

**BSBWHS402 Assist with WHS Compliance
with WHS**

**Recognition of Prior Learning
Candidate Guide**

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BSBWHS402 Assist with compliance with WHS laws

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 legislative 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 legislative duties, rights and obligations of individuals and parties prescribed in WHS legislation. It requires a systematic approach to managing WHS. This unit applies to 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 interchangeably.

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Documentary Evidence

The following is a list of the types of workplace documents that you may be able to provide in support of your RPL application for this unit of competency.

Please note that the list is only a suggestion. You may have other documents that you think will help with your application. It is also quite possible that you may not have all, or even any, of the types of document listed. This does not prevent you from applying for RPL. Your assessor will look for other options, which may include activities for you to complete.

Gather together all the documents that you can, and send them to your assessor. Provide copies where you can. If you cannot provide copies, and the documents are very large, your assessor may peruse the originals and return them to you.

Important Note:

- You must comply with the Australian Privacy Act. No individual (other than yourself) should be named in the documents, and no names or any other information that could identify an individual should be included.
- You must also comply with "confidentiality" requirements. If you need to submit such a document, you must get permission from your organisation. Your assessor may peruse the original documents and make a declaration that they will protect the information.

List of suggested documentary evidence

- Copies of compliance documentation that you access in relation to the WHS legislation of your organisation
- Reports that you have documented in relation to WHS legal requirements for your organisation
- Reports, advice, training materials etc. where you have explained the duties of a PCBU, officers, workers and/or others in relation to WHS
- Communications where you have sought legal advice on issues relating to WHS or workers' compensation
- Records of inductions that you have designed or delivered in relation to WHS legislative requirements in the workplace and how to access relevant information such as policies and procedures
- Reports or other advice that you have documented in relation to the powers of the WHS regulator and inspectors
- Copies of WHS audits that you have completed in relation to how well the organisation's WHS Management System complies with legislation
- Minutes of meetings, reports and correspondence where you have determined WHS training needs and organised WHS training
- Reports, recommendations and/or plans that you have developed to make improvements to the organisation's WHS Management System

Third Party Verification

The form on the following page should be printed twice.

Give each copy to the referees that you identified in your RPL application.

Clarify to each that they should only tick items that they can confirm from their own knowledge of you through observation of your performance at work.

Let them know that the assessor will contact them either by telephone or email to confirm the authenticity of the information.

Request each referee to write a few comments on your performance.

Ensure that the forms are signed and correctly dated.

Submit the forms as soon as they are completed.

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Third Party Verification Form

Name of Candidate		
Name of Third Party (Referee)		
Position of Third Party		
Work relationship of Third Party to the Candidate		
Telephone		Email

Please tick the checkbox where you can confirm from your own knowledge that the candidate meets the criteria.
NOTE: It is not necessary for you to tick every box. You only need to confirm from your own knowledge of the candidate's work performance.

mapping (assessor use)	Criteria for assessment	✓
PE 1, 2 PC 1.1 PC 1.2	Researches and identifies relevant WHS and Safety legislation, Codes of Practice, Awards and other legal requirements and provides advice to ensure the organisation currently complies.	<input type="checkbox"/>
PE 1, 2 PC 1.3	Uses knowledge of WHS and Safety legislation to advise on duties of individuals and the organisation to achieve compliance	<input type="checkbox"/>
PE 3 PC 3.1	Conducts an audit of the organisation's WHS Management System and assesses the effectiveness of the Performance Indicators to determine whether the organisation meets WHS requirements	<input type="checkbox"/>
PE 4 PC 3.2	Identifies the legislative requirements for safety training of operators and health and safety representatives and organises safety training for the	<input type="checkbox"/>
PE 5 PC 3.3	Identifies areas for continuous improvement in safety standards, develops plans for improvements and follows through to implement the planned	<input type="checkbox"/>
PC 1.4	Identifies situations or events that may require advice from a legal professional and assists with seeking this advice where necessary.	<input type="checkbox"/>
PC 2.1 PC 3.2	Provides or organises advice, training, coaching and/or mentoring as required to ensure that all personnel understand their legal duties and obligations and know how to access organisational safety documentation relevant to their job roles	<input type="checkbox"/>
PC 2.2 PC 3.2	Provides or organises advice, training, coaching and/or mentoring as required to ensure that all personnel understand the powers of WHS Inspectors and the duties of individuals to cooperate	<input type="checkbox"/>

Please provide a few comments on your personal evaluation of the candidate and the way that they assist with compliance with WHS legal requirements in their work role.

Signed		Date	

Competency Conversation

A competency conversation is a meeting between you and your assessor, where you discuss and explain your work experience. It is an informal discussion - not an examination. The competency conversation may be face to face or by telephone, Skype or other means of communication.

Your assessor will make notes of your responses. They may ask if you want your responses recorded, so that they have an accurate and complete record. You have the right to refuse recording of your voice or videoing the meeting.

The following is a list of the types of questions your assessor may ask. It is provided in advance, so that you can prepare for the meeting. You should read the questions and think about how you will respond.

Your assessor may suggest that you submit typed answers to the questions following the competency conversation, as this can reduce the time and cost of the assessment. If your typed answers are sufficient, the competency conversation may not be necessary.

Answers to prepare:

Main question – to start the discussion:

What is your role in respect of WHS requirements, providing advice on compliance and ensuring your organisation's WHS Management System is compliant?

Supplementary questions – based upon the main question:

What legislative and code of practice govern WHS compliance in your organisation?

What is the purpose of a PCBU under the legislation?

How can you define who would be considered an "officer" of a PCBU under the legislation? What Act determines this and who in your organisation fits this category?

What is the duty of a PCBU officer?

What are the duties of workers under the legislation?

What is the name of the government WHS regulator in your jurisdiction where you access legislation and codes of practice?

What are the functions of the WHS regulator?

What functions and powers does a WHS inspector have?

What internal information do you access on WHS and where is it located?

How would you explain the objectives and principles that underpin the WHS legislation?

Supplementary questions – to expand upon the main question:

What methods do you use to assess whether your organisation is compliant with legislation?

What training needs are required by legislation and what is your role in determining the training needs?

Think of a time when you implemented a change to the organisational Safety Management System. Why was there a need to make a change? What was the process you went through and you go about implementing it?

What is your role in providing advice about WHS legislation?

Think of a time when you needed advice on the legal requirements for workers compensation situation. What was the situation and what advice did you seek?

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