



Australian Government

BSBWHS402A Assist with compliance with WHS laws

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 BSBOHS408A Assist with compliance with OHS and other relevant laws.</p>

Unit Descriptor

This unit describes the performance outcomes, skills and knowledge required to assist with providing advice about the legislative duties, rights and obligations of individuals and parties prescribed in work health and safety (WHS) laws.

It includes identification of WHS legislation, duties, rights and obligations and the necessary actions to ensure compliance in the workplace.

Application of the Unit

This unit applies to individuals who assist with providing advice about the legislative duties, rights and obligations of individuals and parties prescribed in WHS laws as part of a systematic approach to managing WHS. This unit applies to people who work in a broad range of WHS roles across all industries.

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. Assist with determining the legal framework for WHS in the workplace	<p>1.1 Access <i>current WHS legislation and related documentation</i> relevant to the organisation's operations</p> <p>1.2 Use knowledge of the relationship between WHS Acts, regulations, codes of practice, standards and guidance material to assist with determining legal requirements in the workplace</p> <p>1.3 Assist with identifying and confirming the duties, rights and obligations of <i>individuals and parties</i> as specified in legislation</p> <p>1.4 Assist with seeking advice from legal advisors where necessary</p>
2. Assist with providing advice on WHS compliance	<p>2.1 Assist with providing advice to individuals and parties about their legal duties, rights and obligations, and where they are located in WHS legislation</p> <p>2.2 Assist with providing advice to individuals and parties about the functions and powers of the WHS regulator and how they are exercised, and the objectives and principles underpinning WHS</p>
3. Assist with WHS legislation compliance measures	<p>3.1 Assist with assessing how the workplace complies with relevant WHS legislation</p> <p>3.2 Assist with determining the WHS training needs of individuals and parties, and with providing training to meet legal and other requirements</p> <p>3.3 Assist with developing and implementing changes to workplace policies, procedures, processes and systems that will achieve compliance</p>

Required Skills and Knowledge

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

Required skills

- analytical and problem solving skills required to read and interpret WHS information and data
- communication skills to communicate with people from a range of backgrounds and with a range of abilities
- literacy skills to:
 - read and interpret Acts, regulations, codes of practice, policies and procedures
 - prepare reports for a range of target groups, including health and safety committees, health and safety representatives, managers, supervisors, and persons conducting businesses or undertakings (PCBUs) or their officers
- planning and organising skills to liaise with training providers and trainers.

Required knowledge

- duties, rights and obligations of individuals and parties as specified in relevant WHS legislation and where this information is located in WHS legislation
- functions and powers of WHS regulator and how they are exercised
- internal and external sources of WHS information and data, and how to access them
- objectives and principles underpinning WHS legislation
- relevant commonwealth and state or territory WHS Acts, regulations, codes of practice, standards and guidance material, and other relevant publications
- systematic approaches to managing and complying with WHS 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"> • assisting with providing advice about the WHS legal and regulatory framework and other relevant legislation, either in an actual workplace, simulation exercise or scenario • assisting with the seeking of advice from appropriate sources • assisting with developing a range of products to provide advice on WHS legal compliance issues, such as a training needs analysis, talks, briefings, training sessions, guidance and advice, and paper or electronic materials • evidence of how these products were developed and used.
Context of and specific resources for assessment	<p>Assessment must ensure access to:</p> <ul style="list-style-type: none"> • relevant Acts, regulations, codes of practice, standards and guidance material • other appropriate workplace documentation • reports from individuals and parties consulted in ensuring WHS compliance.
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 workplace reports of on-the-job performance by the candidate • demonstration of activities used to assist with WHS legislative compliance • oral or written questioning to assess knowledge of how advice was provided in the workplace, interpreting and applying legislation, and reporting requirements of legislation

	<ul style="list-style-type: none">• review of WHS action plans, documented WHS training needs and documents, and recording processes undertaken to ensure WHS compliance• simulated project-based activities, scenarios, case studies, role plays or actual activities associated with a systems approach to managing WHS.
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">• BSBWHS403A Contribute to implementing and maintaining WHS consultation and participation processes• BSBWHS404A Contribute to WHS hazard identification, risk assessment and risk control• BSBWHS405A Contribute to implementing and maintaining WHS management systems• BSBWHS406A Assist with responding to incidents.

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.

<p><i>Current WHS legislation and related documentation</i> will include:</p>	<ul style="list-style-type: none"> • current applicable commonwealth and state or territory WHS Acts, regulations and codes of practice • organisational WHS policies, procedures, processes and systems • other documents, such as standards, guidance publications and alerts issued by the relevant WHS regulator.
<p><i>Individuals and parties</i> may include:</p>	<ul style="list-style-type: none"> • contractors and subcontractors • customers • duty holders as specified in WHS Acts: <ul style="list-style-type: none"> • PCBU's or their officers • workers • other persons at a workplace • suppliers • health and safety committees • health and safety representatives • unions • WHS entry permit holders • WHS inspectors • WHS regulators.

Unit Sector(s)

Regulation, Licensing and Risk – Work Health and Safety