

Module	WORKPLACE HEALTH AND SAFETY
Jurisdictions	CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT
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Module Application

Does the organisation ensure the health and safety of workers?

Does the organisation adopt a systematic approach to managing work health and safety?

Does the organisation have a structured, documented and effective process for managing risks and hazards at the workplace?

Module Scope

The *WORKPLACE HEALTH AND SAFETY* module informs the Australian workplace entity or organisation of their legislated legal obligations. The module also demonstrates effective practical advice and assistance to the Australian workplace entity to implement procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the organisation.

The *WORKPLACE HEALTH AND SAFETY* module advises Australian workplace entities of the processes and procedures they need to implement to ensure compliance with all legal and regulatory obligations. Core legal and regulatory obligations are based on considerations of the broad questions determining;

- › Decision making;
- › Accountability;
- › Stewardship;
- › Direction; and
- › Control.

To fulfil its purpose the module focuses on providing practical assistance to the Australian workplace entity establishing and maintaining a robust foundational framework that determines;

- › How the organisation will function;

- Who is the responsible decision maker;
- What matters are relevant to the decision-making process; and
- Whether the desired outcome has been achieved.

As entities, their employees and authorised individuals are all expected to be familiar with the broad landscape of legal obligations to which they are subject as well as more specific obligations relevant to the particular sector they are operating in, the *WORKPLACE HEALTH AND SAFETY* module should be subscribed by all Australian workplace entities, their employees and authorised individuals. The aim of the module is to equip the subscriber with knowledge of their obligations and the skills they require to establish relevant systems and processes to ensure compliance throughout their organisation.

Work health and safety is an essential component of every organisations risk management framework. The aim of work health and safety legislation is to protect the health and safety of people in the workplace so far as is reasonably practicable by setting a minimum standard of care, creating duties, facilitating cooperation between stakeholders and establishing a regulator to apply and enforce the law.

In 2008, the Council of Australian Governments committed to harmonise work health and safety laws across Australia to ensure nationally consistent standards of health and safety protection at work, and to assist organisations operating in more than one jurisdiction. The resulting model work health and safety act and regulations enacted in 2011 were adopted by the commonwealth and most states. The module covers the legal obligations of the commonwealth and all of the state jurisdictions based on the model act and regulations or the primary state legislation, depending on which is applicable.

The broad scope of the *WORKPLACE HEALTH AND SAFETY* module is to provide answers to these questions;

- What are our legal obligations?
- From where are our legal obligations derived?
- How can we ensure that we are complying with our legal obligations?
- What are the consequences if we are not complying with our legal obligations?

The *WORKPLACE HEALTH AND SAFETY* module covers all legislated legal obligations of Australian workplace entities and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes throughout the organisation. The module also covers the role of the regulator as well as exemptions to the obligations, if applicable, and how they may or may not apply in particular circumstances.

The module fulfils this objective by comprehensively covering three main areas;

The **legislative and regulatory landscape** from which the primary legal obligations are derived;

- Work Health and Safety Act 2011 (Cth);
- Work Health and Safety Regulations 2011 (Cth);
- Work Health and Safety Act 2011 (ACT);

- › Work Health and Safety Regulations 2011 (ACT)
- › Work Health and Safety Act 2011 (NSW);
- › Work Health and Safety Regulation 2017 (NSW);
- › Work Health and Safety (National Uniform Legislation) Act 2011 (NT)
- › Work Health and Safety (National Uniform Legislation) Regulations 2011 (NT);
- › Work Health and Safety Act 2011 (QLD);
- › Work Health and Safety Regulation 2011 (QLD);
- › Work Health and Safety Act 2012 (SA);
- › Work Health and Safety Regulations 2012 (SA);
- › Work Health and Safety Act 2012 (TAS);
- › Work Health and Safety Regulations 2012 (TAS);
- › Occupational Health and Safety Act 2004 (VIC);
- › Occupational Health and Safety Regulations 2017 (VIC);
- › Occupational Safety and Health Act 1984 (WA); and
- › Occupational Safety and Health Regulations 1996 (WA).

The specific areas where legal and regulatory obligations apply to the Australian workplace entity;

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| <ul style="list-style-type: none"> › Work health and safety duties › Primary duty of care; and › Officer's duties. › Work health and safety management system; › Policy and objectives; › Developing a management plan; › Setting targets and performance indicators; › Implementing a program and procedures; › Training and competency; › Monitoring, measurement and evaluation; › Auditing a health and safety system; › Reviewing a health and safety system; and › Chain of responsibility. › Risk and hazard management; › Identification; › Risk assessment; › Risk control implementation and hierarchy controls; and › Risk control maintenance and review. › Consultation with workers; › Determining work groups; › Electing health and safety representatives; | <ul style="list-style-type: none"> › Obligations towards health and safety representatives; › Establishing a health and safety committee; › Obligations toward work health and safety officers; › Resolving issues; › Cessation of unsafe work; › Provisional improvement notices; and › Monitoring and reviewing consultation procedures. › Consultation, cooperation and coordination with other duty holders; › Identifying other duty holders; and › Monitoring and reviewing consultation, cooperation and coordination arrangements. › Incident notification; › Preserving and incident site. › Investigations and enforcement; › Cooperating with the regulator; › Power to enter a workplace; › Cooperating with the inspector; › Inspector's power and authority; › Offences in relation to inspectors; › Improvement notices; › Prohibition notices; › Non-disturbance notices; and › Enforceable undertakings. |
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- The rights of workplace health and safety entry permit holders in the workplace;
- Discriminatory, coercive or misleading conduct (including inducement and misrepresentation);
- Workplace and facilities management;
- Fixtures, fittings and plant;
- Entry and exit;
- The work environment;
- Welfare management;
- Emergency management;
- First aid;
- Remote, isolated and outdoor work;
- Falling objects;
- Signage;
- Employee accommodation.
- Plant and structures;
- Design, manufacture, import and supply;
- Installing, constructing and commissioning;
- Specific duties of designers, manufacturers, importers and suppliers;
- Management of plant;
- Additional control measures for plant and scaffolds;
- Cranes and lifts;
- Amusement devices and passenger ropeways; and
- Registration of plant designs and items of plant.
- Workplace management;
- Hazardous work;
- Hazardous chemicals;
- Electrical risks;
- Construction work; and
- Asbestos.
- Major hazard facilities;
- Notification and determination;
- Safety case;
- Risk management and safety assessment;
- Emergency plan;
- Safety management system;
- Information for visitors, the local community and the local authority;
- Consultation with workers and workers safety role; and
- Application, renewal, transfer, suspension and cancellation of a major hazard facility licence.

Significant consequences can apply to Australian workplace entities, their employees and authorised individuals found to have breached or not complied with their legal obligations. These consequences vary considerably depending on the nature and extent of the breach or failure. The WORKPLACE HEALTH AND SAFETY module covers specific consequences in detail. They can include monetary penalties, disciplinary measures and even terms of imprisonment for individuals found to have committed serious criminal offences.

The WORKPLACE HEALTH AND SAFETY module does not cover the rights or entitlements of individuals who have suffered damages or losses due to breaches of health and safety obligations by Australian workplace entities. The module does not cover the process that an entity or an individual would follow to report or seek compensation for the breach or their resulting loss.

The Commonwealth and all states and territories, except Victoria and Western Australia, have enacted laws based on the 2011 commonwealth model act and regulations, but with some variations to the models in several of the different states. It can be very complex to establish which law applies at any time, and the applicable law usually depends on the activity being performed. This module only covers the general legal obligations contained in the primary work health and safety acts and regulations as they apply in each jurisdiction. The module does not cover the numerous Commonwealth, state and territory acts and

regulations that relate to work health and safety in specific areas such as aviation and transport.

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