

PUTTING SAFETY, HEALTH AND ENVIRONMENTAL OBLIGATIONS IN THE SPOTLIGHT: AN INTERVIEW WITH SHE EXPERT, ISAAC LAHAV

In 2012 a new Code of Practice, First Aid in the Workplace, was introduced. In 2013, St Johns Ambulance conducted a study¹ that found the majority of Australian employers (65%) were unaware of the new Code, and nine out of ten businesses said they did not know how to meet their first aid obligations.

First Aid obligations are just one of many Safety, Health and Environmental (SHE) obligations that organisations need to be aware of and compliant with.

This interview with SAI Global subject matter expert, Isaac Lahav, puts SHE obligations in the spotlight:

What is SHE compliance?

Firstly, compliance means that a company has in place documented and robust systems and arrangements, which consistently meet the legislative requirements applicable to its operations. These include the requirements of Acts, Regulations and other Legislative Instruments (e.g. Determinations); Statutory Codes of Practice; Statutory Policies and Orders; Australian and New Zealand Standards referenced in legislation; and any International Standard, code or any other documents referenced in legislation.

SHE compliance means adhering to specific legislation where all or some of the requirements cover operational aspects and activities that have the potential to affect the safety and health of people, or the environment. In this context, 'people' means employees, contractors, labour-hire workers, visitors, customers, neighbours, people living along transport corridors, and the public at large.



When considering SHE-related legislation, we should be careful not to fall into the trap of taking a narrow view of what it covers. We need to keep in mind that compliance with SHE-related legislation goes much further than just complying with the Work Health and Safety Acts and Regulations and Environment Protection Acts and Regulations.

Depending on the nature of business operations, we also need to look at additional health and safety legislation covering areas such as electricity safety, gas safety, utilities legislation, radiation safety, transport (including heavy vehicle legislation and transport of dangerous goods), construction, rail safety, explosives, maritime safety, offshore safety, mining health and safety, coal mining health and safety, road safety, aviation safety, food safety, and quite a few others.



We also need to look at additional environmental legislation covering areas such as environmental planning and assessment, heritage, biodiversity conservation, renewable energy, carbon farming, greenhouse, energy minimum standards, national parks, and marine parks, to name a few.

Why is SHE compliance so important?

The simple answer is - it is the Law. But it goes further. There are several good reasons why we should take SHE compliance very seriously - the authorities are becoming more pro-active and initiate regular audits, inspections, investigations, and targeted campaigns. Prosecutions for

incidents and for non-compliance are becoming more frequent, and fines are becoming more significant. Managers have gone to jail over both safety and environmental offences (including gross negligence and industrial manslaughter). And last, but not least, it's every company's duty as a good corporate citizen.

How many SHE-related obligations are there across Australia and New Zealand?

Australia and New Zealand consist of 10 legislative jurisdictions (Commonwealth, six states, two territories and New Zealand). In total they have more than 2,200 SHE-related acts, regulations, codes of practice and other legislative instruments. Between them, they have more than 15,000 individual SHE-related obligations (some of them quite extensive).

In addition, there are over 1800 Australian and New Zealand Standards referenced in legislation. For instance, the Australia and New Zealand Standard AS/NZS 3000-2007 Electrical Installations is referenced in 76 different Acts, Regulations and Codes in Australia and New Zealand; while the NSW Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice 2011 references some 85 different Australia and New Zealand Standards.

How many of these obligations does a business have to comply with?

While the total number of SHE-related Acts, Regulations, Codes and referenced Standards in Australia and New Zealand is close to 4,000, the number that a business needs to consider, would depend on two factors: the number of jurisdictions the business operates in, and the nature of the operations.

For instance, a large construction company that operates in all 10 jurisdictions and is involved in large-scale construction projects including building, mining, offshore, and infrastructure, will need to comply with virtually all of the SHE-related obligations in all of these jurisdictions

An office-based company with operations in all Australian jurisdictions and in New Zealand would probably need to comply with some 1500 Acts, Regulations and Codes. If that company doesn't just rent office space, but owns or operates the buildings, this number will grow to 1900. However, if the company operates only in one state, Queensland, it would probably need to comply with some 340 Acts, Regulations and Codes (Queensland and Commonwealth) if it just rents the offices, and 440 if it owns or operates the building.



How often are new obligations introduced or existing ones revised?

The overall number and the rate of change of Acts, Regulations and Codes has been increasing for a number of years now, and is continuing to increase. This includes amendments, new legislation, repeals and revocations. Approximately five years ago the number of changes to SHE-related Acts, Regulations and Codes over a period of three months (August to October 2010) was 400; the number of changes for the corresponding period last year (August to October 2014) was 630.

Obviously, not all of these changes are applicable to all companies. In addition, many of them don't have major operational consequences (i.e. the amendment may consist of increased fees or some minor administrative changes). However, quite a few of these changes are important, do matter, and businesses must track them, assess them, and incorporate them into their procedures where they belong.

The recent 'World Day for Safety and Health at Work' on 28th April, was a timely reminder that organisations need to keep the spotlight on SHE obligations, ensuring safe workplaces for people and the environment.

Source

¹First Aid Readiness in the Australian Workplace, 2013