

# MACHINE SAFETY STARTS WITH YOU.

## DUE DILIGENCE



**Employers, businesses, or anyone who falls under the definition of a ‘person conducting a business or undertaking’ (a PCBU), has legal obligations under work health and safety laws.**

You must continually and comprehensively make sure that your business keeps workers, volunteers and visitors safe while they are at work. This is called ‘due diligence’. It is your legal duty to exercise due diligence to ensure the business complies with its WHS obligations.

There is an obligation on officers of corporations and other entities to exercise due diligence to ensure that the business or undertaking for which they are responsible complies with its work health and safety obligations.

*Due diligence involves taking reasonable steps to secure compliance.*

The *Work health and safety duty of an officer* guide provides guidance on the interpretation and application of section 27 of the *Work Health and Safety Act 2011* (Act), including who will be an officer and what it means.

## REASONABLE STEPS

The reasonable steps you must take include:

1. maintaining up-to-date knowledge of work health and safety matters as they apply to your specific operation;
2. understand the nature of the business and its hazards and risks;
3. ensuring the business has, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety associated with the operations of the business or undertaking;
4. ensuring the business or undertaking has appropriate processes to receive information about incidents, hazards and risks, and can respond to that information in a timely manner;
5. ensuring the business has processes – and implements those process – to comply with any WHS obligation; and
6. verifying that these steps have been carried out.

Each workplace is different. To comply with your due diligence obligations, you need to carry out a specific and detailed assessment of the health and safety implications of the range of work carried out by your business or undertaking.

The following information provides more detail about your responsibilities and includes practical examples of ways responsibilities can be implemented.

## UNDERSTAND THE WORK HEALTH AND SAFETY DEMANDS OF YOUR OPERATION

- Understand the hazards and risks of your business or undertaking;
- Make sure health and safety information is readily available and shared with other officers and workers; and
- Continuously improve your workplace safety management systems.

## UP-TO-DATE WORK HEALTH AND SAFETY KNOWLEDGE

- Have up-to-date knowledge of the WHS Act, regulations and codes of practice;
- Have up-to-date knowledge of work health and safety management principles and practices;
- Investigate current industry issues through conferences, seminars, industry groups and newsletters; and
- Address work health and safety in senior management meetings.

## RESOURCING WORK HEALTH AND SAFETY MEASURES

- Establish and maintain safe methods of work;
- Implement a safety management system;
- Having appropriate safety equipment in place e.g. machine guarding wherever possible;
- Recruit people with appropriate skills, including safety personnel;
- Make sure there are enough workers to ensure safety in all operations;
- Give safety personnel access to decision makers for urgent issues; and
- Maintain and regularly upgrade infrastructure.

## INFORMATION AND REPORTING ON INCIDENTS, HAZARDS AND RISKS

- Use a risk management process. Ensure your workers know about it and entrench its use into your business's daily activities;
- Have efficient, timely reporting systems;
- Empower workers to cease unsafe work and request better resources;
- Establish processes for considering and responding to information about incidents, hazards and risk in a timely fashion; and
- Measure the effectiveness of the risk management process, e.g. set a target percentage of issues actioned within an agreed time frame.

## YOUR COMPLIANCE PROCEDURES

- Provide training, supervision and instruction to workers about health and safety;
- Consult with workers about health and safety;
- Make sure that health and safety representatives receive required training;
- Immediately report notifiable incidents to SafeWork NSW;
- Comply with SafeWork NSW Inspector directions e.g. compliance with notices such as Improvement, prohibition or other notices; and
- Regular review or audit your businesses policies, procedures and practices.



For more information on your legal obligations, making a Safety Promise, the Mentor or Small Business Rebate Programs visit [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au) or call 13 10 50.

**NO MATTER WHAT YOU DO,  
SAFETY STARTS WITH YOU.**