



ENTRY REPORT

WorkSafe Victoria is a division of the Victorian WorkCover Authority

Date: **15/09/2008** Visit Number: **V01010500433L**
Issued by Inspector: **Amy Bree Baker**
Phone: **5173 8908**
Service Method: **Left for a person**
Entry Time: **01:30 PM** Departure Time: **03:45 PM**

PLACE ENTERED

**THE CROWN IN RIGHT OF THE STATE OF VICTORIA (DHS)
SOUTHERN REGION
122 THOMAS STREET
DANDENONG 3175**

Phone Number: **9213 2151**

This report given to:

Keith Smith

Copies to:

**Leander Nigli
Marie Kaczynski
Annette Hall
Dawn Casse
Myrene Purcell**

Position:

Employer Representative

Position:

**Health and Safety Representative
Health and Safety Representative
Health and Safety Representative
Health and Safety Representative
Health and Safety Representative**

Other people who attended as part of the inspection:

Other Persons: **Lyndal Harris, Jacqui Brasher, Mandy Trkic, Megan Pollard, Cathie Cincotta, Diana Benvick**

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. I attended Level 5, 26 McRae Street Dandenong to give notice of my determination of five provisional improvement notices issued to the Department of Human Services, as requested by management on 26/08/08. During the visit discussions were held surrounding the draft action plan.
I have met with both parties and gathered information in relation to the issues raised in the provisional Improvement Notices. My determination of the Provisional Improvement Notices are outlined in the attached Notices. Management and staff are working

together to make an action plan that will address the issues outlined in the Provisional Improvement Notices. WorkSafe will monitor this action plan to ensure it is implemented.

2. Provisional Improvement Notice Affirmed with modifications
I have inquired into the circumstances relating to a Provisional Improvement Notice (PIN) issued by Leander Nigli of the Southern Metropolitan Regional Intake Unit designated work group (DWG) on 22/08/08 and affirm this Notice with modifications in accordance with section 63(3)(b) of the Occupational Health and Safety Act 2004.

Under Section 63(3) of the Occupational Health and Safety Act 2004, I issued PIN Enquiry Outcome Notice V01010500433L/63-01.

3. Provisional Improvement Notice Affirmed with modifications
I have inquired into the circumstances relating to a PIN issued by Marie Kaczynski of the Southern Metropolitan Dandenong case management Unit (DWG) on 22/08/08 and affirm this Notice with modifications in accordance with section 63(3)(b) of the Occupational Health and Safety Act 2004.

Under Section 63(3) of the Occupational Health and Safety Act 2004, I issued PIN Enquiry Outcome Notice V01010500433L/63-02.

4. Provisional Improvement Notice Affirmed with modifications
I have inquired into the circumstances relating to a PIN issued by Annette Hall of the Southern Metropolitan Region Dandenong Response Unit DWG on 22/08/08 and affirm this Notice with modifications in accordance with section 63(3)(b) of the Occupational Health and Safety Act 2004.

Under Section 63(3) of the Occupational Health and Safety Act 2004, I issued PIN Enquiry Outcome Notice V01010500433L/63-03.

5. Provisional Improvement Notice Affirmed with modifications
I have inquired into the circumstances relating to a PIN issued by Dawn Casse of the SMR Cheltenham response , Case Management, High Risk Infant and Case Supports Unit DWG on 27/08/08 and affirm this Notice with modifications in accordance with section 63(3)(b) of the Occupational Health and Safety Act 2004.

Under Section 63(3) of the Occupational Health and Safety Act 2004, I issued PIN Enquiry Outcome Notice V01010500433L/63-04.

6. Provisional Improvement Notice Affirmed with modifications
I have inquired into the circumstances relating to a PIN issued by Myrene Purcell of the SMR Regional Contracting and Regional Kinship Teams DWG on 27/08/08 and affirm this Notice with modifications in accordance with section 63(3)(b) of the Occupational Health and Safety Act 2004.

Under Section 63(3) of the Occupational Health and Safety Act 2004, I issued PIN Enquiry Outcome Notice V01010500433L/63-05.

7. Inspect, examine and make enquiries
You are hereby notified that under Section 99(a) of the Occupational Health and Safety Act 2004, during an inspection at 122 THOMAS STREET DANDENONG 3175, I

inspected, examined and made enquiries.

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.

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.

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
- * 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 9565 9470, fax 9565 9400 or by writing to PO Box 71, Mulgrave 3170
- * 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

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

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.

PIN ENQUIRY OUTCOME NOTICE



WorkSafe Victoria is a division of
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This notice is issued under Section 63 of the Occupational Health and Safety Act 2004. If this notice records the Inspector's decision as "Provisional Improvement Notice Affirmed" or "Provisional Improvement Notice Affirmed with Modifications", you must remedy the identical contravention of the Act or its regulations. If this Notice records the Inspector's decision as "Provisional Improvement Notice Cancelled", you can disregard the original Provisional Improvement Notice (PIN) as issued by the Health & Safety Representative (HSR).

Inspector conducting enquiry: *Amy Bree Baker*, an Inspector appointed under the Occupational Health and Safety Act 2004.

Signature: *ABaker*

Date of Issue: 15/09/2008

Notice Issued to: THE CROWN IN RIGHT OF THE STATE OF VICTORIA (DHS)
122 THOMAS STREET
DANDENONG 3175

Attendance requested by: *Keith Smith*

Service method to person to whom the PIN was issued: *Left for a person*

Date of request: 26/08/2008

Service method to HSR who issued the PIN: *Left for a person*

PIN issue date: 22/08/2008

PIN issued by: Leander Nigli

PIN issued to: Department of Human Services
122 THOMAS STREET
DANDENONG
3175

PIN contravention: Section 21(2) (a) Failure to Provide a safe system of work.

Grounds for HSR's belief:

1. Staff at the Southern Metropolitan Regional Intake Unit are currently experiencing extremely high levels of stress due to constant exposure to the hazard of unreasonable workloads.
2. A constant exposure to excessive workloads is also having a significant impact on staff health and well being. This is illustrated by staff experiencing
 - * Anxiety
 - * Lack of regular sleep and nightmares
 - * Headaches and increased migraines
 - * Chronic fatigue

- * Inability to stay and remain alert
- * Lower immunity to illness and infection

3. There is a lack of safe systems of work which do not allow management to have any control over employees' workloads. Therefore compromising supervision and putting staff health and safety at significant risk.

4. Current systems of work are not ensuring staff are working reasonable hours which may generate additional risks to health and safety. This is illustrated by constant re-allocation of additional cases due to chronic staff shortages.

5. Some employees are currently accumulating excessive amounts of overtime and time in lieu (TIL) due to staff shortages and unreasonable workloads.

- PIN directions:**
1. Urgent request for additional resources to deal with current excessive workloads.
 2. Immediate review of staffing levels in the Intake Unit to enable more effective control of excessive workload demands.
 3. Immediate review of current systems of work in order to ensure staff can work reasonable hours in order that their health and safety is not compromised and will not be put at risk.

PIN remedy date: 12/09/2008

Inspector's decision: Provisional Improvement Notice Affirmed with Modifications

Basis(s) for Inspector's decision: I have met with both parties and gathered information in relation to the above issues. The health and safety representative was duly elected and is representing his designated work group. Consultation in relation to the above issues has occurred prior to the issuing of the provisional improvement notice. My enquiries have revealed that although there are systems to deal with workload issues and work related stress, these systems are not being utilised to their full potential. This was particularly demonstrated by the levels of Time in Lieu in the designated work group, the lack of attendance at workload meetings and that the Health, Safety and Wellbeing - Work Related Stress Prevention Policy has not been implemented in this designated work group. It was agreed with all parties that there are issues surrounding resources and with the current systems of work. Management and staff are working together to make an action plan that will address the issues outlined in the Provisional improvement notice.

Provisional Improvement Notice Modifications: Employer details changed to reflect correct legal business name being: The Crown in Right of the State of Victoria (DHS). The remedy has been modified to implement a safe system of work relating to workload and resourcing issues. This may be achieved by implementing an action plan, which will cover all issues raised within the Provisional Improvement Notice. The compliance date has also been modified to allow for consultation of the action plan.

Remedy date: 29/09/2008.

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.

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.

PIN ENQUIRY OUTCOME NOTICE



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the Victorian WorkCover Authority

This notice is issued under Section 63 of the Occupational Health and Safety Act 2004. If this notice records the Inspector's decision as "Provisional Improvement Notice Affirmed" or "Provisional Improvement Notice Affirmed with Modifications", you must remedy the identical contravention of the Act or its regulations. If this Notice records the Inspector's decision as "Provisional Improvement Notice Cancelled", you can disregard the original Provisional Improvement Notice (PIN) as issued by the Health & Safety Representative (HSR).

Inspector conducting enquiry: *Amy Bree Baker*, an Inspector appointed under the Occupational Health and Safety Act 2004.

Signature: *ABaker*

Date of Issue: 15/09/2008

Notice Issued to: THE CROWN IN RIGHT OF THE STATE OF VICTORIA (DHS)
122 THOMAS STREET
DANDENONG 3175

Attendance requested by: *Keith Smith*

Service method to person to whom the PIN was issued: *Left for a person*

Date of request: 26/08/2008

Service method to HSR who issued the PIN: *Left for a person*

PIN issue date: 22/08/2008

PIN issued by: Marie Kaczynski

PIN issued to: Department of Human Services
122 THOMAS STREET
DANDENONG
3175

PIN contravention: Section 21 (2) (a) Failure to provide a safe system of work.

Grounds for HSR's belief:

1. Staffs at the Southern Metropolitan Dandenong Office case management Unit are currently experiencing extremely high levels of stress due to constant exposure to unreasonable workloads.
2. A constant exposure to excessive workloads is also having significant impact on staff health and wellbeing. This is illustrated by staff experiencing

Anxiety and feeling overwhelmed
Lack of regular sleep and having nightmares
Headaches

Chronic fatigue and exhaustion
Inability to stay and remain alert
Stress
Chronic low morale
Negative impact on their personal and professional lives

3. Current safe systems of work do not allow management to have any control over employees' workloads. Therefore compromising supervision and putting staff health and safety at significant risk. Staff are experiencing the following concerns that impact on their capacity to complete their jobs

*Constant allocation of additional workload due to chronic staff shortages

*core tasks have been unattended to including: supervision of high risk infants and staff supervision, therefore exposing new staff to excessive volumes of work and responsibilities

*Lack of supervision of staff according to the minimum standards set, no allowance for debriefing and support, and new staff not being monitored or supported

*Case management team cannot keep up with staff shortages

*Some employees have accumulated over 200 hours TIL hours of overtime

*Lack of adequate resources to better deal with the current regional demographics and high numbers of families with children at risk

* Lack of safe systems of work

* Staff allocated unreasonable workloads; unsustainable workloads

*Current workplace where it is not possible to complete legal tasks within a 38 - hour week

* Staff working and accumulating unreasonable hours of overtime which is not always paid as per their entitlements

*Staff working on Duty tasks and unallocated cases approximately 1 day week

* Inability to retain new staff

* Chronic low staff morale

* Lack of resources, such as cars

PIN directions: 1. Urgent request for additional resources to deal with current excessive workloads.
2. Immediate review of staffing levels in the Intake unit to enable control of excessive workload demands
3. Immediate review of current systems of work in order to ensure staff can work reasonable hours therefore their health and safety will not be put at risk.

PIN remedy date: 12/09/2008

Inspector's decision: Provisional Improvement Notice Affirmed with Modifications

Basis(s) for Inspector's decision: I have met with both parties and gathered information in relation to the above issues. The health and safety representative was duly elected and is representing her designated work group.

Consultation in relation to the above issues has occurred prior to the issuing of the provisional improvement notice. My enquiries have revealed that although there are systems to deal with workload issues and work related stress, these systems are not being utilised to their full potential. This was particularly demonstrated by the levels of Time in Lieu in the designated work group, the lack of attendance at workload meetings and that the Health, Safety and Wellbeing - Work Related Stress Prevention Policy has not been implemented in this designated work group. It was agreed with all parties that there are issues surrounding resources and with the current systems of work. Management and staff are working together to make an action plan that will address the issues outlined in the Provisional improvement notice.

**Provisional
Improvement Notice
Modifications:**

Employer details changed to reflect correct legal business name being: The Crown in Right of the State of Victoria (DHS). The remedy has been modified to implement a safe system of work relating to workload and resourcing issues. This may be achieved by implementing an action plan, which will cover all issues raised within the Provisional Improvement Notice. The compliance date has also been modified to allow for consultation of the action plan.

Remedy date: 29/09/2008.

See Review and Offence provisions below

Internal Review

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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.

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

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safety.

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Inspector conducting enquiry: *Amy Bree Baker*, an Inspector appointed under the Occupational Health and Safety Act 2004.

Signature: *ABaker*

Date of Issue: 15/09/2008

Notice Issued to: THE CROWN IN RIGHT OF THE STATE OF VICTORIA (DHS)
122 THOMAS STREET
DANDENONG 3175

Attendance requested by: *Keith Smith*

Service method to person to whom the PIN was issued: *Left for a person*

Date of request: 26/08/2008

Service method to HSR who issued the PIN: *Left for a person*

PIN issue date: 22/08/2008

PIN issued by: Annette Hall

PIN issued to: Department of Human Services
122 THOMAS STREET
DANDENONG
3175

PIN contravention: Section 21(2) (a) Failure to provide a safe system of work.

Grounds for HSR's belief:

1. Staff at the Southern Metropolitan Region Dandenong Response Unit are currently experiencing extremely high levels of stress due to constant exposure to unreasonable workloads.
2. A constant exposure to excessive workloads is also having a significant impact on staff health and wellbeing. This is illustrated by staff experiencing
 - *Anxiety
 - *Lack of regular sleep which includes having nightmares
 - *Headaches
 - * Constant tiredness

*Inability to stay remain alert to work duties and prioritise urgent tasks.

* Excessive working hours

* High risk of occupational violence including physical and verbal violence

3. There is a lack of safe system of work which do not allow management to have any control over employees' workloads. Therefore compromising supervision and putting staff health and safety at significant risk.

4. Current systems of work are not ensuring staff are working reasonable hours which may generate additional risks to health and safety. This is illustrated by constant re-allocation of additional cases due to chronic staff shortages.

5. Some employees are currently accumulating excessive amounts of overtime (TIL) due to staff shortages and unreasonable workloads.

PIN directions:

1. Urgent request for additional resources to deal with current excessive workloads.
2. Immediate review of staffing levels in the Response unit to enable control of excessive workload demands.
3. Immediate review of current systems of work in order to ensure staff can work reasonable hours therefore their health and safety will not be at risk.

PIN remedy date: 12/09/2008

Inspector's decision: Provisional Improvement Notice Affirmed with Modifications

Basis(s) for Inspector's decision: I have met with both parties and gathered information in relation to the above issues. The health and safety representative was duly elected and is representing her designated work group. Consultation in relation to the above issues has occurred prior to the issuing of the provisional improvement notice. My enquiries have revealed that although there are systems to deal with workload issues and work related stress, these systems are not being utilised to their full potential. This was particularly demonstrated by the levels of Time in Lieu in the designated work group, the lack of attendance at workload meetings and that the Health, Safety and Wellbeing - Work Related Stress Prevention Policy has not been implemented in this designated work group. It was agreed with all parties that there are issues surrounding resources and with the current systems of work. Management and staff are working together to make an action plan that will address the issues outlined in the Provisional improvement notice.

Provisional Improvement Notice Modifications: Employer details changed to reflect correct legal business name being: The Crown in Right of the State of Victoria (DHS). The remedy has been modified to implement a safe system of work relating to workload and resourcing issues. This may be achieved by implementing an action plan, which will cover all issues raised within the Provisional Improvement Notice. The compliance date has also been modified to allow for consultation of the action plan.

Remedy date: 29/09/2008.

See Review and Offence provisions below

Internal Review

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Inspector conducting enquiry: *Amy Bree Baker*, an Inspector appointed under the Occupational Health and Safety Act 2004.

Signature: *ABaker*

Date of Issue: 15/09/2008

Notice Issued to: THE CROWN IN RIGHT OF THE STATE OF VICTORIA (DHS)
122 THOMAS STREET
DANDENONG 3175

Attendance requested by: *Keith Smith*

Service method to person to whom the PIN was issued: *Left for a person*

Date of request: 27/08/2008

Service method to HSR who issued the PIN: *Left for a person*

PIN issue date: 27/08/2008

PIN issued by: Dawn Casse

PIN issued to: Department of Human Services
level 3, 4-10 Jamieson Street
Cheltenham
3192

PIN contravention: Section 21 (2) (a) Failure to provide a safe system of work.

Grounds for HSR's belief:

1. Staff within the cheltenham DWG's of Response, Case management, HRI and Case Support are currently experiencing excessive levels of unreasonable workloads.
2. Constant exposure to excessive levels of unreasonable workloads due to court preparation and volatile clients have impacted upon staff health and wellbeing. Staff advise they have been experiencing
 - *Headaches
 - *Stress
 - *Lack of sleep due to anxiety

- *Chronic low morale
- * Negative impact on personal and professional lives
- * Injuries relating to manual handling due to photocopying, weight of large quantities of client files/ notes taking to court

3. Current lack of safe systems of work does not allow management to have control over staff workloads. Further compromising supervision and putting staff health and safety at significant risk. Staff advised the following as being key issues

- * Staff requiring to leave core duties unattended due to lack of vehicles, legal tasks and excessive workloads
- *Inability to have supervision or consultation with supervisors due to their supervisors attendance to unallocated cases and high level of court appearances
- *New staff exposed to high levels of work and responsibilities without appropriate supervision
- *No allowance for debriefing and support to staff due to lack of supervision
- * Chronic staff shortages within Case Management Team due to high workload, violent clients and excessive amount of court preparation leading to increased hours of work for remaining staff
- *Contingency team created by using members of existing teams therefore creating staff shortages within existing teams and contingency team being expected to work with an unreasonable workload
- *Current workloads does not allow staff to complete tasks within a 38 hour week requiring them to accumulate excessive levels of overtime and TIL which further impacts upon their personal lives

4. Continued lack of staff within Case management team has then significantly impacted upon Response team as they have been carrying a higher level of unallocated cases

5. Due to lack of authorised vehicles there is a constant exposure to occupational violence therefore compromising the health and safety of response and case Management workers

6. Current lack of safe system of work require some case Support workers to work excessive hours without a break

7. Ongoing issues regarding lack of support regarding court and court unit when staff attend court impacting upon health and wellbeing.

PIN directions:

1. Urgent request for additional recourses to deal with current excessive levels of workload
2. Urgent request for additional vehicles to deal with staff safety.
3. Immediate review of staffing levels in the Case Management unit to enable control of excessive workload demands.
4. Immediate review of current systems of work in order to ensure staff can work reasonable hours ensuring their health and safety will not be put at risk.
5. immediate decision that a safe workload ceiling for experienced Child Protection workers be acknowledged as (12) clients.

PIN remedy date: 24/09/2008

Inspector's decision: Provisional Improvement Notice Affirmed with Modifications

Basis(s) for Inspector's decision: I have met with both parties and gathered information in relation to the above issues. The health and safety representative was duly elected and is representing her designated work group. Consultation in relation to the above issues has occurred prior to the issuing of the provisional improvement notice. My enquiries have revealed that although there are systems to deal with workload issues and work related stress, these systems are not being utilised to their full potential. This was particularly demonstrated by the levels of Time in Lieu in the designated work group, the lack of attendance at workload meetings and that the Health, Safety and Wellbeing - Work Related Stress Prevention Policy has not been implemented in this designated work group. It was agreed with all parties that there are issues surrounding resources and with the current systems of work. Management and staff are working together to make an action plan that will address the issues outlined in the Provisional improvement notice.

Provisional Improvement Notice Modifications: Employer details changed to reflect correct legal business name being: The Crown in Right of the State of Victoria (DHS). The remedy has been modified to implement a safe system of work relating to workload and resourcing issues. This may be achieved by implementing an action plan, which will cover all issues raised within the Provisional Improvement Notice. The compliance date has also been modified to allow for consultation of the action plan.

Remedy date: 29/09/2008.

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.

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.

PIN ENQUIRY OUTCOME NOTICE



WorkSafe Victoria is a division of
the Victorian WorkCover Authority

This notice is issued under Section 63 of the Occupational Health and Safety Act 2004. If this notice records the Inspector's decision as "Provisional Improvement Notice Affirmed" or "Provisional Improvement Notice Affirmed with Modifications", you must remedy the identical contravention of the Act or its regulations. If this Notice records the Inspector's decision as "Provisional Improvement Notice Cancelled", you can disregard the original Provisional Improvement Notice (PIN) as issued by the Health & Safety Representative (HSR).

Inspector conducting enquiry: *Amy Bree Baker*, an Inspector appointed under the Occupational Health and Safety Act 2004.

Signature: *ABaker*

Date of Issue: 15/09/2008

Notice Issued to: THE CROWN IN RIGHT OF THE STATE OF VICTORIA (DHS)
122 THOMAS STREET
DANDENONG 3175

Attendance requested by: *Keith Smith*

Service method to person to whom the PIN was issued: *Left for a person*

Date of request: 27/08/2008

Service method to HSR who issued the PIN: *Left for a person*

PIN issue date: 27/08/2008

PIN issued by: Myrene Purcell

PIN issued to: Department of Human Services
Level 1, 4-10 Jamieson Street
Cheltenham
3192

PIN contravention: Section 21 (2) (a) Failure to provide a safe system of work.

Grounds for HSR's belief:

1. Staff within the Cheltenham DWG's of Regional Case Contracting and Regional Kindship are experiencing high levels of unreasonable workload.
2. Constant exposure to excessive and unreasonable levels of workload due to court preparation with complexity of individual cases.
3. Demand for cases to be transferred to Regional Case Contracting and Regional Kindship are high due to workload in other work units. Cases transferring to both teams are often complex and because of work restraints in other work units, i.e.

Response and Case Management are not always in a good state and require many tasks to be completed.
(The PIN continues with further details by illustrating what staff are experiencing.)

4. In the case of the Regional Case Contracting Team, a team of five has carried two vacancies for almost two months. During this time the Team has been further reduced by individual members including the Team leader being away from the Team in Court for protracted periods of time. This has meant the Team members have had to carry additional workloads on excessively high allocations of cases extra tasks on unallocated cases. Team members giving evidence in court and answering calls on allocated cases during Court lunch break and when Court completed for the day, or requesting colleagues who they know are already overworked to complete tasks for them. (The Pin then further illustrates this.)

5. Current lack of safe system of work does not allow management to have control over staff workloads. Further compromising supervising and putting staff health and safety at significant risk.
(The PIN then further illustrates this)

6. Court system is overloaded and chaotic. (PIN continues with reasons for this statement)

7. Lack of vehicles and adequate resources (PIN continues with reasons behind this statement.)

8. Work Space (PIN continues with reasons behind this statement)

9. CRIS system. (PIN continues to outline why CRIS system has impacted on staff health and safety.)

10. Administration Support staff is 2 for 45 workers across all DWG's. The current allocation of Administration support staff is not adequate to address the needs of workers for assistance. Current Administration staff do not have the resources nor the time to assist with compilation of complex Court files or to carry out their core functions

* Preparation area

* Adequate professional resources and equipment

* This places undue stress on both protective workers and the current Administration support staff

***Please note that due to constraints on the WorkSafe system I could not put all the details of the PIN within this document. Please refer to the original PIN for further details.

- PIN directions:**
1. Urgent request for additional resources to deal with current excessive levels of workload
 2. Urgent request for additional vehicles to address safety issues
 3. Immediate review of staffing levels to enable control of excessive workload demands
 4. Immediate review of current systems of work in order to ensure staff can work reasonable hours ensuring their health and safety will not be put at risk
 5. Immediate review of Court system
 6. Immediate review of resources and work space
 7. Immediate provision of further on going support staff

PIN remedy date: 24/09/2008

Inspector's decision: Provisional Improvement Notice Affirmed with Modifications

Basis(s) for Inspector's decision: I have met with both parties and gathered information in relation to the above issues. The health and safety representative was duly elected and is representing her designated work group. Consultation in relation to the above issues has occurred prior to the issuing of the provisional improvement notice. My enquiries have revealed that although there are systems to deal with workload issues and work related stress, these systems are not being utilised to their full potential. This was particularly demonstrated by the levels of Time in Lieu in the designated work group, the lack of attendance at workload meetings and that the Health, Safety and Wellbeing - Work Related Stress Prevention Policy has not been implemented in this designated work group. It was agreed with all parties that there are issues surrounding resources and with the current systems of work. Management and staff are working together to make an action plan that will address the issues outlined in the Provisional improvement notice.

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