

## **WHSO – WORKPLACE HEALTH & SAFETY OFFICERS - AUST / NZ**

The role of work health and safety officers is extremely important. They are responsible for keeping people safe and secure in the workplace by implementing plans for best practice that help to raise awareness of potential hazards and reduce risk in the workplace. This includes training staff on safety procedures, ensuring ergonomic needs are being met and helping injured workers return to work. By creating workplace health and safety plans, WHS officers are not only protecting the right for employees to work in a safe environment; they are also protecting the general public from any risks that may be created through unsafe practices. To become a WHS officer in an Australian workplace, you'll need to complete a government-approved course in line with the Workplace Health and Safety Act.

**Skills are needed by safety officers** for their job. There's a diverse array of tasks that work health and safety officers undertake. The broad goal of a WHSO is to create a culture that prioritises health and safety in both employees and employers. To achieve this, WHSO officers will make policies and programs that keep people safe at work, review and improve these processes, identify hazards via inspections and reviews. They might also check and control potential health and accident hazards like toxic fumes and explosives, train staff in health and safety procedures, help with firefighting or first aid in the event of an emergency, and help injured workers rehabilitate and get back to their jobs.

**You can succeed in a career** as a workplace healthy and safety officer if you are a people person who is passionate about keeping your community safe. You will need good interpersonal skills for communication and training, as well as the ability to work well within a team. These interpersonal skills will help you to resolve conflicts and promote policy adoption. You will also need to be well organised and have a solid knowledge of the relevant workplace health and safety legislation for your industry.

### **SAFETY OFFICER CAREERS**

<http://studysselect.com.au/careers/how-to-become-a-work-health-and-safety-officer-in-australia-careers-in-work-health-and-safety/> Safety Officers can graduate to WHA or Advisors in Australia. Safety Officers are highly regarded and jobs are advertised for those with proper qualifications. There are workplace streams for specialised roles:

- Internal Auditor for HSE.
- Training Manager
- Project Manager or Site Supervisor
- Occ Hygiene roles with medical emphasis
- Safety analyst for hazard ID and avoidance



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## News & views from Summit Systems October 2016



### **90 DAY TRIAL PERIODS INVALID WITHOUT STARTING DATE**

The recent Employment Relations Authority case of Honey v Lighthouse ECE Learning Limited [2016] NZERA 284 serves as a reminder to employers that the Authority and Employment Court are continuing to take a strict approach to interpreting and applying trial period provisions.

Ms Honey was employed as an Early Childcare Teacher by Lighthouse ECE Limited. Her employment agreement included a 90 day trial period provision. The employer felt that Ms Honey's performance was not up to the required standard during the first six weeks of employment and terminated her employment under the trial period.

Ms Honey and three other employees terminated under the trial period around the same time challenged the validity of the trial period provision on the grounds that it did not comply with the requirements of the Employment Relations Act 2000 (the Act). Specifically, s 67A(2) states a "Trial provision means a written provision in an employment agreement that states, or is to the effect, that – for a specified period (not exceeding 90 days), **starting at the beginning of the employee's employment, the employee is to serve a trial period...**"

The clause in Ms Honey's agreement stated "A trial period will apply for a period of ninety (90) days (...) under s.67A Employment Relations Act 2000, to assess and confirm the suitability of the Employee for the position (...)"

Ms Honey said this did not meet the requirements of s 67A(2) because it did not state when the trial period would begin. The employer argued the trial period did meet the requirements because the commencement date was set out in a schedule to the employment agreement and it was clear that the parties intended the trial period to begin at the commencement of Ms Honey's employment.

The Authority found that the trial period clause did not expressly state that the trial period started at the beginning of Ms Honey's employment. It was therefore necessary to decide whether or not the reference in the clause to the fact that the trial period would "apply for a period of 90 calendar days" met the requirement of s 67A(2) that the clause is "to the effect" that it started on Ms Honey's first day of employment.

The Authority found that those words did not reasonably imply that the 90 days started on Ms Honey's first day of employment, and that the failure to specify when it would start, or include words to that effect, meant Ms Honey was not effectively advised of when the trial period would commence. The employer was therefore prohibited from relying on the trial provision.

2.

## **DOGMAN KILLED IN PERTH**

We recently heard about a Philippina dogman who was visible to the crane driver and then he disappeared. This was followed by a "bump" and the unfortunate man was run over to his death. John Randle is or was the Chief Inspector of Australia and in standard style he is going for a) the driver; b) the crane manager; c) the crane owners and d) the CEO.

## **AND IN CANBERRA**

Investigations are underway after a construction worker was killed by a falling crane while working at the University of Canberra Public Hospital worksite. It is believed the man was 62 and lived in Sydney.

"It was a small crane, which in the industry is called a Franna, which was moving an electrical generator from one location on the site to another," he said. "At some time, for some reason, the Franna has toppled and as it's turned and toppled onto its side, the boom has struck the construction worker.

"The major thing we're doing at the moment is trying to support the workers who were involved in the accident and tried to render first aid."

Mr Hall said it was too early to tell whether proper safety procedures were being followed. The death came less than three weeks after the ACT Government issued a safety alert concerning several recent incidents involving tower cranes.

Contractor Brookfield Multiplex is overseeing the construction of the University of Canberra public hospital, which is due to be completed in 2018. "Brookfield Multiplex along with the relevant authorities, unions and our client are all collaborating proactively in difficult circumstances," the contractor's regional director David Ghannoum said.

"We are fully co-operating with Worksafe and the police as they investigate the incident, which is expected to take a number of days. "We have been in contact with the family and offer our full support for anything they need during this time."



3.

## **ACC REVIEW - URGENT**

[www.shapeyouracc.co.nz](http://www.shapeyouracc.co.nz). This is a two year cyclical review and submissions are invited. We urge all clients to visit the website and complete forms. We advise:

- Agree that the cycle be two years
- Agree to petrol levy being lower by 10-13% as there are 4 or 5 fuel taxes.
- For incentives strongly oppose the abolition of WSD discount scheme.
- Agree to lowered Rego fees as we already pay high fuel taxes.
- Disagree to no change for motorcycles - advocate for 5% increase
- Propose slight increase in motorcycle levy to fund tutoring needed.
- Injury Prevention projects okay but the key one is for employers to arrange IP training courses on site every two years
- Agree to earners (workers) fund having marginal increase of 3%
- Strongly disagree with proposal to reduce work levy on employers by 10% and state that this should only happen if the employer has Workplace Safety Officer course.

## **CAN YOU MARKET ON OUR BEHALF? PLEASE HELP US**

We are asking Clients to please help us and to alert their business friends and neighbours of the huge change in liability that now lands on middle managers. What we say in our telemarketing is along the following lines.....You probably know that the new health and safety at work laws are in place effective 4 April 2016. **Under the new laws the line managers have equal or even more liability than the owners or directors.** This is spelt out in sections 30 to 36 of the Act which make it clear that the managers mainly responsible are those who **influence, control, or direct** at workplaces.

**This means that most middle managers with authority now have a duty of care, a duty of responsibility, plus a duty of accountability.** They are now called the PCBU. Workers who are given authority can also become PCBU. They are actively involved - not passive like an Owner or Director who may have limited on the job control. In the NZ Government we have traditionally called these people controlling officers or section supervisors at levels 3, 4 & 5.

We are providing a **training course for Workplace Health and Safety Officers and Internal Compliance Auditors.** This is a formal qualification and it takes one day. A 50% subsidy is available for most employers. An ACC discount is also available.

If you do not understand the importance then you should find out about the 10 middle managers that were recently prosecuted in the same company in Sydney for the same accident. Or closer to home you could find out about the Regional Manager of a trucking company in Gisborne who was fined \$150k.

## **INSTITUTE OF DIRECTORS**

A new paper is produced which is entitled Health and Safety Guide: March 2016 Good Governance for Directors

Good Directors will make sure that their managers are given the right tools and the right authorities at the right time and in the right quantity.

Certification under the International Standards is required to ensure clients and the community that the standards are being reached and not just talked about in a pleasant and promising manner.

