

Workplace Health & Safety Update



The powers of safety inspectors - what you need to know

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Under the Work Health and Safety Act 2011, safety inspectors have the right to enter any workplace and collect evidence to assist with their investigations into workplace health and safety. They can enter at any time without having to provide prior notice and can issue on-the-spot fines for failing to comply with health and safety regulations.

Some of you may have heard this story before – you may think it is an urban legend – however it did occur and highlights the broad powers of safety inspectors.

Late one evening a police officer who was manning a breathalyser bus flagged down a car that appeared to be speeding. The police officer asked the driver why he had been speeding, at which point the driver presented a safety inspector badge and indicated that he and his colleague were on their way to an accident.

The police officer, unimpressed, issued the inspector with a speeding fine of \$200. The safety inspector then asked the police officer why he was not wearing a high visibility fluorescent vest while undertaking his late night duties. With no adequate answer, the inspector proceeded to issue the police officer with an on-the-spot fine of \$1000.

The moral of this story is quite apparent: not even a police officer standing by the side of the road late at night is exempt. Therefore it is important that everyone in your business adequately understands the power of safety inspectors.

Safety inspectors have the power to:

- enter and inspect any workplace
- take photographs and video recordings
- collect documents and other evidence
- issue on-the-spot fines, improvement or prohibition notices and non-disturbance notices.

Broader powers than the police are granted to safety inspectors, which allows them in most jurisdictions to compel any person to answer their questions, thereby removing the right of silence within the protection against self-incrimination. In addition, there are significant penalties that can be imposed for any person who obstructs or hinders an inspector while they are performing their duties.

Ask yourself:

How would your workers respond if they were approached by a safety inspector? Do they understand the powers that can be exercised by the inspector? Do they understand what rights an individual has and how their interests and that of the business can best be protected?

With these questions in mind, it is important to ensure your workers know about safety inspectors and

their powers of enforcement.

For more information on what to expect when an inspector calls, go to the following link:

http://www.deir.qld.gov.au/workplace/resources/pdfs/inspector_calls.pdf

(Source: Health and Safety Bulletin, 1 July 2014, by Michael Selinger)