

# 2

## Training module for managers/supervisors and employees

### Preface

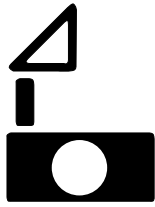
This guide has been specifically designed and developed for both managers and supervisors of the cleaning and property services industry who are required to provide training, advice and information in occupational health, safety and welfare.

The guide is aimed at assisting trainers with developing their training programs and materials to meet the legal responsibilities in relation to the *SA OHS&W Act 1986* and the *SA OHS&W Regulation 1995*, which applies to all workplaces in South Australia.

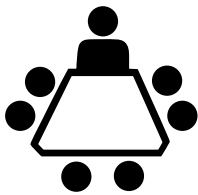
This guide supports the delivery of the learning outcomes listed in the nationally recognised short-course curriculum for legislation.

## How to use this guide

This key to the use of icons will provide a quick visual reference to indicate suggested activities during the course of training.



Using overhead transparencies is suggested at this point.



The trainer should lead the entire group in open discussion.



The group should be split in smaller groups (two–three people) to undertake the activities.



Give a handout to the group at this point, either as an individual sheet or sheets, or contained within a participant's workbook.



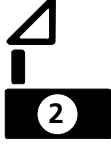

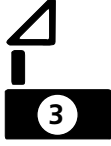
# Introduction to legislation



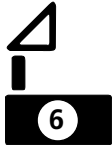

## Learning outcome

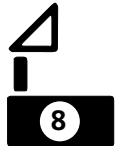

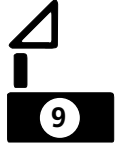
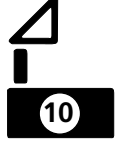

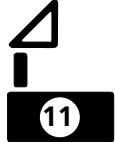
- At the end of this session, participants will have an understanding of the legislation relating to Occupational Health and Safety.




## Assessment criteria

- Describe the philosophy and intent of the health and safety law and practice.
- Demonstrate basic knowledge (scope and legal status) of the *SA OHS&W Act 1986*, Regulations and Approved Codes of Practice.
- Understand the legislative responsibilities of employers, employees and contractors.

Time	Content	Process
5 mins	<p>Explain to participants that there is health and safety legislation in this state that protects workers. This applies to anyone who is working full-time, part-time, or has a permanent, temporary or casual job.</p> <p>This legislation also includes home-based workers and volunteers who work in connection with a trade or business.</p> <p>The legislation is to protect workers and the public against risks at, or arising from, the workplace and involving employees and employers in issues (consultation) relating to occupational health and safety.</p> <p>Therefore, it can be said that employers, employees, contractors and others, such as manufacturers and suppliers of machinery or substances used at work, all have an important role to play.</p> <p>Health and safety legislation in South Australia is made up of three parts. These are:</p> <ul style="list-style-type: none"> <li>• The <i>SA OHS&amp;W Act 1986</i></li> <li>• The <i>SA OHS&amp;W Regulations 1995</i></li> <li>• Approved Codes of Practices made under the Act</li> </ul>	    
5 mins	<p>Explain that the <i>SA OHS&amp;W Act 1986</i> sets out the general requirements for protecting health and safety in the workplace.</p> <p><b>Employers' duties (Section 19)</b></p> <p>The employer has a duty to each employee to, "ensure so far as is reasonably practicable that the employee is, while at work, safe from injury and risks to health".</p> <p>The legislation requires employers to take action to control risks associated with hazards in the workplace by:</p> <ul style="list-style-type: none"> <li>• providing and maintaining a safe work environment</li> <li>• maintaining safe systems of work</li> <li>• ensuring that plant and substances are safe.</li> </ul> <p>In addition to this, the employer is required to:</p> <ul style="list-style-type: none"> <li>• provide adequate information, instruction, training and supervision</li> <li>• provide adequate facilities and monitor working conditions at any workplace that is under control of the employer</li> <li>• maintain records.</li> </ul>	  

Time	Content	Process
5 mins	<p><b>Employers' responsibility (Section 20)</b></p> <p>Employer consultation with stakeholders in the development of policy and procedures.</p> <p><b>Employees' responsibilities (Section 21)</b></p> <p>Employees must take reasonable care to protect their own safety and the safety of others, that may be affected by their actions or omissions at work.</p> <p>The employees' responsibility for health and safety only extends to things that they have control over. However, they must cooperate with their employer by:</p> <ul style="list-style-type: none"> <li>• using the equipment provided to protect health and safety</li> <li>• following any reasonable instruction the employer gives</li> <li>• ensuring that alcohol or drugs does not affect them so as to endanger themselves or others.</li> </ul>	 
2 mins	<p><b>Duties of employers and self-employed persons (Section 22)</b></p> <p>An employer or a self-employed person shall take reasonable care:</p> <ul style="list-style-type: none"> <li>• to protect his or her own health and safety at work</li> <li>• to avoid adversely affecting the health and safety of any other person (not being an employee employed or engaged by the employer or the self-employed person) through an act or omission at work.</li> </ul>	
2 mins	<p><b>Duties of occupiers (Section 23)</b></p> <p>The occupier of a workplace shall ensure so far as reasonably practicable:</p> <ul style="list-style-type: none"> <li>• that the workplace is maintained in a safe condition</li> <li>• that the means of access to and egress from the workplace is safe.</li> </ul>	

Time	Content	Process
5 mins	<p><b>Duties of designers and owners of building (Section 23A)</b></p> <p>The owner of a building that comprises or includes a workplace must:</p> <ul style="list-style-type: none"> <li>• ensure so far as is reasonably practicable that a building, and any fixtures or fittings within the building that are under the control of the owner, are in a condition that allows people who might work in, on or about the workplace to be safe from injury and risks to health.</li> </ul>	
5 mins	<p><b>SA OHS&amp;W Regulations 1995</b></p> <p>Advise participants that the Regulations are delegated legislation, enabled by the Act, and express the principles of the Act in detail.</p> <p>A Regulation is therefore a legal requirement relating to a specific hazard or activity in the workplace.</p> <p>Explain the five sections of the document briefly and 'walk' the group through the following:</p> <ul style="list-style-type: none"> <li>• summary of provisions</li> <li>• schedules and appendices</li> <li>• index</li> </ul> <p>Australian Standards are sometimes included in the actual text of a Regulation and therefore assume the same mandatory status.</p> <p>Demonstrate the layout of the Regulations using a sample page.</p>	  
2 mins	<p><b>Approved codes of practices</b></p> <p>Advise participants that Approved Codes of Practices are 'minimum standards'. They describe preferred methods or courses of action to achieve a particular standard.</p> <p>Approved codes of practices can be used to support litigation, and organisations should comply with them unless it can be demonstrated that an equal or better alternative has been adopted.</p> <p>Australian Standards are sometimes designated as Approved Codes of Practices in the Regulation.</p> <p>Therefore, Australian Standards generally have the status of guidance notes and have no legal status. They do, however, provide sensible advice and should be complied with.</p>	 

Time	Content	Process
15 mins	<p><b>Case study</b></p> <p>Case study one is provided as part of this training package.</p> <p>Handout the case study, OHS Legislative responsibilities and activity sheet to your employees. Depending on numbers, place employees in groups to complete the activity sheet.</p> <p>Return to the large group and discuss the findings and indicate where non-compliance had occurred.</p>	 
5 mins	<p><b>Employee level of understanding</b></p> <p>Ask each participant to complete the employee level of understanding form to answer some basic questions and then to sign off to demonstrate their understanding (optional).</p> <p>Facilitator to check answers to confirm understanding and attend to participants that require clarification.</p>	
	<p><b>Training module completed</b></p>	



# OHS legislation for managers/supervisors and employees

- South Australian Occupational Health, Safety and Welfare Act 1986
- South Australian Occupational Health, Safety and Welfare Regulations 1995

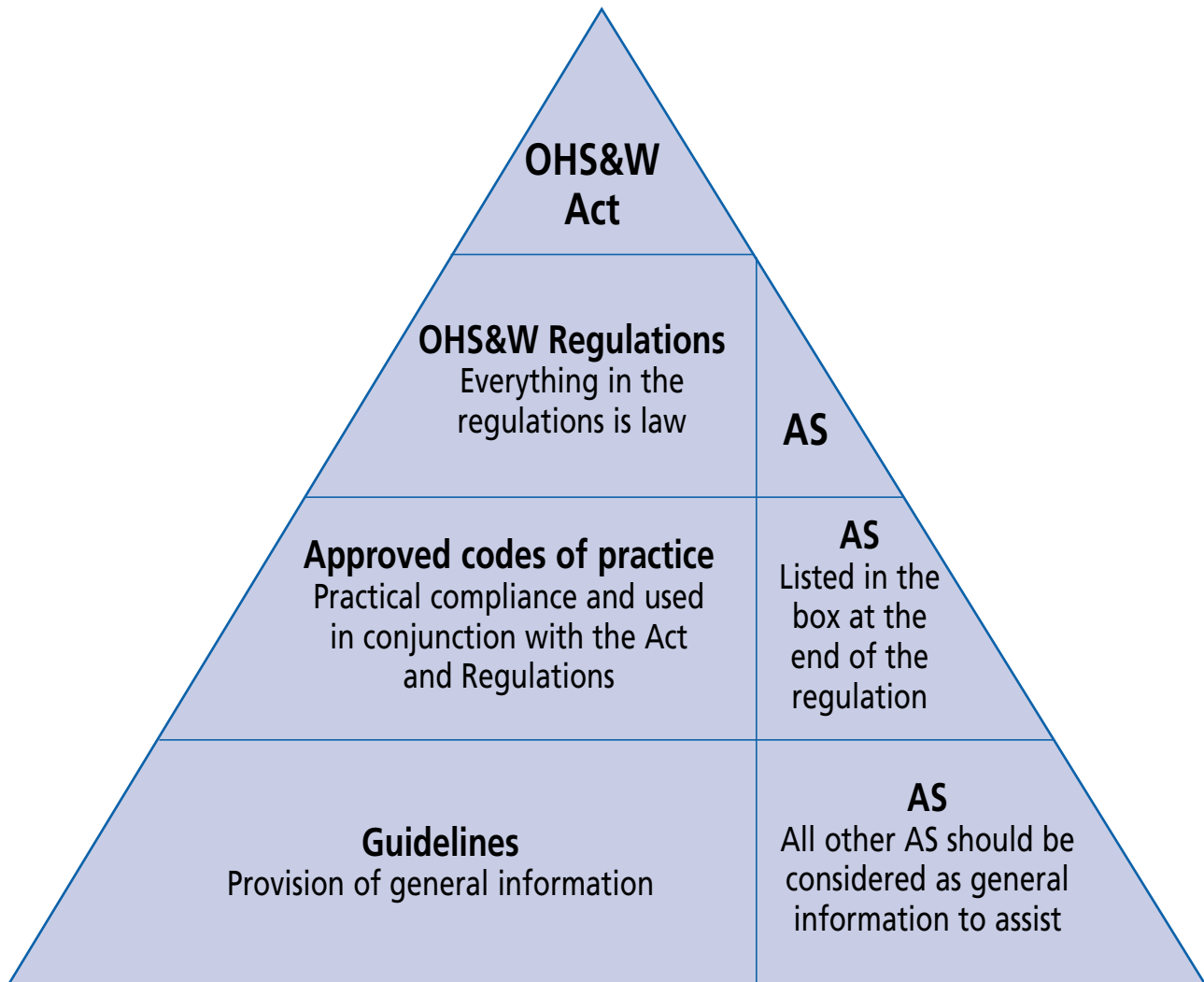


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# OHS legal pyramid



*The OHS&W Act 1986 describes how to provide health and safety in South Australian workplaces. Everything in the Act is law and must be followed*

**Australian Standards**  
(AS) called up on the left hand side of the page of the regulation become a regulatory requirement



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# Employers' duties

## Section 19

- Provide a safe work environment.
- Provide safe systems of work.
- Ensure plant and substances are safe.
- Provide adequate information, instruction, supervision and training.
- Monitor the working conditions.
- Maintain records.



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# Employers' duties

## Section 20

### **Prepare and maintain in consultation with committees, OHS reps, employees and registered associations:**

- policies relating to OHS&W that are kept up to date
- brought to the notice of employees.



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# Employees' duties

## Section 21

- **Protect their health and safety and the safety of others that may be affected by their acts or omissions**
- **Cooperate with the employer by:**
  - using equipment provided to protect health and safety
  - following reasonable instructions
  - not endangering themselves or others by consuming alcohol or drugs.



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# Duties of employers and self-employed persons

## Section 22

- Protect his or her health and safety.
- Avoid adversely affecting safety of any other person (not being employed or engaged by the employer or the self-employed person) through an act or omission at work.



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# Duties of occupiers

## Section 23

- That the workplace is maintained in a safe condition.
- That the means of access to and egress from the workplace is safe.



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# Duties of designers and owners of building

## Section 23A

Ensure so far as is reasonably practicable that a building, and any fixtures or fittings within the building under the control of the owner, are in a condition that allows people who might work in, on or about the workplace to be safe from injury and risks to health.



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# Understanding the page layout

Once you have found the information that is specific to you, you will see that the page is also divided into parts.

## Information found on the left hand side of the page

The column on the left hand side of the page are the Regulations. These are mandatory requirements. In other words, you must follow them as they are the law.

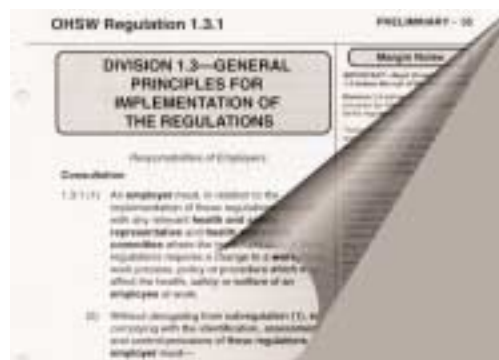
This side of the page will also refer to the relevant approved codes of practice, which will provide guidance on how to achieve compliance with these legal requirements.

## Information found on the right hand side of the page

This column of advice and information contains margin notes to assist you while you are reading the regulations.

**These notes are for information.**

**They do not form part of the Regulations.**



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# OHS Regulation

General principles for the implementation of the Regulations.

Legal requirement relating to a specific hazard or activity in the workplace.



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## Approved Codes of Practices

Australian Standards that have been approved by the Minister as Approved Codes of Practices are listed at the end of the Regulation.

Australian Standards that are included in the actual text of a Regulation assume the same mandatory status.



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# Case study one

## Legislation

A nurse was injured in the course of her employment. She fell one morning when she tripped over an electrical cord that was led across a doorway from a power point on one side of the door to a floor polishing machine in the corridor beyond.

The contract cleaner was operating an industrial polishing machine near the entrance and exit door in such a manner that the electrical cord stretched across the doorway, which caused the nurse to trip and fall.

The nurse was first aware of the existence of the power cord as she fell. No one had advised her that polishing was being performed in the vicinity although generally this task was often conducted during her shift. The power point in question was at a height between 60 and 90 centimetres above floor level. The power cord was not lying flat on the floor.

# OHS legislative responsibilities – handout

## Employers' duties (Section 19)

The employer has a duty to each employee to, "ensure so far as is reasonably practicable that the employee is, while at work, safe from injury and risks to health".

The legislation requires employers to take action to control risks associated with hazards in the workplace by:

- providing and maintaining a safe work environment
- maintaining safe systems of work
- ensuring that plant and substances are safe.

In addition to this, the employer is required to:

- provide adequate information, instruction, training and supervision
- provide adequate facilities and monitor working conditions at any workplace that is under control of the employer
- maintain records.

## Employers' responsibility (Section 20)

- Prepare and maintain, in consultation with committees, OHS reps, employees and registered associations, policies relating to OHS&W that are:
  - kept up to date
  - brought to the notice of employees.

## Employees' responsibilities (Section 21)

Employees must take reasonable care to protect their own safety and the safety of others that may be affected by their actions or omissions at work. The employees' responsibility for health and safety only extends to things that they have control over.

However, they must cooperate with their employer by:

- using the equipment provided to protect health and safety
- following any reasonable instruction the employer gives
- ensuring that alcohol or drugs does not affect them so as to endanger themselves or others.

**Duties of employers and self-employed persons (Section 22)**

An employer or a self-employed person shall take reasonable care:

- to protect his or her own health and safety at work
- to avoid adversely affecting the health and safety of any other person (not being employed or engaged by the employer or the self-employed person) through an act or omission at work.

**Duties of occupiers (Section 23)**

The occupier of a workplace shall ensure, so far as reasonably practicable:

- that the workplace is maintained in a safe condition
- that the means of access to and egress from the workplace is safe.

**Duties of designers and owners of building (Section 23A)**

The owner of a building that comprises or includes a workplace must:

- ensure so far as is reasonably practicable that a building, any fixtures or fittings within the building that are under the control of the owner, are in a condition that allows people who might work in, on or about the workplace to be safe from injury and risks to health.

# Case Study 1 – Legislation

## OHS work skills matrix and major hazard management modules

Key players	What Sections of the SA OHS&W Act 1986 not complied with?	Why do you think so?
The hospital (principal employer)		
The cleaning company		
The cleaning operator		
The nurse		

# Case Study 1 – Legislation

## OHS work skills matrix and major hazard management modules

Key players	What Sections of the SA OHS&W Act 1986 not complied with?	Why do you think so?
<p><b>The hospital (principal employer)</b></p>	<ul style="list-style-type: none"> <li>• Section 19 (1) a</li> <li>• Section 19 (3) f (i)</li> <li>• Section 19 (3) h</li> </ul>	<ul style="list-style-type: none"> <li>• Failed to provide a safe working environment.</li> <li>• Put at risk by change in any work process or activity (no information).</li> <li>• Monitor working conditions.</li> </ul>
<p><b>The cleaning company</b></p>	<ul style="list-style-type: none"> <li>• Section 19 (1) a</li> <li>• Section 19 (3) b</li> </ul>	<ul style="list-style-type: none"> <li>• Failed to provide a safe working environment.</li> <li>• Failed to provide a safe system of work.</li> </ul>
<p><b>The cleaning operator</b></p>	<ul style="list-style-type: none"> <li>• Section 21 (1) b</li> </ul>	<ul style="list-style-type: none"> <li>• Failed to avoid adversely affecting the safety of others through an act or omission.</li> </ul>
<p><b>The nurse</b></p>	<ul style="list-style-type: none"> <li>• Section 21 (1) a</li> </ul>	<ul style="list-style-type: none"> <li>• Failed to protect their own safety.</li> </ul>



# Case study two

## Legislation

A manager of a local theme park was involved in a fall and was injured during the course of his employment.

On the day of the incident he left his office, which was within an administrative block, by the door leading through the kitchen to a carport area. He began to descend by the step from the landing when he fell, landing heavily on his side on the concrete floor of the car park. He was attended to by a fellow employee and helped to his feet.

The manager and the person who assisted him noticed that the area of the car park appeared to be quite clean and there was an absence of sand, papers and leaves which is a common occurrence, suggesting that the area had recently been cleaned. Both also noticed that the flexible rubber mat that was normally situated on the ground below the step was lying across the step at an angle.

Further investigation identified that the mat had been removed from its usual place below the step during the course of cleaning and left across the top of the step. The mat was in a position that presented an unexpected obstruction to any person using the steps. The mat also was wider than the tread of the step and had overlapped the step by more than six inches or so.

# Case Study 2 – Legislation

## OHS work skills matrix and major hazard management modules

Key players	What Sections of the SA OHS&W Act 1986 not complied with?	Why do you think so?
The employer		
The manager		
The cleaning operator		

## Case Study 2 – Legislation

### OHS work skills matrix and major hazard management modules

Key players	What Sections of the SA OHS&W Act 1986 not complied with?	Why do you think so?
<b>The employer</b>	<ul style="list-style-type: none"><li>• Section 19 (1) a</li><li>• Section 19 (3) f (i)</li><li>• Section 19 (3) h</li></ul>	<ul style="list-style-type: none"><li>• Failed to provide a safe working environment.</li><li>• Put at risk by change in any work process or activity (no information).</li><li>• Monitor working conditions.</li></ul>
<b>The manager</b>	<ul style="list-style-type: none"><li>• Section 21 (1) a</li></ul>	<ul style="list-style-type: none"><li>• Failed to protect their own safety.</li></ul>
<b>The cleaning operator</b>	<ul style="list-style-type: none"><li>• Section 21 (1) b</li></ul>	<ul style="list-style-type: none"><li>• Failed to avoid adversely affecting the safety of others through an act or omission.</li></ul>

# Employee level of understanding optional

## OHS work skills matrix and major hazard management modules

Employee: \_\_\_\_\_

Please answer the following questions.

### Question 1

Under the health and safety legislation in South Australia, who are the parties that are mentioned with the intention of sharing the OHS responsibilities?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Question 2

Whose responsibilities are covered under this section of the *SA OHS&W Act*?

Section 19: \_\_\_\_\_

Section 20: \_\_\_\_\_

Section 21: \_\_\_\_\_

### Question 3

What are my responsibilities as an employee?

1: \_\_\_\_\_  
2: \_\_\_\_\_  
3: \_\_\_\_\_  
4: \_\_\_\_\_  
5: \_\_\_\_\_

Signed (*Employee*): \_\_\_\_\_

Date: \_\_\_\_\_

Signed (*Manager/Supervisor*): \_\_\_\_\_

Date: \_\_\_\_\_