

OCCUPATIONAL HEALTH SAFETY AND WELFARE

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**OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984
OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT
REGULATIONS (No. 5) 1991**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Occupational Health, Safety and Welfare Amendment Regulations (No. 5) 1991*.

Part 3 amended

2. Part 3 of the *Occupational Health, Safety and Welfare Regulations 1988** is amended by inserting after Division 3 the following Division—

“ *Division 4—Manual Handling*

Interpretation

356. In this Division—

“manual handling” means any activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain a person, animal or thing.

Design

357. (1) An employer shall ensure that, so far as is practicable—

- (a) the plant and containers used in the workplace are designed, constructed and maintained so as to be free of risk when handled manually;
- (b) work practices involving manual handling are designed, implemented and maintained so as to be free of risk; and
- (c) the working environment is designed, constructed and maintained consistent with safe manual handling practices.

(2) An employer who contravenes subregulation (1) commits an offence.

Risk assessment

358. (1) An employer shall identify and assess any manual handling that may be a risk.

(2) The assessment is to take into account—

- (a) the work environment and the workplace and workstation layout;
- (b) the location of loads and the distances that they have to be moved;

- (c) the weights and forces involved;
- (d) the characteristics of the loads and of any equipment used;
- (e) the organization of work at the workplace;
- (f) the postures, positions, actions and movements that have to be taken by each person involved in the manual handling;
- (g) the duration and frequency of the manual handling;
- (h) the skill, experience and personal characteristics of each person who has to carry out the manual handling;
- (i) the clothing that is worn during the manual handling; and
- (j) any other relevant factor that has been identified by any person.

(3) The assessment is to be made in consultation with the employees who are required to carry out the manual handling and their health and safety representatives, if any.

(4) An employer who contravenes subregulation (1), (2) or (3) commits an offence.

Risk control

359. (1) If a manual handling task is assessed as being a risk, the employer shall take all practicable steps to control the risk.

(2) To this end, the employer shall—

- (a) redesign the task;
- (b) where redesign is impracticable or until it is completed, provide and arrange, as appropriate, mechanical aids, personal protective equipment and team lifting; and
- (c) ensure that the employees concerned receive training and supervision that is appropriate in relation to action taken under paragraphs (a) and (b).

(3) The employer shall give effect to subregulations (1) and (2) in consultation with employees who are required to carry out the manual handling and their health and safety representatives, if any.

(4) An employer who contravenes subregulation (1), (2) or (3) commits an offence.

(5) An employee who does not apply training provided, where such training is consistent with the provisions of the Act, or comply with an instruction given for the purposes of this regulation, so far as application and compliance are practicable, commits an offence.

Division 4 and the code of practice

360. Nothing in the Code of Practice for Manual Handling, approved as a code of practice under section 57 of the Act, detracts from this Division. "

*[*Published in the Gazette of 16 September 1988 at pp. 3767-3911. For amendments to 18 July 1991 see pp. 323-324 of 1990 Index to Legislation of Western Australia and Gazettes of 4 January, 24 May and 28 June 1991.]*

By His Excellency's Command,

L. M. AULD, Clerk of the Council.