

WHS P002 Organisational WHS Responsibilities Protocol

Section 1 - Overview

(1) The [Work Health and Safety \(WHS\) Act 2011](#) defines specific duties for 'officers', 'workers' and 'other persons'. These duties:

- a. are not transferrable;
- b. are able to be delegated to more than one person; and
- c. One person can have more than one duty.

(2) The University defines specific responsibilities of University Representatives relating to WHS to ensure that the duties of Officers, Workers and Other Persons are met.

(3) In executing these duties, University Representatives shall act in a manner that is 'reasonably practicable' as defined by the [WHS Act](#).

Section 2 - Scope

(4) This document has been developed in accordance with:

- a. [Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2017](#);
- b. AS/NZS 4801:2001 Work health and safety management systems — Specification with guidance for use; and
- c. AS/NZS 4804:2001 Occupational health and safety management systems — general guidelines on principles, systems and supporting techniques.

(5) This protocol applies to University Representatives, Students and Visitors.

Section 3 - Protocol

Primary Duty of Care

(6) The University has a Primary Duty of Care as defined by the [WHS Act](#) (S19).

(7) In summary, the University must ensure, so far as is reasonably practicable, that the health and safety of people is not put at risk from work carried out as part of the conduct of University and shall endeavour to ensure:

- a. the provision and maintenance of a work environment without risks to health and safety;
- b. the provision and maintenance of safe plant and structures;
- c. the provision and maintenance of safe systems of work;
- d. the safe use, handling, and storage of plant, structures and substances;
- e. the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or

undertaking, including ensuring access to those facilities;

- f. the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the University; and
- g. That the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

General Duties of Officers

(8) As defined by the [WHS Act 2011](#) (S27), an officer must (in summary) exercise due diligence to ensure that the University complies with WHS legislative requirements.

(9) Due diligence includes taking reasonable steps:

- a. to acquire and keep up-to-date knowledge of work health and safety matters, and this includes conducting appropriate WHS Officer Training;
- b. to gain an understanding of the nature of the operations of the University and generally of the hazards and risks associated with those operations;
- c. to ensure that the University has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety, and to verify the provision and use of such resources and processes;
- d. to 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 to verify the use of such processes;
- e. to ensure that the University has, and implements, processes for complying with any duty or obligation imposed by law and to verify the use of such processes, including:
 - i. reporting notifiable incidents;
 - ii. consulting with workers;
 - iii. ensuring compliance with notices issued under the [WHS Act](#);
 - iv. ensuring the provision of training and instruction to workers about work health and safety;
 - v. ensuring that health and safety representatives receive their entitlements to training; and
 - vi. ensuring legal compliance for work performed, processes, procedures and safety management systems and practices.

General Duties of Workers

(10) As defined by the [WHS Act 2011](#) (S28), while at work, a worker must (in summary):

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

General Duties of Other Persons

(11) As defined by the [WHS Act](#) (S29), any person at a workplace (whether or not the person has another duty as an Officer or Worker) must:

- a. take reasonable care for his or her own health and safety;

- 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 person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with the [WHS Act](#).

WHS Responsibilities of Chancellor and UNE Council

(12) The UNE Chancellor and UNE Council are categorised as Officers of the University by the [WHS Act](#), for purposes relating to WHS management. They shall conduct their role accordingly and with due diligence to student, visitor and worker health and safety, as defined in Clause 9 (above), to ensure that the University complies with legislative requirements.

WHS Responsibilities of Vice-Chancellor and Chief Executive Officer

(13) The Vice-Chancellor and Chief Executive Officer is categorised as an Officer of the University by the [WHS Act](#), for purposes relating to WHS management. The Vice-Chancellor and Chief Executive Officer shall conduct their role accordingly and with due diligence to student, visitor and worker health and safety, as defined in Clause 9 (above), to ensure that the University complies with legislative requirements.

(14) Primary WHS functions of the Vice-Chancellor and Chief Executive Officer to ensure the execution of due diligence include but are not limited to:

- a. the approval of the University's [Work Health and Safety \(WHS\) Rule](#);
- b. ensuring the establishment and implementation of a safety management system that is appropriate to the size of the organisation and risks;
- c. providing suitable information, instruction and supervision to all workers;
- d. developing, maintaining and testing an emergency plan;
- e. ensuring consultation mechanisms are in place;
- f. ensuring adequate resources are allocated for the effective management of risk;
- g. ensuring accurate records (including incident records) are captured and utilised by Officers of the University and management to facilitate setting of objectives and targets, management review and continuous improvement of WHS performance; and
- h. ensuring that all staff are held accountable for their performance in managing work health and safety in areas under their control.

WHS Responsibilities of Senior Executive

(15) The Senior Executive are categorised as Officers of the University by the [WHS Act](#), for purposes relating to WHS management. They shall conduct their role accordingly and with due diligence to student, visitor and worker health and safety, as defined in Clause 9 (above), to ensure that the University complies with legislative requirements.

(16) Senior Executives shall support the Vice-Chancellor and Chief Executive Officer in the execution of WHS responsibilities. The primary functions of Senior Executive include but are not limited to:

- a. ensuring the establishment and implementation of a safety management system that is appropriate to the size of the organisation and risks;
- b. ensuring consultation mechanisms are in place;
- c. ensuring adequate resources are allocated for the effective management of risk;
- d. ensuring accurate records are captured and utilised by Officers of the University and management to facilitate setting of objectives and targets, management review and continuous improvement of WHS performance; and

- e. ensuring that all staff are held accountable for their performance in managing work health and safety in areas under their control.

WHS Responsibilities of Directors and Deans

(17) Directors and Deans are categorised as Officers of the University by the [WHS Act](#), for purposes relating to WHS management. They shall conduct their role accordingly and with due diligence to student, visitor and worker health and safety, as defined in Clause 9 (above), to ensure that the University complies with legislative requirements.

(18) Specific WHS responsibilities of Directors and Deans include but are not limited to ensuring:

- a. a culture of compliance and proactive WHS management is promoted;
- b. all staff are held accountable for their performance in managing WHS;
- c. their staff have adequate time and resources to fulfil their WHS obligations and/or safety related roles such as first aider, emergency warden or Health and Safety Representative;
- d. that budgetary provision is made available to comply with work health and safety legislation and to meet WHS procedural objectives;
- e. staff and contractors are adequately trained to perform their job (including induction for every employee under their management and specific safety related duties) in a competent and safe manner;
- f. all incidents are reported within one work day;
- g. active participation in investigations where required;
- h. implementation of all WHS procedures relevant to their operations;
- i. participation in (where applicable) and review of the Work Health and Safety Management System (WHSMS), risk assessments, corrective actions, WHS performance reports;
- j. compliance with any Provisional Improvement Notices (PIN) or Prohibition Notices;
- k. facilitation of return to work processes following injury of employees; and
- l. responsibility is accepted for ensuring controls are in place to manage risk in areas under their control.

WHS Responsibilities of Deputies and Managers

(19) Deputies and Managers are categorised as Workers by the [WHS Act](#), for purposes relating to WHS management. They shall conduct their role in accordance with Clause 10 (above).

(20) Deputies and Managers shall support Officers of the University in the execution of WHS responsibilities. The primary WHS duties of Deputies and Managers include but are not limited to:

- a. WHS responsibilities, both strategic and operational, are appropriately defined and included in positions descriptions and performance and development process for staff under their control;
- b. delegating responsibility for the management of WHS tasks to line managers and supervisors as appropriate;
- c. all staff are held accountable for their performance in managing WHS;
- d. their staff have adequate time and resources to fulfil their WHS obligations and/or safety related roles such as first aider, emergency warden or Health and Safety Representative;
- e. staff and contractors are adequately trained and have adequate licenses to perform their job (including induction for every employee under their management and specific safety related duties) in a competent and safe manner;
- f. ensuring assessment of WHS risk of all new/changed work activities/processes and new/modified work environments is undertaken prior to implementation or occupation;
- g. ensuring that periodic workplace inspections are undertaken and identified issues addressed;
- h. all incidents are reported within one work day;

- i. active participation in investigations where required;
- j. implementation of all WHS procedures relevant to their operations;
- k. participation in (where applicable) and review of the Work Health and Safety Management System (WHSMS), risk assessments, corrective actions, WHS performance reports;
- l. facilitation of return to work processes following injury of employees; and
- m. responsibility is accepted for ensuring controls are in place to manage risk in areas under their control.

WHS Responsibilities of Supervisors

(21) Supervisors are categorised as Workers by the [WHS Act](#), for purposes relating to WHS management. They shall conduct their role in accordance with Clause 10 (above).

(22) Supervisors shall support Management and Officers of the University in the execution of WHS responsibilities. The primary WHS duties of Supervisors include but are not limited to ensuring:

- a. proactive practising and developing in their staff and students positive attitudes toward WHS matters;
- b. that safe work practices are developed and enforced at all times;
- c. all staff are held accountable for their performance in managing WHS;
- d. staff, contractors and students and others involved in their activities receive the appropriate induction, training and information for them to safely perform their role/s and where necessary, hold the appropriate licenses;
- e. staff have adequate time and resources to fulfil their WHS obligations and/or safety related roles such as first aider, emergency warden or Health and Safety Representative;
- f. ensuring assessment of WHS risk of all new/changed work activities/processes and new/modified work environments is undertaken prior to implementation or occupation;
- g. maintenance and monitoring of good housekeeping standards in the areas under their control;
- h. that staff, students and others use safety equipment provided and worn in a correct manner;
- i. regular workplace inspections are completed and organising for maintenance and WHS issues to be addressed;
- j. all incidents are reported within one work day;
- k. active participation in investigations where required;
- l. facilitation of return to work processes following injury of employees; and
- m. Implementation of all WHS procedures relevant to their operations.

WHS Responsibilities of Staff

(23) Staff are categorised as Workers by the [WHS Act](#), for purposes relating to WHS management. They shall conduct their role in accordance with Clause 10 (above).

(24) Staff shall support Management and Officers of the University in the execution of WHS responsibilities. The primary WHS duties of staff include but are not limited to ensuring:

- a. any incident (injury, near miss, damage to property) or identified hazard is reported within one work day;
- b. consultation mechanisms for WHS matters are utilised if necessary;
- c. WHS training is attended as required;
- d. information and/or advice is sought where necessary before carrying out new or unfamiliar work;
- e. dress standards are maintained and appropriate for the work activity and specified Personal Protective Equipment (PPE), including footwear, will be utilised whenever necessary;
- f. participate in WHS activities such as inspections, investigations, evacuation drills, WHS meetings and risk assessments as required from time to time;
- g. assist in the return to work process for you or any work colleagues following injury; and

- h. do not misuse or interfere with anything which is provided in the interests of workplace health and safety.

WHS Responsibilities of Health and Safety Representatives (HSRs) and Deputy HSRs

(25) Additional to the WHS responsibilities associated with the role of each staff member at the University, HSR's and their deputies are responsible for:

- a. representing their WHS Work Group at relevant meetings;
- b. acting as a local contact point for colleagues with relation to WHS queries;
- c. escalating WHS matters where necessary;
- d. monitoring WHS compliance;
- e. participating in WHS inspections, risk assessments and investigations where required;
- f. participation in (where applicable) and review of the Work Health and Safety Management System (WHSMS), risk assessments, corrective actions, WHS performance reports;
- g. assist management in the communication and sharing of WHS information to their co-workers;
- h. participating in compulsory training; and
- i. Issuing Provisional Improvement Notices (PIN) when there is reasonable belief there is a contravention of the [Work Health and Safety Act 2011](#). Only an HSR who has completed SafeWork NSW approved training may issue a PIN under Part 5, Division 7 of the [WHS Act 2011](#), and only after consultation in an attempt to remedy the issue.

WHS Responsibilities of Health and Safety Nominees

(26) Additional to the WHS responsibilities associated with the role of each staff member at the University, Health and Safety Nominees are responsible for:

- a. supporting the HSR's to execute their responsibilities;
- b. representing their WHS Work Group at relevant meetings;
- c. acting as a local contact point for colleagues with relation to WHS queries;
- d. assisting management in the communication and sharing of WHS information to their co-workers; and
- e. escalating WHS matters where necessary.

WHS Responsibilities of Emergency Wardens

(27) Additional to the WHS responsibilities associated with the role of each staff member at the University, a designated Emergency Warden is responsible for:

- a. ensuring they have adequate training to perform the role of Emergency Warden and that refresher training is completed when necessary;
- b. following all relevant procedures in the event of an incident, including the reporting of all incidents within one working day;
- c. planning, leading and recording emergency drills; and
- d. Participating in development, review and implementation of procedures pertaining to emergency management at the University.

WHS Responsibilities of First Aiders

(28) Additional to the WHS responsibilities associated with the role of each staff member at the University, a designated First Aider is responsible for:

- a. ensuring they have adequate training to perform the role of First Aider and that refresher training is completed when necessary;
- b. following all relevant procedures in the event of an incident, including the reporting of all incidents within one working day;
- c. replacing any items from the first aid kit each time the first kit is accessed;
- d. checking and recording (via the Compliance Register System) that the contents of first aid kits in the First Aiders work area are in good working order, have not deteriorated and are within their expiry dates and that sterile products are sealed and have not been tampered with, on an annual basis;
- e. checking and recording (via the Compliance Register System) that the location and signage for first aid kits is clear, adequate and undamaged, on an annual basis; and
- f. participating in development, review and implementation of procedures pertaining to first aid management at the University.

WHS Responsibilities of Contractors

(29) Contractors are categorised as Workers by the [WHS Act](#), for purposes relating to WHS management. They shall conduct their role in accordance with Clause 10 (above).

(30) Contractors shall support Officers and Managers of the University in the execution of WHS responsibilities. The primary WHS duties of Contractors include but are not limited to:

- a. compliance with the University WHS System as it is presented;
- b. compliance with the contractor's WHS System;
- c. carrying out work in compliance with relevant WHS legislation;
- d. ensure that the right person is engaged for each job, taking into account the type of work to be performed, the licences, certificates and qualifications required;
- e. conduct relevant job safety analyses whenever it is appropriate to do so;
- f. provide and/or participate in WHS risk assessments for the work to be completed if requested;
- g. ensure appropriate equipment is available and used correctly for the job and it has been tested, maintained and is safe to use;
- h. ensure that the Hierarchy of Controls has been applied to mitigate any identified risk;
- i. report any hazards and incidents to the University as soon as practicable but no more than one work day;
- j. operate equipment and machinery with guards and safety controls operating and in place at all times; and
- k. consult, cooperate and coordinate with the University in respect of WHS issues.

WHS Responsibilities of Students and Visitors

(31) The WHS responsibilities for students and visitors are as per General Duties of Other Persons in clause 11 and:

- a. ensure that any incident (injury, near miss, damage to property) or identified hazard is reported within one work day; and
- b. Ensure that inductions and relevant training are completed where applicable.

WHS Responsibilities of Volunteers

(32) WHS responsibilities of Volunteers are the same as those defined for the General Duties of Workers in Clause 11 (above) as well as Clause 23 (above) to the extent that the role of the volunteer position requires.

Authority and Compliance

(33) The Director People and Culture as Rule Administrator, pursuant to the University's [Work Health and Safety \(WHS\) Rule](#), is authorised to make procedures and guidelines for the operation of this University Protocol. The procedures and guidelines must be compatible with the provisions of this Protocol.

(34) University Representatives and Students must observe this Protocol in relation to University matters.

(35) This Protocol operates as and from the Effective Date.

(36) Previous Protocols relating to organisational WHS responsibilities at UNE are replaced and have no further operation from the Effective Date of this new Protocol.

(37) Notwithstanding the other provisions of this University Protocol, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Protocol where the Vice-Chancellor and Chief Executive Officer determines the application of the Protocol would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be documented in writing and must state the reason for the exception.

Section 4 - Definitions Specific to this Protocol

(38) Competent Person means a person who has acquired through training, qualification or experience, the knowledge and skills to carry out the task.

(39) SafetyHub means the section of the UNE website, labelled as such, where all WHS related information is published for access by University Representatives, students and visitors.

Status and Details

Status	Current
Effective Date	12th March 2019
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Approval Authority	Chief Legal and Governance Officer
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Expiry Date	To Be Advised
Unit Head	Kirsten Clayton Director People and Culture
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Glossary Terms and Definitions

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"University Representative" - University Representative means a University employee (casual, fixed term and permanent) contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.