

**Rights and responsibilities**

**Background**

Health and safety at work is the responsibility of both the employer and employee. There are laws governing what employers and employees must do to ensure that workplaces are safe.

All employers are required to provide, so far as is reasonably practicable, a safe and healthy workplace for themselves and their employees. Employers must also make sure, so far as is reasonably practicable, that members of the public are not exposed to health and safety risks because of their business activities. Although health and safety obligations are mostly the employer’s responsibility, employees are required to take reasonable care for their own health and safety and must avoid putting others at risk.

If workers are injured because of their work they may be entitled to workers’ compensation. WorkSafe Victoria is responsible for Victoria's workers' compensation scheme. This scheme is called WorkCover.

**Overview of the unit**

In this unit, students will develop an understanding of the rights and responsibilities of workers and employees. They will gain practice in filling out an incident report form and investigate what is required to lodge a worker’s compensation claim.

There are four activities in this unit:

- Activity 1: Employer and employee responsibilities
- Activity 2: Case studies
- Activity 3: Incident reports
- Activity 4: Compensation claims.

**Purpose of the unit**

- To develop students’ understanding of the rights and responsibilities of workers and employees
- To give students the skills to complete an incident report form
- To give students an understanding of the process of making a worker’s compensation claim
- To develop students’ literacy skills in the context of workplace safety
# Resource requirements

| **Activity sheets** | Activity sheet 1: Employer and employee responsibilities  
Activity sheet 2: Case studies  
Activity sheet 3: Case study questions  
Activity sheet 4: Reporting an incident  
Activity sheet 5: Incident report form |
|---------------------|---------------------------------------------------------------------|
| **Other material or resources** | Information on employee and employer rights and responsibilities  
Workers injury claim form  
Example of completed worker’s injury claim form  
Incident report form  
| **Facilities and equipment** | Access to the internet |

## Assessment & curriculum alignment

The activities in this unit are designed to **support** student learning but may also be used for assessment purposes. The activities support the learning outcomes listed in the table below but **may not cover all the elements**. If the activities are to be used as assessment tasks, teachers should **check the relevant curriculum document**, e.g. the VCAL Curriculum Planning Guides, to ensure all the elements are covered and the activity is consistent with the unit purpose statement.

While documentation from undertaking the activities in this unit can be collected to build a portfolio of evidence to be used for the assessment of relevant learning outcomes, students will need to demonstrate competence of a learning outcome on more than one occasion and, wherever possible, in different contexts, to ensure the assessment is consistent, fair and equitable.
<table>
<thead>
<tr>
<th>Activity 1: Employer and employee responsibilities</th>
<th>VCAL Foundation</th>
<th>VCAL Intermediate</th>
<th>VCAL Senior</th>
<th>VELS</th>
<th>Primary e-phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>WRS1 LO 2 OC LO 4</td>
<td>WRS1 LO 3 R&amp;W LO 6 OC LO 4</td>
<td>R&amp;W LO 6</td>
<td>English</td>
<td>Reading, Speaking and listening</td>
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<tr>
<td></td>
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<td>Thinking processes</td>
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<td></td>
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<td>Reasoning, processing and inquiry</td>
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<td>Engage Explore</td>
<td></td>
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</tr>
<tr>
<td>Activity 2: Case studies</td>
<td>WRS1 LO 2 R&amp;W LO 2, 5</td>
<td>WRS1 LO 3 R&amp;W LO 2, 5</td>
<td>R&amp;W LO 2, 5</td>
<td>English</td>
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<td></td>
<td></td>
<td></td>
<td>Reading, Writing</td>
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<td></td>
<td></td>
<td></td>
<td>Speaking and listening</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Explore Explain Evaluate</td>
<td></td>
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</tr>
<tr>
<td>Activity 3: Incident reports</td>
<td>WRS1 LO 4 R&amp;W LO 2, 6</td>
<td>WRS1 LO 3 R&amp;W LO 2, 6</td>
<td>R&amp;W LO 2, 6</td>
<td>English</td>
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<td>Reading, Writing</td>
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<td>Evaluate</td>
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<tr>
<td>Activity 4: Compensation claims</td>
<td>WRS1 LO 4 R&amp;W LO 2, 6</td>
<td>WRS1 LO 3 R&amp;W LO 2, 6</td>
<td>R&amp;W LO 2, 6</td>
<td>English</td>
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<td></td>
<td></td>
<td></td>
<td>Reading, Writing</td>
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<td></td>
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<td>Evaluate</td>
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</tr>
</tbody>
</table>
Activity 1: Employer and employee responsibilities

In this activity, students will discuss the rights and responsibilities of employers and employees. They will then look at cards with different actions carried out by employers and employees and decide whether the employers and employees would be fulfilling their responsibilities.

What to do

Brainstorming rights and responsibilities

Ask students to brainstorm what rights and responsibilities employers and employees have in creating a safe workplace. Some areas students might like to consider could include: behaviour, training, reporting, equipment and personal protective gear. Record students’ ideas.

Ask students to read the information on rights and responsibilities on the SafeT1 website (http://www.safe-t1.net.au/young-workers-rights-and-responsibilities.html). Students might also wish to look at other resources (see list under ‘Resource requirements’ above).

Get students to compare what they have brainstormed with the information they have read. Discuss any differences or areas they have omitted.

Identifying responsibilities

Ask students to work in small groups. Provide them with the employer cards in Activity Sheet 1: Employer and employee responsibilities (you will need to cut them up and jumble them). Students should divide the actions on the cards into those where employers are carrying out their responsibilities and those where employers are not carrying out their responsibilities.

Encourage students to share and discuss how they have sorted the actions and explain their reasoning.

Repeat this with the employee cards on Activity Sheet 1.

Extension

Have students develop a poster detailing the rights and responsibilities of employers and employees.

Student roles and responsibilities in relation to the activity

Work collaboratively
Read information
Contribute to class discussions
Listen to the views of others

Level of teacher support

Facilitate discussion
Provide support with finding information on websites
Provide support appropriate to the level of VCAL the students are working at
Assessment

This is a learning activity. This activity could be used to support the learning outcomes as indicated in the table on page 2.

If the activity is to be used as an assessment task, teachers should check the relevant curriculum document, e.g. the VCAL Curriculum Planning Guides, to ensure all the elements are covered and the activity is consistent with the unit purpose statement.

Students working at a Senior level would be expected to work more autonomously on the activities.
Activity 2: Case studies

Students choose a case study and assess which responsibilities employers and employees have fulfilled or not fulfilled and how the accident could have been avoided.

What to do

Working in small groups, ask students to read the case studies provided in Activity sheet 2.

Get students to read a case study and evaluate which responsibilities the employees and employers carried out and which they didn’t. Students should also think about how not carrying out responsibilities might have contributed to the accidents. For Foundation level students, you may like to read the case studies.

Encourage students to refer to the cards from Activity 1 and the information on rights and responsibilities on the SafeT1 website. http://www.safe-t1.net.au/young-workers-rights-and-responsibilities.html

Students should record their ideas on Activity sheet 3.

Ask students to share their evaluation of the case study with the class.

Student roles and responsibilities in relation to the activity

Work collaboratively
Read and evaluate case study
Contribute to class discussions
Listen to the views of others

Level of teacher support

Facilitate discussion
Provide support with developing ideas
Assist students with evaluating their case study
Provide support appropriate to the level of VCAL the students are working at

Assessment

This is a learning activity. This activity could be used to support the learning outcomes as indicated in the table on page 2.

If the activity is to be used as an assessment task, teachers should check the relevant curriculum document, e.g. the VCAL Curriculum Planning Guides, to ensure all the elements are covered and the activity is consistent with the unit purpose statement.

Students working at a Senior level would be expected to work more autonomously on the activities.
Activity 3: Incident reports

In this activity, students will look at the purpose of incident report forms and the type of information that is required to fill one out. Students will then practice completing an incident report form using a case study.

What to do

Explain to students that if an incident happens in a workplace where someone is injured, killed, or if there is a near miss including certain incidents that expose a person to risk (eg. exposure to asbestos), the employees will need to fill out an incident report form. Discuss the purpose of incident report forms – to improve OHS by recording and providing solutions to safety issues.

Provide students with the completed incident report form (Activity sheet 4) and discuss the information that was provided. The form is modified from the incident report form provided on the WorkSafe website in forms and publications


Students should complete the questions in Activity sheet 4.

For Foundation level students, you may wish to do this as a group activity.

Working in small groups, ask students to choose one of the case studies in Activity sheet 2 and fill out an incident report form providing the details of the situation described. Students will need to think of possible solutions to how the incident could have been prevented.

Student roles and responsibilities in relation to the activity

Read and find information
Read and complete an incident report form
Contribute to class discussions
Listen to the views of others

Level of teacher support

Facilitate discussion
Provide support reading and filling out the incident report form
Assist students with reading their case study and finding the appropriate information
Provide support appropriate to the level of VCAL the students are working at.
Assessment

This is a learning activity. This activity could be used to support the learning outcomes as indicated in the table on page 2.

If the activity is to be used as an assessment task, teachers should check the relevant curriculum document, e.g. the VCAL Curriculum Planning Guides, to ensure all the elements are covered and the activity is consistent with the unit purpose statement.

Students working at a Senior level would be expected to work more autonomously on the activities.
Activity 4: Compensation claims

In this activity, students will research the steps that need to be followed to make a worker’s compensation claim and practice completing a form using a case study.

What to do

Explain to students that workers are entitled to compensation if they are injured at work. They should also know that WorkSafe Victoria is responsible for WorkCover (Victoria’s workers’ compensation scheme).

Ask students to find and record the 6 steps that workers need go through to make a WorkCover claim. This information can be found in the injury and claims section of the WorkSafe website.

Ask students to download the Worker’s Injury Claim form on the WorkSafe website. Go to: Forms & Publications → Worker’s Injury Claim Form

Using one of the case studies in Activity sheet 2, ask students to fill out as many details on the form as they can. There will be some areas that students will be unable to fill in because they won’t have all the required information. Get students to make a list of all the extra information they would need to complete the form.

Student roles and responsibilities in relation to the activity

Conduct research on the WorkSafe website
Read information and complete a form
Contribute to class discussions
Listen to the views of others

Level of teacher support

Facilitate discussion
Provide support with reading and filling out the claim form
Assist students with reading their case study and finding appropriate information
Provide support appropriate to the level of VCAL the students are working at

Assessment

This is a learning activity. This activity could be used to support the learning outcomes as indicated in the table on page 2.

If the activity is to be used as an assessment task, teachers should check the relevant curriculum document, e.g. the VCAL Curriculum Planning Guides, to ensure all the elements are covered and the activity is consistent with the unit purpose statement.

Students working at a Senior level would be expected to work more autonomously on the activities.
<table>
<thead>
<tr>
<th>Carrying out responsibilities</th>
<th>Not carrying out responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explain to employees how to report hazards.</td>
<td>Ask an employee to use a tool they have never used before without explaining how to operate it.</td>
</tr>
<tr>
<td>Train employees how to use equipment.</td>
<td>Let employees work on a machine when it is unsafe.</td>
</tr>
<tr>
<td>Answer questions that employees have about how to do their job.</td>
<td>Not provide safety glasses for employees that are using a drill.</td>
</tr>
<tr>
<td>Discuss with employees new equipment that is being introduced into the work area.</td>
<td>Allow a heavy box to sit in front of a fire exit.</td>
</tr>
<tr>
<td>Help employees get to know the layout of their workplace, their immediate supervisor, health and safety representative and workmates.</td>
<td>Leave a slippery area of a workplace after the hazard has been reported.</td>
</tr>
<tr>
<td>Ask for employees' input when looking at workplace hazards.</td>
<td>Ask a new employee to work unsupervised when working with hazardous chemicals.</td>
</tr>
</tbody>
</table>
Employees

<table>
<thead>
<tr>
<th>Carrying out responsibilities</th>
<th>Not carrying out responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wear safety glasses that are provided.</td>
<td>Leave a puddle of water spilled on the floor.</td>
</tr>
<tr>
<td>Ask a question when unsure how to use a machine.</td>
<td>Remove a guard from a machine to speed up work despite being instructed to keep the guard in place.</td>
</tr>
<tr>
<td>When a machine is unsafe report it to a supervisor.</td>
<td>Use chemicals without the gloves provided.</td>
</tr>
<tr>
<td>Use a trolley to lift a heavy box.</td>
<td>Climb up on a shelf to reach a box after been shown where the ladder is kept.</td>
</tr>
<tr>
<td>Report an injury to a supervisor straight after it happens.</td>
<td>Watch an apprentice being bullied and not reporting it to a supervisor.</td>
</tr>
<tr>
<td>Go to training provided by the employer on how to operate tools they will be using.</td>
<td>Drink alcohol at work when the employer has said that this is not on.</td>
</tr>
</tbody>
</table>
Case studies

Agriculture

Greg Smith and Tom Kennedy started a holiday job on their friend's dad's farm. One of their tasks was to move hay bales from one part of the farm to another. To do this, they used a tractor with a bucket. They had to roll the bales off the bucket and stack them in two levels in the hayshed. The farm supervisor, Eric Anderson, showed them how to do this.

The bales were very heavy and Tom was a bit worried that rolling them off the bucket could be dangerous. He asked the farm supervisor if this could be done just with the tractor. The supervisor said that they had always done it this way and that not using the bucket would slow things down.

They kept working with the bucket but as they were stacking one of the bales on top of another, the top bale rolled off onto Greg, crushing his legs.

Greg was pretty badly injured. He eventually made a full recovery but missed several weeks of school and it took him a few months before he could walk properly again.

Manufacturing

Ben Kwiller, an apprentice toolmaker worked in the factory of a light engineering company. His workmate asked him to help move some racking to another part of the factory. Ben's supervisor, Jo Finelli, had explained that the best way to move the racking was to take the racking apart and put it together again in the new spot.

Ben's workmate suggested that because they didn't need to move the racking far, it would be easier if just they dragged it to where it needed to go. Ben agreed and they moved the racking by dragging it from side to side.

They were half way there when the racking got caught on a raised edge of the floor. Ben was pulling the racking at the time and the jolt caused him to strain his lower back.

Ben's back was very sore and he went to the first aid room for treatment. He was given the rest of the day off. He came to work the next day because the pain had mostly gone away. But a week later, Ben went to pick up his tools and the pain flared up again causing his back to spasm. He had to take a week off to recover.
Hospitality

Claire Gregson registered at a labour hire agency and was sent to work in a tent preparing and serving food and drink during a racing carnival. On her first day, Claire was introduced to the tent manager, Stephanie Whitcoat, who showed her where she would be working. During the day, it began to rain and while carrying a plate of food, Claire touched the side of the tent and got an electric shock. Water had leaked into the tent and come into contact with electrical equipment.

The shock gave Claire a burn and she was knocked to the ground. She was unable to work for two weeks.

Retail

Rachael Stevens started work in a busy shoe shop. She often had to walk out to the storeroom at the back of the shop to grab boxes from the shelves.

There were several staff in the shop and when swapping sizes or styles of shoes they would often stack the shoe boxes near the door to reshelve later so that they didn’t keep the customers waiting.

A couple of times, Rachael stumbled over the boxes near the door. She didn’t say anything because she was new and didn’t want to cause any trouble.

A couple of days later when the staff were flat out, Rachel rushed to the storeroom to grab some size 8 Nikes and forgot to dodge the boxes. She fell over them and hit her shoulder on the shelf. She reported the accident to her manager, Eva Berger, who sent her home to rest. She had to take two days off because of the pain in her shoulder. Claire returned at the end of the week but was surprised that people were still stacking boxes near the door.
Construction

Jeff Jenkins, an apprentice carpenter, was working on a construction site. At morning tea break, the project supervisor asked him to go and buy some drinks from the milk bar. After he left, some of the other tradesmen started up a game to see who could knock a coke can off a timber frame with a nail gun. The project supervisor, Frank Pappas, told them to save their energy and get back to work but didn't stop the game.

Jeff came back with the drinks just as someone fired the nail gun. The nail missed the can, went through the timber frame and hit Jeff in the chest. Jeff had to be taken to hospital to get the nail removed. Luckily, the nail didn't hit any vital organs but Jeff had to take two weeks off work to recover.
Case study questions

Some of the major responsibilities for employers and employees are shown in the table below. You can read more about these at [http://www.safe-t1.net.au/young-workers-rights-and-responsibilities.html](http://www.safe-t1.net.au/young-workers-rights-and-responsibilities.html)

<table>
<thead>
<tr>
<th>Employer responsibilities</th>
<th>Employee responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide and maintain a working environment that is safe and</td>
<td>Take reasonable care of their own health and safety, and</td>
</tr>
<tr>
<td>without risks to health</td>
<td>that of their workmates.</td>
</tr>
<tr>
<td>Provide information, instructions and training</td>
<td>Cooperate with their employer to make the workplace safe</td>
</tr>
<tr>
<td>Provide supervision</td>
<td>Follow workplace health and safety policies and procedures</td>
</tr>
<tr>
<td>Consult about health and safety</td>
<td>Report hazards and risks in the workplace</td>
</tr>
<tr>
<td>Eliminate or reduce risks to health and safety, so far as is</td>
<td>Ask for help or training if they don’t know how to do a task.</td>
</tr>
<tr>
<td>reasonably practicable</td>
<td></td>
</tr>
</tbody>
</table>

Case study chosen:

Which responsibilities did the **employer** carry out?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Which didn’t they carry out?

Which responsibilities did the employee carry out?

Which didn’t they carry out?
How do you think the accident could have been avoided?
# Reporting an incident

**Incident report form (example)**

<table>
<thead>
<tr>
<th>Name of employee:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walter White</td>
<td>3/11/12</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time of incident/accident:</th>
<th>Supervisor:</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30</td>
<td>Ken Baker</td>
</tr>
</tbody>
</table>

**Work area:**
Kitchen

**Describe the hazard/detail what happened (include area and task, equipment tools and people involved)**
Slipped on floor in kitchen. Water was leaking from the fridge onto the floor. Sprained wrist trying to break fall.

**Possible solutions/how to prevent recurrence (do you have any suggestions for fixing the problem or preventing a repeat?)**
- Fix fridge so it doesn't leak
- Clean up water spills straight away
- Put down non-slip matting so floor doesn't get slippery.

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Who was the person involved in the incident?

__________

When did the incident take place?

__________
How did the person injure themselves?

What was the injury?

What was one of the solutions suggested to stop the injury happening again?

Can you think of any other ways to prevent an incident like this happening?
## Incident report form

<table>
<thead>
<tr>
<th>Name of employee:</th>
<th>Date:</th>
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</thead>
<tbody>
<tr>
<td>Time of incident/accident:</td>
<td>Supervisor:</td>
</tr>
<tr>
<td>Work area:</td>
<td></td>
</tr>
</tbody>
</table>

**Describe the hazard/detail what happened (include area and task, equipment tools and people involved)**

Possible solutions/how to prevent recurrence (do you have any suggestions for fixing the problem or preventing a repeat?)