

Victorian Code of Ethics and Minimum Service Standards **for Professional Members of OHS Associations**

First Edition, April 2008



Introduction

In 2007 WorkSafe identified opportunities to improve health and safety outcomes in Victorian workplaces by working with OHS associations and OHS education providers. After meeting to discuss and explore these opportunities it was agreed to establish the Health and Safety Professionals Alliance (HaSPA).

HaSPA is an alliance of OHS associations and OHS education providers facilitated by WorkSafe Victoria. HaSPA aims to:

- promote OHS as an area of professional practice,
- enhance the quality of OHS professionals,
- improve OHS service delivery to workplaces, and
- improve OHS in Victorian workplaces.

It is the first time in Australia such an alliance has been formed.

HaSPA agreed its first task would be the development of the *Victorian Code of Ethics and Minimum Service Standards for Professional Members of OHS Associations*.

The objectives of the Code and Standards are to:

- develop and maintain minimum standards of ethics and service for professional members of OHS associations,
- provide guidance for professional members of OHS associations on ethical and service standard issues, and
- strengthen and extend professionalism and promote self-regulation across OHS associations.

Achieving these objectives will help ensure the work and practices of professional members of OHS associations contribute to achieving the highest level of protection for employees, employers and other workplace health and safety stakeholders against risks to their health and safety.

It is the first time a common code and standards for professional members of OHS associations has been developed. Currently, the Code and Standards are endorsed by:

- **Australian and New Zealand Society of Occupational Medicine**
- **Australian Institute of Occupational Hygienists**
- **Safety Institute of Australia**

HaSPA and the associations and organisations it represents believe working with WorkSafe will deliver sustained OHS improvements across Victoria and help reduce workplace injury and disease.

Like WorkSafe, HaSPA's vision is to see Victorian workers returning home safe every day.

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Objectives

The objectives of the Code and Service Standards are to:

1. Develop and maintain minimum standards of ethics and service for professional members of OHS associations.
2. Provide guidance for professional members of OHS associations on ethical and service standard issues.
3. Strengthen and extend professionalism and promote self-regulation across OHS associations.

Achieving these objectives will help ensure the work and practices of professional members of OHS associations contribute to achieving the highest level of protection for employees, employers (and other workplace health and safety stakeholders¹) against risks to their health and safety.

Please note: For the purposes of this document the term 'professional member' refers to a member of an OHS association who:

- is a person with high-level training and education in one or more of the various aspects of OHS (including occupational hygiene, ergonomics as applied to OHS, occupational health, occupational safety),
- has achieved and maintains a professional or certified level of membership of an OHS association as defined by the association,
- complies with a professional code of ethics when carrying out their work, and
- meets defined minimum service standards when carrying out their work.

¹ '...other workplace health and safety stakeholders' includes members of the public, workplace visitors, volunteers and others.

Section 1

Code of Ethics

The Code of Ethics (Code) specifies standards of ethical conduct for professional members of OHS associations. It places obligations on them to practice and work in an objective manner; follow recognised OHS principles as specified in the Victorian Occupational Health and Safety Act 2004 (OHS Act 2004)²; and realise the lives, health and welfare of individuals may be dependent upon their judgement.

It may be referred to by the relevant OHS association when dealing with complaints about work or conduct of professional members.

Nothing in the Code will require professional members of OHS associations to contravene any obligations under any relevant occupational health and safety legislation or other relevant legislation, regulations and codes.

Professional members will act in accordance with the following requirements:

1.1 Responsibility

Act and work responsibly and competently at all times to improve health and safety in workplaces and ensure they do no harm.

Give priority to the health, safety and welfare of employees, employers and other workplace health and safety stakeholders in accordance with accepted standards of moral and legal behaviour during the performance of their duties.

Ensure the health, safety and welfare of employees, employers and other workplace health and safety stakeholders takes precedence over the professional member's responsibility to sectional or private interests.

Ensure work by people under their direction is competently performed and honestly and reliably reported.³

Ensure they do not engage in any illegal or improper practices.

1.2 Integrity, honesty, objectivity, impartiality

Perform their work and duties with integrity, honesty and equity while adhering to legal principles.

Provide advice, express opinions or make statements in an honest, objective, impartial and efficient way and consider the reasonably foreseeable consequences of that advice.

² See Section 2.1.

³ This applies, for example, to a professional member employed as an OHS manager within an organisation and has staff who report to them or a professional member working as an OHS consultant who engages others to provide services to a client - see Section 2.5.

Section 1 Code of Ethics

1.3 Areas of competence

Perform work only in their areas of competence and within the limits of their abilities.
Make public statements claiming professional knowledge in an area of public interest only if competent to do so, and only if such statements are consistent with other parts of the Code and Service Standards.

1.4 Conflict of interest

Avoid real or apparent conflicts of interest.

Disclose promptly and effectively all significant financial and other relevant interests with potential for providing conflict of interest or influencing the impartiality of any reports, advice or decisions.⁴

1.5 Confidentiality

Respect the confidentiality of the information obtained in the course of their work and only reveal such information to others with the consent of the person(s) or organisation(s) or their legal representative(s).⁵

1.6 Disclosure and whistleblowing

A professional member of an OHS association may become aware of an organisation breaching OHS legislation or standards resulting in a risk of injury or disease. How the professional member responds to this situation will be determined by the nature of the relationship (if any) the professional member has with the organisation.

Initially, the professional member should discuss the problem with management at the highest level and point out the problem, potential consequences, and professional member's ethical (and perhaps legal) responsibilities.

If there is no action on the part of the organisation and the only way of reducing the risk is to disclose their knowledge of the risk to a third party⁶, the professional member should do so. Before doing so, the professional member should seek advice from senior colleagues, their OHS association or other relevant parties, and should inform management of the organisation of his/her actions.

In the case where the organisation is a public body, the professional member may be protected by the Victorian Whistleblowers Protection Act 2001.⁷

⁴ Parties to be advised of financial and other relevant interests will be determined by the particular circumstances and may include employees, employers, other workplace parties, the community and the professional member's employer or clients.

⁵ Where necessary reference should be made to relevant federal and state privacy laws and related legislation. See: www.privacy.vic.gov.au/dir100/priweb.nsf/content/DBF672A018714B55CA256C4D000ECBBD

⁶ For example, WorkSafe Victoria, an employee health and safety representative, the workplace health and safety committee.

⁷ For further information see: www.ombudsman.vic.gov.au/www/html/37-whistleblowers.asp.

Section 1 Code of Ethics

1.7 Maintaining the standing and reputation of professional members of OHS associations

Conduct their affairs so as to promote and improve the practice of professional members.

Actively assist and generally encourage the continuing development of professional members; the OHS professions and OHS associations; and where appropriate, specific areas and disciplines of OHS practice.

Section 2

Minimum Service Standards

Professional members will act in accordance with the following requirements:

2.1 Compliance with OHS legislation and regulations and evidence-based practice

Have a thorough understanding of all relevant OHS legislation, regulations, codes and standards, and promote the understanding of these amongst employees, employers and other workplace health and safety stakeholders.

Advise employers and employees of any observed non-compliance with OHS legislation, regulations, codes and standards.

Inform the employer when they have a statutory duty to disclose findings to employees or their representatives.

Undertake their role in the workplace with the aim of achieving, as a minimum requirement and as appropriate to the circumstances of their work, compliance with all relevant OHS legislation, regulations, codes and standards.

With regard to achieving compliance, particular reference must be made by the professional member to Sections 4, 20 – 32, 35 and 36 of the Victorian OHS Act 2004.

Undertake their work using an 'evidence-based' practice approach including using research and other relevant information from recognised sources, using valid and reliable information and giving appropriate credit to and using proper citations with regard to sources of information.

2.2 Expert witness

Where a professional member is acting as an expert witness in legal proceedings or proposed proceedings, they will comply with the Expert Witness Code of Conduct or other appropriate requirements as specified by the jurisdiction.⁸

⁸ For example, Victorian Supreme Court (General Civil Procedure) Rules 2005, page 556, Rule 44.01: Expert Witness Code of Conduct.

Section 2 Minimum Service Standards

2.3 Certification of professional members of OHS associations

Certification of professional members is important in attaining the objectives listed on page two and achieving the highest level of protection for employees, employers (and other workplace health and safety stakeholders) against risks to their health and safety.

It is necessary for the professional member who is certified to maintain his/her certification status and expertise and continually develop as a professional in line with the dynamic nature of OHS practice and the constant changes in the state-of-knowledge, work and workplaces.

For certification to be a valid means of protecting employees, employers and other workplace health and safety stakeholders, and providing certainty to those engaging professional members, a system for effectively managing complaints about professional members is essential.

Minimum standards for certification of professional members

2.3.1 Certification is carried out by an OHS association.

2.3.2 The association has documented certification procedures publicly available and easily accessible.

How these procedures are implemented and managed is at the discretion of the association. Typically there is a separate and independent board or council to carry out these functions.

Where appropriate, the candidate for certification may be certified in a specific set of competencies directly related to the scope of the member's practice.

2.3.3 The criteria for certification are:

- Completion of an education program specified by the certification board or council or an alternate means of establishing the applicant has the required knowledge, expertise and competencies.
- Demonstrated practical expertise.
- A minimum period of full-time practice or equivalent.

2.3.4 The process for certification is as follows:

- Submission of a written pro-forma application for certification, evidence of having completed a specified education program and possibly the submission of specified work products and other evidence.
- Assessment of the application by the certification board or council.
- Advice to the applicant of the outcome of their application.
- In the event that an application is unsuccessful there is:
the right of appeal and a mechanism to appeal the decision of the certification board or council
or
a mechanism to provide feedback to the unsuccessful applicant and advice on what is required to satisfy the certification criteria.

Section 2 Minimum Service Standards

- To finalise certification the successful applicant undertakes in writing to:
 - abide by a formal written code of ethics (*if this is not already a requirement for all members of the association*),
 - meet the written requirements for maintenance of their certification status, and
 - comply with the procedures, policies and processes for dealing with misconduct, breaches of the Code of Ethics and complaints about their professional conduct.

2.3.5 In circumstances where an association may make major changes to certification procedures, processes and policies, a transitional clause⁹ may be included in the new procedures, etc.

Minimum standards for certification maintenance and continuing professional development

2.3.6 The association has documented processes, policies and procedures for maintaining certification that are publicly available and easily accessible.

2.3.7 The certification board or council ensures professional members comply with these processes, policies and procedures.

2.3.8 The processes, policies and procedures typically involve a time cycle of no greater than five years.

2.3.9 The activities and tasks the professional member must undertake to maintain certification ensure professional members will continue to develop and enhance their knowledge and skills for the duration of their active careers.

2.3.10 Failure to comply with certification maintenance requirements results in the professional member losing their certification status.

2.3.11 The processes, policies and procedures may typically include provisions for personal hardship, unemployment and voluntary temporary suspension.¹⁰

Minimum standards for an effective system for managing complaints and disputes about professional conduct and breaches of the Code of Ethics¹¹

An effective system will meet the following standards:

2.3.12 Fair

The system is fair and ensures natural justice for all parties.

2.3.13 Accountable

The system is accountable in that it is open, reports outcomes, and gives reasons for decisions.

⁹ Sometimes referred to as a 'grandfather' clause.

¹⁰ For example, family leave.

¹¹ These standards have been adapted from the Professional Standards Council Policy Statement on Complaints and Discipline Systems.

Section 2 Minimum Service Standards

2.3.14 Accessible

The system is accessible. Information about the complaints system is available to professional members, clients, employees, employers and other workplace health and safety stakeholders at no cost.

2.3.15 Appropriate and effective dispute resolution

Disputes and complaints should, if possible, be resolved between the parties in the first instance. If this fails, the system provides a fair and accessible mechanism for dealing with complaints and for resolving disputes appropriately, effectively and efficiently.

2.3.16 Discipline

Disciplinary procedures are objective, fair, accessible, transparent and accountable.

2.3.17 Maintains integrity of the profession and protects consumers

The system is appropriately and properly resourced and there are effective and enforceable sanctions for breaches. The system maintains the integrity of the profession.

2.3.18 Commitment

There is commitment at all levels of the association to efficient and fair resolution of complaints and enforcement of disciplinary provisions.

2.4 Consultant professional members

Consultant professional members provide professional services to workplaces (clients) on the basis of fee-for-service or as a contractor. They may be an employee of an independent organisation providing OHS services to workplaces (clients), the principal/owner/director of such an organisation, an independent self-employed 'sole practitioner', or an independent contractor providing services to workplaces (clients).

They do not work under a contract of employment for the workplace (client) to whom they are providing OHS services.¹²

In addition to meeting all the preceding requirements consultant professional members will also meet the following requirements:

2.4.1 Inform the client of any interest or employment that may compromise the exercise of independent professional judgement or conduct.

2.4.2 Not solicit for work either by calling into question the ability or integrity of another professional member or by offering or paying to a prospective client financial or material inducement.

¹² This section does not apply to professional members who have an employment contract and are employees of an organisation, even if their job title/position description/employment contract entails them to act as a 'consultant' within/to the organisation.

Section 2 Minimum Service Standards

- 2.4.3** Conduct their business in an ethical manner, including:
- Providing a clear and unambiguous statement of costs and fees.
 - Inclusion of appropriate disqualification clauses in contracts.
 - The ethical management and resolution of conflicts of interest.
 - Proper representation of capacities, competencies and areas of expertise.
 - Reasonable requests for information from employers/clients.
 - Accountability for their actions.
 - Responsible and proper undertakings and commitments to employers/clients about the conduct and outcomes of their work.
- 2.4.4** At all times have adequate insurance coverage appropriate to the scope, circumstances and content of their work and which provides adequate cover for all parties. This typically involves Public Liability and Professional Indemnity insurance and may also include WorkCover and other insurances.

HaSPA members

This publication was developed by members of the Health and Safety Professionals Alliance:

Occupational medicine

Australian and New Zealand Society of Occupational Medicine

ANZSOM is a professional organisation which provides a focal point for the advancement of knowledge for those registered medical practitioners who are actively involved in or who are interested in occupational medicine.

Australian College of Occupational Health Nurses

The College promotes occupational health as well as providing education, support and professional development for occupational health nurses.

The Australian College of Toxicology and Risk Assessment

The College advances the study and applications of toxicology and health risk assessment as professional scientific disciplines and cultivates (and maintains) the highest standards of professional practice and ethics in people engaged in the sciences of toxicology and health risk assessment.

Australasian Faculty of Occupational and Environmental Medicine

The mission of the Faculty is to be recognised as the leading authority on occupational and environmental medicine (OEM) in the Australasian region, and to strive towards an education, assessment and oversight program recognised nationally and internationally as providing the highest standards in OEM, demonstrably by its trainees and fellows.

Professional bodies

Australian Institute of Occupational Hygienists

The overall objective of the Institute is to help ensure workplace health hazards are eliminated or controlled. It seeks to achieve this by promoting the profession of occupational hygiene; improving the practice of occupational hygiene and the knowledge competence and standing of its practitioners; providing a forum for the exchange of occupational hygiene information and ideas; promoting the application of occupational hygiene principles to improve and maintain a safe and healthy working environment for all; and representing the profession nationally and internationally.

Congress of Safety and Health Association Presidents

The Congress of Safety and Health Association Presidents (COSHAP) was formed to address issues of national and common concern to member organisations. Membership is restricted to those who are or have been, national president of their organisation. COSHAP is a strategic body, designed to give governments a common interface to the profession.

Human Factors and Ergonomics Society of Australia

The Society is the professional organisation of ergonomists and human factors specialists in Australia. Its purpose is to promote the principles and practice of ergonomics throughout the community.

HaSPA members

Safety Institute of Australia

The Institute is a national professional body. The objective of the Institute is to promote the health and safety of people. The Institute believes the distinctive advice of qualified and experienced health and safety practitioners is a prerequisite to the specification of the health and safety responsibilities of government, employers and community organisations.

Educational bodies

Innovation and Business Skills Australia

Is an industry skills council for the Vocational Education and Training system and develops competency standards and qualifications for workforce skills development and training in occupational health and safety.

La Trobe University

Conducts undergraduate and postgraduate education programs and undertakes research in ergonomics and occupational health and safety.

RMIT University

Conducts undergraduate and postgraduate education programs and undertakes research in occupational health and safety.

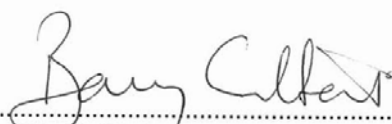
University of Ballarat

Conducts undergraduate and postgraduate education programs and undertakes research in occupational health and safety.

Endorsement

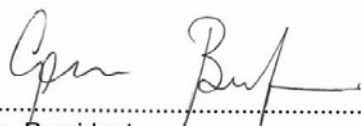
April 2008

The following organisations are pleased to endorse and promote the *Victorian Code of Ethics and Minimum Service Standards for Professional Members of OHS Associations*:



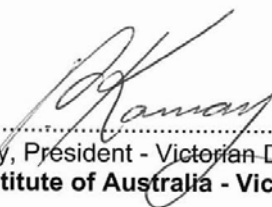
.....
Barry Gilbert, Chairman

Australian and New Zealand Society of Occupational Medicine



.....
Geza Benke, President

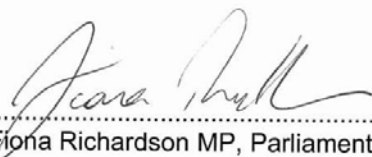
Australian Institute of Occupational Hygienists



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Phil Kamay, President - Victorian Division

Safety Institute of Australia - Victorian Division

Witnessed by



.....
Fiona Richardson MP, Parliamentary Secretary, Treasury and Finance

Dated: 29 APRIL 2008

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