

Metropolitan Cemeteries Board Response to Model WHS Regulations

Introduction

This draft was developed in response to a request from WorkSafe WA Commissioner for feedback on the expected impact of adopting the proposed model Work Health and Safety (WHS) Regulations on the organisation. Specifically:

“The public consultation process is intended to obtain information about the likely impact the adoption of the model WHS Regulations might have in this state. To that end, I am asking for your agency to consider the potential impacts to your organisation”.

To assist in the process WorkSafe prepared an Information and Issues Paper which highlighted some of the areas where there is a difference between the model WHS Regulations and current legislation. This document was made available through the WorkSafe website. It states in the summary:

“We would like you to pay specific attention to the benefits and cost of the proposed changes to regulations and codes of practice in terms of: potential efficiencies; changes in capital expenditure; changes to employment; and changes to conditions of work, training requirements and skills needs”.

Process

A review was conducted of the Information and Issues Paper provided by WorkSafe to assess the impact on the MCB from the areas highlighted. In addition to this a review was also conducted of the contents generally of the model WHS Regulations available from the Safe Work Australia website to identify any other areas which may affect the organisation.

The proposed model Codes of Practice were also reviewed for any significant impact on the organisation.

Findings

WorkSafe WA has identified 13 areas where the model WHS regulations differ from the current legislation. These relate to:

- Asbestos
- Diving work
- Hazardous chemicals
- Incident notification
- Noise
- Plant
- Thermal comfort
- Construction projects
- Fall prevention
- High Risk Work Licences
- Lead risk work
- Personal Protection Equipment
- Spray painting

The issues of spray painting and diving are not relevant to the MCB directly. The following table looks at the impact of the other issues.

Issue	Main Differences in Legislation	Impact
Asbestos	The main focus is on organisations who undertake asbestos removal. This may impact on MCB if contract companies incur extra costs in compliance and thereby increase charges. Requirements for organisations dealing with asbestos in the workplace are similar ie. identify, test, signage, training, asbestos management plan.	Minimal

WHS-Model Regulations and Codes of Practice - Submission Cover sheet

Construction projects	Principle contractor on a construction project (more than \$250,000) must prepare a WHS management plan, amongst other things.	Minimal
Fall prevention	Similar focus, however WHS regs do not stipulate specific height for edge protection.	Minimal
Hazardous Chemicals	Regulations for the manufacture, supply, import of haz chem not that relevant. Regulations for users of haz chem similar. Do we use haz chem?	Minimal
High risk work licences	No significant differences relevant to MCB. May have some implications for contractors who use equipment requiring HRWL.	Minimal
Incident notification	Requirement to report serious illnesses which are reliably attributable to contact with human blood/body substances	Minimal
Lead risk work	Lead work processes	Nil
Noise	Similar requirement to not expose workers to noise exceeding exposure standard (85dB). However where worker needs to wear hearing protection against being exposed to noise in excess of exposure standard then audiometric testing applies. Testing required at commencement of employment and 2 yearly thereafter.	Possibly some impact
Personal protective equipment	Similar in that PPE is prescribed when risk cannot be eliminated or minimized by other means. However no mention of compliance with A/NZ standards in WHS regs.	Minimal
Plant	Changes mainly concerned with design, registration and inspection/maintenance of certain items of plant, namely boom type concrete placement units, mobile and tower cranes and pressure vessels. May increase requirements for contractors who use this type of equipment.	Minimal
Thermal comfort	Under the current legislation an employer must ensure that, in a workplace in a building or structure, heating and cooling is provided to enable employees to work in a comfortable environment, as far as practicable. No prescription in WHS legislation.	Nil

A review of the other areas of the model WHS regulations identified the following issues in addition to those identified by WorkSafe:

Issue	Main Differences in Legislation	Impact
Training for safety and health representatives	Current legislation entitles rep to post introductory course after 2 years of doing initial 5 day course and then every 2 years after that. Model WHS legislation requirements for 1 day refresher course every year after initial 5 day course.	Minimal
Confined spaces	Risk assessment conducted by a competent person	Minimal
Excavation work	Additional controls for trenches over 1.5m deep. Must be secured from unauthorised entry	Minimal

Summary

As the MCB does not operate over a number of States or Territories, overall compliance with the model WHS Regulations and Codes of Practice should not impact significantly on the MCB as generally they appear no more onerous than the current regulations. It is unlikely that their implementation will result in either significant improvements or detriments to health and safety in the workplace.

WHS-Model Regulations and Codes of Practice - Submission Cover sheet

There may be some cost increases for certain types of contract companies which could result in an increase in the costs of their services, although it is difficult to put a figure on this. Perhaps the most significant impact would be the regulations relating to noise. This may require a noise assessment to be undertaken of various pieces of plant and equipment to determine noise levels. If they are over 85dB and workers are required to wear hearing protection then audiometric testing needs to be done at commencement of employment and every 2 years thereafter, and presumably at termination of employment although this is not mentioned specifically in the regulations.

With the introduction of the model WHS regulations and Codes of Practice the MCB safety management system and associated documentation will need to be reviewed and amended to reflect the terminology of, and reference to, the model WHS regulations and Codes of Practice.

Information and training, where required, will also need to be given to all levels of the organisation in relation to the changes and the responsibilities of various “duty holders” under the model WHS Act and Regulations when implemented. It is likely the safety and health representatives will have to undertake a short course to update them on the legislative changes.

Codes of Practice

Model Code of Practice	Existing WA Code of Practice/Guidance Note
How to Manage Work Health and Safety Risks	General Duty of Care (Note: this is a guidance note, not a code of practice)
Hazardous Manual Tasks	Manual Tasks
Managing the Risk of Falls at Workplaces	Prevention of Falls at Workplaces
Labelling of Workplace Hazardous Chemicals	Labelling of Workplace Substances (Note: this is a national code of practice)
Preparation of Safety Data Sheets for Hazardous Chemicals	Preparation of Material Safety Data Sheets (Note: this is a national code of practice)
Confined Spaces	No WA equivalent however regs require compliance with AS/NZS2865
Managing Noise and Preventing Hearing Loss at Work	Managing Noise at Workplaces
Managing the Work Environment and Facilities	First Aid – Workplace Amenities – Personal Protective Clothing
Work Health and Safety Consultation Cooperation and Coordination	Formal Consultative Processes (Note: this is a guidance note, not a code of practice)
How to Safely Remove Asbestos	Safe Removal of Asbestos (Note: this is a national code of practice)
How to Manage and Control Asbestos in the Workplace	Management and Control of Asbestos in Workplaces (Note: this is a national code of practice)