

### SECTION 1 - MANAGING FARM SAFETY

#### SECTION 2 - YOUR LEGAL DUTIES

The department has also produced a series of Farm Safety Fact Sheets that contains further information on safety on farms.

### SECTION 1 - MANAGING FARM SAFETY

#### **SAFETY ON A FARM WORKS BEST IF THE PERSON OR PEOPLE IN CHARGE TAKE A LEADING ROLE IN MANAGING SAFETY AND HEALTH.**

Many business enterprises in Western Australia have proved that good safety management leads to increased productivity, and the same works for farms.

By having a good safety management program, you can avoid not only farm injuries, but also unplanned incidents that are costly, time consuming, stressful and inconvenient. This makes good economic sense.

#### **How to start**

To assess safety management on your farm, check whether you have:

- Regular hazard spotting surveys of plant, equipment, substances and tasks.
- A system of recording injuries, near misses and identified hazards.
- Safe procedures for farm tasks.
- Safety training and supervision for new and young employees.
- Protective clothing and equipment.
- Safety training and practice for each new item of plant and equipment.
- Safety discussions between employers, contractors and employees.
- Safety information readily available for plant, equipment and hazardous substances.
- **Copies of the Occupational Safety and Health Act and Regulations. These can be purchased from WorkSafe Western Australia, or downloaded from the State Law Publisher's website.**

#### **Develop a plan**

Draw up a safety management plan covering the points listed above. Preferably, put your plan in writing, and keep it with other safety information about plant, equipment and substances on the farm.

Discuss it with others on the farm during development, and ensure their safety concerns are met. Make sure the plan allows for ongoing safety consultation with others, the provision of information and training, and a system for hazard identification, risk assessment and risk control.

Then make sure employees and others on the farm are familiar with the plan, safe work procedures, and current legal safety and health requirements.

The plan should cover providing farm workers with safety information, **induction for new employees**, safety training with new plant and procedures, special safeguards for young workers, and keeping a record of injuries, near misses and potential hazards.

#### **Consultation**

Consultation means discussion - talking about and reaching agreement on safety and health problems and solutions with others doing the work. Here are some guidelines:

- Allow others on the farm to discuss and contribute to the safety management plan.
- Make sure everyone on the farm knows and understands the safety rules you have agreed to, and is aware of the relevant workplace safety laws.
- Involve others in safety planning for new plant or equipment before it is ordered.
- Discuss unfamiliar or potentially risky farm tasks beforehand, and plan an agreed safe procedure.
- During shared tasks, communicate with one another continually to avoid risky situations.

- As far as possible, keep to agreed safety plans for each job.
- Following any injury or near-miss incident, no matter how minor, discuss and agree on a safer way to continue the work.
- Be prepared to stop work until suitable safety improvements can be made.

### **Spot the hazard**

The best safety outcomes on farms are achieved by a 24-hour approach to spotting and dealing with hazards. A hazard is any situation, activity, procedure, plant, equipment or animal that may result in injury or harm to a person. Hazards may be identified in:

- a) Environments (light, noise, rain, heat, sun),
- b) Substances (pesticides, fuels, dusts),
- c) Workplace layout (work space, bench height, storage heights),
- d) Work organisation (unnecessary manual handling),
- e) Equipment (ladders, silos, chainsaws, angle grinders),
- f) Farm animals (that bite, kick, butt, crush, toss, infect),
- g) Heights (roofs, silos, windmills),
- h) Electricity (switches, cables, leads, power tools, connections).

### **How to spot hazards**

- Observation - use your senses of sight, hearing, smell and touch - combined with common sense, knowledge and experience.
- **Material safety data sheets (MSDSs) - obtain them from manufacturers and suppliers. Read them carefully to identify possible harm from hazardous substances, and precautions that need to be taken.**
- Hazard and risk surveys - conduct hazard spotting surveys of main work areas. Talk to others about their safety concerns; check injury and incident records.
- Children and visitors - include in your surveys areas and activities in which children or visitors could be at risk.
- Discussion groups - are useful for identifying hazards and recommending solutions.
- Safety audits - consider hiring a consultant to investigate safety and help prepare a management plan.
- Information - keep informed of hazards in the industry through the latest available information.
- Record analysis - keep records of identified hazards, near misses, injuries and workers' compensation claims, to help identify possible trends.
- Consumer information - carefully read and follow consumer guidelines on equipment and substances.
- **Act and Regulations - become familiar with the Occupational Safety and Health Act and Regulations.**

### **Assess the Risk**

Once a hazard has been identified, the likelihood and possible severity of injury or harm will need to be assessed, before determining how best to minimise the risk. High risk hazards will need to be addressed more urgently than low risk situations.

You may decide that the same hazard could lead to several different possible outcomes. For each hazard consider how likely each possible outcome is, and record the highest priority you come up with. The following list may help your decision.

### **Make the changes**

Consider the following control measures, listed in order of importance.

- a) Remove the hazard at the source - e.g. get rid of the plant or substance.
- b) Substitute it with a less hazardous plant or substance.
- c) Isolate the hazardous process, plant or substance from people.
- d) Add engineering controls, such as safety barriers or exhaust ventilation.

- e) Adopt safe work procedures, training and supervision to minimise the risk.
- f) Where other means are not sufficient or practicable, provide personal protective equipment.
- g) Implement and monitor the controls you decide upon.

One or more of the controls recommended above should be agreed upon, and the changes made as soon as possible, before the hazard causes an injury.

### **Checking the changes**

To make sure risk has been minimised, and a further hazard has not been created, the new safety measures may need to be carefully tested before people are allowed back onto a worksite or before work recommences. Consultation between the employer and others at the workplace will help to reach a safe decision.

In some cases, a new set of safe work procedures may be necessary, possibly even another period of training and supervision, until the improvement can be shown to be working safely.

Safety improvements should be reviewed periodically, to make sure they continue to be effective.

## **SECTION 2 - YOUR LEGAL DUTIES**

### **SELF-EMPLOYED FARMERS, FARM MANAGERS, EMPLOYERS AND EMPLOYEES ALL HAVE LEGAL RESPONSIBILITIES TO MAKE THE FARM SAFE. THIS INCLUDES PEOPLE RUNNING THE FAMILY BUSINESS OR WORKING THEIR OWN PROPERTY.**

Manufacturers, importers, suppliers and installers of substances, materials, buildings, plant and equipment, and other people in control of farming workplaces can also have legal responsibilities relating to workplace safety on farms.

### **Act and Regulations**

Every employer is required by law to make available a copy of the *Occupational Safety and Health Act 1984* and the *Occupational Safety and Health Regulations 1996*, to any employee who asks to see them.

People who live on or visit farms are also covered by these laws, whether they work there or not.

### **Employers**

Employers must take all practicable steps to ensure employees are not exposed to hazards. Their responsibilities include:

- Maintaining work areas, machinery and equipment in a safe condition.
- Organising safe systems of work.
- Providing adequate information, instruction, training and supervision to enable employees to work safely.
- Ensuring employees are aware of potential hazards.
- Providing adequate protective clothing and equipment (e.g. ear plugs, goggles, respirators, etc) where other measures to eliminate or control risks are impracticable or inadequate.
- Consulting with employees on safety and health matters.
- Making sure equipment and materials are used, stored, transported and disposed of safely.
- Identifying hazards, assessing risks and controlling hazards on the farm.

### **Employees**

Employees must take reasonable care to protect their own safety and health and the safety and health of others. These responsibilities include:

- Following safety instructions.
- Using and looking after protective equipment as instructed.
- Informing the employer of hazards.
- Cooperating with the employer on safety and health matters.

### **Employers and self-employed persons**

Employers and self-employed persons have a responsibility to take reasonable care to ensure their own safety and health at work. They must also ensure, as far as practicable, that the safety and health of other people is not at risk through their actions or the actions of their employees.

### **Contractors**

If you engage contractors or sub-contractors, for example shearers, you have the same responsibilities to them and their employees as if you were their employer. This applies only to matters which are, or should be, under your control. Contractors and subcontractors also have responsibilities as employers to their employees.

### **Manufacturers**

Where machinery is used in a workplace, those who design, manufacture, import, supply, erect or install the machinery must make sure that operators are not exposed to hazards when they are using the machinery properly.

Adequate information on safe use, safe maintenance and potential hazards must be provided when equipment is supplied and, later on, whenever requested.

### **Regulations**

The *Occupational Safety and Health Regulations 1996* apply to all workplaces in Western Australia other than in the petroleum and mining industries. Regulations with particular relevance to farming deal with:

- Responsibilities for the identification of hazards and the assessment and control of risks.
- Provision of safety information to people at the workplace.
- Communication with isolated employees.
- Records kept of hazardous substances.
- Management of vehicles and moving plant.
- The need to remove risks other than by protective clothing and equipment.
- Atmosphere and respiratory protection.
- Noise exposure.
- Prevention of falls from heights (applicable to windmills, silos, sheds).
- Workplace electrical safety.
- Work in confined areas (applicable to tanks, wells, silos).
- Welding and allied processes.

Part 4 of the Regulations deals with the responsibilities of designers, manufacturers, importers, suppliers, erectors and installers, employers, contractors, employers and self employed persons in identifying hazards, assessing risks and reducing risks relating to plant. It is applicable to all farm machinery.

### **Hazardous substances**

Part 5 of the *Occupational Safety and Health Regulations - Hazardous Substances* - is relevant to chemicals used commonly on farms.

A person who manufactures imports or supplies any substance for use at a workplace must ensure, as far as practicable, that adequate data about toxicity, safe use, handling, processing, storage, transportation and disposal of the substance is provided:

- a) when the substance is supplied and
- b) thereafter whenever requested.

This information should be available in the form of labels and material safety data sheets.

### **Work buildings**

Any person who manages or controls a workplace is required to make it safe. People must be able to work there and to enter and leave the workplace safely.

Architects, designers and builders of workplace buildings have responsibilities to make sure people who may work in these buildings are not exposed to hazards.

### **Consultation and cooperation**

Cooperation and discussion are the keys to safety and health at work. Employers and employees must consult one another to resolve safety and health problems.

Where there are a number of employees at a workplace, they or the employer may ask for a safety and health representative to be elected. The election process must then begin.

The employer may establish a safety and health committee, or an employee can ask for one to be established.

Details on safety and health representatives and committee are given in the Act.

### **Role of representatives and committees**

The functions of a safety and health representative are to:

- a) Inspect the workplace as agreed with the employer. (If the workplace has not been inspected in the preceding 30 days, it may be inspected at any time, after providing reasonable notice to the employer.)
- b) Promptly investigate accidents, dangerous incidents or serious risk situations.
- c) Keep up with current safety and health information.
- d) Report hazards and potential hazards to the employer.
- e) Refer matters to the safety and health committee.
- f) Consult and co-operate with the employer on safety and health.
- g) Liaise with employees on safety and health matters.

### **The functions of a safety and health committee are to:**

- a) Provide information to safety and health representatives.
- b) Consult with representatives on intended changes to the workplace.
- c) Enable representatives to perform duties and attend training.

### **Resolving issues**

The Occupational Safety and Health Act says safety and health issues should be resolved through consultation between employers and employees or their elected safety and health representatives. Both parties should agree on procedures for resolving issues.

If all attempts to resolve a safety or health issue at the workplace fail, an inspector from WorkSafe Western Australia can be called.

### **Refusal to work in an unsafe situation**

Employees may refuse to do work which they believe would expose them or others to the risk of serious and imminent injury or illness. An employee refusing unsafe work must notify the employer and the safety and health representative if there is one. The employee must remain available to do reasonable alternative duties while the issue is addressed.

Discussion to resolve the problem must then take place. While the problem is being addressed an employee may be given reasonable alternative work, and he or she remains entitled to the same pay and other benefits.

### **Workplace Injuries**

Work accidents which result in certain kinds of injuries or cause an employee to be absent for 10 or more working days must be reported to WorkSafe Western Australia. Failure to do so is an offence. Certain work-related diseases must also be reported.

The kinds of injury to an employee that must be notified by an employer to the Commissioner are:

- a) A fracture of the skull, spine or pelvis.
- b) A fracture of any bone -
  - in the arm, other than in the wrist or hand; or
  - in the leg, other than a bone in the ankle or foot.
- c) An amputation of a hand, arm, finger, finger joint, leg, foot, toe or toe joint.

- d) The loss of sight of an eye.
- e) Any other injury that results or, on the basis of medical advice, appears likely to result in the employee being absent from work for 10 or more working days from the date of injury.

### **Diseases**

Two categories of work-related diseases must be reported. The first includes Tuberculosis, Viral Hepatitis, Legionnaires Disease and HIV. The second category is of particular relevance to farmers. It requires the reporting of occupational zoonoses, namely Q Fever, Anthrax, Leptospirosis and Brucellosis, contracted in the course of work involving the handling or contact with animals, hides, skins, wool, hair carcasses or animal waste products.

### **Penalties**

Offences against the Act can result in penalties. On the discretion of the court an employer may be fined up to \$200,000 and an employee up to \$20,000 for breaches of duty of care causing death or serious harm. For other duty of care offences, an employer can be fined up to \$100,000 and an employee up to \$10,000. Breaches of the Regulations can cost employers \$25,000 and employees \$5,000.