	COMPLIANCE WITH WHS LEGISLATION	Document No:	WHS-PRO-002
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1. Purpose

All ACBC agencies must comply with statutory obligations under Work Health and Safety (WHS) legislation.

The aim of this procedure is to ensure that:

- There is a process for regularly identifying the legislation that applies to ACBC agencies.
- There is a process for developing and implementing policies and processes as required by legislation.
- There is a process for monitoring compliance with legislation.

2. Scope

This procedure applies to all workers at ACBC Agencies.

3. Related Documents

[ACBC Work Health and Safety Policy](#)
[WHS-PRO-001: Document Control](#)

4. Definitions

WHS Legislation

These are the laws relating to Health and Safety in the workplace with which all employers and workers are required to comply. All employers and workers are required to comply with the Health and Safety Act and any Regulations under the Work Health and Safety Act which applies in their jurisdiction.

Compliance

Compliance is ensuring that the PCBU meets the requirements of laws, regulations, codes and industry standards.

Duty Holder

Under the national model WHS laws, a Duty Holder is any person who has any WHS obligations, duties or responsibilities. This specifically refers to:

- Persons conducting a business or undertaking (PCBUs)
- Officers
- Workers (including employees, contractors and volunteers).

PCBU

PCBU stands for Person Conducting a Business or Undertaking. Although the term refers to a 'person', it covers both individuals and organisations. For ACBC Agencies, the PCBU is the Committee of The Australian Episcopal Conference of the Roman Catholic Church, (which acts as the agent of the Australian Catholic Bishops Conference pursuant to the Deed of Agent's Appointment dated 15 July 1992).

Note: In jurisdictions which have not enacted the Model WHS Act, "PCBU" should be read as "employer"

Officer

An officer is a person in an organisation (PCBU) who is responsible for decisions that affect the whole organisation or a substantial part of the organisation. At ACBC an officer is:

- An Agency Head or any other employee who participates in decision-making that affects the organisation
- An employee who has specific financial control of an organisation

Worker

A worker is any individual that carries out work for a PCBU. Workers include:

- An employee
- A contractor or sub-contractor
- An employee of a labour-hire company
- An apprentice or trainee
- A work experience student
- A volunteer

Supervisor

The Supervisor is a Bishop, an Agency Head, Director, Manager, Coordinator or Team Leader, who is responsible for the day-to-day supervision of one or more workers.

5. Responsibilities

PCBU

The law requires PCBUs to take reasonable steps to ensure the health and safety of their workers and everyone in the workplace. PCBUs are responsible for identifying, assessing and controlling workplace risks.

As far as reasonably practicable, they must provide:

- a place of work that is safe and without risk to health
- safe equipment and materials
- a safe system or method of work

PCBUs must also consult with workers regarding changes in work procedures and when introducing new tools, equipment or materials into the workplace.

Officer

Officers have a responsibility to exercise 'due diligence' to ensure that their PCBU complies with its WHS obligations. Exercising due diligence includes:

- keeping up to date with work health and safety laws and developments
- gaining an understanding of their organisation's business operations and the associated hazards and risks
- ensuring that their organisation is taking appropriate steps and providing appropriate resources to manage risks
- ensuring that their organisation implements processes for complying with the WHS law

Supervisors

Supervisors must ensure that:

- They are aware of the WHS legislation that applies to their workplace(s)
- They implement fully the ACBC policies and processes, which it has developed to ensure compliance, in their workplace(s).
- They take appropriate action if they identify lapses in compliance.
- They promote a culture of safety and compliance within their agencies.
- If identified, stop any unsafe work practices immediately.

Workers

Workers must:

- Take reasonable care of their own health and safety at work and the health and safety of their co-workers.
- Comply with the relevant WHS legislation.
- Comply with all ACBC policies and processes that it has implemented to ensure safety and compliance.
- Comply with all lawful instructions in relation to health and safety.

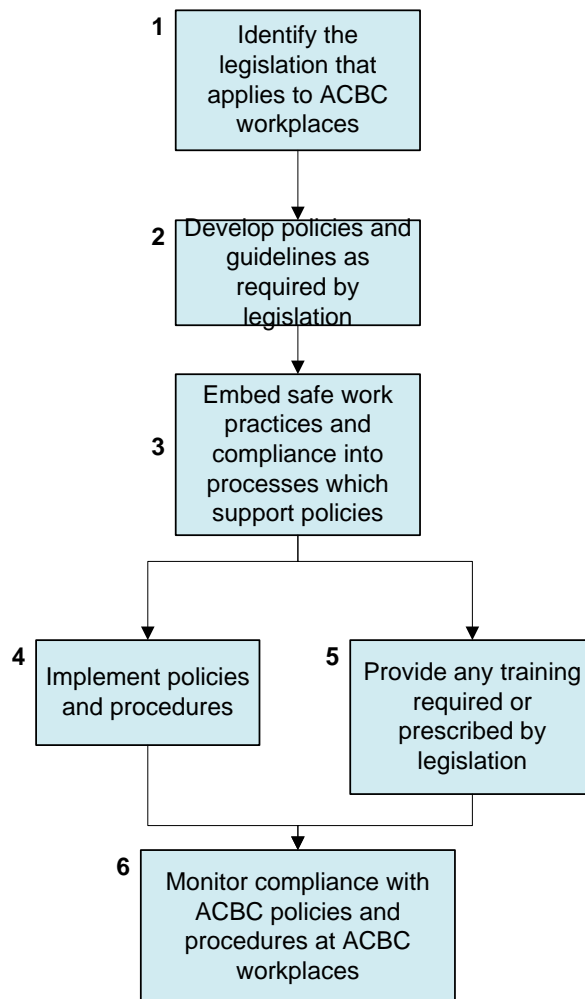
Employment Relations Advisor in the Office for Employment Relations

The Employment Relations Advisor, with the assistance of the ACBC WHS Network, must:

- Identify the WHS legislation that applies to ACBC agencies.
- Maintain a register of WHS legislation that applies to ACBC workplaces.
- Develop processes that aim to deliver safe practices and compliance.
- Monitor compliance with ACBC policies and procedures at ACBC workplaces.
- Coordinate any training required by legislation.

6. General Process for Compliance with WHS Legislation

The general process is as follows:



1. The Employment Relations Advisor, with the assistance of the ACBC WHS Network must:
 - Identify the WHS legislation that applies to ACBC agencies.
 - Identify any new legislation that may apply to ACBC agencies.
 - Identify any changes to legislation that may apply to ACBC agencies.

WHS legislation is available on the following websites:

Document	Access	Website
WHS Acts	AustLII website	http://www.austlii.edu.au/
WHS Regulations	AustLII website	http://www.austlii.edu.au/
Information on compliance including WHS Codes of compliance	WorkCover/Worksafe websites for each state and territory	ACT: www.worksafe.act.gov.au/health_safety NSW: http://www.safework.nsw.gov.au/ NT: www.worksafe.nt.gov.au/Pages/default.aspx Qld: https://www.worksafe.qld.gov.au/ SA: http://www.safework.sa.gov.au/ Tas: http://worksafe.tas.gov.au/home Vic: www.worksafe.vic.gov.au WA: https://www.commerce.wa.gov.au/worksafe

The Employment Relations Advisor will develop and maintain a Register of WHS Legislation that is applicable to the ACBC.

2. Health and Safety legislation requires PCBUs to develop HS policies and procedures in consultation with employees. Workers' compensation legislation requires employers to develop policies and procedures that will manage workplace injuries and assist injured workers to return to work.

Procedure [WHS-PRO-001: Document Control](#) describes the process for the development and approval of policies and procedures.

3. When developing processes to support policies, ensure that operational procedures, guidelines, manuals, training programs and induction have compliance embedded within them. The procedure [WHS-PRO-001: Document Control](#) describes the process for the development and approval of procedures and guidelines.
4. Agency Heads are responsible for Work Health and Safety in their own agencies. The Committee Members of The Australian Episcopal Conference of the Roman Catholic Church, a public company limited by guarantee that acts as the agent of the Australian Catholic Bishops Conference pursuant to the Deed of Agent's Appointment dated 15 July 1992, have the overall responsibility for ensuring that Agency Heads implement approved ACBC policies and procedures in their own agencies. All Supervisors are responsible for ensuring that their workers understand and comply with ACBC policies and procedures.
5. In some cases, WHS legislation requires employers to provide training to employees (e.g., employers must ensure that they provide approved training to Health and Safety Representatives) in other cases, training is part of best practice (e.g. prevention of bullying and harassment).
6. The PCBU must monitor compliance at regular intervals. Biannual workplace safety inspections, procedure [WHS-PRO-017](#), satisfy the need for basic monitoring. Agency Heads, Supervisors or the Office for Employment Relations may carry out random checks of compliance at any time. The Office for Employment Relations may carry out formal WHS compliance audits of ACBC agencies.

7. Breaches of Compliance

Breaches of WHS legislation may result in:

- Injuries to ACBC workers or others who enter ACBC workplaces
- Criminal prosecutions
- Fines (penalties under WHS legislation which are capped)
- Loss of reputation
- Civil actions for damages as a result of a breach of statutory duties (unlimited)
- Disciplinary action which may include termination of employment

When a breach of WHS legislation occurs, workers must take the following action:

- Notify the Supervisor immediately.
 - Notify the Office for Employment Relations immediately for advice and assistance
 - If there is a serious accident, it must be notified to the WorkCover Authority in the state or territory of the workplace (see [WHS-PRO-019 Notification of Incidents to Workplace Authorities](#)).
- Note:** If there is a notifiable accident, the worker must notify the supervisor immediately and contact the Office for Employment Relations for assistance.
- Use the hazard reporting and investigation procedure to document and rectify the breach. (See [WHS-PRO-018 Reporting and Investigating Accidents/Near Misses/Hazards](#))

8. Records

Incident/Hazard Reporting and Investigation forms