

# Information Sheet

## Participants with inadequate reading and writing skills

Mobile Elevating Work Platforms and Telescopic Materials Handlers require operators to have a thorough understanding of the risks associated with using them. This includes being able to read and understand technical information such as instructions for controls and emergency lowering systems, wind speed ratings, gradeability, rated capacity, load computers, load charts, operators manuals and logbook checklists.

Operating a MEWP or Telehandler does not require a participant to have more than basic writing skills. An EWPA/TSHA Accredited Trainer should allow flexibility or adjustment in the assessment process for a verbal knowledge assessment to be undertaken for participants whose writing skills are at a low level. Prior arrangement or a separate appointment may be required for a verbal knowledge assessment.

Whilst verbal assessment is allowed, the participant must be able to understand and communicate in English. The Accredited Trainer must be confident that the knowledge and skills imparted have been absorbed and developed by the participant and assessed to a level that they can deem the person competent.

The use of an interpreter for the purpose of training and assessing is **not permissible**. This includes electronic Apps such as Google Translate.

If a participant and Accredited Trainer cannot speak and understand each other in English, at a level where the Accredited Trainer is confident via the assessment process that the participant can show they have understood the training course and information presented to them, then it could be difficult for an Accredited Trainer to show how they have complied with WHS/OHS Regulations and heavy penalties can be applied by a WHS Regulator if found to be in breach.

In line with the conditions for conducting high risk work licence assessments<sup>1</sup> and EWPA Code of Practice for Accredited Trainers<sup>2</sup>

**ATs must not assess an applicant who cannot speak and/or understand the English language. Under no circumstances may an assessor use a language interpreter.**

The harmonised WHS Regulations in most states and territories contain this clause<sup>3</sup>:

- (1) This clause applies for the purposes of section 19 of the Act to a person conducting a business or undertaking (PCBU). *(This could be you, the trainer)*
- (2) The person must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to:
  - (a) the nature of the work carried out by the worker, and
  - (b) the nature of the risks associated with the work at the time the information, training or instruction is provided, and

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<sup>1</sup> Safework NSW Conditions for conducting high risk work licence assessments in NSW under the Work Health and Safety Regulation 2011; [http://www.safework.nsw.gov.au/data/assets/pdf\\_file/0013/50116/conditions-conducting-HRW-licence-assessment-3720.pdf](http://www.safework.nsw.gov.au/data/assets/pdf_file/0013/50116/conditions-conducting-HRW-licence-assessment-3720.pdf)

<sup>2</sup> EWPA/TSHA Accredited Trainers Manual Code of Practice for Accredited Trainers. Clause 1.1.5

<sup>3</sup> Work Health and Safety Regulation 2017 Division 1, Clause 39; <https://www.legislation.nsw.gov.au/#/view/regulation/2017/404/chap3/part3.2/div1/sec39>

(c) the control measures implemented.

Maximum penalty: (a) in the case of an individual—\$6,000, or (b) in the case of a body corporate—\$30,000.

**(3) The person must ensure, so far as is reasonably practicable, that the information, training and instruction provided under this clause is provided in a way that is readily understandable by any person to whom it is provided.**

Maximum penalty: (a) in the case of an individual—\$6,000, or (b) in the case of a body corporate—\$30,000.

It is EWPA/TSHA policy that any cardholders discovered to be unable to converse in English will not have their cards issued/renewed.