

# OCCUPATIONAL HEALTH AND SAFETY STANDARDS AND PROGRAMS

## Employment Instruction Number 11

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### 1. *Scope*

1.1. This Employment Instruction:

- a) sets out the rules for developing occupational health and safety standards and programs in Northern Territory Public Sector agencies;
- b) is issued in accordance with section 16 of the *Public Sector Employment and Management Act* (the Act);
- c) is to be read in conjunction with:
  - sections 13(m), 24(3)(k) and 28(2)(h) of the Act; and
  - the *Work Health and Safety (National Uniform Legislation) Act 2011* (the WHS Act) and its Regulations and Codes of Practice as amended from time to time, which, as the principle legislation covering all work health and safety matters, must also be adhered to at all times

**Note:** Despite the use of the term 'employee', this Employment Instruction does not diminish, limit or restrict health and safety duties as set out in Part 2 of the WHS Act. This is because under Section 7 of the WHS Act a worker is a person:

'..... carrying out work in any capacity for a person conducting a business or undertaking, including work as:  
(a) an employee....'

### 2. *Agency programs*

- 2.1. A Chief Executive Officer must ensure the application in his or her agency of appropriate occupational health and safety standards and programs.
- 2.2. A Chief Executive Officer is required to provide information in the agency annual report in relation to the agency occupational health and safety programs.

### 3. *Occupational Health and Safety Programs*

- 3.1. An agency health and safety program must include a management system which, at a minimum, must:
  - a) ensure that employees are appropriately represented in relation to health and safety matters in the workplace through one or more of the following:

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- the establishment of health and safety committees (HSCs) (where requested by a HSR or by five or more employees, or at the agency's own initiative); or
  - the determination of work groups and the election of health and safety representatives (HSRs) and deputy HSRs if appropriate, where requested by one or more employees; or
  - both HSRs and HSCs.
- b) ensure that employees are consulted, either directly or through their HSRs or HSRs and HSCs (as relevant), in the decision making process relating to health and safety matters in the workplace. Matters on which employees should be consulted include, but are not limited to, the:
- identification of health and safety risks in the workplace;
  - identification of ways to eliminate or minimise those risks where reasonably practicable; and
  - maintenance and review of control measures implemented to eliminate or minimise health and safety risks in the workplace.
- c) ensure the provision of appropriate training, resources and facilities for:
- HSRs and deputy HSRs;
  - HSC members ;
  - officers (especially in relation to the requirements of their due diligence duty); and
  - employees.
- d) include protocols for liaison and co-operation with authorised union officials (i.e. Work Health and Safety Permit Holders), inspectors appointed under the *WHS Act* and the Northern Territory Regulator (the NT WorkSafe), in the exercise of their functions under the *WHS Act*;
- e) develop policies and programs to be observed within the agency which promote and support health and safety in the workplace;
- f) require effective communication strategies for the dissemination of these policies and programs to employees;
- g) clearly define and allocate responsibilities for monitoring and managing work health and safety programs and processes throughout the organisational structure;

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- h) integrate work health and safety into all supervisory and management responsibilities (as relevant);
- i) encompass active management of employees' compensation claims and rehabilitation programs;
- j) establish procedures for the following:
- identification and elimination or minimisation of risks and hazards, such as those associated with plant and equipment, dangerous goods, hazardous substances and asbestos in the workplace;
  - preparation for and management of emergencies;
  - notification of incidents, including directions to employees to report work health and safety incidents;
  - management of substances with hazardous properties;
  - consultation with employees and/or their HSRs and HSCs about health and safety in the workplace;
  - consultation, co-operation and co-ordination of activities (as relevant) with others who hold work health and safety duties in the workplace;
  - induction of new employees and visitors to work health and safety management in agency workplaces; and
  - reporting of notifiable incidents (i.e. incidents involving the death of a person, serious injury or illness of a person or a dangerous incident) to NT WorkSafe, as required under the WHS Act.
- k) ensure appropriate documentation of the agency's compliance with work health and safety duties, such as consultation with employees or their HSRs and HSCs or both employees and their HSRs and HSCs; risk identification; and management procedures; and other work health and safety matters; and
- l) establish an effective and transparent process for the resolution of health and safety issues and disputes.



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