



## ***Newsletter – April 2018***

### **Managing Change**

Welcome to our first newsletter for 2018!

2018 is bringing many changes, and with change comes the challenge to adapt and improve.

The most significant change is the introduction of ISO 45001, the new safety management systems Standard replacing AS/NZ 4801. 4801 has become such a strong benchmark for safety that it can be difficult to look beyond it. We must look beyond 4801, however, because it continues to take us away from basic WHS compliance.

So, what does ISO 45001 mean for you? This newsletter is a little different to our previous issues and will outline how ISO 45001 will affect Australian businesses.

Overall, we believe ISO 45001 is a positive step forward, and will support you in achieving basic compliance with legislation (if implemented carefully).

**Philip Groves**  
**General Manager**

## **ISO 45001: Benefits**

Every business has safety, environmental and quality requirements, even if those requirements are managed informally.

ISO 45001 now brings a safety standard to match environment (14001) and quality (9001), which is very useful if you are running an integrated HSEQ management system. The headings are the same, and the concepts similar (risk-based thinking etc.). So, for those businesses with 3<sup>rd</sup> party accreditation, a few tweaks and the paperwork will flow much more smoothly.

The international ISO approach is also extremely helpful for businesses that wish to maintain or seek an international branding presence.

Through our review, we have noticed that many of the new concepts introduced into 45001 reflect WHS legislation. Applying ISO 45001 will support your compliance with legislative requirements.

## **ISO 45001: Limitations**

There will be cost associated with upgrading to 45001. Whether your safety systems are certified, or you simply wish to meet a standard of best practice, you will have to make changes to your systems and processes.

Certification doesn't protect your business, and courts rarely even mention it during prosecution judgements. Certification is only useful if you need it to win a contract or tender (and even then, a good risk-based procedural system and support from an external consultant can provide an acceptable alternative). Adherence to the standard is a different story. The standard is a good benchmark and offers a solid outline to work towards. Treat it as a best practice guide, and your business will benefit from it.

## **The Details – A 4801-45001 Comparison**

The following outlines a few key changes between 4801 (old Standard) and 45001 (new Standard). These notes are our view of the changes, and we are happy to support you in applying them to your business context.

### **Structure:**

The new Standard is structured the same as ISO 9001 (Quality) and ISO 14001 (Environment). There are many elements that are common, and meeting them for one standard means that you'll meet them for all standards. This should help integrate all the Standards into one management system. Common policies, standards, procedures and tools that meet multiple requirements can make operations simpler.

### **Element 4 – Context of the organisation**

This is a new element, and requires organisations to describe their 'context'. This includes 'interested parties' and how the management systems may affect them. For example, how does your work and safety system impact on visitors?

## **Element 5.2 – OH&S/WHS Policy**

Minor changes may be required in your WHS/OHS policy to highlight commitment to:

- Consultation and worker participation.
- Elimination of hazards (previously “elimination of work related injury and illness”).
- Fulfil legal requirements and other requirements.

This aligns closely with legislative requirements.

## **Element 5.3 – Organisational roles, responsibilities and authorities.**

The old Standard required “Responsibility and Accountability”.

This is clarified in the new Standard to focus on ‘authorities’ – which aligns closely to NSW courts’ interpretation of WHS duties as inherently linked with the concept of workplace control (if you control what’s going on, you are responsible).

## **Element 5.4 – Consultation and participation of workers**

*This is a requirement of Australian legislation in all jurisdictions and should therefore be in place in all companies.* The new Standard outlines specific areas of consultation:

- Determining and removing barriers to participation and minimising those that cannot be removed. This means you will need to understand and reduce barriers (such as language, literacy, and workplace culture).
- Emphasising specific areas where consultation is applicable (e.g. OHS Policy, objectives, outsourcing, etc.).
- Identifying how consultation will be implemented (e.g. consultative mechanisms, identifying and addressing hazards, training, etc).

Again, implementing this element of the standard will support compliance with an element of the legislation.

## **Element 6.1 – Actions to Address risks and opportunities.**

The old Standard required that there are procedures in place to identify, assess and control hazards related to the products and services over which the organisation has control or influence.

The new Standard now requires a wider analysis of risk. This includes understanding how risk affects the entire business. This aligns with the elements of the legislation that require application of a ‘reasonably practicable’ test.

### **Element 6.1.3 – Determination of legal and other requirements**

The old Standard required a system for identifying legal requirements and changes, the new Standard takes that a step further and demands procedures for assessing relevancy of legislative change and how relevant changes are implemented within the business.

### **Element 6.1.4 – Planning Action**

The new Standard applies risk-based thinking to the requirements for planning action. What does a business need to do to manage key risks? Plans should consider other Standards, Business Continuity, and financial, equipment and human resources, necessary to deliver action. The ultimate effect is to elevate the significance of safety in an organisation.

### **Element 7.2 – Competence.**

The new Standard requires a deeper analysis of competence, an area which has long been ambiguous. Organisations must identify necessary competence requirements (in Job Descriptions etc.)

Worker competence is a function of education, training, and experience, but must be proven through demonstration. It also adds, “including the ability to identify hazards”.

Actions to acquire / maintain necessary competence and how to evaluate that competence.

This is particularly relevant in a climate when competence is the key concept (e.g. you may have your licence, but are you competent?).

### **Element 7.3 – Awareness.**

This is a new requirement confirming that workers should be aware of certain things. It is a valuable concept and mirrors the objects of WHS legislation. Workers must be aware of:

- The WHS Policy and objectives.
- Their responsibility in contributing to the effectiveness of the safety system.
- The implications and consequences of not conforming to system requirements.
- Hazards and risks and actions relevant to them.
- Knowing that they can remove themselves from work situations where there is imminent danger (a key legislative requirement).

This tries to quantify basic safety understanding. It may be documented through safety meeting minutes or induction.

### **Element 7.4 – Communication**

This was a requirement of the old Standard *and is a legislative requirement*. The new Standard addresses:

- What to communicate
- When to communicate
- With whom to communicate:
- How to communicate.

You need to ask, how good is our communication?

### **Element 8.1.2 – Eliminating hazards and reducing WHS risks**

The requirements for hazard and risk management are detailed in ISO 45001 in a way that enshrines the use of the Hierarchy of controls, which is also a *legislative requirement*.

Details are included to make it very clear how to identify and manage hazards, which will make it much easier for businesses to demonstrate their commitment to risk management.

### **Element 8.1.3 – Management of change**

There is now a requirement to have processes when change occurs in products / services / materials / location / work conditions / equipment / buildings / legislation / technology.

JOPL specialises in management of change. Just ask and we will help improve your processes for managing internal and external change.

## Summary:

ISO 45001 appears to be aligned closely to current legislative requirements, and compliance with the new Standard will support businesses in achieving their primary duty of care (WHS responsibilities). Note 'support', not ensure. It will be important to maintain a focus on complying with the word and the intent of the law.

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## 2018 Events and Updates

JOPL will be presenting at the following events and workshops in 2018. Please contact us for further information:

May 28-29 Bulk Fuel Distributor HSEQ workshop - Newcastle

June 18-19 HORT Connections – AUSVEG Conference – Brisbane

September (TBD) JOPL Seminar: Risk, Technology, and Business Ethics - Sydney

October 20: Meals on Wheels NSW State Conference – Penrith

For WHS training dates and courses led by JOPL, please refer to our employment law partners, the Australian Federation of Employers and Industry:

<https://www.afei.org.au/training-events/>

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For more information on any of the topics discussed in this newsletter, or to discuss how we may support you and your business navigate safety, environment, quality, and risk management, please contact us.

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