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How to Help Prevent Injuries in Your Workplace

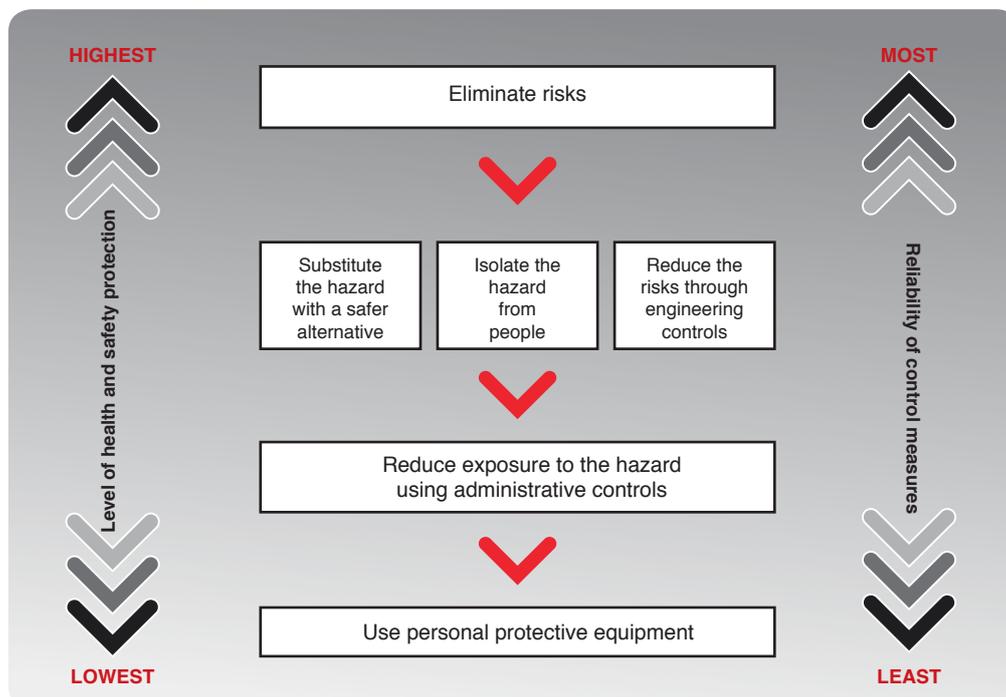
There are two very important clauses in the WHS Regulation 2017 that every PCBU needs to be on top of. When it comes to preventing accidents these two are probably the most important clauses in the WHS Regulation 2017 which has 704 clauses in it. If you succeeded in fully applying either of these clauses to a hazard you could be confident that it would be highly unlikely that any worker or other person would be injured in your workplace because of that hazard.

Clause 35 requires that a PCBU *“must eliminate risks so far as reasonably practicable”* and *“if it is not reasonably practicable to eliminate risks to health and safety”* then you must *“minimise those risks so far as is reasonably practicable”*.

Clause 36 tells us that if you can't eliminate the risks to health and safety then you must use the hierarchy of control measures in clause 36 to *“minimise those risks so far as is reasonably practicable”*

Pick any WHS prosecution where a person was injured and you can almost always see the PCBU did not succeed in applying or maintaining the application of these two clauses.

The diagram below shows the steps, relationships and requirements involved in applying the hierarchy of control measures. You can see the diagram in the recently updated SafeWork NSW Code of Practice, *How to Manage Work Health & Safety Risks*.



A recent WHS prosecution in the NSW District Court is a gripping example of an incomplete hierarchy of risk controls resulting in a worker being severely injured. While working in a team doing high pressure water cleaning, an uncontrolled hose wrapped around a worker's leg and blew a hole through his leg from one side to the other. The PCBU was fined \$225,000. (See the note at the end of this article for access to the Court's judgement)

How to Prevent Injuries

Do whatever is necessary to satisfy the requirements of clauses 35 and 36. And that includes making sure that all workers (managers, supervisors and others) who are involved in working with a hazard are familiar with the hierarchy of control that applies to that activity and why it is so. Understanding and agreement are critical factors in achieving application.

Note

1. SafeWork NSW v Silver Raven Pty Ltd (2019) NSWDC 425
<https://www.caselaw.nsw.gov.au/decision/5d5b42f9e4b0c3247d711332>
2. The diagram in this article is from the How to Manage Work Health & Safety Risks Code of Practice and Safe Work Australia owns the copyright and licences its use under a Creative Commons Attribution-Non-commercial 4.0 International licence. To view a copy of this licence, visit creativecommons.org/licenses. In essence, you are free to copy, communicate and adapt the work for non-commercial purposes, as long as you attribute the work to Safe Work Australia and abide by the other licence terms.

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