



TRAINING KIT

What are the duties your committee has under the Occupational Health and Safety Act 2004 (Vic)?

The following table provides a list of the key responsibilities that employers have under Victorian OHS laws.

Responsibility under Victorian OHS laws	Section of Act
Provide and maintain a working environment that is safe and without risks to health Employers must ensure <ul style="list-style-type: none">· There are safe systems of work;· All plant and equipment (machinery, equipment, appliances or tools remain safe);· There is safe use, handling storage and transport of plant and substances;· There are adequate welfare facilities (e.g. first aid, dining, bathroom facilities); and· There is appropriate information, instruction, training and supervision for employees. This duty of care is owed to all employees, contractors, volunteers and any member of the public that are at the workplace.	s.21
Monitor the conditions of the workplace and the health of employees Employers must monitor the health of employees and the conditions of their workplace, and keep records about employee health and safety.	s.22
Protect other people from risks arising from the organisation's activities This would include any activity which is done in the course of carrying on the organisation's activities (e.g. holding a fun day or working bee) or any activity which is ancillary to the organisation's operations (e.g. contractors cleaning a premises after hours).	s.23
Keep the workplace (including all entrances and exits) safe and without risks to health This duty requires employers to ensure so far as is reasonably practicable that the workplace, and the means of entering and leaving that workplace are safe and without risks to health.	s.26
Not to recklessly endanger a person who is at the workplace The employer has a duty not to recklessly engage in conduct that may place another person who is at that workplace in danger of serious injury.	s.32
Consult with employees on OHS issues Employers are required to consult with employees on the following matters; <ul style="list-style-type: none">· Identification of hazards or risks to health and safety at the workplace;· Making decisions about ways to control risks to health and safety;· Making decisions about various health and safety procedures;· Determining the membership of a health and safety committee;· Proposing changes that may affect health or safety;· Establishing designated work groups represented by health and safety representatives; and· Establishing health and safety committees.	s.35
Notify Victorian WorkCover Authority about certain incidents and preserve the incident site The employer must notify WorkSafe immediately if there is a serious workplace incident.	s.38-39
Hold appropriate licenses, registrations and permits where required	s.40
On request, negotiate with employees to establish a designated working group to represent employees on health and safety issues	s.43
Attempt to resolve OHS issues with employees (or representative) within a reasonable timeframe	s.73
Not to discriminate against those people who are involved in health and safety negotiations	s.76
Allow access to an authorised representative who is acting within his or her powers	s.93
On request, produce OHS documentation and answer questions put to them by the inspector	s.100
Not to intentionally obstruct, mislead or intimidate an inspector who is performing his or her functions	s.125



RELATED RESOURCES

Related legislation

www.legislation.vic.gov.au

This is a link to the website where you can search for the Occupational Health and Safety Act 2004 (Vic) that sets out Victoria's occupational health and safety laws.

Occupational Health and Safety Regulations 2007 (Vic) can also be found at this website address. These are the regulations which set out many of the requirements for employers to keep the workplace safe.

Related Links - WorkSafe Victoria (the Victorian WorkSafe Authority)

www.worksafe.vic.gov.au

WorkSafe Victoria – Homepage

This link is to the website of the Victorian government agency that has responsibility for monitoring occupational health and safety laws in Victoria.

Publication: A handbook for community service organisations - Volunteer health and safety

This WorkSafe handbook includes general health and safety information for people who manage volunteers in community services organisations.

Publication: More information about - Community service volunteer boards and committees (OHS)

This WorkSafe fact sheet outlines the health and safety responsibilities of volunteers who are members of a board or committee of management in the community services sector.

Law and regulations (tab on the WorkSafe Homepage)

This page of the WorkSafe Victoria website provides an overview of the main legal obligations under Victoria's occupational health and safety laws. It has links to a page of the main employer obligations and main worker obligations under the Act.

Publication: What you need to know about health and safety - Volunteers in community services

This WorkSafe publication provides information about health and safety rights and responsibilities for volunteers in community service organisations.

Victorian Council of Social Services (VCOSS) information

www.communityohs.org.au

Occupational Health and Safety for Community Organisations

This Community OHS website contains information on the main OHS hazards facing the NFP sector as well as a range of OHS tools and resources for Victorian community organisations.

www.safeworkaustralia.gov.au

National model OHS legislation

Worksafe Australia has developed the Model Work Health and Safety Act. The legislation is expected to come into effect in 2011.