

When an Inspector Calls...

Representatives from a range of regulatory bodies may visit a workplace unannounced -- either at random or as part of a co-ordinated and specifically targeted program. While employers may be apprehensive about an inspector's visit, they can help ensure a good outcome by having in place well-managed systems and procedures for regulatory visits.

Who may inspect workplaces?

A number of agencies have jurisdiction over workplaces. They include occupational health and safety (OHS) regulators, local municipal councils, the customs authority, consumer protection and fair-trading authorities, emergency service personnel, management regulators and the police.

In certain states, such as NSW, statutory powers may be granted to others (eg union officials), enabling them to conduct formal workplace inspections for OHS and workers compensation purposes.

Why are inspections conducted? The purposes of inspections include:

- Investigating the facts related to serious accidents and incidents, especially in circumstances involving death or injuries, fires, harm to property and/or the environment, significant loss, major plant failures, nuisance to neighbours and others, or disruption to services and public amenities
- Monitoring compliance or investigating possible breaches of legislation or mandated conditions of operation
- Providing information, education and advice (eg to explain new regulatory requirements)
- Assisting organisations to develop systems that interface with those of an agency (eg the online lodgment of advice, such as information related to accidents or incidents, or the mandated remittance of advice for statutory training)
- Investigating complaints (eg reports of unsafe or unhealthy conditions or dangerous work practices)
- Initiating sanctions (eg issuing directions and notices, levying on-the-spot penalties, or taking evidence for prosecuting negligent or reckless offenders)

It's the Law



Examples of targeted programs include systematically reviewing workplaces to seek proof of workers compensation insurance cover, or assessing the extent of compliance with regulatory requirements.

Preparing for an inspection

Since an organisation is rarely aware of when an inspector may initially call, it is a reasonable strategy to expect an inspector's visit at any time.

Organisations that seek to maintain best-practice systems generally have procedures in place aimed at:

- Maintaining the premises in a state that reflects favourably on the quality of operational management, and ensuring all staff follow the agreed systems of work
- Maintaining statutory records so they are current, comprehensive and in a fit state for a third-party audit
- Ensuring staff are aware of what they should do when an inspector calls
- Ensuring supervisors, managers and employees are informed of the functions and powers that may be exercised by an inspector, or by someone who has legislated powers to conduct a workplace visit (eg an official of a registered trade union)
- Alerting senior managers a regulatory visitor is on the premises

The best means of ensuring staff are informed of their duties and the functions and powers of official visitors is to devise and maintain a written procedure covering such visits.

When there is advance warning of an official visit, staff should be fully briefed, any required information collated, and specific managers, supervisors and employee representatives nominated and available to participate in the activities associated with the visit.

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