



Australian Government

Department of Education, Employment and Workplace Relations

BSBOHS408A Assist with compliance with OHS and other relevant laws

Revision Number: 1

BSBOHS408A Assist with compliance with OHS and other relevant laws

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes required to apply an understanding of the legal and regulatory framework of OHS in order to provide advice regarding the OHS legislative responsibilities of an OHS practitioner, company director, manager, supervisor and employee. No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.
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Application of the Unit

Application of the unit	This unit OHS applies to individuals with supervisory responsibilities for assisting with legal compliance as part of a systematic approach to managing OHS. It includes identification of common law duty of care, appropriate legislation and regulations and the necessary actions to ensure compliance in the workplace. The unit may apply both in a work unit of a large organisation or in a small to medium enterprise.
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	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.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Determine the legal framework of OHS in the workplace	1.1. Seek current legislation and related documentation relevant to OHS and the organisation's operations 1.2. Use knowledge of the relationship between OHS Acts, OHS regulations, codes of practice, associated standards and guidance material to determine legal requirements in the workplace 1.3. Identify and confirm responsibilities and requirements as specified in legislation 1.4. Clarify responsibilities and requirements and seek advice from legal advisors where necessary
2. Provide advice on OHS compliance	2.1. Provide advice to appropriate personnel about the specific legal responsibilities of employers including duty of care and how it is codified in relevant OHS legislation 2.2. Provide advice to appropriate personnel about administration of enforcement processes and instruments including penalties that apply to organisations prosecuted under relevant OHS legislation 2.3. Provide advice to appropriate personnel on how negligence is determined at statutory and common law
3. Comply with legal requirements	3.1. Take action to ensure that the workplace, including systems of work and work organisation, is appraised against and complies with relevant legislation 3.2. Identify training needs of those with OHS responsibilities and provide training as required according to legal requirements 3.3. Identify requirements for other training under OHS legislation and arrange training as required 3.4. Recognise limits of own professional expertise and consult legal advisors as required
4. Report incidents of non compliance	4.1. Raise promptly with responsible persons possible breaches as required 4.2. Provide advice on arrangements for incident reporting to government authorities in accordance with relevant OHS legislation and organisational procedures 4.3. Raise in accordance with OHS procedures inadequacies which may contribute to non

ELEMENT	PERFORMANCE CRITERIA
	compliance in systematic approaches to managing OHS procedures and/or practices
5. Contribute to ongoing monitoring of compliance with OHS legislation	5.1. Monitor compliance with OHS legislative requirements 5.2. Resolve or refer compliance issues in accordance with OHS policies and procedures, and relevant OHS legislation

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- culturally appropriate communication skills to relate to people from diverse backgrounds and people with diverse abilities at all levels of the organisation
- literacy skills to prepare reports for a range of target groups including OHS committee, OHS representatives, managers, supervisors
- interpersonal skills to communicate effectively with personnel at all levels of organisation, and legal and OHS specialists
- facilitation skills to conduct effective formal and informal meetings
- research and data analysis skills to analyse relevant OHS information and data, and make observations of workplace tasks and interactions between people, their activities, equipment, environment and systems in order to meet requirements of OHS legislation

Required knowledge

- relevant state/territory and commonwealth OHS legislation, codes of practice and standards
- roles and responsibilities of personnel as specified in relevant OHS legislation
- structure and forms of legislation including regulations, codes of practice, associated standards and guidance material
- requirements for reporting under OHS and other relevant legislation including obligations for notification and reporting of incidents
- concept of common law duty of care
- systematic approaches to managing and complying with OHS legislation
- professional liability in relation to giving advice

Evidence Guide

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

Evidence of the following is essential:

- evidence of the application of advice regarding the legal and regulatory framework of OHS and other relevant legislation, either in an actual workplace, simulation exercise or scenario
- products developed for provision of advice on OHS legal compliance issues
- evidence of how these products were developed and used either in an actual workplace, simulation exercise or scenario.

Context of and specific resources for assessment

Assessment must ensure:

- access to relevant legislation, codes of practice, standards and guidance material
- access to other appropriate workplace documentation
- reports from other parties consulted in ensuring OHS compliance

Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:

- direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate
- demonstration of techniques used to assist with compliance of OHS in the workplace
- oral or written questioning to assess knowledge of: how advice was provided in the workplace, interpreting and applying legislation, reporting requirements required by legislation, systematic approaches to OHS
- review of OHS action plans, documented OHS training needs and documents recording processes undertaken to ensure OHS compliance
- simulated project based activity, scenarios, case studies, role plays or actual activities associated with

EVIDENCE GUIDE	
	a systems approach to managing OHS
Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example: • BSBOHS401B Contribute to implementation of a systematic approach to managing OHS

Range Statement

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.

Current Legislation and related documentation relevant to OHS will include:

- current Commonwealth and relevant state/territory OHS legislation, regulations, codes of practice, associated standards and guidance material
- workers compensation
- privacy legislation
- contract law
- trade practices
- criminal law
- common law
- industrial relations law
- equal employment opportunity and anti-discrimination law
- Australian and international standards

Responsibilities and requirements may include legal obligations under relevant OHS legislation for the following persons:

- employers
- self-employed persons
- persons in control of workplaces
- contractors
- designers, manufacturers, importers, suppliers of plant
- erectors and installers of certain plant
- manufacturers, importers and suppliers of substances
- employees
- OHS committees
- OHS representatives

Legal advisors may include:

- legal practitioners, either internal or external
- government OHS inspectors

Appropriate personnel may include:

- employers
- company directors
- managers
- supervisors
- employees

RANGE STATEMENT	
	• OHS representatives and committees • contractors
<i>Enforcement processes and instruments</i> may include:	• prohibition notices • improvement notices • on-the-spot fines • provisional improvement notices
<i>Those with OHS responsibilities</i> may include:	• company director • manager • supervisors • OHS representatives
<i>Responsible persons</i> may include:	• OHS advisor • manager • supervisor • other appropriate person(s) delegated authority to act or apply rectification controls within the organisation

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Regulation, Licensing and Risk - Occupational Health and Safety
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Co-requisite units

Co-requisite units		

