



# Harmonised Australian Work Health & Safety Laws

White Paper for School Board/Council Members, Principals, Executives and Business Managers of Non-Government Schools

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# Executive Summary

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Uniform Work Health and Safety (WHS) laws (sometimes referred to as the “Model WHS Laws” or the “harmonised laws”) (WHS Laws) were developed by Safe Work Australia in conjunction with state, territory and Commonwealth ministers, and commenced on 1 January 2012 in New South Wales, Queensland, the Australian Capital Territory, the Northern Territory and the Commonwealth. Tasmania and South Australia subsequently adopted the WHS Laws. Western Australia has yet to make a final decision on whether to adopt the “harmonised” WHS regime and Victoria has indicated that it will not harmonise.

## Employer and Worker Definitions

The WHS Laws introduced the concept of a “Person Conducting a Business or Undertaking” (PCBU) to replace the concept of an employer and, together with the expansion of the definition of “worker”, these terms have together greatly increased traditional employer obligations. A PCBU is not only responsible for the health and safety of its own employees but also for other workers who are involved in the PCBU’s activities. The definition of “worker” includes volunteers, contractors, sub-contractors, labour hire staff, and even work experience students. PCBUs are also responsible for “other persons” who are exposed to health and safety risks arising out of the activities of the PCBU.

## Duty of Care

- ✓ PCBUs must ensure that, so far as is “reasonably practicable”, their workers and other persons, such as students and visitors, are not exposed to health and safety risks as a result of the PCBU’s activities.
- ✓ The concept of “reasonably practicable” requires each PCBU to effectively implement a formalised risk management program, through which it identifies workplace hazards, assesses them and takes reasonably practicable action to either eliminate or minimise the risk of harm.
- ✓ The WHS Laws overlap with the student duty of care obligations for a school, with both sets of obligations requiring measures to be in place to protect students from risks of harm that reasonably ought to be foreseen.

## Identifying and Controlling Hazards

- ✓ All foreseeable hazards must be identified by the PCBU, from information derived from having a hazard and incident notification system in place, and by consulting workers.
- ✓ Each hazard must be assessed for the risk of harm and then “reasonably practicable” control measures must be taken by the PCBU to eliminate or minimise the risk of harm.
- ✓ Specific legislative requirements identify the control measures which must be put in place, and Model Codes of Practice developed by Safe Work Australia and adopted by each jurisdiction may provide further guidance. The hierarchy of controls should be used by a PCBU in determining “reasonably practicable” control measures in particular circumstances. Cost is the final step in deciding what is reasonably practicable, with a clear presumption in the WHS Laws that safety is more important than cost.
- ✓ Workers must be consulted in determining appropriate control measures.

## Due Diligence

- ✓ Under the WHS Laws, all school Board/Council members, directors and officers have a positive obligation to undertake due diligence to ensure that their organisations are compliant.
- ✓ Directors (school Board/Council members) and officers are required to have a good working knowledge of WHS matters and how they apply in practice to their school.
- ✓ School Board/Council members and officers are also required to ensure that their school has appropriate resources and processes in place to manage WHS and, critically, to verify that these processes actually work in practice. This requires the implementation of an integrated WHS system that provides both transparency and visibility.

## Consultation

- ✓ The obligation to consult with workers is a key element of the WHS Laws, as it is seen as critical to identifying hazards, developing effective control measures and generally implementing the WHS system. Consultation is also required with other PCBUs where there exists a joint responsibility to care for the safety of workers, for example, contractors hired by a school.
- ✓ A school can consult with its employees on WHS matters in a number of different ways, however, employees have the right to trigger changes which may better address their needs, and there are legislative requirements in relation to how these are to proceed:
  - It only takes one worker (it could even be a work experience student) to request that a Health and Safety Representative (HSR) be elected for a particular work group and an organisation must comply with this request.
  - HSRs have expansive powers and can issue directions to cease work that must be complied with.
  - A Health and Safety Committee may need to be established, if requested by five or more workers, or by the HSR. This can also be initiated by management.

## Fines and Penalties for both Schools and Individuals

- ✓ A breach of the WHS Laws comes with significant fines and penalties - up to \$3 million per breach for a corporation, and \$600,000 per breach for directors and officers. Directors and officers (and potentially workers) also face prison terms of up to five years for the most serious breaches.
- ✓ If directors or officers fail to discharge their duty, they can be prosecuted, even if the PCBU is not prosecuted, or the PCBU is found not guilty.
- ✓ Industrial manslaughter legislation is being introduced in various states and territories to provide even more significant penalties of up to 20 years imprisonment for the most serious breaches of safety which result in death.
- ✓ Unpaid volunteer school Board/Council members have immunity from criminal prosecution or fines under the WHS Laws however they may still be sued for breaching their statutory duties and/or duty of care responsibilities, or be liable for any breaches of requirements placed on a worker, rather than a director.

## A PCBU and its Duty of Care

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The primary responsibility for work health and safety in a workplace lies with a PCBU, a term which replaces the concept of an employer. A PCBU may be a corporation, partnership, unincorporated association, a self-employed person or a sole trader. A school is usually a PCBU.

A PCBU's primary duty of care is to ensure, so far as is "reasonably practicable" (explained below), that workers (note expanded definition), and other persons (for example people visiting its premises), are not exposed to health and safety risks arising from its activities or undertakings. This duty covers both workers engaged, or caused to be engaged, by the PCBU, and workers whose activities in carrying out their work are influenced and directed by the PCBU.

Each PCBU has a duty of care that applies "to the extent to which the PCBU has the capacity to influence and control the matter". This takes into account that a contractor, for example, may be performing work which is mainly controlled by their own employer rather than the school, or performing work which is of a specialist nature and the school may have a very limited ability to control or influence the way the work is performed.

If a school engages a 'temp', through a labour hire company to cover a short term position, as a PCBU, the school will be jointly responsible with the labour hire company for the safety of the temporary worker, probably more so than their employer, as the school will have a greater ability to influence and control their activities.

Additionally, if a school engages a volunteer to assist with the school's activities, then the school will be responsible for the safety of the volunteer and should treat them as if they were an employee.

The school's responsibility for students is covered by both the WHS Laws and by the school's student duty of care. The school's obligations towards students in relation to their student duty of care have a higher threshold than their WHS Laws responsibility as the application of the WHS Laws to students is only to the extent that they are "other persons affected by" the school's activities. However, there are obvious overlaps in terms of identifying hazards and implementing measures which need to be taken to protect teachers and students, and the requirement that the safety regulator in your state or territory must be notified of any serious injuries or incidents to staff and students.

## Identifying and Controlling Hazards

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One of the key elements of protecting workers is to ensure that foreseeable hazards are identified. The WHS Laws address this through a number of requirements: as part of the due diligence process, officers are required to ensure that they know of workplace safety issues that apply to their operations, by consulting workers, and implementing a hazard and incident notification system.

Once the school has identified a hazard, it must assess **each hazard** in terms of the likelihood of it occurring and the potential consequence (the harm) and take action to either **eliminate or minimise** each hazard that it has identified.

When hazards have been identified or where an existing control measure is considered to be insufficiently effective, the PCBU is required to develop and implement "reasonably practicable" control measures. What is "reasonably practicable" can be a more general test as outlined below but in other instances there are specific provisions in the WHS Laws that indicate the measures a PCBU must take to prevent or mitigate. Specific hazard control measures in the WHS Laws include requirements relating to asbestos, hazardous chemicals, and hazardous manual tasks; mitigation measures include the requirements to provide first aid facilities and prepare and implement emergency plans.

To assist in the development of a more uniform approach to workplace health and safety, SafeWork Australia, in consultation with the state and territory governments, has developed a series of Model Codes of Practice to provide guidance in implementing the provisions of the WHS Laws. Courts can use the Model Codes of Practice to identify what is “reasonably practicable” in particular circumstances, however each state or territory government must explicitly adopt a Model Code of Practice before it applies in that jurisdiction.

While complying with the Model Codes of Practice is not usually mandatory, they are used by regulators and courts as a benchmark of what a PCBU should have implemented in order to comply with the WHS Laws; if a PCBU uses any alternative control methods, it will need to be confident that they provide an equivalent or better level of protection. Copies of the Model Codes of Practice applicable in your state or territory are usually found on your safety regulator’s website.

Where there are no specific requirements in relation to how to eliminate or minimise the risk of harm arising out of a hazard, the regulations under the WHS Laws introduce the concept of a “hierarchy of controls” to help a PCBU to decide which controls to implement. The hierarchy ranks risk controls from the highest level of protection and reliability (i.e. remove the hazard) to the lowest (e.g. use of personal protective equipment). Controls may also be used in tandem in order to improve the level of protection, for example, substituting a less harmful chemical as well as using personal protective equipment.

After considering the possible controls using the hierarchy, the school will then need to determine which control measures are “reasonably practicable” under the circumstances.

## The “Reasonably Practicable” Test

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For a school to ensure, so far as is “reasonably practicable”, that workers, or other persons, are not exposed to health and safety risks arising from its business or undertaking, the WHS Laws require that the school, as a PCBU, takes into account and weighs up all relevant matters including:

- a) the likelihood of the hazard or the risk concerned occurring
- b) the degree of harm that might result from the hazard or the risk (consequences)
- c) what the school knows, or ought reasonably to know, about the hazard or risk, and ways of eliminating, or minimising, the risk
- d) the availability and suitability of ways to eliminate or minimise the risk
- e) after assessing the degree of risk and the available ways of eliminating or minimising the risk, then considering the cost associated with the available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

The test is an objective one having regard to a reasonable person in the PCBU’s position. Safe Work Australia has released a useful [Guide](#).<sup>1</sup>

One important point to note with respect to the cost assessment in (e) above is that although the cost of eliminating or minimising risk is relevant in determining what is reasonably practicable, there is a clear presumption in favour of safety ahead of cost.

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<sup>1</sup> Safe Work Australia, *How to Determine what is Reasonably Practicable to meet a Health and Safety Duty* (15 May 2013) <<https://www.safeworkaustralia.gov.au/doc/how-determine-what-reasonably-practicable-meet-health-and-safety-duty>>.

# Directors' and Officers' Duty to Exercise Due Diligence

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Directors and officers of a school have an express duty to exercise due diligence to ensure that the school is complying with its obligations under the WHS Laws.

The introduction of this duty formalised a position that had been evolving in the courts whereby non-executive directors were being held liable for some omissions or actions even though they pleaded ignorance. Directors and officers can no longer attempt to plead ignorance – under the WHS Laws they now have a **positive duty to know what is going on**.

In the case of death caused by reckless acts or omissions, officers can be held liable to the same extent as the PCBU – with fines of up to \$600,000 per breach and / or imprisonment for up to five years.<sup>2</sup>

## Definition of Officer

The WHS Laws adopt the Corporations Act definition of an “officer” which covers directors, company secretaries, as well as a person:

- ✓ who makes or participates in making decisions that affect the whole, or a substantial part, of the business of the corporation;
- ✓ who has the capacity to affect significantly the corporation’s financial standing; or
- ✓ whose instructions or wishes are usually acted on by the directors (but not those giving professional advice in specified areas i.e. external lawyers or accountants).

Note in particular that the definition of “officer” does not cover frontline or middle managers, except where they might fall within any of the above criteria.

Within most schools, members of the school Board, the principal, heads of school and business managers are most likely to fall within the definition of an “officer”. Depending on the size, nature and complexity of a particular school, other key executive roles may also be caught, thereby expanding the individuals within the school environment who may be held personally liable for safety breaches.

## What Do Directors and Officers Have to Do to Satisfy Their Obligations?

For a director or officer to exercise “due diligence” to ensure that the PCBU complies with its WHS duties and obligations, they must:

- ✓ acquire and keep up-to-date their knowledge of work health and safety matters
- ✓ gain an understanding of the nature of the operations of the business or undertaking of the PCBU and understand generally the hazards and risks associated with those operations
- ✓ ensure that the school has appropriate resources and processes to eliminate or minimise risks to health and safety arising out of the school’s operations
- ✓ ensure that the school has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information
- ✓ ensure that the school has, and implements, processes for complying with any WHS duty or obligation
- ✓ verify the provision and use of the above resources and processes.

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<sup>2</sup> There is an exemption for volunteer officers which is explained in the following pages.

It is clear that in order to satisfy the WHS Laws, the directors and officers must not only have a WHS system on paper but be able to demonstrate that their school's WHS systems have actually been implemented and are working effectively.

It is critical in terms of complying with due diligence that directors and officers are kept apprised of what is happening in the school in relation to safety. The Board should be receiving regular *summary* reports of safety incidents, the implementation of control measures, such as staff training, and any new corrective actions. The school management team should be receiving more frequent and more detailed reports and information, including immediate notification of serious injuries and any notifications of new hazards.

New Board members should also receive some level of WHS training on commencement of their role, and the school management team "officers" must complete WHS training.

All of these are key to ensuring that the school's directors and officers are in a position to make informed decisions in relation to allocating appropriate resources and generally complying with the school's WHS Laws obligations.

## Consultation with Workers and Other PCBUs

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Your school must, so far as is reasonably practicable, consult with workers who carry out work for the school who are, or are likely to be, directly affected by a work health and safety matter. Matters in relation to which workers must be consulted include when work processes change, determining control measures for hazards, and how workers should be consulted in relation to health and safety matters. Note that unpaid volunteers are considered "workers" and should be considered as if they were employees for the purposes of WHS, which is particularly relevant where volunteers work in high risk areas such a school canteen.

The WHS Laws have real teeth when it comes to ensuring consultation mechanisms are in place; the PCBU must take action if just one "worker" asks for an HSR to be appointed for a particular work group. Additionally, it only takes five workers asking for a Health and Safety Committee (and there is no requirement for a minimum number of staff to be employed by the PCBU) or one HSR, to trigger action to initiate a Health and Safety Committee.

If workers do not request HSRs or a committee, the school is still obliged to consult with workers on any matter impacting their health and safety. It is strongly recommended that some form of formal opportunity exists for matters to be raised with and by workers, such as a regular WHS agenda item in staff meetings. A prudent employer should ensure that it has a paper trail to evidence the fact that consultation has taken place.

Failure to comply with the general duty to consult attracts penalties of up to \$100,000 for the organisation. Failure to comply with the specific requirements, including complying with time limits to begin negotiations in response to consultation requests, and advising workers on progress, can result in penalties ranging from \$10,000 to \$50,000 for the organisation.

It is also important to note again that a "worker" need not be the school's employee; it can be an employee of a contractor, or subcontractor, or a temporary employee hired through a labour hire agency when they are performing work for the school. This means that schools have an obligation to consult with other PCBUs where they may be jointly liable for those workers.

The WHS Laws (including the Model Code of Practice on Consultation, Cooperation, and Co-ordination) are less prescriptive as to how the consultation can be conducted with other PCBUs – the Model Code of Practice talks about finding what works best for the organisation, in consultation with its workers and other PCBUs. Notwithstanding the general nature of the consultation obligation, areas of consultation which should be covered as a minimum are the site induction to be provided by the school, first aid and emergency procedures, and who to contact if there are any safety issues on the part of the school and the other PCBU. Once again, a paper trail would be wise.



# Engaging Volunteers

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Many members of school communities, including the parents of students, volunteer their time and effort to assist with various school activities, including membership of the school Board. Volunteers are defined as workers who are not working for payment or financial reward, although they may be reimbursed for their out-of-pocket expenses. It is a school's obligation to ensure the health and safety, so far as reasonably practicable, of all workers, including volunteers.

This being the case, volunteers must also be included in the consultation process with other workers, if they are, or are likely to be, directly affected by a work health and safety matter. For example, parents who volunteer in a school canteen should be consulted about new equipment being purchased for the canteen. And even more importantly, volunteers must be provided with information, training, instruction and supervision suitable to the type of work that they are doing for the school.

The converse also applies. Under the WHS Laws, as workers, volunteers also have duties at the workplace and must ensure:

- ✓ that reasonable care is taken for their own health and safety
- ✓ that reasonable care is taken so that their conduct does not adversely affect the health and safety of others
- ✓ their compliance with any reasonable instructions given by the school, to assist the school to comply with the WHS Laws
- ✓ their co-operation with any reasonable policy or procedure relating to health and safety at the school.

**N.B If a worker, including a volunteer worker, fails to comply with these duties, they can be prosecuted.**

# Volunteer Directors as Officers

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Many schools have Boards substantially made up of volunteer members. These volunteer Board members are "officers" for the purpose of the WHS Laws. All officers, volunteer or paid, must exercise due diligence to ensure that the organisation complies with its WHS obligations.

However, unlike paid officers, volunteer officers cannot be prosecuted under the WHS Laws for failing to comply with their due diligence and other officer duties.<sup>3</sup> This immunity, which means volunteer members are protected from criminal liability and fines under the WHS Laws, is designed to ensure voluntary participation on not-for-profit Boards is not discouraged.

The immunity of volunteer Board members is however not complete. Significantly the immunity does not

- ✓ protect against prosecution of the volunteer Board member in their capacity as a "worker", if they do not take reasonable care as a worker;<sup>4</sup> for example, if they fail to follow safety instructions and don't wear a hard hat when inspecting a school construction site. (A volunteer Board member has two capacities under the WHS Laws i.e. a director/officer and a worker)
- ✓ provide protection against being sued in civil proceedings that may be brought against a volunteer Board member by a worker claiming damages as a result of a volunteer Board member's breach of statutory duty and/or negligence in failing to meet their duty of care to exercise 'due diligence'.

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<sup>3</sup> *Work Health and Safety Act 2011* (Cth) s 34(1).

<sup>4</sup> *Work Health and Safety Act 2011* (Cth) s 28.

In short, while the immunity from criminal prosecution and fines will provide volunteer Board members with some comfort, if they choose to ignore their core obligation to exercise due diligence, they still might find that their personal assets are on the line. Complying with the due diligence requirements will be their best protection.

## The Health and Safety Representative (HSR)

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The role of the HSR encompasses representing the health and safety interests of a particular work group and has a considerable amount of power. The WHS Laws give the HSR a set of broad powers in relation to their own work group to:

- ✓ investigate complaints
- ✓ inspect a workplace
- ✓ attend interviews with the safety regulator or the school
- ✓ issue provisional improvement notices
- ✓ issue directions to cease work.

Importantly, it only takes one worker (note expanded definition) to request an HSR and the school, as a PCBU, is then required to set in train a process to elect someone to the position of HSR.

The first step is to define the work group for which the HSR will be responsible and this requires consultation with workers. A single “work group” can encompass the entire school, or more likely, be by campus or department. Once a work group has been defined, elections for an HSR are held within that work group.

Note that there are penalties if the PCBU fails to include the HSR in a consultation relating to that work group. In simple terms, you can’t bypass a troublesome HSR by talking directly to the members of the work group.

## Health and Safety Committees

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There is no minimum threshold number of employees that a PCBU must have before the formation of a Health and Safety Committee may be requested. The request to form a committee can come from just one HSR, or five or more “workers”. The workers need not be the school’s employees: they can also be, for example, a contractor’s or subcontractor’s employees. If the school has one or more HSRs, then they must all be given an opportunity to participate in the Health and Safety Committee.

A Health and Safety Committee’s role under the WHS Laws is essentially to work with management to improve safety by developing health and safety standards, rules and procedures. Usually there would only be one committee for a school, and the makeup of the committee is itself a matter for consultation with workers, although management can nominate no more than half of the committee members, and the HSRs must be given the opportunity to participate.

## Risk Assessment Procedures

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While the WHS Laws do not specify a methodology for risk assessment, this gap is filled with a Model Code of Practice – “How to Manage Work Health and Safety Risks”. The obligation to identify hazards, assess the risk of harm, and then control those hazards, is a central feature of the regime. This can only be satisfied by a school implementing a documented risk management framework captured in a hazard register.

A hazard register should include all identified workplace hazards, assessed in terms of the likelihood of the event occurring and the potential consequence if the event was to occur. In addition, for each hazard identified, a school must have a corresponding workplace safety policy or procedure that either eliminates or minimises the risk of harm.

## The Sharp End of the Stick – Fines and Penalties for Schools and Individuals

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While volunteer directors cannot be prosecuted under the WHS Laws, this immunity does not extend to directors or officers who receive payment, or financial reward, for their work.

In most states and territories, the penalties introduced by the WHS Laws are significant in monetary terms (maximum of \$3 million per breach for a corporation and \$600,000 per breach for officers), but the real deterrent is the possibility of a prison sentence. The WHS Laws provide for prison sentences of up to five years.

Under the WHS Laws, prosecutions in some states and territories are being taken out of the industrial courts and into the criminal court system. While there have been very few cases of gaol time arising out of the WHS Laws so far, the introduction of an industrial manslaughter offence in Queensland and the ACT has served to ramp up penalties to a maximum of 20 years imprisonment or \$10 million for the most egregious cases. This offence is being considered in the other states and should be taken as an indication of community feeling that not enough is being done to hold employers to account for their decisions relating to workplace safety.

## Integrated Management of WHS Compliance and Student Duty of Care Obligation

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One question that is often asked is how a school's obligations under the WHS Laws work together in practice with its common law student duty of care obligation.

Because the principles of student duty of care are largely derived from the common law, unlike the obligations under the WHS Laws, there are no specific legal requirements regarding the undertaking of risk assessments, consultation, training, or record keeping. However, in broad terms, the student duty of care obligation also requires schools to take a risk-based approach weighing up all relevant matters including:

- ✓ identifying foreseeable safety hazards
- ✓ determining whether the risk of harm in terms of likelihood and consequence warrants control measures
- ✓ effectively implementing those control measures.

In practice, this means that there is a significant overlap in complying with the student duty of care obligation and WHS Laws as they apply to "others affected by" the operations of a school.

It would be sensible for a school to utilise the WHS hazard register to incorporate student hazards, using the definitions of "likelihood" and "consequence" as well as the risk matrix set out in their WHS Program for the purpose of assessing student safety risks, and then documenting the control measures. Doing so would address both the WHS requirements and student duty of care obligations in a systematic way.

Another issue that arises is whether the obligation to notify the safety regulator in the relevant jurisdiction in cases of serious injury, death or serious near miss, would apply to student incidents as well as those relating to workers. While the answer on this has not always been clear when canvassing each of the WHS Laws regulators, as there are

penalties for not immediately making the notification, it would be prudent to include student incidents in notifications to the regulator.

## Summary and Conclusion

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In CompliSpace's experience, it is common to come across schools that do not have effective workplace safety programs in place. A common scenario is for a school to have a few workplace safety policies tucked away in a staff handbook and all of the safety energy being placed into fulfilling the student duty of care obligation.

Organisations often struggle to implement their workplace safety programs effectively. In our experience, directors and officers in schools do not always appreciate the extent of their personal obligations to workers and are therefore less likely to make adequate enquiry and receive adequate assurance that their workplace safety systems are working in practice.

The WHS Laws impose positive obligations on individual Board members and officers to acquire and keep up-to-date their knowledge of WHS matters, to understand the safety issues at the school, to have procedures in place to capture hazards, assess them, and implement control measures. The Board must also ensure that the school has the appropriate resources to manage workplace safety issues effectively; to do this it is critical that there are procedures in place to allow the Board to verify that these systems are actually working in practice.

Failure to meet these obligations can result in significant fines and prison sentences for the individuals concerned.

Attached to this White Paper is a list of 10 steps that you should take to ensure that your school is compliant with the WHS Laws.

# WHS Checklist

10 Steps to Help You	Completed?
1. Ensure that each of your directors and officers has completed training on the core elements of their obligations under the WHS Laws and that they understand key concepts such as “worker”, the “PCBU”, “reasonably practicable”, “consultation” and “due diligence”.	
2. Ensure that all workers, employees, temporary and casual staff, volunteers, and work experience students, receive appropriate WHS induction and any subsequent training to enable them to perform their jobs safely and understand their WHS obligations.	
3. Ensure that your organisation’s hazard register is up-to-date and records all reasonably foreseeable safety hazards for both workers and students.	
4. Ensure that, for each workplace hazard that has been identified, your school has assessed the risk of harm, and appropriate control measures are in place. Deciding on control measures should take into account any Codes or specific regulatory requirements, consulting with affected workers, and the hierarchy of controls in deciding what is “reasonably practicable”.	
5. Ensure that injury/incident and hazard notification mechanisms are in place and that new hazards are addressed promptly, affected staff are consulted, and feedback on outcomes provided to the notifiers.	
6. Ensure appropriate consultation channels are in place and documented, including minutes of meetings, to ensure that workers are consulted on any matters which may affect their workplace health and safety. Respond to requests for HSR and Health and Safety Committees in accordance with the WHS Laws.	
7. Identify the situations when the school may have joint responsibility with other PCBUs for workers and with whom you will need to consult, coordinate and cooperate; incorporate those procedures into your WHS program. This will include site inductions, emergency procedures, and ensuring contractors have appropriate qualifications and licences to do their work safely.	
8. Ensure that your school has maintained up-to-date records relating to workplace safety: such as workplace safety inspections, staff training, injuries and incidents, and responses to hazard notifications.	
9. Implement and document a system of regular workplace safety reviews as part of an internal assurance program that allows your school to monitor and report on the overall effectiveness of its WHS program.	
10. Ensure that WHS matters are considered as a regular agenda item in management, Board, and staff meetings.	

## How CompliSpace Can Help

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CompliSpace is a leading provider of Governance, Risk, Compliance and Policy (GRC&P) programs and consulting services to a variety of organisations, across a range of industry sectors. We work with over 650 non-government schools across Australia. We also assist aged care providers, financial services companies, corporations, not-for-profits and community housing providers.

Through our school clients, we help over 500,000 students, 50,000 teachers, and over 1 million parents and carers around Australia, by enabling non-government schools to meet their legal and regulatory obligations and to manage risk, compliance, policies, excursions and staff professional development in critical areas including school registration, human resources management, work health and safety, student duty of care, privacy, child protection, whistleblower, boarding and overseas students.

CompliSpace also publishes [School Governance](#), the Australian school sector's leading news and information source on issues related to governance, risk management, compliance and policy management. It's a weekly newsletter and searchable reference site dedicated to providing unbiased news that relates to the management of schools.

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### DISCLAIMER

The Information in this White Paper is current as at September 2019. The law in this area is in a constant state of change. Please visit [www.complispace.com.au](http://www.complispace.com.au) to ensure that you have the most up-to-date version of this White Paper. This White Paper is a guide to keep readers updated with the latest information. It is not intended as legal advice or as advice that should be relied on by readers. The information contained in this White Paper may have been updated since its posting, or it may not apply in all circumstances. If you require specific advice, please contact us on 1300 132 090 and we will be happy to assist.