Responsibilities – Work Health and Safety Minimum Standard

October, 2013

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Responsible Officer | Executive Director – Human Resources
Approved by | Executive Director – Human Resources
Approved and commenced | October, 2013
Review by | October, 2016
Relevant Legislation, Ordinance, Rule and/or Governance Level Principle the Standard supports
Work Health and Safety Act 2012 (Tas)
Work Health and Safety Regulations 2012 (Tas)

Responsible Organisational Unit | Work Health and Safety
1 Executive Summary

The purpose of Work Health and Safety Responsibilities Minimum Standard is to identify Work Health and Safety (WHS) roles and responsibilities at each function and level within the University of Tasmania, in accordance with legislative and site policy requirements.

2 More Information

For further information, contact the Work Health and Safety Unit

Email: health.safety@utas.edu.au

3 Using this Standard

The roles, structure and responsibilities outlined in this document support the information within the Work Health and Safety Policy for the management of WHS at all University of Tasmania campuses and approved off-site workplaces.

The Work Health and Safety responsibilities of individuals and groups at the University of Tasmania are detailed in this minimum standard.

4 Standard Provisions

4.1 Person Conducting Business or Undertaking (PCBU)

The University

The University is taken to be a person conducting a business or undertaking under the Work Health and Safety Act 2012 and as such has the primary duty of care under Section 19 of the Act.

Primary Duty of Care

In accordance with the Act, the University must ensure, so far as is reasonably practicable, the health and safety of workers and other persons at a University workplace is not put at risk.

This duty includes:

- providing a work environment without risks to health and safety
- provision and maintenance of safe plant and structures
- 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 of workers at work
- the provision of information, training, instruction or supervision
- monitoring the health of workers and the conditions at the workplace.

Further duties apply to the University as a PCBU, where it is involved in:

- management or control of workplaces
- management or control of fixtures, fittings or plant at workplaces
- design, manufacture, import or supply of plant, substances or structures
- installation, construction or commissioning of plant or structures.
4.2 Contractors

A contractor including any sole trader engaged by the University, may also be a PCBU and is to discharge their duty accordingly under the Act.

Under Section 16 of the Act, more than one person (such as the University and a contractor) can concurrently have the same duty and each must comply with the standard required by the Act.

4.3 Principles applying to duties

Under Section 14 of the Act, a duty cannot be transferred to another person.

Under Section 15 of the Act a person may have more than one duty by virtue of being in more than one class of duty holder, e.g. an Officer of the University is also to fulfil the duties of a worker, whether as an employee or as a volunteer.

4.4 Officers

Definition

For the application of the Tasmanian Work Health and Safety Act 2012, the University is taken to be a corporation. An Officer therefore means an Officer within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth and is:

a) a director or secretary of the corporation; or
b) a person:
   i. who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation or
   ii. who has the capacity to affect significantly the corporation's financial standing or
   iii. in accordance with whose instructions or wishes the directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors or the corporation).

Members of Council, Executive Deans, Heads of Academic Units, Heads of Divisions and Sections and Members of IMAS, Menzies and AMC Boards having strategic management responsibility are considered to be Officers pursuant to Section 27 of the Act.

Duties

Under Section 27 of the Act, an Officer must exercise due diligence to ensure that the University complies with its Primary Duty of Care.

“Due diligence” includes taking reasonable steps to:

a) acquire and keep up-to-date knowledge of work health and safety matters and
b) gain an understanding of the nature of the operations of the business or undertaking of the University and generally of the hazards and risks associated with those operations and

c) ensure the University has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the University and
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d) ensure that the University has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information and

e) ensure that the University has, and implements, processes for complying with any duty or obligation of the University under the Act and

f) verify the provision and use of the resources and processes referred to in paragraphs (c) to (e)’.

Implementation

In support of these duties, an Officer of the University is required to:

• Implement WHS policies, minimum standards and procedures:
  o provide suitable facilities and resources to ensure the effective implementation of all University WHS policies and procedures within their designated work area, ensuring any non-compliances are rectified
  o provide the leadership necessary to raise and promote a positive organisation-wide safety culture.

• Identify and address WHS issues:
  o ensure that jobs/tasks/projects have been reviewed to identify and assess risks to the health and safety of those involved
  o address WHS issues brought to their attention and consult with those affected, including ensuring appropriate action is taken to prevent re-occurrences of incidents and to control hazards
  o refer WHS issues beyond their control to more senior managers, taking interim action to reduce risk as considered necessary and practical
  o support the rehabilitation of injured employees.

• Undertake regular monitoring and review:
  o ensure that within their Organisational Unit there is appropriate planning, development, implementation and monitoring of WHS programs specific to the area’s needs, including the development of action plans
  o ensure WHS inspections are completed on a regular basis
  o identify and implement WHS training needs in conjunction with the WHS Unit
  o participate in the University audit program
  o ensure WHS is an agenda item on staff/management meetings.

4.5 Managers and Supervisors

There are many managers and supervisors of the University who are not deemed to be Officers under the Work Health and Safety Act.

These managers and supervisors are workers under Section 7 of the Act and must take ‘reasonable care’ with regard to the exercise of their duty under the Act.

For a manager or supervisor, what is ‘reasonable’ needs to be read with reference to that person’s position and delegated authority within the University.

Duties

While at work, a manager/supervisor must:
a) take reasonable care for his or her own health and safety and
b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons and
c) comply, so far as she or he is reasonably able, with any reasonable instruction that is given by the University to allow the University to comply with the Act and
d) cooperate with any reasonable policy or procedure of the University relating to health or safety at the workplace that has been notified to them.

Implementation

A manager/supervisor of the University is required to:

- Implement WHS policies, minimum standards and procedures:
  - provide a safe working environment to prevent injury or illness at the workplace
  - ensure WHS policies and procedures are implemented within their area of responsibility
  - ensure that adequate consultation, information, instruction and training are provided to employees and students under their control, to enable them to carry out their jobs, study or research safely and effectively;
  - provide supervision appropriate to the level of risk that the task or job entails;
  - assist with the management of contractors and supervision of authorised visitors to the University in a systematic and safe manner;

- Identify and address WHS issues:
  - ensure hazards in their work area of responsibility are identified, risk assessed and controlled, and that these risk control measures are monitored regularly, reviewed and maintained
  - ensure suitable consideration is given to WHS hazards related to plant, equipment or substances, prior to purchase.

- Consultation and communication:
  - ensure consultation occurs with the WHS Committee, Health Safety Representatives and/or relevant workers if a proposed change at the University is likely to have a significant detrimental effect on the health, safety or welfare of any person

- Regular monitoring and review:
  - participate in the University audit program
  - participate in workplace inspections.

4.6 Workers (including all employees)

Section 7 of the Work Health and Safety Act, describes a person as a worker if the person carries out work in any capacity for the University.

This includes work as an employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company, or outworker, an apprentice or trainee, a student gaining work experience, or a volunteer.
A workplace is a place where work is carried out for the University and includes any place a worker goes, or is likely to be while at work.

**Duties**

While at work, a worker must:

a) take reasonable care for his or her own health and safety and  
b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons and  
c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the University to allow the University to comply with the Act and  
d) cooperate with any reasonable policy or procedure of the University relating to health or safety at the workplace that has been notified to workers.

**Implementation**

A worker of the University is required to:

- comply with WHS policies, minimum standards and procedures:
  - maintain a safe working environment to prevent injury or illness at the workplace  
  - ensure they comply with WHS policies and procedures within their workplace  
  - ensure that they participate in consultation, and training provided to them, to enable them to carry out their jobs, study or research safely and effectively  
  - work in a manner appropriate to the level of risk that the task or job entails  
  - assist with the safe conduct of contractors and authorised visitors to the University.

- Identify and address WHS issues:
  - identify hazards in their work area and contribute to the assessment and control of risks.

- Consult and communicate:
  - participate in consultation through work group and Health Safety Representatives  
  - participate in workplace inspections.

**Additional duties**

- a worker may be assigned additional WHS responsibilities consistent with their position and role description  
- Additional WHS responsibilities where applicable are to be documented in a Position Description.

**4.7 Other persons, including students and visitors**

The University has a duty of care under Section 19(2) of the *Work Health and Safety Act* to ensure so far as is reasonably practicable, the health and safety of other persons is not put at risk from work carried out as part of the conduct of the University.
Any person at a University workplace, not defined as a worker may be an ‘other person’, including students, visitors and members of the public.

Duties

Section 29 of the Act defines the duties of other persons at the workplace.

A person at a workplace must:

a) take reasonable care for his or her own health and safety and
b) b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons and
c) c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the University to allow the University to comply with the Act.

4.8 Health Safety Representatives (HSR)

Under Section 50 of the Act, one or more Health and Safety Representatives may be elected to represent workers who carry out work for the University.

Power and Functions

Section 68 of the Act defines the powers and functions of a Health and Safety Representative. Broadly, these include:

- representing the workers in the work group in matters relating to work health and safety
- monitoring the measures taken by the University in compliance with the Act in relation to workers in the work group
- investigating complaints from members of the work group relating to work health and safety
- inquiring into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the University.

Activities

Section 68(2) of the Act, defines what an HSR may do in exercising a power, or performing a function. Broadly, this includes:

- inspecting the workplace or part of the workplace at which a worker in the work group works
- accompanying an inspector during an inspection of the workplace
- being present at an interview concerning work health and safety
- receiving information concerning the work health and safety of workers in the work group.

Implementation

Health and Safety Representatives are expected to:

- Participate in WHS activities:
  - promote health and safety in their workgroup by encouraging safe work practices, identifying workplace hazards and, in consultation with relevant personnel, address the resolution of these hazards
• assist with WHS functions in their work area such as incident investigations, identification of hazards, risk assessments and implementation of risk control measures
• attend Health Safety Representative training in accordance with the legislation (i.e. within 6 months of appointment)
• attend any internal WHS training as organised by the WHS Unit.

Consult and communicate:
• attend meetings of Health Safety Representatives and participate in discussion on WHS matters
• represent staff from their designated work area on WHS matters
• report back to workers on WHS issues in their work area
• elect one or more HSRs to the WHS Committee.

4.9 University WHS Committee

The University has in place a Work Health and Safety Committee in compliance with the requirements of Sections 75-79 of the Act.

The University’s WHS Committee Terms of Reference, define the duties of the Committee, which include:

• WHS systems support:
  • assist with the development, monitoring and review of University-wide WHS policies, procedures and guidelines in order to provide direction and support for management, staff, students and contractors and volunteers working at University of Tasmania workplaces (including approved off-site work)
  • assist in the resolution of WHS issues.

• Support continuous improvement:
  • promote WHS awareness throughout the University, and the need for continual improvement of WHS performance
  • support the University in meeting the strategic plan objectives by using approved risk management strategies, being informed of WHS best practice and by engaging with the University stakeholders to promote excellence in WHS work practices.

• Regular monitoring and review:
  • monitor the University’s WHS performance, and develop and implement a strategic framework to ensure a proactive approach to WHS that will allow Organisational Units to maintain WHS statutory compliance.

4.10 Human Resources WHS Unit

The WHS Unit is to:

• oversee the University’s compliance with WHS legislative requirements, in particular the Work Health and Safety Act 2012, the Work Health and Safety Regulations 2012 and Codes of Practice including:

• WHS systems support:
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- provide advice to Organisational Units in regard to legislative and statutory requirements, standards and guidelines
- co-ordinate the administration of WHS matters at the University, including incident and hazard reporting and resolution, radiation safety, and hazardous materials management
- coordinate University WHS monitoring programs (e.g. audiometric testing)
- oversee the rehabilitation of University personnel in consultation with the relevant Organisational Unit and/or an external provider
- co-ordinate WHS Audits, the collation of results and preparation or reports
- preparation of WHS Management reports

- Consultation and communication:
  - facilitate consultation with the WHS Committee on changes proposed to be made at the University which may affect the health or safety of persons
  - liaise with and meet regulatory notification requirements of Workplace Standards Tasmania.

4.11 Designated University First Aid Officer

The provision of First Aid at University workplaces is in compliance with Section 42 of the WHS Regulations

The Designated First Aid Officer is to:

**Duties:**

- provide appropriate first aid treatment and care in accordance with their training, to any person on campus or off campus (whilst engaged in University activities) who becomes ill or sustains an injury
- keep all information received in the course of their duty confidential
- record all treatment (however minor), and encourage workers who have had an occupational injury/illness to record this using the University’s reporting procedures
- maintain first aid facilities and first aid equipment including checking and restocking of first aid kits as necessary.

4.12 Security

Security is to:

- **Emergency response support role:**
  - in the event of a serious incident Security personnel are responsible for contacting, meeting and directing relevant emergency services on campus, and notify relevant internal personnel including the Human Resources – WHS Unit
  - in an emergency situation, act as the Deputy Chief Warden (initial Emergency Response Officer - ERO) and Communications Officer.

4.13 Infrastructure Planning and Compliance

Infrastructure Planning and Compliance is to:

- manage University assets, including:
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- security
- emergency response
- contractor access, activities and induction processes
- preparation and approval of Permit to Work documentation for high risk work.

5 Glossary

<table>
<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>Academic Unit</td>
<td>Means the secondary organisational unit in the academic structure of the University, reporting directly to the College Executive Deans, as per Ordinance 14 – Academic Structure. Means (a) the primary organisational unit in the academic structure of the University, as per Ordinance 14 – Academic Structure (b) the University College</td>
</tr>
<tr>
<td>Contractor</td>
<td>Any individual or organisation engaged by the University to provide works or service for gain or reward other than an employee.</td>
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<tr>
<td>Executive Dean</td>
<td>Means: (a) the Executive Dean of the relevant College, or (b) in relation to the University College, the Principal of the University College</td>
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<tr>
<td>Head of Academic Unit</td>
<td>Means the head of the relevant Academic Unit</td>
</tr>
<tr>
<td>Officer</td>
<td>Members of Council, Executive Deans, Heads of Academic Units, Heads of Divisions and Sections and Members of IMAS, Menzies and AMC Boards having strategic management responsibility are considered to be Officers pursuant to Section 27 of the Act.</td>
</tr>
<tr>
<td>Organisational Unit</td>
<td>College, Faculty, School, Centre, University Institute, other University Entity, Division, Section or University Business Enterprise.</td>
</tr>
<tr>
<td>PCBU</td>
<td>Person Conducting a Business or Undertaking.</td>
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<tr>
<td>The Regulations</td>
<td>Work Health and Safety Regulations 2012</td>
</tr>
<tr>
<td>Worker</td>
<td>In accordance with Section 28 of the Act and includes employees, contractors, students and volunteers undertaking work at a university workplace.</td>
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6 Supporting Documentation:

Work Health and Safety Policy

7 Versioning

<table>
<thead>
<tr>
<th>Former Version</th>
<th>Current Version</th>
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<tr>
<td>Version 1</td>
<td>Work Health and Safety Responsibilities Policy; Approved October, 2013; by Professor Peter Rathjen, Vice Chancellor; revoked by the Vice Chancellor</td>
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<tr>
<td>Version 2</td>
<td>Work Health and Safety Responsibilities Minimum Standard (current document); approved October, 2013</td>
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<tr>
<td>Version 4</td>
<td>Work Health and Safety Responsibilities Minimum Standard, approved October 2013; amended in December 2017 to incorporate finalised academic structure.</td>
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