

# Policy Guideline

## Legislative Compliance (WHS)

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**Summary** This Policy Guideline provides guidance and defines principles for SA Health, Local Health Networks, Health Services and Business Units which support the identification, communication, accessibility of WHSIM legislation, and the evaluation of mechanisms to ensure that the duty of care obligations are met.

**Keywords** WHS, Legislation, Compliance, Work Health and Safety, Legislative Compliance, Policy Guideline

**Policy history** Is this a new policy? *Y*  
Does this policy amend or update an existing policy? *N*  
Does this policy replace an existing policy? *N*  
If so, which policies?

**Applies to** *All SA Health Portfolio*

**Staff impact** *All Staff, Management, Admin, Students; Volunteers*

**EPAS Compatible** *NA*

**Registered with Divisional** *Yes*

**Policy Contact Officer**

**Policy doc. Reference No.** G0154

### Version control and change history

Version	Date from	Date to	Amendment
1.0	09/12/2015	Current	Original version

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# WHSIM Legislative Compliance Policy Guideline

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Government  
of South Australia

SA Health

## Document control information

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20/11/15	V.1	A/Executive Director, People and Culture, System Performance and Service Delivery	PE Approved version.

## Endorsements

Date	Endorsed by
24/11/15	Deputy Chief Executive, System Performance and Service Delivery

## Approvals

Date	Approved by
9/12/15	Portfolio Executive

# Contents Page

1.	Objective .....	4
2.	Scope .....	4
3.	Principles.....	4
4.	Detail .....	4
5.	Roles and Responsibilities.....	6
6.	Reporting.....	8
7.	EPAS.....	8
8.	National Safety and Quality Health Service Standards .....	8
9.	Other .....	9
10.	Risk Management .....	9
11.	Evaluation .....	9
12.	Definitions .....	10
13.	Associated Policy Directives / Policy Guidelines .....	10
14.	References, Resources and Related Documents.....	10

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# WHSIM Legislative Compliance Policy Guideline

## 1. Objective

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SA Health, as a Responsible Agency for the “Crown “, must take reasonably practicable steps to comply with relevant Acts, Regulations, Codes of Practice and Standards. SA Health WHSIM Policy Directives, Policy Guidelines and Procedures are informed by such requirements and are referenced accordingly. Mechanisms for identifying, receiving, communicating and disseminating updates and interpretations of legislative changes to WHSIM are established in practices across the organisation. Monitoring, review and evaluation processes of WHSIM legislation communication and dissemination are established to ensure currency and compliance with this policy guideline.

This Policy Guideline provides guidance for SA Health, Local Health Networks, Health Services and Business units to ensure that mechanisms and processes for receiving, communicating legislative updates and informing processes and mechanisms for compliance are established and in place.

This policy guideline must be read in conjunction with the SA Health WHSIM Governance, Accountability and Consultation Framework and the SA Health Policy Directive Work Health Safety and Injury Management.

## 2. Scope

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The policy guideline applies to all SA Health workers including occupiers, contractors, volunteers, labour hire personnel and students who may be required to manage the mechanisms and/ or processes defined in this policy guideline.

## 3. Principles

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The application of the SA Health WHSIM Corporate Framework, SA Health WHSIM System, and its five WHSIM corporate programs by SA Health LHN/HS/BU will support WHSIM legislative compliance.

This policy guideline defines four principles which will support the identification, communication, accessibility of WHSIM legislation and the evaluation of mechanisms for communication and accessibility.

The guiding principles are defined as the:

1. Identification of WHSIM legislation that is relevant to SA Health and LHN/HS/BU
2. Communication and dissemination of WHSIM legislation, legislative changes and updates
3. Maintaining WHSIM legislation accessibility
4. Monitoring and evaluation of WHSIM legislation processes and mechanisms

## 4. Detail

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### 4.1 Identification of WHSIM legislative information

- SA Health WHSIM Policy Directives, Policy Guidelines and related documentation identify and reflect relevant legislation, applicable codes of practice, Australian Standards, as relevant, at the time of publication. This is in accordance with the SA Health Policy Directive [D0193 Policy Distribution System for SA Health](#).
- SA Health Workforce Health Strategy, Policy and Performance receives and sources information

on new legislation / amendments on any work health safety, and return to work related legislation from authorised sources such as [Return to Work SA](#), [SafeWork SA](#), [Safe Work Australia](#) , [Office of the Public Sector](#) and the [Self Insurers Association of South Australia](#).

- On receipt of legislative updates SA Health Workforce Health will review the information and consider the impact on SA Health, LHN/HS/BU and the SA Health WHSIM system. Strategies to meet the new requirements may include but are not limited to; development of a new SA Health policy or policy guideline, or the review of existing SA Health WHSIM policies, policy guidelines and documentation accordingly and/or development of strategies to implement new changes.
- SA Health WHSIM system is :
  - developed and maintained, and based on identified legislative requirements
  - enacted across SA Health by LHN/HS/BU implementing the SA Health policies, policy guidelines , strategies and activities as identified in the [SA Health WHSIM 2015 – 2018 Strategic Plan \( in Draft \)](#) .
- SA Health WHSIM system documentation is developed to meet or exceed legal requirements and accepted best practice evidence based industry standards; and documents
- Identified SA Health WHSIM legislative responsibilities and accountabilities are incorporated into the SA Health induction and orientation process for new staff, inclusive of the accountabilities assigned to WHS defined Officers and the elements of due diligence, and should be reviewed and updated as per business needs by SA Health, LHN/HS/BU accordingly.
- Where relevant specific [SA Health WHSIM e- learning modules](#) will be developed to meet SA Health WHSIM legislative requirements. For example: All SA Health WHSIM system programs have associated SA Health WHSIM e – learning module(s) to assist SA Health , Local Health Networks, Health Services and business units implement the SA Health WHSIM system.
- Should legislative amendments have financial or operational implications to SA Health; a briefing paper will be developed by SA Health Workforce Health for discussion and action by SA Health Portfolio Executive.

#### **4.2 Communication and dissemination of WHSIM legislative information**

- SA Health Workforce Health communication and consultative mechanisms are in place to alert SA Health LHN/HS/BU of legislative changes. These mechanisms include , but are not limited to, SA Health CE Checks/Executive Checks ( as relevant ) , SA Health Workforce Health intranet updates, SA Health Workforce Health Staff Briefings, and emails
- Communiqué are sent to advise SA Health Workforce Professionals, Workforce Business Partners and Portfolio Executive, as required, of legislative updates and actions required, as relevant.
- SA Health LHN/HS/BU Workforce business units must communicate legislative updates, upon receipt of a communiqué identifying legislative changes, through communication and consultative mechanisms including LHN/HS/BU Governance Committees, LHN/HS/BU WHS Consultative Committees or other relevant meeting as required.

#### **4.3 Maintaining WHSIM legislative information**

- The [SA Health Workforce Health Legislative Compliance](#) Intranet page maintains Work Health and Safety, Return to Work and Injury Management legislative updates and is accessible to all SA Health LHN/HS/BU to review and apply as required.
- SA Health LHN/HS/BU Workforce business unit (where applicable) must develop a local WHSIM legislative register that identifies all relevant legislation specific to their agency. It must be made available to all workers and be maintained to ensure that the information remains relevant. Cross

reference to the [SA Health Workforce Health Legislative Compliance](#) intranet page is recommended.

- SA Health Workforce Health Legislation intranet page will also provide access to legislative requirements via links on the intranet site to Safe Work Australia, SafeWork SA, Return to Work SA and South Australian Legislation.
- The [SA Health Library Services website](#) (SALUS) provides access to Standards Australia through the SAI Global site. An Athens Login is required to access this service and may be requested through contacting the [SA Health Library Service Webpage](#).

#### **4.4 Monitoring and evaluating WHSIM legislative information processes and mechanisms**

##### **4.4.1 Addressing legislative compliance**

- SA Health WHSIM system documentation will go through a legislative compliance review upon documentation scheduled review, upon review due to legislative changes and when documentation must align to other external SA Health changes.

##### **4.4.2 Addressing legislative non compliance**

- SA Health WHSIM systems requirements, including legislative compliance, tested through the SA Health WHSIM Internal Audit Program and deemed to be non-compliant will be evaluated to determine their cause and to identify any corrective action required. Corrective action may include: a review of SA Health WHSIM system documentation to assist SA Health LHN/HS/BU meet legislative compliance and implementation of the SA Health WHSIM system programs.

## **5. Roles and Responsibilities**

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The following Roles and Responsibilities are specific to this policy guideline and should be read in conjunction with SA Health Policy Directive - [Roles, Responsibilities and Governance](#) (WHS):

### **5.1 Chief Executive / Deputy Chief Executives**

Will take reasonably practicable steps to:

- Exercise due diligence to ensure compliance with the intent of this policy guideline;
- Establish awareness of and accountability for the implementation of this policy guideline

### **5.2 Chief Executive Officers / Chief Operating Officers (LHN / HS / BU)**

Will take reasonably practicable steps to:

- Exercise due diligence to ensure compliance with this policy guideline;
- Establish awareness of and accountability for the implementation of this policy guideline;
- Provide financial and physical resources needed for the implementation and support of this policy guideline.

### **5.3 Executive Directors / Directors (LHN / HS / BU)**

Will take reasonably practicable steps to:

- Exercise due diligence to ensure compliance with this policy guideline;
- Ensure use of appropriate resources and processes to communicate and disseminate legislative updates to their authorised business or undertaking;
- Ensure all workers are updated on any legislative changes that may affect them, and relevant changes are communicated and disseminated throughout the LHN/HS/BU;
- Ensure that managers and supervisors have the knowledge and the skills to implement legislative updates as required ;
- Ensure WHSIM responsibilities are included in new staff induction and orientation programs,

including elements of due diligence, where relevant;

- Monitor the effectiveness of legislative update changes in their delegated business unit.

#### **5.4 Site Managers / Line Managers / Supervisors / Team Leaders**

Will take reasonable practicable steps to:

- Where relevant, exercise due diligence to ensure compliance with this policy guideline;
- Ensure that so far as reasonably practicable, that workers and others are not exposed to health and safety risks arising from the business or undertaking;
- Ensure that mechanisms are in place for the communication, dissemination and consultation of legislative updates and their requirements ;
- Provide workers with adequate direction and support to fulfil their responsibilities regarding the impact of legislative changes on the respective business ;
- Ensure WHSIM responsibilities are included in new staff induction and orientation programs.
- Monitor the effectiveness of legislative update changes in the delegated business unit.
- Ensure that safe work procedures are developed, implemented, reviewed and monitored for effectiveness, whenever legislative updates have required changes to take place;

#### **5.5 Workers**

Will take reasonable care to:

- Not adversely affect the health and safety of themselves and other persons;
- Comply with any reasonable instruction and with all relevant SA Health policies, LHN/HS/BU procedures and information relating to health and safety at the workplace;
- Implement legislative changes in accordance with the information, instruction and training provided.

#### **5.6 Workforce Health**

Will take reasonable care to:

- Advise SA Health Portfolio Executive and LHN/HS/BU Chief Executive Officers of any changes to WHSIM legislation which may have an across SA Health impact;
- Provide specialist advice, guidance and recommendations with respect to legislative update changes including interpretation of the [Work Health and Safety Act 2012 \(SA\)](#), its [regulations](#), relevant [Codes of Practice](#), and the [Return to Work Act 2014 \(SA\)](#) to SA Health and LHN/HS/BU, as required;
- Facilitate the communication of this policy guideline throughout SA Health,
- Send a communiqué to SA Health LHN/HS/BU on any WHSIM legislative change that may have impact on the business or undertaking;
- Ensure SA Health WHSIM system documentation are reviewed and updated to incorporate any legislative changes.
- Ensure the SA Health WHSIM Evaluation and Monitoring Schedule incorporates evaluation of legislative compliance.
- Ensure mechanisms and processes are in place for the communication, dissemination and consultation of WHSIM legislative updates across SA Health ;
- Develop, maintain a readily accessible SA Health WHSIM Legislative Register on the SA Health Workforce Health Legislative Compliance Intranet page;
- Ensure SA Health WHSIM system documentation reflects WHSIM legislative requirements, Approved Codes of Practice and accepted industry standards and relevant sections are referenced and identified in the documents;
- Identify and advise respective LHN/HS/BU of any WHSIM legislative updates which have direct



impact on their business or undertakings;

- Ensure Health and Safety Representatives (HSR) are updated on any legislative changes that may affect them, and relevant changes are communicated through quarterly Workforce Health, Health and Safety Representative forums;
- Monitor compliance with this policy guideline through the SA Health Evaluation and Monitoring schedule and report findings to the relevant LHN/HS/BU.

## 5.7 Workforce Health Professionals

Will take reasonable care to:

- Provide specialist advice, guidance and recommendations with respect to legislative update changes including interpretation of the [Work Health and Safety Act 2012 \(SA\)](#), its [regulations](#), relevant [Codes of Practice](#), and the [Return to Work Act 2014 \(SA\)](#) to SA Health and LHN/HS/BU;
- Facilitate the implementation of this policy guideline throughout their respective LHN / HS / BU;
- Ensure mechanisms and processes are in place for the communication, dissemination and consultation of legislative updates across their respective LHN/HS/BU;
- Develop and maintain a readily accessible local WHSIM legislative register;
- Ensure local WHSIM documentation reflects WHSIM legislative requirements, Approved Codes of Practice and accepted industry standards and relevant sections are referenced and identified in the documents.
- Advise respective LHN/HS/BU of any WHSIM legislative updates which have impact on local business or undertakings;
- Ensure Health and Safety Representatives (HSR) receive updates on legislative changes that may affect them, and relevant changes are communicated through consultative meetings and committees;
- Monitor compliance with this policy guideline and report on implementation outcomes.

## 6. Reporting

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### 6.1 SA Health WHSIM Corporate Documentation - Key Performance Indicators

This policy guideline may be subject to KPI reporting as per the [SA Health WHSIM Performance Review and Continuous Improvement Framework](#).

### 6.2 Reporting Incidents to the Regulator

All dangerous incidents, work related deaths and injuries that require admittance to hospital as an inpatient or immediate treatment for any condition constitute a Notifiable Incident and must be immediately reported to the regulator [SafeWork SA](#) in accordance with Section 38 of the [Work Health and Safety Act 2012 \(SA\)](#).











## 7. EPAS

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Not applicable

## 8. National Safety and Quality Health Service Standards

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 <a href="#">National Standard 1</a> <a href="#">Governance for Safety and Quality in Health Care</a>	 <a href="#">National Standard 2</a> <a href="#">Partnering with Consumers</a>	 <a href="#">National Standard 3</a> <a href="#">Preventing &amp; Controlling Healthcare associated infections</a>	 <a href="#">National Standard 4</a> <a href="#">Medication Safety</a>	 <a href="#">National Standard 5</a> <a href="#">Patient Identification &amp; Procedure Matching</a>	 <a href="#">National Standard 6</a> <a href="#">Clinical Handover</a>	 <a href="#">National Standard 7</a> <a href="#">Blood and Blood Products</a>	 <a href="#">National Standard 8</a> <a href="#">Preventing &amp; Managing Pressure Injuries</a>	 <a href="#">National Standard 9</a> <a href="#">Recognising &amp; Responding to Clinical Deterioration</a>	 <a href="#">National Standard 10</a> <a href="#">Preventing Falls &amp; Harm from Falls</a>
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## 9. Other

### 9.1 Records Management Requirement

- SA Health is accountable to maintain and protect the integrity and accessibility of all official documents and records by ensuring SA Health LHN/HS/BU and workplaces have a robust document control and records management system.
- All official WHSIM records must be retained either centrally or locally in accordance with [Work Health Safety Regulations 2012 \(SA\)](#) and disposed of in accordance with [GDS15 – General Disposal Schedule \(State Records\)](#), and [SA Health Policy Guideline – System Documentation Management \(WSIM\)](#).

## 10. Risk Management

Work Health and Safety guidance and considerations defined in this policy guideline align in principle with the [SA Health Risk Management Framework 2014](#) and ISO 31000 Risk Management- Principles and guidelines.

## 11. Evaluation

In accordance with SA Health Policy Directive - [Performance Review and Continuous Improvement](#), implementation of this policy guideline will be monitored via the SA Health WHS Internal Audit Program against the following criteria:

- SA Health and LHN / HS WHSIM system documentation references legislative requirements, approved codes of practice and accepted industry standards where relevant.
- WSIM system documentation is reviewed for legislative compliance upon each scheduled review.
- Mechanisms for identifying and communicating WHSIM legislative changes, are developed, implemented and reviewed at both the SA Health and LHN / HS level.
- Appropriate actions are taken by SA Health and LHNs / HSs to address legislative changes e.g. development or review of WHSIM system documentation and/or development of strategies to implement legislative changes.
- Identified SA Health WHSIM legislative responsibilities and accountabilities are incorporated into the SA Health induction and orientation process for all new staff including WHS defined officers.
- E-Learning packages incorporating legislative changes are developed (or reviewed) and made available to all relevant staff.
- WSIM legislation registers are developed and maintained at both the SA Health and LHN / HS levels.

## 12. Definitions

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Reference may be made to the following resources for further definitions and clarification of any terms used throughout this policy guideline.

- [SA Health WHSIM System - Glossary of Definitions](#)

## 13. Associated Policy Directives / Policy Guidelines

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- [SA Health Corporate Framework – WHSIM Management System](#)
- [SA Health Corporate Framework – WHSIM Governance, Accountability and Consultation](#)
- [SA Health Corporate Framework – WHSIM 2015 – 2018 Strategic Plan\( \*in draft\*\)](#)
- [SA Health Corporate Framework – Performance Review and Continuous Improvement](#)
- [SA Health Corporate Framework – WHSIM Training](#)
- [SA Health WHSIM Policy Directive – Work, Health, Safety and Injury Management](#)
- [SA Health WHSIM Policy Directive - Roles, Responsibilities and Governance \( WHS\)](#)

## 14. References, Resources and Related Documents

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- [Work Health and Safety Act 2012 \(SA\)](#)
- [Work Health and Safety Regulations 2012 \(SA\)](#)
- [Return to Work Act 2014 \(SA\)](#)

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