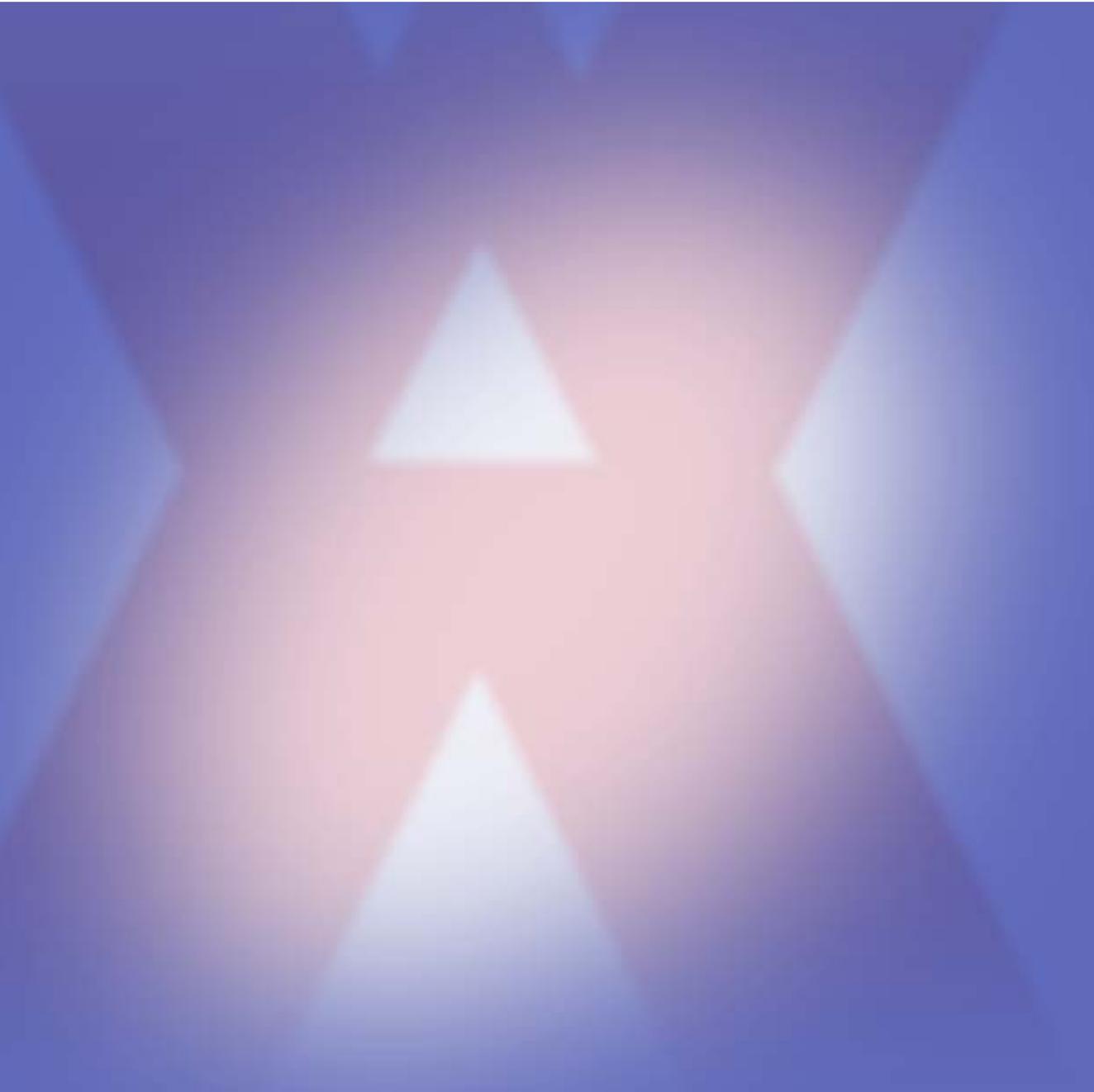


COLLECTION OF DOMESTIC WASTE

CODE OF PRACTICE



Disclaimer

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and Safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.legislation.nsw.gov.au or contact (02) 9238 0950 or 1800 463 955 (NSW country only).

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Preface

The objectives of this code of practice are to:

- (a) promote the health, safety and welfare of all persons engaged in or affected by domestic waste collection
- (b) provide guidance on the identification of risks to be provided by those who provide collection of domestic waste (CDW) services
- (c) ensure that risks to health and safety in the CDW are identified, assessed and eliminated or controlled according to the Regulation
- (d) promote consultation and cooperation between employers, employees, contract principals, contractors and subcontractors and/or their representatives, according to the Act
- (e) protect people against risks to health and safety arising from the use of plant, equipment and substances that may affect public health and safety.

This code applies to the work practices involved in waste and recycling collections in urban and regional areas occupied and used by the community.

What is an industry code of practice?

An approved industry code of practice is a practical guide to achieving the standard of safety required by the *Occupational Health and Safety Act 2000* (the Act) and *Occupational Health and Safety Regulation 2001* (the Regulation) for a particular area of work.

An approved industry code of practice should be followed unless there is an alternative course of action that achieves the same or better standard of health and safety in the workplace.

An industry code of practice is approved by the Minister for Commerce. It takes effect on the day specified in the code or if no day is specified, on the day it is published in the NSW Government Gazette.

An approved industry code of practice is designed to be used in conjunction with the Act and the Regulation but does not have the same legal force. A person or company cannot be prosecuted only because of failure to comply with an approved industry code of practice.

However, in proceedings under the Act or Regulation, failure to observe a relevant approved industry code of practice can be used as evidence that a person or company has contravened or failed to comply with the provisions of the Act or Regulation.

A WorkCover NSW inspector can cite an approved industry code of practice in a direction or in an improvement or prohibition notice, indicating the measures that should be taken to remedy an alleged contravention or non-compliance. Failure to comply with a requirement in an improvement or prohibition notice is an offence.

In summary, an approved **INDUSTRY CODE OF PRACTICE**:

- gives practical guidance on how the required standard of health, safety and welfare can be achieved in an area of work
- should be followed, unless there is an alternative course of action which achieves the same or better standard of health and safety in the workplace
- can be used in support of the preventive enforcement provisions of the Act
- can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

CHAPTER 1 – ESTABLISHMENT

1.1 Title

This is the *Code of Practice for the Collection of Domestic Waste*.

1.2 Purpose

The purpose of this industry code of practice is to provide practical guidance to employers and others who have duties under Part 2 of the Act with respect to occupational health and safety and welfare.

This code of practice provides guidance to prevent injury and illness to persons engaged in, and persons affected by, the collection of domestic waste in NSW. It also provides practical guidance on implementing the requirements of the Act and the Regulation.

1.3 Scope

This code of practice applies to employers, employees, self employed, contract principals, contractors, subcontractors and visitors to workplaces across NSW whose work involves, includes or is in connection with the collection and/or transportation of domestic waste for or by bodies formed under the *Local Government Act 1993*.

1.4 Commencement

This code of practice will take effect on 29 July 2005.

1.5 Authority

This is an industry code of practice approved by the Minister for Commerce under section 43 of the Act on the recommendation of the WorkCover Authority.

1.6 What do the symbols in the code of practice mean?

To help you work out what you are required to do a number of symbols are used to highlight things you need to take into account and the tools to help you do the job.



Assess the risks in your workplace



Consult and communicate with employees



Tools that can help you work out your plan



Legal obligations that must be followed



The process of finding things that cause harm

1.7 Interpretation

Recommended practices

Words such as “should” indicate recommended courses of action. “Consider” indicates a possible course of action that the code is indicating the duty holder should consider. However, you may choose an alternative and equally effective or better method of achieving safe workplaces.

Legal requirements

Words such as “must”, “requires” or “mandatory” indicate that legal requirements exist which must be complied with.

1.8 Definitions

Definitions are taken from the OHS Act or the OHS Regulation, or from other relevant legislation or Australian Standards. Where developed specifically for this code of practice, this is indicated in a note. The following terms used in this code of practice have these meanings:

collection of domestic waste means any contracted or council day labour service whereby a person or persons collect and/or transport by motor vehicle, domestic waste or recyclable material of all descriptions within NSW.

[Note: This definition has been developed for this specific code of practice.]

community sharps are sharps that have been generated in a non-clinical setting, and include needles, syringes and lancets used by people with diabetes and other medical conditions requiring self-injection in the home, and syringes used by injecting drug users in the home or in public places.

[Note: This is as defined by the NSW Department of Health.]

competent person for any task means a person who has acquired through training, qualification or experience, or a combination of them, the knowledge and skills to carry out that task.

contractor means the person bound to carry out and complete work under a CDW contract.

[Note: This definition has been developed for this specific code of practice.]

controller of premises means a person who has control of premises used by people as a place of work, including a person who has:

- only limited control of the premises
- under any contract or lease, an obligation to maintain or repair the premises.

council shall mean a municipal, city, shire, county council or council within NSW as defined in the *Local Government Act 1993*.

domestic waste means waste on domestic premises of a kind and quantity ordinarily generated on domestic premises and includes waste that may be recycled, but does not include sewage.

[Note: This is as defined in the *Local Government Act 1993* Schedule 99.]

employee means an individual who works under a contract of employment or apprenticeship.

employer means a person who employs persons under contracts of employment or apprenticeship.

[Note: Chapters 2, 4, 5, 6, 7 and 8 of the Regulation also refer to self-employed persons.]

incident means any incident prescribed in clauses 341 and 344 of the Regulation.

noise includes sound and vibration for the purposes of this code.

personal protective equipment (PPE) means any equipment or substance (such as sun protection cream) used to protect health and safety.

safe work method statement (SWMS) means a statement that:

- describes how work is to be carried out
- identifies the work activities assessed as having safety risks
- identifies the safety risks
- describes the control measures that will be applied to the work activities, and includes a description of the equipment used in the work, the standards or codes to be complied with, the qualifications of the personnel doing the work and the training required to do the work.

subcontractor means the person bound to carry out work under a subcontract with a contractor, where that work is part of work under a CDW contract the contractor is engaged to undertake for a council. For the purposes of this code the term *subcontracting* has the same meaning as in section 127 of the *Industrial Relations Act 1996*.

CHAPTER 2 – CONSULTATION AND RISK MANAGEMENT



The *OHS Act 2000*, Division 2 and the *OHS Regulation 2001* chapters 2 and 3 require employers to address workplace health and safety through a process of risk management and consultation.

Under the Act and the Regulation, councils have an obligation to ensure the health, safety and welfare of employees at work and that other people are not exposed to risks to their health and safety. When contracting out CDW work, councils should ensure that contractors are planning and carrying out work in a safe manner and according to this code of practice at both the tendering phase and during the conduct of the work.

To effectively implement this code, employers need to be aware of these requirements and have procedures in place to apply them. Employees, self-employed persons (subcontractors/owner-drivers) and controllers of premises, plant and substances also have responsibilities under OHS legislation. Each individual should ensure that they work safely and that their work does not expose others to health and safety risks.

Employers are advised to consult the Act and the Regulation as well as the *Code of practice: OHS Consultation*, and the *Code of practice: Risk Assessment* for details of these requirements and how they can be met. The following information is designed to provide an overview.

2.1 Consultation

In order to consult with employees, employers are required to set up consultation arrangements and develop consultation procedures.

2.1.1 Consultation arrangements

The Act provides three options for consultation arrangements:

Arrangement	Number of employees	Requirement
OHS committee	20 or more employees	Requested by a majority of employees or direction by WorkCover
OHS representative	Any number	At least one employee requests an election or directed by WorkCover
Other agreed arrangements	Any number	Agreed to by both the employer and employees (in a small workplace it may be a regular safety meeting with employees)

Before using this code an employer should ensure that consultation arrangements are in place. An employer may initiate the establishment of an OHS committee or the election of an OHS representative if the employees have not made such a request. When the consultation arrangements have been decided employers are required to record them and advise all existing employees and any new employees.

2.1.2 Consultation procedures

After setting up the consultation arrangements employers need to consider when and how these consultation arrangements need to be applied.

2.1.3 When should consultation be undertaken?

Under the Act, employers have the general duty to consult employees when decisions are being considered that may affect their employees' health, safety and welfare. Therefore, employers are required to consult with their OHS committee, OHS representative or other agreed arrangement when such decisions are being considered. Decisions which could affect health and safety include:

- assessing, reviewing and monitoring risks to health and safety
- eliminating or controlling risks to health and safety
- planning for new premises or modifying existing premises
- purchasing new plant, equipment or substances
- planning, designing or changing work tasks or jobs
- using contractors in the workplace
- investigating incidents
- developing emergency procedures
- determining or reviewing workplace amenities
- determining or reviewing consultation arrangements.

Note: Any procedures that are developed to encompass these activities should incorporate consultation.

It may not be practical or reasonable to involve the OHS committee or the OHS representative in every purchase decision or task change, however, the employers and committee or representative should agree on what process is needed to ensure that affected employees are consulted.

2.1.4 How should consultation be undertaken?

When engaged in consultation, the Act requires employers to:

- Share all relevant information with employees – for example, if an employer is going to change a work task employees need to be told of any risk to health and safety that may arise and what will be done to eliminate or control these risks.
- Give employees reasonable time to express their views – employees need adequate time to assess the information given to them, obtain relevant safety information and consult with fellow employees to enable them to form their views.
- Value the views of employees and take them into account when the decision is made to resolve the matter – in many cases agreement will be reached on how the safety issues are to be addressed. When agreement cannot be reached the employer should explain how the employees' concerns have been addressed.

2.2 Risk management



Employers, controllers of premises and self-employed persons must identify any foreseeable hazards, assess their risks and take action to eliminate or control them
– *OHS Regulation 2001* chapter 2

To address health and safety issues the following risk management processes must be implemented.

2.2.1 Identify hazards

To ensure a safe and healthy workplace identify all the foreseeable health and safety hazards which could harm employees or other persons in the workplace. Hazards may arise from the work process, the equipment and materials in use, the work environment or other people involved.

2.2.2 Assess risks

Once hazards have been identified the risks they pose to health and safety need to be assessed. Some hazards pose a greater risk than others do, and the frequency and duration of exposure can also affect the risk. Risk assessment involves considering the likelihood and severity of injury or illness being caused by exposure to the risk. Therefore the factors that need to be considered in a risk assessment should include the:

- harm that can be caused by exposure to the hazard
- number of people exposed and how often and how long they are exposed to the hazard
- capability, skill and experience of people exposed to the hazard.

The risk assessment process provides information on the factors which contribute to the risk. This information will assist in determining what needs to be done to eliminate or control the hazard.

2.2.3 Eliminate or control the risk

The first responsibility is to investigate how the risk can be eliminated. Before implementing the control measures described in this Code investigate possible strategies for eliminating each hazard from the work system.

If it is not reasonably practicable to eliminate hazard, the risks associated with the hazard must be controlled. This Code has been developed to provide advice on the most effective control measures.

2.2.4 Review risk assessment and control measures

Control measures should be reviewed on a regular basis. The frequency of their review should be determined according to the significance of the risks associated with the hazard. However, a review should be undertaken when:

- new information is made available about the risks associated with the hazard
- an incident occurs
- significant changes are proposed to the workplace or work system.

2.2.5 When to implement risk management?

Risk management is a process that should be integrated into the whole system of work associated with the employer's undertaking. Examples of when the process should be incorporated into procedures include:

- planning for new premises or modifying existing premises
- purchasing new plant, equipment or substances
- planning, designing or changing work tasks or jobs
- using contractors in the workplace
- investigating incidents
- developing emergency procedures
- determining or reviewing workplace amenities
- determining or reviewing consultation arrangements.

These are also activities on which employers are required to consult with employees.

Procedures that are developed to incorporate these activities should involve risk management and consultation.

2.2.6 Strategies for developing effective risk management procedures

When risk management activities are undertaken the following strategies should be considered to inform the process:

- visual checks through workplace inspections
- analysing the types of work being performed and the way work is performed
- inspections of plant and equipment
- analysing workplace records on incidents and 'near misses'
- risk management information provided by suppliers or manufacturers of equipment or, in the case of hazardous substances, Material Safety Data Sheets
- industry codes of practice for particular hazards or work processes
- Australian Standards which address safety standards for a range of equipment products and materials
- guidance material from WorkCover or industry or professional organisations.

Further advice is provided in the *Code of practice: Risk Assessment*.

CHAPTER 3 – MANAGING RISKS IN THE COLLECTION OF DOMESTIC WASTE

Safe performance of the work is paramount. Methods of service delivery that eliminate or control exposure to health and safety risks take precedence.

The considerations outlined in this code of practice apply to both council labour and contractor operations, for both existing and planned contracts. In the event of a council contracting out CDW work, the council, as part of managing its OHS and contract risks, should verify that the CDW contractor is competent to manage the work in a manner that conforms with all aspects of this code of practice.

3.1 Planning

3.1.1 Tender preparation

Councils have a responsibility to ensure that the work performed for them under a CDW contract is safe and conforms with this code of practice. Any methods of service delivery that the council specifies in tender documents for CDW work should be supported by a risk assessment in accordance with this Code. The risk assessment should demonstrate that the methods of service delivery specified will minimise exposure to hazards. Copies of these risk assessments should be provided in the tender documents supplied to bidders.

Contract disputes have arisen where the methods of service delivery specified in contracts have been incompatible with the safe work methods determined by risk assessment. This Code provides procedures for resolving such disputes in section 3.7. Other responsibilities of councils are detailed in Appendix 2: Other Legal Obligations.

There are typically three participants in the collection of waste: the residents, the CDW workers and the council. Councils receive complaints and other information from members of the public regarding CDW work. Where this information is OHS-related, it is an essential input into a contractor's management of work safety. A contract for CDW work should provide for a process for the exchange of OHS information with the contractor and for managing the relationships between the contractor, the council and residents. This process should be included in the tender documents.

Assessment criteria that are suitable for evaluating a variety of methods of service delivery should be specified in the tender documents. Councils should assess the bids against these criteria to ensure that services, resources and methods are appropriate and adequate.

The tender documents should:

- only specify methods, processes or times of service when these are supported by risk assessments
- include the relevant risk assessments
- include details of identified hazards (for example, the location of schools, traffic hazards, access problems, clearways, noise-sensitive land uses)
- include requirements for each bidder to detail how work will be performed and their supporting risk assessments
- include processes for the exchange of OHS information that council receives from members of the public
- include evaluation criteria that are designed to assess different methods of service delivery.

3.1.2 Tender assessment

The bids are likely to specify various methods of service delivery. In addition to commercial considerations, councils should assess the bids to ensure that the proposed management of the work, methods of service delivery, resources and other obligations are adequate and in accordance with this Code. The checklist in Appendix 4 may assist.

3.1.3 Contract performance phase

Council should ensure that regular reporting mechanisms are in place to verify that contractors are performing CDW work in accordance with this code of practice. Information that can be used to monitor a contractor's performance includes:

- operators' daily job records, indicating mass per load, loads per day and bins per load
- vehicle loads, as recorded at waste disposal, recycling or transfer facilities
- driver records, indicating loads per day, work periods and rest periods
- hazard and incident reports
- incident investigation reports
- employee consultation records, such as minutes of OHS committee meetings
- equipment maintenance programs and records.

3.2 Common hazards and risk control in CDW work



CDW operations occur within urban and rural communities. Operations may, for example, need to be conducted around schools and in heavy traffic. Operations should be planned and executed to minimise the impact on the community, without compromising to the health and safety of CDW workers.

Preventing injuries to CDW workers and others affected by the collection of domestic waste should be a priority in planning for CDW work. Managing risks requires effective hazard identification, assessment and control in all aspects of CDW operations.

Ways of identifying hazards include but are not limited to the following:

- consulting incident or injury records
- consulting employees who perform the CDW work
- conducting CDW site assessments
- conducting a survey of the route
- testing vehicles and equipment
- observing systems of work
- determining levels of training, experience and competence needed to perform the tasks
- consulting with CDW clients, industry associations, government bodies and residents where practicable.

The hazards that may exist should be identified in all aspects of operations. These should include but are not limited to the following:

- work methods
- plant and equipment
- working environment
- time of day
- wastes handled
- fatigue and fitness for work.

Examples of some common hazards and risk controls in CDW work are listed on the following pages.

Incidents which have resulted in fatalities in the past include:

- vehicles reversing over runners
- vehicles reversing into members of the public
- runners falling from the back of moving vehicles
- a worker's head caught between moving parts of a vehicle
- a runner colliding with a power pole while riding on the rear of a vehicle.



Control measures must be implemented in accordance with the hierarchy of controls. Try to ensure that hazards are 'designed out' when new materials, equipment and work systems are being planned for the workplace.

Where it is not reasonably practicable to eliminate the risk, measures must be taken to minimise the risk. The hierarchy of control measures is listed below in order of effectiveness. Select the highest level reasonably practicable to develop each control measure for each identified risk. In some instances a combination of measures may be necessary.

- (1) Remove the hazard or substitute less hazardous plant, equipment or substances.
- (2) Adopt a safer process. Alterations to tools, equipment or work systems can often make them much safer.
- (3) Enclose or isolate the hazard through the use of guards or remote handling techniques.
- (4) Establish appropriate administrative procedures such as:
 - job rotation to reduce exposure or fatigue, or timing the job so that fewer workers are exposed to hazards
 - routine maintenance and housekeeping procedures
 - training on hazards and correct work procedures.
- (5) Provide suitable and adequately maintained personal protective equipment.

Examples of common hazards and risk control in CDW work

Areas for hazard identification in CDW work	Some factors to consider in assessing the risk	Examples of control measures
Work methods	<ul style="list-style-type: none"> ✓ Whether collection is manual or fully automated ✓ Whether bins are 'parked in' by cars ✓ Whether trucks are staffed by a driver only or with driver and runners ✓ If bags are likely to break ✓ If bins are overloaded ✓ Council cleanups ✓ Slip and trip hazards getting into and out of vehicle and for runners in two person operations 	<ul style="list-style-type: none"> ✓ If wheeled bins are manually handled, push with both hands rather than pull bins one handed ✓ Provide manual handling training for runners ✓ Educate residents to not overfill bins ✓ CDW workers should take extra care if pushing or pulling bins across steps and kerbs ✓ CDW workers should seek assistance if having trouble moving bins or bags, particularly if moving it across steps and kerbs ✓ Provide mechanical assistance when lifting heavy items and use vehicles with low bowl height, so that CDW workers can avoid lifting items above shoulder height ✓ Maintain adequate and consistent communication between drivers and runners ✓ Provide and ensure use of grab handles for getting into and out of truck cabins ✓ Never use hoses as handholds when mounting or dismounting.
Plant and equipment	<ul style="list-style-type: none"> ✓ Vehicles ✓ Plant operation ✓ Manual handling ✓ Pinch points in plant and equipment ✓ Cleaning and maintenance of CDW vehicles and equipment 	<ul style="list-style-type: none"> ✓ Vehicle design should meet relevant Australian Design Rules ✓ Conduct daily safety checks and regular inspections of vehicles ✓ Where wastes are manually collected, use vehicles with low bowl height, so that CDW workers can avoid lifting bags/bins above shoulder height ✓ Train plant operators in the use of each vehicle and piece of equipment that they are required to use ✓ Ensure that all persons are clear of the equipment before activating any packing or tipping off controls ✓ Keep head, body, fingers and other limbs clear of any pinch points on equipment.

Areas for hazard identification in CDW work	Some factors to consider in assessing the risk	Examples of control measures
		<ul style="list-style-type: none"> ✓ Maintain adequate and consistent communication between drivers and runners ✓ Never enter the vehicle body unless the engine is switched off, ignition key removed, safety prop is in position and the vehicle body is adequately ventilated ✓ Ensure that CDW workers required to clean or otherwise maintain trucks are trained in and follow safe work methods ✓ If working at heights above two metres from the ground ensure safe access and fall protection systems are in place
Working environment	<ul style="list-style-type: none"> ✓ Members of the public ✓ Wet weather ✓ Overhanging trees ✓ Overhead power lines ✓ One way streets ✓ Noise generated by CDW work ✓ Conditions at the waste transfer station/disposal site ✓ Parking ✓ Location of bins 	<ul style="list-style-type: none"> ✓ Schedule CDW work for the least hazardous times of day, as indicated by a risk assessment ✓ Allow extra time for collection in wet weather ✓ Educate residents about the correct location of bins so that they aren't placed underneath tree branches. ✓ Council should keep street trees adequately trimmed ✓ Vehicles with runners should work on the same side of the road unless a risk assessment indicates it is safe to collect from both sides ✓ Train CDW workers appropriately in the hazards of working near overhead power lines and the dangers posed by travelling too close to power poles ✓ Maintain plant and equipment in accordance with the manufacturer's instructions and fit noise dampers to plant where practicable ✓ Assess the noise impact on residents along with other factors when undertaking initial risk assessment of CDW routes ✓ Provide CDW workers with adequate information about safe procedures for work at the transfer station

Areas for hazard identification in CDW work	Some factors to consider in assessing the risk	Examples of control measures
The time of day that work is performed	<ul style="list-style-type: none"> ✓ Light and darkness ✓ Pedestrians ✓ Other traffic 	<ul style="list-style-type: none"> ✓ Time collections so that visibility is adequate ✓ Watch for other vehicles in conditions of poor lighting or limited line of sight ✓ Minimise waste collection in school hours and peak hour if a risk assessment indicates increased risks ✓ Develop safe work procedures for CDW work in one way streets
The wastes handled	<ul style="list-style-type: none"> ✓ Whether residents are aware of the hazards of placing chemicals and flammable materials in waste ✓ Whether collection is manual or fully automated. If manual handling of bins or bags is required, there is the potential for contact with unknown hazardous substances ✓ Cuts and lacerations from inappropriate disposal of community sharps and glass ✓ Biological hazards, that can cause infections or diseases such as gastroenteritis, tetanus and hepatitis 	<ul style="list-style-type: none"> ✓ Educate residents about safe disposal of chemicals and other substances ✓ Ensure that CDW workers are informed about and trained in safe procedures for dealing with unknown substances ✓ Educate residents about safe disposal of wastes. ✓ Provide appropriate PPE to CDW workers to avoid lacerations and infections and to assist in gripping and moving waste and waste containers ✓ Educate residents about safe disposal of community sharps ✓ Wear appropriate gloves whenever it is necessary to handle waste or waste containers ✓ Don't attempt to dislodge any materials above waist height unless wearing eye protection
Fatigue and fitness for work	<ul style="list-style-type: none"> ✓ The number of bins to be collected on a run ✓ Scheduled rest breaks ✓ CDW workers affected by alcohol or prescription or other drugs 	<ul style="list-style-type: none"> ✓ Ensure that the resources allocated are adequate for the number of bins collected by undertaking a risk assessment ✓ Ensure that CDW workers take scheduled rest breaks ✓ CDW operators should develop and communicate clear policies about drug and alcohol use and CDW work

3.3 Development of safe work method statements



Safe work methods statements should be developed and documented based on the risk assessment and identified control measures. These should be developed in consultation with employees and/or others conducting the CDW work and should set out who is responsible for each task.

A safe work method statement (SWMS) requires the work to be presented in a logical sequence. The hazards associated with each process are to be identified and the measures for controlling these hazards specified. The SWMS should nominate the resources required to safely do the task(s). Safety and/or skills training provided or required prior to commencing work should be identified. The SWMS should specify the type/capacity and description of plant that is to be used.

Safe work methods statements should include but are not limited to:

- clearly defined and communicated roles and duties of CDW worker
- pre-start checklists for vehicles and equipment
- appropriate and regular testing of all safety features such as interlocks, emergency stops and communication devices
- regular checks and maintenance of the vehicles and personal protective equipment and other equipment used
- procedures to defer pick ups, or make arrangements for back up, in instances where potential hazards have been identified at a site
- procedures in the event of vehicle collision or 'near misses'
- procedures for other industry specific hazards (for example: needle stick injuries, fire, risk of explosion, spills and leakages and equipment breakdown)
- hazard and incident reporting procedures
- manual handling procedures
- procedures to address fatigue and fitness for work
- regular audits of systems and procedures.

3.4 Allocation of appropriate resources

3.4.1 Resource levels

The appropriate ratios of vehicles, drivers, runners and supervisory staff used in CDW operations should be determined according to a risk assessment.

3.4.2 Selection of appropriate equipment

Vehicles and associated equipment should be selected following a risk assessment and should:

- be fit for the purpose
- conform to relevant Australian Design Rules and Australian Standards
- be serviced and maintained according to the manufacturers' instructions to ensure continued user safety.

Repairs, alterations and maintenance must be carried out by a competent person, according to the requirements of the designer or manufacturer. Any defects in equipment which may affect safety should be reported immediately to the person responsible for maintaining such equipment. That person should act on and document the defect and sign off repairs before the equipment is returned to service.

3.5 Instruction, training, information and supervision



The OHS Regulation 2001 section 13 requires employers to provide such information, instruction, training and supervision as may be necessary to ensure the health, safety and welfare of their employees while at work. An employer must also ensure that any person who may be exposed to a risk to health or safety is informed of the risk and is provided with the instruction, training, information and supervision necessary to ensure the person's health and safety.

3.5.1 Instruction and training

CDW work should not be performed unless those performing the work have received appropriate and adequate instruction and training. All training should be conducted by a competent person.

Employees and subcontractors/owner drivers undertaking CDW work should only be engaged for duties consistent with their qualifications and training, and appropriate supervision should be provided to ensure that they carry out their duties in a lawful and competent manner.

3.5.2 Who should receive training?

The target groups for training at a workplace include but are not limited to:

- employees, subcontractors/owner drivers undertaking the CDW work, including employees of labour hire organisations
- managers and supervisors of employees and/or other persons undertaking the CDW work considered at risk of injury and/or who have responsibility for implementing safe operating procedures
- occupational health and safety committees and OHS representative(s)
- staff responsible for the purchasing and maintenance of plant, PPE and for designing, scheduling and organisation of work activities
- all persons undertaking risk assessment.

The needs of each target group are different, and the content and methods of presenting training material should be tailored to meet the specific needs of each group.

3.5.3 Training topics

Employers should include at least the following list of topics in a training program:

- (a) hazards and risks prevalent in CDW work
- (b) the statutory responsibilities of employers, employees and others at work
- (c) hazard and incident reporting systems which include, but are not limited to, the arrangements for reporting, addressing and maintaining records for:
 - defects in plant or equipment used for CDW work
 - any other hazards which may present a risk to health and safety.

- (d) safe operating policies, procedures and other measures which are necessary to safely perform each employee's own job. These should include, but are not limited to, instruction on:
- departure, arrival and onsite procedures
 - route familiarisation
 - appropriate resource levels for the work being performed
 - communication systems
 - safety features in the use and operation of vehicles and associated equipment
 - other plant and associated equipment
 - handling of waste containers
 - the kind of wastes being handled
 - when and how to use PPE including the selection, fitting, proper care and maintenance of PPE
 - how to access health and safety information (for example, the names of OHS representatives and the location of written information)
 - procedures to be adopted in the event of an emergency, vehicle collision, breakdown, near miss and/or other type of incident.
- (e) general and job specific inductions.

All training should be documented and records kept.

Further guidance material on inducting and training employees is available from WorkCover NSW and the Roads and Traffic Authority.

3.5.4 Provision of information

Information may include:

- the results of any applicable risk assessment
- safe work method statements
- a review of such a risk assessment and/or safe work method statement operating procedure
- complaints and other OHS information received by council from members of the public
- any other relevant OHS information.

Employees and other CDW workers should always have, on request, access to risk assessments and safe work method statements at the CDW worker's base.

Employers should brief each employee as to the contents of risk assessments and safe work method statements when each employee and/or other person first begins to perform CDW work, at regular intervals thereafter, and whenever there are changes to risk assessments or new information about health and safety risks becomes available.

Information should also be provided to residents to inform and educate them on the correct use and placement of bins and any other aspects of CDW operations, as may be indicated in a risk assessment.

3.5.5 Supervision



The *OHS Regulation 2001* section 14 requires employers to ensure that employees are provided with reasonable supervision necessary to ensure the health and safety of the employees and any other persons at the employer's workplace. Supervision must be undertaken by a competent person and should take into account the competence, experience and age of each employee.

Employers should provide the supervision necessary to ensure the health and safety of employees and/or others at work.

Supervisors should:

- ensure that employees and/or others performing CDW work hold appropriate licenses
- ensure that those employees and others have acquired the knowledge and skills needed to perform the CDW work through approved competency training, and/or experience
- ensure that adequate OHS management systems are in place and operating so that the safe work practices that have been adopted are followed.

3.6 Incident reporting

Hazards and OHS problems should be reported as soon as they are noticed so that the risks can be assessed and addressed as quickly as possible. Records of reported hazards should be kept and should include details of the action taken to remove the hazard or control the risk arising from the hazard.

CDW operators have responsibilities to have systems in place to enable CDW workers and others to report workplace hazards and incidents (for example, faulty equipment) and for those hazards and incidents to be recorded. These should be developed and implemented in consultation with employees and/or other persons undertaking the CDW work. Details to be recorded about an incident include where it happened, why it occurred, who was involved and the course of action to be taken to prevent a recurrence of the incident.

The Regulation (clauses 341 and 344) prescribes a number of incidents that must be reported to WorkCover.

3.7 Monitor and review



The *OHS Regulation 2001* section 12 states that employers must review risk assessments and measures adopted to control risks whenever:

- (a) there is evidence that the risk assessment is no longer valid;
- (b) an injury or illness results from exposure to a hazard to which the risk assessment relates; or
- (c) a significant change is planned to the place of work, work practices or work procedures.

Management of risks is an ongoing process. It is a fundamental part of business management and just like other business activities should be checked and reviewed. To ensure that a workplace stays safe an employer should review and monitor the systems of work and control measures and, where appropriate, should provide refresher training to ensure those systems and safe work methods are being followed.

Risk assessments and any measures adopted to control risks should be reviewed after the occurrence of an incident or near miss. The occurrence of such an incident is an indicator of a further risk to employees and others and as such should be identified, assessed and controlled in consultation with employees and/or others conducting the CDW work. It is critical to analyse the incident and incorporate new information into the safe work method statement to prevent a recurrence of the incident.

3.8 Procedures for resolving health and safety matters in the collection of domestic waste



The *OHS Regulation 2001* section 29 requires that if a health and safety matter cannot be resolved by the OHS committee or representative(s):

- (a) the matter must be referred to the employer;
- (b) the employer is to respond to the matter in a timely manner; and
- (c) if the employer has not resolved the matter within a reasonable time, the OHS representative(s) or the Chairperson of the OHS committee may request an investigation of the matter by a WorkCover Authority inspector.

This means that where employees (including employees of labour hire organisations) and/or subcontractors/owner drivers undertaking the CDW work believe that the results of a risk assessment are inconsistent with the safe performance of work, or any other health and safety matters are in dispute, there should be consultation between employees and employers about the matter. This can include employee representatives such as OHS committee members, OHS representatives, delegates or officials of the relevant union, managers, specialist support staff, or other representatives as agreed by the parties.

Where the council carries out the CDW work, the employer means the council. Where the council contracts out the CDW work, the employer shall be taken to mean the contractor and not the council. Nothing in this code negates a council's obligations for ensuring safe workplaces.

Where a council or contractor and their employees (or their representatives) are in dispute over a matter concerning the health or safety of employees or other persons in the workplace, the council or contractor should take all reasonable steps to resolve the dispute within a timely period.

If a contractor and their employees (or their representatives) are unable to resolve a dispute concerning OHS, the contractor should advise the council in writing. The council should respond to the matter in a timely manner. At all times, the council and the contractor should act in good faith with fundamental consideration being given to the method by which the collection and recycling of waste can be safely performed. The council should not unreasonably refuse a request by the contractor to change its work arrangements where it is demonstrated that adopting a different arrangement can better control the risk to health and safety of employees and other persons at the workplace. *Demonstrated* means going through the procedures in Chapter 2 for both the existing work arrangements and the proposed different arrangements. Evidence that the proposed different arrangements are better at controlling the risks to health and safety of employees and other persons at the workplace should then be presented to council.



An employer must not dismiss an employee or alter his or her position to his or her detriment because he or she:

- (a) makes a complaint about a matter they consider to be a health and safety risk;**
- (b) is a member of an OHS committee or is an OHS representative;**
- (c) exercises any of his or her functions as an OHS committee member or representative.**

– OHS Act section 23

An employee has a common law right to refuse to perform work if they believe that by doing such work they will be placed in imminent danger, or that they will be placing someone else in imminent danger. Such belief should be reasonable in the circumstances. In such cases, the employee should promptly notify their immediate supervisor and the procedures in 3.7 should be followed. Note that it is an offence under the Act to disrupt a workplace by unreasonably creating health or safety fears.

Note: Under section 298 of the *Industrial Relations Act 1996*, an officer of an industrial organisation of employees (i.e. a union) may be authorised to enter a workplace to investigate breaches of legislation. This includes OHS matters. Generally, at least 48 hours notice should be given to the employer but authorised officers have the power of entry, without prior notice, into premises officers believe is a workplace where union members (or potential members) work, in order to investigate suspected breaches of occupational health and safety legislation.

CHAPTER 4 – ADDITIONAL CONSIDERATIONS FOR ACHIEVING SAFE WORKPLACES IN THE COLLECTION OF DOMESTIC WASTE

4.1 Manual handling



The *OHS Regulation 2001* section 80 requires employers to design all objects, tasks and work environments so that manual handling risks are eliminated as far as reasonably practicable, or controlled.

An employer must assess the risks involved in carrying out manual handling tasks and implement control measures. This must be done in consultation with the employees who are required to carry out the work.

In the first instance, steps should be taken to eliminate the risk. If the risk cannot be eliminated, control measures should be included in the work method statement, describing the sequence of work tasks and activities and how the work is to be done safely.

Where the nature of the work activities or manual handling tasks are constantly changing, training and the risk assessment and control process, should be conducted on an ongoing basis.

Guidance on identifying, assessing and controlling manual handling risks can be found in the Regulation and the *National Code of Practice for Manual Handling* [NOHSC: 2005 (1990)].

4.2 Hazardous substances

A hazardous substance may be in the form of a solid, liquid or gas, and may generate vapours, fumes, dusts and/or mists that are harmful to the health of persons at a workplace. CDW workers may inadvertently collect unknown hazardous substances. CDW operators should develop procedures to deal with unknown hazardous substances and CDW workers confronted with suspected hazardous substances should immediately report to their base so that appropriate action can be taken.

4.3 Personal protective equipment (PPE)



The *OHS Regulation 2001* section 15 requires that if measures taken by an employer to control a risk include the use of personal protective equipment (PPE), the employer must provide each person at risk with such equipment.

The use of PPE to control hazards and risks should only be used when other risk eliminating or risk reducing measures are impracticable or when, after implementing such other controls, a residual risk remains.

PPE and any other equipment provided to employees and/or other persons conducting the CDW work should be selected according to the risk assessment and should:

- conform to Australian Standards (where applicable)
- be fit for the purpose
- be maintained according to the manufacturer's instructions to ensure continued user safety. Appropriate training of workers in the use of PPE is required.

4.4 First aid



The OHS Regulation 2001 section 20 requires employers to provide first aid facilities that are adequate for the immediate treatment of injuries and illnesses that may arise at that place of work, and, if more than 25 persons are employed, personnel trained in first aid.

Procedures for the appropriate medical treatment of injured persons, administration of first aid and contents of first aid kits should be determined according to the risk assessments and detailed in the safe operating procedures manual. The Regulation prescribes minimum contents for first aid kits (clause 20).

4.5 Fatigue and fitness for work

Fatigue may occur due to workload and organisational factors at work, and individual and life away from work factors. Workers suffering from fatigue are more likely to be involved in incidents and injuries due to lapses in concentration and slower reaction times. CDW operators/owners and drivers can both be liable for driver fatigue related accidents. Further information about the requirements for heavy vehicle drivers and rest breaks can be found in the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999*. Where fatigue is identified at work, an employer should assess the health and safety risks and implement appropriate controls.

CDW workers should not use plant while they are under the influence of alcohol or any drug or other substance (including prescription or non-prescription medication) that might affect their ability to operate plant safely. The *Road Transport (Safety and Traffic Management) Act 1999* requires that heavy vehicle drivers must stay under a blood alcohol limit of 0.02. This effectively means zero alcohol.

4.6 Noise



Employers must ensure that appropriate control measures are taken if a person is exposed to noise levels that exceed an 8 hour noise level equivalent of 85 dB(A), or peak at more than 140 dB(C).
– OHS Regulation section 49

Noise is an issue for the CDW industry in the collection, transfer and sorting of waste. Councils and CDW operators must ensure compliance with the noise management provisions of the Regulation, so that noise levels from machinery or equipment do not become a risk to hearing or health. The *Code of practice for noise management and protection of hearing at work* provides practical guidance on managing noise levels at the workplace.

The risk of causing permanent hearing damage is related to both loudness of the noise and the duration and frequency of exposure. For example, two minutes working in noise levels of 114 dB(A) may have the same effect as eight hours working in 85 dB(A). Other site factors, such as the extent of noise reflection may influence the level and effect of noise. All persons in the vicinity of a noise source can be affected by noise and the impact of noise generated by CDW work on residents should be taken into account in the risk assessment process.

4.7 Amenities

The Regulation requires employers to ensure that appropriate amenities are available for employees while they are at work.

Readers may refer to the *Code of Practice: Workplace Amenities* which is available from WorkCover NSW.

Appendices

Appendix 1: Workers compensation insurance



Anyone who employs workers, and in some cases engages contractors, must maintain a current workers compensation insurance policy. Penalties apply for failing to have a current policy in place.

All employers have a legal liability to pay workers compensation to workers who are injured in the course of their work, and employers are required by law to hold a workers compensation insurance policy from a licensed WorkCover insurer to cover that liability.

– *Workers Compensation Act 1987* section 155

For workers compensation insurance purposes the *Workplace Injury Management and Workers Compensation Act 1998* defines a worker, subject to certain specified exceptions to mean:

A person who has entered into or works under a contract of service or a training contract with an employer (whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, and whether the contract is oral or in writing).

In addition, the Act deems certain other persons to be workers for workers compensation purposes, e.g. some types of contractors.

For assistance in clarifying your workers compensation obligations, contact your insurer or the WorkCover Assistance Service on **13 10 50**.

Appendix 2: Other legal obligations

This code of practice is approved under the Act. The Act places strong obligations on employers, employees, contractors, self-employed people and controllers of work premises, plant and substances. Similar obligations also apply to designers, manufacturers and suppliers of plant and substances. The code provides the minimum OHS requirements and processes for tenders, contracts and work practices. Councils should ensure that these minimum requirements at least are met in all CDW contracts and operations in which they are involved.

Other legislation that is relevant to the CDW industry includes:

- *Protection of the Environment Operations Act 1997*
- *Waste Avoidance and Resource Recovery Act 2001*
- *Local Government Act 1993*
- *Road Transport (General) Act 1999*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999.*

Appendix 3: Useful publications

Additional information can be obtained from:

Electrical Hazard Awareness for Operations of High Machinery, Electricity Supply Association of Australia ESAA and WorkCover NSW

Health and Safety at Work: Waste Management and Recycling Industry, February 2000, WorkCover NSW and Victorian WorkCover

Heavy Vehicle Driver Fatigue: Draft Code of Practice, National Transport Commission, July 2003

Occupational Health and Safety Guidelines for the Collection, Transport and Unloading of Non-Hazardous Waste and Recycling Materials, WorkSafe Victoria, June 2003

WorkCover guides

- First aid in the workplace guide
- Guidelines for writing Work Method Statements in plain English
- HazPak
- High visibility clothing guide (web only available)
- Plant Guide
- Skin cancer and outdoor workers – a guide for workers
- Skin cancer and outdoor workers – a guide for employers
- Subby Pack

WorkCover codes of practice

- *Code of practice: Workplace Amenities*
- *Code of practice for control of workplace hazardous substances*
- *Code of practice: OHS and Consultation*
- *Code of practice: Noise management and protection of hearing at work*
- *Code of practice: Risk assessment*
- *Code of practice: Technical guidance*

National Occupational Health and Safety Commission publications

- *National Code of Practice for the Control of Work-related Exposure to Hepatitis and HIV (blood-borne) Viruses* [NOHSC: 2010 (2003) 2nd Edition]
- *National Code of Practice for Manual Handling* [NOHSC: 2005 (1990)]

Australian Standards

Standards may be obtained directly from Standards Australia.

AS 1657: 1992	Fixed platforms, walkways, stairways and ladders – Design, construction and installation (Adopted as an approved industry code of practice in NSW)
AS/NZS 1336: 1992	Recommended practices for occupational eye protection
AS/NZS 1337: 1992	Eye protectors for industrial applications
AS/NZS 1338.1: 1992	Filters for eye protectors – Filters for protection against radiation generated in welding and allied operations
AS/NZS 1338.2: 1992	Filters for eye protectors – Filters for protection against ultraviolet radiation
AS/NZS 1338.3: 1992	Filters for eye protectors – Filters for protection against infra-red radiation
AS 1269.3: 1998	Occupational noise management – Hearing protector program
AS 1270: 2002	Acoustics – Hearing protectors (Adopted as an approved industry code of practice in NSW)
AS/NZS 1715: 1994	Selection, use and maintenance of respiratory protective devices
AS/NZS 1716: 2003	Respiratory protective devices (Adopted as an approved industry code of practice in NSW)
AS1891.4: 2000	Industrial fall-arrest systems and devices – Selection, use and maintenance (Adopted as an approved industry code of practice in NSW)
AS/NZS 4602: 1999	High visibility safety garments
AS/NZS 2161.2: 1998	Occupational protective gloves – General requirements
AS/NZS 2161.3: 1998	Occupational protective gloves – Protection against mechanical risks
AS/NZS 2161.5: 1998	Occupational protective gloves – Protection against cold
AS 2225: 1994	Insulating gloves for electrical purposes
AS/NZS 2604: 1998	Sunscreen products – Evaluation and classification
AS 2865: 2001	Safe working in a confined space
AS 3765: 1990	Clothing for protection against chemicals

Appendix 4: Example of tender preparation, assessment and contract performance criteria

Councils and others intending to contract out CDW should prepare tender specifications, assess tenders and monitor contract performance in accordance with broad criteria to ensure that the proposed methods of work, resources and other obligations stipulated in this code of practice are clearly considered in the tender.

Factors to be considered in the preparation of tender specifications include but are not limited to:	
<input type="checkbox"/>	Have the details of the streets to be serviced, any access problems and the number of single and multi-occupancy dwellings in each street been provided?
<input type="checkbox"/>	Have details of identified OHS hazards been included in the tender documents (for example the location of schools, traffic hazards, access problems, clearways, noise sensitive land uses)?
<input type="checkbox"/>	Are any service times for particular properties/streets supported by risk assessments?
<input type="checkbox"/>	Have criteria suitable for evaluating OHS in a variety of services, resources and methods of service delivery been provided?
<input type="checkbox"/>	Has a method for communicating OHS information between council, CDW operators and CDW workers been specified?

Factors to be considered in the tender assessment process include:	
<input type="checkbox"/>	Have detailed descriptions of the proposed methods of service delivery been provided?
<input type="checkbox"/>	Are the proposed number of compactors and their configurations listed?
<input type="checkbox"/>	Have copies of preliminary risk assessments been provided for the contract workplaces?
<input type="checkbox"/>	Have hazards been identified and appropriate measures to eliminate or control hazards been specified?
<input type="checkbox"/>	Is there evidence that methods of incident reporting and safe work method statements previously implemented in other contracts performed by the contractor's operations were effective?
<input type="checkbox"/>	Are records of staff induction and consultation kept as part of other operations conducted by the contractor?
<input type="checkbox"/>	Has the contractor supplied evidence of an adequate and current workers compensation policy by providing a certificate of currency and a <i>Subcontractor's Statement Regarding Workers Compensation, Payroll Tax and Remuneration</i> ?

Factors to be considered in the contract performance phase include:	
<input type="checkbox"/>	Is the method for communicating OHS information between council, CDW operators and CDW workers operating effectively?
<input type="checkbox"/>	Have the risk assessments for service times been reviewed and modified if required?
<input type="checkbox"/>	Are the ratios of vehicles, drivers, runners and supervisory staff used in CDW operations supported by risk assessments?
<input type="checkbox"/>	Is there evidence that employees have been consulted regarding work methods and risk controls in accordance with the Act and Regulation?
<input type="checkbox"/>	Is there adequate supervision, to ensure the performance of work in accordance with the safe work methods statement?
<input type="checkbox"/>	Is there evidence such as daily job sheets and driver logs to verify tonnage per load, loads per day, bin quantities and driver rest periods?
<input type="checkbox"/>	Is there evidence of hazard and incident reporting, recording and investigation?
<input type="checkbox"/>	Is there evidence that equipment is adequately maintained and repaired?

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WorkCover NSW 92-100 Donnison Street Gosford NSW 2250
Locked Bag 2906 Lisarow NSW 2252 WorkCover Assistance Service **13 10 50**
Website www.workcover.nsw.gov.au

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