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ENSURING SAFETY AT WORK

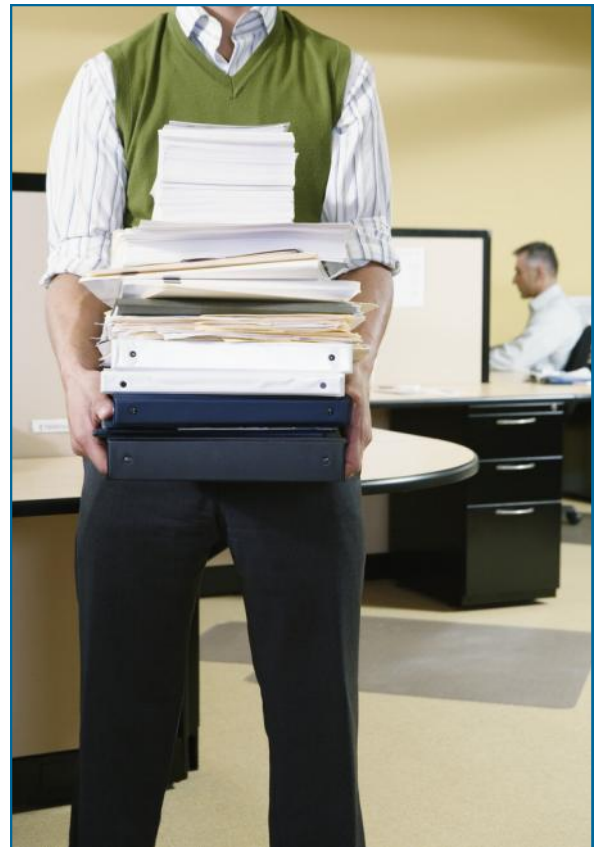
Employers and employees both have rights and responsibilities at work to protect the health and safety of work colleagues. Currently those rights are contained in the *Occupational Health and Safety Act 2000* ("the Act"). The Act was itself a modernisation of the 1983 Occupational Health and Safety Act and aimed to ensure better comprehension of its principles. The *Occupational Health and Safety Regulation 2001* supports the Act in reducing the likelihood of workplace incidents.

The Act creates a further duty than what had previously existed. That further duty means that employers are required to consult with their employees to enable employees to be part of decisions that affect their health and safety.

What are the objectives of the Act?

The objectives of the Act are:-

- a) to secure and promote the health, safety and welfare of people at work,
- b) to protect people at a place of work against the risks to health or safety arising out of the activities of persons at work,
- c) to promote a safe and healthy work environment for people at work that protects them from injury and illness and that is adapted to their physiological and psychological needs,
- d) to provide consultation and cooperation between employers and employees,
- e) to ensure that risks to health and safety at a place of work are identified, eliminated or controlled,
- f) to develop and promote community awareness of occupational health and safety issues,
- g) to provide a legislative framework that allows for progressively higher standards, and



- h) to protect people against risks to health and safety from the use of plant that affects public safety.

The Act of course imposes an obligation on employers to protect the health and safety of their workers. However, the Act also creates obligations on employees to protect the health and safety of their fellow colleagues.

In order to successfully achieve the objectives of the Act management need to ensure that policies are in place to ensure continuous improvement of current practices. Areas where management can ensure compliance with occupational health and safety obligations are:-



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- Ensuring that there is an effective communication and consultation strategy,
- Ensuring adequate first aid facilities are available,
- Ensuring that there is appropriate knowledge and understanding of relevant legislation, regulations and codes of practice, and
- Ensuring that there is regular training of all employees on all facets of safety.

Irrespective of the policy on occupational health and safety, management need to ensure that the policy is known to all staff and that there is appropriate documentation in place for staff to review the policy. The consultation process needs to be known and transparent. That consultation should involve the sharing of relevant information with employees, employees being given the opportunity to express their views and management taking into account those views.

The area of occupational health and safety is in the process of being reformed. A national review into this area has led to the Model Work Health and Safety Bill which may be enacted in 2012. The harmonisation of OH&S legislation will assist particularly with those organisations where there are offices across different states. The Bill seeks to impose a primary duty on any entity that conducts a business or undertaking. This recognises a wider class of duty holders than is currently in place. Further the Bill seeks to ensure that employees are obligated to take reasonable care for their own safety as well as their colleagues. There are also different reporting requirements in relation to WorkCover proposed in the Bill.

It will remain to be seen if the Bill is enacted in its present form. It may also be the situation that the States themselves decide to have State specific amendments and thereby possibly negating a major advantage of nationalisation.



The issue of occupational health and safety is an important one that impacts on the majority of people due to their work commitments. Appropriate policies and procedures need to be in place to ensure compliance with legislation, regulations and codes of practice. It will remain to be seen what impact there will be from a nationalised occupational health and safety system. If you need advice in relation to your rights at work, or if you are an employer needing advice on occupational health and safety matters either now or in light of the proposed nationalisation, please contact our office.