



Workplace incidents and inspections

Workplace incidents

What to do in an emergency, types of workplace incidents, employment-related matters

Workplace inspections

Who are inspectors, what do inspectors do, what to do if you don't agree with inspectors decisions

Workplace incidents

What to do in an emergency

Call 000, administer first aid, what you should do if electricity is involved

Types of incidents

Notifiable incidents, non-notifiable incidents, employment related incidents such as being paid incorrectly

What to do in an emergency

Do not touch anyone who is receiving an electric shock.

If a person is injured, dial 000 and ask for Ambulance.

If it is a fatality, dial 000 and ask for Police.

Do not tamper with the scene, unless it is necessary to administer first aid.

If the incident does not involve electricity

Administer first aid if required. You should contact Workplace Health and Safety Queensland who can then advise if you can touch the scene.

If the incident involves electricity

Turn off the power or try to separate the victim from the power source using a **non-conductive** (eg. non-metallic) item.

When it is safe to approach the victim - **the power has been turned off or the victim freed** - commence first aid.

If power lines have fallen down

Do not touch anyone who is receiving an electric shock from the fallen powerlines as these may be operating at high voltage.

Notify the relevant electricity entity (Energex - 13 19 62, Ergon Energy - 13 22 96) and call the Ambulance, Fire or Police Service (000). Keep others away from the power line.

Do not attempt a rescue until the relevant electricity entity has made the situation electrically safe.

Keep in mind that an incident can be a traumatic experience; allow for counselling or discussion for the people involved or affected by the incident.

Types of incidents

Notifiable incidents

What are notifiable incidents, what are the requirements for reporting incidents

How to report an incident

Steps involved in completing an incident report online

Non-notifiable incidents

Record keeping requirements, conducting internal investigations

Employment-related incidents

Unfair dismissal, being paid the incorrect wages, incorrect leave entitlements, unfair work conditions, who to report this to

Notifiable incidents

A notifiable incident is an incident resulting in:

- a person suffering a work injury that is a serious bodily injury, including a fatality
- a work caused illness
- a dangerous event.

Work injury means:

- an injury to a person that requires first aid or medical treatment if the injury was caused by work, a workplace, a workplace activity or specified high risk plant
- the recurrence, aggravation, acceleration, exacerbation or deterioration of any existing injury in a person if:
 - first aid or medical treatment is required for the injury
 - work, a workplace, workplace activity or specified high risk plant caused the recurrence, aggravation, acceleration, exacerbation or deterioration
- any serious bodily injury, if the injury was caused by work, a workplace, a workplace activity or specified high risk plant.

Serious bodily injury means an injury to a person that causes:

- the injured person's death
- the loss of a distinct part or an organ of the injured person's body
- the injured person to be absent from the person's voluntary or paid employment for more than four normal working days.

Work caused illness means:

- an illness contracted by a person to which work, a workplace, a workplace activity or specified high risk plant was a significant contributing factor
- the recurrence, aggravation, acceleration, exacerbation or deterioration in a person of an existing illness if work, a workplace, a workplace activity or specified high risk plant was a significant contributing factor to the recurrence, aggravation, acceleration, exacerbation or deterioration.

Dangerous event means:

- an event caused by specified high risk plant
- an event at a workplace caused by workplace activity
- if the event involves or could have involved exposure of persons to risk to their health and safety because of:
 - collapse, overturning, failure or malfunction of, or damage to, an item of specified high risk plant

- collapse, or failure of an excavation or of any shoring supporting an excavation
- collapse, or partial collapse of any part of a building or other structure
- damage to any load bearing member of, or the failure of any brake, steering device or other control device of, a crane, hoist, conveyor, lift or escalator
- implosion, explosion or fire
- escape, spillage or leakage of any hazardous material or dangerous goods
- fall or release from a height of any plant, substance or object
- damage to a boiler, pressure vessel or refrigeration plant
- uncontrolled explosion, fire or escape of gas or steam.

Serious electrical incident

Section 11 of the *Electrical Safety Act 2002* defines a serious electrical incident as being incidents caused by electricity that:

- results in death
- results in a shock or injury requiring medical treatment by, or under the supervision of, a doctor
- a person receives a shock or injury from electricity at high voltage, whether or not the person requires medical treatment by, or under the supervision of, a doctor.

Dangerous electrical event

Section 12 of the *Electrical Safety Act 2002* defines a dangerous electrical event as including:

- events involving electrical equipment and in which electricity causes significant property damage
- unlicensed or unauthorised electrical work
- unsafe electrical work or unmarked electrical equipment is found
- other incidents involving high voltage where a person does not receive a shock or injury but the person was not electrically safe, or had they been present they would not have been electrically safe.

How to report an incident

A notifiable incident must be reported:

- within 24 hours of being made aware of the incident
- in writing on the approved form.

If the incident **involves a fatality** immediate notification is required.

This can be done by phone or fax.

Who is responsible for reporting an incident

The following people have a legal obligation to report particular workplace incidents not causing death:

- employers (including labour hire agencies and host employers)
- self employed persons
- principal contractors (at a construction workplace)
- electricity distribution entity.

If the workplace incident involves an employer or self-employed person, or a worker of an employer, at a construction workplace, the **employer or self-employed person must:**

- **immediately** notify the principal contractor for the workplace that the workplace incident has happened
- give the principal contractor any help the principal contractor may reasonably require to complete an approved form.

In the event of a **death** occurring, the following persons must report the incident:

- if the death is the employer - the person next in charge
- if the death is anyone other than the employer - the employer or self-employed person
- if the death occurred at a construction workplace - the principal contractor
- if the death is a labour hire worker - both the labour hire agency and host employer.

If a **distribution entity** is aware or is advised of a serious or dangerous electrical incident, it must be reported:

- **in writing**
- within **24 hours**
- to the **Chief Executive Officer, Department of Employment and Industrial Relations.**

If the incident involves a **death, immediate notification** is required:

- by phone
- by fax.

Non-notifiable incidents

A non-notifiable incident is one that does not result in a person suffering from a serious bodily injury or death and is not a dangerous event.

While you do not have to notify the Department of Employment and Industrial Relations about non-notifiable incidents, you should have internal mechanisms in place to investigate these incidents. This will assist you in working to prevent these incidents from re-occurring.

Internal investigations

Employers are encouraged to perform their own investigations into workplace incidents. Internal mechanisms for doing this include workplace health and safety officers, workplace health and safety representatives and workplace health and safety committees.

Employment-related matters

The Queensland Department of Employment and Industrial Relations (*DEIR*) administers the *Industrial Relations Act 1999* (Qld) and other legislation dealing with employer/employee relationships.

According to the *Industrial Relations Act 1999*, an industrial matter includes a matter that affects or relates to the privileges, rights or functions of employers or employees. These matters include:

- wages, allowances or remuneration of persons employed
- leave entitlements
- working hours
- entitlements on termination.

Resolving a complaint about an industrial matter

If you have a complaint regarding an industrial matter (paid incorrect wages, leave entitlements or termination payments) you may take the following steps to resolve the matter:

Step 1 - Self-resolution

Step 2 - Complete a wages and conditions claim form (if DEIR is the chosen option).

Inspections

Types of inspectors

Electrical, industrial relations, workplace health and safety inspectors, small business advisors

Powers of inspectors

What can an inspector do

Why does an inspector visit a workplace?

Inspectors have valid reasons for visiting workplaces and a visit can be very beneficial

Making a complaint

Workplace inspector, electrical inspector

Appealing an inspector's decision

What to do if you don't agree with an inspector's decision

Types of inspectors

The main areas of speciality for **inspectors** are:

- construction
- diving
- electrical
- ergonomics
- health; which includes:
 - dangerous goods
 - hazardous substances
 - noise
- industrial relations
- plant and machinery
- rural
- investigations
- psycho-social; which includes:
 - workplace harassment
 - violence in the workplace
 - stress.

Small business advisors provide information and advice to small business owners on topics such as:

- health
- ergonomics.

Powers of inspectors

Electrical and workplace health and safety inspectors may enter a workplace and exercise their powers while they are in the workplace.

Small business advisors do not have the power to enter a workplace. They will only attend the workplace at the invitation of the person in control of the workplace.

After entering the workplace the inspector has the power to:

- search any part of the place
- inspect, measure, test, photograph or film any part of the workplace or anything at the workplace
- take samples
- copy a document at the workplace
- make inquiries or conduct surveys to assess the degree of risk at the workplace or the standards of health and safety existing at a workplace
- inquire into the circumstances and probable causes of workplace incidents
- take any person, equipment or materials into the workplace to assist the inspector to exercise a power
- require a person to give reasonable help
- require a person to produce certain documents
- issue notices (infringement, improvement, unsafe equipment, prohibition).

Electrical safety inspectors may also enter a place other than a workplace (sections 137 – 143 *Electrical Safety Act 2002*).

Industrial relations inspectors have the power to:

- enter a workplace and inspect any part of the place or anything at the workplace
- inspect, photograph or film any part of the workplace or anything at the workplace
- copy a document at the workplace (including but not limited to time and wages records)
- require a person to produce for inspection, at a reasonable time and place nominated by the inspector, a document relating to an employee and keep the document to copy it before returning it as soon as practicable
- question a person at the workplace and require a person to give information, including their name and address, for purposes under the *Industrial Relations Act 1999*.

An electrical or workplace health and safety inspector may seize:

- evidence of an offence against the relevant Act
- a thing that has been used to commit an offence against the relevant Act
- a dangerous thing

Most of the time, inspectors carry out their role without the need to formally exercise their powers, but their authority to use these powers is necessary, particularly when they are investigating incidents and intervening where there are dangerous work practices.

It is an offence to obstruct, threaten or interfere with an inspector who is exercising their powers under the legislation.

Why does an inspector visit a workplace?

The main role of an inspector is to ensure workplaces comply with electrical safety legislation, industrial relations legislation and workplace health and safety legislation. It is also part of an inspector's role to provide information and advice on the legislation.

Inspectors visit workplaces for a variety of reasons including:

- to investigate workplace incidents
- to investigate reports of unsafe or unhealthy conditions and dangerous work practices
- to ensure (as far as possible) the provisions of awards and agreements are complied with
- to assess workplace health and safety risks to workers and members of the public
- to conduct workplace health and safety inspections and audits
- to inform workers and employers of their rights and obligations under industrial relations legislation
- to provide information and advice on the legislation (electrical safety, industrial relations, workplace health and safety).

Electrical and workplace health and safety inspectors only pre-arrange their visit to the workplace if they are confident that advance notice of a workplace visit will not jeopardise the intention of the visit. **Advance notice is not usually provided.**

However industrial relations inspectors will provide advance notice where practicable.

When taking enforcement action the inspector will explain:

- the reason for taking the action
- the evidence on which they have based their decision
- what you should do to comply
- where you can get some guidance on how to comply
- the date by which you should comply.

If you are not completely clear about the explanation, please ask the inspector to clarify these issues.

Making a complaint

What can I do if I'm not happy with the service I received from an inspector?

Workplace Health and Safety Queensland inspectors

If you cannot reach a resolution of the problem with the person you are dealing with, you can raise the issue by contacting, in the first instance, the Regional Manager of your nearest regional WHSQ office.

The Regional Manager will investigate your concerns promptly (and tell you what will be done about them). Most concerns are resolved in this way. However if your concerns have not been resolved to your satisfaction, you can write to the following address.

The Director
Regional Services Branch
Workplace Health and Safety Queensland
GPO Box 69
BRISBANE QLD 4001

Electrical Safety Office inspectors

If you cannot reach a resolution of the problem with the person you are dealing with, you can raise the issue by contacting, in the first instance, the relevant Manager, Electrical Safety Compliance on 1300 362 320.

Note:

Manager, Electrical Safety Compliance - North - covers north of the Brisbane River to Bundaberg

Manager, Electrical Safety Compliance - South - covers south west Queensland and south of the Brisbane River to the New South Wales border

Manager, Electrical Safety Compliance - Regional - covers the rest of Queensland

The Manager, Electrical Safety Compliance will investigate your concerns promptly (and tell you what will be done about them). Most concerns are resolved in this way. However if your concerns have not been resolved to your satisfaction, you can write to the following address.

The Director
Electrical Safety Compliance
Electrical Safety Office

Department of Employment and Industrial Relations
GPO Box 69
BRISBANE QLD 4001

Appealing an inspector's decision

Electrical and workplace health and safety decisions

If your interests are affected by a decision made by an inspector, such as the decision to issue a notice, you have the right to seek a review of the decision.

The review process is explained on the reverse side of all enforcement notices and involves the following steps.

- An application for review of a decision must be submitted on the approved form within a certain period (approved forms are also available from all WHSQ offices).
- In most cases **the application should be submitted within 14 days** after the day you receive notice of the inspector's decision.
- If the application is for the review of a decision to forfeit a thing, the application must be submitted within 28 days after the day you receive notice of the original decision.
- Ensure you submit enough information on the application form to enable a decision to be made.

The Department of Employment and Industrial Relations will give you written notice of the review decision within 14 days of making the decision.

You also have the right to make an appeal against an original decision or a review decision in the Industrial Court.

Industrial relations decisions

If you disagree with a decision made by an inspector in relation to a claim for unpaid wages:

- advise the inspector of the reasons why.
- if the matter is not resolved with the inspector, a senior inspector will review the case.
- if the matter remains unresolved, it may be need to be determined by an appropriate tribunal and you will be advised accordingly by the Department of Employment and Industrial Relations.

If an infringement notice has been issued to you, you have 28 days to either:

- pay the infringement notice penalty to the Department of Employment and Industrial Relations
- choose to have the matter dealt with in a Magistrates Court.

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