



WorkSafe Victoria is a division of the Victorian WorkCover Authority

- To Sergio, From Sandi McDonald

# ENTRY REPORT

Date: 10/09/2008 Visit Number: V00042202463L  
 Issued by Inspector: Gary Anthony Lowenstein  
 Phone: 9941 0558  
 Fax: 9941 0560  
 Service Method: Left for a person  
 Entry Time: 02:00 PM Departure Time: 04:15 PM

## PLACE ENTERED

THE CROWN IN RIGHT OF THE STATE OF VICTORIA (DHS)  
 DEPARTMENT OF HUMAN SERVICES - CHILD PROTECTION  
 71 MORELAND STREET  
 FOOTSCRAY 3011

This report given to:

**Beth Allen**

Position:

**Employer Representative**

Copies to:

**Sandi Mc Donald**

Position:

**Health and Safety Representative**

Other people who attended as part of the inspection:

Other Persons:

**Kristen Bath, Jenny Papageorgiou, Vicki Ross, Page Stewart, Shane Wilson, Jean Cromie, Tascha Devera, Sergio Pirisi**

## Purpose for entry:

I entered this place to respond to a disputed provisional improvement notice.

Under section 98(1) of the Occupational Health and Safety Act 2004, I entered your workplace during working hours.

## Observations and Actions of the Inspector

1. In accordance with section 63 (3) of the Occupational Health and Safety Act 2004 I attended the workplace to enquire into the circumstances relating to a Provisional Improvement Notice (PIN) issued by Deputy Health and Safety Representative (HSR) Sandi McDonald on 15/8/2008. The PIN relates to stress due to workload.

I affirm this Notice with modifications in accordance with section 63(3)(b) of the Occupational Health and Safety Act 2004.

My previous visit in relation to this matter was on 27/8/2008.

Under Section 63(3) of the Occupational Health and Safety Act 2004, I issued PIN

Enquiry Outcome Notice V00042202463L/63-01.

2. My inquiry into this PIN is limited to the matters relating to the health and safety of employees of HSR Sandi Mc Donald's DWG. Matters relating to the Department of Human Services client services fall outside the focus of today's inspection process.
3. We discussed the draft Urgent Protective Investigations Business Improvement Plan dated 21/7/2008. The plan appears to be a multi faceted approach to improving aspects of health and safety of employees in the Protective Investigations Unit.

Ms Allen said the employer was committed to implementing action items from the plan.

4. Ms Allen said the position currently unfilled due to staff leave will be backfilled as soon as practicable. She also said a further two positions will be commencing in October 2008.
5. Under Section 99(a) of the Occupational Health and Safety Act 2004, during an inspection at 71 MORELAND STREET FOOTSCRAY 3011, I inspected, examined and made enquiries.
6. Under Section 99(b) of the Occupational Health and Safety Act 2004, during an inspection at 71 MORELAND STREET FOOTSCRAY 3011 I examined and inspected the following documents which were voluntarily provided to me and taken:
  - Injury reports numbers 554272 and 554273
  - Seven attachment 3 Stresswise sheets
  - Staff diaries demonstrating substantial workload
7. This meeting finalises my involvement on this matter.

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#### **INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS**

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. The Authority must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If the Authority does not notify you of the internal review decision within the required time, the Authority is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Application forms for internal review, a list of reviewable decisions and a list of eligible persons are available upon request from a WorkSafe Inspector, WorkCover Advisory Service on 1800 136089 or they can be downloaded from the website [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au).

All applications are to be in approved form and must be received by the Authority's Internal Review Unit, Ground Floor, 222 Exhibition Street, Melbourne 3000 in order to be considered.

If you lodge an application for internal review and you do not receive a decision within the required time frame or you receive an Internal Review decision that you are not happy with, you can then apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the Internal Review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit on telephone (03) 8663 5450, fax (03) 8663 5451 or by email at [internalreviewunit@workcover.vic.gov.au](mailto:internalreviewunit@workcover.vic.gov.au).

#### **OFFENCE**

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- \* Occupational Health and Safety Act 2004
- \* Dangerous Goods Act 1985

4) Due to current workloads there is insufficient staff and resources and inconsistent structures to manage daily workload demands. As a result, staff supervision and safety is compromised.

5) Staff absenteeism (sick leave) leads to further unreasonable work demands/impact on other staff members workload.

**PIN directions:** 1) Urgent additional resources required to deal with excessive workloads.  
2) Urgent review of staff levels in the urgent investigation unit in order to manage daily and ongoing workload demands.  
3) Urgent review of current systems of work to ensure staff can work reasonable hours and ensure staff health and safety is not put at risk.

**PIN remedy date:** 05/09/2008

**Inspector's decision:** Provisional Improvement Notice Affirmed with Modifications

**Basis(s) for Inspector's decision:** A majority of employees working in the Child Protection Urgent Investigation Unit have reported excessive workload levels. There have also been reports that the excessive workload has resulted in work-related stress and negative health consequences.

Although peak work levels (over three cases in one day) are managed by referral to another unit, the case management of these new cases falls back to the Child Protection Urgent Investigation Unit.

The workload is further increased when staff are absent due to leave.

**Provisional Improvement Notice Modifications:** 1: Modify the contravention to:  
Sections 21(1) and 21(2)(a) of the Occupational Health and Safety Act 2004

2: Modify the PIN directions to:  
The employer must provide a system of work that is, so far as is reasonably practicable, safe and without risks to health in relation to the risks associated with excessive workload of Child Protection Urgent Investigation Unit employees.

This may be achieved by but is not limited to:

- limiting the job assignment to three per day with any further assignments referred to another section outside the Urgent Investigation Unit, and
- implementing a formal emergency on-call management roster, and
- providing a case support worker (level CPW1) to assist with closing existing backlogged referral work, and
- clearing backlogged cases greater than 90 days by weekend blitzes, and
- implementing additional staff resource to address Urgent after hours outreach activities as required

**Remedy date:** 01/10/2008.

See Review and Offence provisions below

### Internal Review

As the person to whom this PIN enquiry outcome notice has been issued, you or another eligible person can apply to the Authority for internal review of this reviewable decision. Your application must be in the approved form and must be received by the Authority's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. The Authority may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. The Authority must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made, the Authority is considered to have granted a stay. If no request for a stay is made the operation of this PIN enquiry outcome notice remains in force. The application for internal review must be made to the Internal Review Unit, Victorian WorkCover Authority, Ground Floor, 222 Exhibition Street, Melbourne 3000.

You can contact the Internal Review Unit on telephone (03) 8663 5450, fax (03) 8663 5451 or by email at [internalreviewunit@workcover.vic.gov.au](mailto:internalreviewunit@workcover.vic.gov.au).

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

### Offence

A person to whom a provisional improvement notice was issued that is affirmed by an inspector must comply with the provisional improvement notice otherwise the person shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$52,405. In the case of a body corporate, the indictable offence carries a penalty of not more than \$262,025.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation to ensure workplace health and safety.

- \* Equipment (Public Safety) Act 1994
- \* Road Transport Reform (Dangerous Goods) Act 1995

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

### FEEDBACK

If you want to contact WorkSafe Victoria in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- \* to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear at the top of this Entry Report.
- \* to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management on telephone 9941 0504, fax 9941 0560 or by writing to P.O. Box 414, Melbourne 3005
- \* to provide feedback in relation to WorkSafe Victoria activities or the legislation we administer, contact our Executive Director WorkSafe Victoria, Victorian WorkCover Authority, GPO Box 4306 Melbourne Victoria 3001, by fax 9641 1711 or e-mail to [executivedirector@workcover.vic.gov.au](mailto:executivedirector@workcover.vic.gov.au)

### PRIVACY COLLECTION STATEMENT

The Victorian WorkCover Authority (VWA) collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by the VWA and all applicable privacy laws. This includes information collected by WorkSafe Victoria inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by the VWA to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

The VWA's Privacy Policy is on our website at [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)

### FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone (03) 9641 1333 or 1800 136089, or visit [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au).