



October 2022

Monash Health

Presentation By

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We would like to begin by acknowledging the traditional owners and custodians of the land on which we're meeting today.

We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people attending today.



Agenda

- OHS – the legislative obligations
- What it means for you as managers
- Key issues

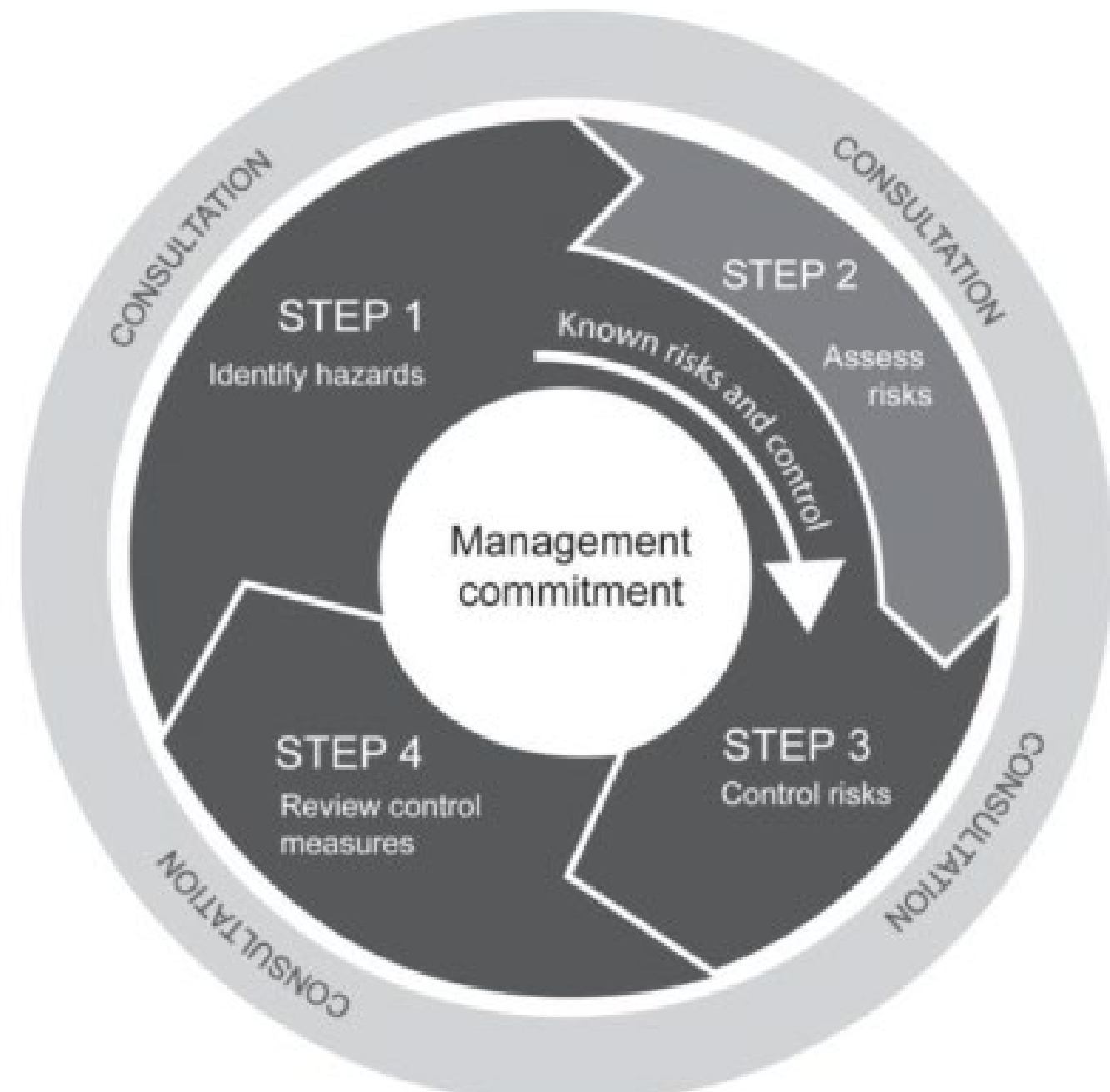
OHS/WHS law

- Duties arising from work owed to a range of different parties:
 - Employees/Contractors
 - Members of the public
- Duties to consult
- Duties arising from use of plant, equipment, workplaces
- Duties owed to eliminate risks to health and safety so far as reasonable practicable
 - If elimination not possible, risk to be minimised
 - Health & Safety includes physical and mental health
- Breach of duty = criminal offence





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Regulatory options for WorkSafe

- Inspections
- Improvement/Prohibition Notices
- Prosecutions
 - Monash Health – max fine of \$1.664m per offence
 - Officers – max fine of \$332k if offence attributable to failure to take reasonable care
 - Workplace Manslaughter
 - Monash Health – Max fine of \$18.492m
 - Officers - Fine of \$1.849m or up to 25 years imprisonment



What does 'so far as is reasonably practicable' mean for the duties of Monash Health?



Proactive responsibilities

*“An employer should recognise that it is common experience that **human error will be encountered in the workplace**. Error can range from inadvertence, inattention or haste through foolish disregard of personal safety to deliberate non-compliance with the prescribed safe system of work... an employer’s responsibility for the safety of its workers will not be discharged unless the employer takes **“an active imaginative and flexible approach to potential dangers in the knowledge that human frailty is an ever-present reality”**”.*

DPP v Commercial Industrial Construction Group Pty Ltd [2006] VSCA



Where do managers get it wrong?

- Acceptance of safety risk as normal & then not acting to consider risks
- Assuming safety is the responsibility of others
- Not asking questions



Your accountability

- WorkSafe
- Inquests/Inquiries
- Your role
 - Who owns the OHS risks involved in the work you are responsible for?
 - Who asks the difficult questions after an incident?
 - Role modelling



Good Practice – applying a health safety and wellbeing lens to operational matters



Risk Assessments

Crucial tool to show that:

- Hazards & Risks apprehended
- Control options evaluated
- Consultation with workers occurred
- Control measures adopted & evaluated
- Review after incident/near miss/consultation

Role of quarterly inspections



Issues for Monash Health



Occupational
Violence



Chemical
Management



Slips, Trips and
Falls



Working
alone



Pedestrian
Safety



Manual Handling –
Musculoskeletal



Mental Health



Fatigue



Equipment –
bariatric
patients

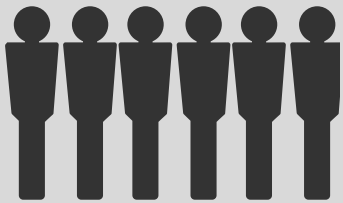


Contractor
Management



Current issues of regulatory/prosecutorial focus

Mental Health



0% 20% 40% 60% 80% 100%

New Regulations
Issues with fatigue, high work demands, incivil behaviour
Increased focus from WorkSafe

Consultation



0% 20% 40% 60% 80% 100%

Increasing attention on the importance of consultation

Contractor Management



0% 20% 40% 60% 80% 100%

What assurance does Monash Health have?



Modelling Health & Safety leadership

- How would your team measure your approach to safety?
- How do you show safety leadership?
- What is the standard you accept?



Safety maturity – Questions for Managers Leaders

How comfortable are you:

- That you understand your accountabilities
- That your quarterly inspections identify issues and that issues are appropriately closed out
- That your incident investigations appropriately measure risk (as an objective measure) and that actions are appropriate and undertaken
- That your people tell you what is going on and are willing to share 'bad news'
- To describe the top safety risks in your area & the current evaluation of those
- That you have an active, imaginative & flexible approach to risk
- That you are comfortable asking questions about safety risk and performance



Questions?





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