

Work Health and Safety Roles and Responsibilities Guidelines

March 2024 - This document is expired. It is replaced by the [Health, Safety and Wellbeing Policy](#).

Section 1 - Purpose

Introduction

(1) These guidelines provide advice on the Work Health and Safety roles and responsibilities of all workers of Charles Sturt University (the University).

(2) Roles and responsibilities for specific activities can be found in the [Health, Safety and Wellbeing Policy](#) and associated procedures within the [Work Health and Safety Management System](#).

Scope

(3) This document applies to workers in all faculties, divisions, offices and organisational units of the University and its controlled entities.

Section 2 - Glossary

(4) For the purpose of these guidelines:

- a. Due diligence - means gaining an understanding of the hazards and risks associated with the operations of the business and to ensure that the business has and uses appropriate resources and processes to eliminate or minimise risks to health and safety.
- b. Officer - means a person who makes or participates in making decisions that affect the whole or a substantial part of the business or undertaking.
- c. Others - means people who are at the workplace but do not carry out work for PCBUs. This includes, but is not limited to, students, authorised visitors, customers and clients.
- d. Person conducting a business or undertaking (PCBU) - means the legal entity operating a business or undertaking. A PCBU may be an individual person or an organisation conducting a business or undertaking. It is not an individual unless they are conducting the business in their own name as a sole trader or partner. Persons engaged solely as a worker or officer of the business or undertaking are excluded from the definition of a PCBU.
- e. Executive - means a staff member holding the position of Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor, Executive Dean, Chief Financial Officer or Executive Director, People and Culture.
- f. Manager - means a staff member holding the position of Dean, Director, Executive Director (other than Finance or Human Resources) or Head of School of the University.
- g. Student - means a person enrolled at the University and undertaking a unit and/or course of study. This also includes attendance at workshops held on campus.
- h. Supervisor - means:

- i. the line manager of a staff member; or
 - ii. the principle supervisor of a higher degree by research (HDR) student; or
 - iii. any other individual who (separate to the line manager/principle supervisor) has control of a work area or other activity in which the worker is participating or working. For example a workshop manager who has control of what is undertaken and/or who determines which workers may/may not work within the workshop they control.
- i. University community - means all workers, students, authorised visitors, visiting and adjunct appointments, and external appointees of University Council, boards and committees of the University.
- j. [Work Health and Safety Management System](#) - means that part of the overall management system which includes organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the [Health, Safety and Wellbeing Policy](#), and so managing the safety risks associated with the business or undertaking of the University.
- k. Worker - means any person that carries out work for the University including:
- i. employees;
 - ii. trainees;
 - iii. volunteers and affiliates including adjuncts, visiting fellows and honorary fellows;
 - iv. outworkers;
 - v. apprentices;
 - vi. work experience students;
 - vii. contractors and sub-contractors and their employees;
 - viii. employees of labour hire companies; and
 - ix. higher degree by research (HDR) Students.
- l. Workplace - means a place where work is carried out for the University and includes any place where a worker goes, or is likely to be, while at work. This may include, but is not limited to, laboratories, workshops, training rooms, on-site recreational facilities, vehicles or vessels, on field trips, in teaching facilities, in offices, in rural environments and any area of industry operations.

Section 3 - Policy

(5) Refer to the [Work Health and Safety Policy](#).

Section 4 - Procedures

(6) Nil.

Section 5 - Guidelines

Work health and safety duties and responsibilities

(7) Duties for work health and safety are legislated in the [Work Health and Safety Act 2011 \(NSW\)](#). The Act details the duties of a PCBU, officers and workers as well as suppliers and manufacturers.

(8) The following principles apply to all duties in the [Work Health and Safety Act 2011 \(NSW\)](#):

- a. a duty is not transferable;
- b. a person may have more than one duty;
- c. more than one person can have the same duty; and
- d. risks are managed to ensure they are eliminated or minimised, so far as is reasonably practicable.

(9) The most important responsibility for all members of the university community is to minimise risks and prevent accidents. This can be achieved if staff at all levels attempt to identify, assess and control risks as they arise.

University

(10) In accordance with the [Work Health and Safety Act 2011 \(NSW\)](#), as a PCBU, the University has a primary duty of care to ensure, so far as is reasonably practicable, workers and others are not exposed to a risk to their health and safety.

(11) A primary duty of care is owed by the University when it:

- a. directs or influences work carried out by a worker;
- b. engages or causes to engage a worker to carry out work (including through subcontracting); and
- c. has management or control of a workplace.

(12) The University must meet its obligations, so far as is reasonably practicable, to provide a safe and healthy workplace for workers or other persons by ensuring:

- a. safe systems of work;
- b. a safe work environment;
- c. accommodation for workers, if provided, is appropriate;
- d. safe use of plant, structures and substances;
- e. facilities for the welfare of workers are adequate;
- f. notification and recording of workplace incidents;
- g. adequate information, training, instruction and supervision is given;
- h. compliance with the requirements under the [Work Health and Safety Regulation 2017](#); and
- i. effective systems are in place for monitoring the health of workers and workplace conditions.

(13) The University must also have meaningful and open consultation about work health and safety with its workers, health and safety representatives, and health and safety committees. Additionally, the University must consult, cooperate and coordinate with other PCBUs with whom they share duties.

(14) The University will also have further obligations if involved in specific kinds of activities such as:

- a. the management and control of workplaces, or fixtures, fittings or plant at workplaces;
- b. the design, manufacture, import or supply of plant, substances or structures; and
- c. installation, construction or commissioning of plant or structures.

Specific responsibilities

Officers and directors

(15) The [Work Health and Safety Act 2011 \(NSW\)](#) outlines the duties of officers of a PCBU.

(16) It is an officer's duty to exercise due diligence to ensure their business or undertaking fulfils its health and safety obligations under the [Work Health and Safety Act 2011 \(NSW\)](#). The essential elements of due diligence for an officer

are interrelated and cumulative in nature. These elements require an officer:

- a. to acquire and keep up-to-date knowledge of work health and safety matters;
- b. to gain an understanding of the operations of the business and the hazards and risks involved;
- c. to ensure appropriate resources and processes are provided to enable hazards to be identified and risks to be eliminated or minimised;
- d. to ensure information regarding incidents, hazards and risks is received and the information is responded to in a timely way;
- e. to ensure the PCBU has, and implements, processes for complying with any legal duty or obligation; and
- f. to ensure processes are verified, monitored and reviewed.

Vice-Chancellor

(17) The Vice-Chancellor is responsible for the overall implementation of the University's [Health, Safety and Wellbeing Policy](#). This responsibility includes ensuring that staff are able to meet their obligations, through:

- a. the provision of adequate budgets;
- b. the allocation of resources;
- c. availability of health and safety guidelines; and
- d. the establishment and functioning of the Work Health and Safety and Injury Management Systems. The Vice-Chancellor delegates responsibility for the management of workplace health and safety but retains ultimate accountability.

Executive

(18) Each member of the Executive is responsible and accountable for assisting the Vice-Chancellor in the overall implementation and compliance of the University's work health and safety policies.

(19) Where necessary, members of Executive will advise the Vice-Chancellor of work health and safety implications of activities in areas under their control. This includes providing support and guidance in the management of work health and safety to those whom they supervise.

Heads of units and directors

(20) Heads of units and directors are responsible and accountable to ensure that relevant safety standards and procedures are implemented, reviewed and maintained in their area of responsibility.

(21) They shall ensure the health and safety at work of staff (and students and visitors where applicable) by the provision of:

- a. safety equipment;
- b. safe systems of work;
- c. information;
- d. instructions;
- e. training; and
- f. supervision.

Managers and supervisors

(22) Managers/supervisors must ensure that the workplace under their control is safe and without risk to health.

(23) Managers/supervisors must ensure that everyone in the workplace takes reasonable care to ensure that the workplace is safe and without risk to health.

(24) Managers/supervisors are responsible for detecting any unsafe or unhealthy conditions or behaviour. If they do not have the authority to fix a problem, they must report it promptly, with recommendations, to the head of the relevant unit.

Workers

(25) All workers must comply with the University's health and safety policies, procedures and instructions.

(26) All workers must ensure their own health and safety and the health and safety of others in the workplace.

(27) All workers must take corrective action to eliminate hazards at the workplace, or report those beyond their control to their supervisor.

Contractors and sub-contractors

(28) All contractors and sub-contractors engaged to perform work on the University's premises are required to comply with the work health and safety policies and procedures of the University.

(29) All contractors and sub-contractors must observe work health and safety directions from University supervisors and the WHS Unit.

(30) All contractors and sub-contractors are required to complete a Work Health and Safety Induction.

Others

(31) All others in the workplace must undertake the following while at the University:

- a. take reasonable care for their own health and safety;
- b. take reasonable care for the health and safety of others;
- c. comply with any reasonable instruction from the University; and
- d. co-operate with any reasonable policies and procedures of the University.

Specific work health and safety responsibilities

(32) Specific responsibilities for roles within the University have been documented in the [WHS Responsibilities, Authority and Accountability Matrix](#). Further work health and safety responsibilities shall be outlined in position descriptions, policies, guidelines, procedures and other Work Health and Safety Management System documentation where appropriate.

Work health and safety authority

(33) All workers, students and visitors of the University have the authority to report hazards in the workplace and exercise their responsibilities to improve workplace health and safety.

(34) The authority to make decisions in the workplace to eliminate or reduce the risk from workplace hazards varies according to the organisational structure. Further information is outlined in the [WHS Responsibilities, Authority and Accountability Matrix](#).

(35) The University's [Delegations and Authorisations Policy](#) should be referred to for matters where expenditure is required to implement risk control measures.

Failing to meet duties - penalty structure

Category	Maximum penalty	Description
Category 1 Reckless Conduct	Corporations: \$3,809,300 Individuals as a PCBU or Officers of a PCBU: \$761,750 / 5 years jail Other Individuals : \$381,150 / 5 years jail	A person commits a Category 1 offence if: a) the person has a health and safety duty, and b) the person, without reasonable excuse, engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness, and c) the person is reckless as to the risk to an individual of death or serious injury or illness.
Category 2 Breach High Risk	Corporations: \$1,904,650 Individuals as a PCBU or Officers of a PCBU: \$381,150 Other Individuals : \$190,300	A person commits a Category 2 offence if: a) the person has a health and safety duty, and b) the person fails to comply with that duty, and c) the failure exposes an individual to a risk of death or serious injury or illness.
Category 3 Duty Breach	Corporations: \$634,700 Individuals as a PCBU or Officers of a PCBU: \$127,050 Other Individuals : \$63,250	A person commits a Category 3 offence if: a) the person has a health and safety duty, and b) the person fails to comply with that duty.

Status and Details

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