

BSBWHS416

Contribute to Workplace Incident Response

Learner Guide Instructions

Who is this document for?

The learner.

What is in this document?

- Course training content (this matches the PowerPoint Presentation).
- Review questions.

What do you need to do before you use it for the first time?

1. Rebrand the document.
2. Review the document as part of your validation process.

See the 'Read Me First' document for a complete set of instructions on how to use these resources.



LEARNER GUIDE

BSBWHS416 Contribute to Workplace Incident Response

Learner Name:	
Learner ID:	
Learner Contact Number:	
Learner Email Address:	
Date Training Commenced:	

This Book Contains:

- Course Information.
- Review Questions.

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Evaluation Copy Only

1.1 Introduction



This training course is based on the national unit of competency **BSBWHS416 Contribute to Workplace Incident Response**.

This unit applies to people who work in a broad range of work health and safety (WHS) roles across all industries, including individuals who assist with the range of actions and activities undertaken in response to incidents as part of their WHS role.

It describes the performance outcomes, skills and knowledge required to assist with actions and activities performed in response to incidents.

After completing this course participants will have the knowledge and ability to assist with:

- ◆ Identifying legislative and other requirements.
- ◆ Implementing initial response procedures.
- ◆ Collecting WHS information and data relevant to an investigation.
- ◆ Incident investigations.
- ◆ Implementing recommended actions arising from investigations.

NOTE: The terms Occupational Health and Safety (OHS) and Work Health and Safety (WHS) are equivalent and generally either can be used in the workplace. The term WHS will be used throughout this training course.



1.1.1 Common Terms and Definitions

Term	Definition
Comcare	The national authority for WHS, including workers compensation. You can access further information on the Comcare website: comcare.gov.au
Due Diligence	The Work Health and Safety Act 2011 (the WHS Act 2011) imposes a specific duty on officers of corporations to exercise due diligence to ensure that the corporation meets its work health and safety obligations. In short, they have a responsibility to ensure that the PCBU is doing everything it should to ensure health and safety.
Duty Holder	Any individual who has responsibilities associated with their role as specified by WHS legislation.
First Aid	Procedures followed to assist an injured or sick person in the initial moments after an injury or illness has occurred prior to the arrival of medical professionals.
Health and Safety Representative (HSR)	An elected person in the workplace who represents employees on WHS matters. May also be referred to as WHS representative.
Officers	An 'Officer' is a person who makes, or participates in making, decisions that affect the whole or a substantial part of a corporation. This includes Health and Safety Representatives (HSR).

Term	Definition
Person Conducting a Business or Undertaking (PCBU)	A 'person conducting a business or undertaking' (PCBU) replaces the term 'employer'. A PCBU includes all employers, sole traders, principal contractors, unincorporated associations, partnerships and franchisees. Volunteer organisations that also employ people will be PCBUs.
Reasonably Practicable	Reasonably practicable is defined as action that is, or was at a particular time, reasonably able to be done to help ensure health and safety.
WHS	Work Health and Safety. Can also be referred to as Occupational Health and Safety (OHS).
Work Health and Safety Management System (WHSMS)	A strategic document that details an organisation's approach to health and safety management.
Workers	A 'worker' covers employees, contractors, sub-contractors (and their employees), labour hire employees, outworkers, apprentices, trainees, work experience students and volunteers.
Workplace Incident	An event in which personnel in the workplace were exposed to hazards.

1.2 Identify WHS Legal Requirements and Duty Holders

Before assisting with incident response in the workplace, you will first need to identify the relevant commonwealth and state/territory WHS legislative and regulatory requirements. This includes identifying WHS duty holders and their duties in relation to a range of hazards and types of work.



1.2.1 Legal Framework

WHS legislation forms the basis of all requirements for site and equipment safety including materials handling and all other work activities. It also covers requirements for responding to incidents in the workplace.

The aim is to ensure the safety of everyone working on or visiting the site.



You may need to collect and review information from a range of external WHS information sources to determine the legislative duties and responsibilities of different personnel. Information may come from the following sources:

Laws/Rules	Explanation	Example
Acts	These are legal requirements that must be followed. Failure to meet these requirements can lead to prosecution.	Work Health and Safety Act.
Regulations	Regulations support the legislation by providing more detailed information on duties that apply to specific hazards, other procedures and obligations. Regulations cover general requirements for hazard identification, risk assessment and risk controls for risk areas.	Work Health and Safety Regulations.
Codes of Practice	Codes of practice are a set of ethical and safety principles guiding the way the organisation operates. They are not mandatory, like laws, but are voluntary codes. They provide practical guidance on how to meet the standards set out in the WHS Act and the WHS Regulations.	Code of Practice: How to manage work health and safety risks.
Australian Standards	These provide details and guidelines around the minimum requirements for a job, product or hazard control. They set out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to.	AS/NZS ISO 45001:2018, Occupational health and safety management systems. AS/NZS ISO 31000:2018 Risk Management – Guidelines.

External WHS information may be used by employers or employees to confirm compliance and stay up to date with the rules and regulations outlined in standards and legislation, including WHS duties and responsibilities.

1.2.1.1 Harmonisation of Work Health and Safety Legislation

In response to industry calls for greater national consistency, the Commonwealth, states and territories have agreed to implement nationally harmonised Work Health & Safety (WHS) legislation to commence on 1 January 2012.

While not all states and territories have implemented the model WHS legislation as of the time of writing, it is important to be aware of these changes, as all states and territories will eventually implement them.

Harmonisation aims to develop consistent, reasonable and effective safety standards and protections for all Australian workers through uniform WHS laws, regulations and codes of practice.



1.2.1.2 Key Elements of Work Health and Safety Legislation

The legislation you are required to follow in the workplace will vary depending on the industry and the nature of the work. There are a number of common elements within WHS legislation and acts that apply to all workplaces:

- 1** There is a primary duty of care requiring **persons conducting a business or undertaking (PCBU)** to ensure, so far as is **reasonably practicable**, the health and safety of **workers** and others who may be affected by the carrying out of work.
- 2** A requirement that **officers** of corporations and unincorporated bodies exercise **due diligence** to ensure compliance.
- 3** **Workers** must exercise reasonable care that their acts or omissions do not adversely affect the health and safety of persons at a workplace.

Officers may exercise **due diligence** by implementing a WHSMS to ensure the workplace is safe and compliant with safety legislation. They must proactively enforce safe systems of work to protect the safety of others in the workplace and actively monitor these to ensure they are effective.

Safety measures are considered **reasonably practicable** when they are in alignment with what is or was at a time reasonable action to take to eliminate or minimise risk in the workplace. When assessing what would be a reasonable safety measure, it is helpful to first consider what can be done to mitigate the risk, and then whether that is reasonable. Essentially, whatever can be done to make the workplace a safe place should be done unless it is **unreasonable**, and the implementation of a less involved process would be sufficient to reduce risk to an acceptable level.



WHS legislation also outlines requirements for:

- ◆ The reporting requirements for notifiable incidents.
- ◆ Licences, permits and registrations (e.g. for persons engaged in high risk work or users of certain plant or substances).
- ◆ Provision for worker consultation, participation and representation at the workplace.
- ◆ Provision for the resolution of health and safety issues.
- ◆ Protection against discrimination.



Many specific details relating to WHS will be negotiated within the workplace in accordance with the legislation.

It is important that you speak with your Health and Safety Representative (HSR) or supervisor for more information on how these elements will affect your day-to-day operations, or if you have any concerns relating to health and safety.



1.2.2 Organisational WHS Policies and Procedures

Workplace policies and procedures are a source of internal information. They aim to ensure that work is conducted safely and efficiently.

Most organisations will set their own policies based on relevant legislation, regulations and codes of practice. However, all workplaces are required by law to have a health and safety policy.

A WHS policy is a document confirming the PCBU's support of safe work practices. The policy will usually outline some specific commitments addressing consultation requirements, risk management, incident response and training.



Some other common internal sources of information on WHS include:

Procedure	Description
Return-to-Work and Injury Management	A return-to-work program summarises the key system that the PCBU has in place to manage workers with injuries or illnesses. The program should reflect the culture, business practices and environment of the workplace. It must also be consistent with the insurer's injury management program.
Training and Induction	All staff members need to be trained in appropriate conduct to maintain WHS in the workplace. This includes the correct use of PPE, how to operate machinery and emergency evacuation procedures. It is good practice to conduct an induction with new workers where all of these procedures are explained to ensure a good understanding and to minimise risks.
Work Method Statements (WMS)	Work method statements are required under national legislation for any project which has a high level of risk. Usually these kinds of projects are those involving large scale construction projects with multiple contractors on site. A WMS identifies how a workplace is managing risks as well as how risk management procedures are to be implemented, monitored and reviewed.

1.2.3 WHS Responsibilities of Workplace Personnel

WHS responsibilities vary depending on the job role of the individual in question. As a guideline, the following table shows some general responsibilities for duty holders in a workplace setting.

Stakeholder	WHS Responsibilities
PCBU	<ul style="list-style-type: none"> ◆ Consult with workers regarding health and safety matters. ◆ Monitor the health of workers to minimise risks and WHS issues. ◆ Exchange information about WHS risks and controls with HSR representatives and workers. ◆ Work with HSR and workers to resolve WHS issues within the workplace in accordance with the agreed procedure. ◆ Make sure the injured workers receive appropriate medical treatment. ◆ Provide workers with relevant information on return-to-work procedures.
Managers and Supervisors	<ul style="list-style-type: none"> ◆ Implement health and safety procedures in their areas of control. ◆ Implement, monitor and evaluate risk control measures. ◆ Ensure any workers under their control are provided with adequate information, instruction and training to effectively and safely complete their work tasks.
Workers	<ul style="list-style-type: none"> ◆ Be represented by a HSR when raising WHS issues or have a defined system so that there is communication with management to resolve these issues. ◆ Follow measures put in place to protect their safety such as using and caring for Personal Protective Equipment (PPE) or follow safe operating procedures. ◆ Exchange information about WHS risks and controls with their PCBU and HSR. ◆ Work with their PCBU to resolve WHS issues within the workplace in accordance with the agreed procedure.
Health and Safety Representatives	<ul style="list-style-type: none"> ◆ Be consulted and represent workers in relation to WHS issues. ◆ Undertake training and keep up-to-date with new information. ◆ Attend investigations. ◆ Attempt to resolve WHS issues for those workers they represent.
Officers	<ul style="list-style-type: none"> ◆ Exercise due diligence to ensure that the business or undertaking complies with relevant WHS laws. ◆ Ensure that there are processes in place for consulting with workers, and consulting, cooperating and coordinating with other duty holders.

If you are ever unsure of your own WHS duties and responsibilities or those of someone else, talk to your supervisor, manager or HSR.

1.2.3.1 Duty to Provide First Aid

WHS regulations state that a PCBU at a workplace has a duty to provide first aid. This includes ensuring:

- ◆ The provision of first aid equipment for the workplace.
- ◆ That each worker at the workplace has access to the equipment.
- ◆ That each worker has access to facilities for the administration of first aid.

A PCBU must also ensure that an adequate number of workers are trained to administer first aid at the workplace, or that workers have access to an adequate number of other persons who have been trained to administer first aid.

You need to understand the legal factors relating to first aid and make sure that the relevant duty holders in your organisation are also informed and understand their obligations.

There are 4 legal factors relating to first aid:

Factor	Description
1. Consent	An injured party has the right to either accept or refuse first aid treatment. If a person decides to proceed with first aid, they must attempt to gain consent from the casualty. Consent means the individual requiring first aid gives permission to receive first aid treatment.
2. Duty of Care	Once a person proceeds with first aid, they must continue to do so until: <ul style="list-style-type: none">◆ Vital signs return (could include body temperature, pulse, breathing).◆ The arrival of emergency medical services (EMS).◆ Exhaustion makes it impossible to continue.◆ The casualty is declared as officially deceased by an authorised person.
3. Negligence	Providing first aid when you are not qualified to do so could result in further injuries or harm to the victim. If the person providing first aid is not trained, qualified or authorised to carry it out, it is important they are aware that they may be sued by the victim for negligence. Negligence is a failure to properly care for the individual requiring first aid. A PCBU could also be seen to be negligent if they fail to provide an individual injured in the workplace with appropriate first aid care.
4. Recording	Different states, territories and industries have different reporting requirements. Make sure you record the details of the injury and the circumstances surrounding it as soon as possible. Recording this information will form the basis of any reports made to the relevant authorities.

You should always ensure that you are familiar with the first aid and WHS requirements of your state/territory and organisation.



Review Questions

1.

What are codes of practice?

2.

In addition to duty of care and due diligence, what other requirements are outlined in WHS legislation? List three (3) examples.

1.

2.

3.

3.

What is a return-to-work program?

4.

How do workplace policies and procedures support the WHS policy?

5.

Who may represent workers on WHS matters?

6.

Who is responsible for ensuring an adequate number of workers are trained in first aid?

7.

When is it acceptable to cease providing first aid to a person, assuming the casualty remains in need of first aid assistance? Provide two (2) examples.

1.

2.

1.3 Communicate Incident Response Requirements



It is important that you communicate the necessary information about WHS legal requirements, duty holders, and workplace policy and procedures for incident response to relevant individuals and parties.

When WHS issues arise or an incident occurs in the workplace, everyone needs to know their obligations and what is required of them in relation to WHS.

1.3.1 Workplace Communication and Consultation

The individuals and parties you need to communicate and consult with about WHS matters and incident response requirements may include:

- ◆ Managers, supervisors and PCBUs or their officers.
- ◆ Workers.
- ◆ Contractors and subcontractors.
- ◆ Health and safety committees.
- ◆ Health and safety representatives.
- ◆ Unions.
- ◆ WHS entry permit holders.
- ◆ WHS inspectors and regulators.



Within your organisation there will be both formal and informal communication channels. You will need to access both as part of your consultative processes:



- ◆ **Formal communication** channels are organisational processes. They describe how communication occurs upwards and downwards through the organisational structure and sideways across departments.

- ◆ **Informal communication** channels are not structured. These are the informal networks that individuals set up within the organisation. They might include lunchtime conversations or informal requests for assistance.

You will need to keep all communication channels open to conduct your consultations about WHS issues. This will help to motivate staff and reinforce their understanding of safety objectives. It will also help to build relationships between workers and senior management.

The underlying principle of consultation is allowing all individuals and parties to have input into the decision-making process, although leaders still have the final say.



The first stage in consultation is to provide information to those involved about:

- ◆ What is being considered.
- ◆ The process for consideration.
- ◆ How a final decision will be made and who will make this decision.

The next stage is to make everyone involved feel comfortable enough to share ideas. Some workers may be reluctant to participate, or they might feel negative about the consultation process initially.

For consultation and participation to be effective, they need to be incorporated into the culture of the organisation. Internal communication strategies should be used to encourage feedback.

Wherever possible, two-way communication should be encouraged.



1.3.1.1 Communicating Information



Communication skills are essential when advising staff on WHS matters and providing information about incident response.

You need to ensure that your message is delivered clearly and accurately and that the desired outcomes are understood.

In your workplace, you will have to communicate with individuals and parties from different backgrounds or with diverse abilities.

Your information must be presented in a manner that everyone understands. You will therefore need to tailor your method of communication to the needs of your audience.

To avoid verbal communication barriers, try:

- ◆ Speaking slowly and clearly.
- ◆ Using simple words and short sentences.
- ◆ Avoiding use of jargon, slang or local expressions.
- ◆ Asking questions.
- ◆ Paraphrasing to check understanding.

For workers with limited English abilities, your organisation could consider:

- ◆ Individual sessions.
- ◆ Practical demonstrations.
- ◆ Group sessions with extra time for questions.
- ◆ Holding meetings in the relevant language.
- ◆ Written translations.
- ◆ Translated safety signs.



It is important that you have a good understanding of the diverse range of backgrounds and abilities of all individuals and parties in the workplace to help with your communication.