

Topic 4 – May 2018: Why do we follow procedures?

Instructions: Read out the questions to prompt discussion. Read out the answers provided to structure discussion and prompt further thinking.

Opening: Every workplace has safety procedures. They may be formalised in procedural documents, or informal (ad-hoc) procedures.

Q. What procedures do we have in our workplace?

A. This will depend on your specific workplace. They may include Safe Work Method Statements, Safe Operating Procedures, Safe Work Procedures, or simply standards of behaviour (wearing shoes in the workplace, not leaving boxes in walk-ways, etc.).

Q. What does the law require.

A. Section 28(d) of the Work Health and Safety Act (2011) requires workers to:

“cooperate with any reasonably policy or procedure of the [employer] relating to health or safety at the workplace that has been notified to workers.”

Key points being: workers must cooperate and follow procedures, and the procedure must be made known to the workers (procedures can't be locked up in a draw somewhere).

Q. How have the courts interpreted this requirement?

A. In *SafeWork NSW v Alejandro Bocaz* [2017] NSWDC 271, Judge Scotting convicted a worker for failing to implement safe work procedures. In summary, the worker had made up his own procedure that he believed was acceptable, ignoring his company's procedures. He had not taken reasonable care of the safety of workers in his vicinity, and one worker had received severe facial burns as a result.

The worker was convicted. No fine was recorded, but prosecutor's costs of \$30,000.00 were imposed **on the worker**.

The employer was also convicted, fined \$45,000.00 and ordered to pay \$20,000.00 in costs. The employer was convicted for failing to ensure the worker had followed their procedures.

What does this mean?

- Workers: Follow procedures. Speak up if the procedures are not working.
- Employers: Discipline workers who fail to follow procedures. Make sure procedures are relevant and achievable.

Q. Are you following your procedures?

A. Are you? If not, why not. Do you need to change your behaviour, or do your procedures need to change to fit the reality of the workplace? Your procedures must be there to make the workplace safe, not to pass an audit or look pretty on the wall. Make them practical and follow them. If they are not being followed, do something about it.



Safety / Toolbox Meeting Minutes

DATE: _____

COMPANY/SITE _____

MEETING FACILITATOR: _____

Discussion Topic: (review/read the topic above). Are there any questions? Record comments raised, or issues identified.

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Safety Review: Are there any issues or concerns to raise about our workplace?

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Incident Review: What has happened since the last meeting? What can we learn?

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Resolving previous issues: What was discussed in the last meeting or identified in previous site inspections/incidents? Have issues been resolved?

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Corrective Actions (If Required):	Action By:	Completed?	
		Sign	Date
1.			
2.			
3.			



Sign-Off Sheet: Attendees

Name	Date	Time	Signature

Absentees (make sure they are forwarded the safety meeting information and provided an opportunity to give feedback and ask questions).

Name	Roles	Date/Confirmation Material Forwarded