



Independent Education Union  
Victoria Tasmania

# Health and Safety Representatives at Work

A Guide for Health and Safety Representatives in  
Victorian Catholic and Independent Education



# The IEU Handbook for Health and Safety Representatives in Victorian Catholic and Independent Education

This handbook will provide you with what you need to know to get started as an Occupational Health and Safety Representative.

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### **Building healthy and safe workplaces**

Workplace health and safety is an important concern for all staff in schools including school leadership. In our day-to-day work there are many physical hazards but also many less tangible psychological threats to our health and safety. Every worker has the right to work in a safe and healthy environment, and we all have a role to play.

Whether you're a Health and Safety Representative, a school leader or an interested IEU member, this handbook is a comprehensive guide to health and safety in the workplace. It outlines:

- The duties and powers of Health and Safety Representatives and committees
- The responsibility of both employers and employees to ensure a healthy and safe working environment
- Practical steps that can be taken to improve safety at work.

We hope you find this resource useful. If you have any questions or concerns about the conditions at your workplace that this book doesn't answer, please don't hesitate to contact the IEU.

In unity

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# Introduction

This resource has been produced by the IEU as a guide for Health and Safety Representatives and other stakeholders in Catholic and independent schools. It provides a summary of the rights and responsibilities of Health and Safety Representatives, staff and employers, an overview of relevant legislation and a number of tools designed to help manage risks and to develop an active, engaged and positive OHS culture in your workplace.

## OHS in Schools

Every employee has the right to a safe and healthy workplace. Every employer has a duty to provide a safe and healthy workplace and to consult with their employees about health and safety issues.

Though at first glance schools may not contain the same obvious risks and hazards as workplaces such as factories or construction sites, this does not mean that they are hazard free – in fact, the inconspicuous nature of many of the risks to health and safety found within a school environment can lead to them being ignored and becoming all the more dangerous and damaging over the long-term. Common risks in schools include excessive or unpredictable workloads, interaction with unpredictable or volatile students, bullying, inadequate breaks, and the potential rapid spread of illness. All of these hazards present the very real risk of injury.

Injuries in the workplace can be broadly classified into three categories:

- 1 Psychological injuries** caused by hazards such as work-related stress, bullying, excessive workload or the perceived risk of physical injury.
- 2 Physical injuries** caused by hazards such as manual handling or slips, repetitive strains, physical violence, trips and falls.
- 3 Diseases** caused by exposure to contagions or hazards such as asbestos and mould.

## The Union Safety Effect

The IEU has a long-standing involvement in the development of health and safety legislation and its implementation.

One of the main reasons people join a union and remain a member is because of the great work unions do improving people's health and safety at work. The support the IEU provides to schools contributes greatly to this work.

A 2011 study\* found that unionised workplaces had injury and illness rates almost 50% lower than non-unionised workplaces. In Australia, unionised workplaces have been shown to be three times as likely to have an established health and safety committee and twice as likely to have undergone a management health and safety audit in the last year, compared with non-unionised workplaces. Unions, through their reps and members, often recognise hazards and risks long before management. In our schools, union members frequently identify and prompt the resolution of health and safety hazards that management are unaware of, or choose to treat as unimportant.

It is IEU members and their colleagues who are first to anticipate and alert management to potential risks and hazards in the classroom, office and schoolyard. They are often first to see the physical and psychological impact on their colleagues of increased workload, ever-increasing management expectations and the lack of consultation. It is IEU members who have the sub-branch forum to raise and discuss issues and refer them to the Health and Safety Representative.

This is why the IEU will continue to work to raise member awareness around health and safety at work.

\* Yi, Cho and Kim, "An Empirical Analysis on Labour Unions and Occupational Safety and Health Committees' Activity, Their Relation to the Changes on Occupational Injury and Illness Rate", *Safe Health Work* 2011; 2:321-7 2.

## The Act

The *Occupational Health and Safety Act 2004 (Victoria)* deals with the rights and responsibilities of all parties within the workplace.

The stated objectives of the Act are to:

- Secure the health, safety and welfare of employees
- Eliminate risks to the health and safety of employees
- Ensure that the health and safety of members of the public is not placed at risk by the conduct of employers and self-employed persons,
- Provide for the involvement of employees, employers, trade unions and employer associations in the formulation of health, safety and welfare standards.

Some of the key sections of the Act that Health and Safety Representatives should be familiar with are:

- **s.21** The duty of employers to provide a safe and healthy working environment;
- **s.22** The duty of employers to monitor health and conditions of their employees;
- **s.35** The duty of the employer to consult employees, and their elected Health and Safety Representatives;
- **s.58** The powers of Health and Safety Representatives;
- **s.60** The Health and Safety Representative's power to issue a Provisional Improvement Notice (PIN);
- **s.67** The Health and Safety Representative's right to attend approved training at the employer's expense;
- **s.69** The Health and Safety Representative's right to access paid release time and relevant information as required, and the right to represent staff;
- **s.73** How health and safety issues are to be resolved;
- **s.74** The Health and Safety Representative's power to direct that work cease;
- **s.78** Protections against discrimination for Health and Safety Representatives or any employee raising OHS issues.

Fundamental to effective workplace safety is the right of employees to be represented in relation to health and safety issues at their workplace. The *Occupational Health and Safety Act 2004 (Victoria)* clearly states that employees are entitled to and should be encouraged to be represented in relation to health and safety issues. The Act allows for the establishment of Designated Work Groups (DWGs) and the election of at least one Health and Safety Representative by all the employees in each of these DWGs. Every school should have at least one DWG and at least one Health and Safety Representative.

Once elected, a Health and Safety Representative has a variety of powers and rights to be used when representing members of the DWG. The IEU has trained and supported elected Health and Safety Representatives in their workplaces since the making of the first Act - (*Occupational Health and Safety Act 1985 (Victoria)*)

Health and safety is the business of every IEU sub-branch in every workplace. Whilst the elected Health and Safety Representative represents every employee in the DWG, whether they are union members or not, it is preferable for the Health and Safety Representative to also be an IEU member. The sub-branch is a natural forum to discuss health and safety issues and to communicate these concerns to the elected Health and Safety Representative. The sub-branch should be a place where health and safety issues are regularly and freely discussed, a place where the profile and importance of safety in the workplace can be developed and expanded.

# Why Occupational Health and Safety Must be a Priority in Schools

Health and safety is a core issue in every school. Employers have a legal obligation to ensure the safety of all those who come into contact with the school or its activities. Health and safety management systems should be preventative in nature and should be an integral part of school planning for reasons including the following:

- Staff motivation and morale are higher in workplaces free from hazards and the risk of physical injury such as joint, muscle pain or back strain or psychological injury, such as work-related stress, anxiety or depression;
- Putting effort into health and safety demonstrates to staff that the leadership team is committed to and cares about their wellbeing;
- Students perform better in schools where motivation and morale amongst staff is higher;
- Schools should model healthy and safe workplaces for their students, who are the employers and employees of the future;
- Every person who enters the school has a right to return home healthy and free from injury.

Improved health and safety performance contributes to lower staff absenteeism, better staff retention, reduced WorkCover premiums and reduced risk of public liability claims.

## What does the law require?

The *Occupational Health and Safety Act 2004 (Victoria)* sets out the key principles of health and safety in Victorian workplaces. Knowledge and understanding of these principles assists employers to comply with the legal requirements that apply to health and safety in Victorian schools. These principles are summarised below:

- Every member of the school community should at all times be protected against risks to their health and safety;
- The employer has the ultimate responsibility for identifying, eliminating or reducing risks to health and safety;
- Employers should be proactive in promoting health and safety in the workplace;
- Employers and employees should share ideas about risks to health and safety and discuss ways to control, manage and eliminate these risks;
- The Act gives employees a clear entitlement to elect a Health and Safety Representative. Employers should support and actively encourage this process.



# The Powers of Health and Safety Representatives

The role of the Health and Safety Representative is quite different to the role of school leaders or health and safety managers. Health and Safety Representatives are employees elected by the members of a Designated Work Group (DWG) to be their voice and represent them in relation to health and safety issues affecting them.

Health and Safety Representatives are not nominated or appointed by the leadership team. The Health and Safety Representative does not have responsibility for managing health and safety in the school. The employer cannot place his or her obligations onto the Health and Safety Representative. There may be more than one Health and Safety Representative in a school, depending on what is agreed between the employer and the staff in negotiations to set up DWGs. The powers of a Health and Safety Representative can usually only be exercised in relation to the DWG he or she represents. Deputy Health and Safety Representatives (HSDs) may act as the Health and Safety Representative if the Health and Safety Representative is not able to carry out his or her role for any reason.

Health and Safety Representatives have many powers under the Act which enable them to represent the members of their DWG. The powers are summarised below and reference is made to the section of the Act where further information may be found.

An elected Health and Safety Representative has the right to:

- Inspect any part of the school in which members of their DWG work after giving reasonable notice to the Principal, or immediately if there is an incident or immediate risk. [s58(1)(a)(i)(ii)]
- Accompany a Victorian WorkCover Authority Inspector during a workplace inspection involving their DWG. [s58(1)(b)]
- Require the establishment of a Health and Safety Committee. (HSC) [s58(1)(c)]
- Be present at any interview concerning health and safety matters between staff members and an inspector or a member of the leadership team (with the agreement of the staff member). [s58(1)(d)]
- Seek the assistance of any person whenever necessary. [s58(1)(f)]
- After consultation with the school leader responsible for OHS, issue a Provisional Improvement Notice (PIN) to require that a health and safety issue is fixed. [s60]
- Attend, with pay, a Victorian WorkCover Authority approved initial course of training in occupational health and safety and after completing the initial course attend a refresher at least once per year for the time that they are the elected representative. [s67(1)]
- Have access to any relevant information about hazards in the workplace which affect members of their DWG. [s69(1)(a)]
- Be given by the employer the facilities and assistance they need to carry out their role. Examples of such facilities and assistance include opportunities to consult with members of their DWG, appropriate time release (within paid time) and access to the internet. [s69(1)(e)]
- Be consulted prior to changes being made in the workplace which may affect the health and safety of members of their DWG. [s35(1)(f)]
- Following consultation with the employer, and as a result of an immediate threat to health and safety, direct that work shall cease. [s74(1)]

# Health and Safety Committees (HSCs)

Health and Safety Committees are a valuable forum in schools, which enable management and staff to work together proactively to continually improve workplace health and safety. The HSC has a different but complimentary role to that of the Health and Safety Representative. To operate effectively it needs the support of management.

## Establishing a Committee

An HSC may be established when requested by the Health and Safety Representative or at the initiative of the employer. If requested by the Health and Safety Representative, the employer must establish the Committee within three months of having received the request. At least half the members of the Committee must be employees who do not have significant leadership positions within the school. Health and Safety Representatives and deputies should be members of the Committee.

## Functions of the Committee

The Committee should explore broad health and safety issues relevant to the workplace, develop health and safety policies and procedures which contribute positively to workplace health and safety. The Committee should facilitate co-operation between management and workers.

## How to make the Committee effective

To be effective the Committee should meet regularly. The dates of these regular meetings should be scheduled and publicised well in advance. Additional meetings can be called as required by at least half of the members of the Committee.

The employer should be encouraged to support the Committee by:

- Allowing Committee members reasonable paid time to attend meetings and/or carry out the functions of the Committee
- Providing appropriate meeting facilities
- Providing information about hazards and risks in the workplace
- Providing information on request about workplace processes and procedures
- Arranging for Committee members to attend health and safety training
- Providing statistics, reports and necessary reference materials
- Endorsing the activities of the Committee

# How to Elect a Health and Safety Representative

## Step 1 - Establish Designated Work Group/s

- Health and Safety Representatives are elected to represent the members of the DWG. In most schools there will only be one DWG but in large or multi-campus schools there may be more.
- The sub-branch asks the Principal to begin discussions regarding the establishment of at least one DWG. This is usually straightforward in schools. See Appendix 1 for a pro-forma letter which can be used.

The sub-branch could already have drafted a proposal for this. For instance, in a one campus school, there would usually be a single DWG, covering all staff. In a two campus school there may be two or more DWGs, depending upon the type and location of employees. In this case, each campus could constitute a DWG as could a specific classification of employees such as grounds and maintenance staff. The process of setting up a DWG is set out in section 43 - 46 of the Act.

## Step 2 - Nominations

Once the DWG is established an election for a Health and Safety Representative is held. The Act allows for at least one Health and Safety Representative to be elected for each DWG. Each DWG can also elect a deputy Health and Safety Representative (HSD). All employees in the DWG are entitled to vote and must have the opportunity to do so. The Principal cannot appoint a Health and Safety Representative. Ideally, the members of the DWG run their own election, rather than the employer. It is easy to organise an election. Here is a recommended process:

- The DWG should appoint a Returning Officer(s), possibly the IEU Rep. In some schools the IEU Rep is also the Health and Safety Representative. The IEU recommends that where possible, another member be elected as Health and Safety Representative in order to share the workload amongst members.
- The Returning Officer should then place a notice on the staffroom notice board calling for nominations. The notice must have a 'Closing Date for Nominations' (see Appendix 2).
- In the event there is not more than one nomination received at the close of nominations, the Returning Office may declare that person elected unopposed without the requirement for an election.

## Step 3 - Election

- The notice will have a date for a meeting in order to conduct an election. This meeting should be on or close to the day nominations close. The members of the DWG decide how to run the election, however for convenience, this could be done at a staff meeting.
- The election can be a show of hands or it can be a secret ballot. The members of the DWG may ask an IEU organiser to assist with the election.
- Once elected, the Health and Safety Representative remains in office for no more than 3 years before the position comes up for election again.
- A Health and Safety Representative may nominate for re-election once their term of office is over.

## Step 4 - Notification

- The employer and the IEU office should be notified of the outcome of the election as soon as is practicable.

# Duties of employers

The legal requirements set out in the Act and the *Occupational Health and Safety Regulations 2007* clearly indicate that all employers have a legal duty to provide a healthy and safe workplace. This means that hazards must be identified and risks must be eliminated or reduced so far as it is reasonably practicable to do so.

While the employer (school council, board, parish priest) may assign health and safety responsibilities to others in the organisation, such as the Principal, the employer cannot delegate its legal duties to its employees or the Health and Safety Representative. The employer must ensure that it meets all its duties under the law.

The Act is also clear about the duties of those who control or manage the workplace. Usually, the actions required to meet these duties can be easily and effectively integrated into the normal day-to-day processes that are used to run the school.

The duty of the employer may also apply to independent contractors and their employees, such as cleaners and technicians.

The employer must also ensure that people who are not employees, such as students, parents and visitors, are protected from possible risk. This duty also applies away from the school in regard to activities such as excursions and camps.

The employer must provide information, training, instruction and supervision to ensure that employees are able to go about their work safely and without risks to their health. The employer also has a duty to keep a register of injuries that occur in the workplace.

## The role of school leaders

In the education sector, the employer may give responsibility for co-ordinating and monitoring health and safety to a senior school leader. This is usually the school Principal who often in turn appoints a Health and Safety Officer, often the business manager, assistant principal, facility manager or a senior member of the administrative staff. It is important to note that, unlike an elected Health and Safety Representative, an employer-appointed officer does not have any powers under the Act. This officer is responsible for managing health and safety in the school within the requirements and guidelines set by the employer.

Key leadership responsibilities for health and safety include:

- Making decisions on health and safety in consultation with the Health and Safety Representative and staff;
- Identifying and eliminating both physical and psychological hazards;
- Ensuring that risks in the school such as manual handling, chemicals, equipment, unreasonable and excessive workloads are eliminated or controlled;
- Purchasing safe equipment and keeping school buildings and grounds free of hazards and risk;
- Consulting building designers to ensure that new buildings, renovations and alterations to existing buildings are designed according to the principles of safe design to ensure the working environment is safe;
- Addressing all issues raised by Health and Safety Representatives satisfactorily and within a reasonable time frame;
- Ensuring adequate facilities for the welfare of staff, including staff room facilities, toilets and first aid;
- Ensuring there is an OHS Issue Resolution procedure in place.

Where for any reason issues arise that cannot be dealt with at the school level, assistance for resolution should be sought from the appropriate level of management outside the school. The advice of the IEU or a health and safety specialist may be sought.

## Role of school councils/boards

School councils or boards should make policies that commit to ongoing and measurable improvement in the health and safety performance of their school. The board or council should report to the school community about health and safety on at least an annual basis. It should also regularly engage with the school community in promoting health and safety awareness, change and improvement.

## Displaying the names of people with key health and safety roles

The names of any members of the school leadership team responsible for health and safety and the Health and Safety Representatives and deputy Health and Safety Representatives must be clearly displayed in a prominent place or be readily accessible to staff. An appropriate place to display is notice boards in the general staff room, shared work areas or staff offices.

## Consultation with employees

The Act recognises that employees have significant knowledge and expertise about the hazards and risks in their workplace. The Act also recognises that employees can make significant contributions to improving health and safety. For these reasons, employers must consult with Health and Safety Representatives and employees when dealing with hazards and risks in the workplace. This can be best achieved through proactive and regular consultation with Health and Safety Representatives and employees with the aim of identifying issues and finding solutions. This in turn contributes to the building of a strong commitment to health and safety across all sections of the workplace from both employees and employers.

Each workplace should agree on consultation arrangements that suit its own structures, processes and needs. In addition to consultation with Health and Safety Representatives, consultation may occur through Health and Safety Committees, year level, faculty and staff meetings, individual face-to-face discussions, and meetings between the employer and the IEU.

Where employees are represented by Health and Safety Representatives, the employer must consult with those representatives on any matter which relates to their DWG. Genuine consultation around an OHS issue means:

- Sharing all relevant information about a matter with Health and Safety Representatives and ensuring that they are given reasonable time to discuss information with the DWG.
- Inviting the Health and Safety Representatives to meet and consult about the matter or agreeing to meet with the Health and Safety Representatives at their request to consult about the matter
- Giving the Health and Safety Representative and employees a reasonable opportunity to express their views confidently and without fear of any negative consequences, and genuinely taking those views and opinions into account.

The manner in which Health and Safety Representatives are to be included in consultation is further explained in Appendix 6.

## Duties of employees

Employees must take reasonable care for their own health and safety, as well as the health and safety of other employees and students who may be affected by their actions or inactions.

Employees must also co-operate with their employer's efforts to comply with their legal duties. This means that, while at work, employees must take reasonable precautions not to expose themselves or others to risk. They must also follow any reasonable OHS policies and adhere to the employer's system for reporting OHS incidents and hazards.

## Protection from discrimination

School employees are often reluctant to raise health and safety issues for fear of being treated negatively by their employer. The Act provides protections from discrimination for those who raise issues.

Employees who raise health and safety issues are legally protected against all forms of discrimination including demotion, unreasonable changes to position or hours of work, dismissal or contract termination, refusing or failing to engage an employee or treating a prospective employee less favourably than another (or threatening to do any of those things). In circumstances where discrimination is alleged to have occurred, the onus is on the employer to prove that they did not discriminate, and if found guilty they may be liable for damages and/or be ordered to reinstate the employee to their original position.

# Creating a safe and healthy workplace

The employer has a duty to provide and maintain a safe working environment. To do this effectively, the employer must:

- 1 Identify hazards.
- 2 Assess risks.
- 3 Apply the hierarchy of control.
- 4 Monitor and review controls.

The employer must also actively consult with Health and Safety Representatives and affected employees at each step of the process. The process of managing hazards and eliminating risks from the workplace is set out in the diagram below.



## Step 1: Identify hazards

A hazard is anything which has the potential to cause illness, injury or disease. There are a number of useful ways to identify hazards.

### Workplace inspections

A workplace inspection can help to identify and document hazards. A Hazard Identification Checklist can give the inspection some structure – an example checklist for school working environments can be found at Appendix 13. A checklist should only be used as a prompt for your inspection as not all items will be relevant to the inspection you undertake. You may wish to use the checklist as a template to customise your own checklist for your own workplace. More information about checklists is also available on the IEU website. Take photographs and make notes to supplement the checklist and provide you with a reference point at a later date.

### Body Mapping

Body Mapping is a hazard identification technique in which employees collectively identify symptoms of ill health likely to be work-related. See Appendix 9 for Body Mapping instructions and resources.

School employees do not tend to be very open about how hazards in the workplace can affect their health. They may easily dismiss aches and pains as ‘part of growing older’ or ‘just part of the job’.

Body mapping is a way of overcoming this by identifying common symptoms amongst employees and working out how our health may be affected. While a common ailment does not necessarily mean something is work-related it certainly highlights an area for further investigation. Body maps may be used to demonstrate to the Health and Safety Committee or employer what health and safety problems employees are experiencing. Body mapping is an extremely useful hazard identification tool because it:

- Involves employees and shows them they are not alone;
- Gets employees thinking about their workplace in a different and new way;
- Uses visual images to identify health and safety problems;
- Does not require sophisticated materials;
- Uses colour coded stickers or symbols to bridge literacy and language barriers;
- Places participants in control of the information they wish to contribute to the mapping activity and follow-up discussion;
- Does not require participants to supply names or other identifiers;
- Confidentiality of personal information and personal privacy are maintained.

### Hazard Reporting

Written or electronic formats may be used for employees to report and document hazards. It is the employer’s responsibility to ensure that reported hazards are dealt with appropriately, though this should be done in consultation with the Health and Safety Representative.

### Near-miss reporting

A ‘near-miss’ is an event or situation in which a hazard could have caused harm, but didn’t. Near-misses are an integral part of hazard reporting and should be documented and reported by employees in the same manner as other identified hazards.

### Investigation

Investigating employee concerns, all incidents, injuries, illnesses and near-misses is an effective way to further identify hazards, and prevent any further incidents.

## Step 2: Risk Assessment

Risk is the likelihood that death, injury, illness or disease will occur as a result of a hazard.

Risk assessment is the process of determining how likely it is that harm will occur as a result of the hazard. Risk assessment takes into account both the likelihood and severity of harm. It helps prioritise which hazard to control first.

Tables 1, 2 and 3 below provide a simple, easy to use risk assessment tool.

### How likely is it that when exposed to the hazard, harm will occur?

DESCRIPTOR	EXAMPLE OF DESCRIPTION
Rare	The consequence may occur in exceptional or unusual circumstances only. Very low probability of loss or harm.
Unlikely	The consequence is not likely to occur. The consequence has occurred in other schools. Low probability of loss or harm.
Likely	The consequence could occur at some time. There is a history of at least one occurrence in the school or in a similar setting. Moderate probability of loss or harm.
Very likely	The consequence will probably occur in most circumstances. Known history of occurrences in the school or a similar setting. High probability of loss or harm.
Almost Certain	The consequence is expected to occur in most circumstances. Common or repetitive occurrence in the school. Very high probability of loss or harm.

Table 1: Likelihood of harm

### If harm occurs, how severe will it be?

DESCRIPTOR	EXAMPLE OF DESCRIPTION
Insignificant	Nuisance value, no injuries, includes near-misses.
Minor	First aid treatment, short-term distress.
Moderate	Medical treatment required, impact extends to family, longer-term distress.
Major	Extensive or multiple injuries, hospitalisation, trauma.
Catastrophic	At least one fatality.

Table 2: Severity of Consequence

Using the matrix below and cross-referencing likelihood and consequence, the risk may be categorised as low (L), medium (M), high (H), or extreme (E).

LIKELIHOOD	SEVERITY OF CONSEQUENCE				
	INSIGNIFICANT	MINOR	MODERATE	MAJOR	CATASTROPHIC
ALMOST CERTAIN	H	H	E	E	E
LIKELY	M	H	H	E	E
MODERATE	L	M	H	E	E
UNLIKELY	L	L	M	H	E
RARE	L	L	M	H	H

Table 3 – Categorising the risk

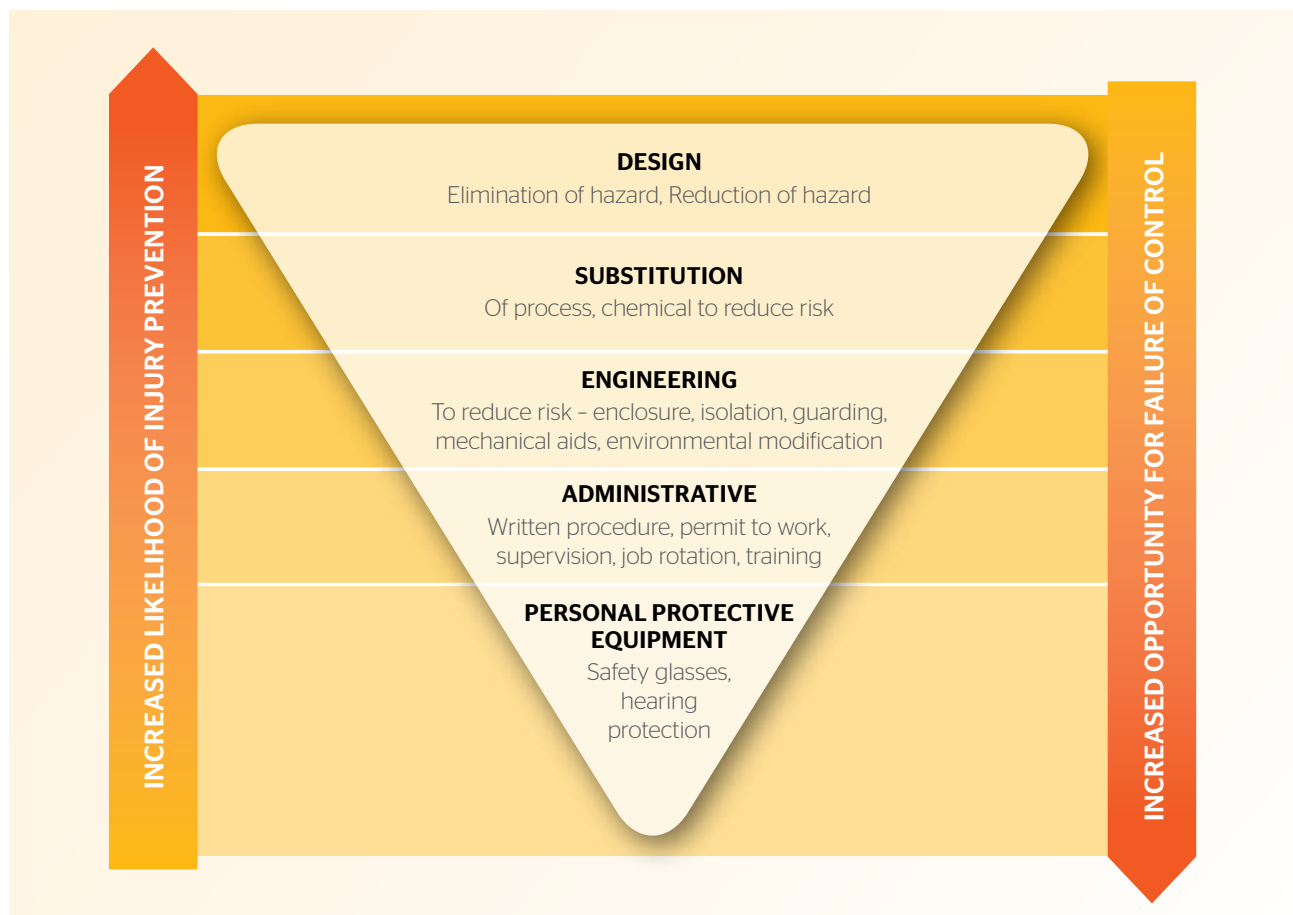


## Step 3: Risk Control

Risk control means taking action to eliminate a hazard. If it cannot be eliminated the employer must minimise the likelihood of harm being caused.

The Act requires employers to apply the concept of 'so far as is reasonably practicable' when deciding how to eliminate a risk or reduce it. So far as is reasonably practicable means considering the likelihood of a hazard or risk occurring, the degree of harm that might result, what is known, or should be known about a problem and possible solutions, the availability and suitability of solutions and the cost involved. However, cost should not be considered independently of all other factors.

Any hazard and risk identified must be controlled following the Hierarchy of Control, highlighted in the diagram below.



### *The Hierarchy of Control*

The objective of hazard control is always to eliminate the hazard. If this can't be done, then the next best option is to apply other controls in order to reduce the risk. Some examples of how schools have applied the Hierarchy of Control to common hazards include: installation of blinds to diminish radiant heat, use of shade cloth to protect outdoor employees from UV radiation, issuing of mobile phones to staff on yard duty in remote areas of the workplace, production of safe work procedures for staff working alone, and the provision of protective equipment such as safety glasses for practical classes. Controls which change the working environment or the way work is carried out, such as design, elimination, substitution or engineering are more effective in protecting employees from injury than those which rely on individuals following a safe work procedure or policy such as administrative or personal protective equipment controls.

When deciding the most practicable way to eliminate or control hazards the employer must give consideration to the time between identifying the hazard and controlling the risk. Short-term controls are those applied within days to a week. Medium-term controls are applied within weeks to a month, while long-term controls are those applied over months to a year. In the majority of situations a combination of controls will be used to eliminate hazards and reduce risk. Rarely would a single action be sufficient.

## Step 4: Monitor and review controls

The final step is to review and evaluate how effective a control is. Once control measures have been applied the task is to monitor them so that they remain effective.

To determine whether a hazard has been adequately controlled, ask these questions:

- “Did the solution do what it was expected to do?”
- “Is the hazard still there?”
- “Have the controls that have been applied created any other hazards?”

A situation may be worse than it was before or no better. The solution may have controlled the original hazard but introduced another. If a hazard is still present, go back to Step 1 and keep going until the hazard is eliminated. The process is intended to continually identify and eliminate hazards. The objective is to continually improve health and safety at work.

### Issue Resolution

From time-to-time situations will arise in schools which reveal a health and safety issue for which there is no agreed solution. It is important that such issues are dealt with proactively, and it is not acceptable for an employer to procrastinate or to use excuses of cost or difficulty as a way of avoiding dealing with such issues.

In circumstances where an employer does not take timely or effective action to deal with a recognised risk, Health and Safety Representatives and employees can take steps to have the issue resolved. Health and Safety Representatives have an important role to play in resolving such deadlocks, and they have a variety of powers to assist them. Each school is required to have a health and safety specific issue resolution process. If a process has not been developed and agreed by the workplace, the school must use the *Issue Resolution Procedure, Regulation 2007*, a copy of which may be found at Appendix 7.

### Provisional Improvement Notices (PINs)

When a health and safety matter cannot be resolved within a reasonable period of time through consultation or with the assistance of the IEU, a Health and Safety Representative is entitled to issue a Provisional Improvement Notice (PIN). A PIN is a powerful tool used to bring about the resolution of an outstanding safety and/or health issue.

#### What is a PIN?

- A PIN is a formal written direction issued by the Health and Safety Representative to a person, usually the employer, requiring them to fix a breach of the Act or Regulations.
- A PIN is a legitimate part of resolving health and safety issues in the workplace.

#### When can a PIN be used?

- A PIN may be used when a Health and Safety Representative reasonably believes a breach of the Act or Regulations is occurring or has occurred previously and is likely to happen again in the future. [s60(1)(a) and (b)]

#### Examples may be:

- The failure of the employer to consult employees and their Health and Safety Representative before decisions are made concerning changes in the workplace that may affect the health and safety of employees.
- The failure to provide a safe procedure for the handling of chemicals.
- The failure to monitor conditions in the workplace and identify bullying risks.

#### Who can issue a PIN?

- A PIN can only be issued by an elected Health and Safety Representative and only after consultation has occurred with the employer or their representative about ways to remedy the problem. [s60(2)]

**What information must be provided on a PIN?**

- The section of the Act or Regulations which has been breached. [s60(3)(b)]
- Why the Health and Safety Representative believes the Act or Regulations have been breached. s60(3)(a)
- The due date by which the matter must be rectified.
- The due date must be at least eight calendar days from the date the PIN is served. [s60(3)(c)]
- A PIN must be in writing.

**How is a PIN served?**

- There are many ways set out in the Act to serve a PIN, however it is best to deliver the notice in person to the person who is named on the PIN. [s64(a)(b) and (c)]
- A template PIN for use by Health and Safety Representatives can be found in Appendix 8.

**What happens when a person receives a PIN?**

- The person to whom the PIN is issued is legally obliged to take meaningful steps to address the issue.
- A PIN is effective as soon as it is served.
- A person to whom a PIN has been issued must bring the notice to the attention of the employer and display it in a prominent place to alert the workers affected by the issue. [s60(4)(a)(b)(c)]
- The employer cannot reject or ignore the PIN. The person to whom it is served, and their employer, must either comply with the PIN or dispute it within 7 days of it being issued. [s63(1)]
- This may be done by calling in a Victorian WorkCover Authority Inspector to inquire into the PIN.
- The Inspector must attend the workplace before the compliance date written on the PIN.
- The Inspector must either affirm the PIN, with or without modifying it or cancel it. [s63(2)]
- If the person to whom the PIN has been issued, or their employer, chooses not to act on the PIN, they would be considered to have breached the Act and are liable to further action.

**Can a Health and Safety Representative withdraw a PIN after it has been issued?**

- A Health and Safety Representative can withdraw a PIN at any time.

**Can anyone appeal a PIN?**

Following the outcome of an Inspector's inquiries into a PIN, the following people may make a request to the Victorian WorkCover Authority to review an Inspector's decision to confirm, change or cancel a PIN. [s127]

- The person the PIN was issued to.
- An employee affected by the decision.
- The Health and Safety Representative who issued the PIN.
- A Health and Safety Representative who represents an affected employee from another DWG.
- The employer affected by that decision.

**The direction to cease work [s74]**

It is important to distinguish between a PIN and a direction to cease work. A PIN does not stop work or a task being performed in the same manner that a direction to cease work does.

If an issue arises in the workplace which presents an immediate threat to the health and safety of any person, and the nature of the threat means it is not practicable for the Health and Safety Representative to issue a PIN or to allow the threat to continue whilst seeking a solution, the Health and Safety Representative may direct work to cease.

However, before giving the directive, the Health and Safety Representative must consult with the employer or the most senior manager with whom they are able to make timely contact. Following the direction to cease work, either the Health and Safety Representative or the employer may ask a Victorian WorkCover Authority Inspector to attend the workplace. Prior to issuing a direction to cease work it is advisable for the Health and Safety Representative to invoke their power under section 58(1)(f) of the Act and seek the assistance and advice of the IEU.

# Practical examples

What steps would you as a Health and Safety Representative take to begin to address the following issues? The outcomes achieved for each scenario can be found in Appendix 12.

## Scenario A

School A is a primary school in regional Victoria. A student assaulted a teacher. The school sought advice and was told that there was nothing that could be done. The Principal had been given advice that any action such as suspending the student, would leave the school open to claims of discrimination by the parents against the school.

Action:

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## Scenario B

School B is a suburban Independent school undergoing extensive renovations. The Health and Safety Representative was concerned about a temporary staircase with a slippery surface upon entering and gaps along the side wide enough for students to fall through. The Health and Safety Representative consulted with the Principal three times. The Principal eventually approached the builders and was told the staircase 'met specifications'

Action:

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## Scenario C

School C is a large Catholic Co-educational school. The year 12 celebration day had gotten out of hand. A student was badly injured and staff were also threatened. The staff wanted the Principal to take some action to prevent a reoccurrence of the behaviour when other year levels broke up. The Principal refused to take any action.

Action:

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### Scenario D

School D is a large Independent Secondary school. A student exposed himself to a teacher. The teacher went to report the action but there was no one from the college leadership at school. The next week the teacher reported the incident and the student was suspended for two days. When the student was due to return to the school the teacher was feeling anxious about having him in her classes. The teacher had not been told what transpired between leadership, the parents and the student. The school removed the student from the teacher's class and relieved the teacher of yard duties. While this helped alleviate the teacher's concerns in the short-term, nothing had been done to safe guard the teacher in the future or safe guard other staff in the event of a similar incident.

Action:

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### Scenario E

School E is a P-12 College. The mid-year parent teacher interviews were held over two nights from 4pm until 8 pm. The interviews were held in classrooms all over the school. Many staff found this difficult after teaching all day. There were also concerns for personal safety as teachers were often on their own with parents and felt unsafe when discussion became robust. Also of concern was that interviews ended after dark and the car park was poorly lit. Staff had raised these issues at staff and faculty meetings and were told that it was part of their professional duties to attend interviews with parents, that as there had never been an incident in the past, there was no reason to think there would be in the future.

Action:

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# Appendix 1

## Letter to the Principal requesting discussions to establish DWG(s)

Date

(Title)(First name)(Surname)

(Position Title)

(School)

(Address)

(Postcode)

Dear (Principal's Name)

Following recent discussions of the IEU sub-branch at our school, we would like to begin the process of electing a Health and Safety Representative for our workplace.

Our understanding is that the first part of the process involves staff and school leadership attempting to come to some agreement as to whether the staff can be adequately represented by one Health and Safety Representative or if more are required.

The Health and Safety Representative is elected to represent a group of staff which the *Occupational Health and Safety Act* calls - the Designated Work Group (DWG). In small schools there is usually only one DWG comprising the entire staff. In large or multi-campus schools, employees and school leadership might think that there is a need for more than one Health and Safety Representative and divide the school into a number of DWGs.

We think that given the staffing and geographic layout of our school (insert number) Health and Safety Representatives are(is) required and that the school should therefore be comprised of (insert number) DWGs.

We would appreciate it if you could confirm whether you agree to the election of (insert number) Health and Safety Representatives as we propose. We would also like to arrange a time to meet with you in order to agree on a process for the election.

Yours sincerely

IEU Sub-Branch Representative

# Appendix 2

## Health and Safety Representative Elections

### Nomination Form

#### Nominations

**For the Office of  
OCCUPATIONAL Health and Safety Representative**

**for the  
DESIGNATED WORK GROUP of:**

Under Section 54 of the *Occupational Health and Safety Act 2004 (Victoria)* nominations are called for the above position.

Close of nominations (*date*):

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1 (*nominee*):

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If only one nomination is received by the closing date, that person will be the representative.

If more than one nomination is received, then all employees of this DWG are notified that there will be a meeting here on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ to elect a representative.

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Signed (*nominee*):

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Signed (*nominator*):

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Nominee and nominator must be members of the DWG named on this form



# Appendix 3

## Letter to advise the outcome of the election

### **Election of Occupational Health and Safety Representative**

To (*Name of Employer*):

Address (*workplace address*):

I, \_\_\_\_\_ being an employee and member of the Designated Work Group (DWG)  
 for \_\_\_\_\_ wish to inform you, on behalf of the other employees of this DWG, that  
 following a call for nominations for the position of Health and Safety Representatives the following employee is now elected.

Health and Safety Representative (*name of Health and Safety Representative*):

Term of office from:

to:

It was not necessary to hold an election as only one nomination was received. (*tick the appropriated box*)

This person was elected on: \_\_\_\_\_ by the members of the DWG.

The above process was followed, as per Section 54 of the *Occupational Health and Safety Act 2004 (Victoria)*

Signed:

Date:

# Appendix 4

## Letter to employer requesting action in regard to an OHS issue

Date

(Title)(First name)(Surname)

(Position Title)

(School)

(Address)

(Postcode)

Dear [Principal's name]

As the elected Health and Safety Representative I request that you take immediate action to address [the issue i.e. workload, heat stress, unsafe stair case, overcrowded classrooms]

I request that you consult with me, as the elected Health and Safety Representative and the members of the DWG about the measures to be taken to identify such hazards and eliminate risks to health and safety at our workplace. Such discussions may determine how to develop and implement policy and procedures in relation to this issue in the future.

As you are no doubt aware you have several obligations under the *Occupational Health and Safety Act 2004 (Victoria)* specifically:

**Section 21** the employer's duty to provide a safe and healthy workplace.

**Section 22** the employer's duty to monitor the health and conditions of the employees.

**Section 35** of the Act clearly outlines your duty to consult with Health and Safety Representatives and staff over matters of health and safety.

I look forward to discussing this matter with you.

Yours Sincerely

Health and Safety Representative

# Appendix 5

## Follow up letter if no action taken

(Title)(First name)(Surname)  
(Position Title)  
(School)  
(Address)  
(Postcode)

Dear [Principal's name]

I wrote to you on [date] requesting you consult with me in regard to an identified workplace hazard.

So far we have not received a response. We are greatly concerned about the safety of our workplace and request that this matter be addressed within the next seven (7) working days. It is our desire that it will be addressed in consultation with the Occupational Health and Safety Representative, the IEU sub-branch and all affected members of the DWG.

Should our concerns not be addressed and progress made toward the elimination or control of the hazard I will have no option but to initiate further action as provided for in the *Occupational Health and Safety Act 2004 (Victoria)*. I have sought the assistance of the IEU and are willing to seek the assistance of the Victorian WorkCover Authority should there be no progress toward a resolution.

I look forward to working with you to resolve this issue.

Yours sincerely

Health and Safety Representative

# Appendix 6

## From: Occupational Health and Safety Regulations 2007

### **2.1.5 How to involve Health and Safety Representatives in Consultation**

- (1) This regulation applies if an employer is required under the Act to consult with employees on a matter and the employees are represented by a Health and Safety Representative.
- (2) For the purposes of section 36(2) of the Act, the employer must involve the Health and Safety Representative in the consultation by:
  - (a) providing the Health and Safety Representative with all of the information about the matter that the employer provides, or intends to provide, to the employees; and
  - (b) unless it is not reasonably practicable to do so, providing that information to the Health and Safety Representative a reasonable time before providing the information to the employees; and
  - (c) inviting the Health and Safety Representative to meet with the employer to consult about the matter; and
  - (d) if the invitation is accepted, or if otherwise requested by the Health and Safety Representative, meeting with the Health and Safety Representative to consult about the matter; and
  - (e) giving the Health and Safety Representative a reasonable opportunity to express his or her views about the matter; and
  - (f) taking into account the Health and Safety Representative's views about the matter.

**Note:** Act compliance—sections 35 and 36 (see regulation 11.7).

# Appendix 7

## Occupational Health and Safety Regulations 2007

### Part 2.2—Issue Resolution Procedures

#### 2.2.1 Application of Part

For the purposes of section 73(1) of the Act, this Part sets out the procedure to facilitate the effective resolution of health and safety issues arising at a workplace or from the conduct of an employer's undertaking if there is no relevant agreed procedure for resolution of those issues.

#### 2.2.2 Parties to the resolution of issues

- (1) For the purposes of section 73 of the Act, an employer must notify the employees, any Health and Safety Representative and any Health and Safety Committee in the appropriate manner and languages:
  - (a) as to whether the employer intends to participate in the resolution of an issue personally or to nominate an employer representative; and
  - (b) if an employer representative is to be nominated, of the name and position description of the employer representative.

**Note:** Employer representatives must meet the requirements set out in sections 73(2)(a) and 73(2)(b) of the Act.

- (2) If an issue arises before an employer representative has been notified in accordance with sub-regulation (1) and the employer is not available, the senior manager employed by the employer in that part of the workplace where the issue has arisen is to be the employer representative for the purpose of attempting to resolve the health and safety issue.
- (3) Only a Health and Safety Representative, or if there is no Health and Safety Representative, an employee nominated under sub-regulation (4), can act on behalf of employees affected by an issue.

**Note:** Section 57 of the Act states that if a Health and Safety Representative ceases to hold office or is unable to exercise his or her powers then those powers may be exercised by a deputy Health and Safety Representative.

- (4) If there is no Health and Safety Representative, the employees affected by an issue may nominate one or more employees to act on their behalf.
- (5) At any stage in the resolution of an issue, a party may seek the assistance of any relevant organisation of employees or of employers to assist the parties to resolve the issue.

#### 2.2.3 Procedure for reporting issues

- (1) If a health or safety issue arises in a workplace or from the conduct of the undertaking of an employer where there is a Health and Safety Representative and an employee wishes to raise the issue for resolution, the employee must report the issue to that representative.
- (2) If a health or safety issue arises in a workplace or from the conduct of the undertaking of an employer where there is no Health and Safety Representative and an employee wishes to raise the issue for resolution, that employee must report it to the employer or employer representative.
- (3) An employee may take all steps to report an issue, including leaving the employee's part of the workplace, if the steps are reasonable in the circumstances.
- (4) Nothing in this regulation prevents an employee from reporting the issue to the employer or any other person in addition to the Health and Safety Representative.

### 2.2.4 Procedure for resolving issues

- (1) As soon as is reasonably possible after a health or safety issue has been reported the following persons must meet and try to resolve the issue:
  - (a) the employer or employer representative; and
  - (b) the Health and Safety Representative or any employee nominated under regulation 2.2.2(4) or the employees affected by the issue.
- (2) For the purpose of resolving the health and safety issue as quickly and effectively as possible the parties must have regard to:
  - (a) the number and location of employees affected by the issue; and
  - (b) whether appropriate temporary measures are possible or desirable; and
  - (c) the time that may elapse before the issue is permanently resolved; and
  - (d) who, on behalf of the employer, is responsible for performing and overseeing any action agreed necessary to resolve the issue.

**Note:** Section 20 of the Act sets out the process to follow ensure health and safety.

- (3) If, after the resolution of the health and safety issue, a party involved in the resolution of that issue requests the employer to set out in writing the details of the issue and matters relating to its resolution, the employer must do so, to the satisfaction of all parties.
- (4) As soon as is reasonably possible after the resolution of an issue, the employer must ensure that details of any written or oral agreement between the parties are:
  - (a) brought to the attention of the employees affected by the issue; and
  - (b) forwarded to any Health and Safety Committee.
- (5) Any of the parties to the resolution may forward details of any agreement between the parties under sub-regulation (4) to any relevant organisation of employees or of employers.
- (6) An agreement under sub-regulation (4) must be:
  - (a) in a form that is approved by all parties; and
  - (b) communicated in the manner and in any language that is agreed by the parties to be appropriate.

**Note:** Sections 35 and 36 of the Act set out the duty of the employer to consult with employees, including involving the Health and Safety Representative (if any). (See also regulation 2.1.5).

# Appendix 8

## Occupational Health and Safety Act 2004 (Victoria)

### **Provisional Improvement Notice (PIN)**

#### **Notes for use by Health and Safety Representative:**

1. Complete this form if you believe that a provision of the Act or any Regulation:
  - is being contravened; or
  - has been contravened; or
  - it is likely that the contravention will continue or be repeated.
2. Resolution of the issue by consultation must be attempted before issuing a PIN. See Section 60(1) (2) of the Act.
3. A PIN should address one contravention only.
4. A reasonable time should be allowed between the Issue Date and the Compliance Date to enable compliance to be achieved. However the Compliance Date must be at least eight days after the Issue Date. See Section 60(3)(C) of the Act.
5. The issue of a PIN is not the appropriate means to address a situation of immediate risk. See Section 60(3) and (c) of the Act.
6. The form following should be handed to your supervisor or relevant management representative. It should be signed by that person only to acknowledge its receipt. Such a signature does not signify agreement with the notice. The PIN is valid without the signature of the employer (in the event of refusal to sign).
7. Retain a copy of the completed form for your records, and send a copy to your union.
8. If the issue has not been remedied by the compliance date and an Inspector has not already attended, Victorian WorkCover Authority should be contacted. You should also advise your union.
9. A PIN is still valid if there is a formal irregularity in the notice section 65

**Note for Employer:** Section 62(1) of the Act provides that non-compliance with a Provisional Improvement Notice constitutes an offence. Section 63(1) and (2) and (3) provides that within eight days of the issue date of the Notice the person to whom the Notice is served may require an Inspector to attend and Investigate the Notice [effectively an appeal] - the Inspector will affirm, modify or cancel the Notice.

# Occupational Health and Safety Act 2004 (Victoria)

## Provisional Improvement Notice

### Employer:

Name:	Company Name:
Street number:	Street name:
Suburb:	Postcode:

### Health and Safety Representative:

First name:	Last name:
Name of Designated Work Group:	
Union:	

### Served to:

First name:	Last name:
Position:	Date issued:
Compliance date (Must be at least eight days after the issue date):	

In accordance with Section 60 of the *Occupational Health and Safety Act 2004 (Victoria)*, I, the Health and Safety Representative named above, am of the opinion that you, the Employer/Person named above:

- a. are contravening a provision of the *Occupational Health and Safety Act 2004 (Victoria)* and/or Regulations; or
- b. have contravened a provision of the *Occupational Health and Safety Act 2004 (Victoria)* and/or Regulations in circumstances that make it likely that the contravention will continue or be repeated.

The Provision of the *Occupational Health and Safety Act 2004 (Victoria)* or Regulations I believe has been contravened is:

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The reason for my opinion is:

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In accordance with Section 61 of the *Occupational Health and Safety Act 2004 (Victoria)*, the measures I believe you should take to remedy the contravention are:

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Signature of Health and Safety Representative:

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Signature of person serviced to:

Union:	Date received:
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# Appendix 9

## Body Mapping

Start with the front and back body outlines. These may be found in Appendix 10 or the group may hand draw their own. Any large piece of paper with a sketch of a body outline will do. Use the colour code below to identify the various symptoms being mapped:

**Red** - aches and pains    **Blue** - cuts and bruises    **Green** - illnesses    **Black** - anything else (for example, stress)

Ask employees to put a sticker or a coloured mark onto the body map to show the location of any symptoms of injury or ill health they may be experiencing since working with their current employer. Explain to the group they are identifying symptoms of injury or ill health. For example, aches and pains between the shoulder blades should be shown with red stickers on that part of the body. Psychosocial problems such as stress, sleeping difficulties, anxiety, bullying or fatigue are shown on the map by drawing a circle over the head and placing black dots inside the circle. If a problem is a generalised pain or a skin rash over a large part of the body, draw with a marker to cover that region of the body, or show the problem with a number of stickers placed close together. An example of a body map is shown in Figure 1.

When all participants are satisfied they have mapped all the information they are comfortable to share with others, identify from group discussion the likely causes of the symptoms represented by the array of dots. As shown in the body map in Figure 1 the task of the group is to identify the health problems their dots represent and discuss possible causes and solutions. Small notes can be made on the side of the outline.

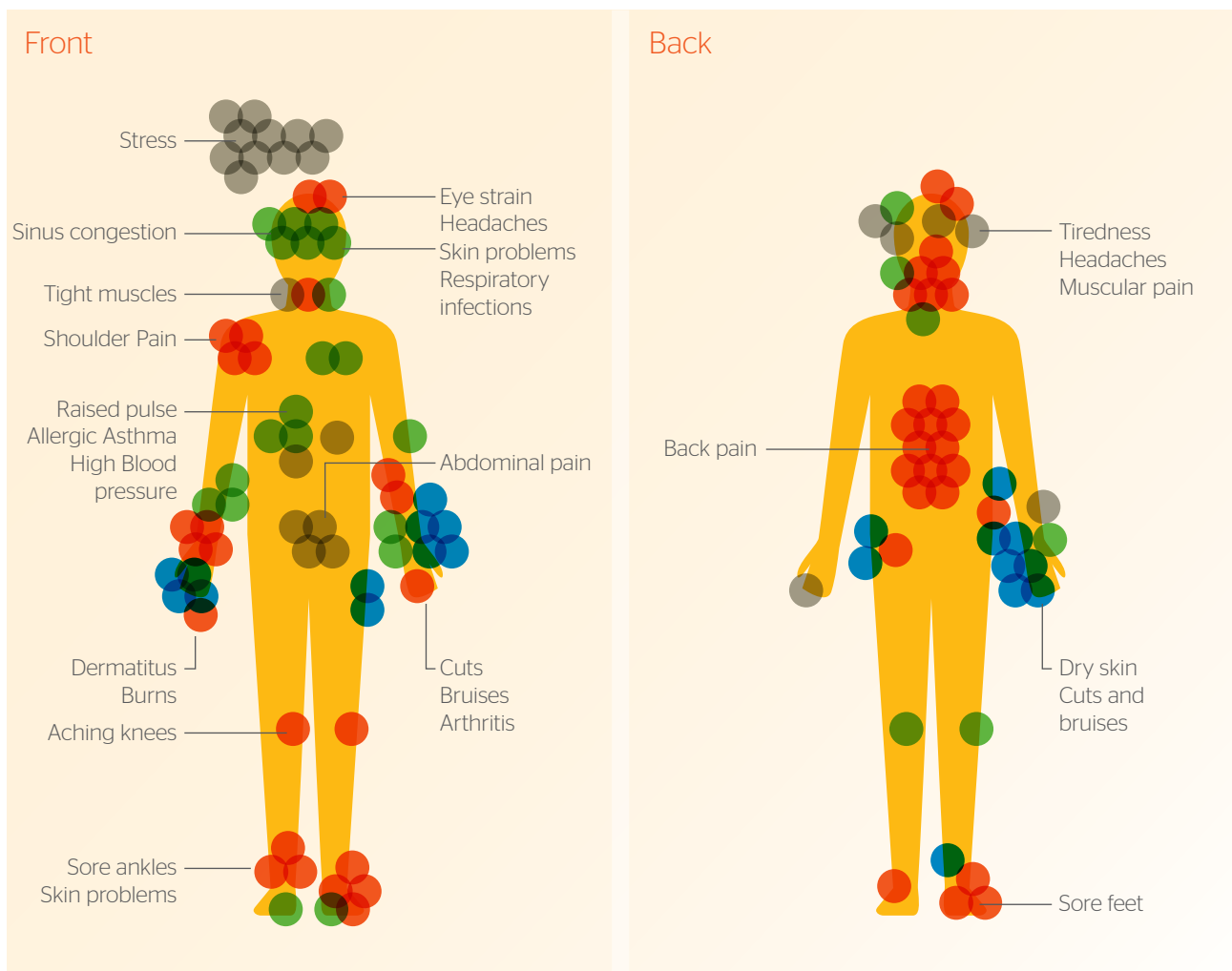
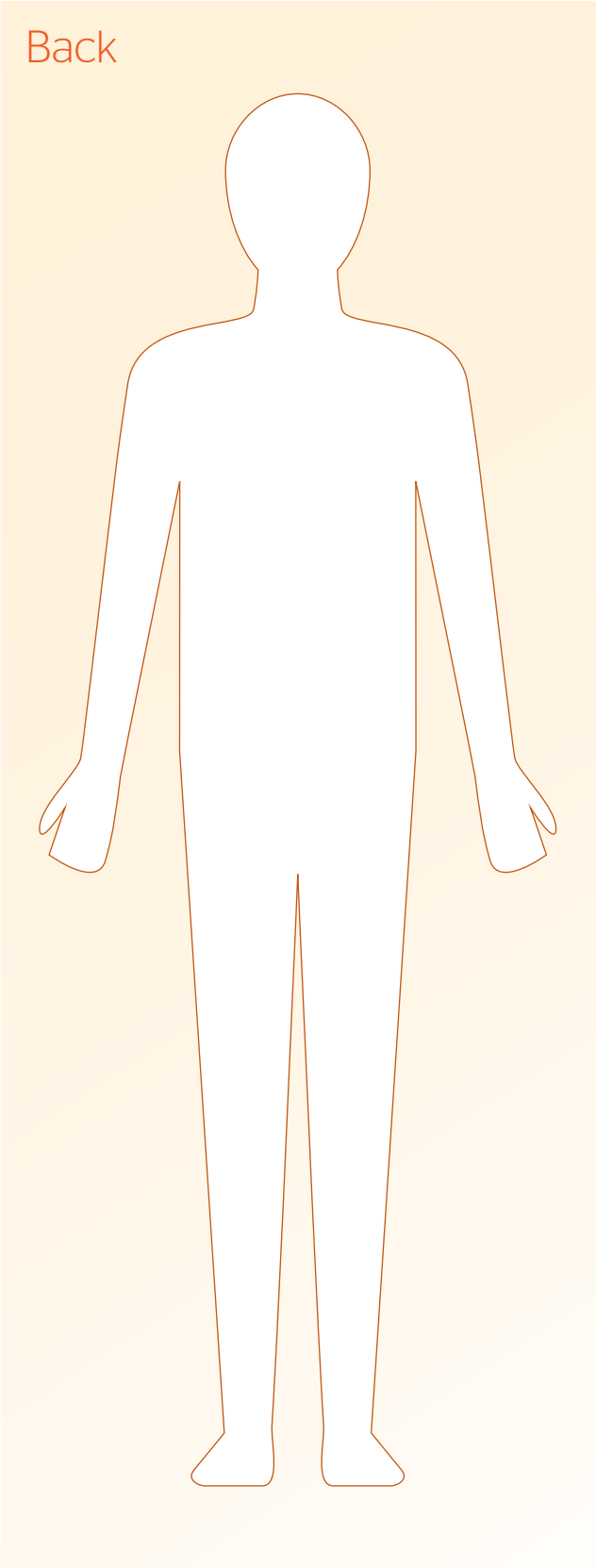
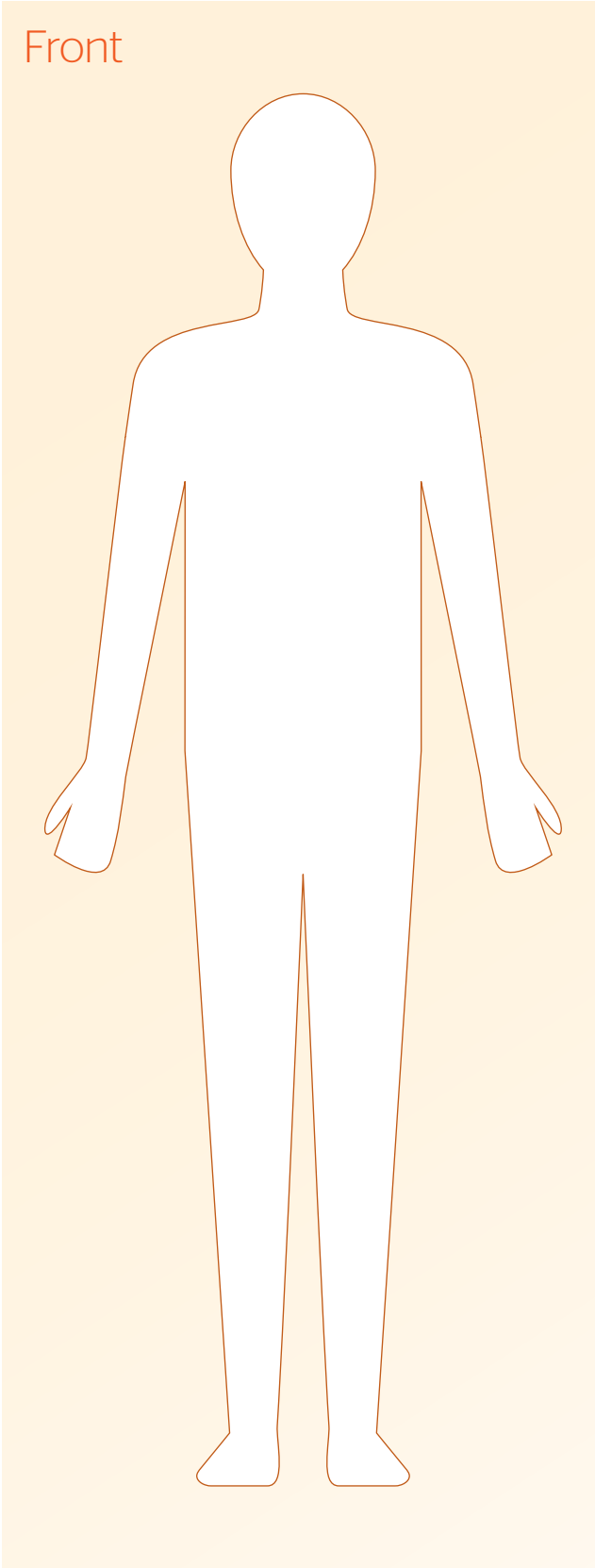


Figure 1: Completed body map.

**Body Mapping Outlines**



# Appendix 10

## Example Occupational Health and Safety Policy

### [Example College] Occupational Health and Safety Policy

Place the School  
logo here.

[School name] is committed to, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risks to health. This commitment extends to all employees, contractors and visitors to the workplace.

[School name] is committed to providing a safe working environment through hazard identification, risk assessment, risk control and monitoring strategies for all College activities. A consultative, co-operative approach between employees and management on health and safety issues will be implemented.

This policy is consistent with the Victorian Occupational Health and Safety Compliance Framework and Common Law duty of care, in particular:

- *Occupational Health and Safety Act 2004 (Victoria)*
- *Occupational Health and Safety Regulations 2007*

#### Policy Objectives

- To comply with health and safety related legislation and to take advice from non-statutory health and safety guidance;
- To establish and measure health and safety performance against identified targets;
- To minimise the occurrence of injury and illness in the workplace through systematic hazard identification, risk assessment and control;
- To investigate incidents and/or near-misses in order to eliminate hazards and minimise the likelihood of injury or illness recurring;
- To maintain documented records on all health and safety activities undertaken;
- To provide a Return to Work Program (RTW) for employees in the event of injury or illness;
- Appropriate resources will be provided to support the implementation of this policy.

#### Responsibilities

The Employer, School Principal and School Board have the direct responsibility for ensuring the policy objectives are fulfilled and that the necessary resources are provided to achieve effective implementation.

Under the Act, the duties of the Employer, School Principal and School Board include:

- Providing and maintaining safe plant and systems of work;
- Making arrangements for the safe use, handling, storage and transport of plant and substances;
- Maintaining the workplace in a safe and healthy condition;
- Providing adequate facilities for staff welfare;
- Providing such information, instruction, training and supervision to staff to enable them to perform their work in a safe and healthy manner.

**Hierarchy of responsibility:**

**Management Nominee** - Principal

**Employer's Nominee** - another senior staff member appointed by Principal

**Employee's Nominee** - elected Health and Safety Representative / HSD

The Management Nominee is the Principal who has overall responsibility for health and safety within the workplace and cannot be delegated to others. They may appoint another senior staff member as the Employer's Nominee in an operational capacity only. The Management Nominee must not be elected as a Health and Safety Representative.

All employees of the school have a responsibility to:

- Take reasonable care of their own health and safety and the health and safety of others who may be affected by their acts or omissions;
- Report hazards, accidents, incidents or near-misses in accordance with workplace hazard reporting procedures;
- Co-operate with their employer with respect to any action taken by the employer to comply with the provisions of the Act or Regulations.

The [name of school] is committed to ensuring this policy is publicised and implemented and will regularly monitor and review its effectiveness.

Parish Priest/Board Chair:

Principal:

Date:

Review Date:

# Appendix 11

## Occupational Health and Safety Compliance Framework

<b>Occupational Health and Safety Act 2004 (Victoria)</b>	Act No.107:2004	The <i>Occupational Health and Safety Act</i> sets out the key principles, duties and rights in relation to health and safety
<b>Occupational Health and Safety Regulations 2007</b>	Statutory Rule no. 54/2007	The <i>Occupational Health and Safety Regulations 2007</i> specify the way in which a duty imposed by the Act must be performed.
<b>Compliance Codes</b>	<ul style="list-style-type: none"> <li>• Communicating occupational health and safety across languages</li> <li>• Workplace amenities and work environment</li> <li>• First aid in the workplace</li> <li>• Prevention of falls in general construction</li> <li>• Managing asbestos in workplace</li> <li>• Removing asbestos in workplaces</li> </ul>	Compliance Codes provide practical guidance to the duty holder. If an employer complies with the provisions of a compliance code, they are deemed to have complied with the Act or Regulations. Compliance codes are not mandatory and the employer may choose some other way to achieve compliance with the Act or Regulations.
<b>Victorian WorkCover Authority (VWA) (formerly WorkSafe Victoria) Positions</b>		These are guidelines made under section 12 of the Act. They are intended to provide certainty to employers and other duty holders as to how the Victorian Worksafe Authority (VWA) will apply the Act or Regulations.
<b>Non- statutory guidance</b>		Non- statutory guidance includes information published by the VWA aimed at building people's awareness of health and safety issues. Non-statutory guidance is not mandatory but it does contribute to the state of health and safety knowledge an employer may have about hazards, risks and the ways to control them.

# Appendix 12

## Action taken by members to solve occupational health and safety issues

### Scenario A

Members of the sub-branch contacted the IEU and were advised the matter was a health and safety issue and the school had clear obligations under the Act to provide a safe and healthy workplace. In response, the school removed the student temporarily and completed a risk assessment of the student's behaviour. The risk assessment identified key triggers for the behaviour. As a result of the risk assessment the school developed an action plan for managing the risk.

The school developed a functional behaviour plan for the student and a risk management plan to be used with all students. They also developed a critical incident protocol and a student re-entry plan.

### Scenario B

The Health and Safety Representative sought the assistance of the IEU. An organiser visited the school and examined the staircase. The organiser suggested that a risk assessment needed to be done. The risk assessment involved taking measurements and photographs that clearly highlighted the unsafe condition of the stairs. The information was presented to the builders who immediately took steps to make the staircase safe.

### Scenario C

The sub-branch wrote a letter (see Appendix 4) to the Principal reminding him of his duty under the Act and asking that action be taken. The Principal stated he would take no action unless those who felt threatened by the students identified themselves. The sub-branch again wrote to the Principal reminding him that his duties under the Act were not conditional and his demand that staff identify themselves was threatening and a breach of the Act. The Principal then agreed to work in consultation with staff on a critical incident policy.

### Action taken in scenario D

The teacher contacted the IEU and an organiser attended a meeting with the teacher and college leadership. The Principal was reminded of his obligation under the Act to provide a safe and healthy workplace. He agreed, in consultation with staff to develop a chain of command for dealing with critical incidents to be used in future and also to develop a plan for dealing with students involved and their return to school.

### Action taken in scenario E

The Health and Safety Representative conducted a risk assessment and found that this practice involved high risk to staff. The Health and Safety Representative tabled the risk assessment at the Health and Safety Committee. As the parent teacher interviews for the semester had been completed, discussion of the matter and the risk assessment was deferred.

The IEU sub-branch responded to the Principal in writing, reminding him of his duty under the Act and called for an immediate review of the parent teacher interview procedures. The Health and Safety Representative again presented the risk assessment, together with a proposal to satisfy the concerns of members of the DWG. The school agreed to hold all future parent teacher interviews in the hall and multi-purpose area. Members of College leadership would be on hand to provide support should any interview get out of hand. Security was hired for the car park and temporary lights were erected in the car park during parent teacher interview times.

# Appendix 13

## Checklist for School Working Environments

### Key:

1	2	3	4	5
Poor		Satisfactory		Good

### Buildings And Structures

		1	2	3	4	5
1.	Presence and condition of asbestos					
2	Presence of lead-based paints					
3	Condition of roofs, ceilings, walls, floors, doors, etc.					
4	Condition of windows and locks					
5	Condition of playground equipment					
6	Condition of fencing, water tanks, football posts, basket ball structures					
7	Overhead powerlines, (e.g are they near trees?)					
8	Water tanks in good condition, e.g. no leaks, blocks					

### Classrooms

		1	2	3	4	5
9	Enough space for staff to carry out their duties					
10	Adequate storage, e.g. cupboards, shelving, in room for class requirements					
11	Floors, walkways, entrances and exits free from obstruction					
12	Electrical leads or cables off the floor and away from walkways					
13	Computer cables/leads secured and not on floors, work area					
14	Carpets, tiles in good repair. No broken tiles or holes					
15	Folders, brief cases, bags off the floor and out of passageways					
16	Lighting levels adequate					
17	Exits and entries free from hazards					
18	Fire extinguishers readily accessible, their location known, and checked regularly					
19	Classroom tables and chairs at appropriate heights					
20	Condition of roofs, ceilings, walls, floors, doors.					
21	Condition of windows and locks					
22	Ergonomic principles followed – seating, bench height, chairs, screen.					

**Computer Workstations**

		1	2	3	4	5
23	Screen-based equipment guidelines followed by staff and students					
24	Setting work rates					
25	Ergonomic principles, e.g. seating, bench height, chairs, screen glare					
26	Copying machines, e.g. ventilation, gases, chemicals, as per the Victorian WorkCover Authority Guidelines					

**Electrical Equipment**

		1	2	3	4	5
27	Serviceability of light fittings					
28	Serviceability of power outlets and leads					
29	Adequacy of power outlets (quantity and rating)					
30	Accessibility of circuit breakers or fuses and main switch					
31	Labelling of fuses, circuit breakers, safety switches and main switches					
32	Periodic maintenance					
33	Electric shock resuscitation drill, notices and instructions					
34	Electric leads or cables off the floor and away from walkways					

**First Aid and Hygiene**

		1	2	3	4	5
35	Organised as per the First Aid Compliance Code					
36	First aid kits fully equipped and available, and their location known to all staff					
37	First aid training to appropriate workplace level					
38	Stretchers in position					
39	Health and Hygiene taught in the school curriculum					
40	Adequate supply of soap, towels					
41	Clothing storage, cabinets and contents clean, orderly and readily available					



**Food Preparation and Handling**

		1	2	3	4	5
42	Canteen workers aware of guidelines appropriate, Personal Hygiene for People Working With Food, Hygienic, Food Preparation and Handling, Safe Food Storage and Displaying, Food Poisoning - and How to Prevent It.					
43	Hands washed thoroughly					
44	All cuts or wounds covered with a waterproof bandage (cover hand also with glove)					
45	Food handling staff, if suffering from diseases which are likely to be transmitted through food must not work					
46	Long hair tied back or covered					
47	Protective clothing worn over normal clothes					
48	Equipment used washed thoroughly					
49	All fruit and vegetables washed in clean water and in own sink					
50	For cooked or ready-to-eat food, utensils such as tongs, spoons, spatulas or disposable gloves used					
51	Raw foods stored below cooked foods in refrigerator					
52	Cooked and ready-to-eat foods separate from raw foods					
53	Fixed temperature measurement devices on refrigerators and freezers					
54	Food storage containers clean and in good repair					

**Machinery**

		1	2	3	4	5
55	No unguarded nip points					
56	Guards securely fitted					

**Emergency Stop Button**

		1	2	3	4	5
57	Tested					
58	Identified					
59	Red mushroom type					
60	Easily accessible to operate					

**Stepladders**

		1	2	3	4	5
61	Tread condition					
62	Rubber feet					
63	Side rails					
64	Brace					
65	Registered					

**Tools - Correct Use**

		1	2	3	4	5
66	Used for purpose for which they are designed					
67	Not extended or used beyond design capability					
68	Sharp tools used away from the body					
69	Job always held securely					
70	Used according to acceptable practice					
71	Stored in suitable area					
72	Locked away when not in use					

**Condition - Hand Tools**

		1	2	3	4	5
73	Handles free from cracks, breakage, etc.					
74	Handles secure					
75	Impact point in good condition free from chips, burrs, etc.					
76	Blades sharp/square					
77	Regularly cleaned/maintained					
78	Insulation in good condition					

**Condition - Power Tools**

		1	2	3	4	5
79	Electrical cords and plugs					
80	Handle condition					
81	Handle attachment					
82	On/off switch operation					
83	Safety switch operation					
84	Hose(s)					
85	Tested regularly and tagged					
86	Guards provided					
87	Guard operation					
88	Fittings					
89	Suitably stored & locked away when not in use					

**Personal OHS**

		1	2	3	4	5
90	Documented staff support program in place at the school					
91	Regular program for assessing school & individuals					
92	Absentee record monitored to detect patterns					
93	Regular contact maintained with sick or injured staff					
94	School maintains a network of community resources to meet staff counselling needs					
95	Determine 'hidden hazards' and other concerns determined, eg. noise, work-related stress, work overload, bullying, fatigue					
96	Provided with information, clear instructions and training to perform their work in a safe, risk free manner, eg. staff receive copy of school's OHS policy and other documents					
97	Staff consulted and involved in decision-making process concerning OHS matters					
98	Adequate number of elected and trained OHS reps with time and facilities to ensure staff can raise OHS concerns					

**Safe System of Work**

		1	2	3	4	5
99	Staff awareness of OHS Act, Regulations, Compliance Codes, manuals, policy, safe work procedures.					
100	Clear emergency procedures, e.g. fire, bomb, policy, ambulance					
101	Statutory requirements/codes of practice fully complied with, e.g. LPG, flammables, chemicals, etc.					
102	Adequate hazard warning signs displayed					
103	Chemical and flammables safety register and data sheets available					
104	Procedures dealing with OHS issues in the workplace enforced, e.g. risk management (identify, assess and control hazards)					
105	Rehabilitation program at the workplace in accordance with WorkCover, e.g. WorkCover Coordinator, Return To Work Plan and Policy					
106	Evacuation procedures rehearsed					
107	The OHS Representative is being consulted in any preliminary discussions, and any problem solving decisions, as to team approach for successful risk management					
108	All at the school knows who is responsible for taking control in an emergency situation					
109	Yard duty - adequate staff members are on duty and procedures are in place to deal with any issues arising					

**Safety Publications and Notices**

		1	2	3	4	5
110	Accessible library of Regulations and Codes of Practice, safety books, manuals, etc					
111	Material Safety Data Sheets (as per the Code of Practice) for all substances					
112	Corrective action completed previous survey					
113	Warning signs and Safety posters					

**School Grounds** (in and close to school)

		1	2	3	4	5
114	Trees maintained, e.g. precarious falling trees, branches.					
115	Well-drained play ground area					
116	Dam safety, e.g. sign on gates, fence, safety talks to children.					
117	Sports and physical education areas designed to accommodate activities safely					
118	Bicycles stored safely					
119	Fence in good condition, e.g. no broken wire, hole, falling down.					
120	Paths smooth					
121	No other tripping or slipping hazards in the grounds, e.g. broken surfaces, leaves.					
122	Outside steps and ramps in good repair, e.g. non slip					
123	Edges and steps clearly marked and well lit at night					
124	Handrails in good repair and free from splinters, breaks in the wood					
125	No blind corners or posts, which can cause accidents					
126	Playground equipment areas kept covered with appropriate layers of tanbark and area raked regularly					
127	Procedures in place to deal with any "sharps" that may be found on the school grounds					
128	People aware of when doors are going to be opened					
129	Children aware of construction work by outside contractors, e.g. heavy equipment, electrical power leads.					
130	Outside contractors aware of the dangers working in and around children					
131	Children following 'Playground Discipline Plan'					
132	Grass cut, e.g. fire, snakes.					
133	Vehicle speed limitation in and around school					
134	Vehicle use defined parking areas					

**Staff Room (eating area)**

		1	2	3	4	5
135	Crockery chip and crack free					
136	Facilities hygienically clean and tidy					
137	Electrical equipment safely maintained, e.g. no leaks in hot water service					
138	Food scraps, soft drink containers, etc. adequately disposed of					
139	Roster system updated					
140	Sink and bench clean and tidy, e.g. dishes and cups clean and in cupboard					
141	Microwave, electrical oven and refrigerator maintained and clean					

**Storage**

		1	2	3	4	5
142	Area accessibility					
143	Defined areas					
144	Condition of lifting aids, e.g. trolley					
145	Isolation and labelling of harmful substances					
146	School applies 'just-in-time' principles to purchase of materials					
147	Stored materials regularly assessed and unused material disposed of					
148	Capacity adequate in each area					
149	Storage laid out so that heavier materials are stored at waist height					
150	Staff not required to reach above shoulder heights for extended periods					
151	Manual handling tasks have been identified and assessed					
152	Adequate ventilation					
153	Safe storage and disposal of cleaning, inflammable fluids					
154	Shelves free of dust and litter					

**Students OHS**

		1	2	3	4	5
155	Students involved in identification of hazards to reduce the risk of school-related injuries, infections					
156	Guidelines set for students on the following issues: a. Strangers in and around the school b. Bicycle riding and maintenance, road rules c. Playground safety, e.g. shoe laces, warm clothing d. Students know what to do if they find "sharps" in the school yard e. Classroom safety f. Trips/excursions/camps safety, e.g. bus travel, supervision g. Travel to and from school, e.g. getting on and off a bus, misbehaviour h. Students' locker inspection, clean/tidy i. Parents dropping off and picking up from school j. Promotion of health and safety, e.g. safety competitions (colour drawings)					



# Appendix 14

## Occupational Health and Safety Resources and Links

### Legislation

A link to the the Act and the *Occupational Health and Safety Regulations 2007* may be found on the OHS section of the IEU website [www.ieuvictas.org.au](http://www.ieuvictas.org.au)

**IEU Policies** on topics including Managing Violence in Schools and Cyber Safety can be found on the IEU website

**Victorian WorkCover Authority (VWA)** has a variety of resources on their website at [www.vwavic.gov.au](http://www.vwavic.gov.au). Useful links include:

- A dedicated portal for OHS Reps, containing official VWA advice on the rights and powers of OHS Reps as well as a variety of useful guides on specific OHS issues.
- **Compliance codes:** these documents provide practical guidance and easy to understand information on how an employer may comply with the Act and Regulations. Topics include Workplace Amenities, Managing Asbestos, and First Aid. The Compliance Codes are also a useful point of reference for Health and Safety Representatives.
- The **Victorian Trades Hall Council OHS Unit** has an excellent and diverse collection of articles, advice-sheets, tools and FAQ sheets on their website OHS REPS @ WORK. Access the website here: [www.ohsrep.org.au](http://www.ohsrep.org.au), or follow these links for specific sections:
- **Workplace and Amenities:** useful information on what employers should be providing, and a range of FAQs on issues such as toilets, changerooms, lunchrooms, first aid, temperature etc
- Checklist for School Working Environments
  - **FAQs for OHS Reps:** useful information about the OHS Rep role and common issues. Information about the rights and powers of Reps under the Act. Further advice for OHS reps covering topics such as dealing with accidents, workplace inspections, illness, workers compensation and using PINs.
  - **FAQs for Workers:** information sheets explaining workers occupational health and safety rights on a range of issues including meal breaks, harassment, and the right to refuse unsafe work.

# Definitions

The following terms are used throughout this booklet and the *Occupational Health and Safety Act 2004 (Victoria)*.

## **Approved course of training**

A course for Health and Safety Representatives which has been approved by the Victorian WorkCover Authority

## **Authorised representative**

A representative of a registered employee organisation who holds a permit issued under Part 8 of the Act.

## **Cease Work**

A Health and Safety Representative may direct work to cease if concerned about the exposure of members of their designated work group to an immediate risk to health or safety and the nature of the threat or risk means it is not appropriate to adopt other ways to resolve the issue.

## **Designated Work Group (DWG)**

A group of employees who are grouped together for the purpose of electing a Health and Safety Representative.

## **Employee**

A person employed under a contract of employment or contract of training.

## **Employer**

A person who employs one or more employees. In non-government education this includes parish priests, canonical administrators and school boards.

## **Entry Permit**

An Entry Permit issued to a person as an authorised representative of a registered employee organisation under Part 8 of the Act.

## **Hazard**

Anything with the potential to cause injury, illness, or disease.

## **Health**

Includes psychological health

## **Health and Safety Committee (HSC)**

A group including employees, Health and Safety Representatives and employers which provides a forum for consultation about health and safety issues in the workplace between an employer and employees.

## **Health and Safety Representative**

An employee, elected by a DWG, in order to represent them on health and safety issues in accordance with Part 7 of the Act.

## **Health and Safety Officer**

A person who makes, or participates in making decisions about the management of health and safety. This person is appointed by the employer, is not elected by the DWG and has no powers in accordance with the Act.



**Person**

Includes a body corporate, unincorporated body or association.

**Provisional Improvement Notice (PIN)**

A legally binding notice issued by a Health and Safety Representative for the purpose of resolving an existing, ongoing or potential breach of the the Act or Regulations.

**Reasonably practicable**

Defined in s.20 of the Act. Reasonably practicable takes account of that which is, or was at the time, reasonably able to be done in relation to ensuring health and safety. The concept of reasonably practicable takes into account:

- the likelihood of the hazard or risk occurring
- the severity of harm which would result
- what the person knows or ought reasonably know about the hazard or risk and ways to eliminate it or reduce the risk
- the availability and suitability of ways to eliminate the hazard or risk
- the cost of eliminating the hazard or risk

**Risk**

The likelihood of injury, illness or disease resulting from exposure to a hazard.

**Risk Control**

The application of steps designed to eliminate a hazard or reduce the severity of harm suffered from exposure to a hazard.

**The Act**

*The Occupational Health and Safety Act 2004 (Victoria)*

**Workplace**

A place, whether or not in a building or structure, where employees or self-employed persons work.







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