



Work Health and Safety  
Training Programs  
Building safety risk  
intelligence and outcomes



Know the worth of risk.





# Introduction



Work

Failing to provide adequate work health and safety (WHS) training is one of the major underlying causes for organisation's and their people being prosecuted and systems not being successfully implemented.



Health

Our WHS training programs are designed to:

- Reduce worker's tolerance to WHS risk by introducing the concepts of legal and personal accountability
- Provide credible, authoritative and current information on major hazards and control strategies to protect both workers and your organization
- Promote safety management system and behavioural change as to the two key drivers for sustainable injury prevention



Safety

In this Guide you will find a range of innovative and practical courses that are facilitated by Deloitte's experienced and qualified professionals.

Many of our clients request us to tailor and customise our courses for their needs.

# Quick reference

WHS mock court

**2.5** hours

Managing contractor risk

**1** day

Due diligence for officers

**2** hours

Internal audit with the focus on what must go right

**1** day

Duties of line managers, supervisors and workers

**2** hours

Organisational risk profiling and management

**1** day

Incident investigation & analysis

**1** day

Psycho-social risk management workshop

**1** day

Major incident investigation

**2** days

## WHS mock court

### High impact training through simulated health and safety prosecutions.

Facilitated by former State prosecutors, experts in the law and WHS, this cultural jolt presentation simulates a real life prosecution. Our Mock Courts are a unique and innovative method of experiential training, where the whole audience will become involved and which will push your people out of your risk management comfort zones. As well as challenging people's thinking, the Mock Court demonstrates WHS management responsibility in a fun yet serious and high impact way.

Our Mock Courts are about:

- Making health and safety training real and engaging
- Elevating WHS as a core belief and priority for your organisation
- Motivating personal accountability and reinforcing business responsibility for managing WHS risk

We can design a new case for your Mock Court or you may wish to use one from our library. The Mock Court cases we have in our library are based on real life prosecutions and highlight the typical practical and legal failings experienced by most organisations, including failing to:

- Adequately identify, assess and control WHS risk
- Report hazards or near-hits
- Take personal responsibility for actions
- Adequately consult, communicate or cooperate
- Document practical, simple and credible WHS policies and procedures
- Follow health and safety procedures, site safety rules or training instructions
- Provide adequate supervision
- Provide or maintain safe plant and equipment

At the conclusion of the proceedings we conduct a 'de-brief' where the jury (audience members) provide the verdict on the guilt or innocence of the defendants. We then have the opportunity to discuss any issues raised and how they relate to your workplace and most importantly, what can be done moving forward for continual improvement.

Contact us to receive a tailored proposal for your Mock Court.

Duration  hours

## Due diligence for officers

The absence of incidents at the work site is not an indicator that an employer has discharged its obligations under the (WHS) Act. The fact that an incident occurs more often than not merely brings to the surface the underlying risks to safety inherent in the prevailing system of work.

Presented by former state prosecution lawyers, experts in the law and WHS, these workshops provide a clear, practical insight into the important role of your organisation's 'officers' and senior management team, the legal obligations, prosecution risks and measures necessary to give full and proper effect to the due diligence requirements of your work health and safety management system.

### Course topics

- Deeper insight into your WHS legislative duties and typical failings of organisations and its officers and managers
- The courts and regulators expectations of your organisation and its officers
- Demonstrating the importance of your WHS management system and the role you play in maintaining its relevance, credibility and contributing to its improvement – 'due diligence'
- Implications of the national harmonisation WHS laws
- Key offences in the Act – what are organisations being found guilty of?

- WHS Act and relevant observations for officers, including:
  - Duties will be imposed upon a person who conducts a business or undertaking rather than an employer
  - The broad definition of 'worker'
  - Duties imposed on all workers and other persons at the workplace
- WHS penalties
- Primary Duties
- Determining what does the legislature mean by 'Reasonably Practicable'?
- Process improvements, implementation and positive change
- How officers can demonstrate due diligence
- Other key implications of the WHS Act

Duration  hours

## Duties of line managers, supervisors and workers

Your organisation is only as strong as its weakest link. If your weakest link is a line-manager, supervisor or the workers, your organisation is at real risk of non-compliance and the consequences that may inevitably follow. The leverage a line-manager or supervisor offers, can work for or against you. Make it a strength for your organisation, not a weakness.

Our presentation has been designed to not only make your people aware of their personal legal duties, but also to emphasise in a practical and impactful way what the major constraints are at both a system and behavioural level that may be limiting your capability to operate at peak performance.

Each course is delivered by one of our former state prosecution lawyers who have over 12 years consulting at a strategic level to many of Australia's largest organisations.

### Course topics

- The duties and key offence creating provisions in the health and safety laws
- The rationale for the harmonisation of work health and safety
- Legal and practical accountabilities of:
  - An organisation
  - Officers
  - Persons concerned in the management or control of a workplace
  - Workers
- Enforcement policy, punitive sanctions and prosecutorial discretion
- Meaning of what is 'Reasonable Practicability'
- Key responsibilities under your work health and safety management system
- Process, environment and personal compliance factors
- How to improve the management of workers to confirm higher levels of health and safety compliance
- Performance managing the disconnect between documented procedures and worker behaviours and attitudes

Duration  hours

## Incident investigation & analysis

Learning from workplace incidents, whether or not they result in injury, is critical to managing WHS risk. Most investigations, however, are poorly executed and fail to identify underlying root causes resulting in opportunities for improvement being lost and time and money invested in the process largely wasted. More significantly, an opportunity remains for the incident to be repeated with more dire consequences.

This course provides knowledge, skills and methods for persons with little or no investigation training to actively participate in the process of investigation and analysis. It also provides the practical knowledge on how to manage the relationship with the Regulator.

Delivered by former state prosecutors and police investigators, with 10+ years experience investigating workplace incidents on behalf of business, this training course arms participants with the necessary practical skills to undertake an incident investigation whilst engaging them with real life case studies.

### Course topics

The course includes the following:

- Causes of incidents (from immediate to underlying root causes)
- Dispelling the myth 'workers are solely to blame'
- Objectives of an incident investigation
- How to conduct an incident investigation:
  - Planning the investigation
  - Gathering evidence:
    - Scene preservation & circumstantial evidence
    - Photographs, sketch plans and notes
    - Interviewing witnesses
    - Documentary evidence
  - Analysing evidence – immediate and underlying root causes
  - Reporting findings & recommendations
- Legal professional privilege and how it applies to investigations
- Managing the Regulator

Duration  day

## Major incident investigation

This course has been designed to up-skill personnel with basic incident investigation knowledge to confidently and effectively lead or participate in the investigation of serious incidents.

This course is facilitated by former state prosecutors and police investigators, with 10+ years experience investigating workplace incidents on behalf of business, to confirm investigations are robust and disciplined through proper planning and management, pursuit of correct lines of inquiry, proper evidence collection and deep root cause analysis.

The objectives of this course are to provide participants with the basic skills necessary to complete an investigation capable of:

- Identifying underlying root causes and corrective action to prevent a recurrence
- Gathering evidence to:
  - Successfully defend a prosecution
  - Persuade the Regulator a prosecution should not be brought and mitigate culpability in the event of a plea of guilty
- Protecting officers by linking evidence to due diligence requirements

### Course topics

The course includes the following:

- Overview of the WHS legislation
- Meaning of 'reasonably practicable'
- Preparation & planning an investigation
- Gathering Evidence:
  - Scene preservation & circumstantial evidence
  - Photographs, sketch plans and notes
  - Interviewing witnesses, statement taking and records of interview
  - Documentary evidence
- Analysing evidence – immediate and underlying root causes
- Reporting findings & recommendations and drafting a report to management
- Legal professional privilege
- Managing the Regulator

Duration  days

## Managing contractor risk

**Our experience across many industries demonstrates that managing contractor risk is one of the least understood areas of WHS and most challenging to manage.**

Failing to adequately manage contractor WHS risk has resulted in a significant number of incidents giving rise to exposure of businesses to contract claims, adverse publicity, damage to corporate reputation and enforcement action including prosecution.

Establishing appropriate WHS specifications defining minimum safety standards, evaluating and assessing contractors against those standards and management systems and processes for ongoing review are all critical in demonstrating due diligence in this key area. The course explores these considerations in detail and provides practical guidance on how to manage the process.

### Course topics

The course includes the following:

- Duty of care – contractor risk cannot be ignored
- Real life consequences when contractor incidents occur
- Understanding the legal framework – how far do we have to go?
- Types of contracts
- General obligations – the organization and contractor
- How to select and manage a contractor:
  - Contract Specification – defining WHS specifications
  - Evaluation & Assessment – benchmarking contractors against WHS specifications
  - Contract Management and Review – measuring and monitoring compliance with WHS specifications
- Preferred contractors
- Top 10 mistakes when managing a contractor

Duration



day

Internal audit with the focus on what must go right

In the absence of some periodic checking, reporting or monitoring it is difficult to envisage how a corporate respondent could itself ensure safe work methods sufficient to provide the foundation for safe systems of work and meet the requirements of the Act.

That the CEO only became aware of the unsafe work method after the accident, is consistent with there being a lack of this final fail safe checking mechanism.

Driving continuous improvement in an organisation of any size can be difficult – especially with internal/ external cost pressures and the drive to ensure operations are delivering. Internal audit is one of those functions in an organisation that can assist with driving the right performance and outcomes, without being seen as an overhead, ‘tick the box’ compliance exercise. A large majority of internal audit functions (and external verification auditors) today are seen as low value, given they do not aim to improve the business; rather they introduce more ‘red-tape’ to effectively stream line an organisation’s delivery effort.

From our experience, we fundamentally believe that organisations need to shift the internal audit focus approach away from assessing compliance, to encouraging active ownership and accountability with a focus on improvement and ‘what must go right’. This is a fundamental paradigm shift not only for organisations, but internal auditors working today. Our aim is to work with you to help grow and mature your internal audit approach and understanding so that your goals and objectives can be achieved.

The internal audit training session will be led by a internal Lead Auditor, who is actively driving a new approach to safety auditing.

**Course topic:**

The course addresses the following subjects:

- What is an internal audit and why is it important?
- Internal vs. external audits
- Developing an internal audit programme
- WHS management systems and how an internal audit should look at them
- Driving the right internal audit scope
- Internal audit methodology, with a focus on outcomes and ‘what must go right’
- Verification evidence from documentation, workplace conditions, observations and interview
- Reporting the results of the internal audit in an effective, high-impact way
- How do we use internal audit to assess and influence organisational culture?

Duration  day

## Organisational risk profiling and management

...employers must exercise abundant caution, maintain constant vigilance and take all practicable precautions to ensure safety in the workplace. It is essential that the approach should be a pro-active and not a reactive one; employers should be on the offensive to search for, detect and eliminate, so far as is reasonably practicable, any possible areas of risk to safety...

Organisations today have a responsibility to pro-actively identify and manage WHS hazards within its operations. This concept is not new... but is still consistently done poorly. Often, risk registers are developed which contain detail about specific hazards that may or may not have been identified with predominately administrative controls highlighted to manage exposure. We argue that this is not effective WHS risk management.

This course will aim to provide you with a good understanding of WHS risk management and why it is important. But why this is different to other courses, is that it focuses on the information being collected and how this information is used throughout the business. Not only to address your organisation's Officers due diligence needs, but also allow for the WHS management system to be informed and updated using up-to-date information about WHS risk.

### Course topics

The course addresses the following subjects:

- The modern approach to incident prevention
- Distinguishing between a hazard and risk
- Legislative accountability
- Hazard identification tools
- Hazard recording
- Risk assessment methods
- Risk elimination and controls
- Risk profiling and reporting
- Task analysis (including work method statements)

Duration  day

## Psycho-social risk management workshop

Work related stress represents a 'huge cost' for worker health and productivity (European Agency for Safety and Health at Work, 2009). 'Psychological injury claims are steadily increasing and incur the largest proportion of expense in relation to compensation claims... depression costs Australian employers approximately \$8 billion per annum as a result of sickness absence and pre-senteeism and \$693 million per annum of this is due to job strain and bullying

(The Australian Workplace Barometer:

– Report on psychosocial safety climate and worker health in Australia, Safe Work Australia, 2012).

A comprehensive WHS program should consider and control both the physical and psycho-social safety of workers. Psycho-social safety of workers relates to how certain workplace stressors, organisational and job factors, as well as management practices cause workplace stress and impact worker's psychological health and well-being, along with an organisation's bottom line. This course provides information on the meaning of psycho-social safety, why it is important, how to measure it and the steps an organisation can take to ensure the psycho-social safety of workers.

### Course topics

The course addresses the following subjects:

- Moving beyond physical safety: Psycho-social safety in the workplace
- The cost of poor psycho-social health in the workplace
- Legislative responsibility
- Assessing psycho-social climate
- The value in understanding an organisation's psycho-social climate
- Identifying psycho-social risk factors
- Considering psycho-social risks during organisational change
- Approaches to psycho-social risk management

Duration



day



With extensive experience working for government agencies and private sector clients across numerous industries, Deloitte's Work Health and Safety team understand your safety challenges and goals.

## Contacts



### **Tony Morris**

**Partner, Risk Services**

Tel: +61 2 9322 7570

tonymorris@deloitte.com.au



### **John Xerri**

**Director, Risk Services**

Tel: +61 2 9322 5305

jxerri@deloitte.com.au



### **Ben Fountain**

**Director, Risk Services**

Tel: +61 8 9365 7270

bfountain@deloitte.com.au



### **Andrew McColm**

**Director, Risk Services**

Tel: +61 7 3308 7526

amccolm@deloitte.com.au

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