



Australian Government

BSBWHS302A Apply knowledge of WHS legislation in the workplace

Release 1

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Modification History

Release	Comments
Release 1	<p>This Unit first released with <i>BSB07 Business Training Package version 7.0</i>.</p> <p>Replaces and is equivalent to BSBOHS301B Apply knowledge of OHS legislation in the workplace.</p>

Unit Descriptor

This unit describes the performance outcomes, skills and knowledge required to understand work health and safety (WHS) Acts, regulations and codes of practice, and to contribute to actions to achieve compliance with WHS legislation in the workplace.

Application of the Unit

This unit applies to individuals who contribute to achieving compliance with WHS legislation in the workplace as part of their WHS responsibilities, which are in addition to their main duties.

NOTE: The terms Occupational Health and Safety (OHS) and Work Health and Safety (WHS) are equivalent and generally either can be used in the workplace. In jurisdictions where the National Model WHS Legislation has not been implemented RTOs are advised to contextualise the unit of competency by referring to the existing State/Territory OHS legislative requirements.

Licensing/Regulatory Information

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Element	Performance Criteria
<i>Elements describe the essential outcomes of a unit of competency.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.</i>

Elements and Performance Criteria

1. Determine the legal framework for WHS in the workplace	<p>1.1 Identify and access <i>current WHS legislation and related documentation</i> relevant to the workplace, occupation and industry</p> <p>1.2 Apply knowledge of the relationship between WHS Acts, regulations and codes of practice to assist in identifying WHS legislative requirements in the workplace</p> <p>1.3 Identify <i>duty holders</i></p> <p>1.4 Identify legal obligations and duties for consultation with and training of workers, health and safety representatives, and others</p> <p>1.5 Identify consequences of <i>non-compliance</i> with WHS Acts, regulations, codes of practice, standards and organisational WHS policies, procedures, processes and systems</p>
2. Contribute to activity that reflects WHS legislative requirements	<p>2.1 Contribute to monitoring compliance with legislation</p> <p>2.2 Contribute to ensuring that workplace complies with legislation</p> <p>2.3 Identify and take <i>appropriate action</i> on non-compliance with legislation</p> <p>2.4 Recognise limits of own expertise and legal duties, and access help and advice when required</p>
3. Keep up-to-date with legislation and relevant publications	<p>3.1 Use relevant <i>sources</i> to keep up-to-date with legislation and <i>relevant publications</i></p> <p>3.2 Communicate information on relevant legislative changes and relevant publications to others</p>

Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

Required skills

- communication skills to contribute effectively to formal and informal WHS meetings
- computer skills to search for, access and download electronic documents and software
- literacy skills to read and understand documents and publications.

Required knowledge

- legislative duties of self and others
- organisational WHS policies, procedures, processes and systems
- relevant commonwealth and state or territory WHS Acts, regulations, codes of practice, standards and guidance material, and other relevant publications
- ways to get information about compliance with legislation.

Evidence Guide

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the following is essential:</p> <ul style="list-style-type: none">• current knowledge of relevant WHS Acts, regulations and codes of practice• identifying and applying WHS legislative requirements applicable to the workplace, occupation and industry• referring issues of non-compliance to responsible persons or authorities• seeking advice from appropriate sources.
Context of and specific resources for assessment	<p>Assessment must ensure access to:</p> <ul style="list-style-type: none">• relevant information and documentation on compliance requirements, such as:<ul style="list-style-type: none">• organisational policies, procedures, plans and standard operating procedures• relevant Acts, regulations, codes of practice, licensing requirements and standards• relevant internal and external data files• appropriate office equipment and resources used in the identification and rectification of WHS compliance breaches.
Method of assessment	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none">• direct questioning combined with review of portfolios of evidence and third-party reports of on-the-job performance by the candidate• review of documents on WHS Acts, regulations, codes of practice, standards, policies and procedures developed and communicated to workers• analysis of responses to case studies and scenarios

	<ul style="list-style-type: none">• demonstration of applying WHS legislation in conducting work safely• oral or written questioning to assess knowledge of research and data-collection methods to obtain evidence of compliance with WHS legislation.
Guidance information for assessment	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none">• other BSB07 WHS units.

Range Statement

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

<i>Current WHS legislation and related documentation</i> may include:	<ul style="list-style-type: none"> • current applicable commonwealth and relevant state or territory WHS Acts, regulations and codes of practice • organisational WHS policies, procedures, processes and systems • other documents, such as standards, guidance material and alerts issued by the relevant WHS regulator • other legislation relevant to WHS.
<i>Duty holders</i> may include:	<ul style="list-style-type: none"> • as specified in WHS Acts: <ul style="list-style-type: none"> • persons conducting businesses or undertakings (PCBUs) or their officers • workers • other persons at a workplace.
<i>Non-compliance</i> may include:	<ul style="list-style-type: none"> • failure to meet legal requirements • inadequate systems of information, instruction, training or supervision • plant, equipment or substances not maintained, or used or stored in an unsafe condition • poor consultation practices • poor design • workplace hazards not identified or controlled • workplace systems not in place or inadequate.
<i>Appropriate action</i> may include:	<ul style="list-style-type: none"> • contributing to a WHS audit • contributing to a WHS inspection • contributing to engaging external specialists and consultants • contributing to identifying non-compliance with WHS legislation • contributing to implementing, monitoring and evaluating actions to ensure compliance with WHS legislation • making recommendations about how compliance with WHS legislation could be achieved • reporting breaches of compliance to responsible

	<p>persons or authorities</p> <ul style="list-style-type: none">• where required, carrying out roles or functions specified in legislation or workplace policies and procedures.
<i>Sources</i> may include:	<ul style="list-style-type: none">• audits• Australian and international standards• hazard, incident and investigation reports• industry bodies or groups• manufacturer manuals and specifications• regulatory authorities• training or information sessions and forums• unions• websites, journals and newsletters• WHS professional bodies• WHS specialists.
<i>Relevant publications</i> may include:	<ul style="list-style-type: none">• Australian, international, union and industry standards• computer software• electronic or paper documents• WHS guidance notes, fact sheets, guidelines, alerts and other publications issued by commonwealth and state or territory governments, WHS regulators, other bodies and organisations.

Unit Sector(s)

Regulation, Licensing and Risk – Work Health and Safety