Insight
QRMC Risk Management
Issue 2 March 2010

This issue:

Safety Noticeboards: effective communication tool or liability

While alternate or electronic communication methods are increasingly being introduced into workplaces, Safety Noticeboards are still a commonly utilised tool for the communication of safety information in organisations of all sizes. So what information should be displayed on them? Many organisations will have a procedure or guidelines advising safety management staff on the required information to be posted. The list can include as many as 20 separate items, and commonly covers at least:

- Emergency evacuation procedures and contacts
- Safety personnel and contacts
- Safety Committee Meeting minutes (multiple pages)
- Toolbox Meeting minutes
- Safety policies and procedures
- Safety information sheets and handouts
- A floor plan with the location of the safety equipment
- The organisation's safety statistics
- Announcements of the organisation's safety initiatives.

Retired academic and former QRMC Managing Director, Adrian Savage, warns that organisations need to be careful when applying practices for the sole reason of compliance instead of adopting practices which are beneficial for the health and safety of workers. Adrian suggests that often the management of safety noticeboards is an example of this pitfall.

Many Occupational Health and Safety Management Systems are written in such a way that they require a great deal of information to be provided on noticeboards, and kept up to date. Auditors are then placed in the position of having no choice but to identify the safety noticeboards as an area of non-compliance if the information is not fully presented. Consequently, safety personnel continue to post enormous amounts of safety-related information on these boards, often without questioning the effectiveness of the strategy.

Adrian contends that in this context, safety noticeboards become a liability instead of a useful safety communication tool. His view is that the common practice of putting so much information on safety noticeboards is counter-productive because no-one reads it, and in fact the sheer volume of information can drive people away. The end result is that a tool which is intended to be the backbone of organisational safety communication fails to transmit the necessary information, and can actually contribute to reduced safety outcomes and poor audit performance.

Communication experts advise that when using a noticeboard, 3 pieces of information is the maximum number that can be successfully communicated, and 2 of those should change regularly to catch attention and maintain interest.

Considering this in the context of a safety noticeboard, Adrian suggests that these 3 pieces of information should be:

1. A photograph and the contact details of the individual that has the 'responsibility' for representing the workplace in OHS matters and distributing OHS information (typically the WHS Rep) [in Queensland, include a reference to the location of the 'Who is your WHS Rep' Form (Approved Form 11) as this is legislatively required]
2. A summary of how well the organisation is performing in its safety management (current statistics, comparative information showing the impact of safety activities and initiatives, and targets)
3. A piece of significant safety information which constantly changes and which attracts attention. This should be relevant to the workplace and colourful, interesting, or funny.

This strategy will keep people looking at the safety noticeboard, instead of keeping people away from it, and will be easier for safety personnel to manage.

Adrian stresses that an organisation adopting this approach must update the relevant procedures in their Occupational Health and Safety Management System to reflect the new strategy, and must also ensure that any information being removed from the noticeboard that is legislatively required (e.g. the OHS Policy Statement, OHS Committee meeting minutes) must be communicated via another method.

We will discuss alternate methods of safety communication in a future newsletter.

Avoiding dismissals, or at least handling them properly

The decision in February by Fair Work Australia to reinstate a worker dismissed for repeated safety breaches has raised a chorus of protests regarding the precedent being set.

FWA ruled that the termination was harsh, having reference to the personal and economic situation of the worker who was unable to secure another position. The worker was given back his job, and a portion of the income lost over the period of the investigation – refer to decision 1
http://www.fwa.gov.au/decisionssigned/html/2010fwa883.htm
and decision 2
http://www.fwa.gov.au/decisionssigned/html/2010fwa1166.htm

Safety professionals and management personnel have expressed concern that this decision makes the enforcement of safety requirements, and possibly other legitimate workplace rules, a great deal more difficult. However, this is not necessarily the case.

The FWA's decision that the termination was harsh and therefore should be reversed was based on two factors. One was the situation of the worker, who was severely impacted by the loss of his job, had dependents and was not well fitted for other work. The second was the fact that the employer had never brought home to the employee the fact that a further breach could have serious consequences, including dismissal.

The unfair dismissal provisions which came into effect on 1 July 2009 under the Fair Work Act require that, no matter what size the organisation is, appropriate procedures must be followed when a worker is not meeting expectations. Unfair dismissal protects workers from being unfairly treated. But the provisions also provide a framework within which employers can rehabilitate poorly performing employees and, if necessary, protect their organisation from the accusation of unfair dismissal.

There is no legislated process to follow in counselling or dismissing a poorly performing employee. However, the critical part of the Fair Work Act to consider in this context is section 387, dealing with the criteria for considering whether the dismissal was harsh, unjust or unreasonable. You can access the Fair Work Act (http://www.austlii.edu.au/au/legis/cth/num_act/fwa2009114/) to review the section, but in summary it requires Fair Work Australia to consider:

- if there was a valid reason for dismissal
- if the employee was notified of the reason
- if the employee had an opportunity to respond
- if the employee was allowed to have a support person present in discussions
- if the employee was given warning
- the size of the organisation and whether there are any HR personnel.

If an appropriate counselling process is followed which deals with at least the s.387 criteria and which gives the employee opportunity to improve their workplace conduct, the situation may never escalate to the point where dismissal is warranted. But if the termination of the employee is unavoidable, recording that an appropriate process was followed will at least provide evidence to defend the organisation against an unfair dismissal claim.

There are also a range of circumstances in which employees would not be eligible to access the unfair dismissal provisions. These are dealt with in the Fair Work Act sections 383-384, 386(2) and 389.

Contact Fair Work Australia for more information (http://www.fwa.gov.au/index.cfm?pagename=home).

GPO Box 199, Brisbane Qld 4001
Phone + 61 7 3229 1744 Fax + 61 7 3229 1844 Email enquiries@qrmc.com.au
QRMC Risk Management Pty Ltd **ABN** 43 119 425 991

www.qrmc.com.au