### WorkSafe Inspector Visit Guidelines

### Purpose

To outline the process in Department of Education and Training (the Department) schools and workplaces during a WorkSafe Inspector visit.

## Scope

This Guideline applies to Department schools, central and regional offices.

## 3. Guidelines

### 3.1 WorkSafe Victoria

WorkSafe Victoria is the regulator of Occupational Health and Safety (OHS) law in Victoria. WorkSafe has the power to enforce the Occupational Health and Safety Act 2004, Dangerous Goods Act 1985, and (Equipment) Public Safety Act 1994 and associated safety regulations. The aim of WorkSafe is to reduce workplace incidents, injuries, disease, and death.

## 3.2 Reasons for a WorkSafe Inspector Visit

A WorkSafe Inspector has the authority under Victorian law to enter any workplace during working hours, or when there is an immediate risk to health and safety, in response to a:

* breach of the OHS Act 2004
* reports of unsafe working conditions
* warrant issued by a magistrate
* disputed Provisional Improvement Notice (PIN) issued by a Health and Safety Representative (HSR), refer to section 3.15 of the *Health and Safety Representative Guide*
* specific WorkSafe project (e.g. Manual Handling)
* notifiable incident.

## 3.3 Obligations of WorkSafe Inspectors

A WorkSafe Inspector is to provide Department schools and workplaces with the following:

* identification prior to inspecting the site
* a warning to the person that it is an offence to refuse, or fail to comply with the requirement to produce a document or answer questions, unless the answering of the question or production of the document will incriminate him or her.
* an Entry Report outlining:
* the purpose of the visit
* times of entry and departure
* summary of observations
* descriptions of actions taken by the WorkSafe Inspector
* powers exercised by WorkSafe Inspector
* whether photographs or recordings were taken.

## 3.4 Department workplace obligations

The **Workplace Manager** and/or **Management OHS Nominee** are to:

* contact WorkSafe in the event of a notifiable incident, see *Notifiable Incidents to WorkSafe Flowchart*
* preserve the site of the incident until the WorkSafe Inspector arrives or as otherwise directed by the WorkSafe Inspector
* aid any injured persons
* allow the HSR to accompany the WorkSafe Inspector during the visit
* if requested by an employee, allow the presence of the HSR, union or legal representative when being questioned by the WorkSafe Inspector
* display any issued notice on the OHS Notice Board
* ensure compliance with the notice by the due date
* forwarding a copy of the notice to the Department’s OHS Advisory Service via email safety@edumail.vic.gov.au.

**Department schools and workplaces are NOT TO:**

* refuse access to a WorkSafe Inspector or anyone assisting the inspector
* intentionally hinder or obstruct, or induce others to hinder or obstruct, WorkSafe Inspectors in the course of their duties
* intentionally conceal from the WorkSafe Inspector the location or existence of a person, plant, substance or thing
* refuse or provide assistance to a WorkSafe Inspector or prevent others from assisting
* assault, intimidate or threaten, or attempt to intimidate or threaten a WorkSafe Inspector or person assisting a WorkSafe Inspector.

## 3.5 Authority of WorkSafe Inspectors

A WorkSafe Inspector has the authority to:

* dispute an issued PIN issued by a HSR
* obtain names and addresses
* conduct interviews and make enquiries
* take photographs, recordings or measurements
* take items or possessions as evidence after notifying a Departmental employee
* require the production of, examine and copy documents
* call in technical or scientific experts, interpreters or police officers
* cease work.

## 3.6 Notices issued by WorkSafe Inspectors

A WorkSafe Inspector has the authority to issue one of the following notices if they believe there is a breach of OHS law, or there is an immediate risk to health and safety:

| **Notice Type** | **Description** |
| --- | --- |
| **Improvement Notice** | A written direction requiring a person to fix an issue within a specified time frame. The WorkSafe Inspector will specify on the notice what must be done to comply with the law and how to remedy the issue. The person who receives the notice is responsible for dealing with the immediate risk and achieving compliance with legislation. |
| **Prohibition Notice** | A written direction prohibiting any activity that will, or is likely to involve an immediate risk to the health and safety of any individual. If a prohibition notice has been issued, the prohibited activity cannot recommence until a WorkSafe Inspector certifies in writing that the risk has been remedied |
| **Non-Disturbance Notice** | A written direction given by a WorkSafe Inspector to prevent disturbance to an incident scene. |

A WorkSafe Inspector can also issue an immediate voluntary compliance (i.e. where the Workplace Manager makes a promise to fix the contravention) and no ‘Notice’ is issued.

### 3.7 Compliance with WorkSafe notices

Copies of all notices issued by a WorkSafe Inspector are to be sent to the OHS Advisory Service email: safety@edumail.vic.gov.au.

Department schools or workplaces are responsible for complying with any issued notices by the due date. If there is a query regarding the Notice or Entry Report, the inspector named in the report should be contacted.

For support or advice in complying with the notice, the Department’s OHS Advisory Service can be contacted on ph. 1300 074 715 or email safety@edumail.vic.gov.au.

### 3.8 Contesting a WorkSafe notice

Department schools and workplaces may choose to contest a notice. In this instance the **Workplace Manager** should contact the Department’s OHS Advisory Service for support and advice on ph. 1300 074 715 or email safety@edumail.vic.gov.au.

### 4. Defined terms

All terms defined by the Department are hyperlinked to the Department [Defined Health, Safety Terms](http://www.education.vic.gov.au/hrweb/safetyhw/Pages/definedohsterms.aspx) website. Defined roles will appear in bold.

### 5. Related references

*Occupational Health and Safety Act 2004*

*Occupational Health and Safety Regulations 2017*

*Dangerous Goods Act 1985*

*Dangerous Goods (Storage and Handling Regulations) 2012*

*(Equipment) Public Safety Act 1994*

*WorkSafe Victoria Inspectors Guide 2012*

### 6. Related documentation

*Health and Safety Representative Guide*

*Notifiable Incidents to WorkSafe Flowchart*

### 7. Further assistance

Further information, advice or assistance on any matters related to Worksafe inspector visits is available by contacting the OHS Advisory Service on ph. 1300 074 715 or email safety@edumail.vic.gov.au.