

At a glance

Employers have a responsibility, a duty of care, to take all reasonably practicable steps to minimise or eliminate any risk to the health or safety of workers and others at the workplace.

To help with this, statutory and workplace policy and procedure frameworks have been developed and you are responsible for the implementation and adoption of any relating to your business.

Each state or jurisdiction has Acts and supporting regulations and codes of practice covering responsibilities. Employers should refer to those that cover their jurisdiction, as there can be some differences, but most will include the following considerations.

Risk management

All growers should have risk management systems in place for health and safety, production, biosecurity, and staffing.

Manage potential hazards: Follow hierarchy of control: identify, assess, eliminate, substitute, monitor, review.

Protocols/procedures: These improve business operations and must be in place (e.g., for chemical and dangerous goods storage and handling, machinery operation, manual handling, biosecurity, emergency action and COVID Safe plans).

See: safeworkaustralia.gov.au/search/site?search=Manual+handling

safeworkaustralia.gov.au/search/site?search=machinery+operation

Policies and procedures

Develop

Using statutory guidelines, design a relevant current framework for your business, e.g., safe work procedures; COVID Safe plans

Implement

Ensure adoption through consultation with employees and key personnel

Assess

Evaluate, revise, monitor and review the performance of any implemented policies and procedures

Report

Follow statutory guidelines for reporting near miss, incidents, accidents, incursions

safeworkaustralia.gov.au/doc/emergency-plans-fact-sheet

Programs

Employers should have established staff training, pest and disease identification & monitoring, equipment, plant and machinery safety and maintenance programs in place.

Record keeping

Maintain accurate and up-to-date training records, spray diaries, chemical inventories, maintenance records, and accreditations.

As an employer, you must also follow state and federal government directions regarding COVID-19 (e.g., from the Chief Health Officer)

See safeworkaustralia.gov.au/covid-19-information-workplaces/other-resources/covid-19-public-health-orders



Workplace provisions

Facilities

Employers must provide the following workplace facilities for employees.



First aid station



Emergency assembly point



Eating area



Hygiene facilities



Non-smoking areas

Clear signage

Signage must be clear and discernable, and easily understood by non-English speaking employees. Consider providing signage in multiple languages.



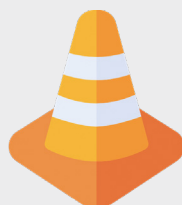
Appropriate PPE

Select and provide appropriate personal protective equipment (PPE) for workers and ensure they are instructed on proper use.



Safe work zones

Provide safe work zones with considerations of work group size and make-up, working space and traffic flow, temperature, noise, light, obstructions (such as slips, trips and falls, hazards, and contaminants (e.g., dust and pesticides))



Employee/visitor register or QR code

NSW: nsw.gov.au/lost-qr-code

Qld: covid19.qld.gov.au/check-in-qld

Vic.: coronavirus.vic.gov.au/about-victorian-government-qr-code-service

WA: wa.gov.au/organisation/covid-communications/covid-19-coronavirus-safewa

NT: coronavirus.nt.gov.au/business-and-work/the-territory-check-in-app-business-information#section1

SA: covid-19.sa.gov.au/restrictions-and-responsibilities/covid-safe-check-in



Reporting: notifying relevant authorities

Biosecurity

- Biosecurity incidents must be reported as soon as practicable
- Reporting ensures that any risk associated with the incident can be managed to an acceptable level and limit the risk of any pest or disease entering, establishing or spreading into Australian territory.
- The *Biosecurity Act 2015* requires persons in charge of goods that are subject to biosecurity control to notify the Department of Agriculture, Water and the Environment of reportable biosecurity incidents, see agriculture.gov.au/biosecurity/legislation/reportable-incident
- For more information on biosecurity, visit planthealthaustralia.com.au
- Report all biosecurity incidents to the Exotic Plant Pest Hotline on 1800 084 881

Workplace incidents

- Workplace near misses, incidents or accidents, a single disease case/outbreak must be reported to the relevant OHS/WHS authority immediately after becoming aware a notifiable incident has occurred. (For COVID-19, some states only require notification if it was contracted at the workplace.) Failure to report an incident is an offence and may result in prosecution. Unsure of the criteria for notifiable incidents? Contact the relevant state authority:

NSW: safework.nsw.gov.au
nsw.gov.au/covid-19

Coronavirus hotline (Service NSW, 24/7): 137 788

Qld: worksafe.qld.gov.au
covid19.qld.gov.au

Queensland COVID hotline: 134 268

Vic.: worksafe.vic.gov.au
coronavirus.vic.gov.au

Coronavirus hotline: 1800 675 398

WA: commerce.wa.gov.au/worksafe
wa.gov.au/government/covid-19-coronavirus

NT: worksafe.nt.gov.au/
coronavirus.nt.gov.au/

NT COVID-19 hotline: 1800 490 484

Employment

- Employers must have programs in place for new and existing workers, such as worker induction, training, consultation, rehabilitation, compensation, back to work, etc.
- Provide ongoing training, instruction and supervision support, consultation opportunities, health and safety testing (e.g., hearing)
- Keep employment records (e.g., payroll, superannuation, health and safety, qualifications, licences, training)
- Be aware of legislation around who is considered an employee and engaging labour through private contractors, labour hire companies, government programs, etc. See horticulture.fairwork.gov.au/sourcing-labour and horticulture.fairwork.gov.au/sourcing-labour/using-labour-hire

Under the *Victorian OHS Act 2004*, labour hire workers performing work for a host employer are the employee of the host employer, meaning labour hire workers have all rights and protections of employees under the Act when attending their host employer's workplace, see worksafe.vic.gov.au/resources/summary-occupational-health-and-safety-act-2004-handbook-workplaces

- If you run a business or undertaking, and use labour hire workers to perform work in your business, you are a host!
- Hosts must only use licensed labour hire providers or face penalties
- Individuals or organisations who seek to enter into arrangements aimed at avoiding or circumventing labour hire licensing obligations that would otherwise be imposed by the *Labour Hire Licensing Act 2018* on the client, supplier or someone else, face penalties
- A client must notify the authority if they become aware or reasonably suspect an avoidance arrangement or face penalties

Information sheet

Relevant statutory authorities	Relevant OHS/WHS Act (suggested sections)	Relevant OHS/WHS regulations and links to codes of practice
<p>WorkSafe Victoria worksafe.vic.gov.au/ worksafe.vic.gov.au/agriculture Ph 13 23 60</p> <p>Victorian Government vic.gov.au/coronavirus labourhireauthority.vic.gov.au/host/</p>	<p><i>Occupational Health and Safety Act 2004</i> V 037 – No.107 of 2004 (Incorporating amendments as at 22 September 2021) legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004/037</p> <p>Part 3 – General duties relating to health and safety Part 4 – Duties of Employers to Consult Part 5 – Duties relating to incidents Part 7 – Representation of employees</p>	<p>Occupational Health and Safety Regulations 2017 V 011 – S.R. No.22/2017 (Incorporating amendments as at 1 September 2021) legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017/011</p> <p>worksafe.vic.gov.au/compliance-codes-and-codes-practice</p>
<p>Safework New South Wales safework.nsw.gov.au/ Ph 13 10 50</p> <p>New South Wales Government nsw.gov.au/covid-19</p>	<p><i>Work Health and Safety Act 2011</i> No 10 (Current version for 27 October 2020 to date) legislation.nsw.gov.au/view/html/inforce/current/act-2011-010#pt.2</p> <p>Part 2 – Health and safety duties Part 3 – Incident notification Part 5 – Consultation, representation and participation Part 6 – Discriminatory, coercive or misleading conduct</p>	<p>Work Health and Safety Regulation 2017 (Current version for 18 December 2020 to date) legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0404#</p> <p>safework.nsw.gov.au/resource-library/list-of-all-codes-of-practice/pre-whs-codes-accordion/whs-codes-of-practice</p>
<p>Western Australian Worksafe commerce.wa.gov.au/worksafe Ph 1300 307 877</p> <p>Western Australian Government wa.gov.au/government/covid-19-coronavirus</p>	<p><i>Occupational Safety and Health Act 1984</i> V 07 – No 101 of 1984 (As at 10 November 2020) commerce.wa.gov.au/worksafe/about-occupational-safety-and-health-act-1984</p> <p>Part III – General provisions relating to occupational safety and health – General workplace duties – Certain workplace situations (contract workers, labour hire) – Duty relating to certain employment accommodation – Other duties</p>	<p>Occupational Safety and Health Regulations 1996 V 10- 1996 (As at 15 April 2021) commerce.wa.gov.au/worksafe/about-occupational-safety-and-health-regulations-1996</p> <p>commerce.wa.gov.au/worksafe/approved-codes-practice</p>
<p>Workplace Health and Safety Queensland worksafe.qld.gov.au/ Ph 1300 362 128</p> <p>Queensland Government qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19</p>	<p><i>Work Health and Safety Act 2011</i> legislation.qld.gov.au/view/html/inforce/current/act-2011-018</p> <p>Part 2 – Health and safety duties Part 3 – Incident notification Part 5 – Consultation, representation and participation Part 6 – Discriminatory, coercive and misleading conduct</p>	<p>Work Health and Safety Regulation 2011 legislation.qld.gov.au/view/html/inforce/current/sl-2011-0240</p> <p>worksafe.qld.gov.au/laws-and-compliance/codes-of-practice</p>
<p>NT Worksafe worksafe.nt.gov.au/ Ph 1800 019 115</p> <p>Northern Territory Government coronavirus.nt.gov.au/</p>	<p><i>Work Health and Safety (national uniform legislation) Act 2011</i> (As in force at 1 February 2020) legislation.nt.gov.au/legislation/work-health-and-safety-national-uniform-legislation-act-2011</p> <p>Part 2 – Health and safety duties Part 3 – Incident notification Part 5 – Consultation, representation and participation Part 6 – Discriminatory, coercive or misleading conduct</p>	<p>Work Health and Safety (national uniform legislation) Regulations 2011 (As in force at 1 July 2021) legislation.nt.gov.au/legislation/work-health-and-safety-national-uniform-legislation-regulations-2011</p> <p>worksafe.nt.gov.au/forms-and-resources/codes-of-practice</p>
<p>SafeWork SA safework.sa.gov.au/ Ph 1300 365 255</p> <p>South Australian Government covid-19.sa.gov.au</p>	<p><i>Work Health and Safety Act 2012</i> (As at 3 October 2019) legislation.sa.gov.au/lz?path=%2Fc%2Fa%2Fwork%20health%20and%20safety%20act%202012</p> <p>Part 2 – Health and safety duties Part 3 – Incident notification Part 5 – Consultation, representation and participation Part 6 – Discriminatory, coercive or misleading conduct</p>	<p>Work Health and Safety Regulations 2012 (As at 1 July 2021) legislation.sa.gov.au/lz?path=%2FC%2FR%2FWORK%20HEALTH%20AND%20SAFETY%20REGULATIONS%202012</p> <p>safework.sa.gov.au/resources/codes-of-practice</p>

Compiled December 2021 from resources on the Victorian, New South Wales, Queensland, Western Australian, Northern Territory and South Australian state government websites, relating to COVID-19, OHS legislation, work health and safety regulatos, labour hire licensing, as well as the Federal Government's Australian Taxation Office, PALM scheme, Pacific Labour Mobility, and the Department of Education, Skills and Employment.