

**BSBWHS402 Assist with WHS compliance
with WHS**

**Recognition of Prior Learning
Assessor Guide**

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BSBWHS402 Assist with compliance with WHS laws

Modification History

Release	Comments
Release 1	This version first released with BSB Business Services Training Package Version 1.0.

Application

This unit describes the skills and knowledge required to assist with compliance about the legislative duties, rights and obligations of individuals and organisations involved in work health and safety (WHS) legislation. It includes identifying legislative requirements, duties, rights and obligations and the necessary actions to be taken in the workplace.

This unit applies to individuals who assist with compliance about the legislative duties, rights and obligations of individuals and organisations involved in WHS laws as part of a systematic approach to managing WHS. It applies to people who work in a broad range of WHS roles across all industries.

NOTE: The terms 'occupational health and safety' (OHS) and 'work health and safety' (WHS) are equivalent and generally used interchangeably in the workplace. In jurisdictions where the Model WHS Legislation has been adopted, RTOs are advised to contextualise the unit of competency by reference to the relevant State/Territory OHS legislative requirements.

No licensing, legislative or regulatory requirements apply to this unit at the time of publication.

Unit Sector

Regulation – Work Health and Safety

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
BSBWHS402 Assist with compliance with WHS laws	BSBWHS402A Assist with compliance with WHS laws	Updated to meet Standards for Training Packages Edits to clarify intent of Performance Criteria Strengthened Assessment Conditions. Assessors of this unit of competency must hold a WHS qualification or equivalent at Diploma level or higher	Equivalent unit

Assessment Conditions

Assessment must be conducted in a safe environment where evidence gathered demonstrates consistent performance of typical activities experienced by individuals carrying out work health and safety duties in the workplace and include access to:

- relevant Acts, regulations, codes of practice, standards and guidance material
- relevant workplace documentation
- reports from individuals and parties consulted in ensuring WHS compliance

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- case studies and, where possible, real situations
- interaction with others.

Assessors must satisfy NVR/AQTF assessor requirements. In addition, assessors for this unit of competency must hold a WHS qualification or equivalent at Diploma level or higher.

Foundation Skills

This section describes language, literacy, numeracy and employability skills that are embedded in the performance criteria that are required for competent performance.

Skill	Performance Criteria	Description
Reading	1.1, 1.2, 1.3, 2.1, 2.2, 3.3	<ul style="list-style-type: none"> • Interprets and understands WHS legislative and organisational policies and procedures
Writing	1.4, 2.1, 3.3	<ul style="list-style-type: none"> • Writes and updates policies, procedures or reports and organisational advice in clear and concise language suitable for the workplace • Registers and updates policies, procedures or reports according to requirements • Uses appropriate vocabulary and register to seek legal advice
Oral communication	1.2-1.4, 2.1, 3.3	<ul style="list-style-type: none"> • Uses clear structure and language suitable for audience to provide, seek and discuss WHS legislative information • Uses questioning and active listening to clarify understanding
Navigate the world of work	1.1, 1.2, 1.3, 2.1, 2.2, 3.3	<ul style="list-style-type: none"> • Takes responsibility for adherence to legal and regulatory responsibilities and organisational policies and procedures in relation to WHS role and responsibilities • Keeps up to date on changes to WHS legislation and regulations, and organisational policies and procedures
Interact with others	1.1, 1.2, 1.3, 2.1, 2.2, 3.3	<ul style="list-style-type: none"> • Understands what to communicate, with whom and how, in the context of seeking WHS legal advice • Cooperates with others as part of WHS compliance activities, and contributes to specific activities requiring joint responsibility and accountability • Collaborates with others to achieve individual and team outcomes
Get the work done	3.1-3.3	<ul style="list-style-type: none"> • Uses combination of formal, logical planning and intuitive understanding of context to identify relevant information and risks, and identify and evaluate alternative strategies in relation to WHS compliance • Uses formal decision making processes, setting or clarifying goals, gathering information and identifying and evaluating choices against a set of criteria in relation to WHS compliance and training needs identification • Contributes to the design of new approaches in relation to WHS compliance

Mapping Matrix

The Performance Criteria, Knowledge and Performance Evidence for this unit are listed in the Mapping Matrix at the end of this document.

Use the Mapping Matrix to record your analysis of the evidence, as it is relevant to the unit.

The Mapping Matrix will assist you in identifying when evidence is sufficient for the unit.

Note that the Performance Evidence for this unit states:

If a specific volume or frequency is not stated, then evidence must be provided at least once.

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Documentary Evidence Instrument

Information for the Assessor

This Documentary Evidence Instrument contains a list of suggested documentary evidence that the candidate may be able to provide in relation to this unit of competency.

The list of suggested documentary evidence is also provided in the Candidate Guide, to assist the candidate in gathering their evidence.

The suggested document instrument is internally mapped to the unit of competency.

When the candidate provides a document which corresponds to the suggested list, you (the assessor) should:

- tick the Copy column if the candidate has provided a copy of the document;
- tick the Sighted column if you have sighted the document and a copy has been retained by you; and
- describe the document or make other notes in the Comments column.

The table has additional rows for you to add further documentary evidence. You will need to map these documents.

A Mapping Matrix is at the end of the Candidate Guide. It has a separate column for each of the instruments in this RPL. The mapping for this instrument is the Documentary Evidence column. This mapping coincides.

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Mapping	Suggested documents	Com	Comments
PC 1.1 PE 1	Copies of legislation and other compliance documentation that you access in relation to the WHS requirements for your organisation	<input type="checkbox"/>	
PC 1.2 PC 2.1 KE 1 PE 1 PE 2	Reports or other advice that you have documented in relation to WHS legal requirements for your organisation	<input type="checkbox"/>	
PC 1.3 KE 1 PE 2	Reports, advice, training materials etc. you have explained the duties of a PCBU, officer and/or others in relation to WHS	<input type="checkbox"/>	<input type="checkbox"/>
PC 1.4	Communications where you have discussed WHS on issues relating to WHS or	<input type="checkbox"/>	<input type="checkbox"/>
PC 2.1 KE 1	Records of inductions that you have delivered in relation to WHS in the workplace and how you have provided information such as policies and procedures	<input type="checkbox"/>	<input type="checkbox"/>
PC 2.2 KE 2 PE 2	Reports or other advice that you have documented in relation to the WHS requirements of the regulator and inspectors	<input type="checkbox"/>	<input type="checkbox"/>
PC 3.1 PE 3	Copies of reports that you have completed in relation to the organisation's WHS Management System that complies with legislation	<input type="checkbox"/>	<input type="checkbox"/>
PC 3.2 PE 4	Reports and correspondence where you have determined WHS training needs and organised training	<input type="checkbox"/>	<input type="checkbox"/>
PC 3.3 PE 5	Reports, recommendations and/or plans that you have developed to make improvements to the organisation's WHS Management System	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

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Mapping	Suggested documents	Copy	Sighted	Comments
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

.....
Assessor Signature

.....
Date

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Third Party Verification Instrument

The Candidate RPL Guide for this unit contains a form for 2 third parties to complete. The candidate is required to print the form and submit the completed form, which must be signed by each third party. The form contains mapping to assist you in analysing responses.

This instrument is designed for you to record the evidence provided.

Note that it is essential for you to authenticate this evidence.

A Mapping Matrix is at the end of this document. It has a separate column for each of the instruments in this RPL Tool. The column to use for this instrument is the first column. Tick the checkbox where mapping coincides.

Complete this form, as a record of your analysis

Candidate name		Assessor	
TP 1 Name			
TP 1 Position			
Comments of Assessor in relation to response from TP 1			
Method of authenticating evidence from TP 1			
Comments of Assessor in relation to response from TP 2			
Method of authenticating evidence from TP 2			

.....
Assessor Signature

.....
Date

Competency Conversation Instrument

This instrument contains the broad questions to commence the competency conversation, together with supplementary questions to draw out and focus the candidate's responses. You may need to ask further questions, contextualised to the candidate's work environment and experience.

The RPL Candidate Guide for this unit contains the broad questions and hints to use to the supplementary questions. This should enable the candidate to prepare for the meeting.

Use this instrument during the meeting with the candidate. Make notes in the space provided.

Each of the supplementary questions is mapped so as to assess the evidence provided. Benchmark responses are provided to guide the assessor's process and comply with the Principle of Reliability.

A Mapping Matrix is at the end of this document. It is used to map the questions for each of the instruments in this RPL Tool. The column to use is the Competency Conversation column. Tick the checkbox when the question is used.

Note: Although questioning can support the assessment of performance, it is insufficient alone. Documentary evidence or Third Party Evidence is also needed.

Assessor note

The benchmark responses for the competency conversation relate to the harmonised legislation. If different legislation applies, the benchmarks will need to be contextualised.

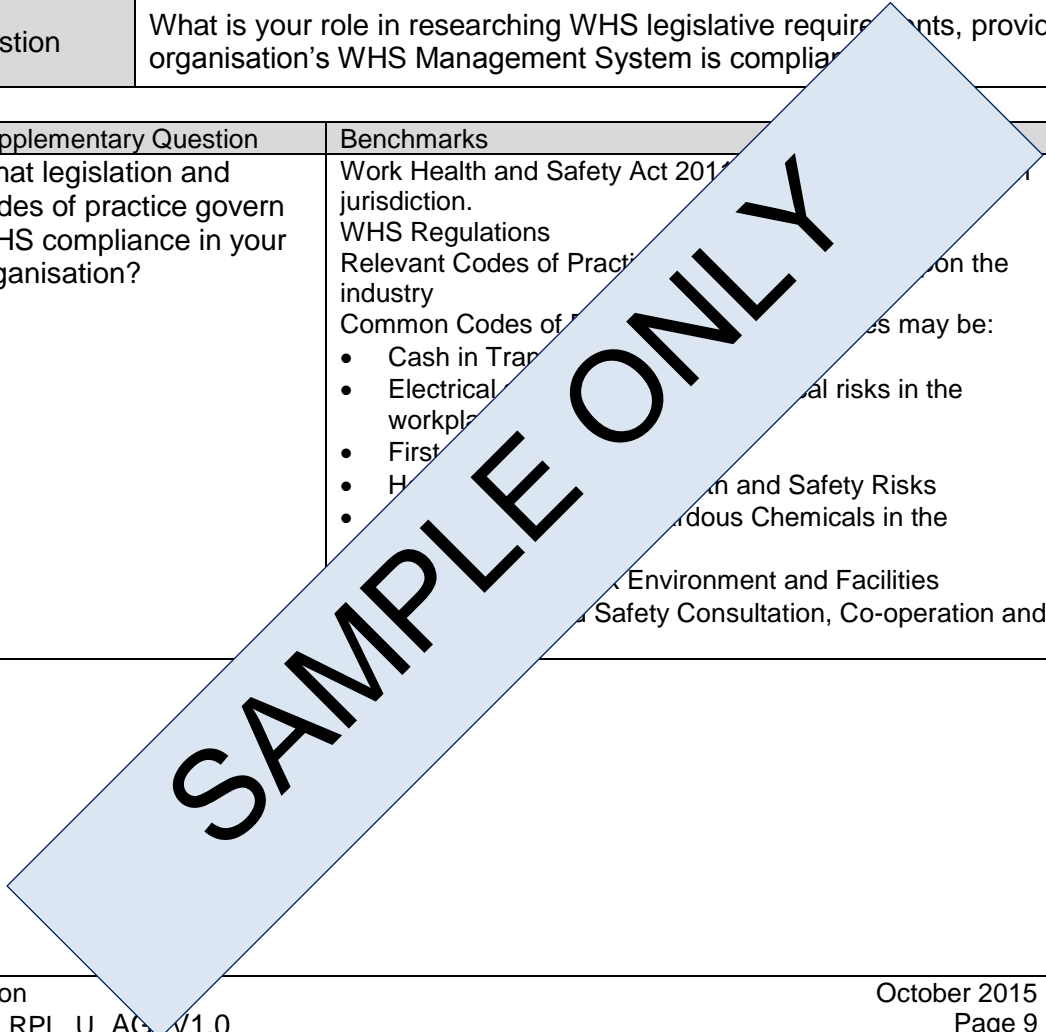
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Record of Competency Conversation

Candidate Name		Assessor Name		Date	
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Primary Question	What is your role in researching WHS legislative requirements, providing advice on compliance and ensuring that your organisation's WHS Management System is compliant?
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Mapping	Supplementary Question	Benchmarks	Assessor notes / comments
KE 1 PE 1 PC 1.1 PC 1.2	What legislation and codes of practice govern WHS compliance in your organisation?	Work Health and Safety Act 2011 jurisdiction. WHS Regulations Relevant Codes of Practice on the industry Common Codes of Practice may be: <ul style="list-style-type: none"> • Cash in Transit • Electrical • First Aid • Hazardous and Safety Risks • Hazardous Chemicals in the Environment and Facilities Safety Consultation, Co-operation and	



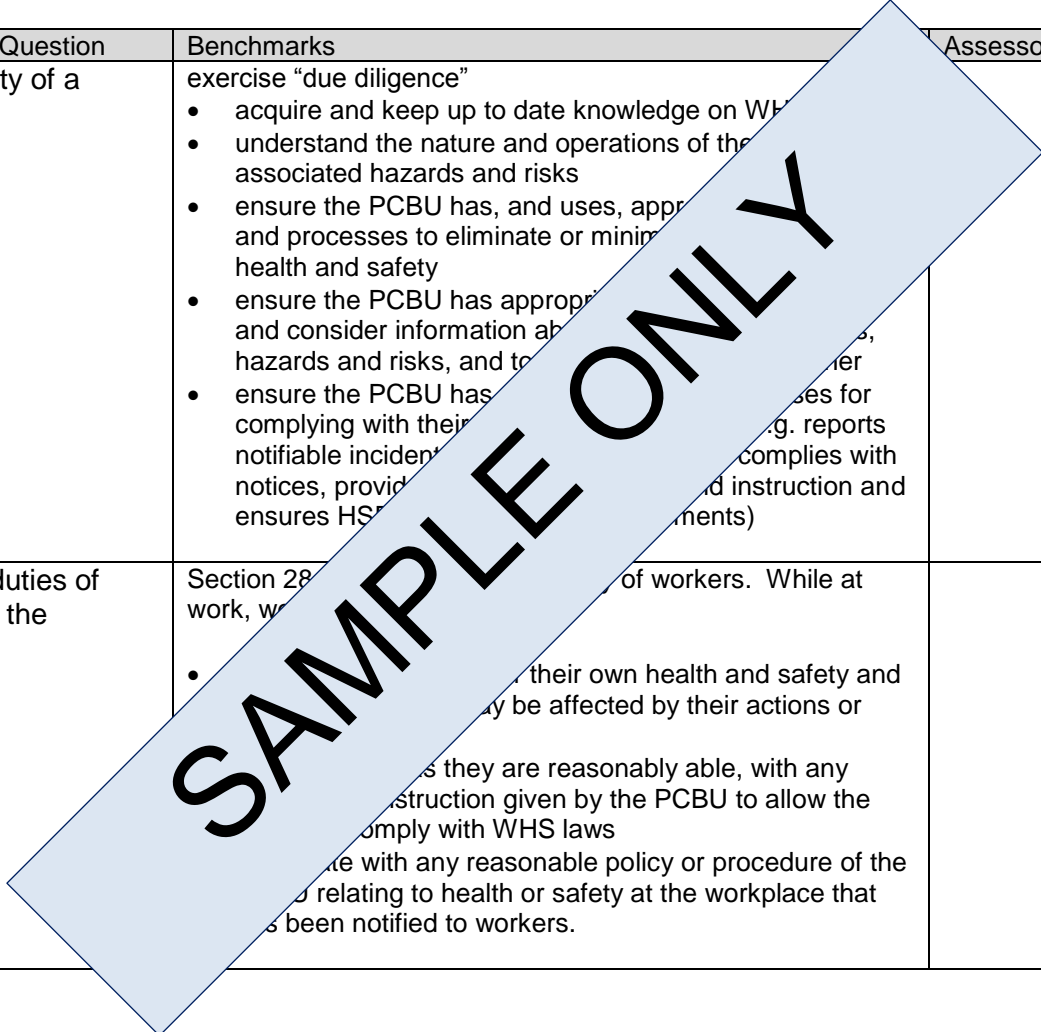
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Mapping	Supplementary Question	Benchmarks	Assessor notes / comments
KE 1 PE 1 PC 1.1 PC 1.2	What is the primary duty of a PCBU under the legislation?	<ul style="list-style-type: none"> provision and maintenance of a working environment that is safe and without risks to health, including access to and exit from the workplace provision and maintenance of safe systems of work that are safe without risks (for example providing safe machines and regulating the intensity of work) safe use, handling, storage, transport, maintenance, structure and substance of plant, structures, equipment, chemicals, dusts and fibres provision of welfare facilities for the welfare of workers at work (for example showers, lockers and dining facilities) provision of information, instruction, training or supervision for workers so that they can work without risks to their safety and that of others around them <p>...ers and the conditions of the workplace to prevent injury or illness arising out of the business or undertaking, and the use of any accommodation owned or under management and control to ensure the health and safety of workers occupying the premises.</p>	
KE 1 PE 1 PC 1.1 PC 1.2	How can you determine if someone would be an "officer" under the legislation in your organisation in this category?	<p>... in the Corporations Act.</p> <p>...s, or participates in making, decisions that affect the whole, or a substantial part, of the organisation's activities</p> <p>Candidate should be able to identify relevant personnel within their organisation e.g. the CEO.</p>	

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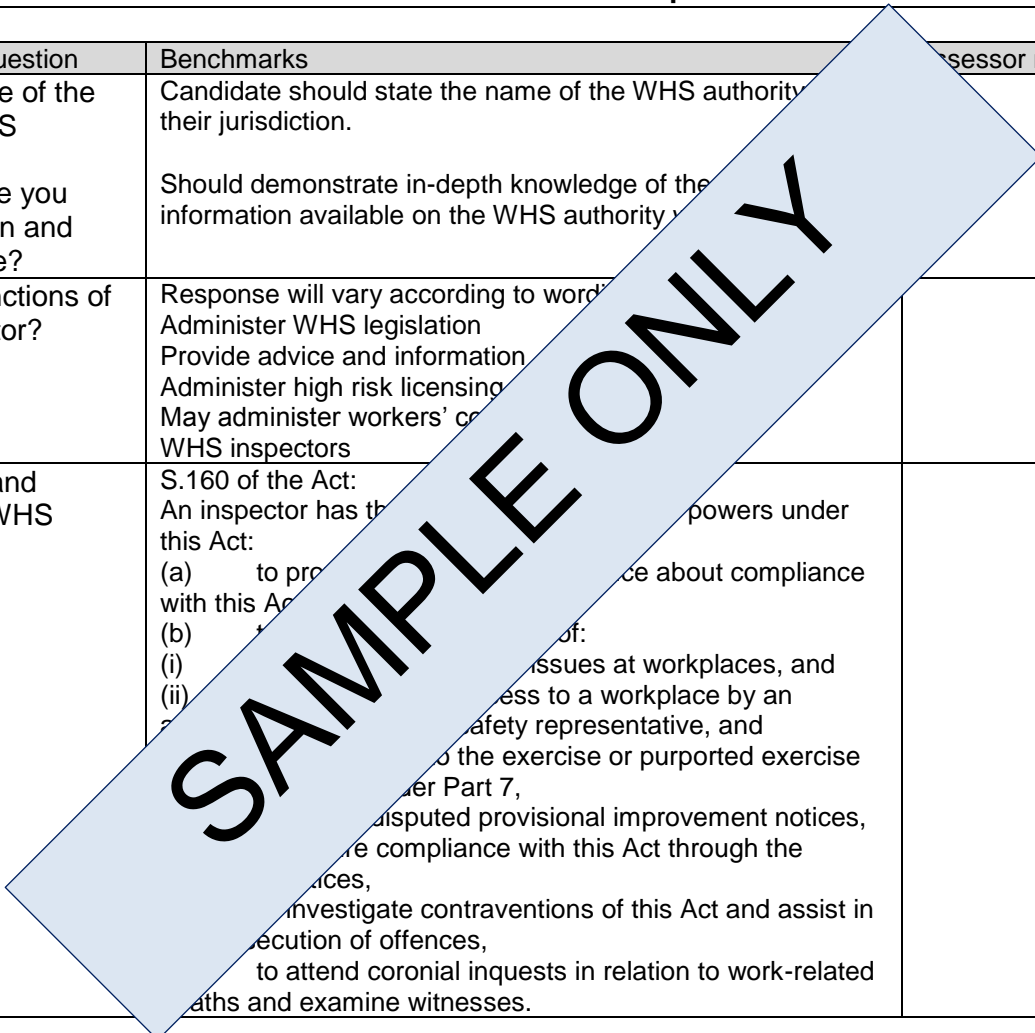
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Mapping	Supplementary Question	Benchmarks	Assessor notes / comments
KE 1 PE 1 PC 1.1 PC 1.2	What is the duty of a PCBU officer?	exercise “due diligence” <ul style="list-style-type: none"> • acquire and keep up to date knowledge on WHS laws • understand the nature and operations of the business and associated hazards and risks • ensure the PCBU has, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety • ensure the PCBU has appropriate procedures in place, and consider information about the business, its activities, hazards and risks, and to ensure that the PCBU complies with their duties (e.g. reports notifiable incidents, complies with notices, provides training and instruction and ensures HSR requirements) 	
KE 1 PE 1 PC 1.1 PC 1.2	What are the duties of workers under the legislation?	Section 28(1) of workers. While at work, workers must <ul style="list-style-type: none"> • take reasonable care for their own health and safety and that of other persons who may be affected by their actions or omissions • comply with any reasonable instruction given by the PCBU to allow the worker to comply with WHS laws • comply with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers. 	



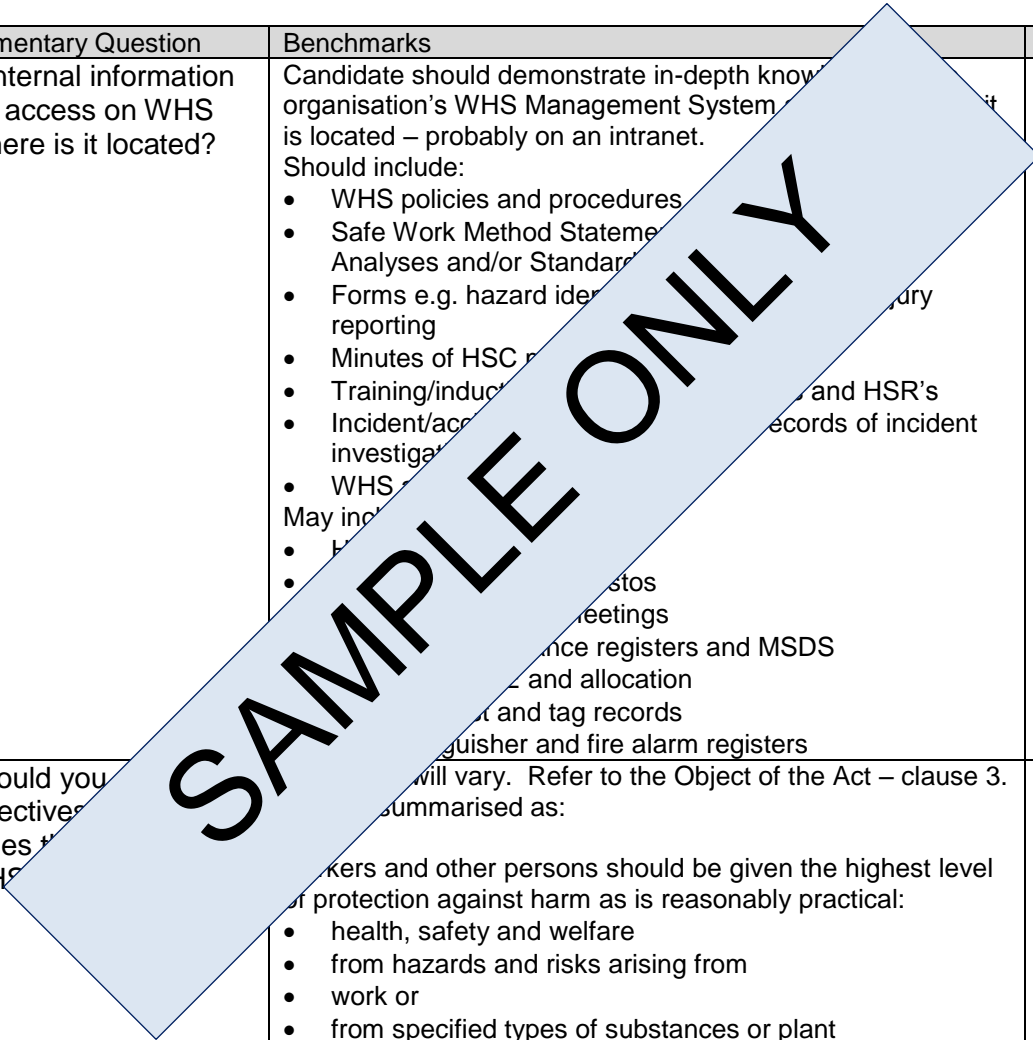
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Mapping	Supplementary Question	Benchmarks	Assessor notes / comments
KE 1 KE 2 KE 3 PE 1 PC 1.1	What is the name of the government WHS regulator in your jurisdiction where you access legislation and codes of practice?	Candidate should state the name of the WHS authority in their jurisdiction. Should demonstrate in-depth knowledge of the information available on the WHS authority website.	
KE 2	What are the functions of the WHS regulator?	Response will vary according to words used. Administer WHS legislation Provide advice and information Administer high risk licensing May administer workers' compensation WHS inspectors	
KE 2	What functions and powers does a WHS inspector have?	S.160 of the Act: An inspector has the powers under this Act: (a) to provide advice about compliance with this Act; (b) to do any of: (i) issue notices at workplaces, and (ii) enter a workplace by an authorised safety representative, and (c) to prevent the exercise or purported exercise of powers under Part 7, (d) to issue disputed provisional improvement notices, and (e) to ensure compliance with this Act through the issue of notices, (f) to investigate contraventions of this Act and assist in the execution of offences, (g) to attend coronial inquests in relation to work-related deaths and examine witnesses.	



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Mapping	Supplementary Question	Benchmarks	Assessor notes / comments
KE 3	What internal information do you access on WHS and where is it located?	<p>Candidate should demonstrate in-depth knowledge of the organisation's WHS Management System and where it is located – probably on an intranet.</p> <p>Should include:</p> <ul style="list-style-type: none"> • WHS policies and procedures • Safe Work Method Statements • Analyses and/or Standard Operating Procedures • Forms e.g. hazard identification, incident reporting • Minutes of HSC meetings • Training/induction records and HSR's • Incident/accident records of incident investigations • WHS registers <p>May include:</p> <ul style="list-style-type: none"> • Health and safety files • Safety meetings • First aid registers and MSDS • PPE and allocation • Permit and tag records • Fire extinguisher and fire alarm registers 	
KE 4 PE 1	How would you explain the objectives and principles of the WHS Act?	<p>The objectives will vary. Refer to the Object of the Act – clause 3. Summarised as:</p> <p>Workers and other persons should be given the highest level of protection against harm as is reasonably practical:</p> <ul style="list-style-type: none"> • health, safety and welfare • from hazards and risks arising from work or • from specified types of substances or plant 	



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Mapping	Supplementary Question	Benchmarks	Assessor notes / comments
KE 5 PE 3 PC 3.1	What methods do you use to assess whether your organisation is compliant with legislation?	<p>Candidate should demonstrate in-depth knowledge of the organisation's WHS Management System. Should discuss methods of checking:</p> <ul style="list-style-type: none"> whether all aspects of the policies, procedures and processes comply with legislation e.g. hazard identification, risk management procedures, consultation whether the policies, procedures and processes are up to date 	
KE 5 PE 1 PE 4 PC 3.2	What training needs are required by legislation and what is your role in determining the training needs?	<p>Legislation requires all persons to receive appropriate training. Specific industries such as construction have additional training needs:</p> <ul style="list-style-type: none"> the white card (or equivalent) for all workers on site site induction for all workers on site <p>Legislation requires all persons to receive appropriate safety training (including first aid) and to be competent in their organisation's WHS Management System. Candidates must provide an example to demonstrate that they have performed this role and explain:</p> <ul style="list-style-type: none"> the reason for the change the method used for implementing the change which should relate to modifying or creating new policies, procedures etc. <p>Must include communicating this change to those in the workforce that it affects.</p>	
KE 5 PE 4 PC 3.4	Think of a time when you implemented a change to the organisation's WHS Management System. Why was there a need to make a change? What was the change and what did you go about implementing it?	<p>KE 5/1/1 Implementing changes to achieve WHS compliance</p> <p>PE 4/1/1 Implementing workplace changes in WHS Management System to achieve compliance</p> <p>PE 4/1/2 Developing and implementing changes to WHS Management System, procedures, processes and systems that achieve compliance.</p> <p>Candidate must provide an example to demonstrate that they have performed this role and explain:</p> <ul style="list-style-type: none"> the reason for the change the method used for implementing the change which should relate to modifying or creating new policies, procedures etc. <p>Must include communicating this change to those in the workforce that it affects.</p>	

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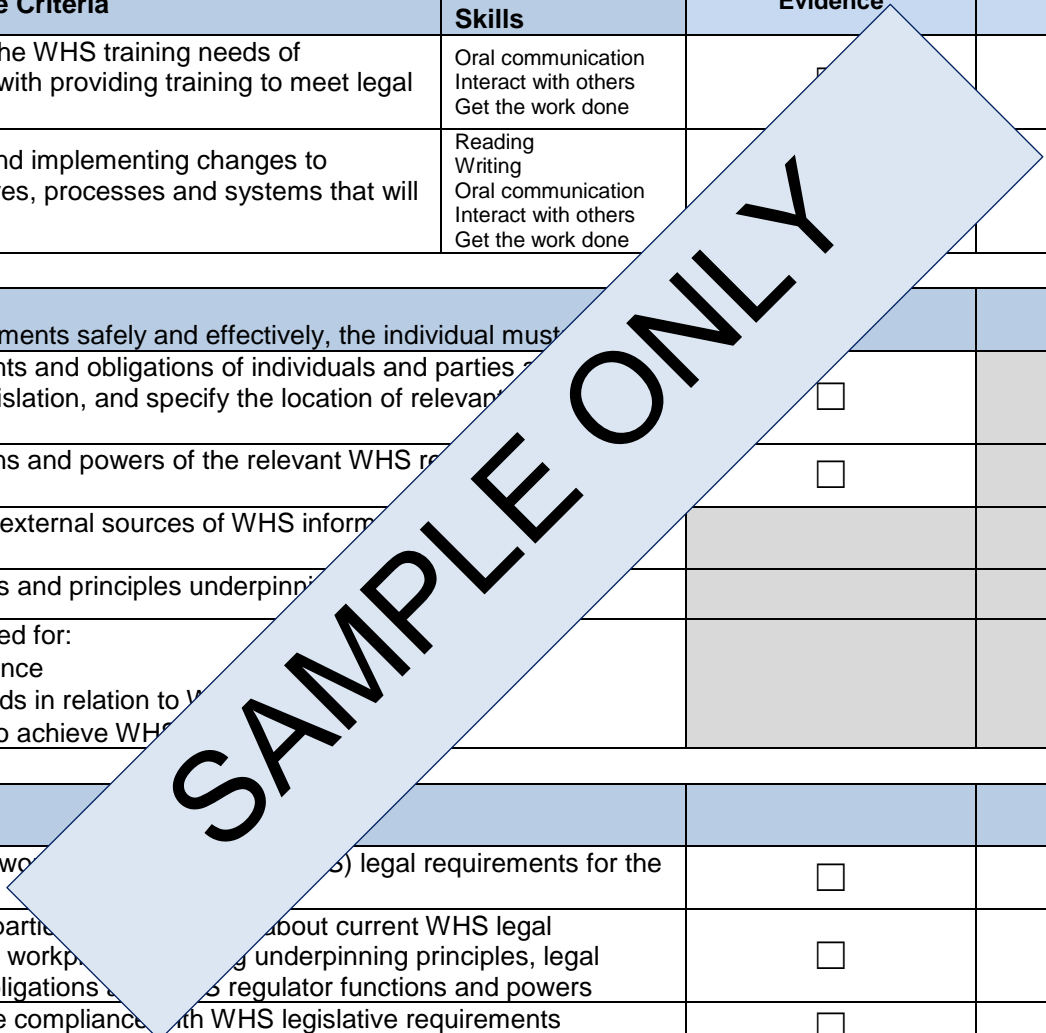
Mapping Matrix

BSBWHS402 Assist with compliance with WHS laws		Documentary Evidence	Third Party Verification	Competency Conversation
Elements and Performance Criteria	Foundation Skills			
1 Assist with determining the legal framework for WHS in the workplace				
1.1 Access current WHS legislation and related documentation relevant to the organisation's operations	Reading		<input type="checkbox"/>	<input type="checkbox"/>
1.2 Use knowledge of the relationship between WHS Acts, regulations, codes of practice, standards and guidance material to assist with determining legal requirements in the workplace	Reading Oral communication Navigate the world of work Interact with others		<input type="checkbox"/>	<input type="checkbox"/>
1.3 Assist with identifying and confirming the duties, rights and obligations of individuals and parties as specified in legislation	Reading Oral communication Navigate the world of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4 Assist with seeking advice from legal advisers where necessary		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Assist with providing advice on WHS compliance				
2.1 Assist with providing advice to individuals and their legal duties, rights and obligations, and the relevant information in WHS legislation	Reading Oral communication Navigate the world of work Interact with others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2 Assist with providing advice to individuals on the functions and powers of the WHS and how they are exercised, and the objectives of WHS	Reading Oral communication Navigate the world of work Interact with others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Assist with WHS legislation				
3.1 Assist with assessing relevant WHS legislation	Oral communication Interact with others Get the work done	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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BSBWHS402 Assist with compliance with WHS laws		Documentary Evidence	Third Party Verification	Competency Conversation
Elements and Performance Criteria	Foundation Skills			
3.2 Assist with determining the WHS training needs of individuals and parties, and with providing training to meet legal and other requirements	Oral communication Interact with others Get the work done	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3 Assist with developing and implementing changes to workplace policies, procedures, processes and systems that will achieve compliance	Reading Writing Oral communication Interact with others Get the work done	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledge Evidence				
To complete the unit requirements safely and effectively, the individual must:				
KE 1. detail the duties, rights and obligations of individuals and parties in relevant WHS legislation, and specify the location of relevant WHS legislation		<input type="checkbox"/>		<input type="checkbox"/>
KE 2. describe the functions and powers of the relevant WHS regulator and how they are exercised		<input type="checkbox"/>		<input type="checkbox"/>
KE 3. identify internal and external sources of WHS information and how to access them				<input type="checkbox"/>
KE 4. outline the objectives and principles underpinning WHS legislation				<input type="checkbox"/>
KE 5. specify method/s used for: <ul style="list-style-type: none"> • assessing WHS compliance • determining training needs in relation to WHS legislative requirements • implementing changes to achieve WHS legislative requirements 				<input type="checkbox"/>
Performance Evidence				
Evidence of the ability to:				
PE 1. determine current workplace WHS legislative requirements (s) legal requirements for the workplace		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PE 2. provide advice to parties about current WHS legal requirements for the workplace, including underpinning principles, legal duties, rights and obligations and WHS regulator functions and powers		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PE 3. assess workplace compliance with WHS legislative requirements		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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Performance Evidence			
Evidence of the ability to:			
PE 4. determining the training needs of individuals and parties in relation to WHS requirements		<input type="checkbox"/>	<input type="checkbox"/>
PE 5. developing and implementing workplace changes in order to achieve WHS legal compliance.		<input type="checkbox"/>	<input type="checkbox"/>

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Summative Assessment

Once the documentary evidence, third party verifications and competency conversation are completed, analysed and mapped, you should have sufficient information to make a judgement as to whether the candidate has demonstrated competency in this unit.

For Performance Criteria and Performance Evidence, at least 2 checkboxes in each row should have been checked. For Knowledge Evidence, the Competency Conversation alone is sufficient, although it may be supported with documentary evidence. A third party, if they are a qualified assessor, is not in a position to confirm knowledge.

Practical Activities

If there are gaps, then you will need to make a judgement whether the candidate can provide evidence by completing a practical activity. In this case, use the relevant assessment pathway Trainer/Assessor Guide for this purpose. All tasks should be designed to enable you to select one or more assessment tasks to complete.

Once the tasks are selected, extract them from the relevant assessment pathway Assessment Task Workbook and place them in the relevant assessment pathway.

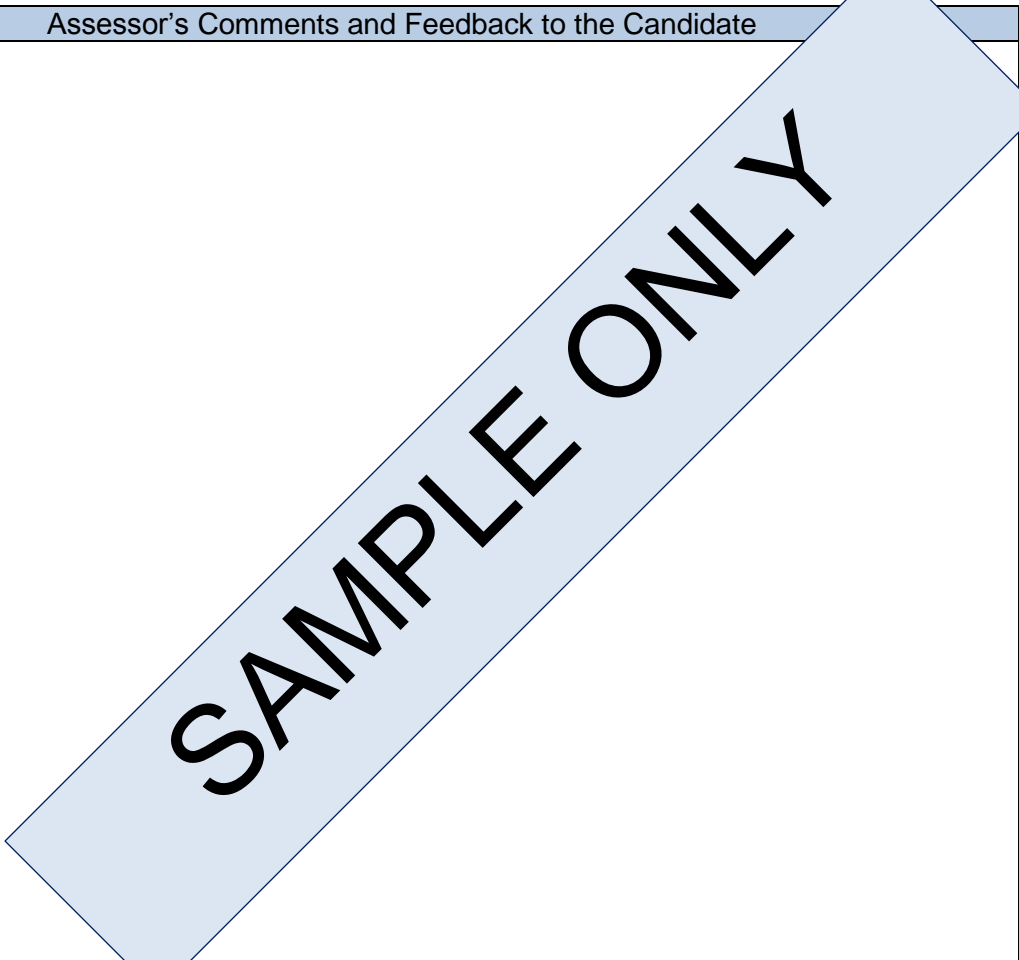
Gap Training

If you have identified gaps in knowledge (not used to evidence) then you will need to provide gap training and assessment. You should use the relevant sections of the resources for the learning and assessment pathway.

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Summative Assessment Record

Candidate Name		Student No	
Unit of Competency	BSBWHS402 Assist with compliance with WHS laws		

Assessor's Comments and Feedback to the Candidate


Competent Not Yet Competent Re-assessment required

ASSESSOR NAME (PLEASE PRINT)

ASSESSOR SIGNATURE

DATE

I intend to lodge an appeal on the above decision Yes No