

# CAPABILITY STATEMENT

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WORK HEALTH & SAFETY (WHS)

proximity

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## WORK HEALTH & SAFETY (WHS)

### Work Health and Safety

A safe workplace is critical for business performance. WHS affects everyone, and requires a commitment from all levels within an organisation – integrating safety into strategic and operational activities, generating a safety culture and driving performance.

The WHS legislation places significant duties on organisations, as well as positive and proactive duties on ‘officers’. A compliant WHS management system will reduce the likelihood of breaches, prosecutions and potential exposure to significant penalties. An effective WHS framework is an investment against workplace injury, claims and lost productivity.

### Skills and services

Proximity can assist your organisation to meet its WHS objectives and legal obligations through efficient and effective management of front and back end WHS processes.

Proximity is pleased to offer the following products and services:

#### WHS strategy and planning

- > Identifying legislation, codes and standards applicable to your organisation
- > Identifying organisational risks and hazards
- > Developing a strategy for managing WHS risks and hazards
- > Statutory interpretation and advice on existing and proposed amendments to legislation
- > Preparing options papers and research

#### WHS safety management systems

- > Developing WHS management systems tailored to your organisation
- > Developing WHS policy, procedures and tools for implementation
- > Achieving compliance with WHS legislation as well as AS/NZS 4801:2001

#### Due diligence frameworks

- > Identification of officers, as defined by the WHS legislation, within your organisation
- > Developing officer manuals, to assist officers to understand the nature and scope of their obligations
- > Developing due diligence frameworks to assist officers to discharge their positive and proactive WHS duties

#### WHS legal compliance audits and AS/NZS 4801:2001 compliance audits

- > Undertaking a gap analysis to ascertain areas of legal non compliance
- > Recommending remedial actions
- > Implementation planning

#### Risk management review and development

- > Developing industry specific risk management policies and procedures
- > Developing proactive risk management tools
- > Risk management workshops and training

#### WHS contractor management

- > Preparing and reviewing WHS clauses in contract documents
- > Advising on contractor management issues, including consultation
- > Advising on contractor consultation arrangements

#### Incident management

- > Assisting with incident management and investigations
- > Preparing witness statements and briefs
- > Liaising with stakeholders
- > Managing privilege
- > Assisting and advising on regulator inquiry and investigations

#### Workplace injury and asbestos claims and litigation

- > Advising on civil statutory and common law liabilities
- > Defending common law and statutory workers compensation claims
- > Representing and advising on primary and third party asbestos related damages claims
- > Advising on coronial and litigated processes, including preparing affidavits

## WHS seminars, workshops, and in-house training

- > Officer duties
- > Upstream duty holders
- > Bullying and harassment
- > Discriminatory conduct
- > WHS legislation generally

## Expertise

Proximity's advisors have advised both public and private sector organisations on WHS strategic projects and legal issues. Our advisors have experience across a broad range of industries including defence, aviation, environment, immigration and construction.

### Our experience includes:

- > Drafting an organisational level WHS management system for a Commonwealth Department
- > Developing several WHS legal compliance audit tools and standards based audit tools for a Commonwealth Department, including consideration and alignment with existing methodologies
- > Undertaking several organisational level WHS legal compliance audits, addressing all parts of the WHS legislation
- > Undertaking WHS legal compliance audits in relation to hazardous chemicals as part of a remediation program pertaining to an enforceable undertaking
- > Delivering WHS legal and audit training to approximately 150 Commonwealth and private sector contractors
- > Drafting advice on WHS and other issues, and preparing an investigation management plan, in relation to a workplace fatality
- > Reviewing, developing and implementing a WHS management system for an organisation working with highly toxic chemicals
- > Advising on WHS management system compliance gaps for several organisations during their transition to the harmonized WHS legislation
- > Drafting due diligence frameworks and officer manuals
- > Presenting on the WHS legislation, including outlining the duties, duty holders and relevant standards required to be met
- > Acting on behalf of employers and insurers in relation to litigated and non litigated claims concerning workplace injuries and fatalities across the ACT, NSW, QLD, VIC and the Commonwealth.

## Proximity

Proximity is a leading provider of onsite legal and advisory services.

**Proximity provides you with access to the highest quality advisors when and where you need them. Proximity is highly regarded for its unique offering:**

- > **one model** – we work onsite with you and your team; dedicated to achieving your objectives
- > **the right people** – we are technically excellent, strategic, practical, experienced and efficient; our advisors are hand-picked based on having the right attributes to work successfully with your team
- > **the right skills** – we combine big-picture strategy with attention to detail in implementation and
- > **the right experience** – we have experience advising both private and public sector organisations on WHS.

## The Proximity advantage

### Advantages of Proximity include:

- > **intensive support** – dedicated resources working directly with your team
- > **no increase to your head count** – the flexibility to scale up and down as required
- > **high quality** – regarded practitioners that understand your sector
- > **fresh approach** – the flexibility and varied experience of outside counsel with the intimate knowledge and commercial focus of in-house counsel
- > **combined skills** – our advisors are legally qualified and have lead auditor and training competencies
- > **tailored pricing** – pricing solutions that suit your needs; whether you require price certainty or flexible pricing solutions that allow you to deal with uncertain demand and
- > **value for money** – our co-location model eliminates expensive overheads; and you benefit from the savings.

## Contact us

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