



# SOUTH AUSTRALIAN PUBLIC SECTOR

WORK HEALTH AND SAFETY FRAMEWORK  
FOR CULTURAL SAFETY



**Government of  
South Australia**

## Introduction

Work health and safety legislation requires that everyone in the workplace, from senior officers, workers, volunteers and visitors, plays a role in ensuring the health and safety of all is protected. This includes both physical and psychological health as defined in the State's work health and safety laws.

Central to feeling safe at work is the expectation that a person's cultural identity will not be demeaned or diminished by others. Each person has their own unique cultural identity. Together we can create work environments where we recognise and respect every worker's cultural identity whether they identify by their age, disability, ethnicity, religion, sexuality, social class or other element.

This Work Health and Safety (WHS) Framework for Cultural Safety (Framework) provides information about cultural safety as an important element of psychological health; how to address associated risks in the workplace under the [Work Health and Safety Act 2012](#) (SA) (the WHS Act); and how to support a culturally safe work environment. This Framework is intended to mature existing work health and safety systems and apply to workers employed or engaged by the South Australian public sector and those using and engaging with South Australian Government services.

The Framework for Cultural Safety supports the WHS Act in practical implementation but is more than simply legislative compliance. The framework provides a broad approach to, and awareness of, cultural identity and subsequently cultural safety is necessary in our increasingly multicultural and diverse workforce and population.

All workers, regardless of how they identify, must have regard to cultural safety and be mindful of the impact of practices and behaviours on others, rather than only the intent. This intent is aligned with the [Code of Ethics for the SA Public Sector](#).

## Cultural Safety

The concept of cultural safety was originally developed within health care settings. It was initially used to improve health outcomes for First Nations people in New Zealand and Canada; enhancing the patient experience and health outcomes by providing culturally safe interactions by ensuring there was no assault on a person's identity.

The concept has also been developed for use in universities and other school settings. In these settings the concept has been expanded to encompass cultural safety for all. As this Framework applies to all persons working in or accessing public sector environments it reflects the more expansive use of the concept to support a culturally safe environment for all.

A commonly used definition of cultural safety is that of Robyn Williams (1999) who defined it as:

...an environment that is spiritually, socially and emotionally safe, as well as physically safe for people; where there is no assault challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning together<sup>1</sup>.

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<sup>1</sup> Williams, R. (1999). Cultural safety – what does it mean for our work practice? Australian and New Zealand Journal of Public Health, 23(2), 213-214 Sourced at [http://www.intstudentsup.org/diversity/cultural\\_safety](http://www.intstudentsup.org/diversity/cultural_safety)

## Why is psychological health important in the workplace?

Health is defined in the WHS Act as meaning both physical and psychological health. The following excerpt from the Safe Work Australia fact sheet: Preventing psychological injury under work health and safety laws<sup>2</sup> outlines how work factors can lead to psychological injury.

“Workers’ psychological and physical health can be adversely affected by exposure to a poorly designed or managed work environment, a traumatic event, workplace violence, fatigue, bullying or harassment and excessive or prolonged work pressures. Any of these factors can increase the likelihood of workers experiencing a stress response.

Stress responses describe the physical, mental and emotional reactions which arise when workers perceive that their work demands exceed their ability to cope. Job stress is not in itself a disorder, illness or psychological injury. If job stress is excessive or prolonged it may lead to psychological or physical injury.

Increased frequency or duration of stress responses have been linked with high levels of unplanned absences including sick leave, staff turnover, withdrawal and presenteeism and more task errors. It can be a significant cause of injury or illness which may lead to depression and anxiety in the long term.”

Culturally unsafe practices and behaviours may be a WHS hazard that can pose risks to psychological health and, if not dealt with, may lead to psychological injury. If left unmanaged these unsafe behaviours may also escalate to bullying which is defined as *repeated and unreasonable behaviour* directed towards a worker or a group of workers that *creates a risk to health and safety*.<sup>3</sup> Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

It is important to note that while racist or discriminatory behaviours can affect a worker’s cultural safety, such issues are more appropriately dealt with under other state and national legislation (see ‘other issues’ section for more information). This Framework is also supported by the Code of Ethics for the South Australian Public Sector which all workers are bound to comply with.

## Who has WHS duties in relation to psychological hazards?

Everyone at a workplace has a work health and safety duty and a role to play in ensuring and supporting a culturally safe environment.

The WHS Act outlines specific duties for the person conducting a business or undertaking (PCBU), officers, workers and others.

A PCBU has the primary duty under the WHS Act to manage risks associated with exposure to hazards arising from work that could result in physical or psychological harm. The duty is to ensure the health and safety of workers and other people at the workplace, so far as is reasonably practicable, including by:

- providing and maintaining a work environment without risk to health and safety
- providing and maintaining safe systems of work

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<sup>2</sup> Safe Work Australia, Preventing psychological injury under work health and safety laws fact sheet:

<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/preventing-psychological-injury-fact-sheet>

<sup>3</sup> <https://www.safeworkaustralia.gov.au/system/files/documents/1702/guide-preventing-responding-workplace-bullying.pdf>

- monitoring the health of workers and the conditions at the workplace
- consulting with workers and their representatives on work health and safety matters, and
- providing information, training, instruction and supervision so workers can safely perform their work activities.

Officers have a duty to exercise due diligence (refer to Section 27 (5) of the WHS Act) to ensure the PCBU complies with any duty or obligation it has under the WHS Act.

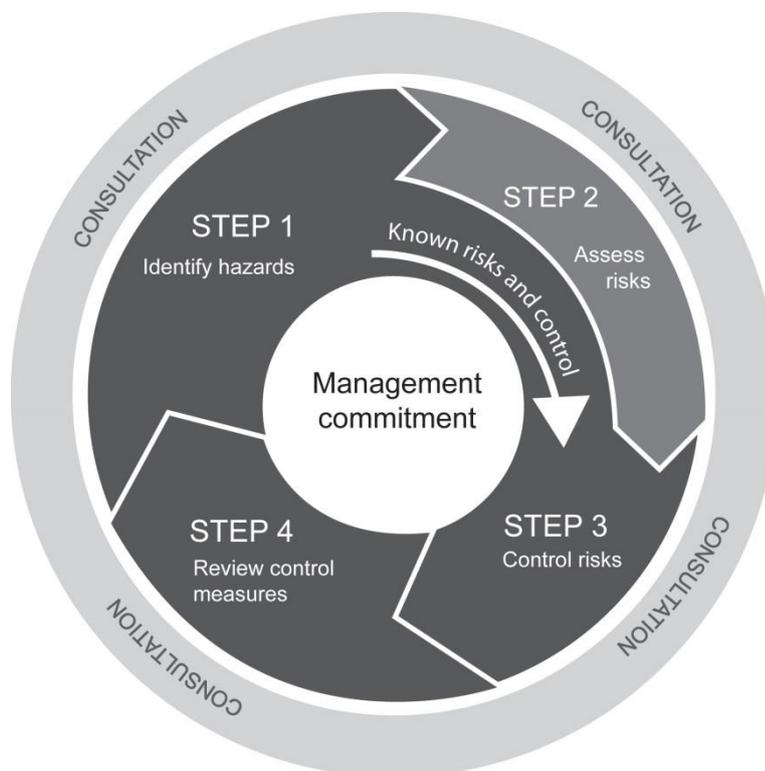
Workers have a duty to take reasonable care of their own health and safety and not adversely affect the health and safety of others (refer Section 28 of the WHS Act). Workers must also cooperate with any reasonable policy or procedure and comply with reasonable instructions about work health and safety matters.

Other people at the workplace such as visitors or customers are required to take reasonable care of their own health and safety and to take care that their actions do not adversely affect the health and safety of other people.

## Management of risk

The risk management process commonly applied to physical hazards is equally applicable to a psychological hazard. (See WHS Regulations Chapter 3 Part 1. Also refer to the [Code of Practice: How to manage work health and safety risks.](#))

The diagram below illustrates the process:



Source: Code of Practice: How to manage work health and safety risks

The steps for managing risks associated with psychological hazards

## 1. Identifying the hazards

According to the Nursing Council of New Zealand (2005): “culturally unsafe practices are those that diminish, demean or disempower the cultural identity and well-being of an individual”<sup>4</sup>.

A hazard may be an object, behaviour or situation which has the potential to cause harm including psychological injury. It is necessary then to consider your workplace and whether there are any factors that could contribute to a worker feeling culturally unsafe and therefore potentially at risk of psychological injury.

People respond to stress and other psychological hazards at work in different ways. Individual differences may mean that some workers are more susceptible to harm from a hazard. With this in mind, it is useful to consider the impact of practices and behaviours at work, rather than just a person’s or an organisation’s intent.

## 2. Assessing the risk

A risk is the likelihood that harm will result from exposure to a hazard or group of hazards. A risk assessment involves examining the identified risk factors (consequence and exposure) in more detail to determine the level of risk (e.g. extreme to low levels) and help prioritise the order in which control measures are implemented. Examples of cultural safety risks are provided below:

- Making demeaning and/or derogatory comments specifically related to a person’s cultural identity, especially in front of other workers, customers or clients
- Denying opportunities for training, promotion, interesting jobs or assignments because of cultural bias
- Excluding a particular person from workplace social events because of cultural bias
- Not respecting a person’s wish to not participate in an activity which may be contrary to their cultural identity
- Inappropriate jokes, comments or behaviours, including:
  - Mocking things like the food a person eats, the clothes they wear, their accent or the way they express their cultural identity
  - Comments or jokes about physical or mental illness or incapacity, disability or illness
  - Stereotyping based on a person’s cultural identity
  - Jokes with derogatory content

Consideration should be given to whether any of these risks are present at the workplace. It may be possible to immediately control the risks. If not, where risks are present, the level of the risk can be assessed by considering:

- The nature of the hazard – the capacity the hazard has to induce harm, for example inappropriate behaviours or practices may lead to psychological injury
- The extent of exposure to the hazard – the duration, frequency and intensity of exposure
- Individual differences – i.e. individuals may deal with exposure to a particular psychological hazard in different ways

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<sup>4</sup> Nursing Council of New Zealand. (2002). Guidelines for cultural safety, the treaty of Waitangi, and Maori health in nursing and midwifery education and practice. Wellington: Nursing Council of New Zealand. Sourced at: [http://www.intstudentsup.org/diversity/cultural\\_safety/](http://www.intstudentsup.org/diversity/cultural_safety/)

It is always best wherever possible to immediately control identified risks.

### **3. Controlling the risks**

A PCBU must eliminate the risks to workers' health and safety so far as is reasonably practicable. If this is not reasonably practicable then the PCBU must minimise those risks so far as is reasonably practicable following the legislated "hierarchy of controls".

The risk of psychological harm can be minimised by implementing effective control measures addressing the work environment and systems of work. Control measures aimed at specific individuals are usually less effective.

The types of controls used will vary depending on what is reasonably practicable for each workplace. A combination of controls may be needed to reduce the risk of psychological injury.

Control measures that may be considered can include:

- Developing policies and procedures relating to cultural safety setting the standard of workplace behaviour. (A sample policy is included in Part 1 of the accompanying Useful Documents.)
- Informing all workers about cultural safety:
  - Discussing with them how behaviours and practices may affect a person's cultural safety.
  - Talking to teams about how to respond to inappropriate comments and situations, for example, developing a team agreement to enable people to immediately respond to something that makes them feel culturally unsafe and to 'call out' poor behaviour where there hasn't been an appropriate response.
- Providing information, instruction, training and supervision which can help to protect workers from psychological health risks, for example cultural intelligence training.
- Providing support systems, for example buddying and mentoring for new workers with a particular focus on cultural safety.
- Ensuring that managers and persons who have responsibility for workers are aware of their WHS duties.
- Ensuring workers understand their duties under the WHS Act and how their actions or omissions may impact others.
- Enabling and encouraging workers to raise concerns about and report inappropriate practices or behaviour directed at themselves or others:
  - Consider discussing cultural safety at team meetings as an element of workplace WHS issues. This would enable workers to provide active and current feedback about the status of cultural safety in the workplace.
- Developing and providing access to a formal complaint process for workers to use if they feel culturally unsafe and their health and safety is impacted.
- Ensuring the physical work environment does not display objects which cause workers or others to feel culturally unsafe.

Control measures used need to suit the size and structure of the workplace, as well as be realistic and achievable. They should be designed to create long-term change within the workplace and not used simply as a quick fix for problems. Any documents developed should be provided in a form or language that can be understood by the reader. Consultation with all workers should take place to ensure the documents are able to be understood, and therefore followed.

#### 4. Maintaining and reviewing control measures

Any control measures put in place should be regularly reviewed and must be reviewed when the control measure no longer controls the risk it was intended to control so far as is reasonably practicable. For example:

- When a psychological injury occurs
- When the results of monitoring show that the control measure does not control the risk
- Before making changes in the organisation or to work procedures that may give rise to a new or different risk to health and safety
- If new information becomes available to indicate a control measure may no longer be the most effective
- If the results of consultation indicate that a review is necessary

Monitoring and review of controls may identify culturally unsafe practices and workers that may be feeling culturally unsafe. Intervening at an early stage may prevent the development of a psychological injury.

### Consulting with your workers

A PCBU must, so far as is reasonably practicable, consult with their workers on health and safety matters. Consultation with workers at each stage of the risk management process can assist in identifying and controlling psychological hazards and risks in the workplace.

Consultation involves sharing information, giving workers a reasonable opportunity to express their views and considering those views before making a decision on health and safety matters.

Consultation is required on specific matters, including:

- Decisions about the most effective controls for the identified hazards and risks.
- Policies and procedures – what cultural safety is and the standards expected in the workplace.
- Workplace changes – reasonable workplace adjustments for a worker returning to work, changes to organisational structure such as when downsizing.

Further information on consultation can be found in the Code of Practice: *Work health and safety consultation, co-operation and co-ordination*<sup>5</sup>.

### How to deal with issues of cultural safety

Your workplace may have a specific policy for cultural safety such as the sample policy in Part 1 of 'Useful Documents'. This should canvass the options available to a worker who feels culturally unsafe and whose health and safety is impacted.

Informal mechanisms a worker may wish to consider include:

- Raising the issue with their supervisor or manager
- If the supervisor or manager is the person whose behaviour or actions are causing concern, speaking to the next person of seniority in the work area

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<sup>5</sup> [http://www.safework.sa.gov.au/show\\_page.jsp?id=113708#.VqrpTU3UiUk](http://www.safework.sa.gov.au/show_page.jsp?id=113708#.VqrpTU3UiUk)

- Raising the issue at a team meeting as a WHS issue
- Contacting the Employee Assistance Program to discuss the issues
- Speaking to the Health and Safety Representative about the issues being experienced.

If a person's health and safety is affected and a satisfactory outcome has not been reached through these methods, the person may consider following the organisation's formal WHS issue resolution procedure.

All workers need to be made aware that a procedure exists for making a formal complaint.

If an issue of cultural safety arises in a workplace which is impacting on a worker's health and safety, it can be addressed within the WHS legislative framework. Your organisation may already have an 'agreed procedure' outlining the steps to be taken to resolve health and safety issues in the workplace. If not, regulation 22 of the *Work Health and Safety Regulations 2012 (SA)* (WHS Regulations) provides a default procedure which must be followed in the event there is a risk to health and safety and where there are no 'agreed procedures'.

Parties to the issue involved in resolving the matter are:

- the PCBU (the Department or statutory body) with whom the issue has been raised
- any other PCBU (contractor/other Department) involved in the issue
- where at least one worker in a work group is affected by the issue, their Health and Safety Representative (HSR) or the HSR's representative
- where a worker or workers affected by the issue are not in a work group, the worker, or workers, or their representative.

A representative of a party (e.g. a union representative or employer organisation) may, if requested by the party, enter the workplace to attend discussions with a view to resolving the issue.

If the issue is resolved, details of the issue and the resolution must be set out in a written agreement, if any party to the issue requests this.

If a written agreement is prepared:

- all parties to the issue must be satisfied that it accurately reflects the resolution
- the agreement must be provided to all people involved with the issue and (if requested) to the Health and Safety Committee at the workplace.

If an issue is not resolved, actions such as mediation or conciliation could be considered.

If an issue is still not resolved, and reasonable efforts have been made to resolve it, any party to the issue can ask SafeWork SA to appoint an Inspector to attend at the workplace to assist in resolving the issue. (See Section 82 of the WHS Act for further detail).

## Other issues

While racist or discriminatory behaviours can affect a worker's cultural safety, anti-discrimination and equal opportunity laws are designed to address certain kinds of unfair treatment. These laws may be a more appropriate tool for addressing some behaviours and issues that arise in the workplace.

- *Equal Opportunity Act 1984 (SA)*
- *Racial Vilification Act 1996 (SA)* and the racial victimisation provisions in the *Civil Liability Act 1936 (SA)*
- *Public Interest Disclosure Act 2018 (SA)*

South Australians are also covered by federal anti-discrimination laws which can be found on the website of the [Equal Opportunity Commission](#).

## Acknowledgement

This Framework is the result of a collaboration of the Cultural Competence and Respect Action Group for the Public Sector Aboriginal Employment Industry Cluster, which includes the Office for the Commissioner for Aboriginal Engagement (DSD-AAR) and representatives from the Department for Communities and Social Inclusion (DCSI), Department for Education and Child Development (DECD), Department of Planning, Transport and Infrastructure (DPTI), Department of the Premier and Cabinet (DPC), Primary Industries and Regions SA (PIRSA), the Department of State Development (DSD); and the Attorney-General's Department (AGD).

Work undertaken by the Public Sector Aboriginal Employment Industry Cluster identified the need for the development of cultural safety guidelines in the context of WHS to be situated within existing South Australian public sector WHS guidelines and policies. The aim of the Cluster is to increase recruitment and retention rates for Aboriginal and Torres Strait Islander workers in the public sector by fostering culturally safe environments.

Whilst cultural safety is concerned with ensuring Aboriginal and Torres Strait Islander Australians experience such within the South Australian public sector, it is the right of all individuals to also expect a culturally safe environment and engagement when interacting with or working within the South Australian public sector. A focus on cultural safety as part of WHS can provide an environment where every public sector worker or person who engages with the public sector feels safe to express their own cultural identity.

To inform the Framework, consultation was undertaken with key stakeholders through meetings and forums. In addition, a cultural safety survey was sent out to approximately 50 000 workers across government. The survey responses support the initial premise of the WHS Framework, that is, it indicates that a broad approach to, and awareness of, cultural identity and subsequently cultural safety is necessary in our increasingly multicultural and diverse workforce and population.

All workers, regardless of how they identify, must have regard to cultural safety and be mindful of the impact of practices and behaviours on others, rather than only the intent.

## Further information

- Work Health and Safety Act 2012 (SA) [WHS Act 2012](#)
  - Person Conducting a Business or Undertaking (PCBU)
  - Division 2 – Primary duty of care
  - Section 27—Duty of officers
- Work Health and Safety Regulations 2012 (SA) [Work Health and Safety Regulations 2012](#)
  - Part 1 – Managing risk to health and safety.
- Code of Practice: *How to manage work health and safety risks*  
([http://www.safework.sa.gov.au/show\\_page.jsp?id=113695#.VqHFyU3UiUk](http://www.safework.sa.gov.au/show_page.jsp?id=113695#.VqHFyU3UiUk))
- Fact Sheet: *Preventing psychological injury under work health and safety laws*  
(<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/preventing-psychological-injury-fact-sheet>)
- Interpretive Guideline: The meaning of 'PCBU'  
(<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/interpretive%20-guideline-pcbu>)
- Fact Sheet: *Workers' Compensation Legislation and Psychological Injury*  
(<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/wc-legislation-psychological-injury>)
- Code of Practice: *Work Health and Safety – Consultation Cooperation and Coordination*  
([http://www.safework.sa.gov.au/show\\_page.jsp?id=113708#.VqHGqU3UiUk](http://www.safework.sa.gov.au/show_page.jsp?id=113708#.VqHGqU3UiUk))
- Guide: *Preventing and Responding to Workplace Bullying*  
(<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/guide-workplace-bullying>)
- Guide: *Dealing with Workplace Bullying: a worker's guide*  
(<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/workers-guide-workplace-bullying>)
- Guide: *Preventing and responding to violence at work*  
([http://www.safework.sa.gov.au/show\\_page.jsp?id=5901#.VqHH4E3UiUk](http://www.safework.sa.gov.au/show_page.jsp?id=5901#.VqHH4E3UiUk))
- People at Work Project  
(<http://www.peopleatworkproject.com.au/index.htm>)
- Guide: *Working Together: Promoting mental health and wellbeing at work*  
(<http://www.apsc.gov.au/publications-and-media/current-publications/mental-health>)
- Code of Ethics for the South Australian Public Sector  
(<http://publicsector.sa.gov.au/policies-standards/code-of-ethics/>)
- Federal Anti-Discrimination Legislation, Equal Opportunity Commission  
(<http://www.eoc.sa.gov.au/eo-you/discrimination-laws/australian-laws>)

# Useful Documents

## Part 1 - Sample WHS for Cultural Safety Policy

*This is a sample WHS for Cultural Safety Policy. Develop the policy in consultation with your workers to ensure it is effective.*

### Introduction

### Definitions

<b>Culture</b>	<p>Culture includes, but is not restricted to, age or generation; gender; sexual orientation; occupation and socio-economic status; ethnic origin or migrant experience; religious or spiritual beliefs; and disability.</p> <p>You could adopt the definition above, or you may wish to discuss with your workers what culture means and develop an agreed definition.</p>
<b>Cultural Safety</b>	<p>A commonly used definition is that of Robyn Williams (1999) who defined cultural safety as: “an environment that is spiritually, socially and emotionally safe, as well as physically safe for people; where there is no assault challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning together (p.213)”. (<a href="http://www.intstudentsup.org/diversity/cultural_safety/">http://www.intstudentsup.org/diversity/cultural_safety/</a> - Williams, R. (1999). Cultural safety – what does it mean for our work practice? Australian and New Zealand Journal of Public Health, 23(2), 213-214)</p> <p>You could adopt the definition above, or you may wish to discuss with your workers what cultural safety means and develop an agreed definition.</p>
<b>Health and Safety Representatives (HSRs)</b>	<p>Section 4 of the WHS Act defines an HSR as the health and safety representative elected under Part 5 for the work group of which the worker is a member. HSRs represent workers in a work group in matters relating to work health and safety, monitor measures taken by the PCBU, investigate complaints from members of the work group and inquire into anything that appears to be a risk to the health or safety of workers in the work group.</p>
<b>Officer</b>	<p>See Section 4 of the WHS Act.</p> <p>An officer is a person who makes decisions, or participates in making decisions, that affect the whole (or a substantial part) of a business or undertaking and has the capacity to significantly affect the financial standing of the business or undertaking.</p>
<b>Other persons</b>	<p>The WHS Act does not specifically define ‘other persons’ at a workplace. It therefore has its ordinary meaning and includes customers and visitors.</p>
<b>Person Conducting a Business or Undertaking (PCBU)</b>	<p>See Section 5 of the WHS Act.</p> <p>A PCBU is the business or organisation. The business or undertaking can operate for profit or not-for-profit. A PCBU can be a corporation, association, partnership, sole trader or a volunteer organisation that employs any person to carry out work.</p>
<b>Workers</b>	<p>See Section 7 of the WHS Act.</p> <p>A worker is any person who carries out work in any capacity for a PCBU, including work as an employee, contractor, subcontractor, an employee of a contractor or subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a ‘host employer’ and volunteers. The PCBU is also a worker if the person is an individual who carries out work in that business or undertaking.</p>

## **Policy Statement**

*Discuss with your workers what the Policy Statement should be. An example is:*

We recognise, respect and value diversity in our workplace.

We are committed to taking reasonably practicable steps to ensure our practices and work environments are safe, healthy and support cultural safety.

We aim to create positive and equitable work environments where all workers are treated fairly and with respect and are supported in realising their full potential.

## **Purpose**

*Consider what the purpose of the WHS for Cultural Safety Policy is. An example is:*

This policy covers the behaviour of all workers and people using our services, and the way they can expect to be treated when at the workplace.

The objectives of this policy are:

- Establishing a work environment which is safe for all people; free from behaviours, practices and processes that may threaten cultural safety
- Developing a shared respect for all people's culture, knowledge, experience and obligations
- Committing to treat all people with dignity
- Encouraging respect for distinctive customs, traditions, procedures and practices
- Ensuring that all workers recognise and value the differences and individual contribution that all people make to the workplace
- Encouraging workers and others to be mindful of the impact of their actions on others
- Encouraging the early reporting of any concerns about culturally unsafe behaviours and practices
- Ensuring that complaints are dealt with in a sensitive, equitable, timely and confidential manner

## **Policy**

*The details of the Policy should be outlined in this section and can be discussed with your workers. An example is:*

## **Policy Details**

We are committed to providing a workplace that assists and encourages worker health, safety and wellbeing. We will take positive steps to support a culturally safe workplace that enables everyone to be treated with dignity and respect.

Every person at a workplace has a duty to ensure their own health and safety, including psychological health, and that their acts or omissions do not adversely affect the health and safety of others.

Health and safety risks in a workplace must be eliminated so far as is reasonably practicable, or if this is not possible, be minimised so far as is reasonably practicable. To support a culturally safe workplace, a pro-active approach is required that:

- Encourages and supports culturally safe practices.
- Allows early identification of unreasonable behaviour and situations likely to impact on cultural safety, and
- Implements control measures to manage the risks, as well as monitoring and reviewing the effectiveness of the control measures.

#### Setting the standard of workplace behaviour

- All workers have the right to feel culturally safe at work.
- The workplace must be free from behaviours, practices and processes that may threaten cultural safety.
- All workers should enjoy a workplace where there is no assault, challenge or denial of their identity, of who they are and what they need.

#### Designing safe systems of work

- In consultation with workers, develop this policy to clearly define the roles of all involved in the workplace.
- Regular feedback should be sought from workers.
- Workers must be provided with resources, information and training needed to carry out their role safely and effectively.
- Where someone feels culturally unsafe, ensure appropriate processes are in place for issues to be raised and effectively addressed.

#### Developing productive and respectful workplace relationships

- Promote positive leadership styles, provide training for managers and supervisors, mentor and support workers.
- Facilitate teamwork and co-operation.
- Good management practices and effective communication can significantly help create a culturally safe workplace environment.

#### Providing training and information

- Workers need to be aware of what cultural safety is, what can be done to support it and any duties under the WHS Act.

#### Monitoring and reviewing

- Once control measures have been implemented, they should be monitored and reviewed to ensure they are effective.

#### Roles and responsibilities

Under the WHS Act each person in a workplace has clear roles and responsibilities to ensure the health and safety of themselves and others.

#### PCBU

The principal duty holder under the WHS Act is a Person Conducting a Business or Undertaking (PCBU). The PCBU's responsibilities include to:

- Ensure, so far as is reasonably practicable, that the health and safety of workers and other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- Provide the highest level of protection that is reasonably practicable in the circumstances, considering the gravity of the harm, its likelihood, the possible risk controls and, as a final resort, considering the costs of the various control options. This includes:
  - Providing and maintaining a safe work environment
  - Providing and maintaining safe plant, structures and systems of work
  - Ensuring the safe use, handling and storage of plant, structures and substances
  - Ensuring the provision of adequate facilities for the welfare of workers
  - Providing information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety, and
  - Monitoring the health of workers and the conditions at the workplace.

### Officers

Officers have a duty to exercise 'due diligence' to ensure that the PCBU complies with any duty or obligation. Steps an officer could take to ensure this include:

- Being proactive.
- Ensuring engagement and leadership by officers and management.
- Continuously examining and ensuring that the resources and systems of the PCBU are adequate to comply with the duty of care required by the PCBU.
- Taking reasonable steps to acquire and keep up-to-date knowledge of work health and safety matters.
- Gaining an understanding of the hazards and risks associated with the nature of the operations.
- Ensuring that the business or undertaking has appropriate resources and processes to enable hazards to be identified and risks to be eliminated or minimised, and
- Ensuring that the business or undertaking has appropriate processes for receiving and considering information about incidents, hazards and risks and for responding to these in a timely manner.

### Workers

Workers must take reasonable care for their own health and safety and take reasonable care that their actions or omissions do not adversely affect the health and safety of others.

A worker is required to comply, so far as they are reasonably able, with any reasonable instruction given by the PCBU; and to co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace.

### Others

Other persons (visitors, clients, customers) at the workplace have a duty to take reasonable care for their own health and safety. They also have a duty to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons and must comply with any reasonable instruction given by the PCBU.

## Health and Safety Representatives

Health and Safety Representatives (HSRs) have a role in:

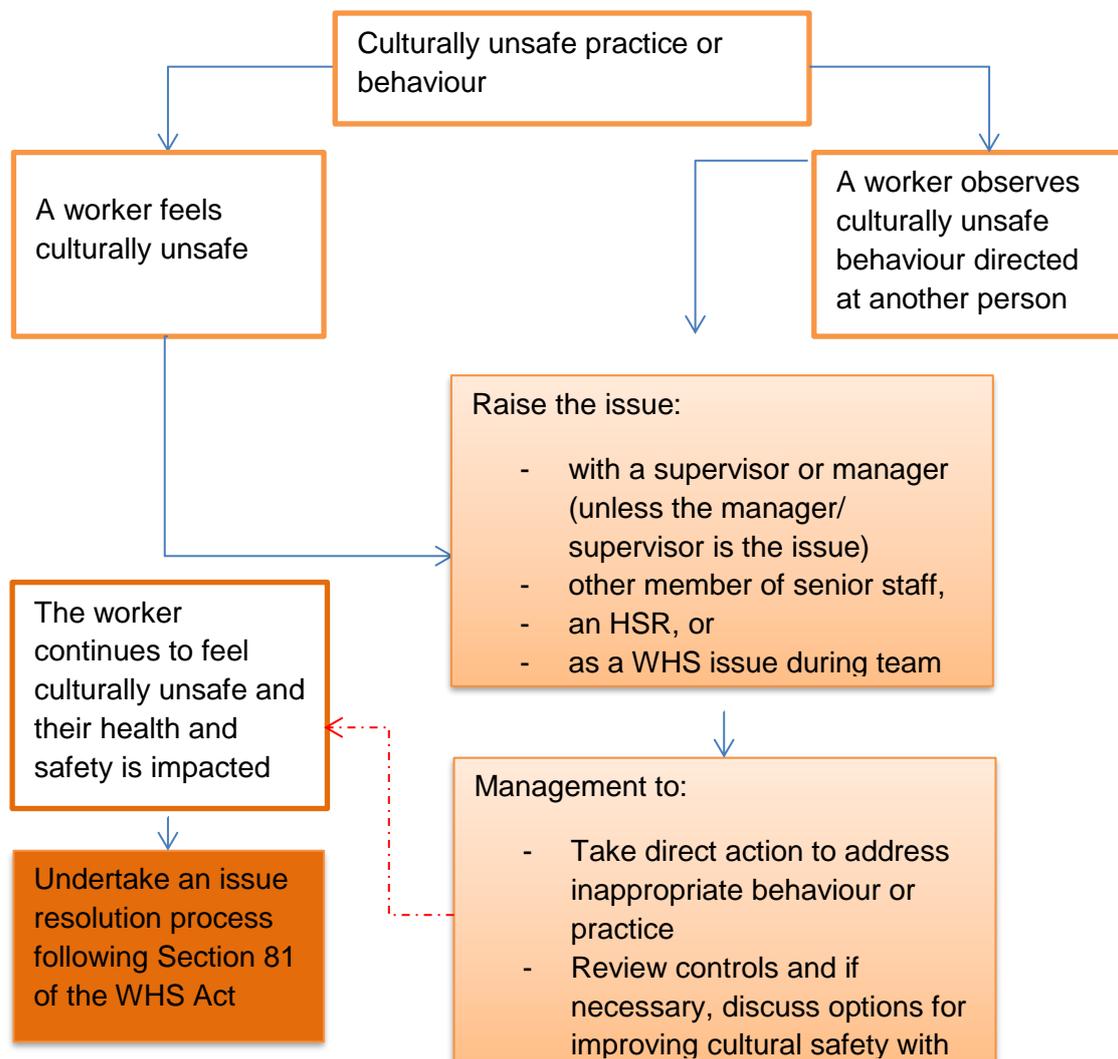
- Representing the workers in the work group in matters relating to work health and safety.
- Monitoring measures taken by the PCBU in relation to workers in the work group.
- Investigating complaints from members of the work group relating to work health and safety, and
- Inquiring into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the business or undertaking.

### **Complaints procedure**

*Consider your existing WHS Policies and how breaches are dealt with within those. An example of a complaints management process is:*

All allegations of a breach of the WHS for Cultural Safety Policy will be taken seriously and investigated impartially.

The process outlined below may be followed to address complaints of culturally unsafe practices or behaviour:



Outcomes may include, but are not restricted to the following:

- a commitment from one or more persons to cease, and not to repeat, the behaviour.
- requiring an apology to the affected person or persons.
- providing mediation between the parties, pending agreement of both parties.
- providing training regarding the prevention of unacceptable workplace behaviours.
- offering support to parties involved in the complaint.
- disciplinary action, up to and including dismissal.

### **Policy Implementation**

*The policy should be implemented in accordance with the procedures and processes in place within your business unit.*

### **Policy Review**

*You may choose to set a date for the policy to be reviewed.*

### **Dissemination of the policy**

*Dissemination of the policy can occur through making it available electronically, a copy placed in a prominent position in all main areas of the premises and to workers on request. You may also consider whether a copy of this policy should be provided to each worker upon commencement of work.*

### **Authority and responsibility**

*Include the relevant officer or team responsible for the policy.*

### **Related documents/References**

- *Work Health and Safety Act 2012 (SA)*
- *Work Health and Safety Regulations 2012 (SA)*
- *Consider whether there are there any Forms/Procedures/related policies to include.*

## Part 2 - Sample Risk Identification Checklist

### Risk Identification Checklist

Question	Yes	No
<i>Do you have a workplace policy and reporting procedures in place relating to cultural safety?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Are workers aware of what cultural safety is and how to achieve it?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Is there a clear process or procedure for dealing with and resolving issues that arise within the workplace?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>If you have answered 'No' to any of the above checkpoints, you may need to conduct a risk assessment of your workplace and develop the appropriate policies and procedures.</i>		
<i>Have grievances or complaints previously been raised by workers concerning cultural safety?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Do absenteeism or sickness rates or patterns suggest that cultural safety may be an issue in the workplace?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Are there blatant incidents or acts that affect a person's cultural safety that are condoned or accepted in the workplace, such as offensive literature, pictures or behaviour, etc., that a reasonable person would consider inappropriate?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Are there unusual levels of staff turnover or requests for transfer that may be attributed to incidents or acts of affecting a person's cultural safety?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>If you have answered 'Yes' to any of the above checkpoints, you may need to conduct a risk assessment of your workplace and develop the appropriate policies and procedures.</i>		