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Compliance code

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# Communicating occupational health and safety across languages



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# Preface

This compliance code provides practical guidance to those who have duties under the *Occupational Health and Safety Act 2004* (the OHS Act) or the Occupational Health and Safety Regulations 2007 (the Regulations). It shows how to comply with those duties or obligations.

It was made under the OHS Act and was approved by The Hon. Tim Holding MP, Minister for Finance, WorkCover and the Transport Accident Commission, on 19 September 2008.

This compliance code has been developed by WorkSafe Victoria. Representatives of employers, employees and government agencies were consulted during its preparation.

Employers, employees, self-employed persons and those with management and control of workplaces need to use the compliance code in conjunction with the OHS Act and Regulations.

This compliance code is not mandatory. A relevant duty holder who complies with the compliance code will – to the extent the compliance code deals with their duties or obligations under the OHS Act and Regulations – be considered to have complied with their duties and obligations.

If conditions at the workplace or the way work is done raise different or additional risks not covered by the compliance code, compliance needs to be achieved by another means.

WorkSafe publishes guidance to assist with this process at [worksafe.vic.gov.au](http://worksafe.vic.gov.au).

Evidence of a failure to observe a compliance code may be used as evidence in proceedings for an offence under the OHS Act or Regulations. However, a duty holder will not fail to meet their duty or obligation simply because of a failure to observe a compliance code.

A WorkSafe inspector may cite a compliance code in a direction or condition in an improvement notice or a prohibition notice as a means of achieving compliance.

A health and safety representative (HSR) may cite a compliance code in a provisional improvement notice when providing directions as to how to remedy an alleged contravention of the OHS Act or Regulations.

The approval of a compliance code may be varied or revoked by the Minister. To confirm that this compliance code is current and in force, go to [worksafe.vic.gov.au](http://worksafe.vic.gov.au).

# Introduction

## Purpose

1. The purpose of this compliance code is to provide practical guidance to help employers comply with duties for communicating occupational health and safety (OHS) across languages.

## Scope

2. This compliance code covers workplaces with employees whose language skills require the use of languages other than English to understand information, receive training and participate in consultation.

To this end, practical guidance is given on:

- identifying language groups within the workforce
- techniques for communicating across languages
- suitable approaches to providing information and undertaking consultation
- using translators, interpreters and bilingual staff
- effective ways to provide training.

## Application

3. The compliance code applies to employers who are required to provide health and safety information to employees in appropriate languages and forms, and ensure that any employees who do not speak English are properly represented in consultation on workplace health and safety.
4. Health and safety representatives (HSRs) and other employees may also find this compliance code useful.

## What does the law say?

5. The law requires employers to provide, so far as is reasonably practicable, a safe working environment for their employees.
6. This includes providing such information, instruction, training and supervision to employees as are necessary to enable them to work safely.
7. Under section 22(1) (c) of the *Occupational Health and Safety Act 2004* (the OHS Act) employers are further required to provide information to employees (in appropriate languages) about health and safety at the workplace, including the names of people to whom an employee may make an inquiry or complaint about health and safety.

8. In addition, when negotiating with a designated working group in the process of resolving issues, employers must take into account whether other languages are spoken by the employees (section 46 of the OHS Act).
9. There are also specific requirements to make information available in languages other than English when notifying employees of their elected HSRs, and when giving details of decisions relating to health and safety.
10. In these ways, the law identifies the need to make allowances to involve employees who do not speak English in discussions of workplace health and safety and to properly inform them of the mechanisms for raising OHS concerns.

## **Health and safety in culturally and linguistically diverse workplaces**

11. The effective communication of health and safety information is central to reducing the risk of injury and illness in the workplace.
12. All employees require information, advice, assistance and training to do their work; fully understand the health and safety risks that are part of that work; and help keep their work environment safe.
13. In some workplaces, linguistic differences can present significant challenges to communicating health and safety information, discussing OHS issues and ensuring safe work practices. Establishing an ongoing dialogue on health and safety at work is the best way to mitigate workplace risks and this must not be limited to English-speaking employees.
14. While the most obvious communication issue for employers may be an employee's inability to communicate in English, this is not the only factor that can impact on understanding. As some native English speakers are not literate, it cannot be assumed that non-English speaking employees are literate in the languages they speak, so employers need to present information in the simplest and clearest way possible.
15. Language competency is a sensitive issue and it should be remembered that variations in a person's ability to communicate in English, or their level of language competency, in no way reflects on their ability to learn.
16. Employers need to be aware of any language and related cultural barriers that may impact communication in their organisation and need to take steps to address them.
17. WorkSafe has produced this compliance code to give employers one way to properly communicate health and safety messages in a multilingual workplace. Employers who choose to follow this compliance code will comply with the law.

## Consultation

18. By law, so far as is reasonably practicable, employers must consult with HSRs and employees on a range of matters that directly affect (or are likely to directly affect) their health and safety.
19. Consultation must involve sharing information with employees, giving the employees a reasonable opportunity to express their views and taking those views into account.
20. This means that employers need to have appropriate arrangements in place to consult with employees from culturally and linguistically diverse backgrounds.
21. Consultation needs to take place as early as possible when planning to implement this compliance code or when deciding to implement alternative measures to those specified in this compliance code.
22. In multilingual workplaces, starting out with proper consultation can save time and money by helping to identify the range of languages spoken in the workplace as well as employees' preferred forms of communication.
23. A key part of consultation with employees from non-English backgrounds is letting them know that they can and should speak up about health and safety issues. There may be factors that prevent dialogue, such as the assumption that the employer or supervisor must not be questioned or disagreed with. Out of fear of losing their job or unaware of the OHS laws in place to protect them, it is common for employees from culturally diverse backgrounds to choose to say nothing about perceived hazards or risks in their work.
24. Bilingual employees or HSRs can play a role in facilitating consultation with non-English speakers.
25. The techniques used for consultation with non-English speakers will depend in the first instance on the number of employees exposed to the hazard and the severity of the risk. In addition, techniques will vary with the complexity of the issue and the type of consultation being conducted.
26. If written information is being provided as part of the consultation, it needs to be:
  - translated into, or explained in, appropriate languages
  - kept simple, clear and brief
  - supported by a summary in plain English or translation.
27. For more information on the consultation provisions, see Appendix C.

# How to comply

28. This section outlines WorkSafe's preferred process for communicating health and safety information in a multilingual workplace. By following the compliance checklist (page 6), employers can make sure that employees have proper access to the information they need, while maximising the effectiveness of workplace communication, training and consultation.
29. While this is not the only approach to communicating across languages, employers who follow this process will comply with the law on the provision of information in languages other than English.

# How to comply

## Compliance checklist

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | <b>Work out how to consult</b><br><i>Provision is made for involving employees who do not speak English in consultation on health and safety.</i>   |
| <input type="checkbox"/> | <b>Know the workforce</b> <ul style="list-style-type: none"><li>• Build a language profile<br/><i>There is an up-to-date language profile of the workforce.</i></li></ul>   |
| <input type="checkbox"/> | <b>Make a plan</b> <ul style="list-style-type: none"><li>• Set out procedures and budget<br/><i>A resourced plan for managing communication and information provision is developed in consultation with employees and policies are explained and made available.</i></li><li>• Assess current health and safety information<br/><i>Information has been reviewed for relevance and accessibility.</i></li></ul>   |
| <input type="checkbox"/> | <b>Communicate for understanding</b> <ul style="list-style-type: none"><li>• Use appropriate forms of communication<br/><i>Appropriate forms of communication are used with a preference for direct face-to-face communication and demonstration.</i></li><li>• Use plain language<br/><i>Information is expressed in plain language and is as clear as possible.</i></li><li>• Use standard safety signs<br/><i>Safety signs in the workplace are displayed in appropriate forms and employees are taught the meaning of all signs.</i></li><li>• Get translations<br/><i>Written material requiring translation is identified in consultation with employees and translations are obtained in relevant languages.</i></li><li>• Check that employees understand the instructions<br/><i>Provision is made for checking that employees understand training, instruction and information.</i></li></ul> |
| <input type="checkbox"/> | <b>Provide language support</b> <ul style="list-style-type: none"><li>• Provide interpreter services<br/><i>Appropriate provision is made for interpreters.</i></li><li>• Use bilingual facilitators<br/><i>Bilingual people who can assist communication in the workplace are identified and used appropriately.</i></li></ul>   |
| <input type="checkbox"/> | <b>Provide training</b> <ul style="list-style-type: none"><li>• Provide induction training<br/><i>Employees undertake induction training incorporating general health and safety rights and responsibilities.</i></li><li>• Teach common workplace terms<br/><i>Employees are taught terms common to the workplace.</i></li><li>• Offer English-language training<br/><i>Employees can access information about English-language training.</i></li><li>• Train supervisors<br/><i>Supervisors and managers are trained in communication techniques and understanding of cultural difference.</i></li><li>• Tailor ongoing training to language needs<br/><i>Training is conducted so that trainees who do not speak English can understand and discuss the content.</i></li></ul>   |

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## Know the workforce

### Build a language profile

30. There are many workplaces in Victoria where a variety of languages are spoken. Information must be provided in appropriate languages for all employees. An up-to-date language profile will help readily identify the range of languages spoken in the workplace and the number of employees who speak these languages. This will ensure the best use of resources.
31. One way to build and monitor a company's language profile is to collect the information during the induction process. Questions need to focus on language skills rather than nationality or place of birth and need to be based on self-assessment (see Appendix D for an example of a language profile questionnaire).
32. This process can also help identify employees who are bilingual or multilingual and can therefore facilitate communication with staff who do not speak English.
33. Always seek permission to record this information. If an employee chooses not to provide this information, this preference needs to be recorded.
34. Language profiling should only take place once the employee has been hired. Always explain why the information is being collected and how it will be used. It is important that employees feel comfortable about why the information is being collected (ie that it will help the organisation protect their health and safety) and they must be reassured that admissions of poor language skills will not threaten their employment.
35. If the workplace language profile identifies several different language groups, consider how best to involve these groups in health and safety discussions.

## Make a plan

### Set out procedures and budget

36. Developing a plan for sharing health and safety information with employees who do not speak English is an important step towards understanding an organisation's overall communications needs. The plan must be developed in consultation with employees and HSRs to help ensure that the solutions chosen are the most effective and appropriate for the workplace.
37. The plan needs to include:
  - the organisation's language profile
  - details of responsibilities and procedures for providing information
  - the specific training needs of employees
  - an outline of procedures for raising health and safety issues
  - allocation of resources for training, interpreters or translation of safety information
  - a system for collecting and storing health and safety resources and information.
38. The plan needs to be documented, explained and made available to all employees.
39. Employers need to review the plan regularly in consultation with employees and HSRs. Update the plan whenever the information needs of the workplace change (eg change in workplace demographics).

### Assess current health and safety information

40. The first step in improving communications in the workplace is to examine the information that is currently available to employees.
41. In multilingual workplaces, employers must ensure that all health and safety information is available to staff either in their preferred language or in a form that they can understand. Failure to provide this information in an appropriate form could place employees at risk.
42. Common examples of health and safety information include:
  - the company's health and safety policy
  - the location and nature of hazards in the workplace
  - procedures for the safe operation, use, maintenance and replacement of protective equipment
  - injury and incident reporting procedures
  - consultation structures (eg HSRs, designated work groups, management contacts and meeting schedules)
  - procedures for resolving health and safety issues
  - emergency and first aid procedures
  - safety signs and symbols.

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43. The assessment process needs to identify what information is needed, in which languages and in what form.
  44. Every workplace is different and communication methods will vary depending on:
    - the nature of hazards and the severity of the risks involved
    - the nature of the work being done
    - the details of risk controls used
    - the size of the company
    - how many language groups are represented and how big they are.

## **Communicate for understanding**

### **Use appropriate forms of communication**

45. Many workplace incidents can be avoided by tailoring communications to the specific language needs and abilities of employees.
46. Employers must work with employees to determine the most appropriate communication methods for the workplace. There are several factors to consider when deciding on the best approach, including:
  - the type of information being communicated
  - the number of people to be informed
  - the range of languages involved.
47. Depending on the resources available and the proportion of employees who do not speak English, consider sharing information through:
  - individual sessions
  - practical demonstrations
  - group sessions provided in English, but with extra time set aside for explanation and questions.
48. In addition to these methods, if there are a large number of employees from a particular language group, consider:
  - holding meetings in the relevant language
  - providing written translations
  - translating safety signs.
49. While each workplace is different and will have different communication needs, there are a number of guiding principles that need to be considered when communicating across languages.

# How to comply

## Communication checklist

<input type="checkbox"/>	Think about what you want to say and the simplest way to say it
<input type="checkbox"/>	Use plain, simple language
<input type="checkbox"/>	Be active: talk, do demonstrations and use charts, pictures and diagrams
<input type="checkbox"/>	Speak slowly and clearly using short, complete sentences
<input type="checkbox"/>	Use plain language written materials to support discussion
<input type="checkbox"/>	Use audio or audiovisual material in appropriate languages
<input type="checkbox"/>	Provide written information in appropriate forms and languages
<input type="checkbox"/>	Use consistent terms and symbols
<input type="checkbox"/>	Make information readily accessible to all employees
<input type="checkbox"/>	Provide interpreter services
<input type="checkbox"/>	Allow time for discussion and consideration
<input type="checkbox"/>	Check for understanding

50. The most effective way to communicate is through face-to-face discussion and demonstration – this allows all parties to quickly identify and address any misunderstandings.
51. When speaking and presenting information, it is important to speak slowly and clearly, and to give explanations or instructions in short, simple (but complete) sentences and in a logical order. Avoid using jargon or slang and remember that shouting will not help to get the point across any clearer.
52. Face-to-face discussion needs to be supported by graphics and audio or audiovisual materials in appropriate languages, as well as written documentation.
53. Regardless of the techniques used, be sure to check that the information provided has been fully understood.

# How to comply

## Check for understanding

54. When conducting demonstrations or providing new information, employers need to check for understanding by:
  - asking the employee to do the task
  - asking the employee to identify the equipment used
  - asking the employee to explain the meaning of safety signs, or
  - asking questions related to the content.
55. Employers need to show employees how to use equipment correctly as well as what to do if anything is not working properly. When checking for understanding, phrase questions so that the employee is required to give more than a yes or no answer.

## Use plain language

56. In multilingual workplaces, it is not enough to simply provide written information to employees. Written information is best used as a backup to more direct methods because:
  - some employees may not be literate, and even those who speak English well may not be able to read it well
  - people may not have the time to read the information
  - written information is often expressed in more complex language
  - written information alone does not provide opportunities to ask questions.
57. If written information is needed, it needs to be expressed in plain language and made as clear as possible. This means:
  - using simple, everyday language
  - using common workplace terms in a consistent manner (use the same words in writing as you would when talking)
  - using short, complete sentences
  - keeping documents short
  - using headings and subheadings
  - keeping the format clear and consistent
  - focusing on one idea or issue at a time.

## Get translations

58. Work with employees in target language groups to determine which materials are most appropriate for translation. Priority needs to be given to key information such as the induction manual and health and safety guidance, particularly specific risk-control measures and safety procedures. However, employees may identify other materials that would be useful to them in their work.
59. Because there are obvious costs involved in translation, it is worth considering the shelf life of the documents being translated and to give priority to information that is not likely to change. If a document is likely to change on a regular basis and will therefore require regular translation updates, account for this in any budgeting.

# How to comply

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60. While multilingual employees may be able to assist with simple translations of basic information, the detailed nature of most health and safety information requires high-level language skills.
  61. When a message is complex, technical or must be translated accurately, consider hiring a professional translator (they can be hired through a number of accredited private agencies). Translations can also be arranged through the Australian Government's Translation and Interpreting Service ([immi.gov.au/tis](http://immi.gov.au/tis)).
  62. Preferably, the translator should be familiar with OHS and have experience in translating this type of information.
  63. When working with a translator, employers need to ensure:
    - the information is in plain English to begin with – the clearer the original, the better the translation will be
    - the translator understands the document and interprets it correctly
    - translations are checked for comprehension by members of the target language group.
  64. Material selected for translation must be:
    - clear and succinct
    - up-to-date
    - not likely to change
    - accurate
    - useful to the target group.
  65. When reviewing translations:
    - test the accuracy of translated materials by having members of the target group review them
    - remember that a good translator will make word choices in order to capture the tone, context and intended meaning of the original and these may not reflect the literal content of the original
    - be aware that some words may not have direct translations and need to be defined (eg 'ergonomic assessment').
  66. Some employees may have limited literacy in their own language, so it is a good idea to use translated audio or audiovisual materials if required.
  67. Some useful material may have already been translated by other organisations, such as a government agency, another business or a union. Consider referring to the manufacturers' instructions when training staff in the use of plant or machinery, as instruction manuals are often printed in multiple languages. WorkSafe recommends checking for existing translations before hiring a translator. If existing material is found, it is important to ensure that the information is accurate, relevant and appropriate for the particular workplace.

## Use standard health and safety signs

68. A safety sign is one which gives a specific message to those who may be exposed to hazards in the work environment. Signs may be used to prevent accidents, signify health hazards, indicate the location of safety and fire protection equipment or give guidance and instruction in an emergency.
69. While clear symbols can aid understanding, the effectiveness of a sign system can be undermined by linguistic and cultural differences and an inability to understand terminology. Risks can arise when employees who are not familiar with the meaning of a symbol or image or cannot read a sign, misinterpret the sign's meaning. Therefore, education and training are an essential part of any sign system. Employees need to be taught the meaning and intention of signs and their understanding of that meaning has to be checked.
70. Remember that safety signs do not replace or reduce the need for proper and ongoing prevention measures.
71. Employers need to use safety signs in a form which can be understood by all employees. Safety signs need to:
  - be clear and consistent – the same sign needs to be used to convey the same message throughout the workplace
  - be picture or diagram based where there is a standard picture sign that conveys the intended message it needs to be used
  - use simple, everyday language – if a sign is set by regulation and is not in plain language, it needs to be supplemented with a simple version or a picture sign.
72. Ensure that employees are taught the meaning of all signs during the induction process – training needs to include temporary (ie maintenance, cleaning) and permanent signs.
73. Where there is a major language group in the workplace and written signs are used, they need to be in bilingual form. (See [worksafe.vic.gov.au](http://worksafe.vic.gov.au) for some translated examples of common health and safety signs.) When more than two languages are required, it is best to use picture-only signs to avoid confusion.
74. If written signs are used, it is better to pick one form of sign and phrasing and use it consistently.
75. Another option may be to provide translations of all signs in a handbook or a separate notice prominently displayed in the workplace.
76. The picture symbols in AS 1319 *Safety signs for the occupational environment*, are safety signs currently in wide use in Victorian workplaces.
77. There are four categories of picture-based safety signs, distinguished by the colour and shape of the symbol. These are further expanded into different forms such as hazard warning as shown in the 'Do Not Enter' sign on page 14 or emergency information such as the 'Exit' sign on page 14.

# How to comply


Description	Meaning
Circle: white background with red borders and cross bar, black symbol.	Stop and prohibition signs. 
Triangle: yellow background with black border, black symbol.	Caution signs. 
Rectangle: green background, white symbol.	Emergency-related information signs. 
Circle: blue background, white symbol.	Protective equipment. 

Figure 1: Safety sign categories.

## Provide language support

### Use bilingual facilitators

78. Bilingual people can play an important role as facilitators in multilingual workplaces by helping employers and employees to communicate. Because bilingual employees will be familiar to their co-workers, employees may be more comfortable receiving information and sharing health and safety concerns through them.
79. Bilingual facilitators may be able to:
  - talk to other employees, in a group or individually, about general OHS issues
  - report on discussion between non-English speakers
  - check for understanding where people with limited English are given information in simple written English
  - be included in a network or chain of people used to pass on information
  - make announcements over a communications system
  - read out material that has been translated
  - convey information between a health and safety committee and non-English speakers
  - write brief notices, such as notice of a meeting.
80. It is important to ensure that bilingual people who are asked to use their language skills in the workplace are willing to perform the role and are chosen and supported by the people they are to communicate with. They also need to be familiar and comfortable with the information they are communicating. Therefore, it is a good idea to develop a procedure to acknowledge the role of bilingual facilitators.
81. Often it is possible for employers to identify the natural leaders within a language group; these employees are ideal candidates to act as bilingual facilitators as they will have already gained the esteem and trust of their co-workers.
82. Section 69(1) (e) of the OHS Act provides that employers must afford assistance to HSRs in carrying out their duties. HSRs may call on bilingual people in the workplace to help them communicate with members of their designated work group whose language they do not speak. The employer needs to inform HSRs in the workplace of the general intention to involve bilingual people, the ways bilingual people are to be used and who they are. It must be made clear that in assisting employers with communication, bilingual staff do not take on the duties of employers.
83. Where using their language skills will take bilingual employees away from their other duties, the employer needs to facilitate this by providing appropriate and sufficient time for bilingual facilitators to carry out their role.
84. If an employer chooses to use bilingual employees to communicate health and safety information, they need to ensure the role is not confused with that of elected HSRs.
85. Additionally, employers need to let all employees know who to ask for language assistance. One way to do this is through the national symbol for interpreters (see Figure 2). The symbol can be used on badges, name tags, signs and workstations to identify bilingual staff and trained interpreters. Visit the Victorian Multicultural Commission website ([multicultural.vic.gov.au](http://multicultural.vic.gov.au)) for copies of the symbol and guidelines for its use.

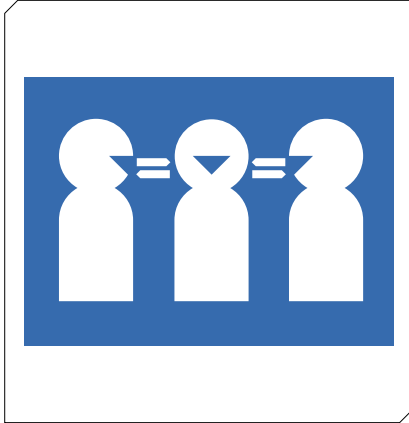


Figure 2: The national symbol for interpreters.

86. Bilingual supervisors may carry out duties in both languages where there are employees who share their language in the work location.
87. The employer may consider employing bilingual officers specifically to liaise with non-English speaking employees and coordinate their information provision. If such employees are expected to translate complex or technical information, or to act as interpreters, it is important that they have the relevant skills and qualifications. If they are to provide training, they need to have training skills and knowledge of the subject matter as well as the relevant language.
88. If bilingual employees are unable to assist in communications, consider looking externally for language support. Unions, employer associations, migrant resource centres and other businesses may be able to assist by providing a bilingual person to facilitate meetings, training sessions or group discussions.

### Provide interpreter services

89. While bilingual staff can often assist in communicating general information across languages, interpreting is a specific skill and not every bilingual person is able to act as an interpreter. Employ a professional interpreter in instances where a message needs to be communicated precisely.
90. Interpreters can be hired through a number of accredited private agencies. While it is ideal to use interpreters to aid face-to-face communication so that information can be easily clarified, the Australian Government provides a telephone interpreting service that can be used if it is not practical to bring an interpreter to the workplace.
91. Most large hospitals have interpreters for a range of languages. In an emergency situation requiring hospitalisation, WorkSafe advises calling ahead to warn the hospital that an interpreter may be needed.
92. The Victorian Multicultural Commission ([multicultural.vic.gov.au](http://multicultural.vic.gov.au)) can provide detailed advice on working with an interpreter. However, some basic ways to ensure succinct and consistent interpretation include:
  - briefing the interpreter beforehand on the context and general content of the conversation
  - when conversing through an interpreter, looking at and talking to the audience, not the interpreter
  - speaking directly, rather than using 'tell her/him...'
  - speaking in whole sentences, but pausing often enough to allow the interpreter time to interpret
  - using a hands-free phone in a quiet environment for telephone interpreting.

## Provide training

### Induction training

93. The law requires employers to provide training to all employees, including supervisors, so that they can perform their work safely and without risks to health.
94. In addition to training in the relevant work tasks and processes, basic induction training for employees who are not familiar with Australian workplaces needs to cover:
  - duties of employers and employees under OHS legislation
  - OHS policies and procedures
  - the name of the HSR and their role, and functions of the health and safety committee
  - emergency procedures and terms
  - signage and common workplace terms.
95. The employer may consider establishing an induction support system. For example, new employees could team up with an experienced employee from the same language group who has been trained to assist new employees to meet the appropriate people and understand safe work practices. The support worker could have this role acknowledged as part of their normal duties.
96. An induction support system should not be a substitute for induction or other training covering health and safety issues.

### Teach common workplace terms

97. To enable effective communication in emergency situations and ensure that health and safety instructions are understood, all employees need to be taught the common terms of the workplace in a common language.
98. Common terms in the workplace can include:
  - the names used for the main pieces of equipment, processes and areas of the workplace
  - the position title of key employees (eg supervisor, HSR, safety officer) and their names
  - key instructions (eg stop, turn off conveyor)
  - emergency safety instructions (eg fire, exit, evacuate)
  - the meaning of safety signs.
99. Common terms need to be taught in the form in which they are used in the workplace. If training is taking place in a language other than English, the common terms should still be taught and used in their English form.
100. Common terms also need to be taught in the context in which they will be used and be combined with practical demonstrations. For example, the names of equipment and processes need to be taught by showing the equipment and working through processes, not by handing out a word list.

## **Offer English-language training**

101. As part of a long-term strategy for reducing the risk of miscommunication, employers could consider sponsoring English-language classes.
102. Developing competence in English will give employees easier access to information on workplace health and safety, and may also reduce the cost of information provision in the long term. It is best to choose a training program that includes health and safety in the curriculum. It may also be appropriate to hire a teacher of English as a second language (ESL teacher) to go over aspects of the training or induction program with employees who have limited English skills.
103. If it is not practical to offer language training, encourage employees who are not proficient in English to consider such training and provide employees with information about relevant programs.

## **Train supervisors**

104. Cross-cultural communication training is an essential part of managing safety in a diverse workforce. At the very least, supervisors, managers, team leaders and HSRs need to be aware of cultural differences.
105. This training will help them develop practical skills in listening, communicating, and overcoming stereotypes. The training will benefit for many reasons, not just in ensuring employees' safety.
106. Supervisors need to be trained to communicate clearly. They have the primary responsibility for pointing out potential hazards or preventative measures to employees, so clear and effective communication is very important. It is crucial that supervisors have a sympathetic and supportive attitude so that employees are not afraid to report unsafe work practices or to ask for clarification if they don't understand an instruction.

## **Tailor ongoing training to language needs**

107. The content and methods of health and safety training need to be tailored to the specific needs of the workplace and of the group being trained, including any specific language needs. This applies to induction training, on-the-job training and ongoing training.
108. All training needs to be provided in a way that allows the employee to understand and learn. In linguistically diverse workplaces, this means providing training in the employee's first language or providing some form of language support.

# How to comply

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109. Where the employer provides language support, it can take any combination of the following forms:
- an interpreter for all or selected parts of the course
  - an ESL teacher to go over all or part of the course
  - translated written support material
  - a plain English outline of the main points
  - a bilingual tutor who knows the material to be covered.
110. If a training program for a linguistically diverse workplace is to be provided in English only, the program needs to:
- use practical demonstrations and oral presentation
  - use hands-on learning
  - avoid reliance on literacy
  - group employees who speak the same language together to allow for discussion and clarification.

# Appendices

## **Appendix A**

The compliance framework

## **Appendix B**

Definitions

## **Appendix C**

Consultation

## **Appendix D**

Language profile questionnaire

# Appendices

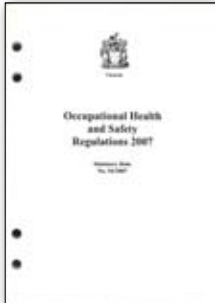
## Appendix A – The compliance framework



*Occupational Health and Safety Act 2004*

Act No. 107/2004

The **Occupational Health and Safety Act 2004** (the OHS Act) sets out the key principles, duties and rights in relation to occupational health and safety (OHS).



Occupational Health and Safety Regulations 2007

Statutory Rule No. 54/2007

The **Occupational Health and Safety Regulations 2007** (the Regulations) specify the way in which a duty imposed by the OHS Act must be performed, or prescribe procedural or administrative matters to support the OHS Act (eg requiring licences for specific activities, the keeping of records or giving notice).



**Compliance codes** provide practical guidance to duty holders. If a person complies with a provision of a compliance code, they are deemed to comply with the OHS Act or Regulation duty covered by the code provision. However, compliance codes are not mandatory and a duty holder may choose to use some other way to achieve compliance.



**WorkSafe Positions** are guidelines made under section 12 of the OHS Act that state how WorkSafe will apply the OHS Act or Regulations or exercise discretion under a provision of the Act or Regulations. WorkSafe Positions are intended to provide certainty to duty holders and other affected parties.



**Non-statutory guidance** includes information published by WorkSafe aimed at building people's knowledge and awareness of OHS issues, risks to health and safety and the disciplines and techniques that can be applied to manage and control risks. Non-statutory guidance is not mandatory, nor does it provide any 'deemed to comply' outcomes for duty holders. This guidance does, however, form part of the 'state of knowledge' about OHS.

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## Appendix B – Definitions

### **Bilingual person**

A person with the ability to use either of two languages with competence, especially when speaking.

### **Culturally and linguistically diverse (CALD) workplace**

A workplace where some employees' preferred language is not English or where some employees come from a non-English background or nationality.

### **ESL**

English as a second language.

### **Interpreter**

A professionally qualified person who takes information from an oral or sign language and converts it into another language to assist communication between people who use different languages.

### **Multilingual workplace**

A workplace where a number of employees speak, and possibly read, a language other than English.

### **Translator**

A professionally qualified person who converts written text from one language to another.

## Appendix C – Consultation

By law, employers must consult with employees on a range of matters that directly affect (or are likely to directly affect) their health and safety, so far as is reasonably practicable.

Consultation must involve sharing information with employees, giving the employees a reasonable opportunity to express their views and taking those views into account.

Where employees are represented by HSRs, these representatives must be involved in the consultation, so far as reasonably practicable.

The law sets out specific requirements on how HSRs are to be involved in consultation. These are as follows:

- Provide HSRs with all the information about the matter that the employer provides, or intends to provide, to employees. If it is reasonably practicable, the information must be provided to the HSRs a reasonable time before it is provided to employees.
- Invite the HSRs to meet with the employer to consult on the matter or meet with the HSRs at their request.
- Give the HSRs a reasonable opportunity to express their views on the matter and take those views into account.

The employer must include independent contractors and their employees in the consultation, so far as is reasonably practicable, if the employer has, or should have, control of a relevant matter that affects their health and safety.

Consultation is required when:

- identifying or assessing hazards or risks
- making decisions on how to control risks
- making decisions about the adequacy of facilities for employee welfare (such as dining facilities, change rooms, toilets or first aid)
- making decisions about procedures to:
  - resolve health and safety issues
  - consult with employees on health and safety
  - monitor employee health and workplace conditions
  - provide information and training
- determining the membership of any health and safety committee in the workplace
- proposing changes that may affect employee health and safety, such as changes to:
  - the workplace
  - plant, substances or other things used in the workplace
  - the work performed at the workplace
- doing any other thing prescribed by the Regulations.

In practice, this means that when planning to implement measures identified in this compliance code, or when making decisions to implement alternative measures to those specified in this compliance code, consultation must take place.

# Appendices

## Appendix D – Language profile questionnaire

### Health and safety information

These questions are to help us ensure your health and safety.  
You do not have to answer them.

1. (a) What is your first language?  
(The language you speak and understand best)
- For speaking:
- For reading:
- What other languages do you speak or read?
- (b)  I do not want to answer this question
2. (a) If English is not your first language, how good is your English?
- For speaking and listening:
- Excellent
- Good
- Adequate
- Poor
- Very poor
- For reading and writing:
- Excellent
- Good
- Adequate
- Poor
- Very poor
- (b)  I do not want to answer this question



## WorkSafe Victoria

### Advisory Service

222 Exhibition Street  
Melbourne 3000

Phone.....03 9641 1444  
Toll-free.....1800 136 089  
Email.....info@worksafe.vic.gov.au

### Head Office

222 Exhibition Street  
Melbourne 3000

Phone.....03 9641 1555  
Toll-free.....1800 136 089  
Website.....worksafe.vic.gov.au

### Local Offices

Ballarat.....03 5338 4444  
Bendigo.....03 5443 8866  
Dandenong.....03 8792 9000  
Geelong.....03 5226 1200  
Melbourne  
(628 Bourke Street).....03 9941 0558  
Mildura.....03 5021 4001  
Mulgrave.....03 9565 9444  
Preston.....03 9485 4555  
Shepparton.....03 5831 8260  
Traralgon.....03 5174 8900  
Wangaratta.....03 5721 8588  
Warrnambool.....03 5564 3200