



Australian Government

BSBWHS402 Assist with compliance with WHS laws

Release: 1

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Modification History

Release	Comments
Release 1	This version first released with BSB Business Services Training Package Version 1.0.

Application

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

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 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.

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

Unit Sector

Regulation, Licensing and Risk – Work Health and Safety

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1 Assist with determining the legal framework for WHS in the workplace	1.1 Access current WHS legislation and related documentation relevant to the organisation’s operations 1.2 Use knowledge of the relationship between WHS Acts, regulations, codes of practice, standards and guidance material to

ELEMENT	PERFORMANCE CRITERIA
	assist with determining legal requirements in the workplace 1.3 Assist with identifying and confirming the duties, rights and obligations of individuals and parties as specified in legislation 1.4 Assist with seeking advice from legal advisers where necessary
2 Assist with providing advice on WHS compliance	2.1 Assist with providing advice to individuals and parties about their legal duties, rights and obligations, and the location of relevant information in WHS legislation 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
3 Assist with WHS legislation compliance measures	3.1 Assist with assessing how the workplace complies with relevant WHS legislation 3.2 Assist with determining the WHS training needs of individuals and parties, and with providing training to meet legal and other requirements 3.3 Assist with developing and implementing changes to workplace policies, procedures, processes and systems that will achieve compliance

Foundation Skills

This section describes language, literacy, numeracy and employment skills incorporated in the performance criteria that are required for competent performance.

Skill	Performance Criteria	Description
Reading	1.1, 1.2, 1.3, 2.1, 2.2, 3.3	Interprets and analyses complex WHS legislative and organisational texts
Writing	1.4, 2.1, 3.3	- Documents WHS legislative and organisational advice using structure, layout and language suitable for audience - Drafts, documents and updates policies, procedures or processes according to requirements - Uses appropriate vocabulary and register to seek legal advice
Oral	1.2-1.4, 2.1, 2.2,	Uses structure and language suitable for audience to provide, seek and discuss WHS legislative information

communication	3.1-3.3	• Uses questioning and active listening to clarify understanding
Navigate the world of work	1.2, 1.3, 2.1, 2.2	• Takes responsibility for adherence to legal and regulatory responsibilities and organisational policies and procedures in relation to WHS role and responsibilities • Keeps up to date on changes to WHS legislation and regulations, and organisational policies and procedures
Interact with others	1.2, 1.3, 1.4, 2.1, 2.2, 3.1, 3.2, 3.3	• Understands what to communicate, with whom and how, in the context of seeking WHS legal advice • Cooperates with others as part of WHS compliance activities, and contributes to specific activities requiring joint responsibility and accountability • Collaborates with others to achieve individual and team outcomes
Get the work done	3.1-3.3	• Uses combination of formal, logical planning and intuitive understanding of context to identify relevant information and risks, and identify and evaluate alternative strategies in relation to WHS compliance • Uses formal decision making processes, setting or clarifying goals, gathering information and identifying and evaluating choices against a set of criteria in relation to WHS compliance and training needs identification • Contributes to the design of new approaches in relation to WHS compliance

Range of Conditions

This section specifies different work environments and conditions that may affect performance. Essential operating conditions that may be present (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) are included.

Current WHS legislation and related documentation must include:	• current applicable Commonwealth and state or territory WHS Acts, regulations and codes of practice • organisational WHS policies, procedures, processes and systems • standards, guidance publications and alerts issued by the relevant WHS regulator.
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Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
BSBWHS402 Assist with compliance with WHS laws	BSBWHS402A Assist with compliance with WHS laws	Updated to meet Standards for Training Packages Edits to clarify intent of Performance Criteria Strengthened Assessment Conditions. Assessors of this unit of competency must hold a WHS qualification or equivalent at Diploma level or higher	Equivalent unit

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=11ef6853-ceed-4ba7-9d87-4da407e23c10>

Assessment Requirements for BSBWHS402 Assist with compliance with WHS laws

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Performance Evidence

Evidence of the ability to assist with:

- determining current work health and safety (WHS) legal requirements for the workplace
- providing advice to parties and individuals about current WHS legal requirements for the workplace, including underpinning principles, legal duties, rights and obligations and WHS regulator functions and powers
- assessing workplace compliance with WHS legislative requirements
- determining the training needs of individuals and parties in relation to WHS requirements
- developing and implementing workplace changes in order to achieve WHS legal compliance.

Note: If a specific volume or frequency is not stated, then evidence must be provided at least once.

Knowledge Evidence

To complete the unit requirements safely and effectively, the individual must:

- detail the duties, rights and obligations of individuals and parties as specified in relevant WHS legislation, and specify the location of relevant information on WHS legislation
- describe the functions and powers of the relevant WHS regulator and how they are exercised
- identify internal and external sources of WHS information, and how to access them
- outline the objectives and principles underpinning WHS legislation
- specify method/s used for:
 - assessing WHS compliance
 - determining training needs in relation to WHS compliance
 - implementing changes to achieve WHS compliance.

Assessment Conditions

Assessment must be conducted in a safe environment where evidence gathered demonstrates consistent performance of typical activities experienced by individuals carrying out work health and safety duties in the workplace and include access to:

- relevant Acts, regulations, codes of practice, standards and guidance material
- relevant workplace documentation
- reports from individuals and parties consulted in ensuring WHS compliance
- case studies and, where possible, real situations
- interaction with others.

Assessors must satisfy NVR/AQTF assessor requirements. In addition, assessors for this unit of competency must hold a WHS qualification or equivalent at Diploma level or higher.

Links

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