

Worksafe Victoria Contacts

Incident Notification

Call **13 23 60** to report serious workplace emergencies, 24 hours a day.

WorkCover Advisory Service

This service is available to answer your initial queries with any general WorkCover or Health and Safety queries.

Telephone (03) 9641 1444 or 1800 136 089 (Toll Free) and/or email at info@workcover.vic.gov.au

Publications

Contact WorkCover Publications for

- Codes of Practice
- Guidance Notes
- General OH&S Guides

Phone: 1800 136 089 (Toll Free)

Email: publications@workcover.vic.gov.au

Webmaster

Email the website manager at webmaster@workcover.vic.gov.au with any technical questions, queries or problems with the website.

WorkSafe Victoria Head Office

Level 24
222 Exhibition Street
Melbourne 3000
Phone (03) 9641 1555
Fax (03) 9641 1222

Local Offices

Dandenong

Level 3, 33 Princes Highway
Phone (03) 8792 9000
Fax (03) 8792 9011

Mulgrave

372 Wellington Road
Phone (03) 9565 9444
Fax (03) 9565 9400

Warrnambool

76 Henna St
Phone (03) 5564 3200
Fax (03) 5564 3210

Geelong

Level 1, 1 Yarra Street (Cnr Brougham & Yarra St)
Phone (03) 5226 1200
Fax (03) 5221 7861

Preston

238 - 250 Plenty Road (Cnr Plenty Road & Bell Street)
Phone (03) 9485 4555
Fax (03) 9485 4501

Melbourne

Level 4
628 Bourke St
Melbourne VIC 3000
Phone (03) 9941 0558
Fax (03) 9941 0560

NOTIFIABLE INCIDENTS

INCIDENTS WHICH MUST BE REPORTED TO WORKCOVER IMMEDIATELY

Types of incidents to be notified

- **death**
- **medical treatment within 48 hours following exposure to substance**
- **immediate treatment as an in-patient in a hospital**
- **immediate treatment for:**
 - **amputation**
 - **serious head injury**
 - **serious eye injury**
 - **separation of skin from underlying tissue (for example de-gloving or scalping)**
 - **electric shock**
 - **spinal injury**
 - **loss of bodily function (including loss of consciousness)**
 - **serious laceration**

Situations that seriously endangers the health and safety of people in the immediate vicinity require WorkSafe Victoria notification. Such dangerous occurrences include:

- **collapse, overturning, failure or malfunction of, or damage to, certain items of plant (see attachment 2 for definitions of plant)**
- **collapse or failure of an excavation or the shoring support of an excavation**
- **collapse of part of a building or structure**
- **implosion explosion or fire**
- **escape, spillage, or leakage of substances (under the Dangerous Goods Act 1985)**

P I N

PIN

(PROVISIONAL IMPROVEMENT NOTICE)

- ❖ EMPLOYERS ARE OBLIGATED BY THE ACT TO PROVIDE A WORKING ENVIRONMENT THAT IS SAFE AND WITHOUT RISK.
- ❖ IF THERE IS A GENUINE PERCEPTION THAT THIS OBLIGATION IS NOT BEING OBSERVED AND THAT RISK TO HEALTH AND SAFETY EXISTS IN A WORKING ENVIRONMENT THE HSR MAY ISSUE A PIN TO MANAGEMENT
- ❖ THE HSR MUST CONSULT WITH MANAGEMENT REGARDING THE RISK PRIOR TO ISSUING THE PIN. A GENUINE ATTEMPT TO PROMOTE CONSULTATION ON THE ISSUE MUST BE MADE. A WRITTEN REQUEST AS WELL AS A VERBAL APPROACH TO MANAGEMENT REGARDING CONSULTATION IS RECOMMENDED. THIS WILL DEMONSTRATE A WILLINGNESS TO FOLLOW RESOLUTION PROCEDURES ON BEHALF OF THE HSR IF THE COMPANY DECLINES TO CONSULT ON THE ISSUE
- ❖ The HSR MUST, IN THE RELEVANT SECTIONS OF THE FORM:
 - SPECIFY THE PROVISION OF THE ACT OR REGULATIONS THAT HE/SHE BELIEVES IS BEING CONTRAVENED
 - STATE THE GROUNDS FOR THAT BELIEF
 - SPECIFY A DAY (AT LEAST 8 DAYS AFTER THE DAY THE NOTICE IS ISSUED) BEFORE WHICH THE DUTYHOLDER IS REQUIRED TO REMEDY THE BREACH OR THE ACTIVITIES CAUSING IT.
- ❖ THE HSR SHOULD SEEK THE SIGNATURE OF THE EMPLOYER, HOWEVER IF MANAGEMENT REFUSES TO SIGN THE PIN IT WILL NOT INVALIDATE THE PIN
- ❖ BE ACCURATE AND SUCCINCT IN FILLING IN THE FORM
- ❖ THE PIN ASKS WHICH PROVISION OF THE OH&S ACT 2004 AND/OR REGULATION HAS BEEN CONTRAVENED. GENERALLY IT IS APPROPRIATE TO WRITE SECTION 21(1). YOU MAY ADD THE WORDS “FAILURE OF EMPLOYER TO PROVIDE A WORKING ENVIRONMENT THAT IS SAFE AND WITHOUT RISKS”
- ❖ WE RECOMMEND YOU ALSO LODGE THE PIN TO MANAGEMENT IN PERSON IF POSSIBLE BUT ALSO SEND MANAGEMENT A COPY ELECTRONICALLY OR BY FAX SO THERE CAN BE NO DISPUTE WHETHER THE COMPANY RECEIVED THE NOTICE
- ❖ AFTER ISSUING THE PIN IT IS ADVISABLE TO INFORM WORKSAFE ON 1800 136 089

Note: PIN forms are available on the WorkSafe website (worksafe.vic.gov.au)



OCCUPATIONAL HEALTH AND SAFETY ACT 2004

WORKSAFE VICTORIA
PROVISIONAL IMPROVEMENT NOTICE (PIN)
August 2008

Section 60 of the *Occupational Health and Safety Act 2004* permits a health and safety representative [HSR] to issue this PIN requiring the person to whom it is issued to remedy a contravention of the OHS Act or its regulations. For further information see the back of this form.

| | |
|---|---|
| 1. Health and Safety Representative First Name _____ Last Name _____ Position _____ Name of Designated Work Group _____ | 2. Person this PIN is Issued to Name/Company Name _____ Street Number _____ Street Name _____ Suburb _____ Postcode _____ Workplace PIN relates to (if different from address above) _____ |
|---|---|

3. If the PIN is Given to Someone on Behalf of the Person set out Above
First Name _____ Last Name _____
Position (if applicable) _____

4. Method of Issue (please tick ✓):
 Delivered personally By facsimile Left at the person's workplace
 By post Left at the person's home Left at the workplace to which the PIN relates

5. Details of Contravention
In accordance with Section 60 of the Occupational Health and Safety Act 2004 [OHS Act], I, the Health and Safety Representative named above, am of the belief that you, the Employer/Person named above:
(a) are contravening a provision of the OHS Act 2004 and/or regulations; or
(b) have contravened a provision of the OHS Act 2004 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 or Regulations I believe has been contravened is

The grounds for my belief are

[OPTIONAL] - In accordance with Section 61 of the Occupational Health and Safety Act 2004, the measures I believe you should take to remedy the contravention are:

6. Compliance
Date of Issue _____ / _____ / _____ Date by which Compliance with this PIN is Required NB: This must be at least 8 days after the date of issue
_____/_____/_____
Signature of Health and Safety Representative

Occupational Health and Safety Act 2004
Provisional Improvement Notice (PIN)

General Information about PINs:

1. A health and safety representative (HSR) may issue a PIN if they believe, on reasonable grounds, that a provision of the *Occupational Health and Safety Act 2004* (OHS Act) or any regulation:
 - is being contravened; or
 - has been contravened and it is likely that the contravention will continue to be repeated.
2. A PIN can be issued to any person. This could be the employer (either an organisation or an individual person) or an individual such as an employee. The definition of 'person' also includes a body corporate, unincorporated body or association, or a partnership. Therefore, the person doesn't necessarily have to be in the workplace – they could be a designer of plant, buildings and structures; or a manufacturer or supplier of plant or substances.
3. The HSR can issue this PIN to a person by:
 - delivering it personally
 - sending it by post or fax to their home or business
 - leaving it for them at their home or business with a person over 16 years who lives or works there
 - leaving it for them at the workplace to which the PIN relates with a person over 16 years who is the occupier for the time being of that workplace.
4. The HSR must consult with the person about remedying the contravention prior to issuing the PIN (See Section 60(2) of the OHS Act; or refer to the WorkSafe publication *Employee Representation*).
5. The person to whom this PIN is issued (or, if they are an employee, their employer) is responsible for fixing the OHS-related contraventions by the date written in 'Date by which compliance with this PIN is required' (refer to "Notes for PIN Recipient" below). It is an offence under Section 62 of the OHS Act for the person not to comply with the PIN by the 'Date compliance is required' – penalties apply.
6. If the PIN recipient wishes to dispute the PIN, they can contact WorkSafe and request an inspector to enquire into the circumstances of the PIN – this must be done within seven calendar days of the 'Date of issue'. The inspector can only affirm or cancel the PIN if WorkSafe has been contacted within 7 days after the PIN is received and the inspector attends the workplace before the compliance date.
7. For urgent issues that are an immediate threat to the health and safety of any person, PINs may not be an appropriate means to address the situation. Refer to section 74 of the OHS Act regarding directions to cease work.

Notes for Health and Safety Representative:

8. If there is more than one contravention, you should write a separate PIN for each.
9. If the PIN contains a mistake, e.g. the information is incomplete or inaccurate in some way, it may be still valid as long as the mistake is not misleading to the PIN recipient. (See Section 65 of the OHS Act.)
10. A reasonable time should be allowed between the 'Date of issue' and the 'Date by which compliance with this PIN is required', to enable compliance to be achieved. However, the date for compliance must be at least eight days after the date of issue.
11. Retain a copy of the completed PIN for your records. If you are a union member, you can send a copy to your union.
12. If the issue has not been remedied by the 'Date by which compliance with this PIN is required' and a WorkSafe inspector has not already attended, WorkSafe should be contacted. If you are a union member, you can also advise your union.

Notes for PIN Recipient:

1. If you are an employee, you must give a copy of the PIN to your employer – it is the employer's responsibility to deal with the PIN.
2. If you are an employer who is issued with a PIN, or given a copy of a PIN by your employee (or are any other person e.g. a manufacturer, a designer, a partner in a business), you must:
 - bring the notice to the attention of those whose work is affected by the PIN; and
 - display a copy of the PIN in a prominent place in the area where work relating to the PIN is being performed.A failure to do any of these things is a contravention of the OHS Act and penalties apply.
3. If you disagree with the PIN or believe you will have difficulty complying with it, discuss this with the HSR who issued the PIN. You may also request a WorkSafe inspector to attend (see #6 above).

For queries about PINs or other health and safety matters, contact WorkSafe's Advisory Service on 03 9641 1444 or toll free 1800 136 089 or email info@worksafe.vic.gov.au.

PRE PIN NOTICE

Some Unions have instituted a system of Pre PIN Notice. In some cases these are delivered to management to promote negotiation. The Pre Pin Notice has no legal power and is simply a prompt to let management know that the work force is serious about a safety matter and will issue a PIN if remedial action is not taken within the nominated time frame.

In a situation where management is refusing to have reasonable dialogue over a safety matter, the issuing of a Pre PIN may satisfy WorkSafe that consultation has occurred.



MARITIME UNION OF AUSTRALIA Victorian Branch

NOTIFICATION OF UNSAFE WORK PRACTICE

**A work practice/procedure has been identified as being unsafe/non compliant.
PIN will be issued if no remedial action is taken**

Date.....

Employer Representative:.....Position:.....

Employer:.....

Site Location:.....

Elected HSR:.....

Area of Risk:.....

Nature of Risk :

Remedy :

(A sketch may be useful – use back of this sheet)

Required completion date (please tick) :

| Immediate <i>(immediate attention)</i> | Same Day <i>(Urgent)</i> | 1 week <i>(important)</i> | 4 weeks <i>(scheduled action)</i> | Other |
|--|------------------------------------|-------------------------------------|---|--------------|
| | | | | |

Forward copies to (tick/detail) :-

HS Committee Other DWG HSR's Name/s
 HS Manager

Duties of Employers, OHS Act (2004), Division 2, 21.1

"An employer must, so far as reasonably practicable, provide and maintain for employees (including independent contractors and its employees) of the employer a working environment that is safe and without risk to health."

- NB**
1. Issue notice to management
 2. Fax copy of notice to company involved (Certified record)
 3. Fax copy of notice to MUA Victorian Branch (Fax No.9328-1682)

CESSATION OF WORK

Direction to Cease Work

If an issue or a work process is presented which involves an immediate threat to health or safety and it is brought to the attention of the HSR or is observed by the HSR he/she must consult with the employer's representative with the aim of removing the hazard.

This may involve ceasing work where an immediate risk is present. (Employees must make themselves available for alternative work in this situation).

Section 74 of the Act nominates the employer and/or the Health & Safety Representative as the personnel who may direct a cessation of work after consultation has occurred.

Operational Inspections including ship inspections

A cargo vessel, waterfront working areas and storage yards and warehouses are considered places of work under the OH&S Act. WorkSafe considers these areas a work site and as such should be subject to pre operational and progressive safety inspections.

WorkSafe has published guidance on inspection regimes in the “Working Safely on the Waterfront” booklet and the associated booklets on container and conventional cargo operations.

A comprehensive check list is contained within the guidance booklets and the following pages are further guidance on inspection systems already implemented and working effectively on the Australian Waterfront.

* **HSR presence on inspection team**

HSRs have the power to inspect any part of a workplace in which a member of the DWG works after giving reasonable notice, or without delay in the event of an incident or immediate risk to health and safety. Regular inspections should be scheduled to ensure the HSR is able to attend. Should the HSR be unavailable, a deputy may act in the HSRs place. The inspection team must include management representation. This may be a shift manager, team leader or other person appointed by management.

A Health and Safety Solution



Stevedoring – Work environment inspections

What is the problem?

Workers undertaking loading and discharge of cargo vessels in the absence of regular inspections of the work environment.

What are the risks?

If work environments are not inspected, workers may be at risk of injury from unforeseen cargo movements, changes in weather or light, incorrect estimates of time required to undertake the work, slips, trips and falls, and a range of other hazards.

No or poor inspection of the vessel and cargo can lead to insufficient or inappropriate equipment and/or personnel being available to safely undertake discharge/load.

What is a solution to the problem?

The risk of injury can be eliminated or reduced by:

- regularly inspecting the working environment when the vessel arrives at port, prior to work commencing and throughout loading/discharge as working conditions change
- developing a program to recognise when inspections are required and ensuring they are implemented
- following a checklist to identify a range of hazards that occur in all types of stevedoring
- regularly checking the condition of vessel equipment and gear
- ensuring supervisory requirements are reviewed and addressed according to work demands
- * ensuring workers, especially supervisors or foreperson and HSRs, are involved in inspections
- continually informing workers of changes in the work environment.

Further Information

WorkSafe Advisory Service

Toll-free: 1800 136 089

Email: info@worksafe.vic.gov.au

worksafe.vic.gov.au

Related WorkSafe publication

Working safely on the waterfront

HSS0068/01/05.09

WorkSafe Victoria is a trading name of the Victorian WorkCover Authority.



RECOMMENDED PROCESS FOR INSPECTION OF VESSELS

1.0 PURPOSE

To conduct a Safety Inspection of Conventional Vessel's to ensure compliance with Marine Order 32 and to make the Vessel a safe place of work whilst in Port.

2.0 SCOPE

This procedure applies to all stevedoring personnel prior to the commencement of Loading or unloading of a Cargo Vessel.

The starting point for this procedure is the arrival of a Cargo Vessel for Loading or Unloading.

The finishing point for this procedure is to complete the Safety Inspection of the Cargo Vessel.

Personnel shall refer problems for which no solutions are given in this procedure to the Superintendent Stevedoring.

3.0 REFERENCES

Working safely on the Waterfront
Relevant Enterprise Agreement
Australian Maritime Safety Authority (AMSA)
Navigational Act
WorkSafe Victoria

4.0 DEFINITIONS

AMSA – Australian maritime Safety Authority
MO 32 – Marine Orders Part 32
EA – Enterprise Agreement
MUA – Maritime Union of Australia

5.0 PROCEDURE

On arrival of a Cargo Vessel at the Wharf and prior to the commencement of loading or unloading, a team leader accompanied by MUA representatives will conduct a Safety inspection of the Vessel. The Vessel will not be worked during the period of the inspection.

All items on the Safety Inspection Check List (attachment 2) are to be checked for compliance with Marine Order 32.

Any non compliance during the pre work Inspection is to be notified to the Superintendent Stevedoring who, in consultation with the team leader will seek rectification of the non compliance with the Vessels Master.

Any non compliance during Stevedoring Operations will be notified to the Team leader and progressed along normal OH&S guidelines.

RECOMMENDED SHIP INSPECTION – (Obtain Inspection Papers from Captain)

Concentrate Inspection on the Following Areas

- 1. Gangway**
 - a. Base step
 - b. Net
- 2. Obstructions & Hazards on Deck**
- 3. Safe Platform for Hatchman with full vision**
- 4. Crane**
 - (i) Access
 - a. Internal & external (emergency escape)
 - b. Ladders & platforms
 - c. Hoops – ribs attached
 - d. Grease – Non slip surfaces
 - e. Safety Rails
 - (ii) Crane Cabin (see attachment A)
 - a. Emergency Stop Button
 - b. Fire Extinguisher
 - c. Directional Controls Near Levers
 - d. Mechanical Ventilation
 - (iii) Crane Gear
 - a. S.W.L. Markings
 - b. Block & Hook Markings
 - c. Wires – kinks, dry, birdcaged etc.
- 5. Derricks**
 - a. Controls
 - b. Platforms
 - c. Drums – wire attachments & bolts
 - d. Wires
 - e. Blocks
- 6. Hatch Covers**
 - a. Pontoons
 - b. Hydraulics – Pinned Back Mechanically
- 7. Hold Access**
 - a. Ladders legality
 - b. Lighting
 - c. Head hazards
 - d. Pop hole lids – lashed or pinned open

REVISED JUNE '08

| MO 32 CHECK LIST | | | |
|------------------|--|--------------|----------|
| NO | ITEM | OK YES/NO | COMMENTS |
| 1 | GANGWAY | | |
| | a. Good Condition | | |
| | b. No obstructions | | |
| | c. Steps | | |
| | d. Net | | |
| | e. Warning signs | | |
| | f. Adequately illuminated | | |
| | g. Stanchions | | |
| | h. Base | | |
| 2 | DECK | | |
| | a. Obstruction/Hazards | | |
| | b. Surfaces | | |
| | c. Access to Ships Side | | |
| | d. Access to Hatch Coaming | | |
| | e. Access to Hatch Ladders | | |
| | f. Access to crane entrance | | |
| 3 | HOLD | | |
| | a. Access Ladder | | |
| | b. Hatch lids locked open | | |
| | c. Ladder - legality, rungs | | |
| | Lighting minimum - Walkways 8 Lux - Hold 20 | | |
| | d. Lux | | |
| | e. Head Hazards | | |
| | f. Floor surface | | |
| | Clean hatch (previous cargo) | | |
| | g. Obstructions | | |
| | i. Warning signs | | |
| | j. Pontoons lashed | | |
| | k. Hatchmans Stand | | |
| | l. Pop hold lid secured open | | |
| | Unobstructed access to | | |
| | m. hold exit at all times | | |
| | n. Cargo | | |
| 4 | CRANES | | |
| | a. Copy of current SWL Certificate | | |
| | b. SWL markings on Jib | | |
| | c. SWL Block & Hook markings | | |
| | d. Wires - (Kinked, Dry, Broken) | | |
| | e. Jib radius gauge | | |

| | | | |
|----------|--|--|--|
| 5 | CRANE ACCESS | | |
| | a. Ladders - Internal/External | | |
| | b. Platforms - Safety Rails | | |
| | c. Hoops - Ribs Inside/spacing | | |
| | d. Oil spills - Leaks/grease | | |
| | e. Walkways and landings | | |
| 6 | CRANE CABIN | | |
| | a. Visibility | | |
| | b. Seats | | |
| | c. Fire Extinguisher | | |
| | d. Lighting | | |
| | e. Controls clearly marked | | |
| | f. Emergency Stop Button | | |
| | g. Emergency Exit | | |
| | h. Mechanical Ventillation | | |
| | i. Wipers | | |
| | j. Hearing protection required | | |
| | k. Warning signs | | |
| | l. Heater | | |
| | m. Asbestos | | |
| 7 | DERRICKS | | |
| | a. Controls | | |
| | b. Platforms - Safety Rails | | |
| | c. Drums - Wire attachments and Bolts | | |
| | d. Wires | | |
| | e. Blocks - Shackles | | |
| | f. Weather Protection | | |
| 8 | CRANE & DERRICK OPERATION | | |
| | a. Brakes | | |
| | b. Slew | | |
| | c. Hoist | | |
| | d. Luff | | |
| | e. No creepage | | |
| | f. Handles self return to neutral or | | |
| | g. Deadman's button on controls | | |
| | h. Limits pre-set & keys removed | | |

Attachment A

OPERATORS CABIN

A crane, other than a crane fitted with remote controls in accordance with 6 of Appendix 11, must not be used in loading or unloading unless, where the crane is provided with a cabin, the cabin:

- a) Provides the operator with a clear and unrestricted view of the load and area of operation or of a Hatchman, from the operating position of the crane;
- b) Affords the operator ready access to the operating position and to all necessary controls and switches;
- c) Is adequately heated in cold weather by means that do not emit noxious or objectionable fumes;
- d) Is adequately ventilated by mechanical means;
- e) Is equipped with a suitable seat and, where necessary, footrests;
- f) If fitted with an access door, allows the door to be operated from both inside and outside the cabin, has an opening at least 550 mm wide and 1850 mm high (including any sill, the height of which must not exceed 450 mm), and, where the door is of a type which may become so obstructed as to prevent rescue in case of emergency, allows access to the cabin through a second opening;
- g) Is constructed of fire-proof materials;
- h) In the case of an electrically operated crane or a crane in which electrical equipment connected with the crane's operation is installed, contains:
 - i. A carbon dioxide type fire extinguisher complying with Australian Standard AS 1841.6; or
 - ii. A dry powder type fire extinguisher complying with Australian Standard AS1841.5 that relates to an extinguisher in which a mixture of dry powder and expellant is stored under pressure; or
 - iii. A suitable fire extinguisher of an equivalent type and standard
- i) has been so designed that noise and vibration remain within acceptable limits;
- j) shields the operating position and seat from the effects of radiated heat from the driving mechanism;

Attachment A continued

- k) where the crane is capable of hoisting a load to the level of the operating position, is fitted with windows of laminated glass, toughened safety glass or material offering equivalent protection; and

Note: *Only windows that are at risk from being struck by a swinging load need to be fitted with safety glazing materials.*

- j) is provided with illumination operable from the control position

Note: *Safety requirements of the Navigation Act apply whether a ship is at sea or in port. It should be ensured that in providing the required fire extinguisher, another area of the ship is not rendered unsafe in terms of the safety Convention or other survey requirements*

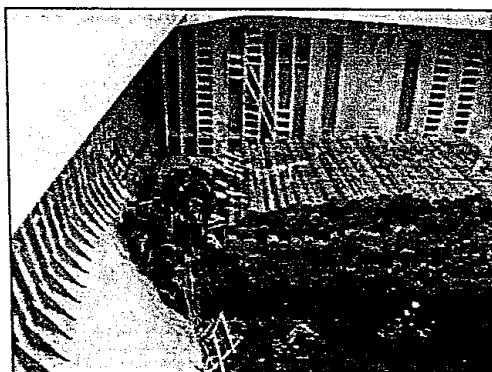
MARINE NOTICE

Marine Notice 10/2008

Safe Access to Ships Cargo Holds

The purpose of this Marine Notice is to highlight to all those involved (particularly cargo stowage planners and ship's Masters) the risks associated with restricting the means of access and egress from a ship's cargo hold due to blocks of cargo in the hold ends.

Marine Order Part 32: *Cargo Handling Equipment* is mandatory for Australian registered vessels and for foreign vessels when loading or unloading at a port in Australia or in an external territory of Australia. In particular this Marine Order articulates the obligations with regards to providing and maintaining a safe and unobstructed means of access to ships cargo holds.



Cargo in hold ends limiting access to hold ladders from the centre of cargo hold

(Note the lack of protective fencing/netting or portable ladders to enable access/egress from the far end of the cargo hold to the centre of the cargo hold).

Industry may be aware of recent occurrences where ships loaded in overseas ports have presented at an Australian port with a requirement for personnel

to access the centre of the cargo hold. To achieve this access, personnel have been required to climb over, or pass around cargo at the hold ends. This, depending on the cargo consignment and stowage, could be dangerous, especially if emergency access or egress is required.

All those involved in the preparation of cargo stowage plans for ships requiring loading or unloading in Australian ports are therefore reminded of their statutory obligations under Marine Order Part 32:

- Appendix 7: *Cargo spaces*, sub-section 6: *Accesses, openings, ladders, coamings and passageways* requires that all ships maintain at least one unobstructed and safe means of access from the uppermost deck of the space to the level at which loading or unloading is taking place.
- Appendix 1: *Protective fencing*, sub-section 3: *Cargo spaces* requires that there is a protective fence or netting to guard against a fall if the height at which personnel are working or transiting exceeds two meters.
- Appendix 17: *Ladders*, sub-section 7: *Portable ladders*, gives the requirements for the use of portable ladders that may be used to access cargo, including securing arrangements.

It is recommended that cargo planners and ship's Masters review their procedures to ensure that appropriate measures are in place to avoid instances where personnel are required to access cargo with blocked hold ends. This may include reviewing port rotations or the way cargo is presented.



Masters are reminded that routine ship inspections by AMSA Surveyors include verifying compliance with the provisions of Marine Orders Part 32. This may include verifying the means of access and egress from ship's cargo holds, protective fencing or netting arrangements, and portable ladder arrangements. Masters should also be aware that Marine Orders Part 32 contains penal provisions and allows for AMSA to prohibit unsafe or inadequate arrangements until appropriate corrective actions are taken.

Marine Orders Part 32 Cargo Handling Equipment is available from the AMSA website at www.amsa.gov.au

Graham Peachey
Chief Executive Officer
5 May 2008

Australian Maritime Safety Authority
GPO Box 2181
CANBERRA ACT 2601

File No: 2008/172

LIGHTING
in working port areas

- 1. WorkSafe Guidelines**
- 2. ILO code on lighting**



A handbook
for workplaces

Working safely with general cargo – steel products

Edition No. 1
May 2008



Lighting

(High-risk)

No inspection to identify lighting requirements including environmental factors

Lighting levels do not meet ILO Code of Practice requirements as minimum

(Medium-risk)

Consideration of environmental conditions in determining lighting levels required for the task

(Low-risk)

Pre-work and task specific vessel/ environment inspections identify lighting requirements and lighting levels adjusted accordingly particularly in order to achieve the minimisation of shadows

Lighting levels are suitable for the task being performed and achieve at least the minimum standard as per ILO Code of Practice:

- working areas = 50 lux
- access routes = 10 lux

* ILO Code of Practice (lighting)

ILO code of practice

Safety and health in ports

3.1.3. Lighting

1. Adequate lighting of all working port areas should be provided during the hours of darkness and at times of reduced visibility.
2. Different levels of lighting may be appropriate in different areas.
3. On access routes for people, plant and vehicles, and in lorry parks and similar areas, the minimum level of illumination should not be less than 10 lux.

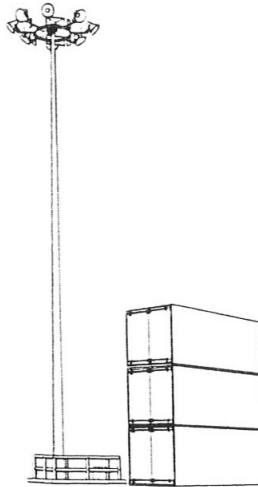
37

Safety and health in ports

4. In operational areas where people and vehicles or plant work together, the minimum level of illumination should not be less than 50 lux.
5. Light meters should be able to read to an accuracy of 1 lux. Meters should have a wide angle of acceptance in order to minimize errors due to directionality or low sensitivity to differing types of light sources, or be provided with the relevant correction factors.
6. Light measurements should normally be taken in the horizontal plane 1 m above the ground or other working surface. Measurements at a lower level may be necessary where there are obstructions that might conceal a tripping hazard. The meter should not be oriented towards a light source.
7. Records should be kept of all lighting measurements. These should include the date, time, weather conditions, location and details of the lighting and light meter.
8. Higher levels of lighting may be required at particularly dangerous places, such as shore gangways, accommodation ladders, steps and other breaks in quays or where detailed work is necessary. Where a higher level of lighting is required only occasionally, it may be provided by mobile or portable equipment.
9. Lighting should be as uniform as practicable. Sharp differences in lighting levels should be avoided.
10. The choice and positioning of light sources and each installation should be planned individually.
11. Lamps emitting monochromatic light, such as sodium-vapour lamps, give a good light in foggy weather but distort colours and may lead to confusion. They should be confined to non-operational areas. In operational areas,

38

Figure 1. Tall lamp standard for illuminating a large area



fluorescent or other lamps, which give a light more similar to daylight, should be used.

12. Tall lamp standards (over 12 m high) carrying several lamps can each illuminate a large area, cause less obstruction and reduce areas of shadow between containers (figure 1).

13. Lamp fittings should be provided with shades and diffusers to prevent light pollution and glare. Particular attention should be paid to preventing dazzle to small ships from reflection of light on water.

Safety and health in ports

39

14. Lamp standards should be designed to allow the lamps to be cleaned and changed in safety.

15. At ports where operations do not take place for 24 hours per day, arrangements should be made to ensure that crews of ships berthed in the port have safe access to and from their ships. This may be ensured by the provision of sensors or switches on lamp standards on authorized walking routes that turn on lights for an appropriate period.

3.1.4. Fire precautions

3.1.4.1. General requirements

1. Fire precautions in ports should be provided in accordance with national legal requirements. These should consist of:

- fire protection;
- fire alarms;
- fire-fighting equipment;
- means of escape in case of fire.

2. Advice on fire-related matters should be obtained from fire authorities and insurance companies. Industry-specific advice may be available from appropriate industry organizations.

3.1.4.2. Fire protection

1. The principles of fire protection at ports are no different from those in other industries.

2. Whenever practicable, buildings and structures at ports should be constructed of non-combustible materials. Where this is not practicable, structures and construction materials that will reduce the probability of fire and limit the

RECOMMENDED SAFETY STRUCTURE WITHIN WORK PLACES

Refer to OH&S Act 2004 for specific information

INDEX

A. DESIGNATED WORK GROUP (DWG)

- Establishing a DWG
- Composition of a DWG

B. HEALTH & SAFETY REPRESENTATIVE(HSR)

- Functions of an HSR
- Deputy HSR
- Employers responsibility to an HSR

C. HEALTH & SAFETY COMMITTEES

- Aims of Committee
- Functions of Committee
- Formation of OH&S Committee
- Composition of Committee
- Obligation
- Frequency of meetings
- Meeting agenda
- Duties of Committee
- Minutes

D. HEALTH AND SAFETY REPRESENTATIVE SUPPORT OFFICER (HSRSO)

Definitions:

- A. D.W.G (Designated Work Group)
- B. H.S.R (Health and Safety representatives)
- C. OH&S Committee (Health and Safety Committee)
- D. OH&S Support Person

The following Procedures are Guidelines for Establishing:

A. Designated Work Group

Establishing a D.W.G

- An employee may request formation of a D.W.G or
- An employer may initiate the establishment of D.W.G

NB If an employee had requested a D.W.G the employer must

- do everything reasonable to ensure that negotiations start within 14 days
- it is not necessary to wait 14 days – employers can start negotiations immediately upon request.

A number of decisions must be made when negotiating the DWG:

- How best to group employees so that the employee's OHS interests are represented and secured
- How best to group employees so that the HSR will be accessible to each member of the DWG
- The no of HSRs (must be at least one) for each DWG
- The no of deputy HSRs (if any) for each DWG
- The term of office (not exceeding three years) of each HSR and deputy HSR
- Whether the HSRs are to be authorised to also represent independent contractors and their employees.

Changes to an established DWG

1. Changes to structure of a D.W.G must be by agreement of the parties.

See proforma 1 – This may be given to management to initiate the process and proforma 5 concerns D.W.G variation.

Composition of D.W.G

- The D.W.G may cover
 - i. The whole site (depending on size and disbursement of work place).
 - ii. Sections of the worksite i.e. one particular group performing work of the same nature at a site might find it more effective to have a HSR dedicated to its area of work only.
 - iii. The nature of the hazards present also can be a factor in the structure of the D.W.G.
 - iv. If shift work is performed each shift should have representation i.e. a separate HSR per shift depending on rotational circumstances.
 - v. The word employee means a person employed to work at the site.

B Role of HSR (Health & Safety Representative)

The HSR is the elected voice of the D.W.G on health and safety issues.

A list of HSR and Deputy HSRs is to be compiled (and kept up to date) and displayed for perusal by all employees. (Recommended that the list be placed in the eating and recreational area of the work place).

Deputy HSR

A deputy HSR may act as HSR in the absence of a HSR. Under these circumstances the Deputy HSR assumes the same powers and functions as the HSR. Every requirement applicable to HSRs e.g. training (with the exception of s69 training), term of office, election process etc must apply to the position of Deputy HSR.

Powers of HSR – an HSR may do any of the following:

- i. Inspect the work place
- ii. Accompany an inspector
- iii. Be present and assist at any interview between an employee and the employer on OH&S or between an employee and an inspector.
- iv. Require the company to establish an OH&S committee and may assist employer to set up the committee.
- v. Issue a PIN.
- vi. Following consultation with the company the HSR is empowered to direct work to cease if he/she believes the work presents an immediate threat to the health and safety of any person/s.
- vii. Bringing outside assistance into the workplace.

* Employer may only disallow entry for HSR assistant/support person on grounds that they believe the assistance support person lacks OH&S knowledge.

Employer's responsibility to HSR

- i. To provide relevant and appropriate information.
- ii. To consult HSR on change (expand ie in the workplace etc) An extensive coverage of what the employer must consult on is contained in section 35 OH&S Act.

- iii. Allow training at WorkSafe approved courses which are relevant to the DWG and chosen by the Health & Safety Representative after consultation with the employer. The employer must pay costs associated with the initial five day course and daily refresher courses. There are other courses which also should be funded by the employer after agreement is reached.
- iv. Provide facilities to assist HSR carry out functions.
- v. WorkSafe publication "Employee Representation" details Employers Obligations on page 31.

C Health and Safety Committees

Aims and observations

- To facilitate co-operation between all parties to achieve maximum safety and minimum risks to health in the work area.
- To formulate review and disseminate standards, rules and procedures relating to workplace OH&S.
- To establish a "2-way" flow of information between employees and the OH&S committee.
- To build a prominent profile in the work place.

Functions

- To provide a formal structure for discussing and resolving Workplace Health and Safety issues.
- Explore OH&S issues.
- Develop policies, procedures and programs.
- Monitor steps taken to solve problems.
- Oversee implementation of risk control measures.

Formation of OH&S Committee

- Must be established as a result of a request by HSR within three months of the request being made
- Employer is to consult with HSR over details.

Composition of Committee

At least 50% of the committee must be employees, and so far as is reasonably practicable, HSRs. Employers are required to consult employees about the membership of the HSC (s 35)

The following factors will influence the remaining composition of the OH&S committee:-

- a) Size of the workplace.
- b) Nature of work performed.
- c) Structure should accommodate full representation by all work gangs and individuals who are performing shift work.
- d) Risks and hazards present on site. ?
- e) D.W.G structures. ?

A health and safety committee may determine its own procedures (subject to terms of the act and regulations).

Useful hints:

- Representation on committee should allow full coverage of the work area i.e. range of operational needs and levels of expertise.
- All divisions of the workplace to be represented and all representatives are to be permitted to contribute agenda items.
- Management representatives to be nominated by management and employee representatives to be nominated by employees.
- All members of committee have equal status regardless whether management or employee. Therefore chairman and minute secretary to be elected or agreed by whole committee.
- Due to size and other factors there may be a need for more than one committee at a site.
- A person to be responsible for recording the minutes should be elected or selected by agreement of the committee.
- Best practice is to have minutes read back before meeting closure while still fresh. All notes on minutes included on last page of this document.
- Official copy of minutes should be supplied to all committee members asap after meeting. If these are accurate they should be agreed on and then displayed in a prominent place for all employees.
- Committee should be structured so that employee representatives give coverage to all shifts.
- It is recommended that all committee members should keep their own file of minutes (last page).

- i. Employer representatives should provide the committee with accurate information on company policy, production needs and technical matters such as processes, plant, machinery and equipment.

Frequency of meetings

- The Act stipulates a minimum of one meeting every three months.
- Recommended on an “as required basis to canvass proposed operational changes, incidents which have occurred, changes to regulations on codes etc.
- Whenever 50% of the committee request a meeting.

Meeting agenda

- Apologies.
- Approval of previous minutes.
- Progress reports on current and outstanding items.
- Resolution details of items closed out.
- Report on inspection, incidents or other statistics.
- Correspondence.
- New or other business.
- Strongly recommended that draft minutes are read and agreed before finalising the meeting.

Duties of all committee personnel

- Monitor hazard management.
- Analyse incident statistics.
- Examine audit reports.
- Inform Workplace and DWGs of relevant safety details.
- Develop appropriate H&S policies.
- Ensure full consultation between all parties.
- Increase awareness of importance of H&S.
- Any actions which will improve safety and health in the work place.
- Keep records of agreed procedures and resolutions to issues raised.

The importance of accurate minute taking cannot be underestimated. These must be checked carefully before being agreed and each member of the committee should keep all minutes of meetings in their own personal files because these may be required later.

Minutes (Must show)

- Time Venue and Date.
- Committee attendance.
- All items raised.
- All recommendations (including those not implemented).
- Time and date of next meeting.
- Signature of Chairperson.

It is recommended that minutes be displayed where all employees are able to access them.

D

H&S Support Person

The HSR may seek the assistance of any person outside of the worksite (S58(1)f). This person may be the H&S Support person funded by WorkSafe or any other person who has sufficient knowledge of OH&S and the issue at hand.

The employer must permit the H&S Support Person entry to the work place (S70). An employer may only refuse the H&S Support Person entry on the grounds that the employer believes the support person lacks knowledge of OH&S.

If the employer disallows a support person access the HSR may immediately list the issue in the Magistrates Court (Industrial Division).

Pro Forma 1

Date

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

Dear (Title)(Surname)

We, the undersigned employees at (Site) request that negotiations commence within fourteen (14) days of the date of this letter to establish designated work groups as required by *Section 43* of the *Occupational Health and Safety Act 2004*.

Further we advise that we have authorised (name), Secretary of the (Name) Union or in his place, (name), official of the union, to act as our representative in these discussions as allowed by *Section 44(5) of the OH&S Act*.

Yours sincerely

(NB: A number of the employees should sign here, **not the organiser**.
This letter should NOT be on union letterhead.)

Pro Forma 2

Date

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

Dear (Title)(Surname)

As required by Section 44 of the *Occupational Health and Safety Act 2004* we request that our workplace, (Site) be regarded as a designated work group.

If you agree, then we will elect one of the members of that group to be our health and safety representative.

If you do not agree with the establishment of the designated work group the Act requires that you commence negotiations within 14 days of this request. For any such negotiations we have authorised (name), Secretary of the (name) union, or in his place, (name), official of the union, to act as our representative (Section 44(5) of the *Occupational Health and Safety Act 2004* refers).

Yours sincerely

(NB: A number of the employees should sign here, **not the organizer**.
This letter should NOT be on union letterhead.)

* Section 44 of the Act reinforces the need to have negotiations to make the appropriate decisions.

Pro Forma 3

Date

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

Dear (Title)(Surname)

As required by Section 44 of the *Occupational Health and Safety Act 2004* we request that the following areas be agreed as designated work groups:

1. Area 1 in workplace
 2. Area 2
 3. Area 3
 4. Area 4
 5. Area 5
 6. Area 6
- (etc)

If you agree, we will arrange an election in each of the above groups to elect one of the members of the group to be the health and safety representative.

(Optional) We also request that in addition to the elected health and safety representative, each DWG also have one deputy HSR [OR one additional HSR – or whatever]

If you do not agree with the establishment of the designated work groups as above, the Act requires that you commence negotiations within 14 days of this request. For any such negotiations we have authorised (name), Secretary of the (name) Union, or in his place, (name), official of the union to act as our representative (Section 44(5) of the *Occupational Health and Safety Act 2004* refers).

Yours sincerely

(NB: A number of the employees should sign here, **not the organizer**.
This letter should NOT be on union letterhead.)

* Again negotiation is necessary according to the Act.

Pro Forma 4

Date

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

Dear (Title)(Surname)

As employees at the (name of company) we are requesting that you provide us with a list of the current elected HSRs and Deputies, for each Designated Work Groups at the workplace as soon as possible.

Please note that Section 71 of the *Occupational Health and Safety Act (2004)* (the "Act") states:

The employer must ensure that -

- a) a written list of each health and safety representative and deputy health and safety representative for each designated workgroup (if any) of the employees of the employer is prepared and kept up-to-date; and*
- b) a copy of the list is displayed at each workplace under the management and control of the employer or otherwise readily accessible to all employees of the employer.*

Thanking you in anticipation,

Yours sincerely,

(NB: A number of the employees should sign here, **not the organizer**.
This letter should NOT be on union letterhead.)

Pro Forma 5

Date

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

Dear (Title)(Surname)

We, the undersigned employees at the (name of company, request that negotiations commence as soon as possible following the receipt of this letter, to vary the composition of the designated work groups as permitted under *Section 44(3) of the Occupational Health and Safety Act 2004.*

Further we advise that we have authorised (name), Secretary of the (name) Union or in his place, (name), official of the union to act as our representative in these discussions as allowed by *Section 44(5) of the OH&S Act.*

It would be appreciated if you could respond, in writing, with a suitable time and date for a meeting to initiate discussions.

Yours sincerely

(NB: A number of the employees should sign here, **not the organizer.**
This letter should NOT be on union letterhead.)

ELECTION

Health & Safety Representatives

**Deputy Health and Safety
Representatives**

Members decide election process

- All DWG members must be advised of election.
- All DWG members have the right to nominate.
- DWG members decide how the election is to be run.
- The DWG members may legitimately ask their Union to run the election.

Elections for HSR and Deputy HSR

The importance of electing HSR's in a technically correct manner cannot be underestimated. The election process must satisfy the terms of the Act.

NB: Health & Safety Representatives must be elected and not appointed if there is only the same number of candidates as there are positions an election won't be necessary and those candidates will represent the DWG. Under no circumstances can the HSR be appointed by management personnel. If the election process was not compliant with the Act this could lead to adverse ramifications e.g. PINs issued by an improperly elected HSR may be declared invalid. Any cessation of work directed by an improperly elected HSR may leave that person exposed to litigation. See proforma 6a, 6b and 7 at the end of this section proper use of these will ensure your elections are technically compliant.

Removal of HSR by DWG

What if there is an elected HSR in my DWG but he/she doesn't seem to do much?

Under section 55 of the Act, a HSR holds the office for a limited time (no more than 3 years). If the majority of members of the DWG believe that someone else can represent them better, then they should certainly not vote for this person again, but ensure that someone else nominates. If the rep has been in the position for at least 12 months, and the majority of the DWG members are very unhappy with how they are being represented, then they may decide that the rep no longer represents them, they must agree in writing and elect someone else. Before taking this action, however, it is recommended that the issues be raised with the current HSR.

PROCESS FOR ELECTION OF OHS REPS

The Act allows for AT LEAST one health and safety representative to be elected for each DWG. In negotiations on DWGs it may also be agreed that there be either more than one rep and/or deputy rep/s. It should be remembered that a DWG may be "Production Line - Day shift" and another may be "Production Line - Afternoon shift" and so on. Under section 54 of the Act:

"A health and safety representative for a designated work group is to be elected by the members of the designated work group."

All employees in that DWG are entitled to vote. How the election is to be run must be decided by the members of the DWG - this is clear from Section 54 (4):

"The members of a designated work group may determine how an election is to be conducted but, if they do not reach agreement within a reasonable time, any member of the group may ask the Authority to arrange for an inspector to conduct the election or ... appoint another person to conduct the election."

It is strongly recommended that the members of the DWG run their own election, rather than the employer. It is easy to organize an election. Here is a recommended process:

1. Put up a notice calling for nominations (See Attachment 6). The notice must have a "Closing Date For Nominations"
2. If the same number of people nominate as are positions, then there is no need to conduct an election:
"If the number of candidates for election as a health and safety representative equals the number of vacancies, the election need not be conducted and each candidate is to be taken to have been elected as a health and safety representative for the designated work group."
(Section 54[6])
3. If there is more than one nomination, then 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. It's up to the DWG members to decide HOW to run the election. The election can be a show of hands, for example, or it can be more complex. The members of the DWG may ask the union organizer or union OHS Officer to assist with the election. **The employer should have no role in running the election, or deciding how the election is to take place.**

Once elected health and safety representatives remain retain this role for the agreed period of office (no more than 3 years) UNLESS (Section 55[2]):

*"A person ceases to hold office as a health and safety representative for a DWG if -
(a) the person ceases to be a member of the designated work group;
(b) the person is disqualified under section 56...
(c) the person resigns as a health and safety representative by giving written notice to the employer.. concerned;
(d) a majority of the members of the DWG resolve (in writing) that the person should no longer represent the DWG but only if the person has held office for at least 12 months;
(e) the designated work group is varied, unless as part of the variation, it is agreed or an inspector determines under section 45 that the variation is not to affect the remaining term of office of that HSR. "*

An HSR is eligible for re-election (s55[3]) – that is, a rep may renominate for election once their term is over.

NOMINATIONS

**For the Position of
OCCUPATIONAL HEALTH AND
SAFETY REPRESENTATIVE for the
DESIGNATED WORK GROUP of:**

Under Section 54 of the *Victorian Occupational Health and Safety Act (2004)* nominations are called for the above position. Close of nominations: _____ (Date).

- 1 _____
- 2 _____
- 3 _____

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.
(signed) _____ (employee of the above DWG)

NB: Under the *Victorian Occupational Health Act, 2004* members of a DWG are entitled to elect their OHS Representative - this notice is NOT TO BE REMOVED. If this occurs, an Inspector from the WorkSafe Victoria will be contacted.

NOMINATIONS

**For the Position of
DEPUTY OCCUPATIONAL HEALTH
AND SAFETY REPRESENTATIVE for
the
DESIGNATED WORK GROUP of:**

Under Section 54 of the *Victorian Occupational Health and Safety Act (2004)* nominations are called for the above position. Close of nominations: _____ (Date).

- 1 _____
- 2 _____
- 3 _____

If only one nomination is received by the closing date, that person will be the deputy 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 deputy rep.
(signed) _____ (employee of the above DWG)

NB: Under the *Victorian Occupational Health Act, 2004* members of a DWG are entitled to elect their OHS Representative - this notice is NOT TO BE REMOVED. If this occurs, an Inspector from the WorkSafe Victoria will be contacted.

ELECTION OF OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVE

TO:

_____ (Name of employer)

ADDRESS:

I, _____ being an employee and member of the Designated Work Group 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 the elected OHS rep:

_____ (name of rep)

It was not necessary to hold an election as only one nomination was received.

This person was elected on _____ by the members of the DWG.

(tick the appropriated box)

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

_____ (Signed)

_____ (date)

Training

- 5 day initial course
- 1 day refresher course

Note: You have the right to choose your OH&S training course and it should be a course which is relevant to your occupation.

Training of Health and Safety Representatives and Deputies (Section 67)

An HSR/deputy on being elected is entitled to attend a WSV approved 5 day Health and Safety Representative Course on paid leave – the rep/deputy must 'have a conversation' with the employer about which course, but the employer cannot unreasonably refuse to allow the rep to attend the course of **their choice**. In addition to the initial course, reps and deputies are also entitled to attend an approved **refresher course** each subsequent year they hold office. They must make the request of their employer at least 14 days before the course commences.

If the HSR or Deputy HSR has informed the employer of the course of his/her choice and has applied to the employer to attend the course at least 14 days prior to the course commencement day and the employer refuses then the representative should contact his Union or directly contact WorkSafe and ask for WorkSafe's intervention on the matter.

WorkSafe will then consider all relevant details and advise the parties or arbitrate the matter in a 'Determination Process' Section 67(5) OH&S Act.

The employer is obligated to pay the wages which a representative would have been entitled to receive if he/she had been working instead of attending the course. Any costs associated with the HSR's attendance at the course are to be borne by the employer section 67 (4).

A HEALTH AND SAFETY CO-ORDINATOR OR OH&S OFFICER EMPLOYED BY A COMPANY DOES NOT REPLACE AN ELECTED HSR AND DOES NOT HAVE THE SAME FUNCTIONS AND POWERS AS A HSR.

What is the difference between a Health and Safety Representative and a Health and Safety Officer?

| | <i>Health and Safety Representative</i> | <i>Health and Safety Officer</i> |
|----|---|---|
| 1 | Called the Health and Safety Rep or HSR | Can be called Health and Safety Officer/Manager/Adviser/Co-ordinator |
| 2 | Elected by members of the Designated Work Group | Nominated by the Principle/Manager |
| 3 | Represents all members of the Designated Work Group | Represents the employer |
| 4 | Has a major role to play in bringing health and safety issues to the attention of the employer | Is responsible for ensuring compliance with the Occupational Health and Safety Act 2004; i.e. for proving a healthy and safe workplace. |
| 5 | May be any member of staff or employees but should not be management | Should be the Manager or Assistant Manager or anybody else appointed/employed by management |
| 6 | Not required to physically repair or remove hazards or to have all the answers on health and safety matters | Is responsible for organising repairs and removing hazards and ensuring that safety procedures and regulations are followed |
| 7 | In entitled to attend an accredited 5 day training course with time off work to attend | Should attend accredited 5 day training course but no entitlement under the Act |
| 8 | Is entitled to appropriate paid time off work to undertake role | Undertakes as part of management responsibilities. No entitlement under the Act to specific paid time off |
| 9 | Has prescribed rights and powers under the Act but no duties | Has no specific rights or powers under the Act but a range of duties and liabilities as outlined in the Act |
| 10 | May issue a Provisional Improvement Notice after consultation with the Principal/Manager | May receive a PIN and need to act on it or appeal against it, but cannot issue a PIN |
| 11 | Cannot be directed to undertake any task relating to health and safety, but can be required to consult with the Manager before undertaking certain activities | Required to consult with the HSR on a range of activities (e.g. changes to workplace arrangements, inspections, investigation etc) |
| 12 | No liability for health and safety in the workplace as no duties imposed under the Act | Liable for health and safety in the role of Manager or representative of Manager |

STEPS FOR RESOLVING SAFETY ISSUES

Issue Resolution

The following steps are to be implemented in order to resolve a safety issue (full coverage of this procedure is in OH&S Regulations 2007 Part 2.2 page 54).

Recommended steps to resolve disputation

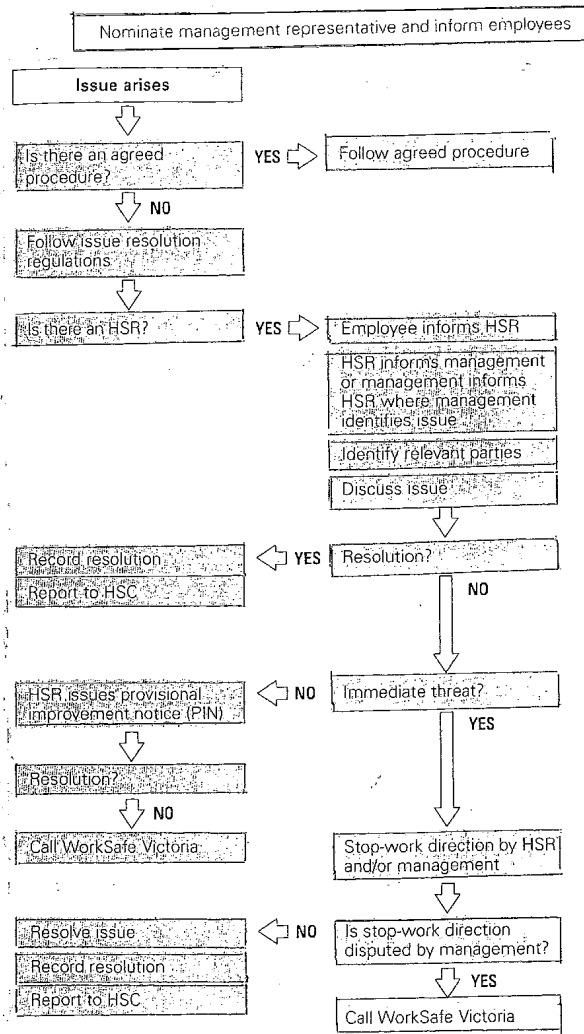
- i. HSR or delegate to consult with immediate supervisor at job level.
- ii. If 'the issue concerns work which involves an immediate threat to the health and safety of any person', the cessation of work under the terms of section 74 of the OH&S Act 2004 might be the appropriate course of action. If an argument remains as to the validity of the 'cessation of work' the issue can be progressed at a higher management level and probably the quickest and most effective path to resolution is to seek advice or intervention by WorkSafe or AMSA.
- iii. If there is no urgency to resolve the safety disputation other alternatives include:
 - a) HSR to serve a PIN to Management.
 - b) Matter be canvassed at next HSC meeting.
 - c) Advice be sought from WorkSafe advisory line.
 - d) WorkSafe or AMSA can be asked to intervene by either the HSR or management or both.

Issue Resolution Procedures

Most work places have an issue resolution procedure relating to industrial matters and often safety issues contained within their local agreement. If this is an agreed and appropriate procedure it should be followed by the HSR when attempting to resolve safety disputation. If a legitimate agreement does not exist in your work place then the HSR should resort to the OH&S regulations. The essence of the procedures contained in the regulation is as follows:

1. When an issue has been identified the HSR should be notified and the HSR or any other affected person should then report the matter to a management representative.
2. Parties must attempt to resolve the issue quickly and effectively at a local level if possible.
3. These circumstances plus others should be taken into consideration:
 - i. Safe and effective temporary measures.
 - ii. Relocation of workers and re-allocation to unaffected tasks.
 - iii. There should be someone from management readily accessible who has the power to implement remedial action.
4. If there has been a cessation of work due to concerns about an immediate risk and this action is disputed a recommended path would be to contact WorkSafe or AMSA and seek their involvement.
5. If the issue does not pose an immediate risk it may be progressed through local, state or federal level consultation, or OH&S committee negotiation or PIN or direct intervention by WorkSafe/AMSA or any alternative steps contained in local agreements or WorkSafe regulations.
6. Any agreement or remedial action taken as a result of the issue is to be detailed in writing by the employer at the request of employees or HSR (OH&S Regulation 2007 2.2.4 page 57).
7. The OH&S Regulations 2007 (page 56) states “nothing in this regulation prevents an employee from reporting the issue to the employer or any other person in addition to the Health & Safety representative”.

APPENDIX B ISSUE RESOLUTION PROCEDURE FLOW CHART



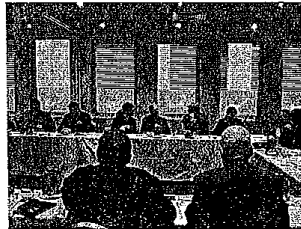
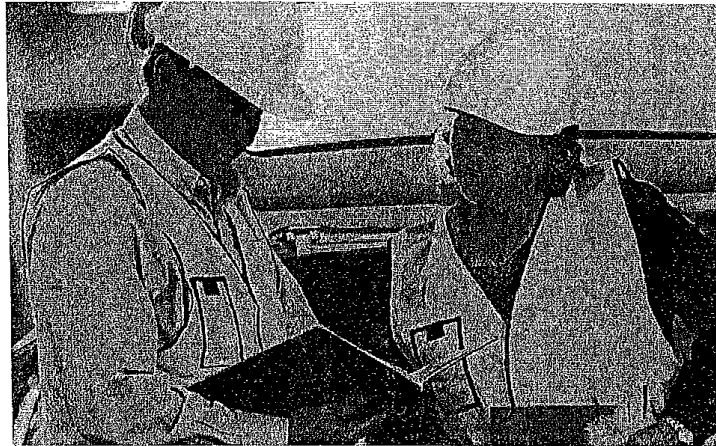
Phone Tree

For the purpose of networking (information sharing with HSR's from their stevedoring operations) a shared phone list is recommended. Some HSR's may prefer to keep their details private so if this is the case do not participate. If you are happy to provide your phone number and email address to me I will circulate a list amongst stevedoring HSR's. If you need assistance or advice contact the MUA on 9329 5477.

OCCUPATIONAL HEALTH AND SAFETY ACT 2004



HEALTH & SAFETY REPRESENTATIVE'S NOTEBOOK



CONTENTS

- Introduction**

- Section 1 – Things To Do.....**
 - Issues register.....
 - Issues requiring follow up.....

- Section 2 – Meetings.....**
 - Meetings Records.....

- Section 3 – Workplace Inspection
Records.....**

- Section 4 – Guidance.....**

INTRODUCTION

As a health & safety representative (HSR) you play an important role in the workplace by providing employees with an avenue to have their views and concerns on health and safety heard by your employer.

WorkSafe appreciate that being a HSR can be a challenge and have designed this notebook to provide you with some practical assistance in the management of your HSR role. The notebook provides a method of recording workplace inspections, issues raised, issues to be followed up and details of meetings you attend.

The final section in the notebook contains guidance material to help you understand your powers and entitlements under the act.

NOTEBOOK GUIDE

SECTION 1 - THINGS TO DO

Use this section to keep track of things you need to follow up on such as:

- Issues raised by members of your DWG
- Issues you have raised with management
- Meeting times
- Phone numbers

SECTION 2 - TELEPHONE CALLS/MEETINGS

Use this section to keep records of meetings you have attended and conversations you have with regard to OHS issues. Helps you keep track of who was at a meeting and what the agreed outcomes and timeframes on issues were.

Write specific issues for follow up in Section 1 as well.

SECTION 3 - WORKPLACE INSPECTION RECORDS

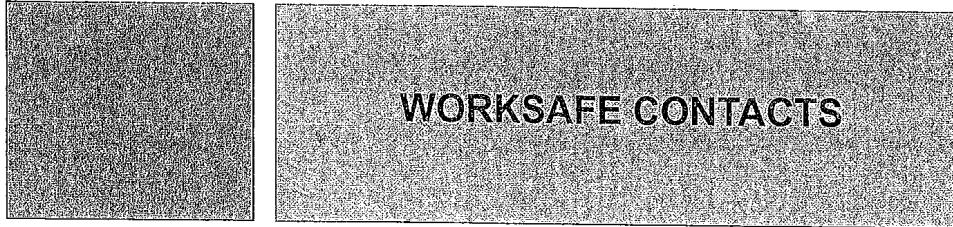
Use this section to keep track of:

- When inspections took place,
- Who was involved,
- The issues requiring follow up, and
- The timeframes negotiated with management.

Write specific issues for follow up in Section 1 as well.

SECTION 4 - GUIDANCE

- HSR PROVISIONS OF THE ACT,
- ISSUE RESOLUTION REGULATIONS,
- PIN PROFORMA



WORKSAFE CONTACTS

| Name | Phone Number |
|-----------------------|--------------|
| Emergency Response | 0407 833 306 |
| Advisory | 1800 136 089 |
| Incident Notification | 132 360 |
| Licensing | 1300 852 562 |
| Switchboard | 9641 1555 |
| Trades Hall | 9662 3511 |

Section 1

THINGS TO DO.....

This section has been designed to help you keep track of things on your 'To Do List' including:

- Issues raised by members of your DWG
- Issues you have raised with management
- Follow up dates

ISSUE DETAILS

Issue Number : _____
Date issue raised: _____
Issue raised by: _____ Phone: _____
Issue: _____

Date issue raised with management: _____
Name of management representative: _____
Contact details: _____
Outcome: _____

| | | |
|------------------------------------|---------------------------|------------------------|
| Does issue require follow up – Y/N | Date & time of follow up: | Issue finalised? – Y/N |
| Final outcome: | | |

ISSUE DETAILS

Issue Number : _____
Date issue raised: _____
Issue raised by: _____ Phone: _____
Issue: _____

Date issue raised with management: _____
Name of management representative: _____
Contact details: _____
Outcome: _____

| | | |
|------------------------------------|---------------------------|------------------------|
| Does issue require follow up – Y/N | Date & time of follow up: | Issue finalised? – Y/N |
| Final outcome: | | |

Section 2

MEETINGS

This section can be used to keep records of meetings you have attended and conversations you have had in relation to OHS issues. It is designed to help you record who was at a meeting and what the agreed outcomes and timeframes on issues were.

Issues requiring follow up can be entered into the register in Section 1 also.

MEETING RECORDS

Date:

Committee/group name (if applicable):

In attendance:

Discussion notes:

| Action items/Outstanding issues | Who | Follow up date |
|---------------------------------|-----|----------------|
| | | |
| | | |
| | | |

Section 3

**WORKPLACE INSPECTION
RECORDS**

Location Date:

Date / Time:

People:

.....

.....

Issues Raised:

.....

.....

.....

.....

.....

.....

.....

.....

Issues requiring follow up:

.....

.....

.....

.....

.....

.....

.....

Negotiated timeframes for addressing issues:

.....

.....

.....

.....

.....

.....

.....

.....

.....

Section 4

GUIDANCE

- * AUSTRALIAN MARITIME SAFETY AUTHORITY (AMSA)
- * WORKSAFE VICTORIA
- * MARINE SAFETY BOARD VICTORIA (MSBV)

WHICH AUTHORITY HAS JURISDICTION IN PORT OPERATIONS

NB: * THERE IS AN MOU (MEMORANDUM OF UNDERSTANDING) BETWEEN THE AUTHORITIES.

* THERE IS A SIGNIFICANT OVERLAP BETWEEN THEM AND OFTEN IT IS APPROPRIATE FOR YOU TO CALL EITHER OR BOTH IF THERE IS A SAFETY PROBLEM.

Jurisdictions

| <u>AMSA</u> | <u>WorkSafe</u> | <u>MSBV</u> |
|---|---|---|
| * On Australia and overseas registered vessels | * Every Victorian work site (this includes a ship) | * Victorian registered vessel which only operates in Victorian waters e.g. some tugs launches, some dredges 'fishing vessels' |
| * Ship board fixtures used in stevedoring e.g. ships cranes and grabs owned by the ship | * Generally non fixed items on board the vessel | |
| | * Can inspect any piece of equipment under MOU will usually agree to AMSA covering column 1 | |
| | * Mobile equipment on wharf area and used on ships (owned by stevedoring company or shore based contractor) | |
| | * Shore based cranes and portainer cranes | |
| Reference material MO32 and MO21 (law) ILO (code) | OH&S Act 2004 OH&S Regulations 2007 WorkSafe Guidance books | |

HOW STRONG IS THE REFERENCE MATERIAL AND WILL
IT BE ACCEPTABLE IN COURT?

The Building Blocks of OH&S

Occupational Health & Safety Act

→ Is the law and must be followed.

OHS Regulations

→ Is the law and must be followed.

Codes and Australian Standards

→ Provide guidance on how to meet the law.

Guidance notes

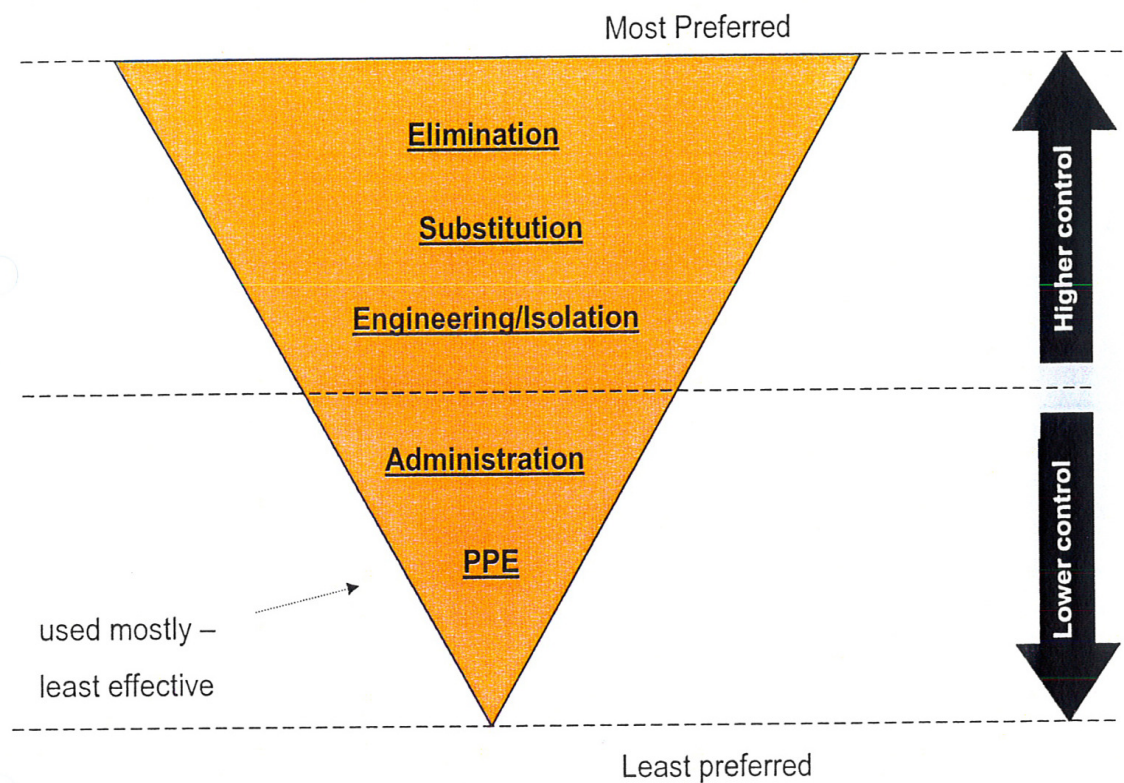
→ Provides guidance on how to meet the law.

Workplace policies

→ Very important, as they provide guidance and can be used in prosecutions.

WHICH SOLUTIONS ARE MOST EFFECTIVE
FOR SAFETY ISSUES?

Hierarchy of controls theory



Example – Exposure to exhaust fumes on vessel

- * Elimination – (Eradicate risk)
e.g. use fork lift or machinery on weather deck.
- * Substitution – (minimising risk)
e.g. electric fork lift.
- * Engineering – (minimising risk)
e.g. ventilation fans, aft door open.
- * Administration – (Protect from risk)
e.g. rotate labour through hazardous areas.
- * PPE – (Protect from risk)
e.g. gas masks.