



Courtenell

Work Health & Safety Training and Consulting

02 **9552 2066**
train@courtenell.com.au



How to Review WHS Risk Controls

The main WHS focus for any PCBU has to be to ensure, so far as is reasonably practicable, the health and safety of Workers and Others in their workplace - (Section 19, WHS Act).

A recent prosecution of a PCBU by SafeWork NSW is an example of how the PCBU had safe work procedures but did not manage to hit the target of “so far as is reasonably practicable”. In a serious workplace incident, a worker’s hand was caught in a press machine and one finger had to be amputated. And the worker also lost the tips of two other fingers on the same hand. The PCBU was prosecuted and fined \$180,000 – (you can find a link to the court judgement in the Note section at the bottom of this article).

It is not clear from the court judgement whether the PCBU made sure that the WHS risk controls were reviewed regularly. Review risk controls, is Step 4 of the risk management process. It is a requirement of WHS Regulation 38: *“A duty holder must review and as necessary revise control measures implemented under this Regulation so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety.”*

If WHS risk controls have not been reviewed recently in your workplace you may want to consider if a review should be done now.

Page 18 of the Code of Practice *How to Manage Work Health & Safety Risks*, has useful guidance about how to do a review under the heading of *How to Review Controls*:

“Consult your workers and their health and safety representatives and consider the following questions:

- *Are the control measures working effectively in both their design and operation?*
- *Have the control measures introduced new problems?*
- *Have all hazards been identified?*
- *Have new work methods, new equipment or chemicals made the job safer?*

- *Are safety procedures being followed?*
- *Has the instruction and training provided to workers on how to work safely been successful?*
- *Are workers actively involved in identifying hazards and possible control measures?*
- *Are they openly raising health and safety concerns and reporting problems promptly?*
- *Is the frequency and severity of health and safety incidents reducing over time?*
- *If new legislation or new information becomes available, does it indicate current controls may no longer be the most effective?"*

Note

1.

You can read the court of appeal judgement in *Morris McMahon & Co Pty Limited - v - SafeWork NSW* [HERE](#)

2.

If you have concerns about WHS risk controls in your workplace you may like to consider one of our onsite courses such as our WHS Risk Assessment Course see [HERE](#) for a version that is tailor made for you.

3.

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