

ACTPS Reporting of Work Health and Safety Incidents Policy

PURPOSE

1. The purpose of this policy is to ensure the ACT Public Sector (ACTPS) has effective systems to identify and report work health and safety incidents associated with ACTPS work and workplaces.

APPLICATION

2. This policy is issued by the Head of Service under the *Public Sector Management Act 1994* (PSM Act) and applies to all employees and officers engaged under that Act (referred to throughout as the ACTPS).
3. The policy extends to capture work health and safety incidents involving workers as defined by the *Work Health and Safety Act 2011* (the WHS Act).

BACKGROUND

4. This policy needs to be considered in conjunction with other relevant legislation including the *Work Health and Safety Act 2011* (WHS Act). The WHS Act establishes work health and safety (WHS) duties that require risks arising from work to be eliminated or minimised.
5. The WHS Act uses the term *worker* which is deliberately defined broadly for the purposes of that Act. This means that, for ACT Government, some WHS incidents may involve people who are not ACTPS employees. These WHS incidents still need to be recorded in the ACTPS incident reporting system. Directorate / agency onboarding procedures should advise workers, who are not ACTPS employees, of the need to advise of their involvement in an WHS incident.
6. The ACTPS, as a duty holder under the WHS Act has a regulatory obligation to notify WorkSafe ACT, the ACT's WHS regulator, of WHS incidents that meet the classification of a notifiable incident under section 35 of the WHS Act. This policy assists ACTPS in meeting that obligation.
7. A notifiable incident means a death, serious injury or illness, a dangerous or sexual assault incident.
8. The reporting of WHS incidents is a critical element of how the ACTPS manages risks WHS. The ACT Government is committed to providing effective systems for the capture and reporting of work-related WHS incidents.
9. ACTPS incident data is used to inform evidence-based decision making for WHS and wellbeing strategic initiatives.

PRINCIPLES

10. All WHS incidents, including near misses (whether they be physical or psychosocial) must be reported into the ACTPS incident reporting system¹.
11. To facilitate the reporting of WHS incidents into the ACTPS reporting system directorates and agencies must promote approaches that provide employees with access to the incident reporting system.
12. Directorates and agencies must document their reporting procedures for capturing all WHS incidents in accordance with this policy, including
 - a. who is responsible for reporting the WHS incident into the ACTPS incident reporting system
 - b. who is responsible for reporting notifiable incidents to WorkSafe ACT; and
 - c. how workers are trained about their WHS reporting obligations (including non-ACTPS workers).
13. Directorates and agencies must consider their own circumstances and consult with other duty holders to allocate the resources necessary to implement the process for the reporting and follow up on the outcomes and cause of WHS incidents.
14. Directorates and agencies must identify if the incident is a notifiable incident under [section 35 of the WHS Act](#). If the incident is a notifiable incident the directorate or agency must also:
 - a. notify WorkSafe ACT by the fastest means possible (telephone) after becoming aware that a notifiable incident has occurred and follow the WorkSafe inspector's instructions regarding preservation of the incident site and providing written notification using the [WorkSafe online incident](#) form within 48 hours; and
 - b. ensure that the person with management or control of a workplace at which a notifiable incident has occurred must, so far as reasonably practicable, ensure that the site where the incident occurred is not disturbed until a WorkSafe inspector arrives or advises the site can be released.
 - c. If the incident is notifiable as a sexual assault you must notify WorkSafe ACT by the fastest means possible (telephone) after becoming aware that a notifiable incident has occurred. Preservation of the incident site is not required.
15. Where a member of the public is involved in an incident at an ACT government-controlled site (including festivals) or as a result of ACT government work, ACTIA must be informed in cases where a public liability claim is likely, via ACTIANotifications@act.gov.au.
16. Directorates and agencies must have an assurance program in place to verify compliance with WHS incident notification procedures and analyse the quality and accuracy of the information gathered.
17. Storage, handling and disposal of documentation associated with the reporting of WHS incidents associated with ACTPS work and workplaces must be undertaken in line with the *Territory Privacy Principles* and the record keeping requirements under the WHS Act and the *Dangerous Substances Act 2004*.

¹ Some directorates and agencies have their own incident reporting system, however, the data is reported into the ACT Government reporting system

RESPONSIBILITIES

18. In addition to general responsibilities under the WHS Act and *Work Health and Safety Regulation 2011*, the following responsibilities apply under this policy.

A. DIRECTORS-GENERAL, DEPUTY DIRECTORS-GENERAL OR EQUIVALENTS AND AGENCY HEADS

- ensure resources are allocated for reporting and recording of all WHS incidents
- ensure all workers are aware of their obligation to report WHS incidents as soon as possible (no greater than 2 days); this includes volunteers, contractors and others defined as workers under the WHS Act
- ensure procedures to support the policy are developed and implemented
- ensure systems to respond to WHS incidents are implemented; and
- ensure assurance activities are in place to:
 - review incident information and take appropriate action;
 - verify that the reporting of WHS incidents is compliant with the WHS Act, this Policy and directorate/ agency procedures;
 - check the quality and accuracy of the information and data gathered; and
 - assess, codify and analyse WHS incident reports to promote systemic improvements in WHS

B. EXECUTIVE AND MANAGERS

- ensure they are informed of WHS incidents reported within their area of responsibility
- review incident information and take appropriate action
- ensure all WHS incidents are reported as per legislation and documented procedures; and
- ensure assurance activities are undertaken

C. EMPLOYEE

- report all WHS incidents as per the directorate/ agency procedures; and
- follow any reasonable advice provided in response to any reported WHS incident.

LEGISLATIVE REFERENCES

This policy is to be delivered in accordance with:

- *Public Sector Management Act 1994* (ACT);
- *Public Sector Management Standards 2016* (ACT);
- *Safety, Rehabilitation and Compensation Act 1988* (Cwlth);
- *Work Health and Safety Act 2011* (ACT);
- *Privacy Act 1988* (Cwlth); and
- *Information Privacy Act 2014* (ACT)

REVIEW

This Policy was revised May 2023 to add the new incident notification category of sexual assault.

The Policy will be reviewed after three (3) years unless earlier review is required.

APPROVAL AUTHORITY

This policy is approved by Head of Service

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