

Safe People Management

Workplace Health & Safety (WHS)

By **JOHN TEMPERLEY** (Australian Centre for Agricultural Health and Safety, The University of Sydney)

While many accept that the most valuable asset for a business is its people, the question that should still be considered is “are we paying sufficient attention to the management of our human resources?” At least, in terms of meeting relevant legal compliance and optimising the value that our employees contribute to the farm business.

This section is focused on just one critical aspect of human resource management for cotton growers; that is ‘workplace health and safety’, (WHS). It aims to provide a quick overview of key legal requirements and advice on practical support being made available for growers to manage their WHS responsibilities by Cotton Australia and through *myBMP*.

Work health and safety law

The Work Health and Safety Act and Regulations outline the responsibilities of key parties involved in managing health and safety risks associated with workplaces and work activities.

Current WHS legislation refers to a person who conducts a business or undertaking (or a PCBU). The term PCBU includes employers, farm owners, growers and managers of cotton farms, cotton gins and all other work places.

The PCBU’s legal responsibilities for WHS include:

- Ensuring a safe workplace and the health and safety of workers;
- Involving (consulting) with workers to establish and maintain the WHS plans;
- Organising safe systems of work, including the use of safety equipment;

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- Make sure you are aware of your WHS legal responsibilities and maintain an effective WHS program, that is integrated into all aspects of the cotton business.

- Maintaining work areas, machinery and equipment in a safe condition;
- Ensuring safe use, handling, and storage of plant and dangerous substances;
- Providing information, instruction, training and supervision to workers;
- Providing adequate facilities for the welfare of workers (eating, toileting, washing and storing personal belongings; and,
- Ensuring Workers Compensation for injured workers and assistance with injury management, rehabilitation and their early return to work.

The definition of ‘Worker’ has also been extended and now includes contractors and contract workers as well as the PCBU’s own employees. Others who can be deemed to be workers, include labour hire workers, students and in some cases volunteers.

Workers also have WHS legal responsibilities. Workers must:

- Comply with any reasonable health and safety instructions of the PCBU;
- Take reasonable care of the health and safety of themselves and others; and,
- Cooperate with reasonable health and safety policy and procedures of the PCBU (the farm owner, manager or employer) in managing safety at work.

Safety – a core business value

Managing safety must be accepted as an integral part of the way that we manage our cotton farm businesses. The cost of accidents is not only felt in terms of pain and suffering, but can also result in significant financial loss to growers personally and the farm enterprise. The cost of poor WHS performance may also include:

Reduced productivity

Equipment damage, downtime and replacement of injured workers; and,

Civil claims, prosecutions and the associated legal costs and time spent off farm attending to business with solicitors and/or in courts defending litigation.

WHS risk management

Contemporary WHS legislation in Australia has moved from being over prescriptive to a requirement for workplaces to demonstrate a risk management approach to WHS issues. The key steps to WHS risk management on cotton farms include:

- **Seeing** or identifying safety hazards on farms and related workplaces;
- **Assessing** the nature and severity of risks;
- **Fixing** or controlling those risks to manage safety;
- **Evaluate** and check the effectiveness of safety controls; and,
- **Record** or documenting the safety control/s taken or planned.

Employee Relations

By **BOB KELLOW**

The working arrangements you agree to with your employees are an integral part of the overall operations of your business. Getting it right is not only important to good employee relationship and effective management but also a legal requirement with its many consequences.

Employment conditions

It is important to know what the minimum employment conditions are and how they apply to your particular employees. These minimum conditions are generally found in awards and the Fair Work Act including the National Employment Standards (a set of 10 minimum conditions that apply to all employees)

The Cotton Industry is principally serviced by two Modern Awards, The Pastoral Award 2010 and the Cotton Ginning Award 2010. Other awards may apply and it is important to seek advice if unsure how your particular employee fits in to these awards.

The awards together with the National Employment Standards set minimum conditions that all employers must observe. These include such entitlements as:

- Minimum rates of pay;
- Hours of work, including overtime;
- Penalties and allowances;
- Leave entitlements such as annual leave, sick leave, compassionate leave etc;
- Termination provisions including redundancy;
- Types of employment, eg. full time, part time, casual; and,
- Classification structures.

Further information:

Employers can access the following government websites for copies of awards and/or a range of industrial relations matters:

Fair Work Commission, www.fwc.gov.au

or the Fair Work Ombudsman – www.fwo.gov.au.

Employers also have access to the *myBMP* management tool that provides general HR (Human Resources) information.

For further information please contact Bob Kellow, Industrial Mediation Services, 0427 667 344.

For cotton growers, farm managers and workers a helpful acronym to remember those 5 key safety risk management steps is:

S-A-F-E-R, representing **See it, Assess it, Fix it, Evaluate and Record it**.

Growers safety priority in controlling hazards must be to eliminate hazards where it is reasonably practicable.

WHS Regulations provide information to a PCBU on what is required to meet their safety obligations. Codes of Practice, Australian Standards and Safety Guides provide more information on how to comply with their obligations and determine minimum health and safety performance, or what is considered as reasonably practicable.

What help is available to manage WHS on cotton farms?

Under the banner of CottonSafe, Cotton Australia is promoting an increased awareness of relevant WHS issues for the cotton growing industry. Delivering to growers and cotton farm workers up-to-date evidence based guidelines, tools and other resources to assist in managing WHS responsibilities and to mitigate injury, legal and financial risks known to be associated with poor WHS performance.

Access to the cotton WHS risk management resources will be available through the Cotton Australia website and through the *myBMP* 'Human Resource' module.

Growers are encouraged to visit the the Cotton Australia website and CottonSafe section and to utilise the information and resources available on that site.

For further information on:

CottonSafe program (Cotton Australia website) www.cottonaustralia.com.au

myBMP 'Human Resource': website www.myBMP.com.au

QLD WHS Law: website www.deir.qld.gov.au/workplace/index.htm

NSW WHS Law: website www.workcover.nsw.gov.au

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- Understand the appropriate award, the correct classification level of the employee, the status of the employee (full time, casual etc), the hours required to be worked and the relevant rate of pay including additional payments for overtime, allowances etc.