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Work Health & Safety Training and Consulting

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Everyone in a Workplace has WHS Responsibilities

All persons in a workplace have work health & safety (WHS) responsibilities to themselves and to everyone else in their workplace. If everyone satisfies their responsibilities then that workplace should be safe and healthy.

The Model WHS laws

Our current Work Health and Safety laws were the outcome of a great deal of work done over many years to review previous health and safety legislation and case studies in Australia and abroad to form a new-and-improved set of laws. The Model WHS Act was adopted by each State and Territory in Australia except for Victoria which has kept its OHS laws except for some updates. (However, there are more similarities than differences between the Model WHS Act and the Victorian occupational health and safety laws.)

The Model WHS Act contains a clear system of *duty holders* and clearly identified *duties* that must be carried out. This system of *duty holders* and *duties* are covered in quite some detail throughout each State's WHS Act, WHS Regulation and WHS Codes of Practice, and they support the broader purpose of workplace health and safety.

The NSW WHS Act

The NSW WHS Act became law in 2011 and has the same system of duty holders and duties that is contained in the Model WHS Act. You can find who are duty holders and have duties in sections 19 to 29 of the WHS Act.

Workers have duties

In WHS law, the term 'workers' includes all the employees (managers, supervisors, and team leaders, and workers in general). The term also includes contractors and others listed in section 7 of the WHS Act.

Workers have duties such as taking reasonable care of the health and safety of themselves and others; complying with any reasonable instruction; and cooperating with any reasonable policy or procedure provided by the PCBU.

See section 28 of the WHS Act below.

28 Duties of workers

While at work, a worker must:

- (a) take reasonable care for his or her own health and safety, and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act, and
- (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

You can find all those persons who are duty holders and have duties in sections 19 to 29 of the NSW WHS Act. Everyone in a workplace does have WHS responsibilities.

Work Health & Safety Management System

Every workplace should have a WHS management system so that creating and keeping a workplace that is safe and healthy can be achieved in an organised and definite manner. Everyone in the workforce has specific duties within the system.

You might ask what is it that each person in the workplace has to do in order to play their part in all of this? Certainly, it is management's responsibility to provide the system in the first place and put in the controls for any hazards identified that could not be eliminated entirely. Although that part of it is "management's job", the application and successful operation of a WHS management system involves every person in the workplace.

For example, persons such as supervisors, have to ensure that workers follow the rules and procedures that have been established to control or eliminate any workplace risks. It is not just "management's job." Risk management involves everyone in the workplace.

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