Police Federation
of Australia
The National Voice of Policing

Good Practice Code
for Managing Risks in Policing

May 2014

POLICE FEDERATION OF AUSTRALIA

Foreword

The Police Federation of Australia (PFA) believes that police officer work health and safety is a key priority for all our 58,000 members across Australia.

Therefore we have devoted a good deal of time and funds in developing this *Good Practice Code for Managing Risks in Policing.* Our aim is to provide practical examples of good practice in operational policing that will help to keep police officers safe.

The Code has been prepared with the assistance of PFA staff, an experienced consultant in policing work health and safety and, most importantly, with input from every State and Territory Police Association and Union—particularly their occupational health and safety officers who deal with health and safety issues on a daily basis. I thank them all for their involvement and enthusiasm.

We hope that police, senior executives in each police service, and Police Commissioners find the Code useful as they exercise their legal duty of care in conducting police operations.

As policing practice develops and improves in years to come, the operational examples in the Code can be refined and extended to cover other fields of policing.

Although the Code, at this stage, has no legal force under current Work Health and Safety laws, it adds to the body of knowledge about WHS in policing work and we hope it makes the profession of policing safer.

Vince Kelly

**President
Police Federation of Australia**

Contents

1 Introduction

1.1 Purpose

This Good Practice Code is a practical guide to achieving the standards of health, safety and welfare required under the *Work Health and Safety Act* (the WHS Act) and the model Work Health and Safety Regulations (the WHS Regulations). All legislative references are to this Act and the associated WHS Regulations.

It has been prepared by the Police Federation of Australia as a service to its members and police organisations around Australia.

1.2 Scope and application

This Code provides guidance on how duty holders in Australia's Commonwealth and state and territory police organisations can comply with their duties under the WHS Act and the WHS Regulations. The Code addresses the activities of police carrying out operational duties.

Operational duties are undertaken in dynamic working environments that can be located anywhere and often involve multiple, complex hazards. The working environments are often emotionally charged and involve time-critical actions. The workplace is not always under the direct control of the police organisation and may involve multiple duty holders. The work of policing is also governed by a variety of other legislative obligations, such as public safety, and is subject to significant public scrutiny. Consequently, fulfilling the duty of care to ensure, so far as reasonably practicable, the safety and health of police requires a careful, systematic approach that anticipates and addresses risks before they cause harm.

During the course of police operations, if effective risk controls are being used, robust operational orders are in place, regular and effective communication is maintained, and police are adequately resourced, trained, prepared and supervised, the risks of this complex operating environment can be eliminated or minimised so far as is reasonably practicable.

This Code aims to give police organisations and their members an understanding of what WHS duties involve and how risks can be managed in such an operational working environment, including guidance on consultation and issue resolution. This Code should be read in conjunction with other codes of practice on specific hazards and control measures relevant to policing including the:

- *Code of Practice: Confined Spaces;*
- *Code of Practice: First Aid in the Workplace;*
- *Code of Practice: Hazardous Manual Tasks;*

- *Code of Practice: How to Manage Work Health and Safety Risks;*

- *Code of Practice: Managing Noise and Preventing Hearing Loss at Work;*

- *Code of Practice: Managing the Risks of Falls at Workplaces;*

- *Code of Practice: Managing the Risks of Plant in the Workplace;*

- *Code of Practice: Managing the Work Environment and Facilities;*

- *Code of Practice: Work Health and Safety Consultation, Cooperation and Coordination;*

- *Code of Practice: How to Safely Remove Asbestos; and*

- *Code of Practice: How to Manage and Control Asbestos in the Workplace.*

This Good Practice Code does not replace the advice and guidance provided in these Codes. Rather, this Code provides advice and guidance on how to achieve the standards set out in these codes for policing.

2 Health and Safety Duties in Operational Policing

2.1 Who are the duty-holders?

The term duty holder refers to any person who has a work health and safety duty under the WHS Act.

Under the WHS Act, the duty holders are:

- persons conducting a business or undertaking;
- officers;
- workers such as police; and
- other persons at the workplace, for example members of the public.

The standard of care required of these duty holders differs depending on their role in relation to work activities and the extent to which the duty holder is able to direct, control or influence the activities. Those with the most control or influence will have the most significant duties (see Figure 1).

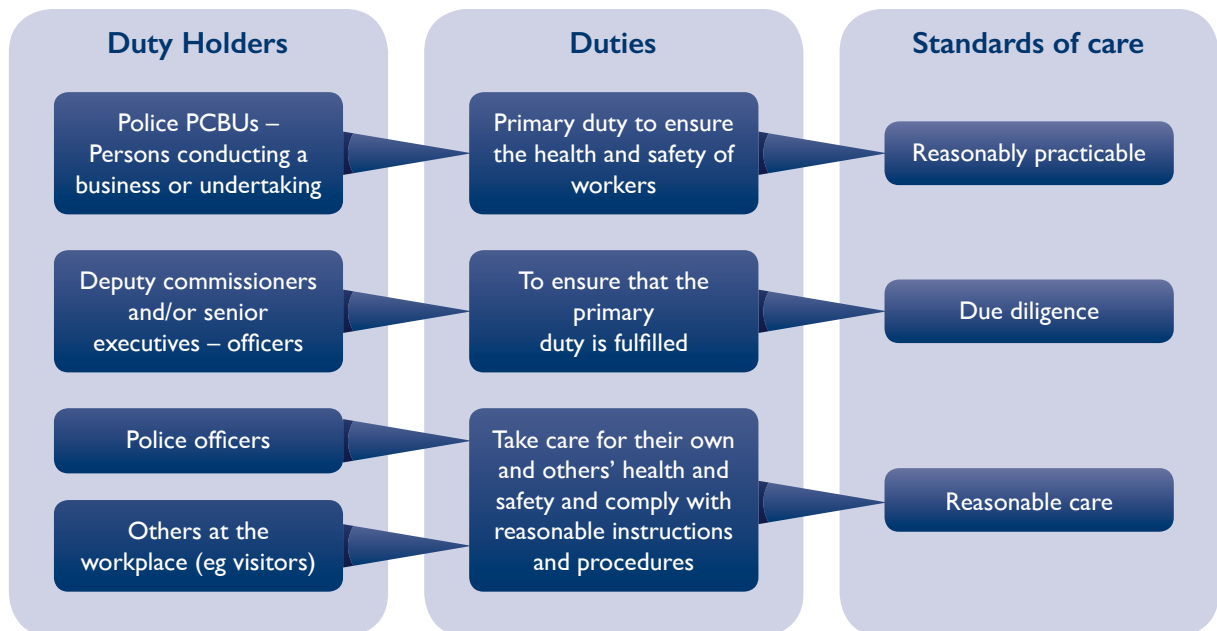| Duty Holders	Duties	Standards of care
Police PCBUs – Persons conducting a business or undertaking	Primary duty to ensure the health and safety of workers	Reasonably practicable
Deputy commissioners and/or senior executives – officers	To ensure that the primary duty is fulfilled	Due diligence
Police officers	Take care for their own and others' health and safety and comply with reasonable instructions and procedures	Reasonable care
Others at the workplace (eg visitors)		

Figure 1: Duty holders, duties and standards of care under the WHS Act

2.1.1 PCBUs

A person conducting a business or undertaking (PCBU), as defined by the WHS Act, means a person conducting a business or undertaking alone or with others, whether or not for profit or gain. Whether the police PCBU in any jurisdiction is the Crown, the State or Territory, or the Police Commissioner depends on the legal framework in the particular jurisdiction. This Code refers to this duty holder as the Police PCBU.

The Police PCBU has the primary duty of care under WHS legislation. This means that the Police PCBU must ensure, so far as is reasonably practicable, the health and safety of workers engaged in the police organisation (s19). This includes both sworn police officers and unsworn employees and covers all of the activities of the police organisation.

The duty to ensure health and safety requires the PCBU:

- to eliminate risks to health and safety, so far as is reasonably practicable; and

- if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

This includes ensuring, so far as is reasonably practicable:

- the provision and maintenance of a safe work environment, safe plant and structures and safe systems of work, e.g. ensuring that the working environment in which police undertake traffic management operations on public roadways is safe and without risks to health so far as is reasonably practicable, ensuring that reliable and timely back-up is available to provide emergency assistance for operational police, and ensuring that communications are reliable while undertaking operational duties, including alternative means when radio communications are not reliable;

- the safe use, handling, storage and transport of plant, structures and substances, e.g. ensuring that there is safe use, handling, transport and storage of police weapons;

- the provision and maintenance of adequate facilities for welfare at work, including access to facilities, e.g. ensuring that police have access to suitable facilities when carrying out duties outside police-controlled workplaces, and providing safe and secure accommodation in remote working locations;

- the provision of any information, training, instruction or supervision necessary to protect all persons from risks to their health and safety from the undertaking of police work, e.g. ensuring that more senior officers are involved in any operations that may involve risk of violence, and providing relevant information on the hazards, risks and intelligence regarding specific jobs to workers before they are deployed to those jobs; and

- the health of workers and conditions at the workplace are monitored for the purpose of preventing illness or injury arising from the undertaking of police work, e.g. monitoring the psychosocial risk factors of work demand, job control and adequate resourcing in operational policing.

2.1.2   Officers

The WHS Act uses the term "officer" as defined in Section 9 of the *Corporations Act 2001*, namely "a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation". In other words, for the purposes of the WHS Act, an "officer" is someone who has the capacity to make decisions or to participate in making decisions that have a real or direct influence on a Police Organisation's policy and planning or financial standing, which has a different meaning than it has in a police ranking system.

For the purposes of the WHS Act, *senior executives* of police organisations who have direct influence over police organisations' policy and planning decisions, eg Deputy and Assistant Commissioners, can be considered "officers". Officers have the duty to exercise due diligence to ensure that the primary duty is fulfilled (s27), in particular to establish and maintain organisational systems and procedures which ensure that the police PCBU meets its obligations under the WHS Act.

Exercising due diligence requires senior executives of police organisations to, amongst other things, take reasonable steps to:

- acquire and keep up to date knowledge of health and safety matters – for example, look at published research or commission research on particular hazards and risks that affect police; analyse injury and incident data; compare approaches with other jurisdictions' police organisations or other emergency services agencies; and conduct environmental scanning.

- gain an understanding of the nature of police operations and generally of the hazards and risks associated with those operations – for example, look at information and experience from past police operations; undertake surveys of police officers; compare experiences with other jurisdictions' police organisations or with other emergency services agencies; and undertake pilot programs to evaluate different approaches to identified problems.

- ensure appropriate resources and processes are available, and used, to enable hazards associated with police work to be identified and risks associated with those hazards to be eliminated or minimised – for example, establish robust standard operating procedures or other policies and procedures; ensure that staffing levels, education and training are adequate; and ensure that necessary equipment is provided to enable operational duties to be performed safely.

- ensure that appropriate processes are in place for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information – for example, provide a way for police officers to pass on information about incidents, hazards, and risks easily and ensure that action is taken in response.

- ensure that the organisation has, and implements, processes for complying with any duty or obligation of the organisation under the WHS Act – for example, establish systems for consultation

with workers and ensure that consideration of the requirements of the WHS Act is included in policies and procedures and education and training.

Further information on the officer duty and due diligence can be found in the *Interpretive Guideline - model Work Health and Safety Act - the health and safety duty of an officer under section 27* available at www.safeworkaustralia.gov.au.

2.1.3   Workers

A worker is defined by the WHS Act to be anyone who carries out work in any capacity for a PCBU. For example, a worker may be an employee, a work experience student, an apprentice, a trainee, a contractor, a subcontractor or an employee of a labour hire company placed with the police organisation.

Section 7(2) of the WHS Act explicitly defines police officers as workers, and further states that a police officer is considered to be at work when the officer is on duty or lawfully performing the functions of a police officer, but not otherwise. Unsworn members of police organisations are also workers.

As workers, *police officers and unsworn employees* of police organisations must take reasonable care for their own and others' health and safety and comply with reasonable instructions and procedures established by the police organisation. Police officers are not "officers" for the purposes of the WHS Act, although police officers in senior management roles might also be officers according to corporations law.

The duty placed on individual police to take reasonable care for their own and others' health and safety applies within the context of the police PCBU providing them with appropriate standard operating procedures, education and training, instruction and supervision, staffing levels, equipment and other resources necessary to undertake police duties safely.

What constitutes taking 'reasonable care' in an operational role will depend on the individual circumstances. However, it may include, but is not limited to:

- applying the competencies gained through police relevant education and training, such as exercising sound situational awareness and decision making skills and being resourceful, ethical and responsible;

- following operational orders and working within standard operating procedures and policies;

- maintaining regular and effective communication with region, command, colleagues and members of the public using the systems provided;

- undertaking risk assessments as a situation progresses to make timely and appropriate responses to health and safety risks to themselves and others in police workplaces; and

- seeking information and making informed decisions before acting.

2.1.4   Other persons

Other persons at the workplace who are not workers have a duty to take reasonable care for their own and other people's health and safety and follow any reasonable instruction from the Police Organisation. This includes any members of the public who are present when police are carrying out their duties.

2.2   Reasonably practicable

'Reasonably practicable' means 'what can reasonably be done in the circumstances'. This means that the primary duty holders must satisfy their duty as far as they are reasonably able to, and requires taking into account and weighing up all relevant matters, including:

- the likelihood of the hazard or risk concerned occurring;

- the degree of harm that might result from the hazard or risk;

- knowledge about the hazard or risk, and ways of eliminating or minimising the risk;

- the availability and suitability of ways to eliminate or minimise the risk; and

- after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

The test of what is 'reasonably practicable' is an objective test, that is, a person is to be judged by the standard of behaviour expected of a reasonable person in the duty holder's position who is required to comply with the same duty.

Safe Work Australia's Guide on *How to Determine What is Reasonably Practicable to Meet a Health and Safety Duty* provides further details on how to apply this test. The process of managing risks described in this Code will help police organisation duty holders decide what is reasonably practicable in policing so that they can meet their duty of care under the WHS laws. Appendix A1 contains extracts from two legal judgments where the standard of 'reasonably practicable' has been interpreted by the courts in relation to policing activities.

2.3   Can more than one person hold the same duty?

Police officers often undertake operational duties away from police stations. Their workplace can be controlled or managed by other duty holders who will also have a primary duty of care and thus involve multiple, overlapping duty holders. This means that more than one person can have a duty for the same matter and in these circumstances each PCBU:

- retains responsibility for their duty; and

- must discharge their duty to the extent to which the person has the capacity to influence and control the matter or would have had that capacity but for an agreement or arrangement purporting to limit or remove that capacity.

If more than one person has a duty in relation to the same matter under the WHS Act, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have that duty. A duty holder cannot contractually assign responsibility for work health and safety to a third party to avoid an obligation under the WHS Act. A contract does not release the duty holder from the responsibility of discharging their duty, but may acknowledge a shared duty.

The police PCBU is not expected to control all hazards and risks caused by other businesses or undertakings where police officers may work. However, they must, so far as reasonably practicable, anticipate the hazards that could occur and ensure the health and safety of police in these different environments in cooperation with the overlapping duty holders. In particular, police PCBUs must, so far as is reasonably practicable, consult, co-operate and co-ordinate with overlapping duty holders to fulfill their duty of care.

Consultation, cooperation and coordination duties are discussed in Chapter 4 of this document.

3   Risk Management in Policing

3.1   The risk management process

Risk management is a systematic approach to eliminating or minimising risks in workplaces. It requires duty holders in police organisations to consider what could go wrong in policing work and what the consequences could be. The WHS Act requires that the persons in control of police organisations do whatever is reasonably practicable to eliminate or minimise health and safety risks arising from operational policing.

The risk management process will assist a PCBU in ensuring that it does whatever it can (what is 'reasonably practicable') to eliminate or minimise health and safety risks arising from the business or undertaking. Similarly, the information obtained through the risk management process will assist officers (as defined under the WHS Act) exercise due diligence to ensure the police PCBU is meeting its duty.

The risk management process involves the following four steps (see Figure 2 below):

- **Identify hazards** – find out what could cause harm;

- **Assess risks** – understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening;

- **Control risks** – implement the most effective control measures that are reasonably practicable in the circumstances; and

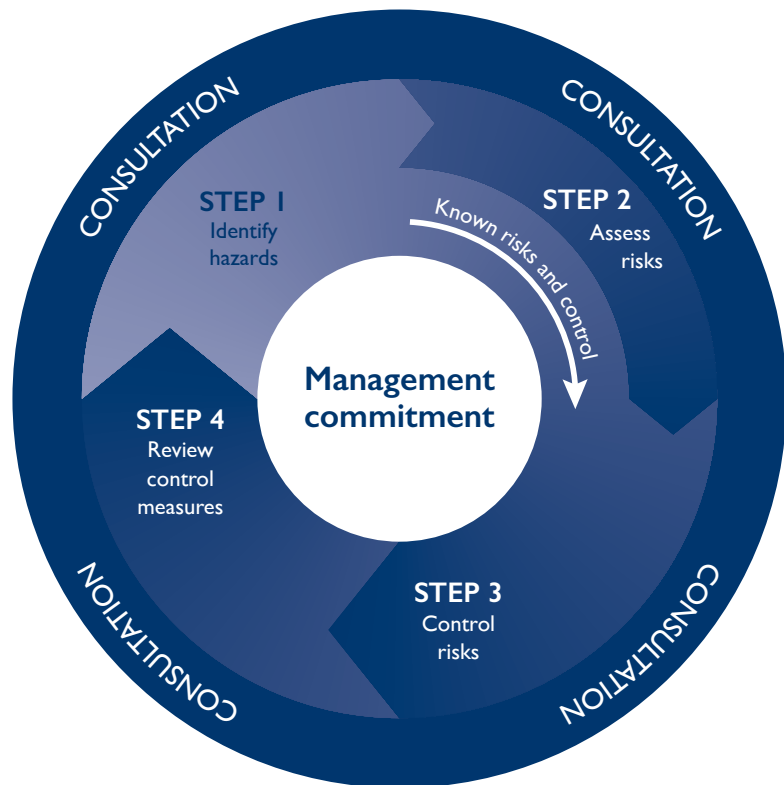- **Review control measures** – to ensure they are working as planned.

Figure 2: The Risk Management Cycle

This code sets out how duty holders in police organisations should undertake each of these steps in policing to ensure that all reasonably practicable actions are taken to eliminate or minimise health and safety risks arising from operational policing.

A risk management process will help a police organisation respond to change and to build safety into standard operating procedures, systems of work, and police education and training.

There are many circumstances when a risk management process is necessary, but it should always be undertaken when:

- starting a new corporate or operational unit;
- changing work practices or procedures;
- purchasing new or used equipment or using new substances;
- planning to improve productivity or reduce costs;
- new information about hazards and risks becomes available;
- responding to workplace incidents, even if they have caused no injury; and
- responding to health and safety concerns raised by workers, health and safety representatives or others at the workplace.

So far as is reasonably practicable, the police PCBU must ensure the risk management process is undertaken in advance of policing operations which may present foreseeable risks to police and others.

Police will sometimes need to conduct or revise a risk management plan during a police operation.

Further guidance on the risk management process may be found in the model *Code of Practice: How to Manage Work Health and Safety Risks*.

3.2 Identifying hazards

The first step of risk management is to identify hazards, in consultation with police officers and their representatives. Hazard identification should be proactive and regular.

A hazard is any situation or thing in the workplace that may cause harm or injury. They are a result of the following aspects of work and their interaction:

- the physical work environment;
- the equipment, materials and substances used;
- the work tasks and how they are performed; and
- work design and management, including how interactions with people are managed.

Table 1: Common workplace hazards in policing

Hazard	Potential harm
Manual tasks	Overexertion or repetitive movement can cause muscular strain – *for example, from carrying equipment, apprehending an offender who is resisting arrest, dealing with public disturbances, participating in regular operational safety and tactics training (OSTT) that includes 'hands-on' application of arrest/take down techniques and other physical activities.*
Gravity	Falling objects, falls, slips and trips of people can cause fractures, bruises, lacerations, dislocations, concussion, permanent injuries or death – *for example, conducting ceiling cavity searches and moving around in unfamiliar conditions, where fall hazards may not be immediately apparent.*
Mechanical hazards	Being hit by moving vehicles, or being caught by moving parts of machinery can cause fractures, bruises, lacerations, dislocations, permanent injuries or death – *for example, use of firearms, radios, working near traffic or using a police vehicle.*
Psychosocial hazards	Effects of work-related stress, bullying, violence and work-related fatigue can cause anxiety and depression, cardio-vascular disease and increase the risk of musculo-skeletal and traumatic injury – *for example, long hours required when transporting offenders from remote locations, attending traumatic road accidents, experiencing a life threatening situation such as occupational assault or poor work organisation resulting in work overload.*
Hazardous chemicals	Chemicals (such as acids, hydrocarbons, heavy metals) and dusts (such as asbestos and silica) can cause respiratory illnesses, cancers or dermatitis – *for example, OC spray, chemicals used in illicit drug manufacture, exposure to lead during firearms training or chemical spills.*
Sources of energy	Sources of energy can have the potential to cause harm, including electricity, extreme temperatures (heat can cause burns, heat stroke or fatigue; cold can cause hypothermia or frost bite), high-powered light and damaging radioactive sources – *for example, when managing traffic in emergencies such as bush fires or crowd control at sporting events.*
Noise	Exposure to loud noise can cause permanent hearing damage – *for example crowd control at music events.*
Biological	Micro-organisms can cause infectious diseases such as hepatitis, legionnaires' disease, Q fever, HIV/AIDS or cause allergies – *for example, blood borne viruses from contact with saliva, blood or scabies.*

Hazards can be identified by:

- inspecting the workplace;

- consulting with workers;

- analysing incident and injury reports;

- analysing information from the suppliers of equipment and substances, e.g. Material Safety Data Sheets (MSDS);

- monitoring the workplace (e.g. air monitoring); and

- researching and analyzing information from other organisations (e.g. the regulator, the police union/police association, ANZPAA, other emergency services organisations such as fire agencies).

An example of identifying hazards is provided in Appendix A2.

Identifying hazards before they enter or affect the workplace is required, rather than waiting until they have caused problems.

Because many of the hazards of policing result from systems of work and the situations in which police officers work, involving and consulting with police officers is essential to hazard identification. In particular, reports from police officers about the presence of psychosocial hazards, such as excessive work demand, poor job control and lack of support, are the most reliable way to determine whether these psychosocial hazards are present in the workplace and have the potential to cause harm.

3.3   Assessing Risks

A risk is the possibility that harm (death, injury or illness) might occur as a result of exposure to a hazard. The risk from a hazard is a combination of the chance of harm occurring and what could go wrong – how badly someone could be harmed. A risk assessment involves considering what could happen if someone is exposed to a hazard and the likelihood of this exposure happening.

Risk assessment can help answer the questions:

- How severe is the risk?

- Are existing control measures effective?

- What action should be taken to control the risk?

- How urgently does action need to be taken?

Risk assessment is a means to an end – risk control.
Risks are assessed in order to control risks most effectively.

To answer these questions and assess a risk, all of the factors that affect the risk should be examined by looking at:

- the number of people exposed to the risk (e.g. police officers, members of the public);

- the different types of people who are exposed (e.g. inexperienced officers, pregnant police officers, members of the public);

- how they are exposed to the risk (e.g. if it is at the end of a shift when fatigue may impair judgment);

- how often they are exposed (e.g. daily, infrequently);

- how long they are exposed for (e.g. throughout a whole shift);

- the combination of hazards they are exposed to (e.g. psychosocial risk and traffic hazards in attending accident scenes);

- how serious the harm could be (e.g. a fatality, a chronic injury, first aid only);

- what the law says about risk control (e.g. some risks have mandatory risk controls); and

- how well current control measures work.

Assessing risks helps to make sure that the most serious problems are addressed first and that the risks are controlled effectively.

3.3.1 When should risks be assessed?

A risk assessment is mandatory under the WHS Regulations for high-risk activities such as entry into confined spaces, diving work and live electrical work. In other cases risk assessments should be undertaken whenever:

- there is uncertainty about how a hazard may result in injury or illness;

- the work activity involves a number of different hazards and there is a lack of understanding about how the hazards may interact with each other to produce new or greater risks;

- high risk operations are being planned; or

- changes at the workplace occur that may impact on the effectiveness of control measures.

A risk assessment may not be necessary if a risk and how to control it are already well-known.

3.3.2 Three levels of risk assessment

Given the nature of policing work, three levels of risk assessments should be considered:

- *Strategic* risk assessments undertaken at an organisational level to identify risk factors that have impact across the police organisation, such as resourcing, training and equipment. This is the responsibility of the Police PCBU and a key step to fulfilling the primary duty of care.

- *Operational* risk assessment to determine the suitable application of resources, training and equipment to specific circumstances. These can be undertaken during operational planning.

- *Dynamic* risk assessment may be needed during operations, undertaken by suitably trained police officers according to established procedures. This is the continuous process of

identifying hazards and assessing risks in the rapidly changing circumstances of an operational incident. Dynamic risk assessments are not a substitute for strategic risk assessments and do not result in police officers taking on extra responsibilities.

A strategic risk assessment should be conducted to inform the evaluation, selection and provision of police clothing and equipment, including police motor vehicles.

3.3.3 How are risks assessed?

Risk assessment does not always have to be a long, complex process. The basic steps to assess the consequence and likelihood of any risk include:

- Work through a sequence of events to determine where things could go wrong and how this could result in harm.

- Evaluate the way operations are planned, organised, resourced and performed.

- Consider the adequacy of intelligence/information, education and training or knowledge required to perform duties.

- Consider the types of equipment to be used and risks involved.

- Use the information obtained from debriefings of operations, post-operation assessments, workshops and desktop and field exercises.

- Take into account the different situations/conditions that may exist that could increase risk, such as a change to operations.

- Different codes of practice set out specific requirements for risk assessment, e.g. the *Code of Practice: Hazardous Manual Tasks* sets out a detailed risk assessment checklist that should be used when assessing the risks of manual tasks.

- Examples of risk assessments for different operations are provided in Appendix A3, including application of the risk assessment checklist from the *Code of Practice: Hazardous Manual Tasks* to policing work.

The outcome of a risk assessment is a clear understanding of the risk factors associated with a hazard and enough information to achieve effective risk control.

3.4 Controlling Risks

The most important step in risk management is to eliminate risks so far as is reasonably practicable, or if that is not possible, minimising risks so far as is reasonably practicable. The reason for identifying hazards and assessing risks is so that risk control can be more effective.

The most effective method for controlling risks is a method that controls the risk at its source, such as by eliminating the risk altogether. This is often best achieved at the design or planning stage. WHS law requires police PCBUs to eliminate risks if reasonably

practicable. If they cannot be eliminated, police PCBUs must minimise them so far as is reasonably practicable.

If there is an immediate risk, police PCBUs must make sure that it is controlled straight away. Work may have to be stopped until the risk is controlled.

Hazards with the highest level of risk should be addressed first.

3.4.1 The Hierarchy of Controls

The hierarchy of controls is a list of the various ways of controlling risks, ranked in a hierarchy from the highest level of protection and reliability to the lowest, as shown in Figure 3. Duty holders must apply this hierarchy when managing specific risks under the WHS Regulations.
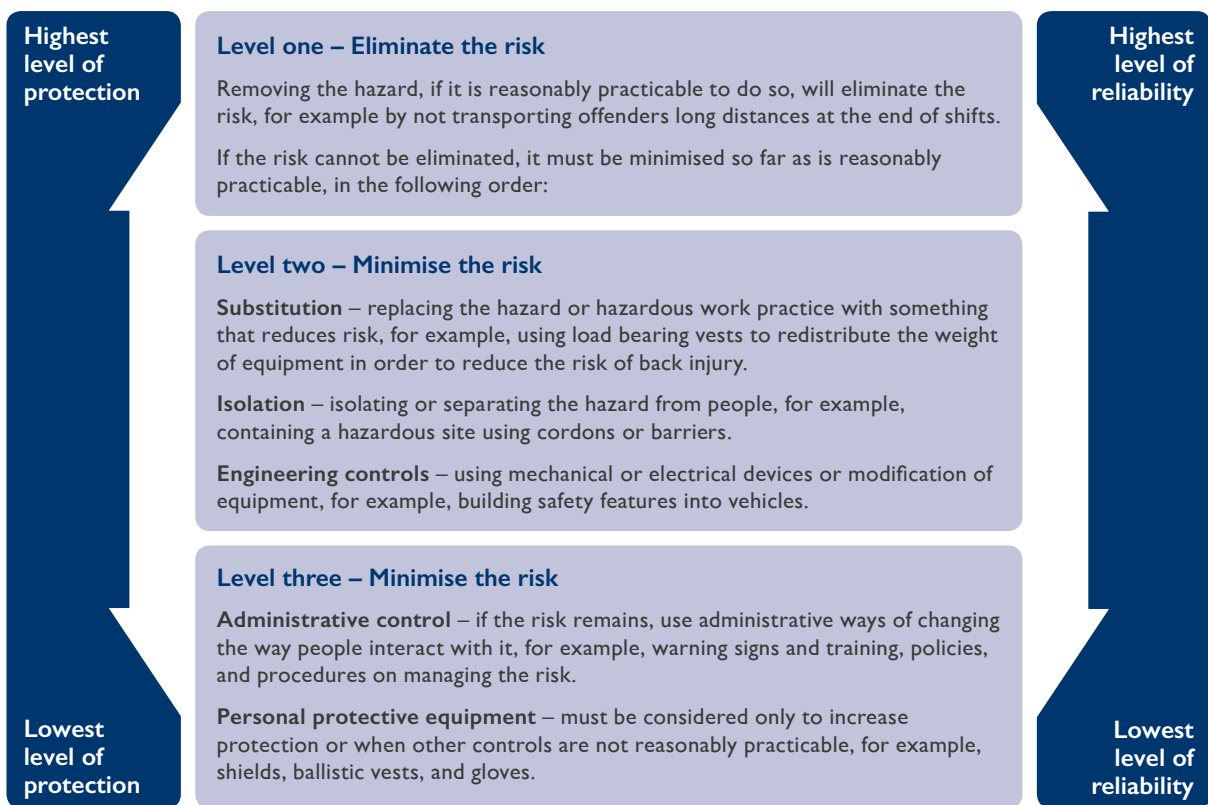
Highest level of protection

Highest level of reliability

Level one – Eliminate the risk

Removing the hazard, if it is reasonably practicable to do so, will eliminate the risk, for example by not transporting offenders long distances at the end of shifts.

If the risk cannot be eliminated, it must be minimised so far as is reasonably practicable, in the following order:

Level two – Minimise the risk

Substitution – replacing the hazard or hazardous work practice with something that reduces risk, for example, using load bearing vests to redistribute the weight of equipment in order to reduce the risk of back injury.

Isolation – isolating or separating the hazard from people, for example, containing a hazardous site using cordons or barriers.

Engineering controls – using mechanical or electrical devices or modification of equipment, for example, building safety features into vehicles.

Level three – Minimise the risk

Administrative control – if the risk remains, use administrative ways of changing the way people interact with it, for example, warning signs and training, policies, and procedures on managing the risk.

Personal protective equipment – must be considered only to increase protection or when other controls are not reasonably practicable, for example, shields, ballistic vests, and gloves.

Lowest level of protection

Lowest level of reliability

Figure 3: The Hierarchy of Risk Control

Level 1 control measures are the most effective. They involve eliminating the hazard and associated risk. The best way to do this is by, firstly, not introducing the hazard into the workplace. Risk can also be eliminated by removing the hazard completely, for example, by disposing of unwanted chemicals or ordinance.

If it is not reasonably practicable to eliminate the hazards and associated risks, the risks must be minimised using a **Level 2 control measure**. These attempt to address the hazard and associated risks by substitution, isolation or using an engineering control such as mechanical or physical aid, for example by not rostering police officers

to conduct solo patrols when there is a reasonable expectation that an officer may be required to apply or respond by the use of force and by using physical barriers to separate police officers from traffic when conducting RBT.

Level 3 control measures include use of personal protective equipment and or using improved work practices or training, for example, teaching police officers how to use effective communication skills to defuse potentially violent situations or using protective gear when handling bodily fluids. They do not control the hazard at the source. They rely on human behaviour and supervision, and used on their own, tend to be least effective in minimising risks. For this reason, Level 3 control measures should only be used:

- when there are no other practical control measures available (as a last resort);

- as an interim measure until a more effective way of controlling the risk can be used; and

- to supplement higher level control measures (as a back-up).

In some cases, a combination of risk control measures in the hierarchy may be the most effective.

Appendix A4 provides examples of risk controls for different risks.

3.4.2 *Implementing control measures*

The type of control measures that can be implemented will depend on what is reasonably practicable to do at the time. For high risks, risk control measures from the top of the list should be used. Sometimes, though, it might take some time to put this type of control measure in place. Use control measures from lower down the list while these more effective controls are put into place.

Test risk control measures before implementation to make sure that they do not introduce new risks. The reasons for adopting particular control measures should be documented, particularly when higher level controls are not adopted.

During the course of police operations, if effective risk controls are being used, robust operational orders are in place, regular and effective communication is maintained, and police are adequately resourced, trained, prepared, and supervised, the risks of complex operating environments can be minimised so far as is reasonably practicable.

3.5 Monitoring and reviewing risk controls

The control measures that are put in place should be reviewed regularly to make sure that they work as planned and, if necessary, to revise them. Reviewing risk controls is particularly important in policing, given the dynamic working environments.

To make sure a control measure remains effective it should be properly maintained by checking that it is still:

- fit for its purpose – for instance, whether the personal protective equipment issued to police for use during crowd control is affording them adequate protection;

- suitable for the nature and duration of the work – for instance, whether the quality and frequency of debriefing and other support given to police on covert operations is sufficient; and

- functional – for instance, whether a duress alarm has been installed in an appropriate location and is regularly tested.

3.5.1 When should reviews be conducted?

Regulation 38 of the WHS Regulations requires that when the PCBU is managing risks under the Regulations that they review and as necessary revise control measures so as to maintain, so far as is reasonably practicable, a workplace that is free from risks to health and safety. A review of control measures required under the WHS Regulations must be undertaken in the following circumstances:

- when the control measure does not control the risk it was implemented to control so far as is reasonably practicable;

- before a change at the workplace that is likely to give rise to a new or different health and safety risk that the control measure may not effectively control;

- if a new hazard or risk is identified;

- if the results of consultation indicate that a review is necessary; or

- if a health and safety representative requests a review.

In determining the frequency of the review process, the PCBU should consider:

- control measures for high risks should be reviewed more often;

- there may be particular stages in the life of a structure, item of plant or equipment where more frequent reviews are needed, for example manufacturer's instructions or technical standards stating how often they must be inspected and serviced;

- there are specific review requirements under the WHS Regulations, for example:
  - Regulation 401 requires the PCBU to ensure that any measures for the control of health risks from exposure to lead at the workplace (e.g. from firing weapons at an indoor firing range) are reviewed, and as necessary, revised in certain circumstances;

- Regulation 213 requires the PCBU with management or control of plant at a workplace to maintain, inspect and test plant in certain ways;

■ reviews should be undertaken in response to new and emerging information impacting on how police undertake their duties, for example, changes in patterns of crime, deinstitutionalisation or new drugs of dependence; and

■ reviews of risk controls should be built in to operational debriefs.

3.5.2 *How should reviews be conducted?*

The same methods as in the initial hazard identification step can be used to check controls. Police and their health and safety representatives should be consulted as part of reviewing risk controls. The following questions should be considered:

■ Are the control measures working effectively in both their design and operation?

■ Have the control measures introduced new problems?

■ Have all hazards been identified?

■ Have new work methods, new equipment or chemicals made the job safer?

■ Are safety procedures being followed?

■ Has instruction and training provided to police on how to work safely been successful?

■ Are police actively involved in identifying hazards and possible control measures? Are they openly raising health and safety concerns and reporting problems promptly?

■ Is the frequency and severity of health and safety incidents reducing over time?

■ If new legislation or new information becomes available, does it indicate current controls may no longer be the most effective?

If problems are found, go back through the risk management steps, review information and make further decisions about risk control.

■ Examples of risk control plans setting out the four steps of risk management for different risks are provided in Appendix A5.

4 Consultation, resolving issues and ceasing work

4.1 Consultation, co-operation and co-ordination with other duty holders

Police officers often undertake operational duties away from police stations. Their workplace can be controlled or managed by other duty holders who will also have a primary duty of care and thus involve multiple, overlapping duty holders.

Under the WHS Act, if more than one person has a duty in relation to the same matter, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have that duty. Police PCBUs should never assume that other duty holders will fulfill the primary duty to ensure the health and safety of police officers. Consequently, police PCBUs must consult, cooperate and coordinate activities with other duty holders so far as is reasonably practicable. Talking to other PCBUs at the workplace and co-operating and coordinating activities with them will make the control of risks more effective and help each duty holder comply with their duty.

Police PCBUs should consult with other duty holders to deal with predictable circumstances that would involve a police presence and to prepare risk management plans for these circumstances, including establishing protocols for dealing with them. Consultation and co-ordination with the following PCBUs should be considered:

- other organisations that assist during emergencies, such as fire brigades, ambulance services, emergency services, defence forces, and other police organisations.

- workplaces where police attendance is foreseeable due to the numbers of people that congregate there or the nature of people's activities there. These may include:
  - operators of hospitals, disability group homes, child and aged care centres, evacuation centres, schools and universities;
  - financial sector representatives including banks, credit unions, and other financial institutions;
  - operators of entertainment venues, such as stadiums, clubs, theatres and establishments licensed to sell alcohol;
  - organisers of entertainment events, such as concerts and festivals;
  - operators of retail precincts such as shopping centres;
  - administrators of transport infrastructure, such as bus and train stations, airports, seaports and road traffic network;
  - operators of major hazard facilities;

- administrators of public spaces such as parks; and

- regulatory and judicial authorities, such as local governments, liquor licensing authorities and court administrators.

Examples of protocols with these types of overlapping duty holders are provided in Appendix A6.

4.2 Consulting with workers

Consultation with workers is a critical part of managing work health and safety risks. The importance of consultation in work health and safety is reinforced by the second object of the WHS Act, which is:

to secure the health and safety of workers and workplaces by:

….

(b) providing for fair and effective workplace representation, consultation, co-operation and issue resolution in relation to work health and safety.

Section 47 of the Act requires that a:

person conducting a business or undertaking must consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter.

The nature of risks in policing means that consultation is critical to ensuring that risk controls are most effective. In dynamic situations, accurate information to and from those at the front line is essential to ensuring effective risk control. Involving police officers in selecting and implementing risk control measures also supports effective implementation. Regular consultation with the union/association representing police is a constructive option for ensuring effective risk control.

4.2.1 What is effective consultation?

Effective consultation is:

- timely;

- a real opportunity to contribute to decision making; and

- based on providing information and giving feedback about the results of consultation.

Section 48 of the Act defines consultation as requiring that:

- *Relevant work health and safety information is shared with workers;*

- *Workers are given a reasonable opportunity to express their views and to raise health or safety issues;*

- *Workers are given a reasonable opportunity to contribute to the decision-making process relating to the health and safety matter;*

- *The views of workers are taken into account; and*

- *Workers are advised of the outcome of any consultation in a timely manner.*

This does not mean that police officers have the right to veto command decisions, but that command decisions are made on the basis of thorough knowledge of the operational issues involved and that affected police officers understand how their views have been taken into account in the final decision.

4.2.2	*When should consultation occur?*	Section 49 of the Act requires consultation whenever the following activities are being undertaken:

- *identifying hazards and assessing risks arising from the work carried out or to be carried out;*

- *making decisions about ways to eliminate or minimise those risks;*

- *making decisions about the adequacy of facilities for the welfare of workers;*

- *proposing changes that may affect the health or safety of your workers; and*

- *making decisions about procedures for consulting with workers, for resolving health or safety issues, for monitoring health of your workers, for monitoring the conditions at the workplace and for providing information and training for your workers.*

This means that consultation should occur whenever decisions are made about how to conduct police operations, since these decisions have direct impact on risk control. In particular, consultation should occur before final decisions are made about any matters that could affect the health and safety of police officers. Including consultation in the decision making procedures for operational policing will help to make consultation a regular, efficient and effective contributor to sound operational procedures.

4.2.3	*How should consultation be conducted in policing?*	There is no prescribed format for consultation. This means that the ways in which consultation will occur should be determined in advance through negotiations between police PCBUs and their workers to establish consultation mechanisms that are suited to the needs of operational policing. Having agreed structures and processes for consultation is important so that consultation occurs in a systematic way, particularly in rapidly changing operational environments.

Agreed arrangements should include determining the work groups that will elect health and safety representatives (HSRs), and the membership and structure of health and safety committees, through engagement with police unions/associations. Consultation will primarily occur through elected health and safety representatives and health and safety committees. Other ways to consult could be to include health and safety as a standing agenda item on any regular scheduled meetings, or ensure work health and safety is an item to be covered in any pre-operational briefings.

The establishment of effective consultation processes will enable a shared understanding about how health and safety will be managed during various police operations.

There is no specified frequency for consultation. Consultation must occur whenever necessary – the requirement for consultation is triggered by activities and matters that are under consideration.

Further guidance is available in the *Code of Practice: Work Health and Safety Consultation and Cooperation and Co-ordination*.

4.2.4 Electing HSRs	HSRs are elected to represent work groups, set up by negotiation and agreement between the police PCBU and the relevant police union/association.

Factors that should be considered in determining work groups are:

- the number of police officers;
- the organisational and command structure that exists;
- geography;
- operational activities;
- accessibility to the HSR;
- the views of affected police officers and the police organisation; and
- how best to achieve the purposes of effective consultation.

Once established, the work group can determine if they wish to also elect a Deputy HSR and how they wish the election to be undertaken, involving their union/association. Any member of the work group can stand for election as an HSR.

The police PCBUs must keep a list of HSRs so that police officers can find out who could represent them if a work health and safety issue arises. This list must be displayed in a place that is accessible to all relevant work groups, e.g. on a notice board or on the police organisation's intranet.

Once health and safety representatives have been elected, they must always be included in any consultation that affects, or is likely to affect, the health and safety of police officers in their work groups.

More information about the role and powers of health and safety representatives is contained in the *Worker Representation and Participation Guide.*

4.2.5 Provisional Improvement Notices	A Provisional Improvement Notice (PIN) is a notice that an HSR can issue to the police PCBU requiring the PCBU to address a health and safety concern in the workplace. HSRs may issue a PIN only if they have completed an approved training course (this limitation does not apply in Victoria).

A PIN can be issued if an HSR reasonably believes that the police PCBU is contravening or has contravened a provision of the WHS Act in circumstances that make it likely that the contravention will continue or be repeated.

The PIN can require the police PCBU to:

- remedy the contravention;

- prevent a likely contravention from occurring; or

- remedy the things or operations causing the contravention or likely contravention.

Contraventions could include working conditions that create an ongoing risk, failure to maintain an area of the workplace that results in risk or lack of consultation over a health and safety issue of importance for the work group represented by the HSR.

PINs should not be used if the risk is immediate and serious – in such circumstances work should cease (see Section 4.5 below). Often, PINs will not be needed – the usual processes of consultation in the workplace should be able to sort out such issues before formal notices are needed. However, trained HSRs always have the right to issue PINs, irrespective of other risk management processes underway.

4.2.6 Establishing Health and Safety Committees

Health and Safety Committees (HSCs) can provide useful support to consultation on work health and safety issues in police organisations. HSCs provide a forum for police PCBUs and HSRs to meet regularly and work co-operatively to develop policies and procedures to improve work health and safety outcomes across work groups.

Police PCBUs and police unions/associations should negotiate and agree a suitable number and structure for HSCs. For example, HSCs could be established to reflect the Region or Command Structure so that there are suitable forums to develop policies and procedures that are relevant to different policing functions and areas.

As well as a structure, the membership of HSCs should be agreed between the police PCBU and the relevant police union/association. At least half of the members of HSCs must be HSRs. Unless they do not wish to participate, HSRs are automatically members of the relevant HSC. If there are too many relevant HSRs, the HSRs should agree who will be on the HSC among themselves (except in Victoria where all are invited).

Representatives of the police PCBU on the HSCs should be police officers and others involved at senior management levels who are able to make decisions and authorise funds to resolve health and safety issues. These could include WHS managers, technical experts and HR managers. This ensures that the committee is provided with the necessary level of decision making, knowledge and expertise regarding police organisation policy, operational needs and technical matters concerning premises, processes, plant, machinery and equipment, and systems of work.

4.2.7	*The roles of HSCs and HSRs*	HSCs and HSRs have quite different, though related, roles:

- HSRs are involved with the specific health and safety issues relevant to the work group they represent.

- HSCs are the forums for consultation on the management of health and safety across a broader section of the police organisation and thus operate at a more strategic level. They should consider the development, implementation and review of policies and procedures associated with the organisation's work health and safety system.

4.2.8	*Arrangements for HSCs*	HSCs must meet at least once every three months and also at any reasonable time when at least half of the HSC members request. The HSCs may decide to meet more than once every three months. The following issues should be considered when deciding how often HSCs should meet:

- the expected volume of work;

- the size and location of the workplaces covered by the HSC;

- the number of police officers at the workplaces covered by the HSC;

- the nature of the work being carried out; and

- the nature of the hazards at the workplace.

Reasonable time should be allowed during each meeting to ensure discussion of all business. Importantly, the police organisation should ensure that work arrangements are such that all HSR members of the HSC are able to attend during paid time. This may require rostering changes for HSRs who work on shifts.

4.3   Issue resolution

An 'issue' is any concern about health and safety that remains unresolved after consultation with the affected workers and the relevant PCBU has occurred. For example, an issue could include a difference of opinion on whether a particular situation represents a potential risk to health and safety or whether a particular control measure is adequate. Other issues may involve the means by which workers are consulted or participate in health and safety decisions.

In many instances, issues will be resolved without using the issue resolution provisions of the WHS Act. This is more likely to be the case if risks are proactively managed and workers are encouraged to discuss any concerns as they arise.

4.3.1	*Issue resolution provisions of the WHS Act*	Where informal resolution does not occur, the issue resolution provisions of the WHS Act apply. Among other things, they:

- require parties to make reasonable efforts to resolve issues in a timely, effective and final way, in accordance with an agreed issues

resolution procedure, or if there is no agreed procedure, the default procedure set out in the WHS Regulations;

- allow representatives of the parties to enter the workplace to attend discussions for resolving the issue;

- enable parties to ask a work health and safety inspector to attend the workplace to assist with resolution of the issue, if the parties cannot reach a resolution after making reasonable efforts to do so; and

- enable the work health and safety inspector to use any of their compliance powers provided by the WHS Act when they attend the workplace due to a party requesting their attendance to assist with issue resolution.

If the issue is resolved, and any party to it requests that the resolution be in writing, the details of the issue and its resolution must be set out in a written agreement and:

- all parties must be satisfied that it accurately reflects the resolution; and

- the agreement must be provided to all people involved with the issue and, if requested, to the workplace's health and safety committee (HSC), if there is one.

At any stage in the issue/s resolution process, a worker can still bring the issue/s or related ones to the attention of their HSR, if their workplace has one.

4.3.2 Agreed issue resolution procedures

Issues can be resolved using agreed procedures that must, as a minimum, include the requirements set out in Section 23 of the WHS Act. An 'agreed procedure' is an agreed process or outline of the steps involved in resolving health and safety issues in the workplace. Agreed procedures must be set out in writing and be communicated to all workers affected by those procedures.

For a procedure to be an 'agreed procedure' it must meet the following criteria:

- It must be agreed. This means that it results from genuine consultation and agreement between the police PCBU, the union/ association, HSRs and police officers.

- It must not be imposed by one party or the other or arise out of a flawed process for reaching agreement.

- It must outline a process or steps for resolving issues, not just set out what the outcome would be in specified circumstances.

- It must relate to health and safety issues and not be a procedure that exists solely for other purposes, such as a grievance or complaint procedure, unless such a procedure is agreed to be used for health and safety issues.

The 'agreed procedure' must also be consistent with the WHS Act and cannot remove the power of an HSR to issue a PIN or to exercise any other power that the WHS Act gives them.

Agreed resolution procedures and any issue resolution cannot, for instance:

- override the work health and safety duties of the police PCBU or any other duty-holder; or

- take away any of the legal entitlements and rights of sworn or unsworn members either as workers or HSRs.

For more information on HSRs, HSCs, and other worker representation and participation in work health and safety matters, see the *Worker Representation Guide*. It is available at www. safeworkaustralia.gov.au.

4.3.3   *Involving inspectors*

If reasonable efforts have been made to resolve an issue and it remains unresolved, any party to the issue can ask the regulator to appoint an inspector to assist at the workplace. There does not have to be agreement about whether reasonable efforts have been made to resolve the issue in order for an inspector to be requested. As long as one party considers that reasonable efforts have been made, an inspector can be requested.

The inspector's role is to assist in resolving the issue. An inspector could exercise any of their compliance powers under the WHS Act, including providing advice, investigating contraventions or issuing an improvement notice.

At any time during the process or if a request to the regulator is made a police officer is still entitled to exercise their right to cease work, or an HSR can issue a PIN or a direction to cease work.

4.4   Consultation during operations

Processes that will be used to allow for effective consultation in different operational scenarios should be determined in advance using the agreed consultative arrangements. This could include arrangements that can be used when responding to a rapidly changing risk environment, such as during emergency response. HSRs should be involved in planning operations, even emergency operations, and operational orders should be provided to HSRs for review. During ongoing operations, HSRs could be involved in daily briefings so that they have an opportunity to contribute to decisions about the conduct of operations. HSRs should be involved in debriefs after operations and these could be used as an opportunity to also review the effectiveness of consultation during the operations.

4.5 Right to cease unsafe work

The WHS Act gives workers a right to cease, or refuse to carry out, unsafe work if the worker has a reasonable concern that to carry out the work would expose them to a serious risk to their health or safety, emanating from an immediate or imminent exposure to a hazard.

The WHS Act requires a worker who ceases work for this reason to:

- notify the PCBU that they have ceased work because of the reasonable concern, unless the worker has been directed to cease work by a health and safety representative (HSR); and

- remain available to carry out suitable alternative work.

If a police officer has exercised the right to cease unsafe work, and has complied with a direction to carry out suitable alternative work, the continuity of their employment must not be affected.

During the course of police operations, if effective risk controls are being used, robust operational orders are in place, regular and effective communication is maintained, and police are adequately resourced, trained and prepared, police officers and command should be able to make decisions together on a case by case basis about when a particular risk becomes so serious that work should cease.

Options such as a tactical withdrawal from a situation, or seeking an alternative and less dangerous means of resolving a situation should be considered as alternatives to continuing a strategy that is escalating risks.

4.5.1 HSRs right to direct that unsafe work cease

An HSR who has completed approved HSR training may direct police officers in their work group to cease work if the HSR has a reasonable concern that to carry out the work would expose the police officers to a serious risk, emanating from an immediate or imminent exposure to a hazard.

Before issuing the direction, the HSR must first attempt to resolve the matter by consulting the relevant region or command, unless the risk is so serious and immediate or imminent that there is no time to consult before giving the direction. In these situations the HSR must carry out the consultation as soon as practicable after giving the direction to cease work. The police officers involved should remain available to carry out suitable alternative work.

If the risk is not serious, immediate or imminent, the HSR must consult with the relevant region or command to attempt to resolve the matter. This may involve:

- following an agreed issue resolution procedure or, if there is no agreed procedure, the default procedure set out in the Act;

- issuing a Provisional Improvement Notice (PIN); or

- calling an inspector.

The HSR must always inform the relevant region or command of any direction to cease unsafe work given by the HSR to police officers.

Appendix A: Examples

Introduction

These examples are included to:

- Illustrate the application of fundamental principles for WHS management and legal compliance in the circumstances of policing.

- Set out how to approach key WHS issues in policing to establish what is reasonable to achieve in terms of compliance.

- Demonstrate how compliance is achievable in the circumstances of policing.

They are based on existing risk management solutions used in police forces around Australia.

They are not presented or intended as a requirement that all Police PCBUs should fulfill, but as a guide to how they might go about fulfilling their duty of care. However, other risk management solutions that provide equivalent or better standards of work health and safety may be available and should be applied if they improve compliance with the legislative requirements.

Example A1: Reasonably practicable and policing

The following two cases provide examples of how the standard of 'reasonably practicable' has been interpreted by the courts in relation to policing activities.

WorkCover Authority of New South Wales (Inspector Keelty) v Crown in Right of the State of New South Wales (Police Service of New South Wales) (No 2) [2001] NSWIRComm 90

24. Although the defendant [NSW Police Service] may not be able to "control", or otherwise affect, the conduct of persons such as Mr McGowan [offender] who confront police officers from time-to-time in the performance of their duties, the defendant is able to directly control and dictate the measures which should properly be made in preparing and equipping police officers to perform operational duties which are of such a nature as will ensure the health, safety and welfare of those officers.… I would be most concerned that where employees are routinely exposed to risks to their safety that the employer concerned did not take the necessary steps to ensure their safety.

….

26. It follows, I would conclude, that … the relevant risks to the two officers' safety were not created by Mr McGowan but by the officers being required by the defendant to work in an environment where they were at risk of being shot or otherwise suffering physical harm. In other words, the risks faced by officers engaged on operational type duties were well known to the defendant, even though the specific risk of Mr McGowan may not have been known, and who was therefore responsible under s 15 for its failures in ensuring against those risks. I accept too that there was no basis for [the] submission that the *Occupational Health and Safety Act* was not directed to risks created by the unlawful actions of a third party. After all, … that was especially the case with police officers whose main role was to deal with unlawful activity.

Inspector Covi v The Crown in the Right of the State of NSW (NSW Police) [2004] NSWIRComm 128

In the present case, the defendant knew of the risk to police officers engaged in roadside speed detection and enforcement duties…. The question, therefore, becomes whether the costs, difficulty or trouble necessary to eliminate the risk significantly outweigh the risk. It is clear from the evidence that roadside speed detection and enforcement activities using LIDAR [Light Detection And Ranging] are considered by NSW Police to be a vital function undertaken by the highway patrol in the interests of road safety and it attracts important public interest considerations to the extent that any restrictions on the defendant in relation to the carrying out of this function would need proper justification.

….

The risk to officers involved in stepping onto a roadway is, in my opinion, enormous. The risk is such that injuries sustained could easily be fatal. That officers are rarely run down does not lessen the risk. As the defendant submitted, an officer in danger of being run down has two escape routes - left or right. In Mr Johnson's case he chose right which led him onto the other side of the carriageway thereby potentially placing himself in fresh danger of vehicles that may be travelling south. If he had chosen left, in the circumstances he found himself, Mr Johnson may well have still been hit by the car driven by Mr Dalton given that person's apparent intent. But if at the side of the road there had been some form of substantial barrier behind which Mr Johnson could retreat and that was part of his instructions and training, Mr Johnson may well have not been injured to the extent that he was, or at all.

Example A2: Identifying hazards

Identifying hazards in offender transport

Police are sometimes required to undertake offender transport, particularly from remote locations. This work involves a range of hazards, including:

- traffic hazards from driving on public roads;
- fatigue, particularly if long distances are travelled; and
- musculoskeletal injury, if physical restraint is needed or if the vehicle is poorly designed.

These hazards may be identified by:

- consulting with police officers about the hazards they can identify in the procedure;
- consulting with police officers and road authorities about the condition of the relevant roads;
- considering the risk factors for fatigue;
- inspecting the vehicle to be used; and
- considering the nature of the restraint and prisoner control protocols required.

Examples A3: Assessing risks

Example 3.1: Pregnancy and policing

Risk assessments should consider the different types of people who might be exposed. This example sets out issues that should be considered in risk assessments of risks that are relevant to pregnant police officers.

The particular needs of pregnant police officers must be considered when undertaking strategic and operational risk assessments. Particular issues that may need to be addressed include:

- Nature of duties – police officers in the later stages of pregnancy may not be medically fit to engage in operations that involve apprehending offenders, manual handling, wearing accoutrement belts or standing for long periods. Pregnant police officers may choose to be allocated to non-operational duties, at no loss of seniority, pay or conditions.

- Locations – medical advice may mean that there are particular work locations more suitable for pregnant police officers, e.g. in police stations rather than covert operations.

- Shift times and hours of work – medical advice may mean that hours of work and shift rosters need to be modified.

- Flexibility to attend medical appointments and to change working arrangements (e.g. to work part time).

- Uniform – once the usual uniform no longer fits, appropriate alternate attire will be needed.

- The pregnant officer should be consulted throughout the risk assessment process and any medical advice received would be a key source of data.

- Police PCBUs must ensure that the police officer's work does not expose her or her unborn child to risks to health and safety, while also maintaining meaningful work. Refusal to objectively assess medical advice in order to provide suitable modified duties and/or hours may be discrimination.

Example 3.2: Police pursuits

Both strategic and dynamic risk assessments will be needed for many of the risks of policing. This example covers the risk factors that should be addressed in both strategic and dynamic risk assessments of police pursuits. Other risk factors may also be relevant. Please note that not all police organisations engage in police pursuits.

Strategic risk assessment

The risk factors that should be considered in a strategic risk assessment of police pursuits across a Police Organisation include:

- the condition and standard of police vehicles;
- the number and ranks of police officers involved;
- the nature and depth of training provided to police about pursuits;
- the effectiveness of the procedure dealing with pursuits, e.g. who makes decisions about pursuits and how? and
- the circumstances in which pursuits are possible or likely.

Dynamic risk assessment

To assess the risks of a specific pursuit, the following risk factors should be considered, along with any other relevant matters:

- Speed and driving behaviour of offender:
  - What is the speed limit?
  - How is the offending driver behaving?
  - What is their current level of risk taking?
  - What is their manner of driving the offending vehicle?
- What type of vehicle are they driving e.g. car, motorcycle etc., and what is its condition (e.g. bald tyres)?
- Is it a stolen vehicle?
- Occupant characteristics:
  - Is the offender known?
  - What offences have been committed or are suspected of having been committed? How serious are they?
  - What intelligence is available about the offending driver, e.g. are they are likely to be armed?
  - Is the offending driver a juvenile or could they be?
  - Are other vulnerable people in the vehicle?
  - Could the offender be arrested at a later time?
- Weather conditions:
  - Is it raining with slippery roads?
  - What is the time of day?
  - Is it dawn or dusk and a chance of sun strike?
- Environment:
  - What type of road is it?

- – Is it a built up area?
- – What is the current and anticipated route, including road conditions, specific considerations such as schools, licensed premises or off road terrain etc.?

- Traffic conditions:
  - – What is the volume of pedestrian and vehicle traffic around?
  - – Are there pedestrians around?
  - – Is it peak hour traffic?

- Officer and police vehicle:
  - – Who is the pursuit controller?
  - – What are the capabilities of the police vehicle? Is it classified as suitable for pursuit?
  - – Is the pursuit vehicle able to communicate with the pursuit controller?
  - – What experience does the police driver have, including how familiar are they with the area of the pursuit?
  - – Is it a single-crewed vehicle?
  - – What other tactical options are available, e.g. tyre deflaters or helicopters?

Example 3.3: Random Breath Testing

Operational risk assessments should be included in operational planning to complement strategic risk assessments. This example includes key risk assessment questions addressing the risk factors that exist when undertaking Random Breath Testing on a public road and suggest the kinds of answers that might be relevant when undertaking both a strategic and an operational risk assessment. Other risk factors and risk assessment responses may also be relevant.

Assessment question	Response – Strategic risk assessment	Response – Operational risk assessment
What type of harm could occur (e.g. muscular strain, fatigue, burns, laceration)? How severe is the harm? Could the hazard cause death, serious injuries, illness or only minor injuries requiring first aid?	Death is possible, from being struck by a car.	Death is possible, from being struck by a car.
What factors could influence the severity of harm that occurs?	Time of day – night operations reduce visibility and thus increase the risk of being struck by a car. Location of testing station – poor visibility from location increases risk of collisions and lack of room on the roadside reduces the opportunity to create exclusion zones. Condition of the road and area used for testing station – poor road surface increases risk. Condition of drivers being tested – drivers under the influence of alcohol or other drugs have less control and may take risks to avoid being tested. Weather – wet slippery roads reduce vehicle control. Effectiveness of barriers to create exclusion zones to separate vehicles and pedestrians.	The operation is taking place at night, so a location that maximizes visibility has been chosen. The location provides good line of sight for traffic in both directions, with no side streets that would allow vehicles to avoid testing. The roadside area is large enough to erect hard barriers for protection of officers. The road is in good condition. The location is on a route to and from a local hotel and there may be drivers under the influence of alcohol or other drugs. There has been no rain for 24 hours and no rain is predicted.
How many people are exposed to the hazard and how many could be harmed in and outside your workplace?	All officers engaged in RBT duties are exposed and could be harmed. Other drivers being tested or in the area could be harmed by a vehicle that is not controlled.	Twelve officers will be involved in the operation. All officers have been involved in RBT operations before. The operation is being conducted at a time when the only traffic on the road is likely to be associated with the hotel.
Could one failure lead to other failures?	If the lighting of the testing area failed, then visibility could be even worse. If rain occurred, then risk controls that rely on dry roads would no longer work.	Back up lighting rigs will be available in case of problems with the principle lighting rigs. If rain occurs, the operation will be postponed until a later date.
Could a small event escalate to a much larger event with more serious consequences?	A vehicle that went out of control could slide into other vehicles, causing more damage and risk.	It is possible, but the layout of the site, road conditions and the weather have minimized this possibility. Hard barriers are in place to protect officers.

Assessment question	Response – Strategic risk assessment	Response – Operational risk assessment
Are existing control measures effective and do they control all types of harm?	Procedures that require revised operations when conditions change are needed.	The procedure includes postponing the operation if weather conditions deteriorate or if there are more intoxicated drivers than anticipated.
What happens in abnormal situations, as well as how things are normally meant to occur?	Sometimes there are local events that result in more intoxicated drivers than anticipated, sudden weather changes can make road conditions more dangerous.	The procedures include postponing the operation if weather conditions deteriorate or if there are more intoxicated drivers than anticipated.
How often are people exposed to the hazard?	During holiday seasons, weekly.	The operation is part of an ongoing campaign for the holiday season, which will last for one month in total with officers participating in RBT operations each week.
How long might people be exposed to the hazard?	For the length of the shift.	The operation will last three hours.
Could any changes in your organisation increase the likelihood?	Involving less experienced officers increases risk.	There are no anticipated changes.
Are hazards more likely to cause harm because of the working environment?	Yes – weather, site conditions, location in relation to public venues all impact on risk.	The location will minimize the likelihood of harm – visibility, space for hard barriers and lack of escape routes will support effective risk control.
Could the way people act and behave affect the likelihood of a hazard causing harm?	Yes – intoxicated drivers who are trying to avoid testing increases risk.	Yes – hard barriers provide a last line of defence for police officers.
Do the differences between individuals in the workplace make it more likely for harm to occur?	Less experienced police may be at higher risk because they are less familiar with the SOP.	All police officers involved are experienced at this type of operation and are familiar with the SOP.

Example 3.4: Restraining offenders

Some hazard specific regulations and codes entail specific requirements for risk assessment. In particular, the WHS Regulations set out specific requirements for the risk assessment of manual tasks (Part 4.2). The Code of Practice: Hazardous Manual Tasks provides a risk assessment tool that meets the requirements of the Regulations. This example illustrates how this tool can be applied to a hazardous manual task that is common in policing.

Manual task risk assessment: Restraining offenders

Assessment details	Persons doing assessment
Date of assessment: 15 May 2014	Work area management rep
Description of manual task: The need to physically restrain offenders in order to prevent harm to themselves or others and to prevent flight.	Work area H&S rep
Location of task: In public places, such as roads, hotels, parks, shopping centres.	Others (employees, consultants)

Reason for identification			
Existing task	☑	Change in task, object or tool	☐
New task	☐	Report of musculoskeletal disorder (MSD)	☑
New information	☐	Change in the workplace/work environment	☐

1. Does the task involve repetitive or sustained postures, movements or forces?

Tick yes if the task requires any of the following actions to be done:
repetitively *(done more than twice a minute)* OR ***sustained*** *(done for more than 30 seconds at a time)*

Sustained postures or repetitive movements		Yes ✓	This action happens when:
Back			
Bending or twisting ≥ 20°	Forwards	☑	Grappling offender to the ground
	Sideways	☑	
	Twisting	☑	
Bending ≥ 5°	Backwards	☑	Grappling offender from the back
Neck or head			
Bending or twisting ≥ 20°	Forwards	☑	Grappling offender to the ground
	Sideways	☑	
	Twisting	☑	
Bending ≥ 5°	Backwards	☑	Grappling offender from the back
Arms/hands			
Working with one or both hands above shoulder height		☑	Holding on to offender when punching or striking and when using equipment and weapons

Sustained postures or repetitive movements	Yes ✓	This action happens when:
Reaching forwards or sideways ≥ 30 cm from the body	☑	Using ground control techniques and when restraining a subject on the ground
Reaching behind the body	☑	Accessing equipment such as handcuffs, baton, capsicum spray from belt
Excessive wrist bending	☑	Handcuffing, using wrist lock, open palm striking
Twisting, turning, grappling, picking or wringing actions with the fingers, hands or arms	☑	Handcuffing, using wrist lock, and different compliance holds
Legs		
Squatting, kneeling, crawling, lying, semi-lying, or jumping.	☑	Using ground control techniques
Standing with most of the body weight on one leg	☑	Kicking
Very fast movements	☑	**Punching, kicking, striking, avoiding and redirecting blows**

Repetitive or sustained forces	Yes ✓	This action happens when:
Lifting, lowering, or carrying	☑	Using techniques like 'bridge and roll' to create distance from offenders
Carrying with one hand or on one side of the body	☑	Using shield pads and batons and when escorting offenders
Exerting force with one hand or on one side of the body	☑	Using shield pads and batons and when escorting offenders
Pushing, pulling, or dragging	☑	An offender resists arrest and has to be restrained
Very fast actions	☑	Punching, kicking, striking, avoiding and redirecting blows
Working with the fingers close together or wide apart	☑	Punching, grappling, grabbing, pushing and using a defence stance
Gripping with the fingers pinched together or held wide apart	☑	Punching, grappling, grabbing, or holding to restrain an offender
Applying uneven, fast or jerky forces	☑	Struggling to restrain an offender, handcuffing
Holding, supporting or restraining any object, person, animal or tool	☑	Restraining an offender

2. Does this task involve long duration?

Duration	Yes ✓	Comments
More than 2 hours over a whole shift	☑	If a major event, e.g. a demonstration
Continually for more than 30 minutes at a time	☑	If a major event, e.g. a demonstration

3. Does this task involve high force?

High force (even if only once)	Yes ✓	This action happens when:
Lifting, lowering, or carrying heavy loads	☑	Picking up an offender and carrying the equipment belt
Throwing or catching	☐	
Hitting, kicking or jumping	☑	Grappling with an offender
Applying a sudden or unexpected force, including: ▪ Handling a live person or animal or ▪ Applying uneven, fast or jerky forces during lifting, carrying, pushing or pulling or ▪ Pushing or pulling objects that are hard to move or stop e.g. a trolley	☑	Restraining an offender
Exerting force while in a bent, twisted or awkward posture, including: ▪ Supporting items with hands above shoulder height ▪ Moving items when legs are in an awkward posture, working with fingers pinched together or held wide apart ▪ Using a finger grip or pinch grip or an open handed grip	☑	When restraining an offender
Exerting a force with the non-preferred hand	☑	When restraining an offender
Needing to use two hands to operate a tool designed for one hand	☐	
The task can only be done for short periods of time	☐	
Two or more people need to be assigned to handle a heavy, awkward or bulky load	☑	Some offenders need more than one officer to restrain them
Workers report pain or significant discomfort during or after the task	☑	Injuries have occurred
Stronger workers are assigned to do the task	☐	
Workers say the task is physically very strenuous or difficult to do	☑	When particularly difficult operations have been conducted
Workers think the task should be done by more than one person or seek help to do the task	☑	Some offenders need more than one officer to restrain them

4. Is there a risk?

	Yes ✓	
Does the task involve repetitive or sustained postures, movements or forces, AND long duration? Tick yes if you ticked any boxes in Questions 1 and 2	☑	The task is a risk. Risk control is required.
Does the task involve high force? Tick yes if you ticked any box in Question 3	☑	The task is a risk. Risk control is required.

5. Are aspects of the work environment or the way work is organised increasing the risk?

	Yes ✓
Hand-arm vibration	
Whole body vibration	
Low temperatures	During winter at outdoor events
Wearing thick clothing that restricts movement while working in cold conditions, e.g. gloves	During winter at outdoor events
High air temperatures	During summer at outdoor events
Radiant heat	During summer at outdoor events
Wearing heavy protective clothing while working in hot conditions	During summer at outdoor events
High humidity	During summer at outdoor events
Windy conditions combined with hot or cold weather	At outdoor events
Wind chill caused by exposure to wind in low temperatures	During winter at outdoor events
Systems of work...that encourage workers to skip breaks to finish early.	On occasion
Sustained high levels of attention and concentration	☑
Workers frequently needing to meet tight deadlines	On occasion
Sudden changes in workload, or seasonal changes in volume without any mechanisms for dealing with the change	On occasion
Levels of physical work demand that workers find difficult to maintain (effort)	☑

To aid prioritisation of timing and resourcing risk controls, you may also need to consider:

- Number of ticks or risk factors.
- Additional factors, such as whether there have been any injuries associated with the task.

Example 3.5: Job stress

Different jurisdictions have provided risk assessment tools for job stress, a major cause of ill-health across police organisations. This example adapts the tool provided by WorkSafe Victoria to illustrate how such tools can be applied to assess psychosocial risks in police organisations.

Job stress risk assessment checklist (from Stresswise, Victorian WorkCover Authority)

Circumstance: A police station facing ongoing issues with unplanned leave leading to:

- Personnel shortages
- Service delivery problems
- Short and long term adverse impact on other staff due to increased /stressful workload over time.

Social and physical work environment	Yes ✓	This happens when:
Organisational culture and function		
Poor communication	☐	
Poor leadership	☑	Senior ranks unclear about their leadership role
Low levels of support for problem-solving and personal development	☐	
Lack of definition of or agreement on organisational objectives and structure	☐	
Poor management of organisational change	☐	
Other (describe)	☐	
Interpersonal relationships at work		
Social or physical isolation	☑	Some individuals are left out of social activities
Poor relationship with co-workers	☐	
Poor relationships with superiors/workers	☑	
Interpersonal conflict	☑	Disagreements are not resolved and some long running conflicts have been disruptive
Lack of social support	☑	Some individuals are left out of social activities
Bullying, harassment and violence	☐	
Isolated or solitary work	☐	
Lack of agreed procedures or knowledge of procedures for dealing with workplace problems or complaints	☐	
Other (describe)	☐	
Role in the organisation		
Unclear work role	☑	Requirements of different roles are not always made clear to police officers
Conflicting roles within the same job	☐	

Social and physical work environment	Yes ✓	This happens when:
Responsibility for people	☐	
Continuously dealing with other people and their problems	☐	
Other (describe)	☐	
Career development, status and pay		
Unclear processes that lead to:		
Career uncertainty	☐	
Under/over-promotion	☐	
Lack of promotion prospects	☐	
Job insecurity	☐	
Pay inequity or pay not commensurate with work requirements	☑	Perceived inequity between different functions
Low social value of work	☐	
Unclear or unfair processes for performance appraisal	☐	
Being over-skilled or under-skilled for the job	☐	
Other (describe)	☐	
Home/work demands		
Conflicting demands of work and home	☐	
Low support for domestic problems at work	☐	
Low support for work problems at home	☐	
Other (describe)	☐	
Physical work environment and equipment		
Poor workplace layout	☐	
Lack of space	☐	
Layout or location that interferes with communication	☐	
Layout or location that interferes with social support	☐	
Inadequate equipment availability, suitability or maintenance	☐	
Poor lighting	☐	
Excessive noise	☐	
Other (describe)	☐	

Systems of work	Yes ✓	This happens when:
Content/demands of the work		
Lack of variety	☐	
Monotonous, under-stimulating, fragmented or meaningless work	☐	
Under use of skills	☐	
High uncertainty	☐	
Low social value of work	☐	
Continuous exposure to people through work	☐	
Unpleasant tasks	☐	
Tasks that require emotions to be kept hidden	☐	
Other (describe)	☐	
Workload/work pace		
Work overload or underload	☑	Resourcing not adequate for the functions being fulfilled
Machine pacing	☐	
Having too much or too little to do	☐	
Working under time pressures	☐	
Continually subject to deadlines	☐	
Other (describe)	☑	Failure to backfill for people on various types of leave reduces the available resources.
Work schedule/working hours		
Shift working	☐	
Night shifts	☐	
Poorly designed shift systems	☐	
Strict and inflexible work schedules	☐	
Unpredictable working hours	☐	
Long or unsocial hours	☐	
Other (describe)	☐	
Participation and control		
Issues to do with control over and involvement in decisions that could reasonably be expected in a job or a role about such things as:		
Work methods	☐	
Workload	☐	
Work schedules	☐	

Systems of work	Yes ✓	This happens when:
The pace of work	☐	
The working environment	☐	
Shift work	☐	
Other (describe)	☐	

Management of work	Yes ✓	This happens when:
Supervision		
Inadequate or absent supervision	☑	Unclear supervisory roles, so the function is not fulfilled adequately
Inconsiderate or unsupportive supervision	☐	
Other (describe)	☐	
Information, instruction and training		
Inadequate information, instruction or training to enable staff to do their work	☐	
Inadequate information, instruction or training to enable staff to identify and report work-related stress hazards	☐	
Inadequate training in the organisation's policies and procedures designed to protect and support employee health and safety	☐	
Other (describe)	☐	

Examples A4: Controlling risks

Example 4.1: Solo patrols

Given the high risks associated with solo patrols, police organisations should develop clear risk control polices to eliminate these risks so far as reasonably practicable or minimize the risks where elimination is not possible.

A person conducting a business or undertaking must manage the risks associated with remote or isolated work, including ensuring effective communication with the worker carrying out remote or isolated work.

In some jurisdictions, solo patrols are not permitted. Here is one example where a police organisation has determined that solo patrols should be eliminated wherever possible.

Police Manual Western Australia

Single Officer Patrols

Policy

It is the policy of the Western Australia Police to ensure the safety of members on patrol is of paramount importance. Throughout Western Australia, members are not to be rostered, directed or encouraged to patrol alone.

Definition

"Any foot, mounted or vehicular official duties in which members are deployed to conduct target observations of areas, respond to complaints or perform other tasks for which it can be reasonably expected that those duties may require members to apply or respond by the use of force."

Purpose

The purpose of these guidelines is to ensure that the safety of members on patrol is responsibly managed by supervisors and members themselves.

Guidelines

Members may occasionally make their own decisions to patrol alone, outside of the above definition. This flexibility is important to enable members to make informed decisions in undertaking their duties, having cognizance of the relevant local conditions and circumstances being experienced.

Any officer who makes such a call will receive the full support of this organisation but they are encouraged to consider backup and communication as part of any decisions.

Members and supervisors need to take a pragmatic approach to this issue however at all times officer safety is to be considered paramount.

In WA, the police and the WA Police Union have also agreed on a Single Officer Patrol Matrix which lists the duties which are considered suitable for a single officer to undertake. It also specifies that use of a plain vehicle is recommended, that there is no need to be armed, and that the employer is to provide and maintain a reliable form of communication and make regular contact with the isolated worker.

Example 4.2: Eliminating risks through safe design of police stations

Safe design of workplaces is a primary duty under the WHS Act. This example suggests a number of safe design control measures that would be possible to implement in both new and existing police stations. This checklist includes the design standards necessary for general policing activities, but does not include standards appropriate for areas where prisoners may be held, such as cells and transfer areas.

Crime prevention through environmental design

Territorial reinforcement

- Make it clear that the workplace is under the control of the police organisation and use clear markers such as signage to define 'police only' areas.

Access Control

- Create clear boundaries between public and police only areas and make it harder to access police only areas through use of barriers. This includes making it harder to bring concealed weapons into particular areas and providing an accessible, safe and secure place of retreat for police officers and others.

- Limit vehicle access to secure areas of the site through the use of sally ports.

Natural surveillance

- Make sure visibility is good and that incidental surveillance can occur – there should be no hidden or screened areas, particularly where violence or aggression is more likely.

- Provide escape routes and fixed duress alarms in interview rooms.

Space management

- Provide well-maintained and attractive facilities with appropriate environmental stimulus for visitors.

- Fit out should not provide objects that could be used as weapons and should keep potential triggers such as cash secure.

Work area suitable for the functions and tasks required, including:

- Safe entry to and exit from the police station.

- Enough clear space, taking into account the physical actions needed to perform the tasks, and any plant and personal protective equipment that is needed.

- Enough personal space for the tasks required.

- Enough space in walkways and around cupboards, storage or doors, in addition to the clear workstation space.

- Suitable floor surfaces.

- Sufficient storage space.

Working environment

Electronic surveillance

- Use electronic surveillance, such as CCTV, where natural surveillance is not possible.

Lighting

- Enough to view the work and the working environment easily.

- Suitable quality to reduce glare and flicker.

- Appropriately placed to reduce glare, reflection and shadows.

- Natural light wherever possible.

Noise Control

- Speech privacy for police officers on the phone.

- Layout separates noise generating activities or equipment from tasks requiring concentration.

- Noisy equipment such as printers or photocopiers isolated from other activities, eg by placing them in separate rooms.

Air quality

- Temperature maintained between 20°C and 26°C.

- Ventilation and air-conditioning systems serviced regularly and maintained in a safe condition.

- Rates of air movement in enclosed workplaces between 0.1 m and 0.2 m per second.

Consultation

- Police officers who work or will work in the station should be consulted about their needs, to inform the design process.

Example 4.3: Risk control for responding to a report of domestic violence

This example demonstrates how the outcomes of a risk assessment allow the identification of effective risk controls. It provides a list of risk controls that should be considered in any operation responding to a report of domestic violence. Other risk controls should also be considered.

Risk assessment	
Risk factors	**Notes**
▪ The amount of information available about the situation and the extent planning can be done using that information.	▪ Need as much information as possible about the circumstances prior to intervening – e.g. whether any previous contact with police, location of house.
▪ Numbers and rank of officers involved.	▪ The higher the rank and the greater the number, the less risk of assault.
▪ Experience and fitness of police officer.	▪ Including match of skill level of members involved, communication and leadership skills.
▪ Circumstances of event.	▪ If associated with a local event that makes intoxication more likely, then risk is increased.
	▪ If children are involved, emotions and risk will be heightened.
▪ Type of person.	▪ If a known violent offender is involved or alcohol/drugs are known to be a factor, then risk is increased.
▪ Access to weapons, e.g. in a garage or kitchen.	▪ More likely in a case of domestic violence.
▪ Time of day.	▪ A higher proportion of violent incidents occur at night and officer fatigue over night or at the end of a shift can inhibit application of sound judgment and capacity.
▪ Location of home.	▪ Isolated location increases risk.
▪ Physical environment.	▪ Whether furniture or walls can inhibit separation between member and subject or become agencies of injury in their own right.

Risk controls

- ▪ All intelligence about the circumstances will be available and considered in planning the operation.
- ▪ Minimum of two officers will attend.
- ▪ Back up will always be available.
- ▪ Sergeant on stand by to defuse if necessary.
- ▪ If the circumstances warrant (e.g. known violent offender, indications that weapons are involved), a specialist unit will attend.
- ▪ Before engaging with the offender, the attending officers will reconnoitre the premises, identify access and egress points for themselves and plan the operation in consultation with the relevant sergeant, by radio.
- ▪ Maintain safe distances and barriers between officers and the offender.
- ▪ Use negotiation and other "no contact" controls such as OC foam/spray before physical engagement or use of weapons.
- ▪ Police are not to put themselves in harms way – if the situation is escalating, more senior ranks must be involved in planning a suitable response.

Example 4.4: Risk control for executing a search warrant

This example demonstrates how the outcomes of a risk assessment allow the identification of effective risk controls. It provides a list of risk controls that should be considered in any operation involving the execution of a search warrant. Other risk controls should also be considered.

Risk assessment	
Risk factors	**Notes**
▪ The amount of information available about the situation and the extent planning can be done using that information.	▪ Need as much information as possible about the circumstances prior to intervening – e.g. whether any previous contact with police, location and nature of premises.
▪ Numbers and rank of officers involved.	▪ The higher the rank and the greater the number, the less risk of assault.
▪ Experience and fitness of police officer.	▪ Including match of skill level of members involved, communication and leadership skills.
▪ Circumstances of event.	▪ If domestic situation, e.g. family are involved, emotions and risk will be heightened.
▪ Number of people likely to be present at the premises.	▪ More people involved, increases risk.
▪ Type of people.	▪ If known violent offenders are involved or alcohol/drugs are known to be a factor, then risk is increased.
▪ Access to weapons, e.g. in a garage or kitchen.	▪ More likely in search of domestic premises.
▪ Time of day.	▪ A higher proportion of violent incidents occur at night and officer fatigue over night or at the end of a shift can inhibit application of sound judgment and capacity.
▪ Location of premises.	▪ Isolated location increases risk.
▪ Physical environment.	▪ Whether furniture or walls can inhibit separation between member and subject or become agencies of injury in their own right. ▪ Chemicals and other hazards can present risks (e.g. hydroponic growth medium is caustic).

Risk controls

▪ All intelligence about the circumstances will be available and considered in planning the operation.

▪ Operation will be planned carefully based on intelligence received and in consultation with officers who will be involved in the operation.

▪ All officers involved will receive training specific to the operation as planned, including building entry and search, and provision and use of any entry tools.

▪ A formal briefing will be held immediately before executing the warrant to review the anticipated risks, the procedures and equipment to be used.

▪ Back up will always be available.

▪ Senior ranks will be on stand by to defuse if necessary.

▪ If the circumstances warrant (e.g. known violent offender, indications that weapons are involved), a specialist unit will attend.

▪ Before executing the warrant, the attending officers will reconnoitre the premises, identify access and egress points for themselves and review the operation plan in consultation with the relevant senior officer (sergeant).

▪ All officers involved in the entry MUST wear bullet resistant vests and will be clearly identifiable as police officers.

▪ Police are not to put themselves in harms way – if the situation escalates, officers should withdraw and more senior ranks must be involved in planning a suitable response.

Example 4.5: Risk control for blood borne pathogens

This example demonstrates how industry guidance can be applied to strengthen risk controls in a police organisation. It reproduces the key personal protection recommendations of "Police and Blood-Borne Viruses", a joint publication of ANZPAA and the Australiasian Society for HIV Medicine, which should be consulted for further information and guidance.

- Because it is not possible to know whether people have transmissible diseases, universal precautions should be followed – all human blood and most body fluids should be treated as if they contain HIV/ AIDS, hepatitis B, hepatitis C and other pathogens.

a) Personal protective equipment (gloves and protective clothing)

- Police should wear disposable gloves in situations where they may be exposed to blood or body fluids. The gloves do not have to be sterile.
- Personal protective equipment, such as eyewear and face shields, should be worn when there is the chance of being splashed or sprayed in the face and/or eyes with blood or body fluids containing blood.

b) Avoiding exposure to broken skin

- Cover all open wounds with waterproof dressings and check they are intact and adherent. This is especially important for injuries to hands (e.g. cuts, burns, blisters or scratches).
- Maintain good hand care, moisturising hands and avoiding irritants that may cause dermatitis (and therefore broken skin).
- When possible, avoid contact with a person's mouth or teeth, open wounds, etc.
- Use a facemask with a one-way valve when administering mouth-to-mouth resuscitation.

c) Proper handling and disposal of sharp objects such as needles, blades and glass

- Gloves should be worn when handling sharp objects. The safest way to hold a syringe is by the barrel, with a gloved hand. Do not handle needles: they must not be re-sheathed, destroyed, bent by hand or removed from the syringe.
- Sharp objects should be handled as little as possible. Avoid crossing your hands when handling a sharp.
- Only one person should handle the sharp object until it is disposed of in a sharps container or specifically designed evidence containers.
- A sharps container is a yellow, rigid-walled container displaying the biohazard label and symbol. It should be available in workplaces that are likely to involve the handling of sharps. In the field, other containers may do, such as plastic drink bottles.
- Take the sharps containers to the sharp object, rather than carrying the sharp object around.

d) Prevention of needle stick and sharps injuries when doing searches

- Employ slow systematic approach to searching.
- Do not put your hands in places where you cannot see.
- Do not slide your hand when searching.
- Use tools, instead of your hand, to assist with hard-to-access areas.
- Empty the contents of bags and containers onto a flat surface for inspection, rather than putting your hands in to feel when searching.
- Use mirrors and adequate lighting (including torches) to assist with the search.

e) Environmental blood and body substance spills

- Blood and body-substance spills should be dealt with as soon as is practicably possible.

- A 'spills kit' should be easily available for blood spills.

- Wear personal protective equipment (gloves, goggles, waterproof apron).

- Mop up spills, including those on clothing, with paper towels.

- Wash spills down with detergent and water, and allow to dry.

- For larger spills, confine and contain the spill, clean visible matter with disposable absorbent material and discard in appropriate waste container.

- Furnishings such as chairs and mattresses can be washed with water and detergent and should be allowed to dry.

- Leather goods (belts, shoes) can be washed with soap and water.

- Uniforms can be commercially laundered.

- Hot temperatures for drying aid disinfection.

- Heavily contaminated clothing should be destroyed.

- All of this equipment should be available wherever exposure is possible, in first aid kits, police stations and police vehicles.

Example 4.6: Risk control for lead exposure from firearms training

This example demonstrates how the outcomes of a risk assessment allow the identification of effective risk controls for lead exposure in firing ranges. It does not address all of the risks associated with firing ranges, focusing on a particularly significant and often neglected issue. Other risk control measures will also be necessary.

Risk Assessment	
Assessment question	**Response**
What type of harm could occur? How severe is the harm? Could the hazard cause death, serious injuries, illness or only minor injuries requiring first aid?	Lead is a highly toxic substance that causes: ▪ Damage to brain and nervous system; ▪ Behavioural problems and learning difficulties; ▪ Reproductive problems; ▪ Memory and concentration problems; ▪ Muscle and joint pain; ▪ Kidney disease; and ▪ Cancer.
What factors could influence the severity of harm that occurs?	The amount of lead ammunition used at the firearms range. Whether lead ammunition is being used while police officers are present. The concentration of lead in the dust and air at the firearms range and whether officers are exposed over a long period, even if intermittently. Hygiene practices (e.g. cleanliness of premises, handwashing, cleaning of clothing). Whether police officers are pregnant or breastfeeding.
How many people are exposed to the hazard and how many could be harmed in and outside your workplace?	All police officers who attend firearms ranges where lead ammunition is used. Those who have close contact with police officers or who launder clothing that has been worn at firearms ranges, e.g. family members.
Could one failure lead to other failures?	Failure to follow good hygiene practices could increase the exposure of those who do not attend firearms ranges.
What does the law say about risk control?	The police PCBU must ensure that exposure to lead does not exceed the exposure standard of 0.15 mg/m³ (R49).
Are existing control measures effective and do they control all types of harm?	Police organisations do not use lead ammunition. The only exposure is from other users of firearms ranges. Firearms ranges maintain a high standard of cleanliness and remove all dust and dirt daily. The amount of lead in the air is thus far below the exposure standard. For adults, following good hygiene practices is effective to prevent toxic exposure. Use of protective gear by breastfeeding and pregnant women is sufficient to prevent toxic exposure.
How often are people exposed to the hazard?	When undertaking firearms training or practice – not frequent or continuous.
Could the way people act and behave affect the likelihood of a hazard causing harm?	Poor hygiene practices make harm more likely. Exposure while breastfeeding increases the likelihood of harm to children.

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Do the differences between individuals in the workplace make it more likely for harm to occur?	Police officers who are breastfeeding or pregnant can absorb and pass any lead contamination on to their children through breast milk and blood. Children and foetuses are at higher risk from any lead exposure - children absorb lead more quickly than adults, which causes more harm because their smaller bodies are in a continuous state of growth and development. Police officers with children could also potentially expose them to lead if their clothing becomes contaminated with lead and they do not change or decontaminate their clothing before returning home.

Risk control

- Follow the instructions of the trainer.

- Do not handle shell casings unless wearing appropriate PPE, i.e. disposable gloves.

- Use good hygiene practices, particularly washing hands prior to leaving the range and before eating or drinking, and carefully laundering clothing.

- All officers have the option of wearing the following PPE, which pregnant and breastfeeding officers should use:

  - P2 face mask;

  - Disposable overalls (or change and decontaminate clothing after using the range);

  - Overglasses; and

  - Disposable gloves when cleaning the firearm.

- Seek to program sessions when no other users who might use lead ammunition are present.

- Allow pregnant and breastfeeding officers to use the range first thing in the morning, before any other users and when the range has been cleaned.

Examples A5: Risk control plans

Example 5.1: Risk control plan for job stress

Building on the example in A3.5, this example demonstrates how the four steps of risk management can be applied to job stress in policing work. It does not address every relevant issue, but highlights key factors that should be considered in a risk control plan for job stress.

Circumstance: A police station facing ongoing issues with unplanned leave leading to:

- Personnel shortages
- Service delivery problems
- Short and long term adverse impact on other staff due to increased /stressful workload over time.

Hazards

The situations with the potential to cause job stress are:

- Work demand, including emotional content of the work;
- Role issues;
- Job control;
- Social support;
- Interpersonal conflict; and
- Perceived rewards of the work.

Risk assessment

Using the checklist provided in the Example A3.5, a working group, including the relevant HSR, discussed the work-related risk factors and the circumstances in which these occur. They concluded that the following issues were significant:

- **Work demand:** This is a key issue and is causing significant problems. The main cause is the inability to efficiently back fill positions absent for various reasons, including leave. As a result, resourcing is not currently adequate for the workload being experienced.
- **Role issues:** Senior ranks are not clear on how to exercise their leadership role, and requirements of the different roles are not always made clear to police officers.
- **Job control:** A poor balance between demand and control is evident, with high demands not sufficiently offset by high control.
- **Social and organisational support:** Not all managers have the skills necessary to provide support themselves or to strengthen social support. Inclusive approaches to social support are not evident – some individuals are not included in social activities.
- **Interpersonal conflict:** Disagreements are not resolved and some long running conflicts have disrupted different workplaces.
- **Perceived rewards:** Perceived inequities in wages and conditions rewards mean that police believe they are not being sufficiently rewarded for their considerable effort.

Risk controls

The working group identified the following potential risk controls for consideration by the WHS committee:

Work demand

- Develop a method for calculating staffing levels that takes the issues raised in this risk assessment into account and ensure that staffing levels are set according to this method. The technique must take leave entitlements into account, especially in the context of the likelihood of family-related leave.

- Ensure that any increase in workload is accompanied by an appropriate increase in resources, allowing for leave and other entitlements.

- Replace officers when they are on extended leave (e.g. maternity leave, long service leave) or extended absences (e.g. as a result of a workers' compensation claim). This may require changes to procedures for arranging replacements for members so that positions are not vacant for long periods while administrative processes run their course, e.g. dealing with the barriers preventing assignments.

- Improve resources available, particularly access to critical pieces of equipment such as computers.

Role issues

- Provide professional development opportunities for all those in leadership positions to develop management as well as technical and administrative skills.

- Develop clear role statements and make them publicly available.

Job control

- Improve communication systems.

- Improve communication processes, ensuring that everyone has accurate and timely information and feedback.

- Provide opportunities for all police to contribute to decisions that impact on their work, e.g. through regular station meetings.

Social and organisational support

- Provide professional development opportunities for all those in leadership positions to develop management as well as technical and administrative skills, particularly to strengthen the capacity to build social support.

- Ensure that new staff are adequately supported and mentored as they gain skills and experience.

Interpersonal conflict

- Engage in a conflict resolution process for entrenched issues, e.g. by engaging a professional mediator.

Perceived rewards

- Strengthen other aspects of reward, e.g. by strengthening recognition of sworn and especially unsworn members.

Monitoring and review

- Review progress in implementing these control measures at WHS Committee meetings.

- Review the risk assessment annually to ensure that the risk factors are reducing in impact.

Example 5.2: Risk control plan for single officer patrols

Example 4.1 provides a policy adopted by an Australian police organisation to eliminate single officer patrols so far as reasonably practicable. This next example provides a risk control plan that demonstrates how the four steps of risk management can be used to implement such policies. It does not address every relevant issue, but highlights key factors that should be considered in a risk control plan for single officer patrols.

Hazards

The hazards of single officer patrols are:

- Assault, where the harm is likely to be more severe when police officers work alone.
- Exacerbation of injuries from other causes because of poor access to emergency assistance causing delays in obtaining first aid.
- Manual handling, because there is no one to assist with tasks such as restraining offenders.

Risk assessment	
Assessment question	**Response**
What type of harm could occur? How severe is the harm? Could the hazard cause death, serious injuries, illness or only minor injuries requiring first aid?	Assault could result in death of the police officer, either directly or because of delays in receiving medical attention.
What factors could influence the severity of harm that occurs?	- The length of time the police officer is alone. - The nature of the tasks being undertaken by the solo officer. - The time of day of the solo work, e.g. night is more dangerous than daylight hours. - The nature and reliability of any communication systems. - The location of the work – remote locations increase risk. - Fatigue, particularly if long hours of driving are required.
How many people are exposed to the hazard and how many could be harmed in and outside your workplace?	All officers conducting single officer patrols.
What does the law say about risk control?	*A person conducting a business or undertaking must manage the risks associated with remote or isolated work, including ensuring effective communication with the worker carrying out remote or isolated work* (R48). *Some jobs present such a high level of risk that workers should not work alone, for example jobs where there is a risk of violence* (Work Environment Code, p. 24).
Are existing control measures effective and do they control all types of harm?	Existing control measures cannot prevent violence towards police officers.
How often are people exposed to the hazard?	Whenever conducting single officer patrols.
Could the way people act and behave affect the likelihood of a hazard causing harm?	Level of experience and capacity for sound decision making will affect the risk.
Do the differences between individuals in the workplace make it more likely for harm to occur?	Any pre-existing medical conditions make the need for immediate access to emergency assistance critical.
Risk control	

Hazards

1. Eliminate

- Eliminate single officer patrols whenever there is an elevated risk of violence, e.g. at night, in areas identified as 'high risk', in areas where radio contact cannot be guaranteed, where there is a high level of violent crime, excessive alcohol consumption or gang activity, and in geographically isolated areas where back-up is not readily available and communication black spots exist.

- Probationary constables cannot undertake single officer patrols.

- Only tasks suitable for one person will be undertaken on single officer patrols, e.g. completing a missing person report, attending to a burglar alarm sounding, attending to an injured animal on roadway, undertaking administrative tasks, attending court, taking witness statements.

2. Substitute

- All single officer patrols should be subject to a risk assessment prior to allocating a task to a single person patrol and dispatching the patrol. Once at the task, the officer should undertake a further risk assessment. If there is any doubt a second officer should be called to attend.

- Police officers on single officer patrols can request back-up and cease operation whenever they identify elevated risk. Back-up must be available.

3. Engineering controls

- All equipment used by single officer patrols must be checked to be fully functioning.

4. Change to safer work practices

- Police officers on solo patrols must maintain constant radio contact with the local communications centre.

- Specific communication procedures must be established for single officer patrols, and police organisations must provide a reliable form of communication to make regular contact, e.g. a satellite phone or reliable radio.

5. Organise training

- All officers who will undertake solo patrols must have training in the procedures that are required, defensive tactics, dynamic risk assessment for occupational assault and situation awareness.

- All officers who will supervise and command solo patrols must receive training in the procedures required, risk assessment for occupational assault, situation awareness and identifying tasks that are not suitable for solo patrols.

6. Use personal protective equipment

The following personal protective equipment must be provided to all officers on solo patrols:

- Firearm;
- Bullet resistant vest;
- OC spray;
- Baton; and
- Portable radio.

Examples A6: Coordination with other duty holders

Example 6.1: Protocol with a local 'hotspot', e.g. a licensed venue or a hospital

This example is based on protocols in wide use throughout police forces in Australia to deal with circumstances in which police officers are likely to be required to attend a workplace not in the control of the police PCBU where there is the potential for violence, e.g. hospitals and hotels. The example specifies important risk control issues that should be discussed with PCBUs of high risk workplaces and the matters that should be the substance of consultation between the police PCBU and other overlapping duty holders. In particular, it suggests a number of risk control measures that should be addressed before there is a need for police entry. This would ensure that police have information about issues with lighting or access and egress, and that the operational planning for any entry in an emergency has critical information to eliminate and control risks. It does not address every relevant issue, but highlights key factors that should be considered in arrangements where there are overlapping duty holders.

Duties of the parties

- **Owner/operator of the premises**

  As the person in control of the premises, the Operator must ensure, so far as is reasonably practicable, that the premises themselves, access and egress to the premises and anything arising from the premises as a workplace are "without risks to the health and safety of any person" (s20). This duty includes the health and safety of the operator's own workers, members of the public who enter the premises, workers of other businesses or undertakings who work in areas under the Operator's control (e.g. other tenants and their employees) and workers of other businesses or undertakings who enter the premises in the course of their employment (e.g. police officers, workers delivering goods).

- **Police PCBU**

  The Police PCBU must ensure, so far as is reasonably practicable, the health and safety of its workers and so must ensure that when police work at the premises that the workplace is without risks to the health and safety of police.

Emergency response duties

The Operator and the Police Organisation *(could be regional command)* agree:

- The Operator will maintain the premises in a condition that does not present any health or safety risks and that, in particular, access, egress and lighting are to a standard necessary to control risk of crime and to respond to emergencies, e.g. suitable access for police vehicles in an emergency. *The protocol should specify any particular requirements for police, such as needs for access, e.g. from a particular road or to a particular part of the premises.*

- The Operator will ensure that the way they operate the venue will control the risks arising from their activities, e.g. responsible serving of alcohol.

- The Operator will allow the Police Organisation to inspect the premises periodically to verify that these standards have been maintained and to refer any need for maintenance to the Operator.

- In an emergency, the Operator will allow police access to areas of the premises necessary for emergency response. Police will be able to make whatever modifications are necessary to that area in order to control risks to police or the public.

- In an emergency, the Operator will provide a person to liaise with police. Their duties include:
    - Ensuring access to areas needed for police response.
    - Assisting police to take whatever risk control actions are necessary, e.g. locating equipment, power supplies, etc.
    - Acting as a single point of contact for tenants and other affected parties for liaison with police.
    - Making any necessary arrangements for dealing with the public in the premises, e.g. closing off areas of the premises, managing evacuations (in consultation with the police).

Example 6.2: Protocol for traffic management

This example is based on protocols in wide use throughout police forces in Australia to deal with circumstances when police undertake traffic management activities on public roads. It sets out what could be considered in a protocol with a roads authority, whether a local council or a state-wide agency. The level of formality of such protocols varies, and this example could be adopted in whatever form was most suitable to the specific circumstances of the relationship between police organisations and roads authorities. This example should be used to guide police PCBUs to improve how they deal with such circumstances, since this has been a major source of risk to police officers, with a number of fatalities resulting from poor risk management of police working on roadsides. It does not address every relevant issue, but highlights key factors that should be considered in arrangements where there are overlapping duty holders.

Duties of the parties

Road Authority

The Road Authority controls the condition of roads on which police traffic management operations are conducted. The Road Authority must ensure, so far as is reasonably practicable, that the road surface, road hardware, layout of the road and visibility from areas used for operations are without risks to the health and safety of police officers who will conduct traffic management operations.

Police PCBU

The Police PCBU must ensure, so far as is reasonably practicable, the health and safety of its workers when conducting traffic management operations on public roads.

Traffic operations duties

The Road Authority and the Police PCBU agree:

- The Road Authority will maintain the roads on which police traffic management operations are conducted in a condition that does not present any health or safety risks to the health and safety of police officers. In particular, the Road Authority will ensure that the road surface, road hardware, layout of the road and visibility from areas used for operations are without risks to the health and safety of police. *The protocol should specify any particular* standards, *such as nature of road surfaces, need for emergency lanes, type of road hardware, particular areas where operations entail extra requirements (e.g. on freeways).*

- The Police PCBU may inspect relevant areas on public roads to ensure that the road conditions are suitable for traffic management operations and will refer any need for maintenance to the Road Authority. The Road Authority will respond promptly to such requests.

Appendix B: Further Information

Work Health and Safety Regulators

New South Wales—WorkCover NSW
www.workcover.nsw.gov.au

Victoria—WorkSafe Victoria
www.worksafe.vic.gov.au

Queensland—Workplace Health and Safety, QLD Department of Employment and Industrial Relations
www.deir.qld.gov.au

Western Australia—WorkSafe Western Australia
www.worksafe.wa.gov.au

South Australia—SafeWork SA
www.safework.sa.gov.au

Tasmania—Workplace Standards Tasmania
www.wst.tas.gov.au

Northern Territory—NT WorkSafe
www.worksafe.nt.gov.au

Australian Capital Territory—ACT Office of Regulatory Services
www.ors.act.gov.au

Commonwealth—Comcare
www.comcare.gov.au