Work health, safety and compensation: An essential guide for employers

WorkCover Queensland

Worksafe. Home safe.
Minister for Employment and Industrial Relations
Develops workers' compensation and workplace health and safety legislation.

Office of Industrial Relations

Workplace Health and Safety Queensland
Enforces workplace health and safety laws and educates stakeholders on their legal obligations.

The Workers’ Compensation Regulator (the Regulator)
The Workers’ Compensation Regulator regulates the Queensland workers’ compensation scheme, including self insurers, and is a facilitator of legal and medical resolutions, educator and promoter of the scheme on behalf of all stakeholders.

The Electrical Safety Office
Develops and enforces legislative and compliance standards to improve electrical safety.

WorkCover Queensland
Provides and manages workers’ compensation insurance for the employers and workers of Queensland.

www.worksafe.qld.gov.au
Legislation

Work Health and Safety
  — Act 2011
  — Regulation 2011

Workers' Compensation and Rehabilitation
  — Act 2003
  — Regulation 2014
Benefiting your business

• Keep skilled workers
• Uninterrupted production
• Lower workers’ compensation
• Higher staff morale
• Business reputation
• Ability to tender

*The estimated costs of sick leave or work injury are twice the employees’ daily rate of pay including direct and indirect costs* (RTW Matters, 2014)
### PCBU

*Person conducting a business or undertaking*

- Sole trader
- Partnership
- Company
- In control of workplaces, fixtures, fittings, plant
- Designers, manufacturers, importers, suppliers

### Worker

- Employees
- Contractors
- Subcontractors
- Outworkers
- Apprentices and trainees
- Work experience students
- Volunteers
What must PCBUs do?

Ensure the health and safety of:

- workers at work
- other persons who may be affected by the work

Includes facilities, systems, training, substances, etc.

s.19, WHS Act 2011
What must workers do?

• Take care for own health and safety
• Take care that conduct doesn’t adversely affect others
• Comply with reasonable instruction
• Cooperate with reasonable policies

s.28, WHS Act 2011
Start at the top: commit to safety

- Make safety a priority and lead by example
- Budget for safety
- Incorporate safety into production

☑ WHS policy, seek regular updates
Involve workers

- Develop consultation processes
- Involve workers in identifying and resolving safety issues
- Value workers’ points of view and input

Set processes, meeting records
Manage risks

- **Identify** hazards in workplace/processes
- **Assess** the risk and severity
- **Control** the risk
- **Review** controls and adjust as needed

Hazard checklists, task analysis, risk assessment, SWP/JSA
Example

Bakery

• Identify: unguarded mixing bowl
• Assess: regular use, high risk
• Control: new mixer, training
• Review: control working, maintain

Consultation and management commitment essential to good outcome
Also need

• Training and supervision:
  – induction, task specific, competence, guidance

• Reporting
  – incidents and near misses, review and improve

• Workers’ compensation and return to work

Induction, training and competency records, incident reports
Safety management system

- Workers compensation and return to work
- Management commitment
- Consultation
- Safe work procedures
- Training and supervision
- Reporting safety

Safety management system
Example

Shopping centre food court

• Identify: slips/falls from food on floor
• Assess: likely, possibly severe
• Control: different packaging, cleaning
• Review: reduced reports

*Key to result: reporting, communication, commitment*
Self-assessment pack

• Available online or hard copy
• Establish basic SMS
• Checklist, advice sheets and templates
### Serious about safe business?

#### Compliance at a glance — How do you rate?

<table>
<thead>
<tr>
<th>Management commitment</th>
<th>Consultation</th>
<th>Safe work procedures</th>
<th>Training and supervision</th>
<th>Reporting safety</th>
<th>Workers’ compensation and return to work</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Manager’s and worker safety responsibilities clearly understood and actioned.</td>
<td>□ Agreed consultation arrangements are used to discuss safety issues and are working effectively.</td>
<td>□ All tasks with safety risks have been identified and the risks controlled.</td>
<td>□ All workers inducted.</td>
<td>□ Procedures for reporting safety issues and incidents are developed and implemented.</td>
<td>□ Workers’ compensation insurance policy accurately reflects business details.</td>
<td>Each tick in the green zone means you are more likely to be compliant.</td>
</tr>
<tr>
<td>□ Time and money allocated to meet safety responsibilities.</td>
<td>□ Time and money allocated to meet safety responsibilities.</td>
<td>□ Safe work procedures developed and implemented for these tasks.</td>
<td>□ Workers trained in safe work procedures before commencing tasks.</td>
<td>□ All injuries are reported to workers’ compensation insurer.</td>
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<td>Monitor and review to continually improve.</td>
</tr>
<tr>
<td>□ Manager’s promote safety as a high priority.</td>
<td>□ Manager’s promote safety as a high priority.</td>
<td>□ Workers involved in developing safe work procedures and making safety decisions.</td>
<td>□ Workers understand procedures and can demonstrate how to perform tasks safely.</td>
<td>□ Workers informed of the return to work policy, including procedures to follow the event of an injury or illness.</td>
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<td></td>
</tr>
<tr>
<td>□ Manager’s involved in all safety initiatives.</td>
<td>□ Manager’s involved in all safety initiatives.</td>
<td>□ Workers’ views are valued and taken into account.</td>
<td>□ Workers supervised to ensure safe work procedures are followed.</td>
<td>□ Safe work procedures and training reviewed following incident reports.</td>
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<td></td>
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<tr>
<td>□ Manager’s lead by example.</td>
<td>□ Manager’s lead by example.</td>
<td>□ Safe work procedures are reviewed.</td>
<td>□ Procedures developed but not always followed.</td>
<td>□ Reporting procedures developed but not always followed.</td>
<td>□ Reporting procedures developed but not always followed.</td>
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</tbody>
</table>

#### Report the following to your manager:

- □ Lack of clear understanding of safety responsibilities.
- □ No time or money allocated to meet safety responsibilities.
- □ No safety initiatives.
- □ Manager’s set a poor safety example.
- □ No consultation arrangements in place. No consultation arrangements in place. No consultation arrangements in place.
- □ No involvement of workers in safety issues.
- □ Workers views not valued or taken into account.
- □ Tasks with safety risks not identified or the risk controlled.
- □ Safe work procedures developed, but not always followed.
- □ Responsibility for doing tasks safely is left to workers.
- □ Workers not inducted.
- □ No safety training provided.
- □ Workers’ ability to perform tasks safely is not checked.
- □ Ability of workers to perform tasks safely is not checked.
- □ No supervision to ensure workers are performing tasks safely.
- □ No reporting procedures.
- □ Incidents not reported.
- □ No review of work practices following an incident.
- □ Workers not assisted to return to work after an injury.

#### Safe business is good business

1. Tick the boxes that most apply to you.
2. How did you rate?

There is a range of products and services that can help you improve your work health and safety. Please view the Serious about safe business advice sheets.
Where to get help

Small business program

• On-site advisory visits
• Presentations and information sessions
• Tools, templates, guides

worksafe.qld.gov.au/small-business
@safesmallbusiness@justice.qld.gov.au
1300 362 128
Your accident insurance policy

• Protects your business and helps your workers when injuries happen
• Gives you peace of mind so you can get on with running your business
• When an injury happens we’ll help you
  – Understand the claim
  – Manage your injured worker’s recovery
  – Get your worker back to work
What do you need to know?

Workers compensation is **compulsory** for all employers in Queensland.

Payment of medical expenses and loss of wages if a worker is unable to work (fully or partially) due to a work related injury.

Benefit from our expertise in return to work and injury management.

In Queensland, your policy also covers travel to and from work under certain conditions.
Who to cover

Must be an individual (contracts with company, trust or partnership are not covered)

Person working under a contract of service – PAYG workers

Sharefarmer if they do not provide farming machinery and receive no more than 1/3 of the farm proceeds

Salesperson paid entirely or partly by commission

Who not to cover

A director of a corporation (where the corporation is the Employer)

A trustee of a trust (where the trust is the Employer)

A partner working for their own partnership (where the partnership is the Employer)

A person who is engaged by the Commonwealth

A professional sportsperson

A member of the crew of a fishing ship who receives a share of vessels gross earnings

A person supplying and using a motor vehicle for tuition

A person participating in an approved program or work for unemployment program

A person has a personal services business determination (PSBD) from the ATO
If you don’t have a policy, what happens if one of your workers has an injury?

- Your worker still has a right to lodge a claim
- WorkCover will manage the claim and pay all reasonable expenses
- We will recover from you the amount we have paid out on the claim, plus penalties
- We are also entitled to recover from you the unpaid premium plus a penalty for not being insured

Can you afford not to take out a policy?
When do you have to notify WorkCover?

- Notify us of an injury within **8** business days
- You can make a claim at the same time as lodging an incident with Workplace Health and Safety Queensland

- Worksafe.qld.gov.au
- 1300 362 128
- Fax 1300 651 387 or Post GPO Box 2459, Brisbane, Qld, 4001
- Lodge through your doctor
You have notified WorkCover - what now?

After a claim is lodged we will contact you for information before we determine (accept/reject) the claim.

We make a decision within 20 business days – the more we know, the better.

We encourage you to support your worker and keep talking with them so everyone keeps up to date.
Other obligations to be aware of

You must take all reasonable steps to help or provide your worker with rehabilitation when they are entitled to compensation. This includes providing suitable duties.

If as a small business you can’t provide suitable duties please contact us to discuss options as we’re here to help.
Other obligations to be aware of

• You can’t dismiss a worker for 12 months after their injury because they’re not fit for employment because of the injury.

• If you hire a replacement worker you must give them information around the temporary nature of the employment and the injured workers’ right to return to work.

• If you’re unsure of your obligations contact the WorkCover Retail team or the National Retail Association to discuss employment law matters.
What does your employee need to do?

• Participate in rehabilitation - this includes any medical or allied health treatment and return to work

• Advise us if their circumstances change while they aren’t at work
Employer best practice

- Keep your workplace safe
- If accidents occur, encourage stay at work
- Offer suitable duties
- Focus on what the worker can do
- Safety measures and suitable duties do work
## What we offer…

<table>
<thead>
<tr>
<th>Policy</th>
<th>Claims</th>
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</table>
| • Help you understand your policy – what’s covered, what’s not covered  
• Give you peace of mind that your business is protected  
• Useful advice on your premium | • Help you understand your claim  
• Our experienced case managers know your industry  
• We’ll manage your injured worker’s recovery to help get them back to work |
WorkCover Connect
WorkCover Queensland

we cover, we care

Workplace Health and Safety Queensland

Work safe. Home safe.

worksafe.qld.gov.au

1300 362 128