

Please note: these materials are educational resources. They are not intended to constitute legal advice and should not be relied upon as such. Last reviewed April 2015.

### **ACTIVITY A: WORKPLACE SAFETY VIDEO**

**1. What happened to Kev at the start of the video?**

Kev hurt his wrist while lifting a keg.

**2. What reason did Bruce give for firing Kev? Do you think this is legal?**

Bruce fired Kev because he could not lift anything heavy for three months – i.e. could not perform his usual tasks. This is not legal. In general, an employer cannot fire an employee or treat an employee unfairly because they have a temporary illness or injury, or because they make a Work Cover claim.

**3. How long does Kev need to avoid heavy lifting?**

Three months.

**4. What does Kev give to Bruce as proof of his injury?**

Kev gives Bruce a doctor's certificate as proof of his injury.

**5. Bruce says that the accident was Kev's fault. If that is true, can Kev still get Work Cover?**

Yes. Work Cover is a no-fault scheme. Because the accident happened at work, Kev can apply for a Work Cover claim.

**6. If Kev made a Work Cover claim, what are some of the things that he could get?**

Kev's options include:

- payments when he cannot work or can only do some work.
- for a period of 52 weeks from making his claim for Work Cover:
  - the right to return to work with different duties, if he can do some work (e.g. light duties but no heavy lifting)
  - the right to return to his job when he gets better.
- compensation (money) for expenses e.g. medical, hospital, ambulance, chemist, home help
- lump sum compensation if his injury is permanent.

**7. Where can Kev go for advice about workplace injuries?**

Kev can contact any of the following to get advice about a workplace injury:

- (a) His union (if he is a member)
- (b) Job Watch
- (c) Footscray Community Legal Centre
- (d) Victorian Work Cover Authority at Tel: 1800 136 089 or [vwa.vic.gov.au](http://vwa.vic.gov.au)
- (e) A private solicitor.

## ACTIVITY B: WORKPLACE POLICY AND PROCEDURES

### 1) Match the names of the workplace policies with the explanations.

#### a Code of conduct

3. This policy sets out the way people should behave in the workplace, including how people should work with other employees and customers. It can also set out how people should dress and use workplace equipment.

#### b Disciplinary policy

1. This policy sets out what will happen if an employee does not follow workplace rules and procedures.

#### c Leave policy

4. This policy sets out the types of leave available to employees and how they can apply for this leave. It will also explain what types of evidence employees need to show when they apply for leave eg: a medical certificate for sick leave.

#### d Workplace discrimination, bullying and harassment policy

5. This policy defines what discrimination, bullying and harassment mean in the workplace and how employees can report discrimination, bullying and harassment.

#### e Workplace health and safety policy

2. This policy sets out the responsibilities of the employer and employees to ensure the workplace is a safe and healthy place to work.

### 2) In a group discuss the pictures and the workplace procedures that cover the situations in the pictures. In what workplaces would you find these procedures? Why is it important to understand and follow these procedures?

For discussion with the group. Some example responses might include:

Workplace situation	Policy & procedure	Type of workplace	Why important to follow?
a. How to pick fruit to prevent damage	Code of conduct	Orchards, farming	So produce is not damaged and wasted
b. What to do if you are late for work	Code of conduct	All workplaces	Management knows when you'll be arriving as others in the workplace may depend on you

<b>Workplace situation</b>	<b>Policy &amp; procedure</b>	<b>Type of workplace</b>	<b>Why important to follow?</b>
			being at work
c. How to report an accident	Workplace health and safety policy	All workplaces	Accident information is required in case of a Work Cover claim. It is important to ensure that workplaces are safe.
d. What to do if there is a fire	Workplace health and safety policy or Evacuation procedure	All workplaces	In an emergency everyone should know what to do
e. How to wash hands correctly	Workplace health and safety policy	Workplaces that prepare food or care for children or patients	To prevent the spread of germs and infection
f. How to make beds	Code of conduct	Hotels, motels, hospitals, nursing homes	So there is consistency in how jobs are done
g. How to use a ladder safely	Workplace health and safety policy or Ladder safety procedure	Workplaces where employees use ladders eg: construction sites, warehouses	To prevent ladder accidents
h. How to give good customer service	Code of conduct	Workplaces that deal with the public eg: shops	To convey the desired workplace brand and standard
i. How to check the engine properly	Code of conduct or Workplace safety policies and procedures	Vehicle service centres	To make sure the task is completed properly

### **3) If you are injured at work, what should you do?**

- get medical help from your doctor
- ask for a Certificate of Capacity from your doctor
- report your injury to your employer and union if you are a member
- complete a WorkCover claim form – contact WorkSafe for a copy of the form
- find out whether you can make further claims by contacting a personal injury lawyer or WorkSafe, if your injury is serious