

OHS IMPROVEMENT NOTICE

To: Teekay Shipping (Australia) Pty Ltd

In conducting an OHS inspection in relation to the Dampier Spirit facility, I, [REDACTED], a NOPSEMA inspector appointed under section 602 of the Act, am satisfied on reasonable grounds that the person named above as the responsible person has contravened and is likely to contravene again clause 11(2)(a) of Schedule 3 to the Act; at the Dampier Spirit facility.

The reasons for my opinion are:

During the inspection, inspectors found that Teekay Shipping (Australia) Pty Ltd (Teekay) had failed to take all reasonably practicable steps to provide and maintain a working environment that is safe for employees and without risk to their health.

Teekay were aware of a hazard to the health of employees in the form of bullying at the facility. Teekay subsequently failed to assess the risk, implement controls, document a plan, or otherwise take reasonably practicable steps to prevent bullying behaviour and mitigate its consequences on employees. This unnecessarily exposed employees to the risk of psychological injury.

The inspectors viewed documentation which showed that:

- although a report had substantiated that bullying had occurred on the facility, Teekay had failed to implement formal arrangements to monitor employee behaviour, or provide coaching, mentoring or training for affected employees;
- there was no evidence that Teekay had implemented its Rehabilitation and Return to Work Procedure for affected employees;
- rostering arrangements involving affected employees were not subject to a risk assessment prior to implementation, while changes to work arrangements that would have been appropriate to prevent further bullying from occurring were not considered;
- Teekay management were aware that the working environment at the facility was unsafe for affected employees but failed to take appropriate action to protect affected employees from psychological injury.

As a result of this contravention I am satisfied that there is, or may be, the following risk to the health or safety of any person:

The failure of Teekay Shipping (Australia) Pty Ltd to take all reasonably practicable steps to provide and maintain a work environment that is safe and without risk to the health of their employees at the facility with regard to the presence of bullying has resulted in injury to personnel at the facility, and could result in further injury to, or the death of, personnel at the facility.

You are required to take action within **90** days of the date of this notice to prevent or reduce the risk.

The following action must be taken by the responsible person within the period specified above:

Implement a system that:

- identifies bullying and harassment health hazards on the facility;
- assesses risk arising from those hazards;
- implements controls to eliminate and/or reduce exposure to those hazards, and prevent and/or mitigate the risk;
- monitors the effectiveness of the controls;
- facilitates high-level tracking and trending of the occurrences and consequences of those hazards;
- provides for a safe and structured return to work for an injured person following an absence due to bullying, harassment or other psychological injury or illness;
- identifies and implements all reasonably practicable steps to eliminate or reduce the injured person's exposure to ongoing bullying, harassment, or retribution; and
- monitors the effectiveness of those steps; or

Implement such other controls as required to reduce risk to a level that is as low as reasonably practicable.

Signed: 

NOPSEMA Inspector

Dated: 19 February 2020

NOTES: (Please see back of notice)

When the required improvement has been completed, return this part of the notice to the following person at the address below:

Name: [REDACTED]
Position: OHS Regulatory Specialist
Address: Send in electronic format via email to: submissions@nopsema.gov.au
Telephone number: +61 8 6188 8700

Specify the action that has been taken to comply with this notice in the space below.

Improvement Notice No. **781** has been complied with by:

Signed: _____ Date: _____

NOTES:

1. Under clause 78 of Schedule 3 to the Act, a person who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the person has control, may be liable to a penalty of 300 penalty units or a civil penalty of 400 units.
2. This notice must be displayed in a prominent place at or near each workplace at which work affected by the notice is being performed and, must not be tampered with or removed before the notice has ceased to have effect.
3. If the notice is not issued by being given to the operator's representative at the facility, the responsible person (unless the responsible person is the titleholder) must cause a copy of the notice to be given to the operator's representative.
4. If the responsible person is the operator or an employer (other than the operator) of members of the workforce, the operator's representative at the facility must give a copy of the notice to each health and safety representative for a designated work group having group members performing work that is affected by the notice.
5. If the responsible person is the titleholder, as soon as practicable after issuing the notice, the NOPSEMA inspector will take reasonable steps to give a copy of the notice to the operator and, if the NOPSEMA inspector is at the facility when the notice issued, the operator's representative at the facility.
6. If the responsible person is the titleholder, but the inspector is not at the facility when the notice is issued, the operator must give a copy of the notice to the operator's representative at the facility.
7. As soon as practicable after issuing the notice, the NOPSEMA inspector will take reasonable steps to give a copy of the notice to, where applicable:
 - (a) the employer of an employee who is a member of the workforce if the notice is issued to the employee, and in connection with work performed by the employee, and
 - (b) the owner of any workplace plant, substance or thing that the notice relates to, unless the owner is the responsible person or an employer referred to in (a), and
 - (c) if the responsible person is the owner of any workplace, plant, substance or thing because of which the contravention has occurred, or is likely to occur: the operator of the facility, and if the employer of employees who work in that workplace or who use that plant, substance or thing is a person other than the operator—that employer; and
 - (d) the titleholder, if the responsible person is the operator, and the contravention relates, or is likely to relate to, the titleholders' well related obligations.
8. Under item 8 of subclause 80A(1) of Schedule 3 to the Act, any of the following persons may in writing request the reviewing authority to review the NOPSEMA inspector's decision:
 - the operator of the facility
 - the titleholder, if the notice is issued to a titleholder;
 - any other person to whom the notice has been issued;
 - an employer, if affected by the decision;
 - a relevant health and safety representative;
 - a relevant workforce representative, if requested by a member of the workforce affected by the decision;
 - a person who owns any workplace plant, substance or thing to which the NOPSEMA inspector's decision relates.
9. An improvement notice ceases to have effect when the responsible person takes the action specified in the notice.