

# ACT PUBLIC SECTOR

## RESPONDING TO WORKPLACE ACCIDENTS/ INCIDENTS POLICY

### **Purpose**

This policy articulates how ACT Government workers, directorates and entities will respond to all workplace accidents and incidents. It describes how to fulfil reporting and related responsibilities in order to maintain safe and healthy workplaces.

### **Application**

This policy applies to all ACT Public Sector (ACTPS) employees and any person who is considered to be an ACT Government worker under the *Work Health Safety Act 2011* (ACT) (the WHS Act).

### **Background**

The ACT Government is committed to maintaining safe and healthy workplaces. As well as immediate response to workplace accidents and incidents, corrective and preventative actions must be taken, where necessary, to prevent the recurrence of an accident/incident. Reporting workplace accidents/incidents at a local level is of critical importance to how the ACTPS manages risks to health and safety at a wider organisational level.

### **Principles**

1. In the event of a workplace accident/incident action must be taken with the express aim of immediately assisting any injured persons (without endangering self or others), whilst ensuring the safety of other people in the workplace.
2. Other response action must include appropriate reporting of the accident or incident as prescribed by legislation, ACTPS policy and any specific direction given by the work area.
3. Risk management action must form part of the response to workplace accidents and incidents; consistent with the ACTPS Work Health and Safety Risk Management Policy.

### **Responding to Notifiable Incidents**

4. As provided by legislation, ACT Government directorates and entities are required to report notifiable incidents that occur within a workplace regardless of whether or not the person/people involved is/are considered to be ACT Government workers:
  - a. to WorkSafe ACT immediately, by the fastest possible means; and
  - b. in writing to WorkSafe ACT no later than 48 hours after the notifiable incident has occurred.
5. The person who is responsible for reporting a notifiable incident to WorkSafe ACT immediately is the workplace supervisor/manager.

6. ACTPS directorates and entities must undertake a formal internal workplace accident/incident investigation (the investigation) when a notifiable incident has occurred within an ACT Government workplace.
7. ACTPS directorates and entities must determine the correct scale and scope of the investigation which is proportionate to the risk associated with the accident/incident's recurrence.
8. An investigation must be undertaken in line with the procedure outlined in Annexe A of this policy.

### **Other reporting requirements**

9. ACT Government directorates and entities must report all workplace accidents and incidents to all relevant parties and within the timeframes detailed in Annexe B of this policy.
10. ACT Insurance Authority (ACTIA) must be notified by a workplace supervisor/manager if an accident or incident results in injury or illness of a person who is not considered an ACT Government employee.
11. Managers and executives within ACT Government directorates and entities will judge, on a case by case basis (except in the event of a notifiable incident), whether an accident or incident involving a person who is not considered to be an ACT Government employee warrants further reporting and/or local remedial action to protect individuals from further harm.
12. The information collected by directorates and entities for the purposes of responding to workplace accident/incidents will not be used for any other purpose than that which has been disclosed in this policy.
13. Storage, handling and disposal of documentation associated with the response to workplace accidents/incidents must be undertaken by directorates and entities in line with the Territory Privacy Principles (see legislative reference at Section 4 of this policy).
14. Health and Safety Representatives (HSRs) must not be provided with a copy of the personal information associated with an accident/incident report without the written permission of the person to whom the report relates.

### **Responsibilities**

#### **Workers have a responsibility to ensure that they:**

- understand and comply with workplace safety policy, practice and procedure;
- report any incident or accident including identifying and notifying of potential significant risks of accident or injury as per legislation and this policy;
- report notifiable incidents to WorkSafe ACT if they are the workplace supervisor/manager at the time and location the notifiable incident occurs; and
- assist with any investigations of, or response to, accidents/incidents in which they were involved.

**Directors-General**

Directors-General have primary responsibility for the implementation of this policy at all levels in their organisations, and for ensuring that procedures are in place for accident/incident reporting, investigation and response.

**Executives/business managers**

It is the responsibility of the executive/business/workplace managers, within their own areas of responsibility, to:

- ensure all accidents/incidents are reported appropriately as per this policy and legislation;
- ensure that all accidents/incidents are reviewed and investigated where required;
- identify, implement and monitor appropriate risk and hazard control measures;
- ensure, as far as possible, that all workers in their area of responsibility are aware of the workplace's safety and accident/incident reporting expectations;
- regularly inform workers of reporting requirements and outcomes of investigations; and
- ensure that records of all accidents/incidents and the records of investigations are completed and held securely.

**Workplace supervisors/managers are responsible for:**

- ensuring that the workplace is rendered safe to prevent further immediate injury pending investigation;
- ensuring appropriate first aid is rendered to any injured person/s;
- ensuring that the incident is reported appropriately (as per Annexe B);
- preserving the work area of a notifiable incident which requires investigation by WorkSafe ACT and/or other official personnel;
- ensuring that workers and witnesses, where applicable, participate as appropriate in the reporting of workplace accidents/incidents; and
- ensuring that injured workers are provided with ongoing care and support.

**Health & Safety Representatives (HSR)**

HSR powers and functions are clearly set out in Section 68 of the Act. The core functions relate to HSRs representing their designated work group and inquiring into/investigating matters that are raised as health and safety concerns by any member of their work group. Additionally, their responsibilities are the same as those which apply to all workers as detailed above.

**Work Health and Safety Team**

Directorate/entity WHS teams (or HR teams within some entities) are responsible for:

- advising and supporting the supervisor/manager to report an incident to WorkSafe ACT (where required) and other parties within the timeframes required by law and this policy;
- advising and supporting the supervisor of a worker involved in accidents or incidents to ensure they have the skills/information to assist the worker;

- following up with work area supervisors to ensure that any recommended actions following incident investigations have been documented and also implemented;
- providing appropriate briefing on workplace accidents and incidents to the HR Director and/or relevant executives with their organisation; and
- working independently or in collaboration with the Safety Support Team to ensure that accident/incident reports are reviewed and risk assessed, and that appropriate investigation is undertaken.

#### **CMTEDD Workplace Injury Performance (WIP) Team**

The WIP team is responsible for developing whole of Government policies and initiatives to improve injury prevention and injury management across the ACT Public Service. The WIP team is responsible for:

- secure and confidential maintenance of the whole of Government accident/incident data and electronic reporting system (RiskMan); and
- statistical reporting to relevant business managers and executives and national datasets.

#### **CMTEDD Safety Support Team**

The Safety Support team work with ACTPS directorates and entities to:

- provide advice and guidance in relation to work health and safety matters;
- provide direct injury prevention support to certain ACTPS directorates/entities;
- assist directorates/entities with accident/incident investigations when requested; and
- as agreed on an individual basis with directorates or entities, review and risk rate accident/incident reports and assist in the development of corrective action plans.

#### **WorkSafe ACT**

WorkSafe ACT has responsibility for the administration, regulation and enforcement of the *Work Health Safety Act 2011* (ACT).

#### **Legislative Reference**

This policy is aligned with:

- The *Work Health Safety Act 2011* (ACT) (the WHS Act);
- The *Information Privacy Act 2014* (ACT) (the Privacy Act);
- The *Territory Records Act 2002*.

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Bronwen Overton-Clarke  
Commissioner for Public Administration  
on behalf of  
Kathy Leigh  
Head of Service  
22 June 2016

**ACT Public Sector Policy  
Responding to workplace  
accidents/incidents****ANNEXE A – Conducting internal investigations into accidents/incidents**

Procedure for conducting a formal internal workplace accident/incident investigation (the investigation) when a notifiable incident has occurred within an ACT Government workplace:

- a. form a team to conduct the investigation. It is preferable the team include a worker HSR, but where an HSR is not on the investigation team they must be consulted as part of the investigation process;
- b. undertake the investigation process in a timely and efficient manner;
- c. ensure the investigation is conducted in accordance with the ACTPS values and behaviours and Code of Conduct;
- d. liaise effectively with WorkSafe ACT and/or other relevant organisations and not hinder or influence any concurrent, separate, investigation into the notifiable incident;
- e. create a report summarising the findings of the investigation and accurately keep records pertaining to it;
- f. create an action plan containing the following information:
  - o an assessment of the likelihood of the accident/incident recurring AND the magnitude of the threat to health and safety if it did (a risk rating);
  - o details of what control measures, such as changes to work practices, will be introduced and an indication of when those controls have been/will be applied;
  - o a risk rating post-application of controls;
  - o indication of any recommendations made (or anticipated) by Worksafe ACT; and
  - o a review date when the action taken to eliminate/control the risk of the accident or incident recurring will be evaluated.
- g. provide a written copy of the investigation documentation to WorkSafe ACT if requested;
- h. collect, use and store any information associated with the investigation in line with privacy principles<sup>1</sup>; and
- i. consult with relevant workers regarding the results of the investigation and any proposed changes to policies, practices or procedures which affect them.

Directorates and entities may choose to undertake a formal internal workplace accident/incident investigation when a non-notifiable incident has occurred, however, in this situation, would not be required to provide WorkSafe ACT with any documentation pertaining to that assessment.

Information and assistance for directorates/other entities on work health and safety risk management may be obtained through the Workplace Health and Safety Management System or requested from the Safety Support Team, CMTEDD.

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<sup>1</sup> As detailed in the *The Information Privacy Act 2014*

Annexe B – Who to report an accident/incident to

Type of incident	Report to	When	Also consider notifying
<b>Notifiable Incident (NI):</b> <ul style="list-style-type: none"> <li>• Death of a person;</li> <li>• Serious illness/injury; OR</li> <li>• Dangerous Incident</li> </ul> <p>The above terms are defined in the <i>Work Health Safety Act 2011</i></p>	1. Workplace supervisor/manager 2. WorkSafe ACT (report to be made by the workplace supervisor/manager) 3. Directorate WHS area <sup>1</sup> /Safety Support team 4. ACTIA (if appropriate) 5. CMTEDD <sup>1</sup>	1. Immediately 2. Immediately after becoming aware that a notifiable incident has occurred and by the fastest possible means (AND a written report to be provided within 48 hours <sup>2</sup> ) 3. As soon as practicable after the NI has occurred and in writing within 48 hours 4. Within 10 work days 5. Within 48 hours	HR Director Health and Safety Head of Service and Director-General of the directorate or entity (in the event of a workplace fatality the HoS and DG will be informed automatically). Health and Safety Representative (HSR) for relevant work group (noting point 14 of this policy)
<b>Non-notifiable accidents/incidents involving ACTPS employees</b>	1. Supervisor 2. Directorate WHS area <sup>1</sup> /Safety Support team 3. CMTEDD <sup>1</sup>	1. As soon as practicable 2. Within 2 work days 3. Within 2 work days	
<b>Non-notifiable accidents/incidents involving people who are not ACTPS employees</b>	1. ACTIA (if the accident or incident may give rise to a claim)	1. Within 10 work days	

**Note:** Incidents are also notifiable to other appropriate regulatory bodies if they involve gas, electricity, water, sewage or storm. ActewAGL should be contacted for further information in these circumstances.

<sup>1</sup> This organisation/team/person will automatically be notified in writing by lodging an accident/incident report in RiskMan.

<sup>2</sup> For all Public Service directorates/agencies **except** ACT Health, automatic written notification will be sent to WorkSafe ACT when a notifiable incident is reported in RiskMan.