

Workplace health and safety in schools

Enforceable undertaking imposed under safety law

A school was undertaking maintenance works following a water leak in its library. While carrying out this work, the employee stepped off the standing platform onto a ceiling tile that was not weight bearing. He fell through the library ceiling to the ground below, suffering serious injuries.

Following this incident, NSW WorkCover Authority investigated and alleged that the school had contravened section 19 of the *NSW Workplace Health & Safety Act 2011*.

“How would your school respond to a WorkSafe investigation?”

Enforcement notices issued

Due to WorkCover NSW's findings the school was issued with two enforcement notices:

1. **Prohibition Notice** - for inadequate fall protection to access the roof space in the library.
2. **Improvement Notice** - workers may be exposed to risks to their health and safety from falling from a height of over three metres while accessing roof cavity for maintenance work on roof/ceiling located in the library due to unsafe access, no leg-room and unsuitable load bearing ceiling material.\

The outcome

Since the findings:

- The injured employee has been provided with medical treatment and physiotherapy to help in recovery and return to work. He has returned to part-time work performing suitable duties on advice from his doctor. The costs and impact of this claim are extended over a three-year period based on the premium model in NSW.
- The school holds Workers' Compensation insurance and the worker has been supported in his claim by the insurer.

- The school has been required to comply with the enforcement notices issued through WorkCover NSW together with rectification requirements recommended as part of the contravention.
- The school was required to comply with an enforceable undertaking that would publicise the contravention and would be included in departmental internet sites and referenced in departmental material.
- A commitment from the school to WorkCover NSW that all 'deemed' high risk activities is outsourced to external contractors to perform.
- An audit of the schools internal safety management system, using an outsourced professional provider, is to be implemented for ongoing evaluation and review.

“Has your school obtained an independent assessment of its workplace health and safety policies and procedures?”

Further information

Willis has a national dedicated Workplace Health & Safety and Workers' Compensation team to assist you in workplace health & safety investigation, audit, policy and procedures, liability cover and claims advice. For further information to better understand your ongoing workplace health and safety requirements please contact your Willis Towers Watson insurance broker.

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