



Workplace health and safety position statement

1. Purpose

This position statement sets out the principles the Australian Nursing and Midwifery Federation (ANMF) considers should apply to protect the right of nurses, midwives and assistants in nursing to a safe and healthy work environment.¹ It also sets out the minimum responsibilities the ANMF considers employers and workers must uphold.² It should be read with the ANMF suite of WHS position statements which includes the following:

- *Personal protective equipment*
- *Preventing workplace fatigue*
- *Preventing workplace stress*
- *Protecting workers from infectious disease and chemical substances*
- *Protecting workers from hazardous manual handling*
- *Preventing workplace bullying*
- *Preventing workplace sexual harassment*
- *Preventing workplace violence and aggression*
- *Protecting workers from the risks of tobacco smoke*
- *Vaccination and immunisation*
- *Workers compensation and rehabilitation.*

2. Definitions

A **workplace** is any location where nurses, midwives, assistants in nursing or volunteers perform their work. This includes the homes of people receiving care and workers' homes and vehicles.

A workplace **hazard** is any object, situation or behaviour that has the potential to cause harm, injury or ill-health to a person or damage to property or the environment. The source of a hazard can be physical, biological, chemical, ergonomic, psychological or organisational.

3. Context

All workers, regardless of their occupation or how they are engaged, have the right to a healthy and safe working environment. In Australia, this right is protected through state, territory and national workplace health and safety (WHS) laws and regulations.³

WHS laws are mostly harmonised across these jurisdictions through a set of uniform laws known as the model WHS laws. The model WHS laws comprise the model WHS Act, model regulations and model codes of practice. Every jurisdiction except Victoria has adopted the model WHS laws. Victoria has similar protections in the *Occupational Health and Safety Act 2004* (Vic).

The Australian Government works closely with the states and territories through Safe Work Australia to develop and maintain the model WHS laws. State and territory WHS regulators are each responsible for enforcing and regulating their jurisdiction's WHS laws.

The ANMF plays an active role in ensuring WHS rights are upheld, ably supported by ANMF job representatives, delegates and health and safety representatives (HSRs).

¹ Assistant in nursing refers to all care workers however titled.

² In this document, workers refers to nurses, midwives, assistants in nursing and volunteers.

³ *Workplace health and safety* is referred to as *occupational health and safety* in Victoria.



4. Position

Government responsibilities

It is the position of the ANMF that:

1. Governments must legislate and regulate to protect the right of all workers, including nurses, midwives and assistants in nursing, to:
 - a. work in a safe and healthy work environment
 - b. perform their work without risk to their physical and psychological health and safety
 - c. be consulted about all WHS issues
 - d. have appropriate representation on WHS issues by electing their own HSRs and by participating in their workplace WHS committee
 - e. make a WHS complaint and participate in WHS activities without any adverse action such as discrimination, dismissal, harassment or victimisation
 - f. seek help from their union to resolve WHS issues and work with their union to initiate prosecutions for WHS breaches
2. Governments must also legislate and regulate to:
 - a. ensure all WHS rights and standards are enforceable and that serious penalties apply for breaches
 - b. establish and adequately fund regulators to enforce all WHS rights and standards
 - c. to compel employers to recognise and support the role of HSRs by providing adequate facilities and paid time for WHS activities and consultation.

Workers responsibilities

It is the position of the ANMF that:

3. Nurses, midwives and assistants in nursing must:
 - a. take reasonable care of their own health and safety and the safety of others who may be affected by their acts or omissions
 - b. report to management any work-related injury, illness or workplace hazard as soon as practical after becoming aware of it
 - c. cooperate with any reasonable employer action aimed at providing a safe and secure workplace, including observing policies and procedures.
4. Registered nurses and midwives in management and supervisory positions must:
 - a. implement WHS policies and programs
 - b. support, facilitate and give due regard to WHS in their planning and decision making
 - c. consult and collaborate with staff and HSRs on all WHS issues.
5. All workers should consider playing a greater role in WHS by nominating for vacant HSR positions and participating as workplace WHS committee members where these roles are provided for in their state or territory legislation.



Employer responsibilities

It is the position of the ANMF that all employers must:

6. consider WHS in all aspects of organisational development including:
 - a. leadership and culture
 - b. organisational knowledge
 - c. risk management
 - d. support for staff
 - e. reporting and responding
 - f. monitoring and evaluation.

Leadership and culture

Employers must:

7. comply with all relevant WHS legislation, regulations and guidance material
8. include WHS in all aspects of organisational planning, design and refurbishment to provide workers with:
 - a. safe premises, work environments, fixtures, fittings, equipment and systems
 - b. safe plant and substances, including ensuring safe storage, transport and use
 - c. workplaces that are free from psychological and psychosocial hazards.

Organisational knowledge

Employers must:

9. train all levels of management in effective WHS management and their legislative obligations
10. allocate financial and other resources to promote WHS and facilitate continuous improvement
11. employ or engage suitably qualified people to advise them on WHS issues and best practice
12. provide adequate information, instruction, education, training, staffing levels, skills mix and supervision so workers can work safely and comply with their WHS obligations.

Risk management

Employers must:

13. develop and implement a whole-of-organisation WHS risk management strategy with policies, programs and systems of work that effectively identify and assess hazards and the control measures required to eliminate risks – this includes:
 - ensuring WHS risk assessments are conducted with clinical risk assessments
 - implementing measures to eliminate and control hazards at their source before relying on lower order measures such as training or personal protective equipment (PPE)
14. establish WHS consultation mechanisms that comply with the legislative requirements to:
 - a. establish WHS committees and working groups
 - b. support HSRs with adequate facilities and paid time to train for and perform their role.



15. To this end, employers must:
 - a. recognise the powers of HSRs to:
 - be involved in developing policies and planning for change that impact WHS
 - inspect work areas and accompany WHS inspectors on workplace visits
 - seek help from any person whenever necessary, including union officials and HSRs
 - compel the employer to establish a WHS committee
 - be involved in resolving WHS issues
 - issue provisional improvement notices (PIN) as needed
 - contact the relevant WHS authority as needed
 - direct employees to cease work until adequate WHS measures are in place
 - b. ensure consultation takes place whenever the employer is:
 - assessing, or reviewing the assessment of, WHS risks
 - making decisions about the measures to be taken to eliminate or control risks
 - planning to redevelop or refurbish existing facilities or build new facilities
 - investigating WHS incidents
 - deciding appropriate WHS consultation mechanisms and structures
 - planning to change systems of work, including staffing and skill mix
 - developing or reviewing WHS related policies and procedures.

Support for staff

Employers must:

16. establish WHS agreements that emphasise their joint commitment to WHS
17. uphold the right of nurses, midwives and assistants in nursing:
 - a. to be allocated safe workloads, shift patterns, work practices and equipment
 - b. to speak up about unsafe work practices and conditions and say no to unsafe work without discrimination or other adverse consequences
 - c. to access:
 - workers compensation and return to work programs after illness or injury
 - voluntary health screening and monitoring paid for by the employers when workers are exposed to known occupational hazards (e.g. infectious diseases and chemicals)
 - vaccination against infectious diseases paid for by the employer when available
 - confidential individual test results – this includes ensuring such results are not used to discriminate against them in their employment
 - employee assistance programs.



Reporting and responding

Employers must:

18. have clear policies and procedures in place for reporting, investigating and resolving WHS issues
19. constructively resolve WHS issues in as soon as possible.

Monitoring and evaluation

Employers must:

20. monitor the WHS of workers and workplace conditions and consult with nurses, midwives and assistants in nursing about:
 - a. their WHS and the hazards they are, or may be, exposed to
 - b. the risks associated with those hazards
 - c. the measures that should be taken to eliminate or mitigate those risks and protect their health and safety
21. regularly evaluate risk management programs and control strategies to maintain and improve effectiveness.

5. Position statement management

Document type: Position statement	Review process: Federal Executive every three years
Title: Workplace health and safety	Last reviewed: November 2023
Endorsed: June 1998	Next review: November 2026