



Understanding employment based risks

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Who am I?



What is risk management?



What is risk management?



Be positive and proactive
in understanding your
risks



Do what you can and
should do to reduce
those risks

Understanding risks



It won't happen
to me...



However, our insurance claims tell us risks occur in businesses just like yours!



Preventing poor outcomes

Stop and think about
what could happen...



before it does!



The importance of staff

**Don't underestimate the importance
of happy healthy staff!**



What can go wrong - WHS

A staff member was supervising children on the playground. He saw a child begin to fall from the top of a slide. He was able to quickly grab the child, however in the process he's suffered tendon damage to his shoulder.

When a staff member was changing a child's nappy on a change table, she realised she didn't have all the necessary supplies in her immediate reach. Whilst trying to hold the child safely on the table and reach for the items she needed, she felt a twinge in her back.

A staff member stood up off a chair whilst holding a child. When she did this she felt a sharp pain in her knee which led to her being unable to work for the next week.

What can go wrong – employment

Following complaints about an employee's unprofessional conduct towards children, the manager conducted an investigation into the matter and subsequently decided to terminate the employee. The employee then lodged an unfair dismissal claim with the Fair Work Commission.

An employee resigned and the manager did not pay all of the outstanding wages and leave entitlements. The employer stated this was because of the unprofessional conduct and behaviour of the employee since leaving. A complaint was lodged with the Fair Work Commission.

An already employed staff member undertook a course of further study. During this period his salary was dropped to a trainee salary. The employee disputed this and claimed back pay.

What can go wrong - employment

A manager was considering dismissing an employee due to poor performance and other issues. However as the conversation was approaching, the staff member informed the manager that she was suffering from depression. The manager sought legal advice as she didn't want the dismissal to seem linked to the employee's health.

A manager sought legal advice on what can be done to deal with a poorly performing staff member who also has been demonstrating behavioural issues. Other staff and parents have complained to the manager about this employee.

Impact of incidents

Possible impact on staff and the business

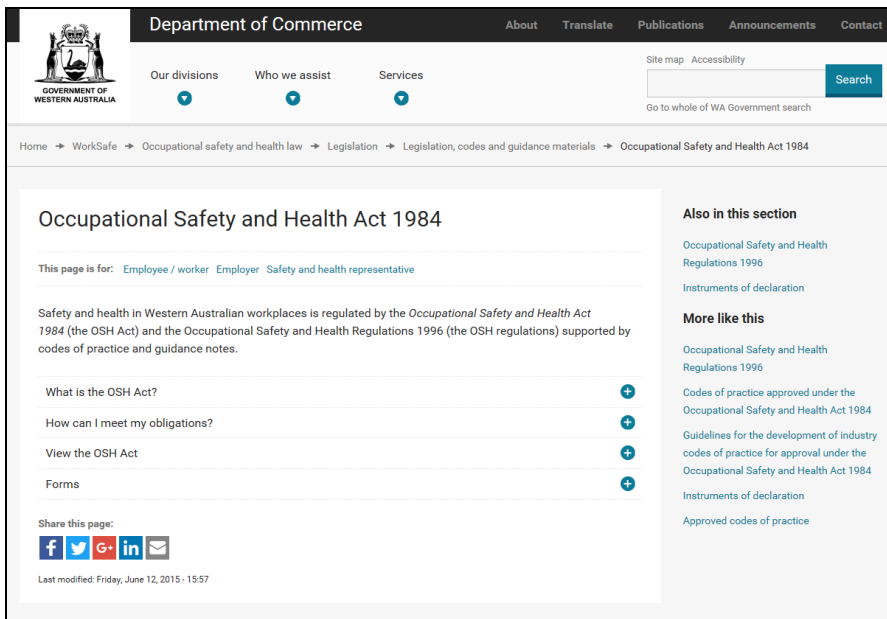
- Low morale
- Poor performing team
- High staff turn over
- High absentee rate
- Financial cost
- Wasted time
- Stressed staff



WHS takeaway tips

1. Understand your obligations

All employers and employees have an obligation to create a safe workplace.



Individuals and corporations convicted of breaching legislation may face fines or imprisonment.

2. Lead by example

Will your staff do the right thing if you don't?

Anyone in any 'senior position' needs to be sure they understand the influential role they play in educating lesser experienced staff members.



3. Regular inspections

Identifying hazards and reducing risks is a job which is never complete.

Create a process to:

- Regularly inspect the workplace to identify WHS risks
- Record these risks
- Develop ways to manage these identified risks



Also encourage ad hoc identification of risks.

4. Ensure staff understand the risks

Risks can't be managed if they aren't understood.

- Identified risks need to be shared with all staff
- Risk mitigation strategies must also be shared
- Discuss the consequences of the risks occurring so they're truly understood
- Have regular discussions about risks, such as at team meetings



5. Whole staff focus



6. Safe set up of business

Is the business set up to avoid injuries?

Potential issues:

- Crowding and limited space
- Cots and highchairs that are not positioned well
- Cots with bases that are low
- Cots and highchairs that are fixed, e.g. non-adjustable sides, fixed highchair trays
- Change tables requiring staff to reach for necessary items
- Items stored on high shelves



7. Staff training

Don't make assumptions about what your staff will know and understand.

Teach them what they need to know.

Training should be:

- Both formal and informal
- Ongoing



8. Reporting processes

You need to keep a record of your risks.



Keep a record of:

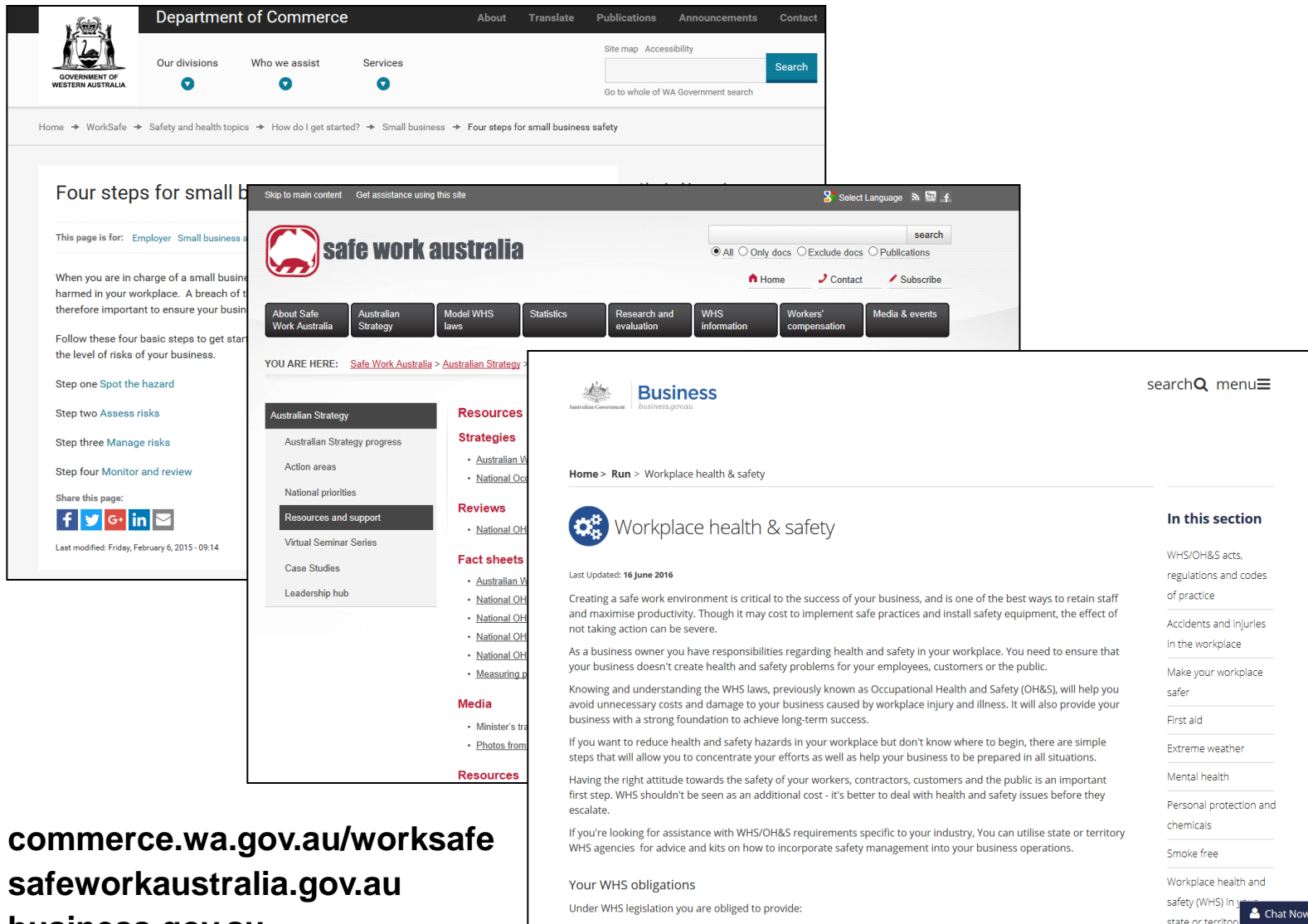
- Identified risks and how they're being managed
- WHS incidents
- WHS near misses

9. Don't cut corners or costs

Manage your WHS risks immediately and properly, don't implement any half or compromised measures!



10. Use available resources



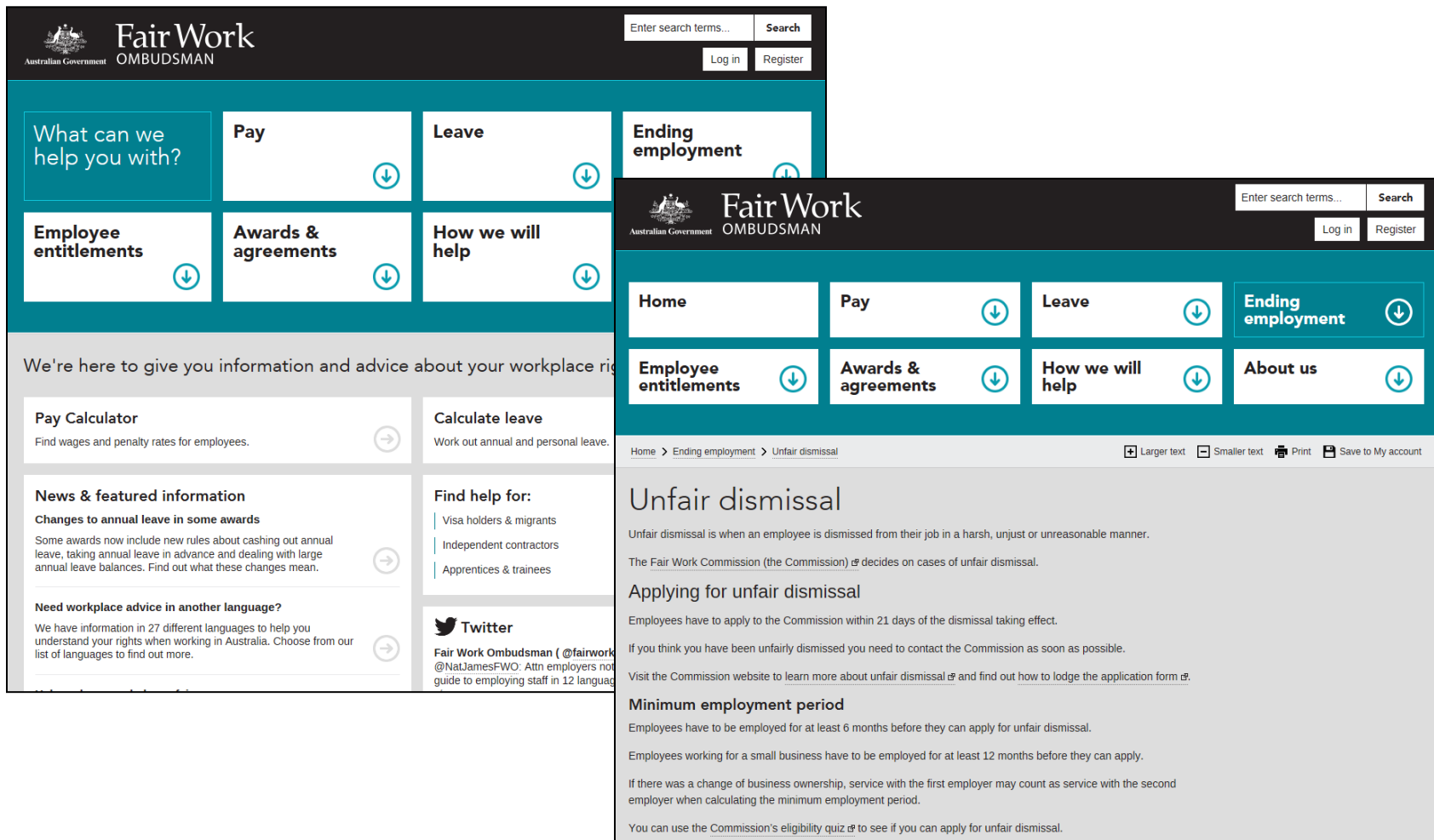
The image displays three overlapping screenshots of Australian government websites related to workplace safety and business resources.

- Top Screenshot (Department of Commerce):** Shows the homepage of the Department of Commerce, Government of Western Australia. It includes navigation links like 'About', 'Translate', 'Publications', 'Announcements', and 'Contact'. A search bar is visible on the right.
- Middle Screenshot (Safe Work Australia):** Shows the 'Four steps for small business' page. It provides guidance on how to manage risks in a small business, starting with 'Spot the hazard'. The page includes a sidebar with navigation links like 'About Safe Work Australia', 'Australian Strategy', 'Model WHS laws', 'Statistics', 'Research and evaluation', 'WHS information', 'Workers' compensation', and 'Media & events'.
- Bottom Screenshot (Business Australia):** Shows the 'Workplace health & safety' page. It includes a 'search' bar and a 'menu' icon. The page content discusses the importance of creating a safe work environment and provides links to resources like 'WHS/OSH acts, regulations and codes of practice', 'Accidents and injuries in the workplace', 'Make your workplace safer', 'First aid', 'Extreme weather', 'Mental health', 'Personal protection and chemicals', 'Smoke free', 'Workplace health and safety (WHS) injury', and 'state or territory'. A 'Chat Now' button is visible in the bottom right corner.

commerce.wa.gov.au/worksafe
safeworkaustralia.gov.au
business.gov.au

Employment takeaway tips

1. Understand employment law



The screenshot displays the Fair Work Ombudsman website. The top navigation bar includes the Australian Government logo, the Fair Work Ombudsman name, and a search bar. Below the navigation bar, there are several menu items: 'What can we help you with?', 'Pay', 'Leave', 'Ending employment', 'Employee entitlements', 'Awards & agreements', and 'How we will help'. The main content area is titled 'Unfair dismissal' and provides information on what constitutes unfair dismissal, the role of the Fair Work Commission, and the process for applying for unfair dismissal. It also mentions the minimum employment period for unfair dismissal.

Unfair dismissal

Unfair dismissal is when an employee is dismissed from their job in a harsh, unjust or unreasonable manner.

The Fair Work Commission (the Commission) decides on cases of unfair dismissal.

Applying for unfair dismissal

Employees have to apply to the Commission within 21 days of the dismissal taking effect.

If you think you have been unfairly dismissed you need to contact the Commission as soon as possible.

Visit the Commission website to [learn more about unfair dismissal](#) and find out how to lodge the application form.

Minimum employment period

Employees have to be employed for at least 6 months before they can apply for unfair dismissal.

Employees working for a small business have to be employed for at least 12 months before they can apply.

If there was a change of business ownership, service with the first employer may count as service with the second employer when calculating the minimum employment period.

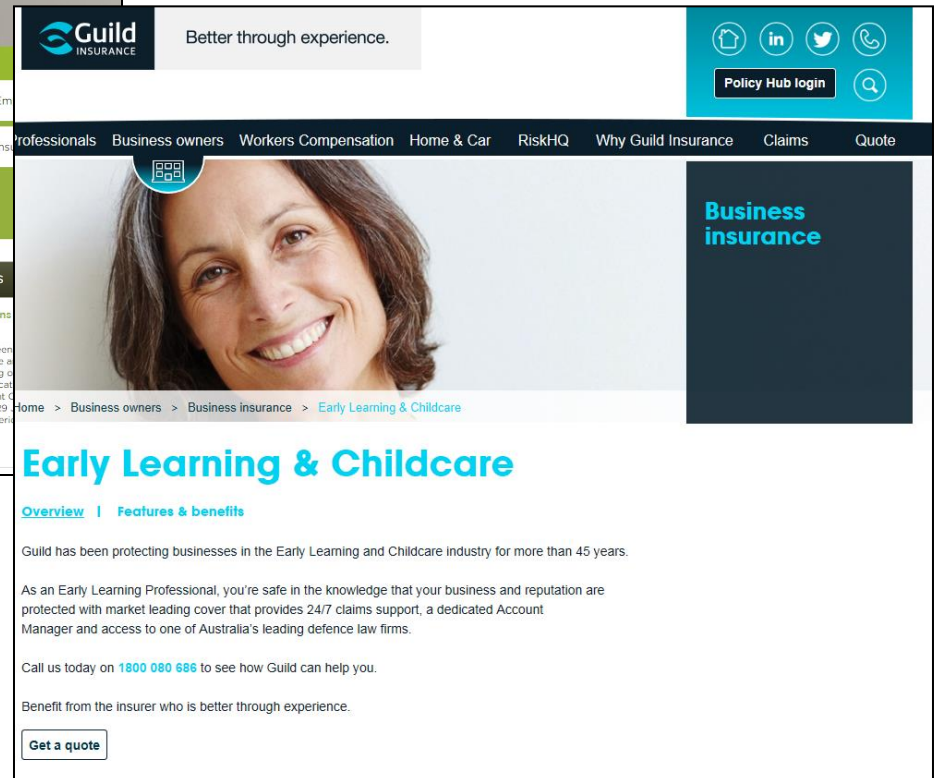
You can use the Commission's [eligibility quiz](#) to see if you can apply for unfair dismissal.

Not knowing is no excuse!

2. Seek assistance



Know what support you're entitled to and make use of it!



3. Make recruitment a priority

Hire the right people the first time.

Selecting the wrong person can become a very costly mistake.



4. Invest in and develop your staff

Formal
courses and
qualifications

Promotional
opportunities



Short
day
courses

Team
meetings

Mentoring

5. Have clear work expectations

For staff to do the right thing, they need to know what the right thing is.

Ensure you have:

- Clear job descriptions
- Company policies and procedures
- Regular staff discussions



6. Keep records of staff interactions

Make a record of the following discussions:

- Staff meetings
- Performance reviews
- Disciplinary meetings

This record means:

- No one has to rely on their memory, which isn't reliable
- There is contemporaneous evidence if any issue or dispute arises.

7. Separate personal and professional

You don't need to be best friends with work colleagues to work well together.

In fact, close personal relationships can contribute to complicated working relationships.

Consider the appropriateness of personal relationships with work colleagues.



8. Be mindful of social media use



Consider the impact of what you and your colleagues post!

9. Don't make hasty decisions

Take your
time

Be sure you
are acting
legally

Investigate
the matter



Seek advice

Consider your
options

10. Don't underestimate staff impacts

You can't run an early learning centre without children.

However, remember that you also can't operate your business without your staff.

We're here to help

To contact Guild Insurance call the number below or visit our website

 1800 810 213

 guildinsurance.com.au



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