

Work Health & Safety Laws

Some Definitions & Explanations

Definitions

PCBU – Person Conducting a Business - A PCBU is the legal entity conducting the business. The PCBU has the primary duty of care to ensure workers and others are not exposed to a risk to their health and safety. In the case of our Catholic School System this is the Trustees of the Diocese.

Officer – Officer is defined to mean those who make or participate in the making of decisions that affect the whole business or a substantial part of it. So, for the Catholic School System, the Director, ADs and Principals are Officers.

Due Diligence – An Officer must exercise due diligence, which at its simplest, requires an officer to concentrate on managing the work health and safety (WHS) risks of the business or undertaking. Note that in practice, due diligence will operate more effectively if the whole management team tries to apply its principles, regardless of who may legally be an officer.

Workers – A worker is any person who performs work in any capacity for a business or undertaking including employees; contractors; sub-contractors; employees of contractors or sub-contractors; outworkers; employees of labour hire companies; work experience students; apprentices; casuals; and volunteers (eg our Canteen volunteers).

Duties of a worker – A worker must, while at work:

- take reasonable care for their own health and safety
- take reasonable care for the health and safety of others
- comply with any reasonable instruction by the PCBU or Officer
- co-operate with any reasonable policies and procedures of the PCBU or Officer.

Work Groups – Work groups are workers represented by a Health and Safety Representative (HSR) – see below. Usually these workers perform similar types of work and have similar health and safety concerns and conditions within the workplace. In our school there are arguably three clearly defined work groups – Teaching Staff, Support Staff, Cleaners & Groundstaff. As agreed by a large majority of staff, here at St Pius, we are all part of one workgroup represented by one HSR.

Health and Safety Representatives (HSRs) - The role of an HSR in a school setting is to facilitate the flow of information about health and safety between the Officer and the workers in their work group. By agreement, our HSR takes on broader responsibilities for the day to day response to WHS issues that arise and are reported via the WHS Helpdesk.

HSRs represent workers on health and safety matters through ongoing consultation and cooperation between workers of a work group and an Officer.

The powers and functions of an HSR are to:

- represent workers in a work group on work health and safety (WHS) matters

- monitor WHS actions taken by the Officer or PCBU
- investigate WHS complaints from workers of the work group
- look into anything that might be a risk to the WHS of the workers they represent.

If an HSR has completed approved HSR training, they can exercise additional powers:

- to direct unsafe work to stop when they have a reasonable concern that carrying out the work would expose a worker to a serious risk
- to issue a 'Provisional Improvement Notice' (PIN) when they reasonably believe there is a contravention of the *Work Health and Safety Act 2011* (WHS Act).

Our HSR has completed the approved training course.

HSRs provide benefits to workers, Officers and PCBUs by fostering consultation.

Election of HSRs

An HSR is elected for each work group in an organisation. Hence, we have elected one HSR. From time to time, or when specifically requested by a worker, we will call for nominations for the position of HSR and if necessary conduct an election.

Health & Safety Committee (HSC) – Under the WHS Laws & Regulations we are allowed to have a Health & Safety Committee. The functions of the committee under the WHS Act are as follows:

1. Facilitate co-operation between the Officer & workers to instigate, develop & carry out health & safety measures.
2. Help develop health & safety standards, rules and procedures to be complied with at the workplace.
3. Perform such functions as prescribed by the Regulation or agreed between the Officer and the Committee.

Difference Between Roles of HSR and HSC – At St Pius, we have two avenues for consultation between Officers & Workers. The HSR consults with Workers and Officers and is focussed on dealing with specific health and safety issues relevant to the workgroup they represent – they solve issues as and when they arise. The HSC on the other hand is the forum for consultation on the management of health and safety across the whole workforce. It is a more strategic role to help plan and achieve WHS performance improvements. Note that no training is needed by HSC members.

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