

Occupational Health and Safety – Employer Responsibilities and Obligations

The *Occupational Health and Safety Act 2000* and *Occupational Health and Safety Regulations 2001* place three important duties on all business operators: "**duty of care**", "**duty to consult**" and "**due diligence**"

Duty of care – you must ensure that your workplace is safe and free of risks to all who work or visit your workplace including your employees, contractors, visitors and customers.

Duty to consult – you must include your workers in the decision-making process when dealing with safety issues. You must consult with them before you make a decision about controlling a hazard, altering designs of your premises, workflow or purchase of new equipment.

Due diligence – if your company violates any clause in the Act or Regulation, then each director and each person in management is said to have violated the rules personally, unless they show that they could not influence the situation or that they have used all due diligence to prevent the event. This means that you have considered all the "foreseeable risks" in the workplace and have controlled them.

Employers must provide:

- A safe workplace and safe ways of working.
- Information, instruction and training to employees about risks to health and safety in the workplace.
- Reasonable supervision of employees, and take into consideration the competence, experience and age of each employee.
- Provide first aid facilities for the immediate treatment of injuries and illness in the workplace.
- Equipment, tools and machinery in a safe condition.
- A process for consultation with workers and to keep workers informed and involved in decisions that may affect their health and safety.
- Processes for identifying hazards, assessing risks and implementing risk control strategies.
- Ensure the health and safety of people who are not employees, by not exposing them to risk when they visit or work (contractors) in the workplace.

DID YOU KNOW THAT....!

Hazard Identification, Risk Assessment and Hazard Control Strategies

All businesses must identify all foreseeable hazards in the workplace, assess the risk posed by the hazards identified, and implement control strategies.

Consultation with Employees

All businesses owners/managers must consult with their employees to enable the employees to contribute to the making of decisions affecting their health, safety and welfare. You are required to share OHS information with your employees and allow them to express their views on OHS issues, and take them into account when making decisions (such as when purchasing new equipment or when attempting to eliminate or control hazards).

Contractors (e.g. electricians, tilers, plumbers, refrigeration mechanics etc.)

All businesses owners/managers are responsible for making sure that contractors meet all their OHS obligations and requirements. You should discuss site safety issues with contractors before they start work. You must also make sure that all contractors have a current certificate of insurance as well as relevant special licenses or certificates of competency.

Electrical Equipment Maintenance

All electrical equipment must be "tested and tagged" by a qualified electrician as the work environment in retail and wholesale seafood businesses is considered by WorkCover as a "hostile working environment" due to wet conditions. All businesses must also install residual current devices (RDC) on power boards to prevent electrocution.

Hazardous Chemicals Register

All businesses must keep a register of all hazardous chemicals used in the workplace. You must also have Material Safety Data Sheets (MSDS) for all chemicals used in the workplace and they must be made available to employees.

Record Keeping

You are required to keep critical OHS records. This includes:

- Equipment/plant Maintenance
- Hazard reports
- Hazardous Chemicals Register & MSDS for all chemicals
- Injury Reports & Injury Register
- Return to Work Plans
- Safe Work Procedures
- OHS Induction and Training record
- OHS Consultations with Employees
- Audit of Workplace Hazards

Keeping proper OHS records is important because it provides evidence of compliance as well as demonstrating a commitment to addressing OHS issues in your workplace and can also be used to evaluate your progress.

OHS Policies and Statements

All businesses should display the following documents in a prominent location in their workplace (somewhere employees will see them):

- Business OHS Policy
- Statement of Employer & Employee OHS Responsibilities
- Emergency contact list
- Fire Response Plan

Injury and Illness

In the event of a serious injury (such as limb amputation, loss of consciousness, being trapped in a confined space or serious burn or fatality) you must contact WorkCover immediately on 13 10 50 and your worker's compensation insurer within 48 hours. You must notify your worker's compensation insurer within 48 hour if an employee will be away from their normal duties for 7 or more continuous calendar days.

Manual Handling of Heavy Loads

There are no longer prescribed maximum loads for lifting in legislation. As such employers must take into account a number of factors when assessing a lifting task.

This includes:

- actions and movements
- workplace layout
- location of load and distance moved
- working position and posture
- duration and frequency
- skills
- experience and age

The National Code of Practice: Manual Handling, indicates that the risk of injury increases when:

- Lifting weights of more than 4.5kg while seated.
- Lifting weights above the range of 16-20kg.
- Pushing, pulling and sliding objects that are difficult to move

NB: weights over 55kg should not be lifted without mechanical assistance or team lift.

Young workers under the age of 18 years should not be required to lift, lower or carry more than 16kg without mechanical assistance or other assistance and/or particular training for the task.

NB: The information provided above is intended as a guide only. If you are unsure of your obligations under the OHS Act and Regulations you should contact the MFMA on 02 9552 1611 or WorkCover NSW on 13 10 50.