

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

		PAGE NUMBER
SECTION 1		
1.1	Work Health and Safety Legislation	1-1-1
	Work Health and Safety Legislation	1-1-1
	Key Changes with the Work Health and Safety Legislation	1-1-2
	Part 1 - Aim of the Work Health and Safety Legislation	1-1-3
	Part 2 - Health and Safety Duties	1-1-4
	Part 3 - Incident Notification	1-1-6
	Part 4 - Authorisations	1-1-6
	Part 5 - Consultation, Representation and Participation	1-1-6
	Part 6 - Discriminatory, Coercive and Misleading Conduct	1-1-13
	Part 7 - Workplace Entry by Entry Permit Holders	1-1-13
	Part 8 - The Regulator	1-1-14
	Part 9 - Securing Compliance	1-1-14
	Part 10 - Securing Compliance	1-1-15
	Part 11 - Enforceable Undertakings	1-1-15
	Part 12 - Review of Decisions	1-1-16
	Part 13 - Legal Proceedings	1-1-16
	Part 14 - General	1-1-17
	Jurisdictional Notes	1-1-17
SECTION 2		
2.1	Work Health Safety Management Policy	2-1-1
	Forsight Australia Services and Management Practices	2-1-2
	Work Health and Safety Policy	2-1-2
	Overview of Board of Directors Role and Functions	2-1-3
	Duties under the Work Health and Safety Act	2-1-3
	Work Health and Safety Responsibilities	2-1-4
	Chief Executive Officer	2-1-4
	Regional Managers	2-1-5

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
Department /Line Managers and Supervisors	2-1-5
Employees	2-1-6
Contractors	2-1-6
Volunteers and Visitors	2-1-7
Forsight Australia’s Commitment to Consultation	2-1-7
Consultation Arrangements	2-1-8
Health and Safety Committee	2-1-8
Health and Safety Representative/s	2-1-9
Other Agreed Arrangements	2-1-9
Health and Safety Committee Procedure	2-1-10
Health and Safety Committee Terms of Reference	2-1-10
Health and Safety Committee Pre-meeting Preparation	2-1-10
Health and Safety Committee Meeting Requirements	2-1-11
Health and Safety Committee Post-meeting Requirements	2-1-11
Attachment 1 – Work Health & Safety Information for Volunteers	2-1-12
Attachment 2 – Work Health & Safety Committee Meeting Record	2-1-14

SECTION 3

3.1 Injury Management Policy and Procedures	3-1-1
Injury Management Policy	3-1-2
Employer Responsibilities	3-1-2
Line Manager/Supervisor Responsibilities	3-1-3
Employee Responsibilities	3-1-3
Insurer Responsibilities	3-1-5
Role of the Return to Work Coordinator	3-1-5
Injury Notification Procedures	3-1-6
Return to Work Process	3-1-6
Suitable Duties	3-1-7
Rehabilitation Providers	3-1-7
Claims Management Procedure	3-1-8

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
Dispute Resolution	3-1-8
Attachment 1 – Return to Work Plan	3-1-9
Attachment 2 – Referral Form	3-1-11
Attachment 3 – Information Consent Form	3-1-12
3.2 Notification of Injury Policy and Procedures	3-2-1
Notification of Injury Policy	3-2-1
Internal Forsight Australia Reporting and Investigation	3-2-2
Near Miss Incident	3-2-2
Minor Injury and/or Damage Incident	3-2-2
Significant Injury and/or Damage Incident	3-2-2
Statutory Reporting	3-2-3
Serious Incidents required to be notified	3-2-4
Attachment 1 – WHS Incident Report and Investigation Form	3-2-6

SECTION 4

4.1 Risk Management Policy and Procedures	4-1-1
Risk Management Policy	4-1-1
Definitions	4-1-2
Responsibility Managing Work Health & Safety Risks	4-1-2
Managing Work Health & Safety Risks	4-1-3
Identifying Hazards	4-1-4
Assessing Risks	4-1-5
Controlling Risks	4-1-6
Reviewing Controls	4-1-10
Record Keeping	4-1-10
Attachment 1– Hazard report Form	4-1-11
Attachment 2– Risk Management Worksheet	4-1-12
Attachment 3– Risk Management Register	4-1-13

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
4.2 Manual Handling Risk Management Policy and Procedures	4-2-1
Manual Handling Risk Management Policy	4-2-2
Manual Handling and Musculoskeletal Disorder	4-2-2
Hazardous Manual Tasks	4-2-3
Identifying Hazardous Manual Tasks	4-2-5
Assessing Risks	4-2-6
Controlling the Risks	4-2-6
Using Mechanical Aids	4-2-8
Handling People	4-2-8
Implementing Control Measures	4-2-10
Reviewing Control Measures	4-2-11
Safe Work Method Statement	4-2-11
Manual Handling Training	4-2-16
Reporting	4-2-16
Safe Work Procedures	4-2-16
Manually Assisting Clients	4-2-17
Use of Mechanical Lifter for Transferring or moving clients	4-2-18
Alternative Practices to One Arm Lifts or Hooking Under Arm	4-2-19
Manual Handling of Heavy Objects and Loads	4-2-20
Emergency Situations - Client Fall	4-2-21
Changing bed linen	4-2-22

SECTION 5

5.1 Work Health and Safety Systems Policy and Procedures	5-1-1
Safety Management Systems Policy	5-1-1
Work Health and Safety Policy	5-1-2
Duties of the Board of Directors	5-1-2
Duties of Management	5-1-3
Consultation Arrangements	5-1-3
Risk Management	5-1-3

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
Planned Identification of Hazards/Risks	5-1-4
Incidental Identification of Hazards/Risks	5-1-5
5.2 Handling Workplace Substances Policy and Procedures	5-2-1
Handling Workplace Substances Policy	5-2-2
Hazardous Substances	5-2-2
Contact with Hazardous Substances	5-2-3
Risks of a Hazardous Substance	5-2-5
Legal Obligations with Hazardous Substances	5-2-5
Risk Management and Hazardous Substances	5-2-6
Safe Work Method Statement	5-2-8
Worker Responsibilities	5-2-11
Material Safety Data Sheets (MSDS)	5-2-11
Safe Work Procedures	5-2-11
Handling Workplace Substances	5-2-12
Emergency response Hazardous Substances	5-2-13
Control of Hazards for Workplace Substances	5-2-14
Material Safety Data Sheets (MSDS)	5-2-15
Attachment 1 – Hazardous Substances Register	5-2-16
5.3 Infectious Diseases Policy and Procedures	5-3-1
Infectious Diseases Policy	5-3-2
Definitions	5-3-2
Hazard Identification	5-3-2
Risks Assessment	5-3-3
Risk Control	5-3-3
Work Practices	5-3-3
Safe Work Method Statement	5-3-4
Responsibilities	5-3-8
Safe Work Procedures	5-3-8
Standard Precautions	5-3-9

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
Assisting Clients with Personal Care	5-3-10
Handling Sharps	5-3-11
Needle-Stick Injury	5-3-12
Disposal of Infectious Materials and Cleaning	5-3-13
Cleaning to Prevent Infectious Diseases	5-3-14
Risk Management Control of Specific Infectious Diseases	5-3-15
Herpes simplex	5-3-15
Hepatitis A	5-3-15
Hepatitis B	5-3-15
Hepatitis C	5-3-16
Human Immunodeficiency Virus (HIV / AIDS)	5-3-16
Influenza	5-3-18
Upper respiratory tract infections (URTI)	5-3-18
Chicken pox and shingles	5-3-18
Measles	5-3-18
Infectious mononucleosis (glandular fever)	5-3-18
Rubella (German measles)	5-3-19
Cytomegalovirus (CMV)	5-3-19
Mumps	5-3-19
Staphylococcal and streptococcal infections	5-3-19
Pertussis (whooping cough)	5-3-19
Tuberculosis (TB)	5-3-20
Impetigo (school sores)	5-3-20
Scabies (and other mites causing skin disease)	5-3-21
Head Lice	5-3-21
Ringworm / tinea	5-3-22
Pet bites and scratches	5-3-22

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

PAGE NUMBER

SECTION 6

6.1	Workplace Bullying Policy and Procedures	6-1-1
	Workplace Bullying Policy	6-1-2
	What is Workplace Bullying	6-1-2
	Intentional and Unintentional Bullying	6-1-3
	Impact of Workplace Bullying	6-1-3
	What is Not Considered Workplace Bullying	6-1-4
	Responsibilities with Workplace Bullying	6-1-4
	Preventing Workplace Bullying	6-1-5
	Identifying Risk Factors	6-1-5
	Assessing Risks	6-1-6
	Controlling Risks	6-1-6
	Monitoring and Reviewing Control Measures	6-1-7
	Forsight Australia Bullying Complaints Procedure	6-1-7
	Informal Resolution	6-1-8
	Formal Resolution	6-1-8
	Lodging a Formal Complaint	6-1-8
	Investigation of Complaint	6-1-9
	Investigation Outcomes	6-1-9
	Attachment 1 – Risk Indicators of Bullying Behaviour	6-1-11
	Attachment 2 – Forsight Australia Policy - Bullying Behaviour	6-1-13
6.2	Workplace Violence Policy and Procedures	6-2-1
	Workplace Violence Policy	6-2-2
	Definitions	6-2-2
	Issues Related to Workplace Violence	6-2-3
	Risk Management	6-2-3
	Identification of Hazards	6-2-4

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
Assess the Risk of Injury	6-2-4
Control the Risk	6-2-5
Provision of Information and Training	6-2-6
Monitor and Review Controls	6-2-6
Client Related Violence	6-2-7
Safe Work Method Statement	6-2-7
Client Risk Assessment and Management	6-2-10
Safe Work Procedures	6-2-10
Procedures for Crisis Support	6-2-12
Behaviour Intervention Strategies	6-2-13

SECTION 7

7.1	Managing the Workplace Environment Policy and Procedures	7-1-1
	Managing the Work Environment Policy	7-1-1
	Responsibility for the Work Environment	7-1-2
	Maintaining the Work Environment	7-1-3
	Entry and Exit	7-1-3
	Housekeeping	7-1-3
	Work Areas	7-1-3
	Floors and other surfaces	7-1-3
	Workstations	7-1-3
	Lighting	7-1-4
	Air Quality	7-1-4
	Welfare Facilities	7-1-4
	Drinking Water	7-1-5
	Toilets	7-1-5
	Hand washing	7-1-5
	Outdoor Work	7-1-5
	Emergency Plans	7-1-6

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
7.2 Venue Risk Assessment Policy and Procedures	7-2-1
Venue Risk Assessment Policy	7-2-1
Attachment 1 – Venue Risk Assessment Checklist	7-2-2
Attachment 2 – Events Management Risk Assessment Checklist	7-2-4
Attachment 3 – Scheduled Activity Assessment	7-2-5
7.3 Fire Risk Management Policy and Procedures	7-3-1
Fire Risk Management Policy	7-3-2
Fire Safe Environment	7-3-2
Smoke Detection/Smoke Alarm Systems	7-3-2
Fire Safe Construction	7-3-2
Fire Equipment	7-3-2
Routine Maintenance and Inspection	7-3-2
Hazard Identification	7-3-2
Fire Prevention and Fire Safety Management	7-3-3
Smoke Free Policy	7-3-3
Furnishings	7-3-3
Exit Paths	7-3-3
Emergency Response	7-3-3
Roof Spaces and Underfloor Areas	7-3-3
Fire and Emergency Evacuation Plans and Procedures	7-3-3
Staff Fire Emergency Procedures and Training	7-3-3
Client Fire Emergency Procedures and Training	7-3-3
Activities of Daily Living and Fire Response	7-3-4
Special Provisions	7-3-4
Fire Safe Communities	7-3-4
Record Keeping and Documentation	7-3-4
Maintenance	7-3-4

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
7.4 Vehicle Risk Assessment Policy and Procedures	7-4-1
Vehicle Risk Assessment Policy	7-4-1
Responsibilities for Vehicle Risk Assessment	7-4-2
Regional Managers	7-4-2
Line Managers/Supervisors	7-4-2
Staff	7-4-2
Vehicle Safety	7-4-3
Seat Belts	7-4-3
Mobile Phones	7-4-3
Speed	7-4-3
Transport of Clients	7-4-3
Attachment 1 – Transporting Clients Checklist	7-4-4
Attachment 2 – Working at External Locations Checklist	7-4-5

SECTION 8

8.1 Electrical Safety Policy and Procedures	8-1-1
Electrical Safety Policy	8-1-1
Electrical Equipment Risks	8-1-2
High Risk Electrical Equipment	8-1-2
Low Risk Electrical Equipment	8-1-2
Electrical Equipment Testing Procedure	8-1-2
Electrical Safety Guidelines	8-1-3
Preventing Electrical Injuries	8-1-3
Electricity in Wet Areas	8-1-4
Equipment use and maintenance	8-1-4
Attachment 1 – Safety Inspection & Testing of Electrical Equipment	8-1-5
Attachment 2 – Electrical Equipment Inspection & Testing Register	8-1-7

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
8.2 Slips, Trips and Falls Policy and Procedures	8-2-1
Slips, Trips and Falls Policy	8-2-2
Causes of Slips, Trips and Falls	8-2-2
Contaminants	8-2-2
Floor surfaces	8-2-2
Cleaning	8-2-3
Obstacles and other trip hazards	8-2-3
Environment and lighting	8-2-3
People and activity	8-2-3
Footwear	8-2-4
Managing Slips, Trips and Falls Risks	8-2-4
Identify hazards	8-2-4
Assess the risk	8-2-4
Hierarchy of Controls	8-2-4
Monitor and review controls	8-2-5
Responsibility in Relation to Falls from Height	8-2-5
Preventing Falls	8-2-6
Preventing Falling Objects	8-2-6
Risk Control Measures for High Risk Activities	8-2-7
Attachment 1 – Slips, Trips and Falls Risk Management Tool	8-2-8
8.3 Managing Plant Safety Policy and Procedures	8-3-1
Managing Plant Safety Policy	8-3-1
Risk Management for Plant and Equipment	8-3-2
Hazards with Plant and Equipment	8-3-2
Risk Controls	8-3-3
Purchasing New Plant	8-3-3
Hiring Plant	8-3-3
Plant Registration	8-3-3
Maintenance and Servicing	8-3-3

FORSIGHT AUSTRALIA WORK HEALTH AND SAFETY POLICY AND PROCEDURE MANUAL

INDEX

	PAGE NUMBER
Repair of Plant	8-3-4
Modification of Plant	8-3-5
Inspection and Audit of Plant	8-3-5
Inspection	8-3-5
Daily and pre-start Inspection	8-3-5
Scheduled Inspection	8-3-5
Sale or Transfer of Plant	8-3-6
Plant Documentation	8-3-6
Training and Instruction	8-3-6
Records Management	8-3-7
8.4 Managing Fatigue Policy and Procedures	8-4-1
Managing Fatigue Policy	8-4-1
Responsibilities for Managing Fatigue	8-4-2
Steps Involved in Preventing and Managing Fatigue	8-4-3
Identifying the Hazards	8-4-3
Mental and Physical Demands of Work	8-4-3
Work Scheduling and Planning	8-4-3
Environmental Conditions	8-4-3
Organisational Factors	8-4-3
Individual and Lifestyle Factors	8-4-4
Assessing the Risks	8-4-4
Controlling the Risks	8-4-4
Mental and Physical Demands of Work	8-4-5
Work Scheduling and Planning	8-4-5
Organisational Factors	8-4-6
Individual and Lifestyle Factors	8-4-6
Training	8-4-6
Supervision	8-4-6
Monitor and Review Control Measures	8-4-6
Attachment 1 - Fatigue Hazard Checklist	8-4-8

			
Approved By:	Board of Directors	Date Approved:	December 2014
Date Reviewed		Date Amended:	

WORK HEALTH AND SAFETY LEGISLATION

Authority

This policy and procedure have been developed and will be implemented to meet the requirements of the following:

- The NSW Occupational Health and Safety Act, 2000;
- The NSW Occupational Health and Safety Regulation, 2001;
- Work Health and Safety Act 2011;
- Work Health and Safety Regulations;
- WorkSafe Australia.

Work Health and Safety Legislation

The WHS Act was introduced as part of the 'harmonisation' package of Federal and State OHS legislation that commenced in NSW on 1 January 2012. All states and territories committed to working towards uniform safety standards across Australia. The Work Health and Safety laws will:

- reduce compliance costs and red tape for employers;
- maintain NSW's strong work, health and safety framework;
- keep businesses accountable;
- make laws easier to understand while protecting workers.

Policy Contents

1. Part 1 - Aim of the Work Health and Safety Legislation
2. Part 2 - Health and Safety Duties
3. Part 3 - Incident Notification
4. Part 4 - Authorisations
5. Part 5 - Consultation, Representation and Participation
6. Part 6 - Discriminatory, Coercive and Misleading Conduct
7. Part 7 - Workplace Entry by Entry Permit Holders
8. Part 8 - The Regulator
9. Part 9 - Securing Compliance
10. Part 10 - Securing Compliance
11. Part 11 - Enforceable Undertakings
12. Part 12 - Review of Decisions
13. Part 13 - Legal Proceedings
14. Part 14 - General
15. Jurisdictional notes

1. Part 1- Aim of the Work Health and Safety Legislation

The main aim of the Work Health and Safety Legislation is to secure the health and safety of workers and workplaces through the elimination or minimisation of risks, fair and effective representation, consultation, co-operation and issue resolution, encouraging employer organisations and unions to play a constructive role, provision of advice, information, education and training, and effective and appropriate compliance and enforcement measures, among other matters. It is also an object of the Work Health and Safety Legislation that workers and others are to be given the highest level of protection from hazards and risks as is reasonably practicable.

2. Part 2 - Health and Safety Duties

2.1 Principles Applicable to Duties under the Work Health and Safety Act

Duties under the WHS Act are non-transferable. A person may have more than one duty and more than one person can have the same duty. However, in that case, each person must discharge the duty to the extent the person has the capacity to influence and control the matter.

Duties imposed on a person to ensure health or safety requires the person:

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

2.2 Duties to be discharged so far as is 'reasonably practicable'

Health and safety duties must be discharged so far as is 'reasonably practicable'. The term 'reasonably practicable', means that which is reasonably able to be done in relation to ensuring health or safety, taking into account and weighing up all relevant matters including:

- the likelihood of the hazard or risk occurring;
- the seriousness of the risk;
- what the person concerned knows, or ought reasonably to know, about the hazard or the risk, and ways of eliminating or minimising the risk, and;
- the availability and suitability of ways to eliminate or minimise the risk.

After assessing these matters the cost of ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk, may also be taken into account.

2.3 Primary Duty

Persons conducting a business or undertaking (alone or with others, and whether or not for profit or gain) have work health and safety duties unless they conduct the business or undertaking solely as a worker in, or as an officer of, that business or undertaking.

The duty of a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:

- workers engaged, or caused to be engaged by the person, and

- 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.

A person conducting a business or undertaking must also 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.

This primary duty encompasses the provision and maintenance of a work environment without risks to health or safety, safe plant and structures and safe systems of work.

It also includes the safe use, handling, storage and transport of plant, structures and substances, the provision of and access to adequate facilities for the welfare of workers, the provision of information, training, instruction or supervision, and monitoring of the health of workers and the conditions at the workplace.

2.4 Upstream duties

Persons conducting a business or undertaking have additional duties if they:

- manage or control workplaces or fixtures, fittings or plant at workplaces, or
- design, manufacture, import or supply plant, substances or structures for workplaces, or install, construct or commission plant or structures for workplaces.

2.5 Officer duties

Officers of persons conducting a business or undertaking that have a duty or obligation under the WHS Act must exercise 'due diligence' to ensure that the person conducting a business or undertaking complies with that duty or obligation.

Due diligence is defined to include taking reasonable steps in relation to:

- acquiring and keeping up to date knowledge of work health and safety matters,
- gaining an understanding of the nature of the operations and the hazards and risks associated with those operations,
- ensuring that the person conducting a business or undertaking has available and uses appropriate resources and processes to enable hazards associated with the operations to be identified and risks eliminated or minimised,
- ensuring that the person conducting a business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding to these in a timely way,
- ensuring that the person conducting a business or undertaking has and implements processes for complying with the body's duties and obligations, and
- verifying all of the above.

Officers of a person conducting a business or undertaking include all persons who are officers under the *Corporations Act 2001* (Cth) (other than a partner in a partnership) and persons who are officers of the Crown, a public authority (other than an elected member of a local authority) or an unincorporated association.

2.6 Workers duties

Workers must:

1. take reasonable care for their own health and safety,
2. take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and
3. comply, so far as the worker is reasonably able with any reasonable instruction given by a person conducting a business or undertaking to allow the person conducting the business or undertaking to comply with the WHS Act, and
4. cooperate with any reasonable policy or procedure of the person conducting the business or undertaking which relates to work health or safety and that has been notified to workers.

2.7 Other person duties

Other persons at the workplace have a duty to take reasonable care for their own health and safety and to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons. They also must comply, so far as they reasonably can, with any reasonable instruction given by the person conducting the business or undertaking to allow the person to comply with the WHS Act.

The WHS Act requires that persons conducting a business or undertaking (PCBU) to consult, co-operate and co-ordinate activities with all other persons who have a work health or safety duty in relation to the same matter, so far as is reasonably practicable. This means that the PCBU may share responsibility for a health and safety matter with other business operators who are involved in the same activities or who share the same workplace. In respect of engaging on-hire workers as part of the workforce, Forsight Australia shares a duty of care to these workers with the business that provides them. In these situations, Forsight Australia must discuss the hazards and risks associated with the work and what precautions will be taken with the on-hire firm.

When entering into contracts it is required that Forsight Australia communicates their safety requirements and policies, review the job to be undertaken, discuss any safety issues that may arise and how they will be dealt with. Forsight Australia cannot transfer its responsibilities to another person.

2.8 Penalty structure

Three categories of penalties apply to breaches of the work health and safety duties:

- Category 1 - for reckless conduct that exposes an individual to a risk of death or serious injury or illness and is engaged in without reasonable excuse,
- Category 2 - failure to comply with a health and safety duty and exposing an individual to a risk of death or serious injury or illness, and
- Category 3 - failure to comply with a health and safety duty.

Maximum penalties are set according to the category of offence committed and the type of duty holder (i.e. individual, officer or body corporate) convicted of the offence.

2.9 No reverse onus

Prosecutors must prove all matters relating to non-compliance with duties of care, including whether the person conducting the business or undertaking failed to do what was 'reasonably practicable' to ensure the health and safety of workers (and, in relation to category 1 offences, whether the reckless conduct was engaged in without reasonable excuse).

2.10 Volunteer exemption

Volunteers cannot be prosecuted for an offence unless they failed to comply with one of the duties that apply to workers or other persons at the workplace. This means that officers who are volunteers cannot be prosecuted for an offence against the officer duties under the model WHS Bill.

A volunteer is a person who acts on a voluntary basis, that is, without any kind of remuneration other than out-of-pocket expenses. Whether an individual is a volunteer for purposes of the WHS Act is a question of fact that will depend on the circumstances of each case.

2.11 Unincorporated associations

Unincorporated associations cannot be prosecuted for a breach of a duty imposed on the association under the WHS Act. However, officers of unincorporated associations may be liable for a failure to comply with the officer's duty and members of an unincorporated association may be prosecuted for a failure to comply with any duty owed as a worker or other person at the workplace.

Ministers of a state, territory and the Commonwealth and elected members of local authorities cannot be prosecuted under the WHS Act.

3. Part 3 - Incident Notification

Workplace incidents involving the death of a person, serious illness or injury of a person and notifiable incidents (i.e. incidents that expose persons to serious risks at a workplace) must be reported to the regulator by the person who conducts the business or undertaking out of which the incident arose.

Persons with management or control of the workplace must ensure, so far as is reasonably practicable, that the site of the incident is not disturbed until an inspector arrives at the site or as otherwise directed by an inspector. There are exceptions to this duty including any action taken to assist an injured person.

This duty only applies 'so far as is reasonably practicable' because the person with management or control of a workplace will not always have complete control of that workplace or the people within it.

4. Part 4 - Authorisations

The WHS Act establishes framework for authorisations that will be established under the model WHS Regulations (e.g. licences for high-risk work). The provisions in the WHS Act establish the offences framework.

5. Part 5 - Consultation, Representation and Participation

5.1 Obligation to consult with other duty holders

Duty holders with overlapping work health and safety duties under the WHS Act must, so far as is reasonable practicable, consult, co-operate and co-ordinate activities with each other.

5.2 Duty to consult workers

Persons conducting a business or undertaking must, so far as is reasonably practicable, consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health or safety at work. Consultation must be in accordance with any procedures agreed between the person conducting the business or undertaking and the workers.

The level of consultation should be proportionate to the circumstances, including the significance of the work health or safety issue. All relevant factors must be considered in determining the scope of the duty in a particular case, including the seriousness of the matter, the number of affected workers and how the matter affects individual workers.

More serious health or safety matters will attract more extensive consultation requirements. This is important to ensure that businesses are fully informed when making decisions about important health and safety matters.

5.3 Nature of consultation

Consultation means:

- sharing relevant information;
- giving workers a reasonable opportunity to express their views, raise issues and contribute to decision making;
- taking workers' views into account; and
- advising workers of the outcome of the consultation in a timely manner.

If the workers are represented by a Health and Safety Representative, the consultation must involve that representative.

5.4 When consultation is required

Consultation is required:

- when identifying hazards and assessing risks arising from work;
- making decisions about ways to eliminate or minimise those risks;
- making decisions about the adequacy of facilities for the welfare of workers;
- proposing changes that may affect the health or safety of workers;
- making decisions about the procedures for resolving health or safety issues, monitoring the health of workers or workplace conditions, information and training or consultation with workers; and
- when carrying out any other activity prescribed by the WHS Regulations.

5.5 Health and Safety Representatives

The WHS Act provides for the appointment, powers and functions of Health and Safety Representatives. Health and Safety Representatives represent work groups, being groups of workers within a business or undertaking. Provision is also made for Health and Safety Representatives to operate across multiple businesses or undertakings by agreement between all relevant parties.

5.6 Deputy Health and Safety Representatives

The WHS Act also provides for deputy Health and Safety Representatives to be elected in the same way that the Health and Safety Representatives are elected. Deputy Health and Safety Representatives only stand in for their Health and Safety Representative when that person is not available and generally have the same functions and powers.

5.7 Determination of work groups

Health and Safety Representatives represent work groups, comprising workers who carry out work for the person conducting the business or undertaking. To conduct an election, work groups need to be determined.

A work group is generally determined by negotiation and agreement between the person conducting the business or undertaking and the workers who will form the work group or their representatives. It may cover one or more workplaces.

Upon request being made for the election of Health and Safety Representatives, the person conducting the business or undertaking must take all reasonable steps to commence negotiations within 14 days.

Negotiations determine:

- the number and composition of work groups;
- the number of Health and Safety Representatives and deputy Health and Safety Representatives;
- the workplace or workplaces to which the work groups will apply, and
- the businesses or undertakings to which the work groups will apply.

If there is a failure of negotiations (as defined) any person who is or would be a party to the negotiations may ask an inspector to determine these matters. An inspector may only assist, however, in relation to negotiations for work groups covering more than one person conducting a business or undertaking. The WHS Regulations may provide for the variation of work groups.

5.8 Election of Health and Safety Representatives

The workers in a work group may determine how an election of a Health and Safety Representative for the work group will be conducted, subject to any minimum requirements prescribed by the model WHS Regulations. A majority of members may determine that the election will be conducted with the assistance of a union or other person or organisation.

The person conducting the business or undertaking must provide any resources, facilities and assistance that are reasonably necessary or are prescribed by the model WHS Regulations to enable the elections to be conducted. Each member of the relevant work group is entitled to one vote in the elections.

Eligibility and term of office of Health and Safety Representatives

A person is eligible to be elected as a Health and Safety Representative for a work group if he or she is a member of that work group and has not been disqualified from being a Health and Safety Representative.

Health and Safety Representatives are elected for a three year term although that ceases upon:

- resignation given by written notice;
- the person ceasing to be a worker in the work group the person was elected to represent;
- the person being disqualified; or
- the person being removed from office by a majority of the members of the work group in accordance with the model WHS Regulations.

5.9 Disqualification of Health and Safety Representatives

A designated court or tribunal may disqualify a Health and Safety Representative if satisfied the representative exercised a power or performed a function for an improper purpose, or used or disclosed any information acquired as a Health and Safety Representative for an improper purpose. An application for disqualification may be made by either a person that has been adversely affected by the alleged behaviour or the regulator.

5.10 Immunity of Health and Safety Representatives

Health and Safety Representatives are not personally liable for anything done or omitted to be done in good faith in exercising a power or performing a function under the WHS Act, or in the reasonable belief that their actions were authorised under the WHS Act.

5.11 Powers and functions of Health and Safety Representatives

Health and Safety Representatives are entitled to:

- represent work group members in relation to health and safety matters at work;
- investigate complaints from work group members relating to work health and safety matters; and
- inquire into anything that appears to be a risk to the health or safety of work group members, arising from the conduct of the business or undertaking.

To do any of these things, Health and Safety Representatives may inspect the workplace or any part of the workplace at which work group members work:

- after giving the person conducting the business or undertaking reasonable notice; or
- immediately - if there has been an incident or any situation involving a serious risk to the health or safety of any person at the place.

5.12 Representation rights at interviews

Health and Safety Representatives are entitled to be present at any interviews concerning work health or safety between a work group member and the person conducting the business or undertaking or an inspector, providing the work group member consents.

If one or more workers are involved, then the Health and Safety Representative is entitled to be present if only one work group member consents.

Related entitlements

Health and Safety Representatives are also entitled to:

- accompany an inspector during an inspection of the workplace or part of the workplace at which a work group member works;
- request that a health and safety committee be established;
- receive any information about the work health or safety of work group members, providing that information does not identify particular workers, or affected workers consent to the disclosure, and
- whenever necessary—request the assistance of any person.

5.13 No duty or obligation to perform functions, exercise powers

The WHS Act clarifies that there is no kind of legal duty or obligation on Health and Safety Representatives to perform any of the functions, or exercise any of the powers, under the WHS Act.

5.14 Powers and functions generally limited to the particular work group

Health and Safety Representatives are entitled to exercise their powers in relation to their work group members. However, if there is more than one work group for the business or undertaking, a Health and Safety Representative may step in to represent any of those work groups if:

- there is a serious risk to the health or safety emanating from an immediate or imminent exposure to a hazard that affects or may affect a member of that work group; or
- a member of another work group asks for the representative's assistance; and
- the Health and Safety Representatives for the work group are found, after reasonable inquiry, to be unavailable.

5.15 General obligations of persons conducting a business or undertaking to Health and Safety Representatives

A person conducting a business or undertaking must allow Health and Safety Representatives to exercise their entitlements under the WHS Act and provide any resources, facilities and assistance that are reasonably necessary or prescribed by the model WHS Regulations to enable the representative to do so.

A person conducting a business or undertaking must also:

- consult, so far as is reasonably practicable, on work health or safety matters with Health and Safety Representatives for the business or undertaking;
- confer with Health and Safety Representatives for the business or undertaking, whenever reasonably requested, for the purpose of ensuring the work health and safety of the representative's work group members;
- provide Health and Safety Representatives for the business or undertaking with access to any available information the person has relating to work risks that affect work group members; and
- provide any other assistance that may be required by the model WHS Regulations.

5.16 Powers and performing functions of Health and Safety Representatives

Health and Safety Representatives are entitled to spend such paid time as is reasonably necessary to exercise their powers and perform their functions under the WHS Act. Payment must be made at the rate that the Health and Safety Representative would receive for performing his or her normal duties during that period. Persons conducting a business or undertaking are not required to pay for any external assistants that help their Health and Safety Representatives.

Despite the general entitlement to use assistants, a person conducting a business or undertaking may refuse a particular assistant access to the workplace if:

- the person has reasonable grounds to do so, or;
- the assistant is a current or former permit holder under the WHS Act, whose permit is suspended or has been revoked.

If access is refused on 'reasonable grounds' the affected Health and Safety Representative may ask for an inspector's assistance in resolving the matter.

5.17 Obligation to train Health and Safety Representatives

Health and Safety Representatives are entitled to attend a course of approved training of their choice, consistent with the WHS Regulations. Payment for the training period must be made at the rate that the Health and Safety Representative would receive for performing his or her normal duties during that period.

After asking for training, the person conducting the business or undertaking must, within three months of the request being made, allow the Health and Safety Representative time off work to attend the course of training and pay the course fees and any other reasonable costs associated with course attendance.

If the parties cannot agree on the course (e.g. location), timing or reimbursement for reasonable costs within the required timeframe, then the matter may be referred to an inspector for determination. The person conducting the business or undertaking must comply with any determination of the inspector.

5.18 Health and Safety committees

A health and safety committee is a workers' representative body for a business or undertaking or part thereof that meets at least once every three months or at any reasonable time at the request of at least half of the committee members, with a view to:

- facilitating co-operation in instigating, developing and carrying out measures designed to ensure the work health and safety of workers who carry out work for the business or undertaking;
- assisting in developing standards, rules and procedures relating to health and safety for workers who carry out work for the business or undertaking; and
- doing anything else required by the WHS Regulations or as agreed between the committee and the person conducting the business or undertaking.

The person conducting a business or undertaking can establish the committee on its own initiative, and must do so within two months after been asked to do so by:

- a Health and Safety Representative for the business or undertaking;
- five or more workers who carry out work for the business or undertaking; or
- if required to do so by the model WHS Regulations.

The person conducting the business or undertaking must allow each committee member to spend such time as is reasonably necessary to attend meetings of the committee or to carry out functions as a committee member. Payment must be made at the rate that the member would receive for performing his or her normal duties during that period.

5.19 Issue resolution

Parties to an issue must use the issued resolution process under the WHS Act if a work health or safety matter is not resolved after discussion between the parties. The relevant parties are the person conducting the relevant business or undertaking, the Health and Safety Representatives for affected workers, and if none - the affected workers or their representatives.

Parties to the issue are required to make reasonable efforts to achieve a timely, final and effective resolution of the issue in accordance with the relevant agreed procedure, or if there is no agreed procedure, the default procedure prescribed by the model WHS Regulations.

If the issue remains unresolved after reasonable efforts have been made, it may be referred to an inspector to assist in resolving the issue.

Right of worker to cease work

Workers are entitled to cease work if they have reasonable concerns that to carry out the work would expose them to a serious risk to their health or safety, emanating from an immediate or imminent exposure to a hazard. This right is not affected by any issue resolution process that may be underway.

5.20 Health and Safety Representative may direct that unsafe work cease

Health and Safety Representatives that have received the required training by the WHS Act may direct a work group member to cease unsafe work if they have a reasonable concern that to carry out the work would expose the worker to a serious risk, emanating from an immediate or imminent exposure to a hazard.

Before giving the direction, the Health and Safety Representative must consult with the person conducting the business or undertaking and attempt to resolve the issue using the issue resolution procedure under the WHS Act. This is not required, however, if the risk is so serious and immediate or imminent that would not be reasonable to consult before giving the direction.

5.21 Worker obligations upon ceasing work

A worker who ceases unsafe work under the WHS Act must, as soon as possible, notify the person for whom they are carrying work they have ceased unsafe work. The worker must also remain available to carry out suitable alternative work. To ensure payment during the stoppage, the worker must also carry out any suitable alternative work they are required to carry out at the same or another workplace if that work is safe and appropriate for the worker to carry out until normal duties can be resumed safely.

5.22 Provisional Improvement Notices

Subject to certain conditions relating to consultation and training, Health and Safety Representatives may issue Provisional Improvement Notices if they reasonably believe that a person is contravening a provision of the WHS Act, or has contravened such a provision in circumstances that make it likely that the contravention will continue or be repeated.

6. Part 6 - Discriminatory, Coercive and Misleading Conduct

It is an offence for any person to engage in discriminatory conduct for prohibited reasons. These reasons relate to a person's intention to or exercise of powers or functions under the WHS Act.

The WHS Act also contains a series of provisions dealing with:

- a prohibition of authorising or assisting discriminatory conduct;
- a prohibition of coercion or inducement, for example taking action with the intent to coerce a person to exercise a power or perform functions under the WHS Act; and
- an offence of misrepresentation, for example making a false or misleading representation to someone about that person's right or obligations under the WHS Act.

These provisions overlap with and are similar to the general protections found in the Commonwealth *Fair Work Act 2009*. Provisions in this part also provide for when criminal and civil proceedings may be brought for an offence against this Part, orders for damages or reinstatement and other matters relating to discriminatory conduct.

7. Part 7 - Workplace Entry by Entry Permit Holders

The WHS Act allows unions to apply to the relevant authority for a Work Health and Safety entry permit to be issued to a person who is an official of that union. If an entry permit is issued, the entry permit holder may enter workplaces to:

- inquire into suspected contraventions of work health and safety laws affecting workers who are members, or eligible to be members of the permit holder's union, and whose interests the union is entitled to represent; and
- consult and advise such workers about work health and safety matters.

Permit holders are also entitled to exercise rights relating to inspection, consult with relevant workers and the person conducting the relevant business or undertaking, inspect and make copies of certain record or documents, and warn persons reasonably believed to be exposed to a serious risk emanating from an immediate or imminent exposure to a hazard.

When entering a workplace to inquire into a suspected contravention, an entry permit holder is not required to give prior notice. However, 24 hours notice is required to consult and advise and to request documents other than those related to the suspected contravention that are employee records. The provisions in Part 7 have generally been drafted to be consistent with the right of entry provisions under the *Fair Work Act 2009*.

8. Part 8 - The Regulator

The WHS Act establishes the functions of the regulator (in the Commonwealth and each state and territory jurisdiction). These are wide ranging and relate to: advising and making recommendations to the relevant Minister and reporting on the operation and effectiveness of the WHS Act, monitoring and enforcing compliance with the WHS Act, providing advice and information on work health and safety to duty holders and the community, and collecting, analysing and publishing statistics. They also include fostering a co-operative, consultative relationship between duty holders and the persons to whom they owe duties and their representatives, promoting and supporting education and training, engaging in, promoting and co-ordinating the sharing of information to achieve the objects of the WHS Act (including other regulators), and any other function conferred by the WHS Act.¹

8.1 Powers of regulators

The WHS Act establishes broad powers enabling regulators to do all things necessary or convenient to be done for or in connection with the performance of its functions.

8.2 Powers of regulator to obtain information

Regulators have broad powers to obtain information from persons they have reasonable grounds to believe are capable of giving information, producing documents or giving evidence in relation to a possible contravention of the WHS Act, or that will assist the regulator to monitor or enforce compliance with the WHS Act.

¹ A Regulator is an organisation/s appointed by the Minister and the Regulators in NSW are WorkCover and the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) as co-regulator in NSW.

9. Part 9 - Securing Compliance

Inspectors may enter workplaces and exercise a broad range of powers upon entry to monitor and secure compliance with the WHS Act and model WHS Regulations.

Inspectors have prescribed powers relating to entry and assistance, search warrants, requiring production of documents and answers to questions, obtaining and retaining documents that are relevant to the exercise of their powers, seizing any thing the inspector reasonably believes is evidence of an offence against the WHS Act, taking and removing for examination, analysis or testing a sample of any substance or thing, seizing dangerous workplaces and things, and other related matters.

Inspectors also have a role in:

- assisting with or determining particular disputes that may arise under the WHS Act (e.g. in relation to work groups or Health and Safety Representatives);
- reviewing disputed Provisional Improvement Notices;
- requiring compliance with the WHS Act through the issuing of notices;
- investigating contraventions of the WHS Act, and
- assisting in the prosecution of offences.

It is an offence to hinder or obstruct, impersonate, assault, threaten or intimidate an inspector.

10. Part 10 - Securing Compliance

Inspectors may issue:

- improvement notices—if they reasonably believe that a person is contravening a provision of the WHS Act or has contravened a provision in circumstances that make it likely that the contravention will continue or be repeated,
- prohibition notices - if they reasonably believe that an activity is occurring at a workplace that involves or will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard. Prohibition notices may also be issued if there is the potential for such an activity to occur, and
- non-disturbance notices to preserve a work site—if they reasonably believe that it is necessary to do so to facilitate their compliance powers.

Provision is made for remedial action by the regulator if a person issued with a prohibition notice fails to take reasonable steps to comply with the notice. The regulator may also apply to a court for an injunction compelling a person to comply with any kind of notice issued by an inspector.

11. Part 11 - Enforceable Undertakings

The regulator may accept an enforceable undertaking ('WHS undertaking') given by a person in connection with a matter relating to a contravention or alleged contravention of the WHS Act by the person (except for a contravention or alleged contravention that is a Category 1 offence). The WHS Act establishes requirements in relation to the regulators' and duty holders' role and responsibilities in relation to a WHS undertaking.

It is an offence to contravene a WHS undertaking made by that person while it is in effect, and the regulator may seek the imposition of a fine, orders directing that the person comply with the WHS undertaking or orders discharging the undertaking. The regulator may also seek to prosecute the underlying offence if the WHS undertaking was not completely discharged.

12. Part 12 - Review of Decisions

The WHS Act lists reviewable decisions and establishes procedures for internal review by the regulator and arrangements for external review by a prescribed body. In general, reviewable decisions that are made by:

- Inspectors - are reviewable by the regulator internally at first instance, and then may go on to external review, and
- the regulator - go straight to external review.

The WHS Act establishes procedures reviews, including stays of reviewable decisions. An application for review automatically stays the operation of the decision under review, except in relation to prohibition or non-disturbance notices. The decision to issue a prohibition or non-disturbance notice may be stayed upon application or on the reviewer's initiative.

A stay that is in place for an internal review continues to have effect until an application is made for external review or until time from making the application for external review expires.

13. Part 13 - Legal Proceedings

13.1 Who may prosecute

Prosecutions for offences against the Bill may only be brought by the regulator, an inspector authorised in writing by the regulator or the Department of Public Prosecutions in the relevant jurisdiction.

13.2 Limitation periods

Proceedings may only be brought within two years after the offence first comes to the notice of the regulator or within one year after a finding in a coronial inquiry or an official inquiry that the offence has occurred.

Proceedings for a Category 1 offence may also be brought after the end of the applicable limitation period if fresh evidence relevant to the offence is discovered and the court is satisfied the evidence could not reasonably have been discovered within the relevant limitation period.

Proceedings may be brought within six months after an enforceable undertaking is contravened, it comes to the notice of the regulator that the undertaking has been contravened or the regulator has agreed to the withdrawal of the undertaking.

13.3 Procedure if no prosecution is brought

There are procedures for a person to request and receive information if the person reasonably considers that an act, matter or thing constitutes a Category 1 or 2 offence and no prosecution has been brought in respect of the matter (after six months but not later than 12 months after the occurrence). In those circumstances the person may in writing request that a prosecution be brought. The WHS Act then requires the regulator to respond to the request within three months.

13.4 Alternative sentencing options

The WHS Act sets out a broad range of alternative sentencing options including adverse publicity orders, orders for restoration to remedy matters, community service orders, release on the giving of a court ordered enforceable undertaking, injunctions and training orders.

14. Part 14 - General

The WHS Act collates a number of miscellaneous provisions in Part 14, including provisions dealing with the offence of giving false or misleading information, legal professional privilege, immunity from liability for inspectors and confidentiality of information.

Codes of Practice

The WHS Act provides for Codes of Practice to be approved by the relevant Minister.

In a proceeding for an offence against the WHS Act, the court may have regard to an approved Code of Practice as evidence of whether or not a duty or obligation under this Bill has been complied with. Specifically, the court may have regard to a code of practice as evidence of what is known about a particular hazard or risk, risk assessment or risk control to which the code relates, and may rely on that code in determining what is reasonably practicable in the circumstances to which the code relates. However, failure to comply with a Code of Practice does not of itself give rise to any civil or criminal liability.

15. Jurisdictional Notes

Jurisdictional notes allow local drafters in each jurisdiction to make a small number of specified technical amendments to the WHS Act to prepare for its introduction and implementation.

These technical amendments are designed to ensure the workability of the model provisions in each jurisdiction without affecting harmonisation. More specifically the jurisdictional notes are required to:

- accommodate local drafting protocols;
- clarify interaction of the WHS Act with local laws and the work health and safety laws of other jurisdictions;
- remove duplication of the with local laws;
- clarify the scope of the WHS Act within each jurisdiction;
- establish appropriate institutional arrangements; and
- enable jurisdictions to adopt the model provisions dealing with dangerous goods and high risk plant.

			
Approved By:	Board of Directors	Date Approved:	December 2014
Date Reviewed		Date Amended:	

WORK HEALTH SAFETY MANAGEMENT POLICY POLICY AND PROCEDURES

Policy Statement

The health and safety of all persons employed within Forsight Australia, volunteers, clients and visitors are considered to be of utmost importance. Resources in line with the importance attached to health and safety will be made available to comply with all relevant Acts and Regulations and to ensure that the workplace is safe and without risk to health.

Principles

The promotion and maintenance of health and safety is primarily the responsibility of management. Management at all levels is required to contribute to the health and safety of all persons in the workplace. To this end, it is the responsibility of management to develop, implement and keep under review, in consultation with its employees, the organisation's Work Health and Safety Programs.

Authority

This policy and procedure have been developed and will be implemented to meet the requirements of the following:

- The NSW Occupational Health and Safety Act, 2000;
- The NSW Occupational Health and Safety Regulation, 2001;
- Work Health and Safety Act 2011;
- Work Health and Safety Regulations;
- Safe Work Australia.

Policy Contents

- 2.1.1 Forsight Australia Services and Management Practices
- 2.1.2 Work Health and Safety Policy
- 2.1.3 Overview of Board of Directors Role and Functions
- 2.1.4 Duties under the Work Health and Safety Act
- 2.1.5 Work Health and Safety Responsibilities
- 2.1.6 Forsight Australia's Commitment to Consultation
- 2.1.7 Consultation Arrangements
- 2.1.8 Health and Safety Committee Procedure
 - 2.1.8.1 Health and Safety Committee Terms of Reference
 - 2.1.8.2 Health and Safety Committee Pre-meeting Preparation
 - 2.1.8.3 Health and Safety Committee Meeting Requirements
 - 2.1.8.4 Health and Safety Committee Post-meeting Requirements

Attachment 1 – Work Health and Safety Information for Volunteers

Attachment 2 – Work Health and Safety Committee Meeting Record

2.1.1 FORSIGHT AUSTRALIA SERVICES AND MANAGEMENT PRACTICES

Management practices utilised by Forsight Australia will enable services to be provided in an efficient and effective manner through clear lines of communication and accountability to the Board of Directors, Sub Committees, staff, clients and the appropriate funding bodies.

The range of services provided by Forsight Australia is directed at the achievement of positive outcomes for people with a disability through the development and application of sound management practices. Forsight Australia is committed to achieving high standards in the way that the business of the organisation is conducted at the governance and management level.

2.1.2 WORK HEALTH AND SAFETY POLICY

Forsight Australia is committed to providing adequate resources and maintaining a safe working environment for the health, safety and welfare of our staff, contractors, visitors and members of the public who may be affected by our work. To this end, Forsight Australia has developed and implemented Work Health and Safety systems to facilitate:

- Compliance with Work Health Safety and workers compensation legislation and any relevant Standards or Codes of Practice, so far as is reasonably practicable to do so.
- A pro-active, risk management approach to Work Health Safety and Injury Management through the identification of hazards, risk assessment and elimination or control of those hazards.
- The provision and maintenance of premises, equipment, plant and substances that are safe and without risks to health.
- Consultation and co-operation between management and employees.
- The provision of such information, instruction, training and supervision as may be necessary to ensure our employees' health and safety at work.
- The provision and maintenance of safe systems of work.
- Meeting welfare requirements of our employees where required.
- The provision of adequate information, instruction and supervision for contractors and visitors.
- The review of measurable objectives and targets to ensure continued improvement aimed at elimination of work-related injury and illness.
- The expeditious return to work of injured workers on pre-injury duties.

We undertake to provide resources, in terms of personnel, time, technology and financial outlay commensurate with the commitment Forsight Australia places on Work Health Safety to achieve these objectives.

2.1.3 OVERVIEW OF BOARD OF DIRECTORS ROLE AND FUNCTIONS

The system of governance will ensure the strategic guidance of Forsight Australia, the effective monitoring of management by the board, and the board's accountability to Forsight Australia and the members. The overall functions of the Board of Directors include:

- The board is responsible for the strategic direction of Forsight Australia and will approve and review Forsight Australia's service delivery strategy.
- The board will approve budgets and other performance indicators and review performance against them and initiate corrective action when required.
- The board will ensure compliance with applicable laws.
- The board will ensure that the risks facing Forsight Australia have been identified, assessed and that the risks are being properly managed.
- The board will ensure that policies on key issues are in place and are appropriate.
- The board will adopt the most effective structure that best assists the governance process.
- The board will approve and foster an appropriate corporate culture matched to Forsight Australia's values and strategies.
- The board will appoint a Chief Executive Officer and evaluate their ongoing performance against predetermined criteria.

Directors have a duty to exercise due diligence to ensure that Forsight Australia complies with the Work Health and Safety Act and Regulations. This includes taking reasonable steps to implement processes for complying with the duty to consult workers as well as consulting, co-operating and co-ordinating activities with other duty holders.

2.1.4 DUTIES UNDER THE WORK HEALTH AND SAFETY ACT

Under the Work Health and Safety Act (s.47), a person conducting a business or undertaking (PCBU) 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. This duty to consult is based on the recognition that worker input and participation improves decision-making about health and safety matters and assists in reducing work-related injuries and disease.

The broad definition of a 'worker' under the WHS Act means that a person conducting a business or undertaking must consult with employees plus anyone else who carries out work for the business or undertaking. This means a person conducting a business or undertaking must consult, so far as is reasonably practicable, with contractors and sub-contractors and their employees, on-hire workers, volunteers and any other people who are working for the organisation and who are directly affected by a health and safety matter.

Workers are entitled to take part in consultation arrangements and to be represented in relation to work health and safety by a health and safety representative who has been elected to represent their work group. If workers are represented by a health and safety representative, consultation must involve that representative.

2.1.4.1 Consulting, co-operating and co-ordinating activities with other duty holders

If more than one person has a duty in relation to the same matter, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter [s.46].

Persons conducting a business or undertaking will have health and safety duties if they:

- engage workers to undertake work for them, or if they direct or influence work carried out by workers;
- may put other people at risk from the conduct of their business or undertaking;
- manage or control the workplace or fixtures, fittings or plant at the workplace;
- design, manufacture, import or supply plant, substances or structures for use at a workplace;
- install, construct or commission plant or structures at a workplace.

These duty holders' work activities may overlap and interact at particular times. When they share a duty, for example, a duty to protect the health and safety of a worker, or are involved in the same work, they will be required to consult, co-operate and co-ordinate activities with each other so far as is reasonably practicable.

Principal contractors for a construction project, as persons who manage or control the workplace, have specific duties under the WHS Regulations to have arrangements in place for consultation, co-operation and the co-ordination of activities between any persons conducting a business or undertaking at the site.

Officers, such as company directors, have a duty to exercise due diligence to ensure that the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to ensure that the business or undertaking implements processes for complying with the duty to consult workers as well as consulting, co-operating and co-ordinating activities with other duty holders.

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and co-operate with any reasonable health and safety policy or procedure, for example procedures for consultation at the workplace.

2.1.5 WORK HEALTH AND SAFETY RESPONSIBILITIES

2.1.5.1 Chief Executive Officer

The Chief Executive Officer is responsible and accountable for Work Health and Safety and Injury Management in the organisation, including:

- Ensure, so far as is reasonably practicable, that the health and safety of workers and other persons is not put at risk from work carried out as part of the conduct of the business of Forsight Australia.

- Consulting, so far as is reasonably practicable, with workers who carry out work for Forsight Australia and other persons who are directly affected by a health and safety matter.
- Establishing, maintaining and reviewing (at least on an annual basis) Work Health and Safety policy.
- Identifying and providing resources required to effectively implement, maintain and improve this WHS and IM system. Resources include human resources and specialised skills, technology and financial resources.
- Review and monitor regular and ongoing audits of the effectiveness of the WHS program.

2.1.5.2 Regional Managers

The Regional Managers are the senior management representatives who have the authority to make decisions on WHS matters in their area of responsibility. The Regional Managers will:

- Ensure, so far as is reasonably practicable, that the health and safety of workers and other persons is not put at risk from work carried out as part of the conduct of the business in area of responsibility.
- Consulting, so far as is reasonably practicable, with workers who carry out work in area of responsibility and other persons who are directly affected by a health and safety matter.
- Participate in Forsight Australia's consultative forums and, based on the recommendation/s made, support and oversee the expeditious resolution of outstanding agenda items.
- If the decision required is outside their authority, to report the matter directly to executive management for decision.
- Participate in workplace inspections and provide guidance as required to other persons nominated to complete that task.
- Ensure that statistical information regarding incidents, near misses and injuries is communicated to relevant consultative forums and persons concerned in the management of Forsight Australia.
- Assist in the development, quality control and effective implementation of the WHS and appropriate policies and procedures.

2.1.5.3 Department /Line Managers and Supervisors

Department/Line Managers and supervisors are accountable and responsible to:

- Manage compliance with WHS policies and procedures and site safety rules.
- Consulting, so far as is reasonably practicable, with workers who carry out work in area of responsibility and other persons who are directly affected by a health and safety matter.
- Where control of an WHS issue is outside their delegated authority, to report it to executive management.
- Manage workplace injuries in accordance with the Return to Work Policy and procedures.
- Investigate hazard reports and ensure that corrective actions are undertaken.

- Carry out workplace inspections and to ensure deficiencies are rectified.
- Monitor contractor WHS performance in their area of responsibility.
- Ensure sufficient and suitable personal protective equipment is provided, suitably maintained and correctly used when required.
- Ensure injured employees are effectively managed and an early return to the workplace is achieved.
- Take any other such action that is necessary to guarantee the integrity of the WHS system and its requirements.

2.1.5.4 Employees

Employees will be accountable to their supervisor and manager for:

- Taking reasonable care for their own health and safety;
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- Complying, so far as the worker is reasonably able with any reasonable instruction given by immediate manager or supervisor;
- Cooperating with any reasonable policy or procedure which relates to work health or safety and that has been notified to workers;
- Complying with all site safety rules;
- Complying with all Safe Work Method Statements and Standard Operating Procedures;
- Reporting all incidents, near misses and injuries to their supervisor;
- Participate in training and emergency response rehearsals and reviews;
- Reporting all hazards they identify to their supervisor;
- Participating in workplace consultative meetings;
- Encouraging safe behaviour of their peers;
- Undertake rehabilitation and return to work program requirements, if injured;
- Wearing and maintaining provided personal protective equipment (PPE);
- Actively participating in any other safety activities prescribed by the WHS Act.

2.1.5.5 Contractors

Contractors are required to devise and implement such strategies as are necessary to eliminate or control, so far as is reasonably practicable, all unsafe work practices and behaviours by their employees and sub-contractors.

Forsight Australia must consult, so far as is reasonably practicable, with contractors and sub-contractors and their employees, on-hire workers, volunteers and any other people who are working for the organisation and who are directly affected by a health and safety matter.

2.1.5.6 Volunteers and Visitors

All non-employees must comply with all relevant WHS policies, rules, procedures and other guidelines as prescribed by Forsight Australia.

Visitors must also comply with any reasonable instructions given to them by Forsight Australia representative escorting them through the workplace.

Volunteers cannot be prosecuted for an offence unless they failed to comply with one of the duties that apply to workers or other persons at the workplace. A volunteer is a person who acts on a voluntary basis, that is, without any kind of remuneration other than out-of-pocket expenses. Volunteers are not employees, but are now covered as workers in the obligations placed on organisations to ensure health and safety. Where possible volunteers should be seen as equal team members in consultation (refer to Attachment 1 - Information to Volunteers).

2.1.6 FORSIGHT AUSTRALIA'S COMMITMENT TO CONSULTATION

Forsight Australia is committed to establishing and maintaining consultative forums that will:

- Enable employees to contribute to decisions affecting their health, safety and welfare at work.
- Provide employees with the opportunity to express their views and to contribute in a timely fashion to the resolution of work health and safety issues in the workplace.
- Promote decision making on WHS matters.
- Promote mutual understanding and co-operation at all levels of the organisation.
- Encourage employee contribution, acceptance and observance of our policies and procedures governing workplace safety.
- Ensure the views of employees are valued and taken into account.
- Facilitate the WHS consultation arrangements of non-employees working at its place of work with their respective employers.

Forsight Australia will consult with employees in any of the following circumstances:

- When risks to health and safety arising from work are being assessed or reviewed, and
- When decisions are made about the measures to be taken to eliminate or control those risks, and
- When introducing or altering the procedures for monitoring those risks, and
- When decisions are made about the adequacy of facilities for the welfare of employees, and
- When changes that may affect health, safety or welfare are proposed to the premises where staff work, to the systems or methods of work or to the plant or substances used for work, and
- When decisions are made about the procedures for consultation.

2.1.7 CONSULTATION ARRANGEMENTS

Forsight Australia will consult with its employees as regards to the consultative arrangement that will best facilitate the exchange of information and ideas and provide the best representation for the workforce.

The consultative arrangement will be in accordance the combination of, the following:

1. Health and Safety Committee;
2. Health and Safety Representative/s; and
3. Other Agreed Arrangements.

2.1.7.1 Health and Safety Committee

A Health and Safety Committee must be established within two months after the person conducting the business has been asked to do so by:

- a Health and Safety Representative for the business or undertaking
- five or more workers who carry out work for the business or undertaking, or
- if required to do so by the WHS Regulations.

Forsight Australia has established two (2) Health and Safety Committees, one for Forsight Australia Services and the second for Miroma Services. The Health and Safety Committees will meet at least once every three months or at any reasonable time at the request of at least half of the committee members, with a view to:

- facilitating co-operation in instigating, developing and carrying out measures designed to ensure the work health and safety of workers who carry out work for Forsight Australia;
- assisting in developing standards, rules and procedures relating to health and safety for workers who carry out work for Forsight Australia; and
- doing anything else required by the WHS Regulations or as agreed between the committee and the Chief Executive Officer.

The Health and Safety Committees will include:

- Term of office for elected committee members is 2 years;
- All members will attend accredited training preferably within 3 months of election/nomination;
- The employer representatives must not outnumber the employee representatives;
- The number of employee representatives will be based on the identified workgroups and ease of communication e.g. geographical locations, type of work and associated hazards;
- The committee chairperson will be an employee representative;
- The employer representative must have the authority to act on the issues raised and must be able to contribute to the work of the committee and be empathetic to the employee's viewpoints;
- Meetings will be minuted and the minutes made available to all staff e.g. on intranet or noticeboard.

2.1.7.2 Health and Safety Representative/s

Upon request being made for the election of Health and Safety Representatives, Forsight Australia must take all reasonable steps to commence negotiations within 14 days. These negotiations will determine:

- the number and composition of work groups;
- the number of Health and Safety Representatives and deputy Health and Safety Representatives;
- the workplace or workplaces to which the work groups will apply, and the businesses or undertakings to which the work groups will apply.

The WHS Act also provides for deputy Health and Safety Representatives to be elected in the same way that the Health and Safety Representatives are elected. Deputy Health and Safety Representatives only stand in for their Health and Safety Representative when that person is not available and generally have the same functions and powers.

The workers in a work group may determine how an election of a Health and Safety Representative for the work group will be conducted, subject to any minimum requirements prescribed by the WHS Regulations.

Refer to Section 1.1 Work Health Safety of this manual, item 7.11 for Powers and Functions of Health and Safety Representatives.

Table 1 – Provisions for Health and Safety Committee and Health and Safety Representative

Health and Safety Committee	Health and Safety Representative
1. Employee committee members must be elected by the employees from the area the committee will represent.	1. The Health and Safety Representative/s must be elected by and from the employees in the relevant workgroup the person represents.
2. The election must be conducted in a manner consistent with recognised democratic principles.	2. The election must be conducted in a manner consistent with recognised democratic principles.
3. The election may be conducted by a Federal or State industrial organisation of employees if a majority of the employees concerned so requests.	3. The election may be conducted by a Federal or State industrial organisation of employees if a majority of the employees concerned so requests.
4. The number of employer representatives must not exceed the number of elected employee representatives.	4. A Health and Safety Representative/s tenure is three years, however, they are eligible for re-election.
5. The committee chairperson must be an employee representative.	5. A deputy Health and Safety Representative is to be elected in the same way as the Health and Safety Representative
6. An employee committee member tenure is two years, however, they are eligible for re-election.	
7. Employer representatives must have the authority to act on behalf of Forsight Australia in Health and Safety matters.	

2.1.7.3 Other Agreed Arrangements

Involve direct consultation say through staff meetings and thus ensure the fuller integration of Health and Safety into how Forsight Australia operates.

2.1.8 HEALTH AND SAFETY COMMITTEE PROCEDURE

The objective of Forsight Australia's Health and Safety Committee is to facilitate open, honest and constructive dialogue amongst an elected group of employees and management nominees to support Forsight Australia's efforts to systematically eliminate hazards and minimise the risk of injury or illness in the workplace.

The Health and Safety Committee meeting will occur on a Monthly basis as a minimum frequency or earlier as the need arises. The meeting will be one hour in duration, however there may be circumstances where the meeting may be shorter or longer in duration.

The consultative meeting requires a minimum of two members, consisting of at least one employee and one management representative, to be in attendance.

2.1.8.1 Health and Safety Committee Terms of Reference

The members of the Health and Safety Committee are to address the following during the meeting:

1. Review measures taken to ensure the health, safety and welfare of all persons at work.
2. Investigate risks to health and safety at work.
3. Monitor actions, through appropriate responsible line management, designed to eliminate the workplace hazards or associated risk or reduce it to the lowest practicable level by reference to the hierarchy of controls.
4. Develop, maintain and review a scheduled list of regular Health and Safety activities (such as training, inspections or meetings) to be undertaken during the year.
5. Review line management workplace incident investigations and follow-up remedial actions.
6. Review hazard reports and line management follow-up remedial actions.
7. Assist line management in the development of arrangements for recording workplace hazards and incidents to promote workplace safety.
8. Review statistical data on injuries, including first aid injuries and treatment.
9. Make recommendations on the training of the Health and Safety Committee members.
10. Make recommendations on the training needs of employees in relation to health and safety.
11. Conduct periodic Health and Safety Inspections in conjunction with line management.

2.1.8.2 Health and Safety Committee Pre-meeting Preparation

1. The Health and Safety Committee secretary shall ensure that members are advised of date/time/place of meeting at least 5 working days before the scheduled meeting date.
2. The Health and Safety Committee secretary will prepare and attach the meeting agenda to that notification.
3. A copy of the agenda will be circulated via email/notice board.

4. Members will familiarise themselves with the agenda and obtain relevant Health and Safety information from their respective work areas. Relevant information may include:
 - a. Legislation and guidance material;
 - b. Information on hazards;
 - c. Incident reports;
 - d. Workers' compensation statistics;
 - e. Policies and programs;
 - f. Safe work practices;
 - g. Proposed changes to the workplace; and
 - h. Technical information on plant/substances.

Sources of Health and Safety information may include:

- a. Regulatory body websites;
 - b. Legal websites
 - c. Subscriptions;
 - d. Workers' compensation provider;
 - e. Injury reports;
 - f. External consultants;
 - g. Employees; and
 - h. Industry experts.
5. Any outstanding items from previous meetings shall be firstly addressed to seek timely resolution and close out.

2.1.8.3 Health and Safety Committee Meeting Requirements

1. Members will attend on time, ready to actively and constructively participate in the meeting.
2. The Committee chairperson shall nominate one person to draft the minutes (Refer to Attachment 2 - Health and Safety Committee Meeting Record).
3. All actions will be clearly allocated and documented with expected outcomes and timeframes.
4. Set date/time/place for next meeting.

2.1.8.4 Health and Safety Committee Post-meeting Requirements

1. Copy of completed Minutes to be circulated to appropriate levels of management.
2. Copy of completed Minutes to be displayed on notice boards and/or made available at unit meetings.
3. Completed Minutes to be stored and maintained, either in hard copy or electronically, by Committee chairperson/secretary, as deemed appropriate.
4. Actions to be completed by the responsible person by the timeframe required.

References:

Joint Project with NSW Dept of Human Services, and National Disability Service, Disability Safe, Consultation, <http://www.disabilitysafe.org.au/>

Safe Work Australia, Work Health and safety Consultation, Co-operation and Co-ordination, Draft Code of Practice, 10 August 2011.



WORK HEALTH AND SAFETY INFORMATION FOR VOLUNTEERS

1. What are the Work Health and Safety Legislation Obligations for Volunteers

Under the new Work Health and Safety Legislation (WHS Act) volunteers are now covered as workers in the obligations placed on organisations to ensure health and safety. Protecting the health and safety of volunteers demonstrates that their commitment is valued and recognises the vital role they play in Forsight Australia.

2. Health and Safety Obligations Forsight Australia owes to Volunteers

Forsight Australia must ensure, so far as is reasonably practicable, the health and safety of all of its workers including volunteer workers. This does not mean that Forsight Australia has an absolute duty to ensure that no harm occurs. Volunteers carry out a wide variety of work in a variety of environments, and the level of care that is required from Forsight Australia will depend on the individual circumstances including the type or work you carry out, the nature of the risks and potential injuries associated with that work, and the location or environment where the work is carried out.

Risks you may encounter from the working environment or work equipment will depend on the type of work you carry out and may include:

1. exposure to and use of machinery, vehicles and chemicals;
2. working at heights;
3. unsafe entrances, exits, steps, stairs and ramps;
4. slippery floors;
5. cramped work spaces;
6. non-ergonomic work stations;
7. insufficient or non-hygienic toilets and hand basins;
8. challenging client behaviour;
9. clients with mobility problems.

Forsight Australia has made an assessment of the hazards and risks volunteers are likely to encounter and taken reasonably practicable steps to eliminate or minimise those risks.

These steps include:

1. home or venue assessments to ensure they are safe and without risks to health and safety;
2. provision of equipment and machinery which is safe to use;
3. development of safe work procedures;
4. provision of protective equipment, and
5. necessary information, instruction and training to allow you and other workers to perform your work safely.

Forsight Australia will also consult with its volunteer workers regarding the management of health and safety generally and ensure volunteers have a reasonable opportunity to contribute to the improvement of health and safety.

3. *Your Health and Safety Duties as a Volunteer*

As a volunteer 'worker' you have duties under the WHS Act:

1. to take reasonable care for your own health and safety;
2. to take reasonable care that your conduct does not adversely affect the health and safety of others;
3. to comply with any reasonable instruction that is given to you by Forsight Australia (to help us to comply with the WHS Act), and
4. to cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

4. *Can I be Prosecuted if I don't meet my Duties under the WHS Act?*

Volunteers for Forsight Australia are required to take reasonable care for their own health and safety. Like any other duty holders who do not comply with their duties under the WHS Act, workers, including volunteer workers, can be prosecuted. This is the same for any person, including a member of the public, who visits a workplace and is required to take reasonable care for their own health and safety.

Should you have any questions please refer to the person in charge of your area and they will follow-up with the appropriate person.

Work Health and Safety Committee Meeting Record

Venue: _____ Date: _____ Time: _____

Attendees and Apologies.

--

Discussion Record

Issue Discussed	Outcome What was the decision of the meeting, the actions to be taken by whom and by when?
<ol style="list-style-type: none"> 1) Review of last meetings minutes and actions required (outstanding matters). 2) Report on & review hazards identified (including review of Risk Management Registers, Risk Management Worksheets and Health and Safety Survey Reports) 3) Report on & review injuries & incidents 4) Report on & review Health and Safety issues arising from changes in the workplace, staffing and proposed purchases of equipment or substances 5) Report on & review Health and Safety activities undertaken (i.e. training, safety inspections, developed SWMS's, results of safety surveys by specialists etc) 6) Report on & review Health and Safety legislative changes or proposed changes 7) Report on other Health and Safety issues or concerns 8) Consider any other feedback or Health and Safety issues <p>Action: Conduct workplace safety inspection</p>	

--	--

Meeting Chairperson: _____

Signature: _____



Approved By:	Board of Directors	Date Approved:	December 2014
Date Reviewed		Date Amended:	

INJURY MANAGEMENT POLICY AND PROCEDURES

Policy Statement

The health and safety of all persons employed within Forsight Australia, volunteers, clients and visitors are considered to be of utmost importance. Resources in line with the importance attached to health and safety will be made available to comply with all relevant Acts and Regulations and to ensure that the workplace is safe and without risk to health.

Principles

Injury Management allows Forsight Australia to care for its most valuable resource by ensuring that injured staff receive appropriate treatment and return to work on suitable duties as soon as possible.

Authority

This policy and procedure have been developed and will be implemented to meet the requirements of the following:

- The NSW Occupational Health and Safety Act, 2000;
- The NSW Occupational Health and Safety Regulation, 2001;
- Work Health and Safety Act 2011;
- Work Health and Safety Regulations;
- Safe Work Australia.

Policy Contents

- 3.1.1 Injury Management Policy
- 3.1.2 Employer Responsibilities
- 3.1.3 Line Manager/Supervisor Responsibilities
- 3.1.4 Employee Responsibilities
- 3.1.5 Insurer Responsibilities
- 3.1.6 Role of the Return to Work Coordinator
- 3.1.7 Injury Notification Procedures
- 3.1.8 Return to Work Process
- 3.1.9 Suitable Duties
- 3.1.10 Rehabilitation Providers
- 3.1.11 Claims Management Procedure
- 3.1.12 Dispute Resolution

Attachment 1 – Return to Work Plan

Attachment 2 – Referral Form

Attachment 3 – Information Consent Form

3.1.1 INJURY MANAGEMENT POLICY

Forsight Australia acknowledges the high social and financial cost of work related injury and illness, and is committed to preventing such injury/ illness by providing a safe working environment.

In the event of a work-related injury/illness, Forsight Australia acknowledges that the process of occupational return to work and Injury Management is a normal and essential aspect of the treatment process. The aim of occupational return to work is the restoration of the injured worker to the fullest physical, psychological, social, vocational and economic usefulness of which they are capable. In order to achieve this aim, occupational return to work must commence as soon as possible following an injury/ illness.

Occupational return to work is a multi party process and it is acknowledged that the injured employee¹, their nominated treating doctor, the employer, supervisors, the fund manager, the employees union, treatment providers and accredited rehabilitation providers all play an integral and important role in the process.

3.1.2 EMPLOYER RESPONSIBILITIES

In accordance with the *Workplace Injury Management and Workers Compensation Act 1998* Forsight Australia has accepted the following responsibilities:

- Have a current Workers Compensation policy covering all employees.
- Develop a Workplace Return to Work program and display summary copies of this program prominently in the workplace. The program will be made available to any employee who requests or who applies for workers compensation. The workplace return to work program will include return to work procedures to be followed to ensure prompt assessment of occupational return to work requirements following injury.
- Notify the fund manager of any injury/illness within 48 hours and have claim forms to the fund manger within 7 days of receipt.
- To cooperate with the employers insurance in the development of injury management plans.
- To provide appropriate suitable duties consistent with medical advice.
- To maintain confidentiality concerning an employees occupational return to work within WorkCover guidelines.
- To inform staff of policies and procedures relating to Workers Compensation and return to work through ongoing education, information and advice.
- Ensuring workers are not dismissed within 6 months of injury, solely or principally because of their injury.
- Advising employees that refusal to cooperate with their injury management plan may result in suspension of weekly benefits.

¹ Throughout Forsight Australia Return to Work Program, reference will be made to the “injured worker”. Please note that this term is that used by WorkCover NSW, and refers to workers who have sustained a medically diagnosed occupational injury and/ or illness that may be physical or psychological.

- In the case where a worker cannot return to their pre-injury job, Forsight Australia is committed to assisting the worker to find alternative employment. This is consistent with the 'Worktrial' scheme and is a voluntary agreement between Forsight Australia, an injured worker, a rehabilitation provider and WorkCover NSW. It involves short-term placement of an injured worker with an employer other than Forsight Australia. The purpose of this placement is to either provide a suitable work environment for increasing work capacity or to increase the worker's transferable skills with a view to gaining permanent employment.
- A system for use of interpreters for workers for whom English is a second language is to be used if necessary.

3.1.3 LINE MANAGER/SUPERVISOR RESPONSIBILITIES

Line Managers and Supervisors have the following responsibilities:

- Ensure that the injured worker receives, or is referred for first aid and/ or medical assessment, as appropriate for the injury/ illness and injury severity.
- Ensure that employees complete an Accident Incident Report form as soon as possible following the incident or onset of a work-related medical condition.
- Refer any injured worker who requires medical assessment or treatment to the Return to Work Coordinator for advice regarding workers compensation and return to work following injury.
- Immediately notify the Return to Work Coordinator if an injured worker presents a medical certificate indicating that they are not fit for pre-injury or normal duties.
- Assist the Workplace Contact (and Rehabilitation Provider if involved) with the identification and assessment of potential suitable duties for consideration in the injured worker's injury management plan.
- Ensure that any training and/or workplace modifications, agreed to as part of an injured workers injury management plan, are completed.
- Monitor the injured workers' injury management plan progress, and liaise with the Workplace Contact (and Rehabilitation Provider if involved) regarding the outlined plan.

3.1.4 EMPLOYEE RESPONSIBILITIES

Employees have the following responsibilities:

- Take reasonable care and comply with Forsight Australia policies, procedures and instructions in the performance of work, so as to prevent workplace injuries to themselves and others.
- Seek first aid and/ or medical treatment where indicated following work-related injury or illness.
- Request that any recommendations regarding capacity for work be documented by the examining medical practitioner on a WorkCover medical certificate.
- Present any documentation relevant to their workers compensation and/ or return to work (eg: medical certificates, leave forms) to their supervisor as soon as possible.

- Actively participate in any agreed individual injury management plan of appropriately modified or suitable duties.
- Co-operate with reasonable workplace changes designed to assist the return to work of fellow workers.
- Support the principles and procedures of the Forsight Australia Workplace Return to Work Program.
- Attend any medical examination arranged by Forsight Australia or the compensation insurer for the purpose of assessing or reviewing their condition.
- Ensure that the scheduling of any medical treatment appointments take into consideration the operational requirements of their department/ unit and liaise with their supervisor regarding these requirements.
- Forsight Australia acknowledges that employees undergoing return to work have the following rights:
 - (i) To be involved in all decisions and actions relating to their return to work.
 - (ii) To involve a union representative or other person of their choice at any time during their return to work.
 - (iii) To be provided with an appropriate return to work service and be able to choose their rehabilitation provider. They should also be able to change service provider where their intervention is unsatisfactory, as deemed by WorkCover.
 - (iv) To be treated by the medical and health professionals of their choice. At the initial medical consultation, the employee is required to nominate the doctor they wish to be their treating doctor for the purpose of developing their Injury Management Plan and for return to work purposes. The nominated treating doctor can only be changed following discussion with and agreement of the Return to Work Coordinator. Potential reasons for an employee requesting a change of nominated treating doctor include:
 - The treating doctor or the injured worker changes physical location;
 - The nominated treating doctor recommends a change in medical practitioner;
 - The injured worker expresses concerns regarding their medical treatment and/ or progress, or
 - Any other reasonable circumstances agreed to by both parties - the injured worker and the Return to Work Coordinator.
 - (v) To nominate an accredited rehabilitation provider of their choice if so required.
 - Injured Workers should be aware that if they unreasonably refuse to cooperate with their injury management plan, the insurance Forsight Australia can suspend weekly benefits. Before suspending benefits, the insurer must write to the worker stating the reasons for suspension and what the worker must do to prevent the suspension.

3.1.5 INSURER RESPONSIBILITIES

The insurer has the following responsibilities:

- The insurer must ensure that employers are made aware of their legislative obligations in relation to the insurer's injury management program.
- The insurer must contact the employer, worker and doctor if necessary within 3 days of being notified by the employer that a worker has sustained a significant injury.
- An injury management plan must be established by the insurer, when a worker has sustained a significant injury in the workplace.
- The injury management plan must be established in consultation with the employer, the injured worker and the workers nominated treating doctor.
- The insurer must provide both the employer and the injured worker with information with respect to the injury management plan.
- The insurer must inform the worker that entitlements to weekly benefits can be suspended, if the worker does not reasonably comply with the injury management plan.
- The insurer must inform the worker regarding changing the nominated treating doctor.
- The insurer must inform the worker of changes to, or actions taken under the injury management plan.
- An insurer must ensure vocational retraining is provided or arranged for an injured worker, where appropriate, i.e.: when a return to pre-injury duties and provision of suitable duties is no longer possible.

3.1.6 ROLE OF THE RETURN TO WORK COORDINATOR

The Return to Work Coordinator is the Workplace Contact for facilitating the injured worker's Return to Work and has the following responsibilities:

- Act as the consultative link between all parties involved in the injured worker's injury management and return to work in an effort to facilitate the employee's return to work as soon as is practically and safely possible.
- Provide information regarding the injury management process and associated workers compensation benefits to injured workers (or in the case of the latter, refer them to the Workers Compensation Insurer for such information).
- Abide by WorkCover NSW Confidentiality of return to work Information guidelines (WorkCover NSW, 09/95) for employees in relation to access to rehabilitation records and consent to obtain/ release information.
- Liaise with the following parties, as required, in assessing the needs of the injured worker, co-ordinating services necessary to meet those needs and in nominating suitable duties: Injured worker, Treating doctor/s, manager/s or supervisor/s, Accredited Rehabilitation Provider (if involved), Treating health professionals/ therapists Insurer Claims Officer, Union representative (where requested by worker).
- Ensure that, for significant injuries, contact is made with the injured worker and the treating doctor within 3 days and cooperate with the insurer and Forsight Australia in the development of the injury management plan. A 'significant' injury is defined within workers compensation legislation as a workplace injury that is likely to result in the worker being incapacitated for a continuous period of

more than 7 days, whether or not any of those days are work-days, and whether or not the incapacity is total or partial.

- Ensure that workers returning to work on suitable duties have an individual written injury management plan as developed by the insurer and Forsight Australia in accordance with WorkCover NSW guidelines. The injury management plan should clearly identify the agreed upon return to work goal.

3.1.7 INJURY NOTIFICATION PROCEDURES

Early notification of injury/ illness is essential to ensure that the return to work can be organised as quickly as possible.

- Incidents must be notified as soon as reasonably practicable and no later than the end of the day/shift. The incident must be reported by the employee or supervisor (in writing if possible) on the Forsight Australia Incident Report form, which is then forwarded to their supervisor/s or manager.
- Depending on the severity of the injury and the worker's preference, the injured worker should attend one or more of the following to seek appropriate first aid/ medical attention:
 - (i) Forsight Australia's first aid officer
 - (ii) Local hospital - emergency department (if required) – Hornsby & Ryde
 - (iii) Their treating/ local doctor
- Supervisors/ Line Managers should be aware that the injured worker retains the right of choice of medical services. The injured worker is required to nominate the doctor they wish to be their treating doctor for the purposes of injury management and return to work on the initial WorkCover medical certificate.

3.1.8 RETURN TO WORK PROCESS

- The Line Manager/Supervisor must immediately notify the Return to Work Coordinator if presented with a WorkCover or other medical certificate indicating an injured employee is fit for duties that vary from their normal duties (eg: restricted, selected, suitable, modified, alternate or light duties). The Line Manager/Supervisor should ensure that these medical recommendations are followed.
- Once notified, the Return to Work Coordinator will liaise with the injured employee to ascertain the expected capacity for work and current treatment. If it appears likely that the worker will not be able to resume their pre-injury duties, and/ or usual hours of work the Return to Work Coordinator will, after obtaining the worker's consent, contact the treating practitioners to determine the worker's likely needs and restrictions.
- If the injury is 'significant' (i.e.: the employee is totally or partially incapacitated for a period of longer than 7 continuous days) an injury management plan must be developed within 3 days following contact with the worker, insurer and nominated treating doctor.
- Rehabilitation may not be necessary in all cases of work-related injury, however, the need for early assessment of rehabilitation is imperative. Initial injury management contact will be made in the event of all workers compensation claims.

3.1.9 SUITABLE DUTIES

Provision of suitable duties where possible, is an integral part of any Workplace Return to Work Program. Suitable duties are to be provided by Forsight Australia where it is reasonably practical to do so. As Forsight Australia provides services in group homes, in most cases it is not reasonably practical to provide suitable duties for an injured worker in this setting. This will be determined by the Return to Work Coordinator and the injured workers supervisor, provider, doctor and if appropriate union representative. The injured worker is to be advised immediately if suitable duties are not able to be provided by the employer.

Where it is medically identified that the worker will be unable to resume their full pre-injury duties, consultation regarding suitable duties as part of a return to work plan will involve all parties, with the following considered:

- (i) The range of activities the injured worker is capable of performing.
- (ii) The abilities and knowledge of the injured worker.
- (iii) Availability of meaningful tasks and the ability of the workplace to accommodate graded return and alternate suitable duties programs.

Suitable duties should be meaningful and productive, and allow the injured employee to gradually increase their work capacity to achieve the agreed upon injury management goals within a specified timeframe, according to the WorkCover NSW hierarchy of return to work goals. The initial focus will be on maintaining the worker in, or returning the worker to their pre-injury duties.

In the event of a workers compensation claim dispute, the provision of rehabilitation/suitable duties should not be taken as an admission of liability, but as a proactive approach to injury management and rehabilitation for the injured employee.

There are three phases of return to work that should be considered either separately or jointly when planning a return to work process. These are:

- (i) Job Modification - which involves hours, shifts, work organisation. Alterations such as change or reduction in shifts, return to work on initially reduced hours and upgrading or re-organising work patterns to avoid specific activities that may aggravate the injury/ illness.
- (ii) Employee Assistance - which includes the provision of aids to assist an employee carry out their work, eg: lumbar rolls, splints, specific tools. Training such as a specific fitness program, functional education regarding work technique may also be necessary.
- (iii) Workplace Alteration - which includes all structural or environmental changes to the workplace to accommodate the injured employee, eg: mechanical lifting aids. Alternatively, part of a process may be altered to eliminate or modify a task that may place excessive physical demands on an employee.

3.1.10 REHABILITATION PROVIDERS

Rehabilitation Providers are multi-disciplinary teams of health professionals who can assist Forsight Australia with return to work of injured workers. Rehabilitation Providers need to be accredited by WorkCover NSW.

3.1.11 CLAIMS MANAGEMENT PROCEDURE

When advised that the worker will require medical or other treatment and/ or time off work for their injury/ condition, the supervisor must refer the worker to the Return to Work Coordinator immediately for advice on their eligibility for workers compensation, and to initiate the injury management process.

- Workers Compensation Claims forms are obtained from the Return to Work Coordinator and must be signed by the worker in the presence of a witness. An approved WorkCover medical certificate must accompany the Forsight Australia claim form, along with an Forsight Australia Incident Report form. Workers Compensation claim forms should be completed within 48 hours. The claim form and associated documentation is then forwarded to the insurer with 7 days.
- The Return to Work Coordinator then commences the injury management process, which involves 3-point contact (with the worker, the doctor and the supervisor). An injury management plan will then be developed by the insurance Forsight Australia.
- Forsight Australia's Compensation insurer reviews the claim and/ or undertakes investigations to determine liability. Liability is determined within 12 weeks, or the worker is sent a letter stating why liability has not yet been accepted, and WorkCover timeframes in relation to pending claims.
- Payments of medical treatment to the worker may commence in accordance with the provisional liability provisions to support the injury management process.
- If liability is denied a letter is sent to the worker that provides information regarding the declinature and rights of the worker to bring the matter before the Workers Compensation Commission and the WorkCover Claims Assistance Service.

3.1.12 DISPUTE RESOLUTION

Successful return to work in the workplace requires co-operation between all parties. Any conflict of interest or dispute should be resolved as quickly as possible in order to ensure continued effective return to work for the injured employee. It should be noted that Forsight Australia is committed to making all efforts to resolve injury management disputes. In the event of a dispute over an individual workers compensation case, the dispute will be handled in the following manner:

- (i) The Return to Work Coordinator will attempt to informally resolve the dispute by co-ordinating discussions with, as appropriate, the worker, the rehabilitation team (i.e.: doctors, insurer and rehabilitation provider if involved), supervisors/managers and, where requested, the employee's union representative.
- (ii) Should the dispute not be satisfactorily resolved the matter may, at the instigation of either party be referred to a WorkCover NSW Injury Management Consultant (Specialist Medical Practitioner) to facilitate resolution of issues regarding fitness for work and suitability of duties offered to the injured worker or to a WorkCover NSW Approved Medical Specialist in relation to medical disputes regarding the worker's condition or fitness for employment.
- (iii) If the matter remains unresolved, the issue should be referred to the WorkCover Claims Assistance Service or the Workers' Compensation Commission.

RETURN TO WORK PLAN

Employer Name: _____

Address: _____

The following return to work (RTW) plan has been developed for:

Name: _____ Date of Birth: ____/____/____

Job Title: _____ Claim No: _____

Work Location: _____ Date of Incident: ____/____/____

Supervisor: _____

Nature of Injury: _____

RTW Objective: - Same Job Same Employer - Different Job Same Employer
 - Same Job Different Employer - Different Job Different Employer

Suitable Duties Program

Duties	Considerations/Restrictions
(a)	
(b)	
(c)	

Specified Duties to be Avoided

(a) _____

(b) _____

(c) _____

Job Modifications, Training or Equipment Required: _____

Hours/Days of work: From ____/____/____ _____

Wages, Award (if applicable): _____

Commencement Date: ____/____/____ **Review Date:** ____/____/____

General Comments: _____

The following parties have agreed to the plan:

Injured Worker	_____	Date: _____
Supervisor	_____	Date: _____
Return-to-Work Coordinator	_____	Date: _____
Treating Doctor	_____	Date: _____
Union Representative	_____	Date: _____

cc: *Insurer*
Injured Worker
Rehab Coordinator
Supervisor
Doctor
Union Representative

REFERRAL FORM

Referrer: _____

Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

WORKER DETAILS

Name: _____

Claim No: _____ Date of Birth: _____

Address: _____

Telephone: _____ Fax: _____

Type of Injury: _____ Date of Injury: _____

Occupation: _____

Doctor: _____

Address: _____

Telephone: _____

EMPLOYER DETAILS:

Employer: _____

Contact: _____

Address: _____

Telephone: _____ Fax: _____

DETAILS OF INSURER:

Insurer: _____

Contact: _____

Address: _____

Telephone: _____ Fax: _____

REFERRED FOR

- Initial Rehabilitation Assessment
- Workplace Assessment
- Vocational Assessment & Career Counselling
- Functional Assessment

- Re-employment Program
- Education Programs
- Other: _____

INFORMATION CONSENT FORM

I authorise [insert name of Rehabilitation Provider] (in the capacity of a Rehabilitation Provider) to:

OBTAIN information either verbal or written in relation to my rehabilitation from:

- (a) Doctor
- (b) Hospital
- (c) Other

I authorise [insert name of Rehabilitation Provider]:

RELEASE information concerning relevant aspects of my rehabilitation program to and discuss that information with representatives of agencies nominated below:

- (a) Employer
- (b) Insurance Forsight Australia
- (c) Union
- (d) Referrer
- (e) Solicitor
- (f) Commonwealth Employment Service
- (g) Other

The information provided will be of a factual nature concerning the rehabilitation program and a copy of any relevant written report may be provided.

I understand that I may change or cancel this authority at any time.

Name: _____

Signature: _____

Date: _____

Interpreter: _____ Date: _____

You should be aware that in certain circumstances, some organisations are legally entitled to receive rehabilitation information about an injured worker e.g. the insurer, legal advisors, the WorkCover Authority and a NSW Court of Law.

			
Approved By:	Board of Directors	Date Approved:	December 2014
Date Reviewed		Date Amended:	

NOTIFICATION OF INJURY POLICY AND PROCEDURES

Policy Statement

The health and safety of all persons within Forsight Australia, including staff, volunteers, clients and visitors are considered to be of utmost importance.

Principles

Any injury is to be reported without delay to the identified persons as set out in this Policy and Procedure.

Authority

This policy and procedure have been developed and will be implemented to meet the requirements of the following:

- The NSW Occupational Health and Safety Act, 2000;
- The NSW Occupational Health and Safety Regulation, 2001;
- Work Health and Safety Act 2011;
- Work Health and Safety Regulations;
- Safe Work Australia.

Policy Contents

- 3.2.1 Notification of Injury Policy
- 3.2.2 Internal Forsight Australia Reporting and Investigation
 - 3.2.2.1 Near Miss Incident
 - 3.2.2.2 Minor Injury and/or Damage Incident
- 3.2.3 Significant Injury and/or Damage Incident
 - 3.2.3.1 Statutory Reporting
- 3.2.4 Serious Incidents Required to be Notified

Attachment 1 – WHS Incident Report and Investigation Form

3.2.1 NOTIFICATION OF INJURY POLICY

Forsight Australia acknowledges the high social and financial cost of work related injury and illness, and is committed to preventing such injury/ illness by providing a safe working environment.

Any injury is to be reported without delay to the person in-charge of the unit so that the injury can be treated and recorded. The person in-charge of the unit is to determine if treatment is within their ability and, if it is, to ensure that the injury and treatment are recorded in the Register of Injuries book in the first aid kit. If they are not already aware, the Line Manager or Supervisor of the injured person is to be made aware as soon as possible. In serious cases where the injured person requires hospital or medical treatment, the Regional Manager and Work Health Safety Committee Representative are to be informed.

3.2.2 INTERNAL FORSIGHT AUSTRALIA REPORTING & INVESTIGATION

The following procedures are to be adhered to by all Forsight Australia staff in the reporting and investigation of:

3.2.2.1 Near Miss Incident

A 'near miss' is an incident exposing any person to the risk of injury or property to the risk of damage and should be considered as a warning sign indicating a potential problem that could result in a serious injury. Therefore, where there is a near miss at our workplace, the Line Manager or Supervisor is to be notified and responsible for conducting an investigation to identify the underlying causes with recommendations on any appropriate remedial action.

Where any risk arising from the hazard cannot be immediately eliminated or controlled, details will be recorded in a Hazard Report, the Risk Management Register and, if required, in the Risk Management Worksheet by the Line Manager or Supervisor in accordance with the procedure outlined at Section 4.1 – Risk Management Policy and Procedure in this Manual.

3.2.2.2 Minor Injury and/or Damage Incident

When an incident occurs which results in a minor injury requiring first aid treatment and/or damage to equipment or premises that has no effect on work, the Line Manager or Supervisor is to be notified and responsible for conducting an investigation to identify the underlying causes with recommendations on any appropriate remedial action. The details of the first aid treatment are to be recorded on the Insurer's Notice of Injury Register that is kept with the First Aid kit. An Forsight Australia Incident Report is to be completed where Behaviour/Accident /Illness has occurred for a client or a staff member has been injured

Where any risk arising from the hazard cannot be immediately eliminated or controlled, details will be recorded in a Hazard Report, the Risk Management Register and, if required, in the Risk Management Worksheet by the Line Manager or Supervisor in accordance with the procedure outlined at Section 4.1 – Risk Management Policy and Procedure in this Manual.

3.2.3 SIGNIFICANT INJURY AND/OR DAMAGE INCIDENT

When an incident occurs which results in the need for a significant level of first aid treatment, treatment by a Doctor and/or damage to equipment or workplace structure such that there is significant interference with work, the supervisor is to be notified and responsible, together with the Regional Manager and WHS Employee Representative, for conducting an investigation in accordance with the Incident Report and Investigation Form (refer Attachment 1).

Where any risk arising from the hazard cannot be immediately eliminated or controlled, details will be recorded in the Risk Management Register and, if required, in the Risk Management Worksheet by the supervisor in accordance with the procedure outlined at Section 4.1 – Risk Management Policy and Procedure in this Manual.

Any further control measures are to be identified and the manager is to ensure that they have been implemented before signing the completion section of the Incident Report and Investigation Form. The WHS Committee will review the investigation and the progress of remedial/ improvement activities.

The details of the injury are to be recorded on the Insurer's Notice of Injury Register that is kept with the First Aid kit.

Where the incident constitutes a 'serious incident' as defined in 3.2.4 below, the Line Manager/Supervisor and the Regional Manager will also ensure that:

- WorkCover NSW is notified by the quickest available means (eg. most likely by telephone);
- Equipment involved and the surrounding area is isolated, where practicable for a distance of four metres, and not disturbed for a period of 36 hours following notification to WorkCover.

3.3.3.1 Statutory Reporting

Forsight Australia, as occupier of a place of work, shall give notice to the WorkCover Authority and/or its workers compensation insurer of any of the following "incidents" occurring at or in relation to its place of work in accordance with Table 1 below:

- an injury to a person (supported by a medical certificate) that results in the person being unfit, for a continuous period of at least 7 days, to attend the person's usual place of work, to perform his or her usual duties at his or her place of work or, in the case of a non-employee, to carry out his or her usual activities,
- an illness of a person (supported by a medical certificate) that is related to work processes and results in the person being unfit, for a continuous period of at least 7 days, to attend the person's usual place of work or to perform his or her usual duties at that place of work,
- damage to any plant, equipment, building or structure or other thing that impedes safe operation,
- an uncontrolled explosion or fire,
- an uncontrolled escape of gas, dangerous goods or steam,
- a spill or incident resulting in exposure or potential exposure of a person to a notifiable or prohibited carcinogenic substance,
- removal of workers from lead risk work due to excessive blood lead levels,
- exposure to bodily fluids that presents a risk of transmission of blood-borne diseases,
- the use or threatened use of a weapon that involves a serious injury to, or illness of, a person,
- electric shock that involves a risk of serious injury to a person
- any occurrence that involves a risk of:
 - explosion or fire, or
 - escape of gas, dangerous goods or steam, or
 - serious injury to, or illness of, a person, or
 - substantial property damage.

Table 1- Notification of Significant Incidents

Nature of Incident	Mode of Statutory Notification
Incident involving injury/illness to a worker that is an employee .	Forsight Australia is required to notify their workers compensation insurer within 48 hrs in accordance with the <i>Workplace Injury and Workers Compensation Act (NSW) 1998</i> .
Incident involving injury/illness to a worker that is a non-employee .	The employer of that worker (not Forsight Australia) is required to notify their workers compensation insurer within 48 hrs in accordance with the <i>Workplace Injury and Workers Compensation Act (NSW) 1998</i> .
Incident involving injury/illness to a non-worker (customer or visitor).	Forsight Australia is required to notify the WorkCover Authority as soon as reasonably practicable (but no later than 7 days) after becoming aware of the incident by using the online form at www.workcover.nsw.gov.au or by telephone 13 10 50.
Incident involving no injury/illness .	Forsight Australia is required to notify the WorkCover Authority as soon as reasonably practicable (but no later than 7 days) after becoming aware of the incident by using the online form at www.workcover.nsw.gov.au or by telephone 13 10 50.

3.2.4 SERIOUS INCIDENTS REQUIRED TO BE NOTIFIED

Forsight Australia, as occupier of a place of work, shall give notice to the WorkCover Authority and/or its workers compensation insurer of any of the following “serious incidents” occurring at or in relation to its place of work in accordance with Table 2 below:

- an incident that has resulted in a person being killed,
- an incident involving an injury to a person that results in the amputation of a limb,
- an incident involving the placing of a person on a life support system,
- an incident listed below that presents an immediate threat to life:
 - the loss of consciousness of a person caused by impact of physical force, exposure to hazardous substances, electric shock or lack of oxygen,
 - major damage to any plant, equipment, building or structure,
 - an uncontrolled explosion or fire,
 - an uncontrolled escape of gas, dangerous goods or steam,
 - imminent risk of explosion or fire,
 - imminent risk of an escape of gas, dangerous goods or steam,

- a spill or incident resulting in exposure or potential exposure of a person to a notifiable or prohibited carcinogenic substance,
- entrapment of a person in a confined space,
- collapse of an excavation,
- entrapment of a person in machinery,
- serious burns to a person.

Table 2- Notification to WorkCover Authority for Significant Incidents

Nature of Serious Incident	Mode of Statutory Notification
Incident involving injury/illness to a worker that is an employee or a non-employee .	Forsight Australia is required to notify the WorkCover Authority immediately upon becoming aware of the incident by the quickest available means (most likely to be by telephone on 13 10 50) AND their workers compensation insurer within 48 hrs.
Incident involving injury/illness to a non-worker (customer or visitor).	Forsight Australia is required to notify the WorkCover Authority immediately upon becoming aware of the incident by the quickest available means (most likely to be by telephone on 13 10 50) AND make a full report by using the on-line form at www.workcover.nsw.gov.au (or telephone 13 10 50).
Incident does not involve injury/illness but is immediately life threatening .	Forsight Australia is required to notify the WorkCover Authority immediately upon becoming aware of the incident by the quickest available means (most likely to be by telephone on 13 10 50) AND make a full report by using the on-line form at www.workcover.nsw.gov.au (or telephone 13 10 50).

Note:

In the event of a 'serious incident', any plant or equipment involved shall not be used, moved or interfered with and the area within a 4 metres radius of the location shall not be disturbed for the period ending 36 hours after notification of the occurrence.

FORSIGHT AUSTRALIA
WORK HEALTH AND SAFETY
INCIDENT REPORT AND INVESTIGATION FORM

Reference No. _____ Injury Damage Near Miss

Site: _____

Injured Person Details

Surname: _____ First Name: _____

Date of Birth: _____ Sex M/F _____ Contact No. _____

Occupation/ Job Title & Details

How long at this occupation:
Description of occupation:
Main tasks performed:
Training provided:

Time & Date of Damage/ Incident/ Near Miss

Reported: ____ am/pm ____/____/____ Report Received: ____ am/pm ____/____/____

Incident Results

- Fatal Hospital in-patient Doctor only First aid only
- Property damage Nil (injury/ damage)

Details of plant/ equipment damaged:
Nature of injury, disease or damage:

Location of injury, disease or damage

Description of Incident

What was the worker doing at the time?
Name/s of witnesses:
Contact details:

Signature of worker: _____ **Date:** ___/___/___

Investigation

How exactly was the injury, disease or damage sustained (what happened)?
What was the sequence of events that led to the event?
List contributing factors
Management system breakdown/s:

Investigator: _____ **Signature:** _____ **Date:** ___/___/___

