

Health, safety and wellbeing governance guideline

QH-GDL-401-6:2021

1. Statement

This document provides guidance on the Health, safety, and wellbeing (HSW) governance standard (QH-IMP-401-6:2020) and may be used to assist each **accountability area** discharge work, health, and safety (WHS) obligations and Queensland Health HSW **governance** obligations.

2. Application

This guideline supports implementation of the Health, safety and wellbeing governance standard (QH-IMP-401-6: 2020) within each Queensland Health accountability area.

Compliance with this guideline is not mandatory, but sound reasoning must exist for departing from the recommended principles within this guideline.

3. Requirements

A summary of key actions to guide implementation of the Health, safety and wellbeing governance standard (QH-IMP-401-6: 2020) is set out in Diagram 1 herein.

Apply safety legislation: Accountability areas must demonstrate a proactive approach to WHS in order to fulfil their WHS obligations in the **safety legislation** to manage HSW risks.

Fulfil WHS duties: Accountability areas are the primary duty holders in relation to WHS, electrical safety and fire safety due to duties in the *Work Health and Safety Act 2011*, *Electrical Safety Act 2003* and the *Building Fire Safety Regulation 2008*. Refer Section 3.1.

Apply workers compensation & rehabilitation legislation: Accountability areas must maintain workers compensation insurance and an effective rehabilitation system in order to support workers who are injured or ill, so they return to work in a timely, safe and durable way. Refer to Section 3.1.

Assign roles and responsibilities: Accountability areas are required to identify and assign key roles with WHS responsibilities and shared duties. The same approach applies for workers compensation and rehabilitation. Refer Section 3.1.

Establish HSW governance: Accountability areas must establish a HSW governance framework according to Queensland Health's requirements set out in the Health, safety and wellbeing governance standard (QH-IMP-401-6: 2020).

Apply the Queensland Health HSW standards framework: The **HSW standards framework** must be reviewed and applied to each accountability area's HSW management system. Refer to Section 3.2.

Diagram 1: Key actions for Health, safety and wellbeing governance

Further detail to this diagram is provided in Section 3.1 and in Section 3.2 herein.

3.1. Work health and safety obligations

- 3.1.1. This section supports Sections 3 and 4 of the Health, safety and wellbeing governance standard (QH-IMP-401-6: 2020).
- 3.1.2. All accountability areas must take proactive measures to comply with applicable WHS obligations required by **safety legislation** and actively identify, assess, monitor, review, and report on compliance with WHS obligations.
- 3.1.3. A summary of key WHS obligations or duties and examples of associated actions are set out in Table 1 below. Table 1 does not reflect the entirety of WHS obligations contained in safety legislation or in *workers* compensation and rehabilitation legislation. Each accountability area must refer to the applicable legislation to obtain a comprehensive and complete understanding of their legislative obligations.
- 3.1.4. Actions set out in Table 1 may generate records which must be retained in accordance with the General Retention and Disposal Schedule.

Table 1: A summary of key WHS duties (obligations) and examples of associated actions for accountability areas

| Summary of WHS duties | Examples of <i>how to action</i> WHS duties |
|---|--|
| WHS DUTY: PERSONS CONDUCTING A BUSINESS OR UNDERTAKING (PCBU) <i>(Work Health and Safety Act 2011 (WHS Act), Electrical Safety Act 2003 (ES Act))</i> | |
| <p>Accountable areas assume the duties of a PCBU.</p> <p>Accountability areas must ensure health and safety of workers and any others so far as is reasonably practicable by eliminating risks to health and safety. If this is not possible risk must be minimised so far as is reasonably practicable using the WHS hierarchy of risk control.</p> <p>There are a several specific duties a PCBU must consider and comply with including but not limited to actions enabling the following:</p> <ul style="list-style-type: none"> • Safe work environment • Electrically safe plant/equipment, workplace, and environment • Safe plant/equipment, structures/buildings, and systems of work • Safe use, handling, storage, and transport of plant/equipment, structures, and substances (e.g. chemicals, asbestos) • Adequate facilities for welfare of workers (toilets, lockers, eating areas) | <p>Identify, understand & maintain WHS legal obligations: Establish and maintain requirements in safety legislation listed in the reference section of this document.</p> <ul style="list-style-type: none"> • Establish a HSW governance framework in accordance with Queensland Health’s requirements and apply the Health, safety and wellbeing management system framework (QH-POL-401-Att2) to support legal obligations. • Complete actions from the HSW standards framework, for example but not limited to the Legislative compliance review template to support this action. <p>Assign roles and responsibilities: Identify, assign, communicate and equip relevant roles to action their responsibilities under safety legislation but also requirements in the HSW standards framework.</p> <p>Assign delegation of authority to support legal duty holders: Delegation is a means by which a legal duty holder can gain assistance to discharge their duties and</p> |

| Summary of WHS duties | Examples of <i>how to action</i> WHS duties |
|--|---|
| <ul style="list-style-type: none"> • Adequate information, instruction, training, and supervision to enable safe work • Adequate systems to monitor health of workers and conditions of the workplace to maintain health and prevent harm • Safe accommodation /premises <p>If accountability holders control the workplace, they must enable the following although not limited to:</p> <ul style="list-style-type: none"> • Safe entry and exit • Safe fixtures, fittings, or plant • Safe installation, construction, commissioning/decommissioning of plant/structures <p>Accountability areas must Identify and co-ordinate shared WHS duties with other PCBUs or duty holders.</p> <p>Additional duties are listed in the <i>WHS Act and ES Act</i> and should be referred to and understood in context of each accountability area's HSW risks, operations, and services.</p> | <p>is supported by a delegation of authority document. Ensure those who owe a legal duty are aware that a duty cannot be transferred.</p> <p>For example, within a Hospital and Health Service (HHS) tasks associated with discharging a WHS duty may be delegated to Building, Engineering and Maintenance Services, Patient Safety, Safety and Wellbeing, Infection Control and Procurement.</p> <p>Monitor accountability: Ensure roles with WHS duties are taking action to fulfill those WHS duties.</p> <p>External Parties: Ensure so far as is reasonably practicable that external parties who supply goods or services (e.g. contractors, suppliers) fulfil their WHS legal duties by implementing systems of work to support this and accountability is monitored.</p> <p>Shared WHS duties: Identify duty holders with the same WHS duties and consult, cooperate and coordinate to enable the duties to be discharged. Consideration is given to each duty holder's capacity to influence and control the work (e.g. contracted services, shared responsibilities for emergency processes). Refer to the Health, safety and wellbeing planning standard (QH-IMP-401-1: 2020).</p> |
| WHS DUTY: OFFICER WHS DUE DILIGENCE <i>(WHS Act, ES Act)</i> | |
| <p>Executive leaders of each accountability area are required to behave as officers under the <i>WHS Act</i> and exercise WHS due diligence.</p> <p>Others not identified as executive leaders could, in certain circumstances be deemed officers under the <i>WHS Act</i>.</p> <p>WHS due diligence is required to ensure the accountability area meets it WHS duties to protect workers and others from HSW risk.</p> <p>Executive leaders have the following WHS due diligence obligations:</p> | <p>Assign roles and responsibilities for executive leaders:</p> <p>Each accountability area identifies, assigns, communicates and equips relevant roles to action the WHS due diligence obligations.</p> <p>This may include consideration of roles of certain workers such as those who procure goods and services (further duties).</p> <p>Induction and training for executive leaders: Induct new executive leaders into their role and WHS due diligence obligations and support their ongoing competency to discharge the role (refer to Board</p> |

| Summary of WHS duties | Examples of <i>how to action</i> WHS duties |
|---|---|
| <ul style="list-style-type: none"> Acquire knowledge and keep up to date about HSW matters Understand the business, its HSW hazards and risks Ensure the business has the right resources and processes in place to manage HSW risks, they are communicated, used, and actively checked Ensure the business has reporting processes for incidents, hazards and other HSW issues, and the business acts quickly to address reports Verify/actively check processes and resources to manage HSW risks and comply with legal duties are available and used. | <p>Induction Information and WHS due diligence for officers training on ilearn).</p> <p>Undertake an officer self-assessment: Each accountability area or individual executive leader utilise the WHS due diligence planner template periodically to actively confirm executive leaders are carrying out their duties.</p> <p>Oversight of the HSW standards framework: Each accountability area must support the HSW standards framework. Actively monitor and verify its use in accountability areas. Participate and/or oversight the management system review.</p> <p>Actively participate in HSW governance: Ensure each accountability area establishes a HSW governance framework to promote oversight and management decision making by executive leaders (refer to Section 3.2 of this guideline). Each quarter an HHS Executive - Board HSW Due Diligence Report is produced in accordance with the Health, safety and wellbeing governance standard (QH-IMP-401-6: 2020).</p> |
| WHS DUTY: WORKER <i>(WHS Act)</i> | |
| <p>Workers have a personal responsibility for their own health and safety.</p> <p>While at work, a worker must take reasonable care for their own health and safety and that of others including:</p> <ul style="list-style-type: none"> To ensure that their acts or omissions do not adversely affect others health, safety, and wellbeing To comply with reasonable instructions To co-operate with reasonable policies and procedures of which they have been made aware. | <p>Assign roles and responsibilities: Each accountability area to identify, assign, communicate and equip relevant workers to action their responsibilities under safety legislation but also requirements in the HSW standards framework.</p> <p>Monitor accountability: Ensure workers are accountable for fulfilling their WHS responsibilities.</p> <p>Worker responsibility: Workers must inform themselves of HSW hazards, risks, and safe working methods through attendance at mandatory and role-based induction, training and following the accountability area's HSW procedures and instructions.</p> |

WHS DUTY: EMERGENCY PREPAREDNESS AND BUILDING FIRE SAFETY

(WHS Regulation 2011 (section 43) Building Fire Safety Regulation 2008)

Each accountability area must prepare, maintain, and implement emergency plans.

Each accountability area who is a building owner, or a building occupier or managing a building has a legal obligation to ensure the safety of any person in that building in the event of a fire or other emergency.

*Detailed requirements can be found in the Building Fire Safety Regulation 2008.

Assign roles and responsibilities for emergency situations including emergency fire situations for buildings: Each accountability area identifies, assigns, communicates, and equips relevant roles to action their WHS responsibilities including Fire Safety Advisors (if required as per the Building Fire Safety Regulation 2008).

Coordinate with shared duty holders to ensure compliance: Each accountability area identify, consult, and coordinate with *shared duty holders* ensure the compliance requirement is fulfilled. Refer to the Health, safety and wellbeing planning standard (QH-IMP-401-1: 2020).

Establish, maintain, and verify emergency preparedness: Each accountability area identifies potential emergency situations. Followed by preparation of documented response procedures which are communicated, and tested for each premise/building owned and occupied by the accountability area. Ensure persons can evacuate buildings safely and quickly if a fire or hazardous materials emergency happens. Ensure prescribed fire safety installations for buildings are maintained (refer to the Building Fire Safety Regulation 2008).

Mandatory training: Apply and monitor mandatory emergency related training described in HR Policy G6 Orientation, induction and mandatory training (QH-POL-183).

WHS DUTY: WORKERS COMPENSATION & REHABILITATION

(Workers compensation & Rehabilitation Act 2003 & Workers Compensation and Rehabilitation Regulation 2014)

Accountability areas must ensure workers are insured and remain insured with WorkCover Queensland for all work-related injuries and illnesses.

Accountability areas must play an active role in assisting workers' recovery through the provision of early intervention programs,

Assign roles and responsibilities for workers compensation and rehabilitation: Each accountability area identifies, assigns, communicates, and equips relevant roles to action their workers compensation and rehabilitation responsibilities.

Promote collaboration between stakeholders: Promote collaboration and coordination between key roles/stakeholders that are assigned responsibility or

appropriate rehabilitation support and implementation of a suitable duties program.

*Detailed requirements can be found in the *Workers' Compensation and Rehabilitation Act 2003* and *Workers Compensation and Rehabilitation Regulation 2014*

involved to ensure compliance requirements are met and there are effective outcomes for injured/ill workers.

Apply the Queensland Health Rehabilitation Standard:

Each accountability area applies the Workplace rehabilitation standard (QH-IMP-401-5:2020) and verifies its use and effectiveness.

3.2. Queensland Health work health and safety requirements

3.2.1. **HSW Governance:** Accountability areas must consider actions in Diagram 2 herein to meet Queensland Health's HSW governance requirements.

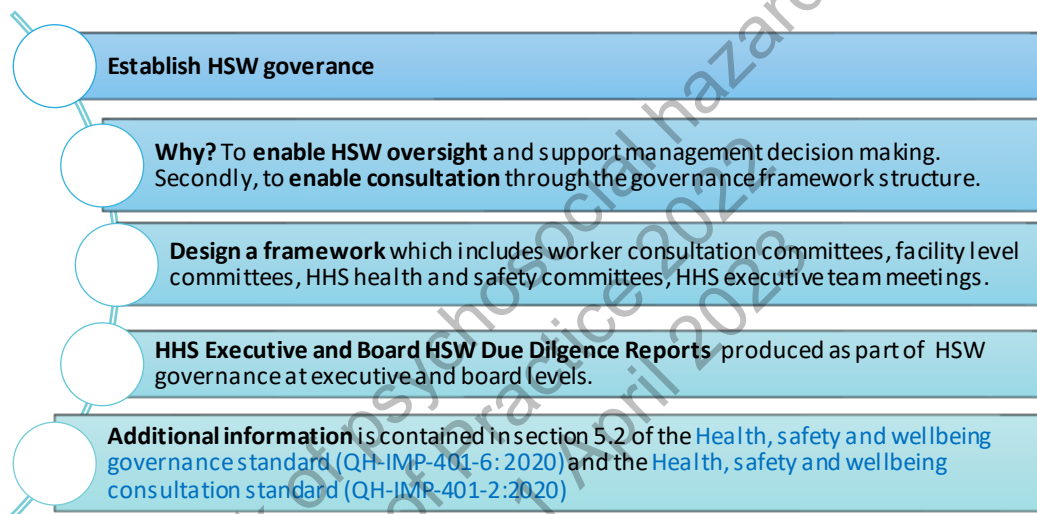


Diagram 2: Queensland Health's HSW governance requirements

3.2.2. This supports Section 5.2 of the Health, safety and wellbeing governance standard (QH-IMP-401-6: 2020) which contains detailed requirements for HHSs when designing a framework and should be referred to.

3.2.3. **HSW Standards Framework:** All accountability areas must understand, apply, and align the HSW HSW standards framework to their local HSW HSW management systems. The actions below support Section 4 of the Health, safety and wellbeing governance standard (QH-IMP-401-6: 2020)

- **Review the HSW standards framework:** Assign responsibility for and conduct a review of requirements, accountabilities and actions or outputs contained within the HSW standards framework
- **Confirm alignment to the HSW HSW standards framework:** Confirm each accountability area's local HSW HSW management systems or procedures are following or aligned to the HSW standards framework

- **Correct gaps:** Communicate gaps and corrective actions to executives of the accountability area and obtain approval to complete corrective actions to enable alignment with the HSW standards framework
- **Monitor and review:** Monitor and review compliance and alignment to the HSW standards framework as an oversight function of the accountability area's HSW governance framework.

4. Diversity and inclusion considerations

When establishing a HSW governance framework, consideration should be given to the specific needs and requirements of different diversity groups, to ensure WHS duties are fulfilled.

The cultural requirements of Aboriginal and Torres Strait Islander workers, accessibility requirements of people with disability and the cultural and linguistic requirements of workers from non-English speaking backgrounds are all important to consider when establishing HSW governance.

A HSW governance framework, inclusive of worker consultation committees, facility level committees, HHS health and safety committees and HHS executive forums, will be most effective when designed to meet the specific needs and requirements of the different diversity groups who participate in HSW decision making, consultation and compliance reporting with WHS obligations.

Consideration must be given to ensuring that the HSW governance framework and associated procedures take into account the characteristics of the workers, including language requirements and literacy levels. Documentation and communications that use inclusive language, such as gender-neutral terms and avoidance of gendered language, will ensure LGBTIQ+ worker inclusion.

5. Legislation

- Building Fire Safety Regulation 2008
- *Electrical Safety Act 2002* and Electrical Safety Regulation 2013
- *Work Health and Safety Act 2011* and Work Health and Safety Regulation 2011
- *Workers' Compensation and Rehabilitation Act 2003* and Workers' Compensation and Rehabilitation Regulation 2014

6. Supporting documents

- Board Induction Information
- General Retention and Disposal Schedule (Administrative Records)
- HHS Executive - Board HSW Due Diligence Report Template
- HR Policy G6 Orientation, induction and mandatory training (QH-POL-183)
- Legislative compliance review template
- Management system review template
- QH-IMP-401-1:2020 Health, safety and wellbeing planning standard

- QH-IMP-401-2:2020 Health, safety and wellbeing consultation standard
- QH-IMP-401-4:2020 Health, safety and wellbeing monitoring, evaluation and performance review standard
- QH-IMP-401-5:2020 Workplace rehabilitation standard
- QH-IMP-401-6:2020 Health, safety and wellbeing governance standard
- QH-POL-401-Att2 Health, safety and wellbeing management system framework
- Work health and safety due diligence for officers training (eLearning)
- Work health and safety due diligence planner (officer self-assessment)

7. Definitions

| Term | Definition |
|--|--|
| Accountability area | Department of Health divisions and agencies and each HHS are accountability areas within Queensland Health. |
| Governance | Governance is how an organisation is directed and controlled and can include organisational structures, management roles and the scope of the power and authority they exercise, and the frameworks established for making decisions. |
| Person Conducting a Business or Undertaking (PCBU) | Person Conducting a Business or Undertaking. The Department of Health (including eHQ and HSQ) and each of the HHSs are considered to be PCBUs. |
| Officers | <p>An officer within the meaning of section 9 of the <i>Corporations Act 2001</i> (Commonwealth) other than a partner in a partnership. Broadly, an officer is a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the accountability area's activities.</p> <p>An elected member of a local government acting in that capacity is not an officer of the local government. Similarly, a minister of a state, territory or the Commonwealth is not an officer of a responsible agency of the state, territory or Commonwealth.</p> <p>An officer can also be an officer of the Crown or a public authority if they are a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of the Crown or public authority.</p> <p>The <i>WHS Act</i> imposes an obligation on officers to exercise due diligence with respect to the management of health and safety.</p> |

| Term | Definition |
|--|--|
| | Schedule 5 of the <i>WHS Act</i> and Schedule 2 of the <i>ES Act</i> defines officers. |
| Others | Other persons as referenced in the <i>WHS Act</i> . Others are people who are not workers but whose health and safety may be impacted by one or more accountability areas. Patients and visitors are examples of others. |
| Safety legislation | The <i>Work Health and Safety Act 2011</i> , and the <i>Electrical Safety Act 2002</i> and any associated regulations or WHS codes of practice, as amended from time to time. |
| Shared WHS duties / Shared duty holders | Persons who have a duty under safety legislation in relation to the same matter as another person. |
| WHS/ES Regulator | Workplace Health and Safety Queensland, or the Electrical Safety Office, as applicable. |
| HSW standards framework | This framework consists of QH-POL-401:2020 Health, safety and wellbeing policy, standards and guidance materials. |
| Worker | <p>Definition as per section 7 of the <i>WHS Act</i>, that is: A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as—</p> <ul style="list-style-type: none"> (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person’s business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class <p>The person conducting the business or undertaking is also a worker if the person is an individual who carries out work in that business or undertaking.</p> <p>As per the <i>Workers’ Compensation and Rehabilitation Act, 2003</i> s11(1) (as amended 2013): A person who works under a contract with Queensland Health, and in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the <i>Taxation Administration Act 1953</i>; who has sustained a work-related personal injury or illness. (The above definition is utilised by WorkCover</p> |

| Term | Definition |
|------|--|
| | Queensland when determining liability/eligibility for workers' compensation entitlements). |

Version Control

| Version | Date | Comments |
|---------|--------------|-------------------|
| 1.0 | 21 July 2021 | QH-GDL-401-6:2021 |

Managing the risk of psychosocial hazards at work
 Code of Practice 2022
 applies 1 April 2023