

RISK

ASSESSMENT



CODE OF PRACTICE 2001

WorkCover NSW Health and Safety Code of Practice

making a difference



New South Wales Government

Disclaimer

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website (www.legislation.nsw.gov.au) or by contacting the free hotline service on 02 9321 3333.

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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FOREWORD

The Special Minister of State has approved this industry code of practice on the recommendation of WorkCover NSW to provide practical guidance for employers to meet their obligations to assess health and safety risks in the workplace.

General Manager, WorkCover NSW

1. INTRODUCTION

WHAT IS AN INDUSTRY CODE OF PRACTICE?

An approved industry code of practice is a practical guide to achieving the standard of safety required by the *Occupational Health and Safety Act 2000* and *OHS Regulation 2001* for a particular area of work.

This approved industry code of practice should be followed unless there is an alternative course of action which achieves the same or better standard of health and safety in the workplace.

An industry code of practice is approved by the Special Minister of State. It comes into effect on the day the notice of this approval is published in the NSW Government Gazette or on the day specified in the Gazette notice.

An approved industry code of practice is designed to be used in conjunction with the Act and Regulation but does not have the same legal force. A person or company cannot be prosecuted for failing to comply with an approved industry code of practice.

However, in proceedings under the Act or Regulation, failure to observe a relevant approved industry code of practice can be used as evidence that a person or company has contravened or failed to comply with the provisions of the Act or Regulation.

A Workcover Inspector may cite an approved industry code of practice in a direction or in an improvement or prohibition notice, indicating the measures that should be taken to remedy an alleged contravention or non-compliance. Failure to comply with a requirement in an improvement or prohibition notice is an offence.

IN SUMMARY, AN APPROVED INDUSTRY CODE OF PRACTICE:

- gives practical guidance on how the required standard of health, safety and welfare can be achieved in an area of work
- should be followed, unless there is an alternative course of action which achieves the same or better standard of health and safety in the workplace
- can be used in support of the preventative enforcement provisions of the *Occupational Health and Safety Act*
- can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

1.1 TITLE

This is the *Code of Practice for Risk Assessment*.

1.2 SCOPE

This industry code of practice applies to all workplaces where an employer has an obligation to carry out a risk assessment of identified hazards apart from mines within the meaning of the *Coal Mines Regulation Act 1982* or the *Mines Inspection Act 1901*.

A note in this document does not form part of the code of practice.

1.3 COMMENCEMENT

This industry code of practice commences on the date it is published in the NSW Government Gazette.

[This code of practice was published in the NSW Government Gazette No.143 on 21 September 2001]

1.4 AUTHORITY

This is an industry code of practice approved by the Special Minister of State under Section 43 of the *Occupational Health and Safety Act 2000*.

2. RISK MANAGEMENT

Employers have obligations under the *Occupational Health and Safety Regulation 2001* to **identify any foreseeable hazards** that may arise in the workplace and to **assess the risk** of harm arising from the identified hazards. Employers then have an obligation to **eliminate the hazards**. If this is not “reasonably practicable”, they must control the risks by implementing measures to lessen the risk of harm to the lowest possible level.

The purpose of this code of practice is to provide practical guidance to assist employers to meet their risk assessment obligations under the *Occupational Health and Safety Regulation 2001*.

2.1 RISK ASSESSMENT

Once a hazard has been identified, an employer must assess the risk. This should include the following:

- identify factors that may be contributing to the risk
- review health and safety information that is reasonably available from an authoritative source and is relevant to the particular hazard
- evaluate the likelihood of an injury occurring and the likely severity of an injury or illness that may occur
- identify the actions necessary to eliminate or control the risk
- identify records that it is necessary to keep to ensure that risks are eliminated or controlled.

Note: Section 15(a) of the *OHS Act 2000* requires that consultation with employees be undertaken when risks to health and safety arising from work are assessed. Such consultation should be undertaken with those employees who are directly involved in undertaking the task, or working with the hazardous substance or plant, to which the risk assessment relates.

The employer should adopt a systematic approach to risk assessment that includes:

- reviewing any available information about the hazard
- considering factors that contribute to the risk
- deciding what records need to be kept.

2.1.1 Factors contributing to the risk

When assessing risks, employers should also identify the factors that may be contributing to the risk, including:

- the work premises and the working environment, including their layout and condition
- the capability, skill, experience and age of people ordinarily undertaking work
- the systems of work being used
- the range of reasonably foreseeable conditions.

2.1.2 Relevant health and safety information

When assessing a particular hazard an employer should review reasonably available health and safety information from an authoritative source and relevant to the particular hazard, including the following:

Note: An 'authoritative source' refers to such things as:

- information prepared by the supplier (eg material safety data sheets prepared by the supplier of a hazardous substance)
- information such as Safety Alerts or Fact Sheets prepared by WorkCover
- industry Codes of Practice
- Australian Standards
- documents published by the National Occupational Health and Safety Commission
- assessments prepared by NICNAS (National Industrial Chemicals Notification and Assessment Scheme)
- technical reports prepared by a competent person for a particular workplace.
- any health and safety information provided by the supplier of any plant or substance (including a person who hires or leases out plant)
- the Material Safety Data Sheet (see OHS Regulation clause 150) for any hazardous substance
- the label of any unopened consumer package containing a hazardous substance
- the register of installed asbestos (created by the controller of the workplace) for any workplace with installed asbestos
- results of any biological monitoring carried out for employees of the employer
- results of any atmospheric monitoring of atmospheric contaminants at the workplace
- information about previous injuries, illness and dangerous incidents.

2.1.3 Assessment to identify risk control options

An employer must identify the actions necessary to eliminate the risk, taking into account:

- the factors identified as contributing to the risk
- any specific risk control measures required by the *Occupational Health and Safety Regulation 2001*.

Note: The *Occupational Health and Safety Regulation 2001* specifies a number of risk control measures for particular hazards.

When a hazard has been identified and the risks are obvious, the employer should undertake any research into the hazards necessary to assess the risks. Part of the risk assessment process involves identifying what you need to do to eliminate or minimise the risk and deciding which control option is appropriate given the degree of risk. The *Occupational Health and Safety Regulation 2001* in clause 5 sets out a hierarchy of control measures that must be followed to minimise risks to the lowest possible level.

2.1.4 Records

In addition to the record keeping requirements stipulated in the Regulation, employers should identify any records that it is necessary to keep to ensure that risks are eliminated or controlled (including the length of time which records should be kept).

Note: The *Occupational Health and Safety Regulation 2001* includes specific record keeping requirements in Chapters 4, 5, 6 and 8. Employers also need to make a judgement about whether risk assessments should be recorded. Factors that may be considered in making this judgement could include the significance of the risk and the complexity of the risk control measures adopted.

2.1.5 General risk assessment

If hazards identified as being likely to arise in the conduct of an employer's undertaking are of the same kind but arise in different places or circumstances, a general assessment of risk is sufficient compliance with the *Occupational Health and Safety Regulation 2001* so long as it has been applied to each such place or circumstance.

3. OTHER GUIDANCE MATERIAL

There is other guidance material available that may provide valuable assistance to employers when assessing risks. This includes:

- **WorkCover guidance material** that will help you assess potential risks for particular hazards, processes or work tasks. The following guidance material is available from WorkCover NSW:
 - Workplace Safety Kit
 - Small Business Safety Starter Kit
 - Due Diligence at Work: a checklist for action on workplace health and safety for company directors and managers
 - Hazpak – Making your Workplace Safer
 - Hierarchy of Hazard Control
 - Six Steps to Occupational Health and Safety: Duty of care in OH&S
 - Worksite Occupational Health and Safety Assessment Package.
- **Industry Codes of Practice** which provide direction and detailed guidance on the identification and control of hazards in line with accepted legislative requirements and industry standards
- **Australian Standards** which set out specifications for a range of equipment, products and materials to ensure that they are safe and of a good quality. Australian Standards represent good engineering practice in relation to fabrication and design. You must comply with the Australian Standards that are referred to in the *Occupational Health and Safety Regulation 2001*.

4. LEGISLATION

This industry code of practice provides practical guidance on compliance with the *Occupational Health and Safety Regulation 2001* in relation to risk assessment. Employers must comply with the provisions of the Regulation.

The employer's general obligation to carry out risk assessments is set out in clause 10, Employer to assess risks. There are also particular risk assessment requirements in the following clauses:

- 35 Controller of premises to assess risks
- 43 Asbestos – risk assessment and control
- 81 Manual handling – assessment of risks
- 87 Plant – designer to assess risks
- 101 Plant – Manufacturer to assess risks
- 124 Plant – Hirer or lessor to identify hazards

The recommended procedures of this Code of Practice should be observed unless an alternative course of action is implemented that achieves the same or a better standard of health safety and welfare in the workplace.

A copy of this industry code of practice is available for public inspection at the WorkCover NSW head office, 92-100 Donnison Street, Gosford between 8.30am and 4.30pm, Monday to Friday.

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WorkCover NSW 92-100 Donnison Street Gosford NSW 2250
Locked Bag 2906 Lisarow NSW 2252 WorkCover Assistance Service **13 10 50**
Website **www.workcover.nsw.gov.au**

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