

***ADDITIONAL INFORMATION
FOR HACC AGENCIES
BROKERING FOR
COMMUNITY CARE
SERVICES***

January 2003

WORKPLACE SAFETY

The WorkCover Scheme provides workers compensation benefits and injury management (rehabilitation) to injured workers in NSW. It also helps employers to improve health and safety standards at the workplace, and contains incentives for good health and safety practice.

The management of occupational health and safety (OHS) aims to minimise the likelihood and severity of illness and injuries at work. For more information contact WorkCover NSW on telephone 131 050.

Who is responsible for OH&S at the workplace?

The legal obligations for all parties are set out in the Occupational Health and Safety Act 2000 and in the Occupational Health and Safety Regulation 2001. Parties with OH&S responsibilities include:

- Employers
- Employees
- Self-employed persons
- Controllers of work premises, plant or substances
- Duties of designers, manufacturers and suppliers of plant and substances for use at work.

What obligations do employers have regarding OH&S?

As an employer you must provide:

- A safe workplace and safe ways of working
- Equipment, tools and machinery in a safe condition.
- Safe and hygienic facilities, including toilets, eating areas and first aid.
- Information, training and supervision to all workers
- A process for consultation with workers and to keep workers informed and involved in decisions that may affect their health and safety
- Processes for identifying hazards, assessing risks and controlling risks ie risk management.

What obligations do employees have regarding OH&S?

The Act requires employees to:

- Take reasonable care for the health and safety of persons at their place of work and those who may be affected by their acts or omissions at work, and
- Cooperate with any requirement imposed in the interests of health, safety and welfare by the employer or any other person who is authorized to do so under the Act.

Requirement to consult with employees on OHS issues

Employers need to consult with their employees when considering decisions which may affect their health and safety such as purchasing new equipment or making changes to work systems.

HAZARD MANAGEMENT

The Contractor shall have in place safety management policies and procedures to provide a safe workplace and to manage the workplace health and safety obligations.

Contractors providing services must demonstrate specific understanding of the Health and Safety requirements of the work performed. Contractors must plan their work, identify the hazards and have in place suitable control measures.

- Contractor has a thorough understanding of the hazards and risks associated with their activities.
- Contractor has established systems and procedures for managing OH&S risks
- Contractor is licenced for the relevant activities and employees have appropriate competencies and licences for the contract works, where appropriate.
- Equipment is appropriately licensed or registered and maintained/inspected on a regular basis.

DEFINITION

Hazard

A hazard is anything that has the potential to cause injury or disease to people, damage to the environment, property, plant or equipment

Risk

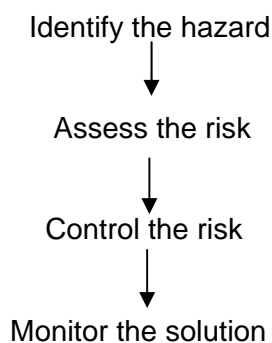
The probability of an injury, illness or loss occurring.

Risk is a combination of the extent of the hazard, and the amount of exposure to the hazard.

$$\text{RISK} = [\text{HAZARD}] \times [\text{EXPOSURE}]$$

HAZARD AND RISK MANAGEMENT

Hazard management is the process of identifying and controlling hazards in the workplace.



Hazard Identification (see below)

Are there problems (hazards)?

- Check your records – look at first aid records, reports of accidents and near misses, hazard management log books.
- Consult with fellow employees
- Inspect the area, evaluate and monitor incidents.

Assessing the Hazard

- Judge the severity of the hazard
- Judge the likelihood of the hazard causing injury

Controlling the Hazard

- Eliminate the hazard
- Change equipment or materials
- Change work methods

Monitor the Hazard

- Check that the hazard is fixed
- Keep checking your records, incident and accident reports
- Demonstrate that you are serious about safety. Display the records and discuss solutions at committee meetings.

Identifying Hazards

Examples of types of hazards :-

Machinery and Equipment

- sharp edges,
- inappropriate equipment,
- pinch points,
- poorly maintained equipment,
- mechanical movement,
- hot surfaces,
- electricity.

Material

- toxicity,
- corrosiveness,
- flammability,
- inappropriate storage,
- inappropriate disposal,
- shape,
- weight,
- reactivity,
- radioactivity.

Physical Work Environment

- slippery or irregular floors,
- uneven treads,
- cluttered walkways,
- blocked exits,
- noise,
- lighting,
- air quality,
- excessive cold or heat,
- outdoor environment,
- UV radiation,
- space per person.

People and Tasks

- fatigue,
- lack of experience,
- lack of training,
- morale,
- job design,
- excessive reaching,
- awkward posture,

- lifting,

- bullying,
- harassment.

Organisational

- policy,
- procedures,
- maintenance schedules,
- training,
- shift work,
- work schedules,
- lack of consultation,
- workplace change or restructure.

EXAMPLE OF HAZARD INSPECTION CHECKLIST

			Action Required	
	Good	Satisfactory	Immediately	To Be Scheduled
Fire and Emergency Procedures				
Extinguishers in place, clearly marked for type of fire and recently serviced.				
Adequate direction notices for fire exits				
Exit doors easily opened from inside				
Exits clear of obstructions				
Fire alarm system functioning correctly				
Fire instructions available and displayed.				
Are regular fire drills carried out.				
Training sessions				
Are emergency exits signed and accessible.				
Is emergency equipment appropriate.				
Are emergency exits signed and accessible				
Was the last emergency exercise less than 12 months ago.				
ELECTRICAL				
No broken plugs, sockets or switches.				
No frayed or damaged leads.				
Portable power tools in good condition.				
No temporary leads on floor.				
Emergency shut down procedures in place.				
No strained leads.				
GENERAL LIGHTING				
Adequate illumination				
Good natural lighting				
Good light reflection from walls and ceilings.				
No direct or reflected glare				
Light fittings clean and in good condition.				
Emergency lighting operable				
Are lighting levels known.				

			Action Required	
			Immediately	To Be Scheduled
	Good	Satisfactory		
WALKWAYS				
Oil and grease removed.				
No electrical leads crossing walkways				
Walkways adequately and clearly marked				
Unobstructed vision at intersections				
Stairs.Risers				
MACHINES				
Kept clean				
Adequately guarded				
Starting and stopping devices within easy reach of operator				
Clean provision to store waste off cuts				
Drip pans on floor to prevent spillage.				
Adequate work space around machine.				
Noise levels controlled.				
Lighting satisfactory				
No bending/stooping required				
RUBBISH				
Bins located at suitable points				
Bins emptied regularly				
Oily rags and combustible refuse in covered metal containers.				
WORK BENCHES				
Clear of rubbish				
Tools not in use kept in place				
No damaged hand tools				
No damaged power tools				
Work height				
No sharp edges				
STORAGE				
Materials stored in racks and bins wherever possible				
Storage designed to minimise lifting problems, ie between knee and shoulder				

			Action Required	
			Immediately	To Be Scheduled
	Good	Satisfactory		
CHEMICALS ON SITE				
MSDS for all chemicals				
Containers clearly labelled				
Do special storage conditions apply.				
Photocopiers – fumes				
Measures designed for OOS				
Air conditioning system maintained regularly				
Disposal of chemical waste <ul style="list-style-type: none"> - is ventilation level known? - Does it comply with AS1668.2? - Do temperatures comply with recommended levels? - Are electrical circuits identified? - Are circuits loads known? 				
FIRST AID				
Cabinets and contents clean and orderly				
Easy access to cabinets				
Employees aware of location of first aid cabinet				
Fist Aid cabinet clearly labelled				
Emergency numbers displayed				
Supply of soap and towels				
Adequate stocks				
FLOOR				
Even surface, no cracks or holes				
Loose boards or grills cleaned regularly				
Oil and grease removed				
Entry access walkways kept clear				
No electrical leads across walkways. Walkways adequately lit and clearly marked.				
Unobstructed vision at intersections. Stairs/risers				
OFFICE HAZARDS				
Filing				
Chairs				
Desks <ul style="list-style-type: none"> - are workstations adjustable? - Are adjustments used? 				

GST STATUS/ABN NUMBER

For more information contact the ATO on 132478 or email www.taxreform.ato.gov.au; GST business assist on 133088 or email www.gststartup.gov.au

GST is a tax on consumption. It is

- Applied to the domestic consumption of goods and services
- Applied to transactions
- Collected by suppliers/sellers
- Paid by the final consumer.

The Employer must register for GST

WORKING WITH CHILDREN CHECK

The Working with Children Check is about creating workplaces where children are safe and protected. It is about making sure that, as far as possible, people who may pose a risk to children are not employed in roles where they have direct, unsupervised contact with children. A Working With Children Check must be conducted where people are working in a 'child related' employment.

Please note: A Working With Children Check must be done by HACC agencies using service providers working where there are children with disabilities. On the advice of the Department of Ageing Disability and Home Care this should be done through -:

NSW Commission for Children and Young People
Ph: (02) 9286 7219 Fax: (02) 9286 7201

Questions may be answered by contacting the Commission for Children and Young People on check@kids.nsw.gov.au or phoning (02) 9286 7219.

Please see attachments entitled A Guide to the Working with Children Check

CRIMINAL HISTORY CHECK

A criminal history check must be conducted by HACC agencies brokering for community care services, where these services are working with the aged.

On the advice of Department Ageing, Disability and Home Care this can be done through their department at no cost. For further information contact Grace Fernandez on (02) 8270 4600.

A general Criminal History Check may be done through the Australian Federal Police at a cost of \$36.00 per applicant.

What you are required to do in order to submit your application (application form attached).

The Australian Federal Police advise all applicants that they **must meet the following requirements** in the application for a criminal history check or character checks:

1. Applications to be filled out in black biro or typed.
2. Photocopy of drivers licence or other document with photograph included must accompany application wherever possible.
3. **Include a stamped self addressed envelope with your form.**
4. Full postal address on the bottom left hand corner of the Personal Particulars side of the form.
5. If there has been a change of names, then previous and current names **must** be included on the form, (eg. **maiden, defacto, deed poll**, etc).
6. Applicant's signature must not be more than three months old.
7. Please check the date of birth to see if it is the correct year. Also see that all the necessary details have been completed and that the form is signed.

Forwarding address

A cheque or money order must be made payable and posted to:

The Australian Federal Police
Criminal History Branch
Locked Bag No. 1
WESTON ACT 2611

Failure to meet the required standards will result in **forms being returned** for amendment.

FOOD HANDLING

For information regarding food handling and food safety, the Food Standards Code may be accessed from Australia and New Zealand Food Authority, PO Box 7186, Canberra BC ACT 2610 or contact the information officer on (02) 6271 2241, email – info@foodstandards.gov.au or visit the website at www.foodstandards.gov.au.

CONDITIONS OF EMPLOYMENT

Both employers and employees in NSW have obligations or duties to each other under common law. Conditions are regulated by industrial awards, enterprise agreements and legislation. For example:

The NSW Industrial Relations Act 1996 includes provisions relating to leave entitlements such as parental leave, sick leave, personal and carer's leave and bereavement leave, enterprise agreements, pay-slips, employment records and right of entry of union officials and industrial inspectors.

The Annual Holidays Act 1944 sets out minimal provisions for annual leave.

The Long Service Leave Act 1955 sets out minimum provisions for long service leave.

The Occupational Health and Safety Act 2000 deals with the health, safety and welfare of everyone in all workplaces.

The Anti-Discrimination Act 1977 prohibits discrimination and harassment at the workplace on a number of grounds.

Some conditions of employment will depend on whether a person is employed on a permanent, part-time, temporary or casual basis.

PAY RATES

The lowest rate of pay that can lawfully be paid to an adult wage earner in an award is referred to as a minimum wage.

The wage clause in an award specifies the minimum wage that must be paid for each classification or grade of employee covered by the award. Each employee must receive this amount as a minimum.

Sometimes the actual minimum weekly pay consists of a normal award wage plus compulsory additional components such as industry allowances or tool allowances. There are often additional rates to be paid for very specific circumstances such as working in the wet or dealing with toxic substances.

The wage clause in an award often specifies how casual or part-time rates should be calculated, that is, what additional loading they receive.

Junior employees are sometimes paid a percentage of the adult rate, depending on their age.

Wages should normally be paid on the same day each week. The NSW Industrial Relations Act 1996 requires employers to provide their employees with a pay advice slip detailing all pay matters and deductions such as income tax, superannuation payments, union dues, health fund and all other deductions.

For further information on awards and pay rates, conditions of employment, leave entitlements and industrial legislation contact the NSW Department of Industrial Relations on (02) 9243 8888 or 131 628 or go to the website at <http://www.dir.nsw.gov.au>.

ANTI-DISCRIMINATION GUIDELINES FOR SERVICE PROVIDERS

How does the anti-discrimination law define a "service"?

Anti-discrimination law applies to several areas of public life. The provision of goods and services is one of those areas. Others include employment, education and accommodation. It does not matter whether the goods or services are for payment or not. The definition of goods and services includes:

- banking, insurance and the provision of other financial services
- entertainment and recreation services such as pubs, cinemas etc
- transport or travel
- services provided by members of any profession or trade such as doctors, dentists, lawyers, plumbers, electricians etc
- retail services
- services provided by a government department, government authority or local government.

In general your service or business must not use a person's (or their relative's, friend's or associate's) sex, age, pregnancy, marital status, race/ethnic group, disability, age, transgender (transsexuality) or homosexuality to decide:

- whether the service is provided. For example, you can't refuse to sell a dress to someone because they are transgender
- the type of service provided. For example, you can't charge one sex more than the other sex for the same or similar service
- the manner in which the service is provided. For example, people must not be harassed or ignored because of their age, sex etc

Whose legal responsibility is it to make sure the law is followed?

In services and businesses, the service or business owners are legally responsible for making sure that anti-discrimination law is not broken. Obviously if the service or business owners give the responsibility to a manager, they may also share some of the responsibility for making sure that the law is followed. So it is in the interest of the service's or business' owners and managers to make sure that the business is run fairly and properly.

Service providers are responsible for harassment or discrimination that happens:

- by their staff to clients/customers
- by clients/customers to their staff
- between their clients/customers

It is OK for a club to give certain benefits to members only. However, in general membership must be open to all categories of people (all races, both sexes, people with disabilities and so on) and all members should have the same benefits and be treated in the same way.

Where can I get more information or help?

There are several places you can get either more information or help. For example, you can:

- check through your own organisation's policies and procedures
- talk with and train all your staff
- contact the Anti-Discrimination Board. We also have a specialist Employers Advisory Service.

You can contact this service for:

- confidential (and anonymous, if you want) advice on handling a particular discrimination or harassment issue or grievance.
- staff training support
- procedures and policies development advice and free checking service

Anti Discrimination Board Publications

The Board has produced comprehensive guidelines which explain –

- what anti-discrimination laws say
- the benefits of following anti-discrimination law
- what to do to make sure you follow anti-discrimination law.

The Board has also developed guidelines for small business owners and managers who own or manage a small business in NSW, that is one with up to 40 staff. They explain:

- what the various anti-discrimination and equal opportunity laws say in relation to employers
- the business benefits of following these laws
- what you need to do to make sure you follow these laws
- where to get more information or help
- plus they contain a sample EEO policy, sample harassment prevention policy and a sample staff complaints policy.

FREQUENTLY ASKED QUESTIONS RE BROKERAGE

Q1. Is it necessary for everyone to undergo a Police Check? Eg lawnmowers, pest controllers too?

A1 Yes, it is necessary for all people working with the aged to undergo a police check. DAD&HC will take conduct a Police Check for working with Aged Persons at no cost. Contact Grace Fernandez on 8270 4600.

A general Police Check can be done through the Australian Federal Police (see page 8 of document).

Q2 How recent must this check be?

A2 If a Police Check has been conducted on employees at the commencement of their employment or has been done by employees personally then there is no need to have another Check done. These checks should be conducted prior to the commencement of employment.

Q3 Is it necessary for everyone to have a Working with Children Check conducted as well as a Police Check?

A3 If an employee is working where there are children with disabilities, then yes it is necessary for a Working With Children Check to be conducted. If an employee is working with the aged then a Police Check should be conducted through DAD&HC.

Q4 Do we need to be supplied with photocopies of all policies to be kept on file or is sighting policies or being told by contractor that policies are in place sufficient? Where can contractors obtain sample policies, as many have no idea where to begin?

A4 It is important for policies to be at least sighted by the agency before entering into a contract.

Sample policies are attached to this document for the benefit of contractors. The internet is also a good source of example policies and procedures.

Q5 Award Conditions and Wage Rates – one contractor has stated that pay rates are highly confidential

A5 Contractors are obliged to meet appropriate industrial relations law and wage rates. Award information is available from The Department of Industrial Relations. Service Providers are required by funding Departments to ensure these rates are appropriately paid.

Q6 One company has two trading names – do two contracts need to be issued in each of the trading names or one only in the company name?

- A6 In this instance it is necessary for only one contract to be issued in the company name.
- Q7 Do sole traders, ie lawn mowing or window cleaning company with no employees need to provide OH&S and/or anti-discrimination policy and procedures and pay rates? If so, where can they obtain sample policies?
- A7 No, this is not relevant to sole traders. They will however have to show some kind of self insurance.
Sample policies attached. The internet is also a good source of example policies and procedures.
- Q8 What are 'Relevant Policies and Procedures'
- Confidentiality
 - Service Delivery
 - Emergency Procedures
 - Recruitment
 - OH&S
 - Anti-Discrimination
 - Insurance