimise those risks;*

Risk control plans must also be created by using the best available sources of information and data to determine the most appropriate controls to be implemented. In some cases, health and safety legislation will dictate specific controls that must be implemented, and it is important that these are considered in the risk control plan. Not using these sources of information and data may result in the implementation of ineffective controls that do not meet legislative requirements.

Just as hazard identification, risk assessment and risk control evaluation must be the subject of consultation, so too must risk control plans. As discussed previously, the WHS Act includes information on when consultation is required (WHS Act section 49 When consultation is required):

Consultation under this division is required in relation to the following health and safety matters—

- a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
- b) when making decisions about ways to eliminate or minimise those risks;*
- c) when making decisions about the adequacy of facilities for the welfare of workers;*
- d) when proposing changes that may affect the health or safety of workers;*
- e) when making decisions about the procedures for—*
 - i. consulting with workers; or*
 - ii. resolving work health or safety issues at the workplace; or*
 - iii. monitoring the health of workers; or*
 - iv. monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking; or*
 - v. providing information and training for workers; or*
- f) when carrying out any other activity prescribed under a regulation for this section.*

Parts b), d) of the above, and the primary duty of care regarding the provision of information and training apply directly to communicating risk control plans.

5.3. Contribute to developing risk controls according to the hierarchy of control measures and WHS laws

The hierarchy of control measures can be applied in relation to any risk. The WHS Regulations make it mandatory for duty holders to work through this hierarchy when managing certain risks.

36 Hierarchy of control measures

1. *This regulation applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.*
2. *A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this regulation.*
3. *The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following:*
 - a) *substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk;*
 - b) *isolating the hazard from any person exposed to it;*
 - c) *implementing engineering controls.*
4. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.*
5. *If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of suitable personal protective equipment.*



You may need to develop specific control measures if the available information, such as codes of practice and guides, is not relevant to the hazards and risks or circumstances at your workplace. This can be done by referring back to your risk assessment and asking: 'What can be done to stop or change the risk or reduce exposure?'

Working through the risk assessment in this way will give you ideas about possible ways to eliminate or minimise the risk. There may be more than one solution for each of the hazards, scenarios, or risks. The control option you choose should be:

- One or more controls that provide the highest level of protection for people and are the most reliable—that is, controls located towards the top of the hierarchy of controls; and
- Available—that is, it can be purchased, made to suit or be put in place; and
- Suitable for the circumstance in your workplace—that is, it will work correctly given the workplace conditions, work process and your workers.

Where the hazard or risk has the potential to cause death, serious injury or illness, more emphasis should be given to those controls that eliminate or reduce the level of harm than those that reduce the likelihood of harm occurring.

Make sure that your chosen solution does not introduce new hazards. If this is not possible, any new hazards or risks introduced will also need to be managed.

You may prepare a risk register that identifies the hazards, what action needs to be taken, who will be responsible for taking the action, and by when.

All risks can be controlled, and it is always possible to do something, such as stopping the activity or providing instructions to those exposed to the risk. There will normally be a number of different options between these two extremes. Cost (in terms of time and effort as well as money) is just one factor to consider when determining the best control option.

The cost of controlling risk may be taken into account in determining what is reasonably practicable, but cannot be used as a reason for doing nothing. The greater the likelihood of harm occurring or the greater the extent of that harm, the less weight should be given to the cost of controlling the hazard or risk. If two control measures provide the same level of protection and are equally reliable, you can adopt the less expensive option.

Cost cannot be used as a reason for adopting controls that rely exclusively on changing people's behaviour or actions when there are more effective controls available that can change the risk through substitution, engineering or isolation.

5.4. Contribute to implementing risk controls and seek supervisory advice as required by the circumstances

Implementing controls can be done by following the risk control plan that you have developed. A well-written plan should include:

- The hazard/risk.
- The controls.
- The resources required to implement the controls.
- A date or timeline for controls to be implemented.
- A person or party, e.g., a department or group of workers responsible for implementing the controls.
- KPIs to measure progress towards implementation and effectiveness of controls.
- A review date to determine the effectiveness of the controls.



The control measures you implement will usually require changes to the way work is carried out, for example, working with new or modified equipment or processes, new or different chemicals or new personal protective equipment. In these situations, it is necessary to support the control measures with work procedures, training, information and supervision and control maintenance measures.

Work procedures:

- Develop a safe work procedure that describes the task, identifies the hazards and documents how the task is to be performed to minimise the risks.

Training, instruction and information:

- Training workers in the work procedure to ensure that they are able to perform the task safely. Training must cover the nature of the work, the associated risks and the control measures to be implemented. Training should require workers to demonstrate that they are competent in performing the task according to the procedure. It is insufficient to simply give a worker the procedure and ask them to acknowledge that they understand and are able to perform it. Training, instruction and information must be provided in a form that can be understood by all workers. Information and instruction may also need to be provided to others who enter the workplace, such as customers or visitors.

Supervision:

- The level of supervision required will depend on the level of risk and the experience of the workers involved. High levels of supervision are necessary where inexperienced workers are expected to follow new procedures or carry out difficult and critical tasks.

Maintenance:

- Control measures need regular monitoring and maintenance to ensure they remain effective. You should decide what is required when you implement the control and establish a schedule for routine checks and maintenance appropriate to the controls.

You may prepare a risk register identifying the hazards, what action needs to be taken, who will be responsible for taking the action, and by when.

Some tasks are just high risk, and despite the best efforts of those involved in a risk assessment and implementation of the most effective controls, the remaining or residual risk is still high or extreme as per

the risk matrix. In these cases, you need to refer the issue to workplace management personnel such as supervisors and managers. They can provide advice, such as looking at different ways to carry out work, providing additional resources, such as specialist personnel or equipment, or they can implement additional controls designed to manage the risk associated with high risk work. Additional controls may include:

- Extra supervision.
- Permit to Work (PTW) systems.
- Limits to exposure time, e.g., time spent in a confined space or job rotation.
- Policies that a person cannot carry out a task alone and must be accompanied.
- Emergency response or rescue plans.

5.5. Support communication of information on risk controls and actions to required individuals and/or parties

If personnel are to be affected by the risk control options to be implemented or to play a part in their implementation and/or maintenance, they must be made aware of them. Therefore, risk control plans and related information can be communicated via:

- Providing access to written information such as:
 - Written reports.
 - Copies of documents such as checklists, brainstorming activities and processes.
 - Completed checklists.
 - A completed Job Safety Analysis (JSA/JHA), Safe Work Method Statement (SWMS) or incident investigation report (to determine recommendations for corrective or preventative actions).
 - A risk register.
 - Workplace policies and procedures.
 - Training materials.
- Meetings.
- Training.
- Formal and informal discussions.
- Email, alerts and safety bulletins.
- Company intranet pages.



Element 6. Contribute to evaluating effectiveness of risk controls

6.1. Identify requirements for ensuring ongoing effectiveness of risk controls

An important part of controlling risk is ensuring that your chosen control measures are maintained after their initial implementation.

The WHS Regulations mandate that controls be maintained to confirm that they are effective following implementation.

37 Maintenance of control measures

A duty holder who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is, and is maintained so that it remains, effective, including by ensuring that the control measure is and remains:

- (a) fit for purpose; and*
- (b) suitable for the nature and duration of the work; and*
- (c) installed, set up and used correctly.*

The WHS Regulations require a risk management process for specific risks that includes circumstances where you must review control measures for those risks and, if necessary, change them. A review is required:

- When the control measure is not effective in controlling the risk.
- Before a change at the workplace that is likely to give rise to a new or different health and safety risk that the control measure may not effectively control.
- If a new hazard or risk is identified.
- If the results of consultation indicate that a review is necessary.
- If a health and safety representative requests a review.

Managing work health and safety risks is an ongoing process that needs attention over time, but particularly when any changes affect your work activities.



6.2. Contribute to identifying measures that enable evaluation of effectiveness of risk controls

Control evaluation methods should be included in the organisation's risk management policy and procedure. The following are methods that can be used to monitor the control measures you have implemented and ensure that they remain effective.

Accountability for health and safety:

- Managers and supervisors should be provided with the authority and resources to implement and maintain control measures effectively. Accountability should be clearly allocated to ensure procedures are followed and maintained.



Maintenance of plant and equipment:

- This will involve scheduling and performing regular inspection and testing, repair or replacement of damaged or worn plant and equipment. It includes checking that any control measures are suitable for the nature and duration of work, are set up and used correctly.

Up-to-date training and competency:

- Most control measures depend on workers and supervisors having the appropriate competencies to do the job safely. Training must be provided to maintain competencies and to ensure new workers are capable of working safely.

Up-to-date hazard information:

- Information about hazards, such as plant and substances, may be updated by manufacturers and suppliers and should be checked to make sure controls are still relevant. New technology may provide more effective solutions than were previously available. Changes to operating conditions or the way activities are carried out may also mean that control measures need to be updated.

Regular review and consultation:

- Control measures are more effective where there is regular review of work procedures and consultation with your workers and their representatives.

If maintenance processes reveal new hazards, or existing hazards that are not being addressed, you will need to perform a review of your control measures.

You may use the same methods as in the initial hazard identification step to check controls. Consult your workers and their health and safety representatives and consider the following questions:

- Are the control measures working effectively in both their design and operation?
- Have the control measures introduced new problems?
- Have all hazards been identified?
- Have new work methods, new equipment or chemicals made the job safer?
- Are safety procedures being followed?
- Have the instruction and training provided to workers on how to work safely been successful?

- Are workers actively involved in identifying hazards and possible control measures? Are they openly raising health and safety concerns and reporting problems promptly?
- Are the frequency and severity of health and safety incidents reducing over time?
- If new legislation or new information becomes available, does it indicate current controls may no longer be the most effective?

If problems are found, go back through the risk management steps, review your information and make further decisions about risk control. Priority for review should be based on the level of risk. Control measures for high risks should be reviewed more frequently.

Measures that enable evaluation of the effectiveness of risk controls can include:

- Workplace inspections to confirm that controls such as signage, barricading and lighting are in place.
- Conducting task observations to confirm that workers are following procedures.
- Checking training records to make sure that all personnel have the correct level of training.
- Reviewing workplace policies and procedures and confirming that they align with legislation, best practices, and are current and relevant to work practices.
- Inspecting plant and equipment to confirm that it is in good working order.
- Carrying out an audit of emergency response equipment to confirm that it is all in date and is supplied in the correct quantities, e.g., fire extinguishers, hoses, first aid kits, emergency showers and eye wash stations.
- Reviewing incident statistics to see if the frequency or severity of specific types of incidents has increased or decreased.
- Consulting with workers and others on the usefulness and usability of procedures and other controls.
- Conducting surveys and feedback sessions about the controls that have been implemented and asking for suggestions on improvements.
- Taking samples and measurements of workplace conditions such as ventilation, air quality, dust or noise.

6.3. Document plan for monitoring effectiveness of risk controls according to organisational policies and procedures

Using the best available sources of information, such as codes of practice and guides specific to workplace hazards, e.g. electrical work, plant and chemicals, etc., you can start to create a plan of how and when controls will be monitored. The plan must include clear instructions and responsibilities for:



- Who will carry out monitoring processes.
- When they will be carried out.
- How they will be carried out.
- Where they will be carried out.
- What resources or equipment are required to conduct monitoring processes.
- How the outcomes of monitoring processes will be documented.
- To whom the results of monitoring processes will be reported.
- How corrective actions will be managed and assigned based on the results of monitoring processes.

Monitoring processes must be carried out by people with sufficient knowledge and experience of the work practices, equipment, work area, and the associated hazards, risks and controls. There is little value in asking someone who does not understand the nature of the hazard, the level of risk and the controls that have been implemented to check if they are effective, as that person may not have sufficient knowledge in this area to make an informed judgement.

The frequency of risk control reviews should be determined by the level of risk. The higher the level of risk of a credible failure of the controls, the more frequently the monitoring and review should occur.

An example of a simple control monitoring plan is provided below.

Control Monitoring Plan

1. Monitoring Responsibilities

- Monitoring must be conducted by personnel with sufficient knowledge and experience related to the specific hazards, risks, and controls in place.
- Assigned personnel include:
 - Safety Advisors – Oversee compliance and effectiveness of risk controls.
 - Supervisors – Conduct workplace inspections and task-specific control monitoring.
 - Maintenance Personnel – Inspect and maintain equipment-related controls.
 - Occupational Hygienists – Assess exposure levels to hazards such as dust, noise, and chemicals.
 - Workers – Report control failures and participate in daily pre-start checks.

2. Monitoring Schedule

- The frequency of monitoring will be based on the level of risk associated with each hazard and the likelihood of control failures.

- **High risk controls** (e.g., critical plant safety features, confined space entry controls) – **Daily or before each use**
- **Moderate-risk controls** (e.g., PPE compliance, ventilation systems) – **Weekly or as per operational schedules**
- **Lower-risk controls** (e.g., administrative measures, signage) – **Monthly or as part of routine workplace audits**
- **Formal risk control reviews** – **Annually or after incidents, near misses, or regulatory updates**

3. Monitoring Methods

- **Workplace Inspections** – Visual checks of work areas, equipment, and housekeeping.
- **Task Observations** – Supervisors assess whether workers are following safe work practices.
- **Equipment and Machinery Checks** – Inspections of plant, tools, and safety devices before use.
- **Environmental Monitoring** – Air quality testing, noise level measurements, and dust sampling.
- **Review of Incident Reports and Near Misses** – Identifying trends and failures in control measures.
- **Worker Feedback and Consultation** – Discussions with workers to identify control effectiveness.

4. Monitoring Locations

- Monitoring activities must be carried out in all areas where controls have been implemented, including:
 - Work areas where hazardous tasks occur (e.g., processing plant, workshops, drilling areas).
 - Storage locations for hazardous substances and chemicals.
 - Mobile equipment operating zones and traffic management areas.
 - Control rooms and monitoring stations.

5. Resources Required for Monitoring

- Equipment and tools for monitoring may include:
 - Inspection checklists and audit forms.
 - Personal monitoring devices (e.g., noise dosimeters, gas detectors).
 - Air quality monitoring equipment.
 - Incident and hazard reporting software.

6. Documentation of Monitoring Outcomes

- Monitoring results must be recorded using:
 - Inspection reports and audit records.
 - Task observation checklists.
 - Maintenance logs for equipment-related controls.
 - Workplace safety meeting minutes.
 - Occupational hygiene sampling data and reports.

7. Reporting of Monitoring Results

- Monitoring outcomes must be reported to relevant personnel based on the type of control being assessed:
 - Supervisors – Immediate reporting of any failures or concerns.
 - Safety Advisors – Analysis of trends and recommendations for corrective actions.
 - Senior Management – Formal reporting during WHS reviews and audits.
 - Workers – Communication of findings in pre-start meetings and toolbox talks.

8. Corrective Actions and Follow-Up

- **Assigning Actions** – Identified control failures must be assigned to responsible personnel for rectification.
- **Timeframes for Resolution** – Urgent risks must be addressed immediately, while lower-priority issues should have defined completion deadlines.
- **Verification of Effectiveness** – Follow-up monitoring must confirm that corrective actions have resolved the identified issues.
- **Review and Continuous Improvement** – Regular reassessments ensure that controls remain effective and relevant to workplace conditions.

A template that can be used to develop a monitoring plan is provided below.

Control Monitoring Plan Template	
Control or Hazard Being Monitored	
Responsible Person(s)	
Monitoring Frequency	
Monitoring Method	
Monitoring Location(s)	
Resources Required	
Documentation Method	
Reporting Requirements	
Corrective Action Process	
Follow-Up and Review	

6.4. Present and effectively communicate plan to required stakeholders according to risk management requirements



Once the monitoring plan has been developed and documented, it must be submitted for approval and/or communicated to those who are required to use it.

This can include those listed within the plan, such as managers, supervisors, WHS Advisors and principal contractors (for larger projects or workplaces).

You must also communicate the monitoring plan to workers and their representatives as per the WHS Act Section 49, which states:

Consultation under this division is required in relation to the following health and safety matters—

- a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;*
- b) when making decisions about ways to eliminate or minimise those risks;*
- c) when making decisions about the adequacy of facilities for the welfare of workers;*
- d) when proposing changes that may affect the health or safety of workers;*
- e) when making decisions about the procedures for—*
 - i. consulting with workers; or*
 - ii. resolving work health or safety issues at the workplace; or*
 - iii. monitoring the health of workers; or*
 - iv. monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking; or*
 - v. providing information and training for workers; or*
- f) when carrying out any other activity prescribed under a regulation for this section.*

You can present and communicate the plan in different ways according to who it is being presented to. This can include:

- Being documented in formal reports to be submitted to management.
- Inclusion in formal procedures.
- Being sent to external personnel by email.
- Being presented using PowerPoint presentations.
- During training sessions.
- At toolbox or other safety meetings.

It is not sufficient to just present the plan. You should take the time to explain to those who will use the plan how it works and what their roles and responsibilities are in relation to the plan and to monitor and evaluate the effectiveness of the controls. For example, supervisors and WHS Advisors will be responsible for conducting workplace inspections and task observations. Industrial hygienists will carry out noise, air and water sampling and monitoring. On the other hand, workers will not carry out

inspections, condition monitoring and audits but may be required to participate in monitoring processes and contribute to the monitoring plan by:

- Providing information during field-based interactions, inspections and audits.
- Wearing personal dust monitoring or air quality devices.
- Providing samples for hydration monitoring.
- Giving feedback on implemented controls at pre-shift and toolbox meetings.