



PCBU AND WHS DUTIES

Australia's harmonised WHS legislation places duties on persons conducting a business or undertaking (PCBU) to protect health and safety of workers and others. This Info Sheet provides information on the PCBU's duties and actions to manage health and safety.

Harmonised WHS legislation

On 1 January 2012 the harmonised work health and safety (WHS) legislation was implemented in Australia. By 2013 all states and territories except Victoria and Western Australia had adopted the legislation, which contains obligations for four duty holders; persons conducting the business or undertaking (PCBU), Officers, workers and others.

For more information on the harmonised WHS legislation, go to [Safe Work Australia](#).

PCBU Duties

WHS duties for the PCBU provide the broad framework for managing health and safety at work. The duties combine 'primary duties' which are applicable to all PCBU's and 'further duties' which are applicable where certain work activities are undertaken by the business or organisation. For information on the meaning of PCBU, go to [Safe Work Australia](#).

Primary Duty of Care

The PCBU's primary duty of care applies to all PCBU's and requires that the health and safety of workers and other persons is protected "so far as is reasonably practicable" by:

- Maintaining a safe working environment
- Maintaining safe plant, structure and systems of work
- Safe use, handling, storage of plant/structures and substances
- Providing and maintaining welfare facilities and premises
- Providing workers with information, training and supervision
- Monitoring workplace and workers health

Further duties

PCBU's have additional duties, where relevant, for:

- Management or control of workplaces, fixtures, fittings or plant
- Design, manufacture, import, supply or install of plant, substances or structures
- Construct or commission of plant or structures.

Officers Due Diligence

Officers of organisation's are responsible for exercising due diligence to ensure the PCBU meets its obligations under WHS legislation. Refer to



TIPS TO UNDERSTAND AND MEET PCBU DUTIES

TIP #1

Read and understand the duty holders and duties in WHS legislation

TIP #2

Complete a WHS review to determine WHS obligations and gaps in compliance

TIP #3

Drive WHS from the top - workers need to see this commitment to their health and safety

TIP #4

Establish a WHS strategy that defines goals, priorities, actions, responsibilities and resources

TIP #5

Put in place a WHS manual or management system that connects with wider business management

the Kitney Info Sheet 'Due Diligence and Officers WHS Duties' for further information.

So Far As Is Reasonable Practicable

In the WHS Act, 'reasonably practicable' means that which is (or was at the time) reasonably known and able to be done in relation to ensuring health and safety, taking into account matters including:

- The likelihood of the hazard or risk occurring
- The degree of harm that might result
- What the person knows (or ought to have known)
- The availability and suitability of ways to eliminate or minimise the risk
- The cost associated with the elimination or minimising risk

For more information on 'reasonably practicable, go to [Safe Work Australia](#).

Meeting PCBU Duties

The duties of the PCBU apply to all businesses, regardless of shape, size and industry type. The expectation is that duties will be met and, in the meeting of duties, health and safety at work will be protected.

Meeting PCBU duties can be seen as 'legal compliance', with actions taken to meet obligations and prevent breaches in legislation. At a compliance level, actions should be aimed at preventing health and safety issues, early detection and prompt response to deal with problems that may arise.

Successful WHS management involves more than just compliance. Leadership by top management, worker consultation and participation, planning, knowledge, resources and time are all critical to successful management. It is these that the PCBU will need to have in place in order to understand and meet its obligations.

Beyond WHS Compliance

There are many gains for managing WHS at work, well beyond simply meeting obligations and compliance. Whilst the requirements for WHS management can be seen by some as a cost, organisations that invest in and effectively manage WHS see a return on their investment with less costs and lost time associated with accidents and incidents.

Organisations with a positive culture that drives health and safety will have strong leadership, committed leaders, good business practices and an engaged workforce. These characteristics are seen in high performing organisations (of whatever size), with the business well positioned to function and compete in today's business environment.

Determining goals for WHS, establishing systems and processes and involving managers and workers are important steps in meeting compliance and making WHS "the way we do things around here".

5 STEPS I'LL TAKE TO ENSURE PCBU OBLIGATIONS ARE MET (AND WHS IS WELL MANAGED)

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