

SAFETY MATTERS NEWSLETTER

August 2018 – Accountability and Responsibility

Description	Maximum penalty for PCBUs	Maximum penalty for Officers	Maximum penalty for Workers/Others
Category 1 Offences causing or risking reckless death or serious injury	\$3 million	\$600,000 and/or 5 years imprisonment	\$300,000 and/or 5 years imprisonment
Category 2 Offences causing or risking death or serious injury	\$1.5 million	\$300,000	\$100,000
Category 3 Offences placing persons at risk of injury or illness	\$500,000	\$150,000	\$50,000

PCBUs

A PCBU (Persons Conducting Businesses or Undertakings) is the legal definition for an employer under the WHS Act 2011.

The PCBU is the company or association you work for, the partners in a partnership or a sole trader.

Officers

An officer is a person who makes decisions that affect the direction of a business or undertaking and has the capacity to significantly affect the financial standing of the business or undertaking. If a person is responsible only for implementing those decisions, they are not considered an officer.

Workers/Others

A worker is anyone who carries out work for a PCBU, such as:

- an employee
- a contractor or sub-contractor
- an apprentice or trainee
- a student gaining work experience
- a volunteer.

What are my Responsibilities?

As a PCBU?

PCBUs must ensure, **so far as is reasonably practicable**, the health and safety of:

- Workers engaged by the PCBU;
- Workers carrying out works for the PCBU;
- Others that could be affected by the works

PCBUs must also ensure, **so far as is reasonably practicable**, the provision and maintenance of:

- The work environment;
- The equipment used at work;
- The systems used;
- Adequate facilities (bathrooms, kitchens etc);
- Staff training

As an Officer?

Officers must ensure that they practice **due diligence** by:

- Acquiring and keeping up-to-date WHS knowledge;
- Understanding the nature of operations and any risks and hazards that are associated;
- Ensuring the PCBU has and uses appropriate means of limiting risk;
- Ensuring the PCBU has and uses appropriate processes for processing incidents and hazards in a timely manner;
- Ensuring the PCBU complies with the duties of a PCBU

As a Workers/Others?

Workers/Others must:

- Take reasonable care to ensure their own health and safety;
- Take reasonable care to not endanger the health and safety of others;
- Comply with reasonable instruction given by the PCBU;
- Co-operate with reasonable policies and procedures (workers only).