

# Workplace Health and Safety

Understanding Workplace Health and Safety

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- Understanding the History of OH&S
- The law
- Duty of Care for employers and employees

# Health and Safety in the Office

- Why are you learning about OH&S
  - OH&S is a required part of the course
  - Your training is at an Advanced Diploma level, which means you'll need to consider the health and safety of yourself and others

# Health and Safety in the Office

- During your career in the games industry you will spend a significant amount of time in front of a computer screen
  - What are the health and safety implications?
  - What are the risks?
  - What are the rules and duties?
  - How would you find out?

# History of WH&S

- The year was 1956
  - Employees are working on a roof with hot bitumen...



*Traditional roofing being applied*



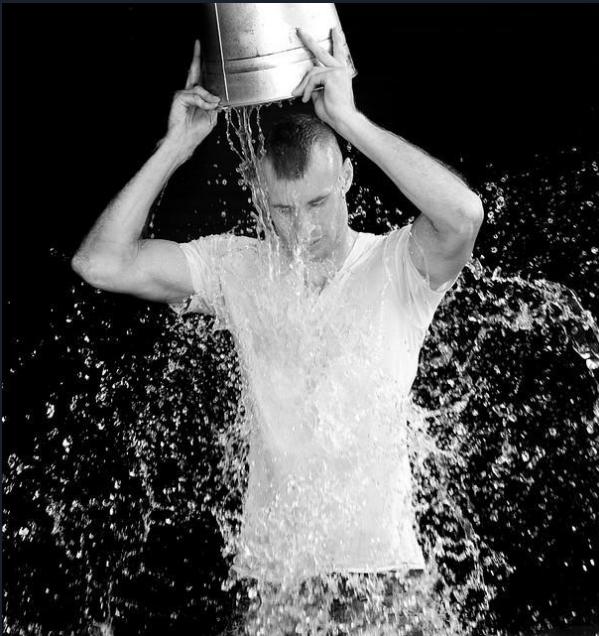
# History of WH&S

- Workers were hoisting the hot bitumen up to the roof in buckets.



# History of WH&S

- ... disaster



# History of WH&S

- WH&S begins in Australia
  - “(employers)... to take reasonable care to avoid exposing the employee to unnecessary risk of injury”
    - Hamilton v Nuroof (WA) Pty Ltd [1956] 96 CLR 18 at 25.
    - “... An employer’s obligation is not merely to provide a safe system of work; it is an obligation to establish, maintain and enforce such a system.”
      - McLean v Tedman & Anor (1984) 58 ALJR 541 at 544



# The Law

- On January 1, 2012
  - The new Work Health and Safety Act 2011 (OHS Harmonisation Laws) came into effect.
- Here is the law, let's have a look
  - <https://www.comlaw.gov.au/Details/C2011A00137>

# Duty of Care

- What is meant by duty of care?
- What is an employer's "Primary duty of care" defined as?
  - Part 2 – Division 2 (19)
- What are the "Duties of workers"?
  - Part 2 – Division 4 (28)

# Employer's Duty of Care

- To summarize, a person conducting a business must:
  - ensure the health & safety of workers, or those working under the direction of the person
  - ensure that health & safety of other persons is not put at risk
  - ensure the provision and maintenance of a safe work environment
- Also applies to the self-employed

# Duties of workers

- To summarize, workers must:
  - take responsibility for their own health and safety
  - take care that their actions don't adversely affect the health and safety of others
  - comply with reasonable instructions by employers relating to health and safety

# Summary

- WH&S began in Australia in 1956
- WHS is now legislated by the Work Health and Safety Act 2011
- Employers have an obligation to provide a safe working environment
- Workers also have a duty to ensure their own safety and the safety of others

# References

- Australian Government . 2016. *Work Health and Safety Act 2011* . [ONLINE] Available at:<https://www.comlaw.gov.au/Details/C2011A00137/>. [Accessed 01 March 2016].