

Workplace Safety in Australia

A guidebook for employers who engage
non-English-speaking workers



Developed by PMfresh Pty Ltd pursuant to an
enforceable undertaking with SafeWork NSW.



CONTENTS

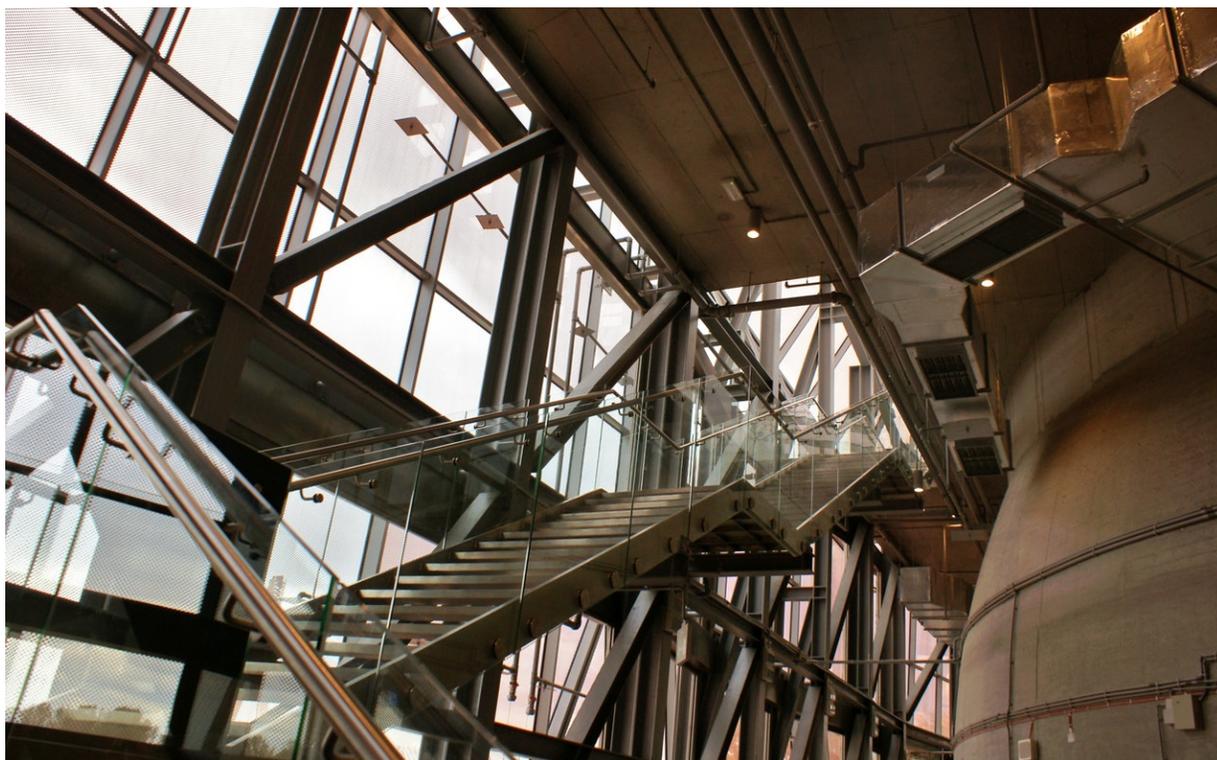
1

WORKING IN AUSTRALIA	2
INTRODUCTION	2
BACKGROUND	3
WHAT DO YOU NEED TO DO?	4
INDUCTION	4
CONSULTATION	5
RISK ASSESSMENTS	6
RISK CONTROLS	8
TRAINING	11
MONITORING	12
MANAGING AND PERFORMANCE	12
MESSAGING AND ATTITUDES	12
WHERE TO GO FOR FURTHER SUPPORT?	13
FORMS AND DOCUMENTS	13
SUMMARY	14

Working in Australia

Introduction

This guide has been prepared by PMfresh, pursuant to an Enforceable Undertaking with SafeWork NSW. This guide is designed to support employers who engage, or intend to engage, CALD (Culturally and Linguistically Diverse) workers who either have English as a second language, or do not speak English at all.



Background

Australia is a multicultural society and there are many languages spoken in homes and in workplaces. This diversity is further extended with many workers travelling to Australia for short term working engagements or holidays.

Employers understand not all their workforce have a high level of English proficiency. Even when workers are competent English speakers, their 'risk' and 'safety' threshold may be different across cultures, and workers simply may not understand the emphasis Australian workplaces have on controlling risk or reporting incidents.

The law recognizes the huge cultural and language diversity (CALD) of the employees in many Australian workplaces. NSW WHS Regulations (clause 39) require employers to provide information, training and instruction "in a way that is readily understandable by any person to whom it is provided." This means that employers must make safety relevant and understandable for their workers, no matter their language or cultural background.

Also, it is important to remember that language is not the same as culture or heritage. Just because two people speak the same language does not mean they have the same understanding of safety.

Non-compliance with safety regulations can lead to penalties, including fines and prosecutions.

What do you need to do?

WHS legislation requires employers to do several things to comply with their 'primary duty of care' under WHS legislation. At its core, this requires you to make sure the workplace is as safe as 'reasonably practicable' (for further information, visit www.jopl.com.au/cald.html).

What does a safe workplace look like? For a start, a **system** must be in place. A system is a regular and patterned process to identify risks, understand risks, manage risks, communicate, train, and continuously improve workplace safety.

These concepts are discussed in detail below and outline key steps you must take to support your non-English speaking workers.

Induction

When any worker enters your workplace, they will feel disorientated. No matter how much experience they have had, the stress of a new workplace, new colleagues, managers and environments, will cause problems if you don't address them.

You must have an induction process in place that:

- Orientates workers to the work environment.
- Helps workers to get to know key personnel (safety officers, first aiders, fire wardens, HSR representatives).
- Overviews emergency procedures.
- Explains behavioral standards and expectations.
- Supports workers in understanding what they are required to do.
- Gives workers an opportunity to ask questions and identify things they may not understand.

You can use our induction PowerPoint as a starting point: www.jopl.com.au/cald.html.

Nothing beats one on one mentoring. Spending time with new workers on day one will save you time, money, and will reduce the risk of workplace injury.

In some cultures, appearing to not understand may be seen as a sign of disrespect, so it's important to make sure the induction has been understood. For example, your workers may smile and nod during the induction, but this may not convey understanding at all! That's where a buddy system or a mentoring system is so critical. With these systems someone can show the new worker what to do and where to go, *modelling* the behaviour rather than giving instructions that may not be understood.

Consultation

You are required to consult with your workers. This means:

- Give workers the opportunity to raise safety issues or concerns.
- Communicate safety information ('what's happening in the workplace?').
- Follow up issues and tell workers what is planned ('we're dealing with that safety issue by doing this').

Consultation requirements vary and depend on both your workplace size and what is most suitable for your workers. For example, you may hold toolbox meetings every day or you may have a noticeboard and a regular safety team meeting.

All safety communications must be easy to understand. You need to know your workers and understand what works for them.

Check your workers' understanding and ability to translate this understanding into safe work practices by conducting spot surveys.

Some key questions may include but are not limited to: *Did you get that message? Do you have any issues that you haven't been able to raise? Show me where the first aid kit is located? Where can you find the Safety Data Sheet (SDS)? What is an SDS?*

Know your workers

- Where were they born?
- Where have they worked before?
- What was it like to work there?
- Do they understand the Australian workplace context?
- Are they literate?

Note: Never assume literacy. Just because someone is from a country doesn't mean they can read or write in that country's language. Not all Australian born people can read and write in English.

Risk Assessments

Identifying the high-risk hazards in your workplace is a critical part of safety management. Understanding how language and culture can affect safety hazards is very important. For example, your workers may have grown up with different rules around driving, personal space, spitting, handshaking or risk taking. You need to understand what your workers think is normal. If it might be a problem, **YOU** need a plan to resolve that problem.

For example, a ladder is a hazard. A ladder can break, a ladder can fall over and both people and objects can fall while working at heights on the ladder. You need to consider questions such as: *Who is using the ladder? Who is working near the ladder? Is there awareness of ladder safety?* It is not simply a matter of assuming your workers know what is acceptable or can read warning signs placed around the workplace.



Your workers may be very competent but may not appreciate what's going on around them. It is also possible that they may simply have no awareness of Australia's safety requirements. This must be factored into your risk assessments. There is no such thing as common sense (and that applies to all workers from all backgrounds).

Understanding Hazards, what to look for:

- **Social factors (workload, work hours, bullying and mental health)**
- **Workplace leadership and structure**
- **processes)**
- **Emergency situations (neighbours, weather, consequences of external events)**
- **People (age, experience, cultural background, health, attitudes)**
- **Work environment (design, layout).**

Note: the above incorporates various sources, including ISO 45001 (2018)

Risk Controls

Going hand in hand with identifying risks and hazards, controlling risks is critical. You must follow the hierarchy of controls. The tables below outline the hierarchy of controls, giving three separate examples, as well as discussing some things to consider when engaging non-English speaking workers.

Factory Example: Working with forklifts

<u>Hierarchy Level</u>	<u>Practical Example</u>	<u>Language Considerations</u>
Eliminate	The forklift is a hazard, so remove it from your site	N/A
Substitute	Replace forklifts with pallet jacks or walkie stackers	N/A
Engineer	Use blue lights on the forklift to alert people when reversing. Use speed limiters to restrict speed.	Workers may not understand what a blue light means. They may have never seen a forklift in operation and may not know it turns quickly or has a high speed (especially in a tight working environment).
Isolate	Keep workers away from forklifts by using barriers and gates. Remove forklifts from areas where people work.	Workers may not understand the importance of barricades or gates and may climb over them to take a shortcut.
Administrative Controls	Train workers in forklift awareness. Use signage to warn workers for forklift movement.	Workers may not be able to read signs or understand what they mean. Workers may understand your training, but not appreciate how it applies in the workplace context (e.g. what does it mean to say keep three metres away from a moving forklift?).
Personal Protective Equipment	Enforce a high visibility clothing policy.	Workers may believe high visibility clothing makes them visible to forklift drivers (which may not be true when the driver is reversing). PPE may encourage unintentional risky behavior.

Construction Example: Working at heights

<u>Hierarchy Level</u>	<u>Practical Example</u>	<u>Language Considerations</u>
Eliminate	Working at heights is a hazard – but it is a necessity when constructing a building (it cannot be eliminated).	N/A
Substitute	Where work can be conducted on the ground, do so. Assemble a guttering structure and then raise it.	Workers may not understand the options available to them and may take unnecessary short-cuts (working at height when the same work could be performed at ground level).
Engineer	N/A	N/A
Isolate	Use scaffolding and void protection to provide a physical barrier to stop falls. Harnesses may also be used.	Workers may not appreciate or expect fall protection and may therefore not notice when it is not there.
Administrative Controls	Safe Work Method Statements may be used to detail safe work practices and how controls can be implemented to make the work task as safe as possible (e.g. using three points of contact when climbing ladders, using the best ladder for the task).	Workers may not be able to read or understand Safe Work Method Statements. Even when they can, they may sign them without reading them because there is a perceived attitude that they are unimportant and ‘there for the sake of it’.
Personal Protective Equipment	Enforce the use of harnesses and other PPE when required.	Workers may not appreciate the importance of PPE.

Agricultural Example: Quad Bike

<u>Hierarchy Level</u>	<u>Practical Example</u>	<u>Language Considerations</u>
Eliminate	The quadbike could be eliminated by being removed from the farm.	N/A
Substitute	Replace the quad bike with a side-by-side or other vehicle.	Workers may still not appreciate the dangers of vehicle use or may use a vehicle beyond its capabilities.
Engineer	Install a roll-cage.	Workers may believe the safety features make it possible to push the vehicle beyond its limits and must be reminded of the vehicle's limitations.
Isolate	N/A	N/A
Administrative Controls	Train workers in safe quad bike use, including selecting a quad bike for appropriate tasks, staying on level tracks, etc.	Workers may not appreciate the limitations of the quad bike, and may not understand the importance of staying on level tracks (e.g. they may not appreciate the Australian terrain and potential drops/cliffs/etc.)
Personal Protective Equipment	Wear helmets to reduce the risk of serious injury.	Workers may not appreciate the importance of helmet use, may perceive negative attitudes towards helmet use, and may feel they can take more risks while wearing a helmet.

Note: The above are illustrations only and attempt to highlight the potential consequences of miscommunication and cultural awareness. The issues raised here can affect anyone from any background. Workers born in Australia, who speak English, face the same risks and can benefit from the points noted above. Safety risks are not culturally specific, but risk factors should be identified and prioritized.

Training

All workers need to be trained and instructed in their work tasks. This is a complex concept and involves all stages of employment, including recruitment. You need to understand who your workers are, and what their experience looks like. While they may have worked in a factory or a construction site before it won't necessarily be the same work environment.

Review the high-risk tasks you have and develop/implement safe work procedures (whether they are formal Safe Operating Procedures or safe work guides/instructions).

Plan a training program that would include, but not limited to: *What do workers need to know? How will that knowledge be communicated? And, most importantly, how do we assess competency? How do we make sure competency remains over time and skills are not forgotten?*

It is up to you how you do this and monitor it, but you must always ask the question:

- *What does this worker need to know to do their job safely?*
- *Have we provided the required knowledge, or have we confirmed the worker already has this knowledge?*

Translating safety material into a different language is an important step, but it is not enough on its own. In fact, it can be more dangerous, as CALD nuances may be overlooked and key information may be missing. You need to know your workers: *know their history, know their experience and understand what they need.*

Regardless of language, very few people thrive in a classroom setting. Practical on-the-job training is ideal.

Manage your high risks

- Review controls
- Establish procedures
- Train workers in those procedures
- Monitor to check workers are following procedures
- Review all steps annually (for high risk hazards).

Monitoring

There is no point going to all this effort if you don't check that it works. Audits can be effective, but there is nothing better than walking around the workplace, talking to workers and asking questions. *Do the workers know what to do? Are they working safely?*

Safety observations are a good technique to use – watch workers and see if they're following procedures. If they are not, ask them why before you start disciplinary procedures. There might be a good reason why procedures are not working, and you can feed that back into your training approach.

Managing and Performance

Safety needs to be enforced. Build safety requirements into job descriptions and performance requirements. Treat safety breaches as seriously as you would other breaches (such as workplace theft or poor performance). **Safety is a priority.**

Messaging and Attitudes

Having a diverse workforce provides challenges. It's easy for groups and cliques to form, which is completely understandable amongst language groups. There is no simple solution, but the only way forward is to promote equality, tolerance and respect. Everyone must be treated as equal, and given opportunities to interact, share and work together.

Where to go for further support?

For further information, please visit the following websites:

SafeWork NSW

<http://www.safework.nsw.gov.au/>

SafeWork Australia

<https://www.safeworkaustralia.gov.au/>

Multicultural NSW

<https://multicultural.nsw.gov.au/>

Forms and documents

There are various documents you require to support your workplace's safety. These include checklists, responsibility statements, incident reports as well as other forms and registers. The following documents have been developed by Primo Moraitis Fresh, in conjunction with JOPL safety, to supplement your existing forms and documents:

- Basic Induction checklist
- Risk Assessment template
- Toolbox talk template and topics

You will find them on our website: www.jopl.com.au/cald.html

Summary

Know your workers: Where they come from, their language, their experience and context (what do they understand about safety?).

Take risks seriously. It's not just about language, it's about risk awareness and conceptual awareness: *What is a risk? What needs to be reported? What are the workplace expectations? What are the legal requirements?*

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