This Factsheet provides an overview of Work Health and Safety (WHS) and the responsibilities of OOSH services in relation to WHS. It is not however, intended to be exhaustive, restrictive or absolute.

WHAT IS WORK HEALTH AND SAFETY?

Occupational Health and Safety basically means ensuring the health and safety of employees and other people, such as clients, visitors or tradespeople who visit your workplace.

WHAT LEGISLATION COVERS WORK HEALTH AND SAFETY?

All employers have a responsibility to comply with the following legislation that relates to WHS:

- the Work Health and Safety Act 2011
- the Work Health and Safety Regulation 2011
- the Workers Compensation Act 1987, and
- the Workplace Injury Management and Workers Compensation Act 1998

In New South Wales, WorkCover NSW and Safe Work Australia have responsibilities for enforcing the WHS legislation. They provide information and advice on safety and health at work and education and training. You can get information about your WHS obligations and other valuable WHS resources both in hard copy and online from their websites –

WorkCover NSW:  www.workcover.nsw.gov.au
Safe Work Australia:  www.safeworkaustralia.gov.au

WHAT ARE AN EMPLOYER’S RESPONSIBILITIES IN RELATION TO WORK HEALTH AND SAFETY?

Employers must ensure effective management or control of a workplace, so far as is reasonably practicable, that there are no risks to the health and safety of anyone at a workplace, or anyone who enters or exits a workplace.

It also means ensuring, so far as is reasonably practicable, there are no risks arising from the workplace.

The Work Health and Safety Act 2011 requires employers to consult with workers on matters affecting their health, safety and welfare. It provides three options for doing this:

1. a work health and safety (WHS) committee comprised of employer and employee representatives
2. WHS representatives elected by the employees
3. other agreed arrangements agreed to between the employer and the employees

If these legal requirements are not complied with, employers can be prosecuted and fined. As an employer, the service’s responsibilities include maintaining a safe workplace and current workers compensation insurance to protect both the employer and the workers from financial hardship in the event of a workplace injury.
A copy of the Work Health and Safety Act 2011
and Work Health and Safety Regulations 2011
should be kept on the premises and made
accessible to all staff. Not complying with this
legislation leaves centres open to the possibility of
accidents, injuries and fines from WorkCover NSW.

WHS should be included on every staff meeting
agenda so that all staff members are involved
in consultation, taking seriously potential risks
and evaluating areas of concern. A staff
representative should then pass this information to
the management committee or the WHS Officer at
council (if a local council operates the service), or
to the legal operator of the service.

WHAT ARE THE EMPLOYEE’S
RESPONSIBILITIES IN RELATION TO
WORK HEALTH AND SAFETY?

Employees have obligations under the
Occupational Health and Safety Act 2000 to

★ co-operate with any requirement imposed by
the employer in the interests of health, safety
and welfare

★ not intentionally or recklessly interfere with or
misuse anything provided in the interests of
health, safety and welfare (Section 21). This can
include cleaning, storage of cleaning products
and materials and use of Personal Protective
Equipment (PPE) etc.

★ be familiar with how to identify hazards and the
principles for controlling risk

★ be aware of their duty to report hazards to their
employer

IS TRAINING IN WORK HEALTH
AND SAFETY AVAILABLE?

Network periodically schedules training in WHS
issues. Refer to the Network Training Calendar on
the website:
www.netoosh.org.au/training_dates.htm

WHS training is also available from WorkCover -
www.workcover.nsw.gov.au/Training/Pages/
default.aspx

You can also contact WorkCover by phone toll
free on 13 10 50

ESSENTIAL RESOURCES AVAILABLE
FROM NETWORK:

★ Keep it Legal!
★ Manage it!
★ Fire Safety Guidelines for Outside School Hours
Services
★ Policies in Practice: A Handbook of Day-to-Day
Policies for OOSH Centres
★ A Code of Professional Practice for Staff in OOSH
Centres
★ Work, Health & Safety Manual

OTHER RELEVANT OOSH
DEVELOPMENT FACTSHEETS:

★ Risk Assessment and Management
★ Work Health and Safety “Hot Spots” in OOSH

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