Chapter 19. Workplace Health and Safety

19.1 Introduction
The Work Health and Safety Act 2011 stipulates the workplace health and safety provisions with which ATDP activities must comply.

The Act identifies the independent and shared responsibilities of ATDP management as a person conducting a business or undertaking (s5) and volunteers as workers (s7).

19.2 ATDP Responsibilities to Staff and Volunteers
ATDP management and volunteer presenters have a joint responsibility under s17 of the Act:

- to eliminate risks to health and safety, as far as is reasonably practicable; and
- if it is not reasonably practicable to eliminate risks, to minimise those risks to health and safety as far as is reasonably practicable.

In fulfillment of its obligations under sections 27 and 29 of the Act, ATDP promulgates WH&S policies on the following issues:

- safe motor vehicle travel to and from training venues,
- safety in class rooms,
- alerting training participants to the WH&S issues they may encounter as practitioners,
- professional indemnity insurance, and
- public liability insurance.

19.3 Learning Facilitator and Mentors’ Duties
Under s27 of the Act, an officer of ATDP you have a duty as to exercise due diligence to ensure TIP management meets its health and safety duties and obligations.

Under s28 of the Act, you have a duty to:

- take reasonable care for your own health and safety, and
- take reasonable care that your acts or omissions do not adversely affect the health and safety of others, and
- as far as you are reasonably able, comply with any reasonable health and safety instruction given by TIP management, and
- co-operate with any reasonable health or safety policy or procedure promulgated by TIP management.

You must ensure:

- all TIP-issued equipment is operated in accordance with manufacturers’ safety precautions;
- all reasonable safety measures are adhered to (for example: ensuring gaffer tape covers power leads to electronic equipment);
the safety of the venue once you are in situ,
participants understand the safety procedures at the training venue (fire evacuation plans etc);
you seek your course coordinator’s advice on any issue you don’t fully understand; and
you monitor yourself and guard against burn out.

Each of these is explained in detail below.

Additionally, you have a duty to ensure that ATDP participants comply with ATDP health and safety policy and procedures.

Finally, you will need to advise mentees and consolidation course participants that, when they return to their home State, they are subject to their State’s Workplace Health and Safety legislation and need to be familiar with its provisions.

19.4 ATDP Candidate and Mentees’ Duties
Under s29 of the Act, ATDP candidates and mentees have a duty to comply with the same duties as you have (see above).

19.5 Safe Travel by Car
Your duty of care requires that you:

- drive in accordance with the road laws,
- break your travel each two hours with a 15-minute reviver stop;
- have a one-hour meal break at breakfast, lunch and/or dinner time (as appropriate); and
- limit your actual driving time to a maximum eight hours per day.

If your journey exceeds eight hours driving time, you are to stay overnight at an interim stop, and request travel allowances to provide for this.

19.6 Safety in the Class Room
Two trainer-assessors will normally conduct courses so that there is someone to assist should a candidate become disturbed during a presentation.

19.7 Safety in the Practitioner’s Environment
TIP has a duty of care responsibility to ensure that it alerts course participants to the range of situations with WH&S implications that they may encounter as Practitioners. As they may be alone at the time, their ESO’s duty of care responsibility will be in their own hands. They will therefore need to exercise care and due diligence for their own safety to avoid compromising their ESO’s responsibilities to them.

Noting that no list could ever cover all possible situations, some of the situations they may encounter include interaction with people with:

- loneliness,
- alienation,
• dementia,
• mental illness,
• abusive behaviour,
• communicable disease, and
• harrowing experiences.

19.8 Working with Vulnerable Persons

Legislation governing protection of Vulnerable Persons varies according to the particular State or Territory in which a volunteer or employee operates so there is currently no overarching national approach.

The legislation requires those who work or volunteer with vulnerable people to have a background check and be registered. Vulnerable Persons for this purpose means:

• a child or children; or
• an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

The premise is that the past behaviour of an individual can provide an indication of that person’s possible future behaviour. Examples or patterns of inappropriate abusive or behaviour may be evident in information available for assessment.

Checking with appropriate safeguards is consistent with s28 Human Rights Act 2004.

19.9 Compliance

Good governance requires that ATDP be compliant with the Act. Compliance requires that ATDP Members undertake a Job Safety Analysis in new venues or situations. The form at Attachment A will guide compliance with the requirements of the Act. A fillable form is included in the Forms folder in Library 5 of the Manual.

19.10 Indemnification Insurance Cover

If your ESO is a member of VITA, subject to the VITA Protocols (see Library 3, Chapter 12), you are covered by the VITA against accident while you are travelling between your place of residence and the training venue, and indemnified against claims against your professional performance.

If your ESO is not a Member of VITA, you must ensure that your ESO is advised in writing of, authorises and formally minutes your role as a ATDP trainer-assessor, and issues you with a letter of authorisation so that you have indemnity coverage and public liability cover under your ESO’s insurance.

19.11 Incident Notification

ATDP has a duty under Part 3 of the Act to notify the State Work Health and Safety Regulator should any notifiable incident occur. An ATDP member is to advise the venue owner, Regional Manager and Secretariat as soon as is reasonably practicable should any of the following occur:
• death of a person, or
• serious injury or illness of a person, or
• a dangerous incident (defined as a workplace incident involving a serious risk to any person’s health or safety; eg, assault, an electric shock).

19.12 Accident of injury reporting
In the event of a workplace accident or injury as quickly as reasonably possible, notify:

• the CFMG Chair, Regional Manager or ASO (whichever is most appropriate in the circumstances); and
• in the event of injury resulting in medical or hospital support, the VITA Secretary.
## Annex A

### ATDP Job Safety Analysis

<table>
<thead>
<tr>
<th>Item</th>
<th>Job Step (Break job into steps)</th>
<th>Potential Hazard (What can cause harm)</th>
<th>Risk Rating (What you are going to do to make the job as safe as practicable)</th>
<th>Responsible (Person who will ensure that precautions are taken)</th>
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