

# A Guide to Occupational Health and Safety

## Transport Industry



VIC/TAS BRANCH

**TWU**

OUR MEMBERS COME FIRST



TRANSPORT SAFETY GROUP



# Foreword

This guide to safe working procedures in the transport industry has come about through the co-operative effort of all stakeholders in the transport industry. Recognition of the many hazards faced by workers, together with the critical need for the industry to safely interact with the community, led the Transport Industry Safety Group to develop the first guide in 1997.

The second edition in 2001 included further safety policies. Year 2003 saw a total review via working groups and many hundreds of industry participants at the annual safety seminar. This current guide is a consolidation of issues which require ongoing management. Also included are valuable WorkSafe references.

On behalf of the Transport Industry Safety Group, I place on record our appreciation for the commitment of all who have been involved in this ongoing project. In particular, our thanks to VicRoads for assistance in funding the printing of this booklet.

I urge all participants to use the guide to assist in the conduct of a safe transport industry.

**BILL NOONAN**

**Chairman**

**Transport Industry Safety Group**

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# Introduction

This guide has been compiled with industry consultation.

The health and safety priorities have been identified by people in the industry as the issues requiring management.

The guide provides background to the issues faced by the industry.

Reference resources are provided to aid employers and workers develop a broad perspective in response to the problems.

The intention is not to contest the technicalities, but to facilitate whatever possible action can be taken.

Effective occupational health and safety (OHS) happens when a company and its workforce co-operate to:

- develop policies, systems and procedures to eliminate or minimise risks;
- make sure the people who implement the systems and procedures and the people affected by the systems and procedures understand them;
- implement effective training in procedures;
- ensure the workforce has good access to safety standards and safety information generally.

For any OHS system to be effective it must have the total commitment of all levels of staff within an organisation.

The employer's main duty under the Victorian *Occupational Health and Safety Act 1985* (OHS Act) is contained in Section 21 (1). This section provides that **employers** (including contractors) are required to "provide and maintain so far as **practicable** for employees a working environment that is safe and without risks to health".

There are some specific elements to this general duty which require the employer, so far as is practicable, to do things such as:

- provide and maintain safe plant and systems of work;
- arrange safe systems of work in connection with plant, vehicles, equipment, tools, machinery and substances;
- provide a safe work environment (both in the depot and in vehicles);
- provide adequate welfare facilities;
- provide employees with the information, instruction, training and supervision they need to perform their jobs in a safe and healthy manner.

Employees also have specific obligations under the OHS Act. Section 25 of the Act requires an employee to:

- take reasonable care for his or her own health and safety and the safety of others;
- co-operate with his or her employer to allow the employer to comply with the Act.

# Chain of Responsibility

## Overview

### What is the chain of responsibility?

The chain of responsibility means that anybody – not just the driver – who has control in a transport operation can be held responsible for breaches of road laws and may be made legally liable.

In other words, if you use road transport as part of your business, you share responsibility for ensuring breaches of road laws do not occur.

So if a breach of road transport law occurs due to your action, inaction or demands, you may be legally accountable.

Put simply this means:

Control = responsibility = legal liability

The chain of responsibility currently applies under driving hours and dangerous goods regulations. Under planned new legislation, the chain of responsibility will also apply to mass and dimension limits, and load restraint requirements.

### Who is covered by the chain of responsibility?

If you are involved in any of the following road transport activities, you may be held responsible for breaches of road laws:

- Consigning – a person or company commissioning the carrying of goods.
- Packing – placing goods in packages, containers or pallets.
- Loading – placing or restraining the load on a vehicle.
- Driving – the physical act of driving a heavy vehicle.
- Operating – operating a business which controls the use of a heavy vehicle.
- Receiving – paying for the goods/taking possession of the load.

You will also have obligations not to coerce, induce or encourage a breach of road transport laws.

In addition to ensuring compliance with road laws, you will have to take reasonable steps to make sure that you do not pass on to other parties any false or misleading information about a vehicle or its load.

If you victimise an employee or contractor who raises concerns about actual or possible breaches of road transport laws, you will commit an offence.

Further information on the responsibilities of specific parties in the transport chain is provided in the following fact sheets:

- Consignor/Receiver – Fact Sheet 2
- Loader/Packer – Fact Sheet 3
- Driver – Fact Sheet 4
- Operator/Manager/Scheduler – Fact Sheet 5

### **Corporate and management liability**

Under the planned new legislation, a corporation, partnership or other body corporate can be found guilty of an offence under the chain of responsibility.

Corporate liability will apply to a corporation, partnership or other body corporate if:

- the organisation is a party in the chain of responsibility, e.g. consignor; or
- an employee of the organisation is a party in the chain of responsibility, e.g. packer or loader.

Where a corporation, partnership or other corporate body has been found guilty of an offence, anyone who is involved in the management of the organisation may also be personally liable for the same offence.

### **Enforcement powers**

On 1 July 2003, new inspection and search powers were introduced in Victoria to support the enforcement of the chain of responsibility.

The new laws allow inspectors and police officers to:

- inspect and search heavy vehicles and premises associated with road transport;
- direct a person associated with road transport to provide documentation and items relating to heavy vehicle compliance;
- require a driver or other responsible person to provide reasonable assistance to an inspector or police officer and to state the person's name, home address and business address; and
- require a person to provide details regarding any other person who is associated with a heavy vehicle or its load, and to give information to help identify the driver.

### **CONSIGNOR/RECEIVER**

#### **What are my responsibilities?**

As a consignor or receiver, you have a responsibility for ensuring that any demands you make do not require a truck driver to:

- exceed permitted driving hours;
- fail to have minimum rest periods; or
- exceed the speed limit.

Under planned new legislation, you will also have a responsibility for ensuring that goods carried on your behalf:

- do not exceed vehicle dimension limits;
- do not cause vehicle mass limits to be exceeded; and
- are appropriately secured.

If you can show that you did not know and could not have been reasonably expected to know that the road law breach would occur, and that either:

- you have taken all reasonable steps to prevent the breach; or
- there was nothing that you could reasonably have been expected to do to prevent the breach,

you won't be liable for an offence under the chain of responsibility.

### **What do I need to do?**

You should ensure that you can demonstrate that you took reasonable steps to prevent a breach occurring.

There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Examples of steps you could take include:

- compliance assurance conditions in relevant commercial arrangements with other responsible persons;
- request information about what systems and controls are in place to ensure compliance;
- avoid arrangements which encourage or reward non-compliance.

Compliance with an Industry Code of Practice will demonstrate that you have taken all reasonable steps. It is expected that individual industries will develop Codes of Practice to suit their needs. These Codes could cover contractual arrangements, equipment, due diligence and quality management systems.

## **LOADER/PACKER**

### **What are my responsibilities?**

Under planned new legislation, loaders will have a responsibility for ensuring that the vehicle's load:

- does not exceed dimension limits;
- does not cause vehicle mass limits to be exceeded; and
- is placed in a way so that it does not become unstable, move or fall off the vehicle.

Packers will have a responsibility for ensuring that documentation about the vehicle's load is not false or misleading.

Packers will also need to make sure that any goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

If you can show that you did not know and could not have been reasonably expected to know that the road law breach would occur, and that either:

- you have taken all reasonable steps to prevent the breach; or
- there was nothing that you could reasonably have been expected to do to prevent the breach,

you won't be liable for an offence under the chain of responsibility.

## What do I need to do?

You should ensure that you can demonstrate that you took reasonable steps to prevent a breach occurring.

There are no limits to the ways in which you can do this. What constitutes reasonable steps will vary according to each individual's circumstances.

Examples of steps you could take include:

- having a loading diagram for different types of loads to ensure axle weight limits are not exceeded;
- if the vehicle's weight cannot be accurately assessed at the time of loading, under-load for the first trip and verify the weight at some stage of the journey – subsequent loads can be adjusted accordingly;
- fit scales to loading equipment and keep a “running” total of the weight of the load for each trip;
- use a pre-printed form which requires the person in control of packing or loading the goods to verify the accuracy of any records.

Compliance with an Industry Code of Practice will demonstrate that you have taken all reasonable steps. It is expected that individual industries will develop Codes of Practice to suit their needs. These Codes could cover contractual arrangements, equipment, due diligence and quality management systems.

## DRIVER

### What are my responsibilities?

As a truck driver, your responsibilities include ensuring that:

- driving hours regulations (time spent driving and working) are adhered to;
- required rest breaks are taken;
- records of your driving hours are made;
- your vehicle does not exceed mass limits;
- your vehicle and load do not exceed dimension limits;
- your load is appropriately restrained;
- you do not exceed the speed limit; and
- you do not tamper with any equipment required to be fitted to the vehicle.

### What do I need to do?

As a driver, you need to make sure that your conduct does not compromise road safety or involve breaking the law.

You should know your vehicle's mass. Examples of ways you can do this include:

- keeping weighbridge docketts issued to the vehicle you are driving;
- using on-board scales to check your weights; and
- keeping any loading documentation that shows the weight of your load.

You must not exceed the regulated hours for driving and working. Remember that these are maximum hours. You should always rest when tired and have adequate sleep to prevent fatigue.

You should make sure that your vehicle does not exceed legal dimensions.

Your load should be checked to ensure it is properly restrained, even if you are not the person who loaded the vehicle. You should check the adequacy and condition of restraining equipment (chains, ropes, straps etc.).

You should make sure you observe the speed limit at all times.

### **Special defence for drivers**

Under planned new legislation, if someone else is responsible for maintaining the vehicle you drive, or its equipment, you won't be liable for any deficiencies provided that you:

- did not cause or contribute to the deficiency;
- did not know or could not reasonably be expected to have known of the deficiency; and
- could not reasonably be expected to have checked whether there were or were likely to be deficiencies.

## **OPERATOR/MANAGER/SCHEDULER**

### **What are my responsibilities?**

As an operator, manager or scheduler of a business involved in road transport, your responsibilities include ensuring that:

- rosters and schedules do not require drivers to exceed driving hours regulations or speed limits;
- vehicle speed limiters are functioning;
- vehicles do not exceed mass or dimension limits;
- appropriate restraint equipment is provided and loads are appropriately restrained;
- you keep records of your drivers' activities, including driving, work and rest times.

### **What do I need to do?**

As an operator or an employee of an operator, you need to make sure that your conduct does not compromise road safety or involve breaking the law.

You should implement systems to ensure that the mass of each vehicle is assessed and recorded for each trip.

You should have an auditable system for rostering and scheduling your drivers so that they do not exceed the regulated hours of driving and work, or exceed any speed limits, and that they have sufficient opportunity for rest and sleep to avoid fatigue.

You need to have work practices in place so that vehicles and equipment are kept in good condition and all loads are properly restrained.

If speed limiters are fitted to the vehicles, they must be operating properly.

You should keep records of drivers' activities including driving, working and resting, and check that they are complying with the regulations.

Compliance assurance conditions should be included in relevant commercial arrangements with other responsible persons.

Employees should have the necessary information, instruction, training and supervision to enable compliance with relevant laws.

### **Further Information**

**For more information about the chain of responsibility, call VicRoads on 13 11 71.**

# What is “Practicable”?

Some of the general duty provisions in the Act and some specific requirements in the regulations are qualified by the words “so far as is practicable”.

The qualification of duties with the term “practicability” puts some practical and reasonable limits to the duties. The OHS Act explains the word (in Section 4 of the Act) by saying what has to be taken into account when deciding if something is practicable. In general terms, the things to be taken into account are:

- the severity of any injury or harm to health that may occur;
- what is known about the hazard or risk and the ways of reducing, eliminating or reducing the hazard or risk (in the Act this is called the “state of knowledge”);
- the availability, and suitability of ways to eliminate or reduce the hazard or risk; and
- the cost of any risk control methods.

All of these things have to be given equal weight when deciding if something is practicable.

Common practice and knowledge throughout the relevant industry are taken into account when judging whether a safeguard is ‘practicable’. Individual employers could not claim that they did not know what to do about certain hazards if those are known by others within the industry and if safeguards were available.

Industry safety standards and other published information, including Codes of Practice and other guidance material published by WorkSafe Victoria, all contribute to establishing this “state of knowledge”.

While cost is a factor, it must not be given any more importance than other factors in deciding if an action is practicable. This is a commonsense approach. The consequences of not putting a risk control measure in place is balanced against the cost of doing it.

**The main point here is that the OHS Act does not allow a person to avoid putting a risk control measure in place purely on the basis of the cost of the control measure.**

Where a regulation exists and is not qualified by the words ‘as far as is practicable’, the regulation must be complied with as a minimum requirement.

# Occupational Health and Safety Policy Statement

The present focus of State and Federal occupational health and safety legislation requires employers to:

- establish and maintain formal consultation procedures allowing for the regular exchange of information on occupational health and safety issues between management, supervisors, employees and contractors;
- formalise, through documentation, standard risk identification and control mechanisms and safe systems of work practices.

## **A Company OHS policy statement should be in place.**

The OHS policy statement should demonstrate the joint commitment of management and the workforce to translating that commitment into effective action.

The policy statement should indicate, in clear and simple terms, the organisation's health and safety policy objectives.

It should outline the arrangements to achieve those objectives, including the allocation of functions and responsibilities.

Issues that should be covered include:

- senior management **commitment** to the provision and maintenance of working environments that are safe and without risks to health;
- the **integration** of that commitment into all organisational activities;
- a commitment to set down the **functions** and **duties** of all people in the organisation for maintaining health and safety standards and practices;
- **accountability** of all levels of management for implementing health and safety practices and procedures;
- the importance of **consultation** and **co-operation** between management and employees for effective translation of policy objectives into action;
- **training** in, and **communication** of, health and safety practices and procedures;
- commitment to regular **monitoring** and **review** of the policy and its effectiveness.

**The policy must be kept up to date in line with developments across the organisation.**

Accordingly, arrangements must be in place to monitor and review the effectiveness of the policy statement. Indeed, it should be reviewed every year to make sure it remains current and relevant.

All employees must be aware of the significance of the OHS policy statement, together with the strategies and plans for conversion of the policy into action.

The policy statement for any organisation should be a brief but concise declaration of intent.

It also should define lines of responsibility and the processes of accountability for both management and employees alike.

The statement should be ratified and supported by management and employee representatives.

Upon agreement, the document should be widely distributed, explained to all existing and new personnel and be posted on all notice boards within the workplace.

# Management Commitment

In demonstrating a company's OHS commitment towards all levels of staff and contractors, actions such as the following are necessary:

## **Demonstration of Commitment**

Clearly defined company policies must be developed, appropriately distributed and clearly displayed.

## **Identification of Roles and Responsibilities**

Responsibilities of line managers and site supervisors should be clearly identified for those employees and contractors working under their direction.

## **Continuous Improvement**

Clear responsibilities and procedures should be established to ensure continuous improvements in providing employees and contractors with healthy and safe workplaces.

These duties and responsibilities, placed on any employer, also apply to a principal contractor.

# Producing an Effective Risk Control Plan

Regulations under the OHS Act describe processes for managing risk. Employers and prime contractors have to make themselves familiar with those processes.

What follows here is a general description of the processes and some suggestions on how to produce an effective risk control plan. There is a sample layout for a risk control plan on pages 16-18 of this booklet.

Typically, the risk management process in the OHS legislation includes three basic steps:

- identifying the hazards;
- assessing the risk arising from those hazards; and
- putting specific risk control measures in place.

**Despite the value of good processes, it is essential to put risk control measures in place as soon as possible. It is not acceptable to postpone obvious and commonsense risk control measures because the other processes have not been completed.**

- **Implement risk controls as soon as possible. While you are waiting for longer-term solutions, put interim controls in place.**
- **Implement any 'quick win' controls identified while you assess risks.**

## Identifying Hazards

Hazards are the things which have the potential to cause harm or injury. Road traffic, road conditions and driver fatigue are examples of typical transport hazards.

It's essential to be thorough in identifying hazards and to involve both management and the workforce in carrying out hazard identification.

Thorough hazard identification ensures that OHS systems are dealing with all the safety problems they need to deal with.

The key issue is that hazard identification is about whether there is potential for harm, not whether it is likely. Risk assessment processes look at likelihood.

## Risk Assessment

Risk assessment is where decisions are made about the likelihood that a hazard will generate risk to safety and what the consequences of that risk might be.

This, in turn, serves to inform decisions on what risk control measures are needed and how to make existing risk controls more effective.

Risk assessment requires good judgement and awareness of the potential risks of a work process.

A person undertaking a risk assessment must have knowledge and experience of the work process.

The task may be complicated by incomplete data or incomplete information regarding hazards of a work process.

Effective communication between management and the workforce makes for effective risk assessment.

In some cases, it may be necessary to break down the activity or process into a series of parts and assess each part separately.

Risk assessment should include:

- assessing the adequacy of training or knowledge required to work safely;
- looking at the way the jobs are performed;
- looking at the way work is organised;
- determining the size and layout of the workplace;
- assessing the number and movement of all people at the workplace;
- determining the type of operation to be performed;
- determining the type of machinery and plant to be used;
- examining procedures for an emergency (e.g. accident, fire and rescue); and
- looking at the storage and handling of all materials and substances.

This step should provide information on where and which employees are likely to be at risk of incurring injury or disease, how often this is likely to occur, and the potential severity of that injury or disease risk.

## How Do You Control Risks?

1. Eliminate the risk from the workplace.

The most effective method for controlling risks is to eliminate the risk altogether. Health and safety law requires you to try to eliminate risks. The best way to eliminate risks is to make sure that you don't purchase hazardous materials, plant or equipment and to redesign your workplace and work systems to eliminate risks.

2. If you cannot eliminate risks, then you must reduce them as far as practicable. Practicable is a legal term that takes into account:

- how severe the risk is;
- what is known about the risk;
- what control measures are available; and
- how much they cost.

The best way is to control a risk at its source by:

- substituting something with a lower risk (e.g. making the load lighter and less awkward for a hazardous manual handling task);
- isolating the source of the risk (e.g. enclosing a noisy generator within a soundproof booth); or
- using an engineering control (e.g. filling operations on a tanker being done from the ground rather than on top of the tanker or using a mechanical device to handle a heavy or awkward object).

3. If it is not possible to control a risk at its source, use methods that act on people by:
  - changing work practices (e.g. introducing job rotation to vary repetitive work);
  - providing training (e.g. training people in particular lifting techniques); or
  - providing protective gear (e.g. respirators).

These methods are not as effective as risk controls which act on the source of the risk. They should only be used in the short term when it is not practicable to control the risk at its source.

This series of three steps is called the **hierarchy of control**. You should choose control measures from the top of the list wherever practicable, and only use methods that act on people as a last resort.

Health and safety representatives should be involved in deciding on risk control measures. Their knowledge of the workplace will help develop effective control measures and make sure that the control measures will work in practice.

## Advice About Risk Controls

As well as your workforce and health and safety representatives, information about and suggestions for different ways to control risks are available from:

- Codes of Practice and other WorkSafe Victoria publications;
- the WorkSafe Victoria website ([www.workcover.vic.gov.au](http://www.workcover.vic.gov.au));
- Safety by design – Eliminating manual handling injuries in road transport (available from WorkSafe Victoria);
- the share solutions data base ([www.nohsc.gov.au](http://www.nohsc.gov.au));
- consultants and other specialist advisers; and
- unions and industry associations.

## Testing Risk Controls

For some risk controls, you might need to test the control measures before they are permanently put into place. For example, if you decide to redesign a work process, this should be tested before the final arrangements are made.

By testing, you will be able to find out if there are any unexpected problems with the new way of doing things.

Testing will help to check that the solution doesn't cause any other problems. It will also give the workforce a chance to trial the new work process without the normal day-to-day work pressures.

## Training

Many of the new risk control measures will involve training. Training is not a suitable control measure on its own, but training is essential to good risk control.

Training gives the workforce the skills and knowledge they need to work with controls and so that they know about the hazards and risks in the workplace.

Make sure that everyone in the enterprise knows about the risk control plan and has the skills and knowledge they need to play their part.

## Planning Actions

When you have looked at risk control, you will probably find that you have different actions to take. Some of them will be immediate actions, while others will take longer to put into place. Your risk control plan will need to include what you will do:

- immediately;
- in the short term (within a couple of weeks);
- in the medium term (within a couple of months); and
- in the long term (over the next year or so).

To prioritise your actions, think about:

- how severe the risk is;
- how immediate the risk is;
- who it affects;
- how easily it could be controlled; and
- what other benefits there would be from controlling the risk.

This plan and the priorities should be agreed with your health and safety representatives or by your OHS committee, if you have one. Record your plan using **the format set out on pages 16-18 of this publication** or design your own format if you prefer.

Different people might carry out the different jobs in the plan. However, it is the employer who is responsible for making sure everything happens when it should.

# A Sample Layout for a Risk Control Plan

## Risk Control Plan Form

Area covered by the plan . . . . .

Date Prepared . . . . .

Prepared by . . . . . (employer) . . . . .

Who was consulted in preparing this plan? (work groups, individuals, etc.) . . . . .

## Workplan

Action	Timeline
Put effective consultation arrangements in place: <ul style="list-style-type: none"> <li>• Health and safety representatives elected and trained</li> <li>• OHS committee established</li> </ul>	
Identify who is responsible for different jobs in developing the RCP, particularly overall management and co-ordination	
Set up working arrangements, namely: <ul style="list-style-type: none"> <li>• How the plan will be prepared (e.g. by work area or by hazard)</li> <li>• Identify priority hazards and priority work areas</li> <li>• Provide training and other resources</li> <li>• Communication</li> </ul>	
Decide a plan of action for risk control that includes timetables for: <ul style="list-style-type: none"> <li>• Identifying specific hazards</li> <li>• assessing risks</li> <li>• introducing risk controls as soon as possible</li> <li>• reviewing progress with the RCP</li> </ul>	

Signed by . . . . . (senior responsible manager)

. . . . . (health and safety representative)

# (RCP)

..... (Health and Safety Representative)  
.....

	Responsibility	Status

## Risk Control Actions

Hazards identified (list where and what they are exactly)		Risk controls already in place	Is there a risk?		Immediate actions taken to control the risk
No.	What and where is it?		Yes	No	

	What other control measures are needed? (Use the hierarchy of control to decide on control measures)	When is the action to be done by?	Who is responsible for making sure it is done?

## Action Table

Hazard Number	What has to be done to control the risks? (from risk control actions)	Who will do it?	How will they do it?
<b>Short term</b>			
Reviewed by:			
<b>Medium term</b>			
Reviewed by:			
<b>Long term</b>			
Reviewed by:			

	Resources needed to do it	Who is responsible for making sure it is done?	By when? Review date
Progress review date (within two weeks):			
Progress review date (within three months):			
Progress review date (within twelve months):			

# Safe Work Practices

Safe work practices and procedures should be developed from a knowledge and assessment of the work system as a whole. Audits and assessments of existing work practices and procedures should be conducted. Formal risk evaluations and assessments should be documented.

**Safe work practices should, where appropriate, address each of the following areas:**

- the design of the transport vehicles with regard to OHS considerations such as entry and exit for drivers, ergonomic layout, ride and noise level;
- the safe operation of the plant and machinery and powered mobile plant;
- working at height;
- the safe handling of raw materials, intermediates, finished waste and by-products, etc, including consideration of the weight bearing tasks, the size and shape of loads etc;
- appropriate reporting lines and contacts with regard to accident and hazard reporting, contingency planning, lock-out procedures, etc;
- ensuring that there is an adequate supply, use and maintenance of any and all personal protective equipment;
- ensuring that hazards or unsafe work practices at workplaces not under the control and management of the employer (or prime contractor) are reported to the employer's (or prime contractor) representative;
- ensuring there are effective emergency procedures in place;
- appropriate and documented vehicle and plant maintenance systems;
- the safe interface of forklifts into transport yards, warehouses or other shared areas.

**You will help make your workplace safer if you:**

- take reasonable care for your own health and safety when at work;
- tell your supervisor about potential hazards or personal physical problems in the workplace;
- follow any safety guidelines/systems of work as per training and instructions;
- take reasonable care not to affect the health and safety of others by your acts or omissions;
- work with your employer in any action taken to make your workplace safer;
- make sure you have a **certificate of competency** if you operate or drive industrial equipment that requires certification;
- report any injury immediately to a supervisor/person responsible for WorkCover.

**All levels of staff should be involved in the development of safe work practices to assist in gaining a total commitment from all employees to the implementation of such procedures.**

# Safety Inspections

Two key aspects of the prevention of incidents and injuries can be informed by your experience, the experience of others and knowledge within the industry.

## **Self Auditing/Periodical Inspections**

Establishing standards against which the management and staff hold themselves accountable is a good tool.

Identification of the hazards and improvements that have arisen out of previous incidents and injuries is one guide to inspections.

Using collective industry knowledge and site risks particular to the business is another.

## **Preventive Maintenance Programs**

To better prevent health and safety risks maintenance should be scheduled and conducted to be ahead of failures.

Waiting for a failure is costly and dangerous. Uncontrolled they can occur at the worst time for a business.

Recommended maintenance programs should be adhered to – if they are not available they can be calculated and carried out at the most convenient time.

# Incident Reporting and Investigation

An incident can involve an injury or a dangerous occurrence (commonly known as a “near miss”). The specific definition for these terms can be found in the *Occupational Health and Safety (Incident Notification) Regulations 1997*.

All incidents should be investigated to identify causes and determine corrective actions.

**Details of these incidents should be documented and recorded whether they involve personal injury or not.**

Analysis of such data shows that, as would be expected, many more incidents occur that cause no injury or serious damage than those that do.

**Suitable preventative or remedial actions taken at this stage will greatly reduce the likelihood of repeat incidents, and perhaps more serious injury incidents, occurring.**

The management nominated contact and the elected health and safety representative should be involved in an investigation involving property damage injuries and dangerous occurrences.

All statutory requirements to advise the Victorian WorkCover Authority of injuries to personnel and dangerous occurrences must be complied with. Strict time limits for reports and records apply.

Formal follow-up of investigations should take place by written notification to all affected parties with details of recommended follow-up control measures.

**It is a key management responsibility to ensure that hazards causing, or potentially causing, employee injuries be promptly reported to supervisory personnel and that remedial action is promptly taken to address the concerns.**

“Near misses” are really “near hits”. They are events that could have led to any injury.

Near misses are a great indicator of a problem without somebody getting injured.

Make sure they are reported and learnt from.

The formats described in Australian Standard AS 1885: “Workplace Injury and Disease Recording” can be used to record details of workplace injuries and illnesses.

# Health and Safety Representatives and OHS Committees

The Victorian OHS Act provides for health and safety representatives and health and safety committees.

Health and safety representatives have specific functions under the OHS Act and can play a vital role in keeping workplaces safe.

**Health and safety representatives should be considered a critical element in an effective OHS system.**

Employers should actively encourage the election of health and safety representatives. Courses are available to train representatives in their role under the Act.

Representatives and committee members have a prominent role in conducting audits and follow-up inspections

Occupational health and safety committees are also an excellent means of encouraging consultation and co-operation throughout the organisation.

A committee can develop a sense of ownership of OHS amongst personnel and lead to many significant advantages in terms of safer and healthier workplaces, a reduction in incident related costs, improved quality and better morale.

**The benefits of a health and safety committee in establishing policies and developing systems and procedures should not be underestimated.**

Members of an organisation's health and safety committee should be drawn from all parts and levels of the organisation.

It is important that the health and safety committee members are given formal training to assist them to work as an effective and efficient team.

# Training and Induction

The general duties provisions in Section 21 of the *Occupational Health and Safety Act 1985* provides in s.21(2)(e) that sufficient information, instruction, training and supervision must be provided to **employees**, as far as is **practicable** to allow them to perform their work in a manner that is safe and without risk to health.

To help achieve compliance with this provision, a formal structured induction and ongoing training program should be in place for all employees and contractors to assist in understanding the hazards which they may face in their tasks. Where relevant, training and information should include such areas as:

- identification/assessment/control of hazards (plant, noise, manual handling, heat or cold, confined spaces, etc.);
- safe work practices;
- traffic management;
- defensive driving;
- safe forklift operations;
- fatigue management systems;
- introduction to new equipment and procedures;
- the presence of storage, transport and handling of dangerous or hazardous goods;
- manual handling;
- emergency evacuation procedures;
- accident investigation, reporting and recording;
- health and safety committee.

**Training should occur at all levels of the organisation, including senior management.** All training should be recorded and regularly reviewed. Due to the complex nature of the industry it is recommended that appropriate levels of training are provided for key operations personnel. It may be useful for the organisation to undertake a “training needs analysis” to identify OHS (and other) training deficiencies and implement formal training programs in response.

Organisations should be aware of changes in work practices brought about by new procedures or equipment that require new training endeavours.

The introduction of new technology equipment to the workplace will often require a total review of some or all aspects of a company’s work practices.

**It is important that appropriate representatives of each level of management and the workforce are involved in the planning for and introduction of new technology equipment.** The appropriate training of all staff involved must be conducted and documented.

Induction should include checking certificates of competency. Structured training should lead to awarding certificates of competency.

# Health Priorities

## Drug and Alcohol Policy

For good safety reasons, the community is increasingly opposed to the use of drugs and alcohol on the road and in the workplace, particularly when the workplace is the road they share.

Responsible personal and business management of these issues requires rules about what is expected of everyone concerned.

Transparency is the key to a successful testing policy and the ramifications of being found impaired. The transparency comes from consultation on an agreed policy and includes the type of testing, any acceptable level of impairment, the range of actions available on detection of impairment and counselling.

Please note: provisions to stand people down when they are a risk to others and themselves requires consideration of industrial requirements.

## Infectious Diseases and Confidentiality

Nobody should be disadvantaged, discriminated against nor have personal confidentiality breached arising out of their contracting a disease.

Unfair treatment or disclosure of information detrimental to a personal position is illegal.

## Stress Management

Work-related stress is an increasing issue of health and welfare.

The transport industry is prominent among industries susceptible to stress and its effects. The nature of transport work transactions, times and costs etc, and the demands that are placed on people as a result induce constant work pressures.

Appropriate management skills can moderate work peaks and troughs and support all people in the industry.

Bullying and harassment are also sources of stress. All events of this nature should be reported to employers or authorities and management practices must be adopted to prevent them.

Lifeline services are available to workers and families – phone 13 11 14 or 1300 651 251

## Resources:

[www.workcover.vic.gov.au/vwa/home.nsf/pages/b&v\\_intro](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/b&v_intro)

## Workplace Bullying and Harassment

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

Within this definition:

“**Unreasonable behaviour**” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

“**Behaviour**” includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

“**Risk to health and safety**” includes risk to the mental or physical health of the employee.

The following types of behaviour, **where repeated or occurring as part of a pattern of behaviour**, could be considered bullying:

- verbal abuse;
- excluding or isolating employees;
- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible assignments;
- deliberately changing work rosters to inconvenience particular employees;
- deliberately withholding information that is vital for effective work performance.

This list is not exhaustive. Other types of behaviour may also constitute bullying.

## First Aid

In determining what are appropriate first aid facilities and suitably trained people, employers may consider the following systematic approach:

- identify causes of work injury and work-related illness;
- assess the risk of work injuries and work-related illness occurring;
- determine the appropriate first aid facilities and training; and
- evaluate the first aid facilities and training.

Where there are separate work areas, it may be appropriate to locate first aid facilities centrally and provide portable first aid kits in each work area. Where employees work away from their employer’s premises, an employer will need to consider other factors including:

- whether employees work alone or in groups;
- employees’ access to telephone and emergency radio communications; and
- the nature of the work being performed.

In these situations, an employer should consider providing small and more portable first aid kits to employees. Employees should be informed about the contents of these kits, their location and access arrangements.

Where work occurs in more than one shift, first aid facilities should be available whenever there are people at work.

The number of people working overtime is often less than a regular shift, but additional hours of work heightens fatigue. This may increase the risk of accidents and injuries.

An employer should ensure when overtime or shift work is being performed that appropriate first aid facilities and services are available for the number of people working each shift.

**Resources:**

[www.workcover.vic.gov.au/vwa/home.nsf/pages/codes](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/codes)

## **Noise**

Exposure to excessive levels of noise in the workplace can damage your hearing, leaving you with lifelong disabilities such as permanent hearing loss and tinnitus. Steps must be taken in workplaces to reduce employee exposure to noise to below the noise exposure standards.

Check the website resource immediately below for more information on tools and methods to identify risk of hearing loss, how to write a noise control plan, and a demonstration of possible engineering solutions.

**Resources:**

[www.workcover.vic.gov.au/vwa/home.nsf/pages/so\\_noise](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/so_noise)

### **Facilities**

Employers should ensure that hearing protectors are regularly inspected and maintained. Employees should also inspect hearing protectors regularly to detect damage or deterioration.

Adequate provision should be made for clean storage of protectors when not in use. Facilities should be readily available for the cleaning of reusable protectors. Hearing protection devices should be cleaned and disinfected according to the manufacturer's instruction.

**Resources:**

[www.workcover.vic.gov.au/vwa/home.nsf/pages/codes\\_downloads](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/codes_downloads)

# Safety Priorities

## Traffic Management

Normal “rules of the road” should apply to all site traffic movements, including, in most instances, a set speed limit. This creates a common understanding and is highly beneficial in visitors to the site understanding the protocol.

- Develop, in consultation with employees, a management plan for all traffic movement in the workplace – use employee knowledge of problem areas and “near miss” incidents to comprehensively manage risks.
- Ensure roadways are clearly defined and constructed to allow safe vehicle movements.
- Ensure that vulnerable equipment and pits or other hazards that are close to roadways are protected by barriers.
- Provide a site plan sign indicating roadways and traffic flow arrangements. Install signs and apply speed limits to control vehicle movements.
- Provide separate, clearly marked pedestrian walkways, protected by distance and/or physical barriers from vehicular traffic.
- Where pedestrian traffic and vehicular traffic cross, provide crossing controls e.g. stop signs, pedestrian crossing markings and lights. Ensure that “right of way” systems are consistent and understood by pedestrians and drivers.
- Place guard-rails where buildings or walkways open directly onto a vehicular roadway to ensure that pedestrians must first turn parallel to the roadway and can be seen by drivers.
- Where practicable avoid the need for vehicles to reverse – ensure that warning devices and trained “spotters” are used where vehicles must reverse or manoeuvre in a confined area or in the vicinity of pedestrians.
- Ensure that all drivers, particularly those unfamiliar with the workplace, are instructed in and understand the traffic rules at the workplace.
- Ensure that ground surfaces at dumping areas for bulk products in tip trucks are firm, stable and level.
- Ensure that high visibility clothing is worn by persons working in the vicinity of roadways.

## Forklift Operations

- 50 forklift related fatalities and over 5000 injuries occurred in Victoria's workplaces between 1985 and 2003. Critical risks include pedestrians near forklift operations.
- 28 pedestrian deaths have been caused by crushing from forklifts or dislodged loads.
- 15 operators have been crushed in overturning forks or the equipment moving unexpectedly.
- 6 people have fallen from raised tines.
- Many solutions are available to separate pedestrians from forklifts in a variety of circumstances.
- Recommended forklift braking and lifting capacities rarely have sufficient safety margins to account for task, site and human variables.

### **Resources:**

WorkCover Safety Basics at:

[www.workcover.vic.gov.au/vwa/home.nsf/pages/so\\_forklifts](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/so_forklifts)

[www.workcover.vic.gov.au/vwa/home.nsf/pages/codes\\_downloads](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/codes_downloads)

## Manual Handling

Manual handling covers a wide range of activities including lifting, pushing, pulling, holding, throwing and carrying. It includes repetitive tasks such as packing, typing, assembling, cleaning and sorting, using hand tools and operating machinery and equipment. Because most jobs involve some type of manual handling, most workers are at risk of manual handling injury. Of course, not all manual handling tasks are hazardous. But it is significant that around 25% of all workplace injuries are caused by manual handling.

### **What kind of injuries can result from manual handling?**

Unsafe manual handling may cause a range of injuries and conditions including:

- muscle sprains and strains;
- injuries to muscles, ligaments, intervertebral discs and other structures in the back;
- injuries to soft tissues such as nerves, ligaments and tendons in the wrist, arms, shoulders, neck or legs;
- abdominal hernias;
- chronic pain.

Some of these conditions are known as repetitive strain injury (RSI), occupational overuse syndrome (OOS), cumulative trauma disorder (CTD) and work-related musculoskeletal disorder (WRMSD).

In the manual handling regulations, all of these conditions are referred to as musculoskeletal disorders (MSD). The regulations define MSD as an injury, illness or disease that arises in whole or in part from manual handling in the workplace, whether occurring suddenly or over a prolonged period of time.

## Falls from Height

Falls while loading or unloading a truck or fitting tarpaulins is one of the most common injuries for truck drivers; fatalities have resulted from these types of falls. Fall injuries while getting in out of vehicles are also very common.

Making sure that vehicles incorporate safe access and loading systems in their design is the best way to control risk of falls.

There are some excellent engineering solutions to the problems associated with fitting tarps and the like on trucks. These systems typically incorporate the fundamental risk control principle of eliminating the risk by allowing tarps to be fitted without having a person climbing on top of loads.

**Any fall can result in an injury and falls from over two metres generate forces that can easily result in serious injury or death.**

If people are required to work in areas where there is a risk of falling, employers must provide a safe method for people to get to and from, and move around that work area.

### **Resources:**

[www.workcover.vic.gov.au/vwa/home.nsf/pages/so\\_safetybasics\\_falls](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/so_safetybasics_falls)

## Protective Equipment and Safety Clothing

As a minimum, the following protective clothing and equipment is to be utilised by the work crew:

- safety footwear with non-conductive soles;
- high visibility vest and/or shirt;
- Safety Helmets;
- other appropriate safety apparel as required;
- protective eyewear (to assist visibility);
- earth chains (vehicle mounted cranes, EWPs, concrete placing booms etc.);
- rubber mats (vehicle mounted cranes, concrete placing booms etc.);
- shielded operator stations.

### **Resources:**

[www.workcover.vic.gov.au/vwa/home.nsf/pages/so\\_construction\\_attach2/\\$File/Volume2.pdf](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/so_construction_attach2/$File/Volume2.pdf)

[www.workcover.vic.gov.au/vwa/home.nsf/pages/so\\_construction\\_attach2/\\$File/Checklist\\_Prior.pdf](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/so_construction_attach2/$File/Checklist_Prior.pdf)

[www.workcover.vic.gov.au/vwa/home.nsf/pages/so\\_construction\\_attach2/\\$File/Checklist\\_OverheadAssessment.pdf](http://www.workcover.vic.gov.au/vwa/home.nsf/pages/so_construction_attach2/$File/Checklist_OverheadAssessment.pdf)

## Working Near Overhead Wires

During the past two years, three electricity-related deaths and countless accidents could have been prevented had more care been taken around power lines on work sites.

When operating any plant or equipment near overhead or underground services, care must be taken with its operation to ensure clearances are maintained. The current legislation (i.e. *Network Asset Regulations, Gas Safety Act, Pipe Lines Act* etc.), including relevant codes, guidelines and rules, should be consulted governing the worksite, operation of cranes, plant and equipment including excavation equipment, reach mowers etc, near power lines.

Particular care must also be taken when operating plant near power poles, cables and pipelines so as not to impact the assets or affect the stability of the environment around the assets. If this does occur, notify the asset owner.

### **Vehicles and plant items may not encroach within the ‘no-go zone’ except as follows:**

- Under the specific provisions of this guidance material.
- With a minimum length of one metre of earthing chain in contact with the ground at all times. The chain shall be a minimum 10mm link diameter (16mm in the case of voltages greater than 66kV) and be attached to the chassis with suitable bolts.
- Vehicles and plant items for which the height of the working envelope does not exceed the height of the transit envelope.
- Vehicles and plant items for which the height of the working envelope cannot intrude into the distance from an overhead asset as detailed.
- That in the specific case of a vehicle or plant item for which the height of its working envelope is no greater than the height of its transit envelope, approach to within 300mm of a covered aerial service line without a safety observer is permitted. Typical examples of such vehicles or plant items include bitumen sprayer, asphalt paver, tandem roller, pneumatic roller and slurry vehicle.
- That for work where the nominal voltage exceeds 66kV, contact is to be made with SPI PowerNet regarding the provisions applicable for the specific worksite.
- You should eliminate any substance or condition that can be introduced from a plant or by services that are connected to the space. If elimination is not practicable, you should reduce the risks as far as is practicable.

# Rehabilitation Policy

The company should have a rehabilitation policy in place to define its return-to-work practices.

The aim is to facilitate the return of injured workers to work as soon as it is practical.

Alternative duties should be identified in advance at each work site and these duties should be forwarded to the treating doctor for clearance.

**This is a vital area for an employer and reference should be made to the employer's WorkCover authorised agent for more detailed advice about rehabilitation obligations.** Agents will typically have a claims manager and that should be the person you seek out for advice.

# Dangerous Goods

Dangerous goods are a risk to people, property and the environment from an accident or incident, such as fire, explosion, poisoning and corrosion. If you transport dangerous goods on Victorian roads you must comply with relevant state and federal legislation and also need to be aware of appropriate transport routes. Dangerous goods must not be transported along prohibited routes.

# Load Restraint

- Load restraint is the amount of force necessary to prevent the movement of load or equipment.
- It can be a combination of indirect and direct restraint.
- Load restraint simply means a device that secures or restrains a load to comply with the performance standards.

## Establishing Compliance

- To be satisfied that a load does not meet the performance standards, officers need to be able to calculate the weight of the load carried to determine if the load is secure.
- Officers need to prove weight of load, compliance with performance standards, whether the load has shifted, height of the load, whether the curtain is deflected etc.
- The burden of proof is upon the prosecution to show that the load was not secure.

## What Does All This Mean?

- There are times when curtains alone are not a load restraint system.
- Operators and drivers need to understand load restraint to determine what is needed to secure a load.
- Appropriate methods have to be used, i.e. you can't use rope to secure 5mm plate steel.
- Both the driver and operator are responsible

# Driver Fatigue

Fatigue is a common problem in all forms of motor transport.

It can be defined as loss of alertness, which eventually ends in sleep.

This loss of alertness is accompanied by poor judgement, slower reactions to events and decreased skill, such as in vehicle control.

It affects the efficiency and productivity of a driver's performance in carrying out the driving task.

**Recent research has found that an estimated 30% of fatal truck crashes are due to fatigue.**

Fatigue can result from long or arduous work, little or poor sleep and the time of day when the work is performed and sleep obtained.

It can be influenced by health and emotional issues, or by these factors in combination.

Importantly, fatigue impairs a driver's judgement of his or her own state of fatigue. This means that effective management of fatigue cannot be the responsibility of the driver alone.

## Reasons for Fatigue While Driving

### Driver's recent work history

- hours worked;
- number of shifts;
- hours of sleep;
- hours of rest.

### Personal factors

- age;
- experience;
- health;
- lifestyle.

### Trip characteristics

- trip length;
- number/timing of breaks
- time of day;
- driving conditions;

## Dealing with Fatigue;

### Flexible work schedules

- organised as far as possible in advance;
- opportunities for drivers to swap shifts;
- regular rest breaks;
- adequate rest breaks.

Work scheduling should not be the sole responsibility of managers and supervisors. Drivers should also be involved in developing their own rosters. Federal legislation covers issues such as driving hours. All companies must comply with legislation that prescribes provisions for driving hours.

The use of illicit drugs to combat fatigue is illegal and contributes to accidents. An employer who in any way encourages a driver to use illicit drugs to combat fatigue is breaking the law.

## Driving Hours

It must be remembered that the regulated driving hours are not the only safety factor for which you need to have regard.

All driving, long distance and local, regardless of the road authorities' requirements to maintain a logbook, are a health matter that must be monitored by employers and others in the chain of responsibility.

Fatigue is directly related to high injury and fatality rates.

Prior planning and scheduling of work must consider the fatigue-related demands in its performance.

It is expected that every employer's planning and scheduling demonstrates this at all times, as must the execution of the schedule by drivers and those in the transport chain.

# Hazardous Substances

Hazardous substances are those which may have an adverse effect on the health of people in both the short and long term.

Dangerous goods classification identifies substances that have a short term poisoning effect, but long-term effects are not considered.

Hazardous substances are chemicals or other substances that are hazardous to health.

Hazardous substances are classified only on the basis of their health effects.

Examples include (depending on the concentration and ingredients):

- acids;
- caustic substances;
- pesticides;
- insecticides;
- cleaning agents;
- disinfectants;
- solvents, thinners, paints, dyes and glues;
- peroxides;
- leather preservatives.

Documented procedures must be in place and appropriate training and information provided to allow employees to work with dangerous goods and hazardous substances that may be used or stored onsite.

If quantities exceed those laid down in the *Dangerous Goods (Storage and Handling) Regulations*, the company must have a written manifest of all dangerous goods on the site.

There are some exceptions to this rule for dangerous goods moving through a depot (called 'in transit' in the regulations). You should check the details in the regulations if you manage a transport depot. The manifest must be accurate and kept up to date.

Material Safety Data Sheets (MSDSs) must be kept up to date for all dangerous goods and ongoing HAWHEM self-assessment and risk control processes should be implemented.

# Personal Protective Equipment

The use of personal protective equipment (PPE) should always be seen as a last resort, to be employed only when all other methods have been tried and found not to work. **In a properly controlled working environment, a worker should not need any PPE at all.**

Protective clothing and equipment differs from all other hazard-control techniques in that it **must be consciously employed by the worker**. PPE is not part of a machine or process, but an extension of a worker's own bodily protection.

PPE includes such items of clothing as:

- overalls;
- helmets;
- gloves;
- boots; and
- aprons

and such items of equipment as:

- earplugs and earmuffs;
- respirators;
- goggles;
- safety glasses; and
- welder's masks and shield.

In fact, for every part of the worker's body that may be exposed to hazards, there is an item of PPE available on the market.

# Fire Prevention/Emergency Evacuation Procedures

A program of regular inspections should be implemented to ensure control of fire hazards. All fire control equipment must be checked on a regular basis (an outside contracting firm, if appropriate, could do this).

**A program to respond to emergency situations, on and off site, should be developed and implemented in all areas of a company's operations.** Thorough planning for dealing with emergencies reduces the potential for major incidents such as fatal, serious and dangerous occurrences, fire threats and the need for evacuation.

Emergency programs need to consider aspects such as the following:

- Emergency response plans and procedures appropriate for the types of emergency situations likely to be faced by the company, should be developed and implemented.
- Site plans should be prepared that include contact numbers, a system for emergency lighting, designation of safe exit routes, and information for emergency services on hazards present.
- Specific formalised training should be conducted on emergency systems and evacuation procedures for all employees. Emergency drills should be conducted at least annually and take into account all likely emergency situations.

- A detailed inspection program should be implemented, covering potential hazards, warning systems and evacuation procedures and the location of designated meeting areas for head counts, etc.
- Plans should consider liaison with external authorities (including police, fire brigade and other emergency services, organisations, hospitals, councils, public utilities, etc.). Training exercises should include liaison with these outside services and organisations where appropriate.
- Suitable personnel should be appointed and trained as fire wardens and area wardens.
- Site emergency plans and procedures should be a standard part of any induction process for new employees.
- Procedures should also be developed for off-site accidents including rollovers.

## **Australian Standard:**

Emergency control organisation and procedures for buildings, structure and workplace – AS 3745.

# Contractor Control

Under existing Commonwealth and State occupational health and safety legislation, the general OHS duties applying to an employer or principal contractor extend to cover sub-contractors and their employees in relation to matters over **which the employer** (or prime contractor) has **control**.

Contractors must be made aware that they are subject to the same safety standards as company employees.

Accordingly, contractors should be instructed and supervised to ensure that they meet such standards.

**It is the company's duty to ensure that all contractors (and their employees) work in accordance with all company OHS requirements and meet regulatory standards such as vehicle maintenance, driving hours, etc.**

In order to exercise practical control over a contractor working on its behalf, the company needs to implement appropriate measures such as:

- ensuring that the contractor is made aware of the company's OHS standards and procedures before commencing work;
- clearly defining responsibilities, roles and lines of communication and reporting between company personnel and the contractor, any sub-contractors and other persons;
- ensuring that personnel designated to liaise with a contractor receive appropriate instructions in managing and controlling contractors (this should include knowledge of relevant legislation, knowledge of standards and codes of practice, understanding the company OHS policies and procedures and a particularly through knowledge of the processes and procedures involving the use of contractors);
- clearly defining operational and other job requirements (for example, scheduling, awareness of the company's internal reporting and recording requirements, company rules, known work hazards, etc.); and
- provision of appropriate information (and, if necessary, instruction and training) on working with specific hazards as they may affect or involve contract workers.

# Conclusion

The transport industry guide to meeting the duty of care recognises that workers face many risks in the transport and ancillary industries. The guide provides a background and broad perspective to transport industry safety issues. The health and safety issues and priorities identified in the guide are those identified by the industry through consultative seminars.

The introduction of chain of responsibility provisions has been a critical turning point in the transport industry safety landscape. Chain of responsibility necessitates that all parties in the transport chain are responsible for unlawful work practices. Chain of responsibility principles are strongly supported by transport workers and the wider transport industry.

While the chain of responsibility applies to all parties in the transport chain, employers must be able to demonstrate that they have in place, as far as practicable, the necessary systems, policies, procedures and safe work practices to manage safety risk.

The effective management risk is a key ingredient to improve occupational health and safety performance. As discussed, this requires a deliberate and ongoing commitment to – and accountability for – the level of health and safety performance within the areas of control of individual managers and workers. In this regard, consultation, communication and feedback are essential.

The guide has explored in some detail the systems required for the effective management of occupational health and safety. Strategies and procedures that relate to levels of safety in the workplace must involve as a minimum:

- involved and committed team management;
- clear accountability of line managers, supervisors, workers and contractors for health and safety;
- effective mechanisms for consultation;
- a health and safety policy and supporting procedures available to all staff; and
- induction and training programs that enable management, workers and contractors to carry out their respective roles and to meet their occupational health and safety duties and responsibilities.

Workplaces should be systematically assessed and investigated to determine the levels of risk to which workers are exposed. There is a legal obligation to consult with health and safety representatives. The input of workers and contractors in devising and implementing risk control measures is essential.

Effective occupational health and safety management occurs when a company, its workforce and industry stakeholders work co-operatively to develop policies, systems and procedures to eliminate or minimise risk. The Transport Industry Safety Group (TISG) has been integral to promoting an industry wide approach to occupational health and safety.

The development of the guide, a culmination of specialist working parties and industry wide seminars, was a major early initiative by the TISG and first developed in 1997 and updated in 2001.

The Transport Industry Safety Group was established to develop and facilitate an industry approach to occupational health and safety following coronial Inquests in relation to fatalities in the transport industry, and comprises representatives from VicRoads, Transport Workers Union (Vic/Tas Branch), Transport Accident Commission, Worksafe Victoria, Victorian Transport Association, Victoria Police, Bus Association of Victoria and Monash University Accident Research Centre.

# Current Legislation

including OHS, Road Safety Act/Regulations and Codes of Practice

## Road Safety Act 1986

### OH&S Act 1985

- OH&S (Manual Handling) Regulations 1999
- OH&S (Noise) Regulations 1992
- OH&S (Certification of Plant Users and Operators) Regulations 1994
- OH&S (Plant) Regulations 1995
- OH&S (Incident Notification) Regulations 1997
- OH&S (Major Hazard Facilities) Regulations 2000

### Commonwealth legislation and Dangerous Goods Act 1985 (Vic)

- Road Transport Reform (Dangerous Goods) Act 1995 – Commonwealth
- Road Transport Reform (Dangerous Goods) Regulations 1997 – Commonwealth
- Dangerous Goods (Storage and Handling) Regulations 2000
- Dangerous Goods (Explosives) Regulations 2000
- Dangerous Goods (Transport by Rail) Regulations 1998

### Codes of Practice

- Manual Handling
- Noise
- Plant
- Safety Use of Cranes in the Building and Construction Industry
- Safety in Forest Operations
- Workplaces
- Confined Spaces
- Hazardous Substances
- Storage and Handling of Dangerous Goods
- First aid in the workplace

### Other Guidance Material

Go to [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au) and click on the “Industries” button then “Transport & Storage” to see a list of guidance material applicable to the transport industry.

# Organisations' Roles and Contact Details

## Transport Workers Union (Victorian/Tasmanian Branch)

The Victorian Branch Occupational Health and Safety Unit provides advice and assistance to Union members and employers in meeting the duty of care.

Services include:

- safety audits;
- OHS training;
- fatigue training;
- chain of responsibility training;
- systems analysis;
- environmental auditing;
- red card training; and
- equal employment opportunity/sexual harassment training and mediation.

### Contact details:

- Secretary – Bill Noonan
- Occupational Health and Safety  
Co-ordinators – Peter Earle [phone (03) 9645 1322] and Michael Nealer
- Training Officer – Daniela Fragale [phone (03) 9645 1322]
- Website address – [www.twu.asn](http://www.twu.asn)
- E-mail address – [info@twu.asn.au](mailto:info@twu.asn.au)

*Registered Training Organisation*

## VicRoads

The Road Corporation (VicRoads), in partnership with other transport agencies, local government and the Victoria Police, manages the road system. Their functions include vehicle regulation, driver licensing and road user information.

**Contact details:** Phone (03) 9854 2666

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## Transport Accident Commission

**Contact details:** GPO Box 2751Y  
Melbourne VIC 3001  
Phone 1300 654 329  
Website –  
[www.tacsafety.com.au](http://www.tacsafety.com.au)

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## Bus Association Victoria

Employer association representing the views and the interests of some 95% of private bus and coach businesses throughout Victoria.

Many services are extended to members of the Association. Included in these are advice and information on OHS matters, as well as practical training delivery in the area.

The BAV has adopted a proactive stance in relation to health and safety and is a significant provider of training to managers, supervisors and employees in the industry.

**Contact Details:** Phone (03) 9645 3300  
Fax (03) 0645 4455

## Victorian Transport Association

The VTA has entered into a joint venture with Transport Management Australia and BWWA to provide management advice and assistance to industry in identifying and complying with due diligence obligations under relevant acts and regulations.

A broad range of services are available including:

- general safety audits and advice;
- chain of responsibility training;
- fatigue and rostering;
- document and procedure development;
- workplace training including dangerous goods; and
- forklift operation and training.

### Contact details:

Brian Hesketh  
Victorian Transport Association  
Wirraway Drive, Fishermans Bend

Phone (03) 9646 8590  
E-mail [brian@vta.com.au](mailto:brian@vta.com.au)

## Victoria Police – Traffic and Operations Support Department

This department administers laws relating to traffic and motor vehicles, and provides operation support in fields such as traffic law enforcement and traffic control. The department is represented on the Transport Industry Safety Group.

**Contact details:** Victoria Police Centre,  
637 Flinders Street  
Phone (03) 9247 6184

**Transport Industry Safety  
Group Representative**  
Phone (03) 9247 5781

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## Monash University Accident Research Centre

### Contact details:

Professor Ian Johnston  
Director  
Monash University Accident  
Research Centre (MUARC)  
Building 70  
Monash University,  
Victoria 3800 Australia  
Phone (03) 9905 4371

Website –  
[www.general.monash.edu.au/muarc](http://www.general.monash.edu.au/muarc)

## WorkSafe Victoria

WorkSafe Victoria is a division of the Victorian WorkCover Authority.

They offer a complete range of health and safety services:

- emergency response;
- advice, information and education;
- inspections;
- licensing and certification;
- publications.

For further assistance and information, contact any of the WorkSafe Victoria offices listed as follows:

### WorkSafe Victoria Offices

- Ballarat – 5338 4444
- Bendigo – 5443 8866
- Dandenong – 8792 9000
- Geelong – 5226 1200
- Melbourne – 9941 0558
- Mildura – 5021 4001
- Mulgrave – 9565 9444
- Preston – 9485 4555
- Shepparton – 5831 8260
- Traralgon – 5174 8900
- Wangaratta – 5721 8588
- Warrnambool – 5562 5600

Level 24

222 Exhibition Street  
Melbourne Vic 3000

Phone 9614 1444

Toll free 1800 136 089

Fax 9641 1353

E-mail [advisory\\_service@workcover.vic.gov.au](mailto:advisory_service@workcover.vic.gov.au)

### Head Office

Victorian WorkCover Authority  
Level 24

222 Exhibition Street  
Melbourne Victoria 3000

GPO Box 4306

Melbourne Victoria 3001

Phone 9641 1555

Toll free 1800 136 080

Fax 9641 1222

### Publications

Phone 9641 1333

Fax 9641 1330

Website [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)

E-mail [info@workcover.vic.gov.au](mailto:info@workcover.vic.gov.au)

## Transport Industry Safety Group Inc.

The purpose of the Transport Industry Safety Group is to:

- promote transport safety to the community, government members and their organisations and all road users;
- conduct training forums, seminars and other educational activities that the committee deems appropriate to transport safety generally;
- raise funds for the purpose of the Association through donations, fundraising and other such means as the committee determines;
- prepare and disseminate information, in the form of leaflets, guidance, notes and video tapes about road safety.

### Officials

- President:  
Bill Noonan  
(Transport Workers Union – Victoria/Tasmania)
- Vice President:  
Philip Lovel  
(Victorian Transport Association)
- Secretary:  
Richard Lambert  
(Bus Association Victoria)
- Treasurer:  
Don Hogben  
(VicRoads)

**Contact details:** contact is via  
the President on  
(03) 9645 1322

**Further advice in understanding the implications of this document and practical assistance in devising and implementing strategies and programs to meet the OHS general duties are available from the Transport Workers Union or Transport Management Australia Pty Ltd (a joint venture with the Victorian Transport Association Inc).**



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VICTORIAN WORKCOVER AUTHORITY



VICTORIA POLICE

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