

# OCCUPATIONAL HEALTH AND SAFETY

## QUESTIONS AND ANSWERS

### 1. What are my occupational health and safety responsibilities?

Section 8(1) of the *Occupational Health and Safety Act 2000 (OHS Act 2000)* states that as an employer you 'must ensure the health, safety and welfare at work of all the employees'. To meet your responsibilities under the *OHS Act 2000*, you must provide:

- Safe premises;
- Safe machinery and substances;
- Safe systems of work;
- Provision of information, instruction, training and supervision; and
- Suitable working environment and facilities.

The Act also states that you are responsible for the health and safety of people other than your workers, who may be present at the workplace.

**Note:** The obligations on individual employers vary, and employers should seek independent legal advice if they need assistance on the application of the law to their situation.

### 2. What is risk management?

An employer has an obligation to identify and assess foreseeable hazards. If it is not reasonably practicable to eliminate the risk, the employer must take steps to control the risk.

Risk management is covered in detail in Chapter 2 of the OHS Regulation 2001. Other chapters also refer to obligations of risk management as they apply to specific hazards, activities or places of work.

Risk management involves assessing the harm of those hazards. It is the process of:

1. **Identifying any foreseeable hazard** - anything in the workplace that has potential to harm anyone at the workplace, e.g. moving parts in machinery, toxic chemicals, manual handling tasks.
2. **Assessing the risk from the hazard** - finding out how significant the risk is e.g. will it cause a serious injury, illness or death and how likely is this to occur?
3. **Eliminating the hazard or if this is not possible, controlling the risk from the hazard** - implementing strategies to eliminate or control the hazard eg. design equipment differently, add machine guards, use safer chemicals, providing lifting devices to minimise manual handling or use personal protective equipment.  
(Note: This phase is more commonly referred to simply as **risk control** but the possible elimination of the hazard(s) must be considered before risk control is undertaken).
4. **Reviewing risk assessment** – to monitor and improve control measures and find safer ways of doing things. (Clause 9 of the OHS Regulation)

### **3. Who is responsible for risk management?**

The employer must undertake risk management for all foreseeable hazards in their workplace that may arise from work activities and that have the potential to harm employees and any other person at that workplace.

In particular the employer must take reasonable care to identify hazards arising from (but not limited to):

- Work premises;
- Work practices, systems and shift working arrangements (including hazardous processes, psychological and fatigue related hazards);
- Equipment (including the transport, installation, erection, commissioning, use, repair, maintenance, dismantling, storage or disposal of equipment);
- Presence of asbestos;
- Manual handling (including potential for occupational overuse injuries);
- Layout and condition of the workplace (e.g. lighting and workstation design);
- Physical working environment (including the potential for any one or more of: Electrocution; drowning; fire or explosion; people slipping, tripping or falling; contact with moving objects; exposure to noise, heat, cold, vibration, radiation, static electricity or a contaminated atmosphere);
- Potential for workplace violence; and
- Biological hazards.

(Clause 200 (2) of OHS Regulation 2001).

Others must also undertake risk management in relation to hazards and risks that arise out of their activities, for example, designers, manufacturers, suppliers, and controllers of premises all have obligations - see Chapters 4 and 5 of OHS Regulation 2001.

### **4. Who should be involved in risk management?**

The employer must consult with employees about any OHS matter that affects them - this includes the risk management process – (see Chapters 2 and 3 of the OHS Regulation 2001).

Consulting with employees about the hazards and how to eliminate or control them will help:

- To comply with the law;
- To get the whole team involved in the process;
- To give you many different points of view and; and
- To encourage safe thinking.

## **5. What if the employer uses a supervisor or employee or consultant to undertake the risk management on their behalf?**

Obligations for risk management remain the responsibility of the employer regardless of any delegation or contracting arrangements that may be made in carrying out the risk management process.

## **6. What is a hazard?**

A hazard is anything (including work practices or procedures) that has the potential to harm the health or safety of a person. (Clause 3 of the OHS Regulation 2001).

Hazards can arise from:

- The workplace environment;
- The use of plant and substances;
- Poor work design or practices;
- Inappropriate management systems and procedures; and
- Human behaviour.

## **7. What is risk?**

Risk is the significance of the hazard in terms of likelihood and severity of any possible injury or illness.

## **8. I have a number of hazards that are the same but occur in different places (e.g. other practices). Do I have to do a separate risk assessment for each of them?**

A general risk assessment of the hazard is enough, however you will need to examine the different places or circumstances in which the hazard occurs and make sure that your risk assessment outcomes are applicable.

You will also need to check that the risk is eliminated or effectively controlled for each place or circumstance.

## **9. What is risk control?**

It is not enough to identify hazards. Action must be taken to do something to fix (i.e. eliminate or control) the hazard before it has the chance to cause injury and illness. This is risk control.

The first priority of the employer is to try to eliminate the risk altogether. (Clause 11(1) of the Regulation). If this is not reasonably practical, the employer must take action to control the risk. (Clause 11(2)).

An employer must also make sure that all measures taken to eliminate or control risks to health and safety are properly used and maintained. (Clause 11(3)).

The Regulation (Clause 5) provides a specific meaning for “control of risks” when it is not possible for the employer to eliminate them. (This is sometimes referred to as the *hierarchy of control*).

The Regulation ranks control strategies from the most effective to the least effective strategy. The employer must take the following measures (Clause 5(1) in the order specified to minimise the risk to the lowest possible level. (Remember that the employer should only be using this list if they have not been able to eliminate the hazard):

- Substitute the hazard with a hazard that poses a lower risk of harm e.g. less hazardous chemical or different equipment;
- Isolate the hazard from the person put at risk eg. machine guards, remote handling;
- Minimise the risk by engineering means eg. ventilation;
- Use administrative means to minimise the risk eg. safe work methods, training, job rotation; and
- Use personal protective equipment (PPE) e.g. hard hat, respirator, gloves.

If one of these measures is not enough to minimise the risk to the lowest possible level a combination is required. (Clause 104(2)).

## **10. Are there any exemptions for risk management?**

No. There are no exemptions for risk management. Risk management applies to all hazards and all workplaces covered by the OHS Act and Regulations.

Under Clause 9(3) of the Regulation, employers must identify hazards:

- Before using any premises as a place of work;
- Before and during installation, erection, commissioning or alteration of plant in a place of work;
- Before changes to work practices and systems of work are introduced;
- Before hazardous substance are introduced into a place of work;
- While work is being carried out; and
- When new or additional health and safety information relevant to the employer’s business becomes available.

## **11. What are some ways in which you can identify hazards?**

A number of procedures can be implemented in your organisation to enable workplace hazards to be identified:

- Observation;
- Consultation;
- Workplace inspections;
- Health and environment monitoring;
- Safety audits;
- Monitoring complaints;
- Monitoring injury and illness records.

## **12. What is risk assessment?**

If, as an employer, you have identified a hazard you must assess how dangerous it is. Ask yourself: how likely is it that an injury or illness will occur and how seriously could someone be affected? This is risk assessment.

The level of significance of the risk will determine the priority assigned to its elimination or control action taken to eliminate the risk, or, if that is not practicable, control the risk of harm occurring.

There are many types of hazards and methods for assessing them will differ. Clause 9 of the OHS Regulation 2001 provides information about how to assess risks. An employer must:

- Evaluate the likelihood of an injury or illness occurring and the likely severity of any injury or illness;
- Review all available health and safety information relevant to the hazard (for example, information from the supplier of plant, material safety data sheets, labels, registers of installed asbestos, results of biological monitoring and atmospheric monitoring of atmospheric contaminants, previous incident, injury or illness reports);
- Identify factors that contribute to the risk (for example, layout and condition of working environment; capability, skill, experience and age of people ordinarily doing the work; systems of work being used and reasonably foreseeable abnormal conditions);
- Identify actions necessary to eliminate or control the risk; and
- Identify any records necessary to be kept to ensure that risks are eliminated or controlled (including how long they should be kept).

Hazpak – Making Your Workplace Safer provides some useful guidance. It suggests that for each hazard the employer should:

- Judge the severity of any harm. Consider if it could cause:  
Permanent disability, ill health or death; long term illness or serious injury; require medical attention with someone off work for several days; or someone to require first aid.
- Judge the likelihood of any harm occurring:  
Very likely – (could happen any time); likely – (could happen sometime); unlikely – (could happen but very rarely); very unlikely – (could happen but probably never will).

**NOTE:** Under Clause 12 of the Regulation, an employer must review a risk assessment, including any measures adopted to control the risk, whenever:

- There is evidence that the risk assessment is no longer valid; or
- Injury or illness results from exposure to the particular hazard; or
- A significant change is proposed in the place of work or in work practices or procedures to which the assessment relates.