

Understanding Safety Systems on Worksites

BACKGROUND

In recent site visits WorkSafe ACT has identified a number of workers and officers of companies signed into, and allegedly working to, safety systems which they clearly do not understand.

DUTY OF PERSONS CONDUCTING A BUSINESS OR UNDERTAKING

The *Work Health and Safety Act 2011* requires all persons conducting a business or undertaking (PCBU) to ensure so far as reasonably practicable the provision and maintenance of safe systems of work in addition to ensuring the provision of information, training and instruction or supervision that is necessary to protect all persons from risk. When a PCBU has workers that may not understand information presented in the traditional format of written and spoken English, then the information, training and instruction **MUST** be delivered in a manner that the worker will understand. For example, if a worker does not speak, read or understand the English language the information provided must be delivered in a language and manner that is clearly understood by the worker.

VERIFICATION PROCESS

In addition to the duties of a PCBU, Officers of the PCBU have duties to exercise due diligence including verification of the provision and use of resources and processes. This verification process must ensure that the induction of workers into safe systems of work is successfully completed. This should be tested (verified) by questioning workers, seeking demonstrations of tasks or otherwise confirming their understanding.

The following key points apply:

- Safety Systems including Safe Work Method Statements (SWMS) must be presented in a manner that the workers understand, such as by using diagrams, photos, videos or text being translated and delivered in a language and in a manner that is understood by the worker.
 - any translation of key safety documents must be to a recognised standard (ie National Accreditation Authority for Translators and Interpreters (NAATI) Certified);
 - [SWMS](#) and other safety systems should be kept brief and simple so that they are readily understood.
- Principal contractors equally share in the duties to ensure all workers at their sites have had the safe system of work communicated to all workers, and importantly, that it is fully understood by all workers.
- A safe system is NOT safe if it is NOT understood by the workers operating to it
- The provision of a safe system is a duty of every PCBU and cannot be subcontracted or transferred.
- Second and third tier subcontractors CANNOT simply adopt the safety system of another company, every PCBU has this concurrent duty
- Every tier/level in the hierarchy of a company has a duty to ensure the safety of the worker including the workers' understanding of the safety systems

A safe system is only safe if it is clearly communicated and understood by all persons in the workplace.

SAFETY ALERT

FURTHER INFORMATION

Further information on employer responsibilities and workers' rights, including translations into several different languages, can be found on the Safe Work Australia website at the following link:

<https://www.safeworkaustralia.gov.au/resources-publications/guidance-materials?page=2>

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