



Occupational Health and Safety

Some of the most commonly asked questions about Employment Disputes and Litigation are discussed on this page.

1. Who does the new Work Health & Safety Act affect?

The provisions of the Work Health & Safety Act 2011 are wide-ranging and create obligations for employers, officers of companies, managers and employees. The Act also creates obligations for organisations involved in the management, control, design, manufacture, import, supply, installation, construction or commission of fixtures, fittings, plant, substances or structures at workplaces.

2. If I am an employer, what are my main occupational health and safety responsibilities?

The Work Health & Safety Act 2011 requires employers to ensure so far as it is reasonably practicable the health and safety of their workers while at work as well as ensuring that the health and safety of other persons is not put at risk from the work carried out as part of your business. These obligations include the following:-

- Provision and maintenance of a work environment without risks to health and safety.
- The provision and maintenance of safe plant and structures.
- The provision and maintenance of safe systems of work.
- The safe use, handling and storage of plant, structures and substances.
- The provision of adequate facilities for the welfare at work or workers in carrying out work including ensuring safe access to those facilities.
- The provision of any information, training, instruction or supervision as is necessary to protect all persons from risk to their health and safety arising out of the work of the business.
- That the health of the workers and the conditions of the work place are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business.

3. What is considered to be reasonably practicable?

The Work Health & Safety Act 2011 provides that what is reasonably practicable in ensuring health and safety means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:-

- The likelihood of the hazard or the risk concerned occurring.
- The degree of harm that might result from the hazard of the risk.



- What the person concerned knows or ought reasonably to know about the hazard or the risk and the ways of eliminating or minimizing the risk.
 - The availability and suitability of ways to eliminate or minimize the risk.
 - After assessing the extent of the risk and the available ways of eliminating or minimizing the risk, the cost associated with available ways of eliminating or minimizing the risk, including whether the cost is grossly disproportionate to the risk.
- 4. If I am a worker, do I have any occupational health and safety responsibilities?**

Under the Work Health & Safety Act 2011 workers while at work must:-

- Take reasonable care for their own health and safety.
- Take reasonable care that their acts or omissions do not adversely affect the health and safety of other people.
- Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business to allow the person to comply with the Act.
- Co-operate with any reasonable policy or procedure of the person conducting the business relating to health or safety at the workplace that has been notified to you.

5. If I am self-employed, how does OHS affect me?

The Work Health & Safety Act 2011 requires that self-employed people must ensure, so far as it is reasonably practical, their own health and safety while at work. Self-employed people must also ensure that their work activities do not expose other people to risks to their health and safety.

If you would like further information, or require assistance, please contact us on (02) 4731 5899 or send us an email by clicking on the 'Contact Us' page on our website.