Employer Responsibilities

Do Schools need to comply?

Yes, or you may be in breach of the Work Health Safety (WHS) Act 2012 (SA) if you do not.

Conditions of compliance:

As an employer you to exercise due diligence to provide your workforce with a safe working environment. Due diligence extends to all workers, including volunteers and contractors as far as you have control, and requires a Person Conducting a Business or Undertaking (PCBU) to understand their legal duties, and risks of injury. Then apply the necessary processes and resources to remove or minimise identified risks. Further, there must be some compliance checks in place to ensure processes are working as intended. This can be by checking key actions are completed, for example workplace inspections occur, and close-out of findings from inspections and hazard reports are completed in a reasonable time frame.

In addition, under the Act, these obligations apply to visitors and students.

All workers under the Act (all employees, contractors and volunteers to the extent they have control) also have a duty of care to themselves and others. This means that you have recognised and anticipated possible causes of injury and illness and can demonstrate that, in consultation with others who are affected (including other PCBUs), reasonable precautions are in place to remove or minimise the possible causes of harm.

Under the Work Health Safety (WHS) Act 2012 (SA), PCBUs provide:

- a safe working environment
- safe systems of work
- plant and substances in a safe condition
- adequate facilities
- adequate WHS information, instruction and training
- adequate consultation on matters affecting workers WHS
- adequate human and financial resources to implement WHS strategies
- safe and timely return to work programs for all injured workers.

If you have to comply, what do you have to do?

As a PCBU, you will need to ensure that you are able to satisfy the requirements above by as a minimum having policies, procedures and / or documented processes (such as a flow chart or form) in place as follows:

- WHS – Statement of Responsibilities
- Bullying and Harassment
- Contractor and Volunteer Management
- Emergencies and Evacuation
Employer Responsibilities

- Hazard Management
- Induction, Training and Supervision
- Injury Management
- Managing Plant, Equipment/Machinery, Materials or Processes
- Excursion risk management
- Incident Management and Inspections / Checking / Auditing
- Manual Handling
- Rehabilitation

What are the consequences if you don’t comply?

Officers under the Act including school executive management and members of the Board, and other employees, may be prosecuted by SafeWork SA for non-compliance with the WHS Act and fined. Officers implement due diligence as described above. Faculty Heads / Managers and other workers must implement actions designed to meet the documented expectations of the Officers, and in doing so ensure that duty of care is maintained.

See also:

Occupational Health Safety and Welfare

Useful links:

Department for Education and Child Development – WHS page
SafeWork SA
Work Cover SA – Employers page