

# SAFETY BULLETIN



NSW DEPARTMENT OF  
PRIMARY INDUSTRIES

Now incorporating Department of Mineral Resources

ABN 51 734 124 190-003

## CHANGED WORK PRACTICES EMPLOYER OBLIGATIONS

### ISSUE

A number of recent incidents have raised concern regarding the proper management of changed work practices in the workplace. Recent investigations have shown that when changes in workplace practices are not properly supported by adequate risk assessments, consultation and training they can become a key contributor to accidents on site. Although investigations are continuing evidence is sufficient to warrant the release of this advice.

### ADVICE TO INDUSTRY

Mines should note that, as with new work practices, when changed work practices are implemented the employer is obligated to review and, where necessary, implement new or amended health, safety and welfare measures. Changed worked practices may include, but are not limited to, the employment of new staff, the introduction of contract staff, a change in the way a task or job is undertaken, a change in systems or equipment, a change in staffing levels or a change in responsibilities of site staff.

### ***Occupational Health & Safety (OHS) Act 2000 & Regulation 2001***

Industry is reminded of its obligations under the *Occupational Health and Safety Act 2000* (OHS Act) regarding changed work practice in the workplace. The employer's general obligation under Section 8 of the OHS Act includes ensuring the health, safety and welfare at work of all the employees of the employer by ensuring that systems of work and the working environment of the employees are safe and without risks to health, and providing such information, instruction, training and supervision as may be necessary to ensure the employees' health and safety at work.

Furthermore, Chapter 2 of the OHS Regulation 2001 and the General Rule 2000 include a number of clauses relating to the employers' obligations with respect to risks, including the "assessment of risks, elimination and control of risks, review of risk assessments and control measures, and provision of instruction, training and information to employees".

# SAFETY BULLETIN

The OHS Act also sets out clear guidelines which require employers to consult with employees about OHS matters so that employees can contribute to decisions affecting their health, safety and welfare. The employer's obligation under Section 14 (b) of the OHS Act states that the nature of consultation requires "*that employees be given the opportunity to express their views and to contribute in a timely fashion to the resolution of occupational health, safety and welfare issues at their place of work*".

The employer's obligations under Section 15 of the OHS Act outline circumstances when consultation is required. These circumstances include:

- when introducing or altering the procedures for monitoring those risks (including health surveillance procedures);
- when changes that may affect health, safety or welfare are proposed to the premises where persons work, to the systems or methods of work or to the plant or substances used for work;
- when decisions are made about the procedures for consultation under this Division; and
- other circumstances prescribed by the OHS Act and Regulation.

Additional information on consultation in the workplace can be found in the OHS Regulation and the OHS Consultation Code of Practice available through WorkCover NSW.

**For more information on the OHS Act, Regulation and Codes of Practice visit the NSW DPI Minerals website [www.minerals.nsw.gov.au/safety](http://www.minerals.nsw.gov.au/safety) and follow the link to 'Safety Legislation'.**

## RECOMMENDATION

As a matter of priority, all mine sites ensure that when changed work practices are being developed and implemented, that they are properly supported by adequate risk assessments, consultation and training.

Employers ensure that they are aware of their obligations under the OHS Act with respect to changed work practices on mine sites.



**ROB REGAN**

**DIRECTOR MINE SAFETY OPERATIONS**

Find Safety Alerts at: <http://www.minerals.nsw.gov.au>

To receive safety alerts by email send your details including name, title, any company details and email address to [safetyalert@minerals.nsw.gov.au](mailto:safetyalert@minerals.nsw.gov.au)