

Your health and safety guide to

Communicating across languages

••••• Edition 2 •••••
••••• June 2017 •••••



Contents

About the issue	1
What is a culturally and linguistically diverse workplace?.....	2
Employers.....	3
Compliance and enforcement.....	3
Your legal duties	3
The law.....	3
How to comply	4
Consult.....	5
Find.....	5
Fix.....	6
In this series	8
Hazards.....	8
Industries.....	8
Subjects.....	8

The information presented in Your health and safety guide to communicating across languages is intended for general use only. It should not be viewed as a definitive guide to the law, and should be read in conjunction with the Occupational Health and Safety Act 2004.

This publication is protected by copyright. The Victorian WorkCover Authority encourages the free transfer, copying and printing of this publication if such activities support the purposes and intent for which the publication was developed.

WorkSafe Victoria is a division of the Victorian WorkCover Authority.

This guidance has been reviewed and updated for the sole purpose of amending year and regulation references relating to the Occupational Health and Safety Regulations, in line with amendments which came into effect on 18 June 2017.

About the issue

All employees, including those whose first language is not English, need information and training to understand the risks involved in their work and to enable them to do the job safely.

But in culturally and linguistically diverse workplaces, giving employees the right information in ways that they can understand can be challenging.

This guide will help you understand the risks, and will explain what you need to do to make your workplace safe.

About the issue

- What is a culturally and linguistically diverse workplace?
- What are the risks?

Your legal duties

- The law
- Information for employers
- Compliance and enforcement

How to comply

- Consult
- Find
- Fix
- Review

Glossary

About the issue

What is a culturally and linguistically diverse workplace?

A culturally and linguistically diverse (CALD) workplace is one where some workers' preferred language is not English and so their knowledge of English may be limited. There are many such workplaces in Victoria.

These include workplaces where a particular language is spoken by a large proportion of the workforce, as well as those where other languages are spoken by just a few workers.

It's important for employers to be aware of the language preferences of their workforce so they can make sure that health and safety is discussed in ways that everyone understands.

What are the risks?

In CALD workplaces, linguistic differences can provide challenges to communicating health and safety information, discussing issues and ensuring safe work practices.

Workers from CALD backgrounds may have different attitudes and expectations in relation to health and safety at work because of their experiences of work in other cultures.

Tailoring communication to the specific language needs and abilities of employees, and ensuring all employees understand the hazards and risks in their workplace, are important steps towards protecting their health and safety.

Your legal duties

The law

Occupational Health and Safety Act 2004 (OHS Act)

The OHS Act came into effect on 1 July 2005. It sets out the key principles, duties and rights in relation to occupational health and safety. The duties imposed by the Act cover a wide variety of circumstances, recognising the need for a duty-holder to have flexibility in determining what needs to be done to comply.

The OHS Act is based upon the following key health and safety principles:

- All people – employees and the general public – should have the highest level of protection against risks to health and safety.
- Those who manage or control things that create health and safety risks in the workplace are responsible for eliminating or reducing the risks, so far as is reasonably practicable
- Employers should be proactive in promoting health and safety in the workplace
- Information and ideas about risks and how to control them should be shared between employers and employees
- Employees are entitled – and should be encouraged – to be represented in relation to health and safety issues.

The Act requires employers to provide information to employees concerning health and safety in such languages as are appropriate to the workplace.

Occupational Health and Safety Regulations 2017 (OHS Regulations 2017)

New Regulations for occupational health and safety came into effect on June 2017. The part of the OHS Regulations 2017 relating to the provision of information, instruction and training, is intended to prevent illness and injury resulting from a lack of awareness, knowledge or understanding of workplace hazards and risks.

To do this, the OHS Regulations 2017 impose specific legal responsibilities on employers for the appropriate provision of information and instructions. This must be provided in appropriate languages.

Employers

As an employer, you have a general duty to make your workplace safe.

As part of this duty, you are responsible for providing workers with the information they need to do their job safely, including information in other languages where appropriate.

This means that you must be aware of any language and cultural barriers that may impact communication in your organisation, and you must take steps to address them.

Failure to provide appropriate health and safety information places workers at risk.

Compliance and enforcement

WorkSafe applies a strategy of 'constructive compliance' – a combination of incentives and deterrents – to improve workplace health and safety.

This strategy recognises that real and sustainable improvement in workplace health and safety requires active involvement from employers and employees in identifying hazards and controlling risks.

WorkSafe inspectors have the primary role of targeting unsafe workplace activity, enforcing compliance with health and safety laws, and providing guidance and advice on how to comply with those laws.

Further information on workplace inspections and WorkSafe's enforcement policy is available through the WorkSafe Advisory Service (**1800 136 089**) or at **www.worksafe.vic.gov.au**

How to comply

WorkSafe has a range of guidance materials to advise on the required processes and actions that duty-holders must take in order to meet their legal obligations. *Compliance Codes, Health and Safety Solutions* and *Guidance Notes* each provide detailed and specific advice for duty-holders seeking to comply with the OHS Regulations 2017.

Work through the following checklist to make sure that your employees have proper access to the information they need in the most suitable forms.

Know your workforce

- | | |
|--------------------------|--------------------------|
| Consult | <input type="checkbox"/> |
| Build a language profile | <input type="checkbox"/> |

Make a plan

- | | |
|---|--------------------------|
| Set out procedures and budget | <input type="checkbox"/> |
| Assess your health and safety information | <input type="checkbox"/> |

Communicate for understanding

- | | |
|---|--------------------------|
| Use appropriate forms of communication | <input type="checkbox"/> |
| Use plain language | <input type="checkbox"/> |
| Get translations | <input type="checkbox"/> |
| Use standard picture safety signs | <input type="checkbox"/> |
| Check that employees understand your instructions | <input type="checkbox"/> |

Provide language support

- | | |
|------------------------------|--------------------------|
| Use bilingual staff | <input type="checkbox"/> |
| Provide interpreter services | <input type="checkbox"/> |

Provide training

- | | |
|---------------------------------|--------------------------|
| Provide induction | <input type="checkbox"/> |
| Provide ongoing training | <input type="checkbox"/> |
| Teach common workplace terms | <input type="checkbox"/> |
| Offer English language training | <input type="checkbox"/> |

How to comply

Consult

Starting out with proper consultation can save you time and money by helping to identify the range of languages spoken in the workplace as well as employees' preferred modes and forms of communication.

One way to do this for new workers is to collect the information during induction. This process can also help you identify employees who are bilingual and may assist you to communicate with staff whose English skills are limited.

Questions should focus on language skills rather than nationality or place of birth and should be based on self-assessment.

Employers should always seek permission in recording this information, and if an employee chooses not to provide this information, this preference should be recorded.

Language profiling should only take place once the employee has been engaged. You should always explain why the information is being collected and how it will be used.

Under the OHS Act, employers must consult with employees when identifying and assessing hazards or risks, and when making decisions about risk control. Therefore, you must ensure that there are appropriate arrangements in place to consult employees from culturally and linguistically diverse backgrounds.

'Employees' includes independent contractors (and any employees of the independent contractor(s)) who perform work which the employer has, or should have, control over.

If employees are represented by health and safety representatives (HSRs), the consultation must involve those representatives. If your employees, or their HSRs, do not have strong English skills, you must ensure you consult them in a way that is effective and meaningful – See *Your health and safety guide to Consultation* for further information.

Find

You should work out what information you need to give your workers and assess whether it can be easily understood by everyone in the workplace.

All workers need to be informed about:

- the company's health and safety policy and procedures
- any hazards in the workplace
- safe work procedures
- procedures for safe operation, use, maintenance or replacement of protective equipment
- injury and incident reporting procedures
- consultation structures (e.g. health and safety representatives, designated work groups, management contacts and meeting schedules)
- procedures for resolving health and safety issues
- emergency and first aid procedures
- safety signs and symbols.

Employers must ensure that all of this information is available to staff either in their preferred language or in a form that they can understand.

The most appropriate way to provide information will vary between workplaces and may depend on:

- the nature of hazards in the workplace and the severity of the risks they pose
- the size of the organisation
- how many language groups are represented and how big they are
- English and own-language literacy and competency levels.

How to comply

Fix

It's best to use face-to-face discussion and demonstration where possible, as this is the most effective way to communicate across different languages and allows any misunderstandings to be identified and addressed immediately.

Written material should be used to back up more direct communication, and should be in clear and simple language, with diagrams and examples to aid understanding.

You need to work out whether translation or interpreting is needed and source a provider of these services, or identify bilingual employees who may be able to help. The Australian Institute of Interpreters and Translators (AUSIT) has a comprehensive listing of accredited interpreters and translators on their website at www.ausit.org

Where there is only a small group of employees who speak a particular language, it may be more practical to provide information in English, but to hold individual information, instruction and training sessions, and set aside extra time for explanations and questions.

In workplaces where there is a large group of employees who speak the same language, it may also be appropriate to:

- hold meetings in the relevant language
- translate health and safety information
- translate safety signs.

Make sure consistent safety signs are used and that employees are taught terms that are common to the workplace, such as the names of equipment and processes, relevant job titles and key safety instructions.

The most effective signs are clear and consistent, and use diagrams and simple language. The meaning of all signs should be taught during induction, but the provision of safety signs does not replace or reduce the need for proper, ongoing prevention measures.

Description			
Circle: White background with red borders and cross bar, black symbol	Triangle: Yellow background with black border, black symbol	Rectangle: Green background, white symbol	Circle: Blue background, white symbol
Meaning			
Stop and prohibition signs	Caution signs	Emergency-related information signs	Protective equipment

You should also set up a system for collecting and storing health and safety information and resources, including translations.

Review

Regardless of the communication techniques used, employers are required to check that the information provided has been fully understood.

This can be done by asking the employee to repeat a demonstration, to identify equipment used or to explain

the meaning of safety signs. Questions should be phrased so that the employee is required to give more than a 'yes' or 'no' answer.

It's important to review your arrangements regularly to ensure they are working well and are still adequate, particularly if the language profile of the workforce changes.

Glossary

Bilingual	The ability to use either one of two languages with equal fluency, especially when speaking.
Culturally and linguistically diverse workplace (CALD)	A workplace where some workers' preferred language is not English or where some workers come from a non-English background or nationality.
Employee	A person employed under a contract of employment or contract of training.
Employer	A person who employs one or more people under contracts of employment or contracts of training.
Health and safety representative (HSR)	A member of a designated work group elected to represent employees on matters relating to occupational health and safety.
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.
Plant	Any machinery, equipment, appliance, implement and tool; and any component of any of those things; and anything fitted, connected or related to any of those things.
Translator	A professionally qualified person who converts written text from one language to another.

In this series

Hazards

- Your health and safety guide to asbestos
- Your health and safety guide to confined spaces
- Your health and safety guide to dangerous goods
- Your health and safety guide to falls prevention
- Your health and safety guide to hazardous substances
- Your health and safety guide to lead
- Your health and safety guide to manual handling
- Your health and safety guide to noise
- Your health and safety guide to plant

Industries

- Your health and safety guide to construction
- Your health and safety guide to forestry
- Your health and safety guide to foundries
- Your health and safety guide to major hazard facilities
- Your health and safety guide to mines

Subjects

- Your health and safety guide to communicating across languages
- Your health and safety guide to consultation
- Your health and safety guide to controlling OHS hazards and risks
- Your health and safety guide to licensing and registrations
- Your health and safety guide to workplace amenities and first aid

Visit www.worksafe.vic.gov.au for online guidance on all of these topics and more.

WorkSafe Victoria

WorkSafe Agents

Agent contact details are all available at worksafe.vic.gov.au/agents

Advisory Service

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

For information about WorkSafe in your own language, call our Talking your Language service

廣東話.....	1300 559 141
Ελληνικά.....	1300 650 535
Македонски.....	1300 661 494
Italiano.....	1300 660 210
普通话.....	1300 662 373
Српски.....	1300 722 595
Español.....	1300 724 101
Türkçe.....	1300 725 445
Việt Ngữ.....	1300 781 868
العربية.....	1300 554 987
English.....	1300 782 442
Other.....	1300 782 343