



How to Ensure Workers Comply with their WHS Duty of Care

The Chain of WHS Responsibilities in a Workplace

The key duty holders in a workplace who are responsible for having a safe and healthy workplace are;

- The PCBU
- The Officers
- Workers
- Others

These duty holders are dependent upon each other, linked like a chain. If one link fails to satisfy its WHS duty then the chain fails. And the consequences of that include;

- injuries, harm, pain, and suffering to persons in your workplace
- WorkCover investigations, fines, and prosecutions
- lost productivity and workers compensation costs

Achieving a Safe and Healthy Workplace

Achieving a safe and healthy workplace that complies with the WHS Act is only possible when all the above duty holders do what is necessary to satisfy their duty of care.

An important step in achieving that aim is that Managers and Supervisors need to know whether or not each of the Workers they manage or supervise are doing what is necessary to comply with their duty of care. Using a checklist could assist Managers and Supervisors to do that.

WHS Duty of Care Checklist - Workers

A weekly checklist is one method that Supervisors can use to help them make sure that the Workers they supervise are complying with their duty of care.

The Supervisor could forward the completed checklist to their Manager each week. That Manager would then know whether or not workers in that area of

the workplace were complying with their duty of care and what their Supervisor was doing about it. The Manager could then commend the Supervisor, or assist the Supervisor as necessary to rectify any duty of care point that needs attention.

An example checklist is shown on page 3 of this article and you could amend the example to best suit your workplace.

Points 1 to 6 on the example checklist are examples of specific actions or issues that would have to be complied with by a Worker to satisfy their duty of care as per section 28 of the NSW WHS Act 2011. You could amend these points or add other points to suit the particular needs of your workplace.

Points 7 to 10 on the example checklist cover the wording of the 4 parts of a Worker's duty of care as per section 28 of the NSW WHS Act 2011.

WHS Duty of Care – Supervisors

Another duty of care checklist could be created that a Supervisor's Manager would complete every week covering whether or not that Supervisor was doing what is necessary to satisfy their duty of care. That Manager could then send this completed duty of care checklist to his Manager.

And conceivably that checklist system could be extended right up to Officer level because having a reliable WHS reporting system helps an Officer to comply with their duty of care.

You could create your own checklists, or have a consultant do this, or have an onsite training session where your Managers and Supervisors create the required checklists.

Example of WHS Duty of Care Checklist - Workers

Week ending ___ / ___ / ___

A Supervisor could complete this checklist each week about the workers that they supervise. The Supervisor could then forward it to their Manager.

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|--|-----|----|
| 1. Was each worker willing to be involved in consultation about health and safety risks? | YES | NO |
| 2. Was each health and safety incident or hazard reported? | YES | NO |
| 3. Did all workers use their PPE or other hazard control measures? | YES | NO |
| 4. Did each worker apply the relevant safe work procedures to their work activities? | YES | NO |
| 5. Did each worker treat other persons in their workplace in a manner that does not create stress eg. they did not harass, bully, or discriminate against other persons? | YES | NO |
| 6. Has each worker been informed, instructed, trained and supervised according to the risks of the relevant activities in their workplace? | YES | NO |
| 7. Did each worker take reasonable care for their health and safety? | YES | NO |
| 8. Did each worker take reasonable care so that their acts or omissions did not adversely affect the health and safety of other workers? | YES | NO |
| 9. Did each worker comply with reasonable health and safety instructions? | YES | NO |
| 10. Did each worker cooperate with the requirements of every reasonable health and safety policy and procedure that applied to their work activities that they had been notified of? | YES | NO |

For any NO answer give details of what happened and the action you took, or are taking, to resolve this:
