



# **PROCEDURE: WORK HEALTH & SAFETY**

## **Responsibilities, Obligations and Duty Of Care**

### **1. PURPOSE**

The objective of this procedure is to ensure that appropriate authority and delegation is established at Wingham Golf Club so that:

- Work Health and Safety responsibilities are clearly defined;
- Wingham Golf Club as the 'Person Conducting a Business or Undertaking' (PCBU) identifies and nominates 'Officers' to exercise due diligence to fulfill the Duty of Care responsibilities of the PCBU;
- Workers are aware of their Work Health and Safety responsibilities; and,
- The duties of others at the place of work are clearly identified.

### **2. SCOPE**

Work Health and Safety Legislation applies to, and imposes specific duty on, all persons who are at the place of work.

This procedure applies to all persons at Wingham Golf Club including but not limited to:

- Officers of the PCBU;
- Workers of the PCBU;
- Visitors to the club; and,
- Others who are at the club's premises.

### **3. DEFINITIONS**

**Person Conducting a Business or Undertaking (PCBU)** - conducts a business or undertaking alone or with others. The business or undertaking can operate for profit or not-for-profit. The definition of a PCBU focuses on the work arrangements and the relationships to carry out the work. In addition to employers, a PCBU can be a corporation, an association, a partnership or sole trader.

**Officer** – an officer within the meaning of Section 9 of the *Corporations Act 2001* of the Commonwealth:

*A person who makes decisions, or participates in making decisions, which affect the whole, or a substantial part, of a business or undertaking and has the capacity to significantly affect the financial standing of the business or undertaking.*

**Worker** – is any person who carries out work in any capacity for the PCBU, including work as:

- An employee,
- A contractor or subcontractor,
- An employee of a contractor or subcontractor,
- An employee of a labour hire company engaged to work for the PCBU,
- An outworker,
- An apprentice or trainee,
- A student gaining work experience,
- A volunteer, or
- Other person as prescribed by the legislation.

**Workplace** – a place where work is carried out for a business or undertaking, and includes any place where a worker goes, or is likely to be, while at work.

**Primary Duty of Care** – A PCBU must ensure, so far as is reasonably practicable, the health and safety of:

- workers engaged, or caused to be engaged by the PCBU, and
- workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are at work in the business or undertaking.

A PCBU must also ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

**Reasonably Practicable** - in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:

- the likelihood of the hazard or the risk concerned occurring;
- the degree of harm that might result from the hazard or the risk;
- what the person concerned knows, or ought reasonably to know, about:
  - (i) the hazard or the risk; and
  - (ii) ways of eliminating or minimising the risk;
- the availability and suitability of ways to eliminate or minimise the risk; and,
- after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

## 4. RESPONSIBILITIES

### OFFICERS

For the purpose of the Work Health and Safety (WHS) Legislation, Wingham Golf Club has identified that the following positions may be considered as officers of the organisation (as per the definition of Officer at Clause 3):

- Secretary/Manager
- Directors

### Duties of officers

If Wingham Golf Club has a duty or obligation under the WHS legislation, then an officer of Wingham Golf Club must exercise due diligence to ensure that the club complies with that duty or obligation.

An officer must, so far as is reasonably practicable, provide a safe and healthy workplace for workers or other persons by ensuring:

- safe systems of work
- a safe work environment
- accommodation for workers, if provided, is appropriate
- safe use of plant, structures and substances
- facilities for the welfare of workers are adequate
- notification and recording of workplace incidents
- adequate information, training, instruction and supervision is given
- compliance with the requirements under the work health and safety regulation
- effective systems are in place for monitoring the health of workers and workplace conditions.

In exercising '**Due Diligence**', an Officer must take reasonable steps to:

- acquire and keep up-to-date knowledge of work health and safety matters in relation to the club's operations;
- gain an understanding of the nature of the club's operations and generally of the hazards and risks associated with those operations;

- ensure that the club has appropriate resources and processes in place to eliminate or minimise risks to health and safety from work carried out by or on behalf of Wingham Golf Club;
- ensure that the club has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and,
- ensure that the club has, and implements, processes for complying with any duty or obligation of the PCBU under the WHS Legislation.

Where an Officer holds a duty under the WHS legislation, that Duty cannot be delegated to any other person.

### **WORKERS (including all persons defined under the definition of Worker)**

While at work, a worker must:

- take reasonable care for their own health and safety;
- take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- comply, so far as the worker is reasonably able, with any reasonable instruction that is given by Wingham Golf Club to allow the club to comply with WHS Legislation; and,
- cooperate with any reasonable policy or procedure of the Wingham Golf Club relating to health and/or safety at the workplace that has been notified to workers.

### **OTHERS at the workplace**

Other persons at a workplace (whether or not the person has another duty under the WHS legislation) must:

- take reasonable care for their own health and safety;
- take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons; and,
- comply, so far as the person is reasonably able, with any reasonable instruction that is given by the Wingham Golf Club to allow the club to comply with WHS Legislation.

## **5. TRAINING**

Wingham Golf Club shall provide training and instruction to all Officers and Workers in relation to their Work Health and Safety obligations and duties, as well as specific training in regard to any Work Health and Safety matter relating to their work activities.

## **6. REVIEW**

This procedure shall be reviewed every two (2) years or as required by operations or changes to WHS legislation, codes of practice, or relevant Australian Standards.

## **7. RESPONSIBLE OFFICER**

Secretary/Manager.