

Health, Safety and Environment Management System

HSE-PRO-008 HSE Responsibilities Procedure

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1 Intent

To define the work health and safety responsibility for all roles at all levels within James Cook University (JCU).

To enable all persons to comply with their work health and safety legal obligations which are endorsed by JCU's Health, Safety and Environment Policy.

2 Scope

This Procedure applies to all staff, students, contractors, volunteers, adjuncts and visitors involved in JCU business operations and activities.

3 Definitions

Term	Definition
Health and Safety Representative	A Worker who has been elected by a work group to represent them on health and safety issues.
Officer	<p>A person who makes decisions, or participates in making decisions that affect the whole or a substantial part of a business or undertaking or has the capacity to significantly affect the financial standing of the business or undertaking.</p> <p>If a person is responsible only for implementing those decisions, they are not considered an Officer under the <i>Work Health and Safety Act 2011</i> (Qld).</p> <p>Holders of the following JCU positions are considered Officers:</p> <ol style="list-style-type: none">1. Members of Council2. University Executive, Directors and Deans
Others	Visitors to a JCU controlled property and students not performing work experience or paid or unpaid work.
Reasonably Practicable	<p>Means that which is, or was at a particular time, reasonably able to be done to ensure health and safety, taking into account and weighing up all relevant matters including:</p> <ul style="list-style-type: none">• the likelihood of the hazard or the risk concerned occurring• the degree of harm that might result from the hazard or the risk• what the person concerned knows, or ought reasonably to know, about the hazard or risk, and ways of eliminating or minimising the risk• the availability and suitability of ways to eliminate or minimise the risk• after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.
Supervisor	Any person who is responsible for Workers, the allocation of tasks to

	Workers and / or the oversight of all JCU students during teaching and / or learning activities including field trips.
Worker	A person who carries out work in any capacity for JCU, and includes working as: <ul style="list-style-type: none"> • an employee • a volunteer • an apprentice or trainee • a student gaining work experience (paid or unpaid) • a contractor or subcontractor and their employees • labour hire company employees assigned to work for JCU.
Workplace	A workplace is the place where work is carried out for JCU and includes any place where a Worker goes, or is likely to be, while at work.

4 Duty, Obligations and Responsibilities

Duties for work health and safety are legislated in the *Work Health and Safety Act 2011 (Qld)* (the Act).

The Act details the duties of a 'person conducting a business or undertaking' (PCBU), Officers and Workers as well as suppliers and manufacturers.

The following principles apply to **all** duties that persons have under the Act:

- A duty is not transferable
- A person may have more than one duty
- More than one person can have the same duty
- A duty imposed on a person to ensure health and safety requires the person to manage risks so that they are eliminated so far as is Reasonably Practicable or, if elimination is not possible, are or minimised so far as is Reasonably Practicable.

4.1 James Cook University

As a PCBU under the Act, JCU has a primary duty of care to ensure Workers and Others are not exposed to a risk to their health and safety.

Without limiting the above statement, JCU owes a primary duty of care when it:

- engages or causes to engage a Worker
- influences or directs the work carried out by a Worker
- has management or control of a Workplace.

JCU must meet its obligations, so far as is reasonably practicable, to provide a safe and healthy Workplace for Workers and Others by ensuring:

- safe systems of work are in place
- a safe work environment is provided
- the provision and maintenance of safe plant and structures
- the safe use, handling and storage of plant, structures and substances

- adequate facilities for the welfare of Workers are provided
- adequate information, training, instruction and supervision is provided
- if accommodation is provided, it is maintained to not expose occupant Workers to risks to health and safety
- that effective systems are in place for monitoring the health of Workers and workplace conditions
- that the notification and recording of workplace incidents is implemented.

JCU must also have meaningful and open consultation about work health and safety with its Workers, Health and Safety Representatives and health and safety committees.

JCU must consult, cooperate and coordinate with other PCBUs with whom it shares duties.

JCU will also have further duties under the Act if it is involved in specific kinds of activities such as:

- the management and control of Workplaces, fixtures, fittings or plant at a Workplace
- the design, manufacture, import or supply of plant, substances or structures
- the installation, construction or commissioning of plant or structures.

4.2 Officers

It is an Officer's duty to exercise due diligence to ensure the PCBU fulfils its health and safety obligations under the Act.

In exercising that due diligence, Officers must take reasonable steps to:

- acquire and keep up-to-date knowledge of work health and safety matters
- gain an understanding of the operations of the business and the hazards and risks involved
- ensure appropriate resources and processes are provided to enable hazards to be identified and risks to be eliminated or minimised
- confirm information regarding incidents, hazards and risks is received and the information is responded to in a timely way
- ensure the PCBU has, and implements, processes for complying with any legal duty or obligation
- ensure these resources and processes are verified, monitored and reviewed.

4.3 Workers and Others

Workers and Others, must take the following actions while at JCU controlled premises:

- take reasonable care for their own health and safety
- take reasonable care for the health and safety of others
- comply with any reasonable instruction from JCU
- comply with all applicable JCU Policies and Procedures.

4.4 Specific Work Health and Safety Responsibilities

JCU role specific work health and safety responsibilities are documented in *Appendix 1: Work Health and Safety Responsibilities and Authority* of this Procedure.

Further detail on work health and safety responsibilities, must be outlined in Position Descriptions, Policies, Procedures, and other health safety management system documentation where appropriate.

5 Requirements

5.1 Documenting Responsibilities

Specific work health and safety responsibilities are outlined throughout the Health and Safety Management System (HSMS) documentation.

Work health and safety expectations must also be specified in all JCU Position Descriptions. Performance against the work health and safety responsibilities is assessed and managed during the individual performance development planning process.

6 Related Documents, Legislation and Other Resources

6.1 Related Documents and Other Resources

Health, Safety and Environment Policy

Health and Safety Management System (HSMS) documentation

6.2 Regulatory Authorities and Other Relevant Entities

Workplace Health and Safety Queensland

6.3 Related Legislation, Codes of Practice and Standards

Legislation	Work Health and Safety Act 2011 Work Health and Safety Regulation 2011
Standards	AS / NZS 4801:2001 Occupational health and safety management systems
Codes of Practice	Queensland First Aid in the Workplace Code of Practice 2014

7 Administration

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7.1 Approval Details

HSE-PRO-008 Procedure	Associate Director, Health, Safety and Environment
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Sponsor	responsible for development, compliance monitoring and review
Approval Authority	DVC Services and Resources
Consultation Committee	Health, Safety Environment Advisory Committee (HSEAC)
Approval date	23/12/2015
Implementation date	24/12/2015
Date for next review	01/12/2018
Contact Unit	safety@jcu.edu.au

7.2 Revision History

Version	Date Amended	Description of changes	Author
15-1	07/12/2015	Procedure established	Vikki Young, HSE Project Officer

Keywords	WHS responsibilities, due diligence, duty of care, Health and Safety Management System, HSMS
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8 Schedules

Not applicable

9 Appendices

9.1 Appendix 1: Work Health and Safety Responsibilities

Position	WHS Responsibilities
University Council, Chancellor and Vice-Chancellor	<ul style="list-style-type: none"> ▪ Implementation of due diligence requirements: <ul style="list-style-type: none"> - acquire and keep up-to-date knowledge of work health and safety matters - gain an understanding of the operations of the business and the hazards and risks involved - ensure appropriate resources and processes are provided and used to enable hazards to be identified and risks to be eliminated or minimised - ensure information regarding incidents, hazards and risks is received and the information is responded to in a timely way - ensure JCU has and implements processes to comply with any legal duty or obligation - ensure processes are verified, monitored and reviewed ▪ Monitor the implementation of the HSE Policy
Senior Deputy Vice-Chancellor, Chief of Staff and Deputy Vice-Chancellors	<ul style="list-style-type: none"> ▪ Implementation of due diligence requirements: <ul style="list-style-type: none"> - acquire and keep up-to-date knowledge of work health and safety matters - gain an understanding of the operations within areas of responsibility and the hazards and risks involved - ensure areas of responsibility comply with work health and safety legislation and the JCU HSMS - provide resources to implement the requirements of JCU HSMS for the area of responsibility - ensure information regarding incidents, hazards and risks is received and the information is responded to in a timely way - participate in the monitoring and review of the implementation of the HSMS for the area of responsibility

Position	WHS Responsibilities
Director, Dean and Executive Officer	<ul style="list-style-type: none"> ▪ Implementation of due diligence requirements by ensuring activities of the Division or Directorate comply with workplace health and safety legislation and the JCU HSMS. This includes but is not limited to: <ul style="list-style-type: none"> - implementing work health and safety risk management activities. For example reporting of incidents and any local specific measures required to eliminate or reduce risk in their area that are identified, documented and implemented - ensuring safe equipment and processes are in place for staff, students and Others for example Safe Operating Procedures - ensuring staff and students have the necessary instruction, information, induction, training and supervision to enable work to be carried out safely - ensuring corrective actions are implemented as a result of hazard / incident reports or incident investigations - monitoring the work health and safety performance of Division / Directorate and direct reports through audits and performance indicators - Ensuring work health and safety consultation arrangements are implemented - Allocating appropriate resources to fulfil work health and safety requirements ▪ Other responsibilities as outlined in the JCU HSMS
College Dean	<ul style="list-style-type: none"> ▪ Ensure activities of the College comply with work health and safety legislation and the JCU HSMS, including implementation and monitoring to ensure legal compliance ▪ Ensure work health and safety consultation arrangements are implemented ▪ Allocate appropriate resources to fulfil work health and safety requirements ▪ Monitor work health and safety performance of the College ▪ Monitor the work health and safety performance of unit and direct reports through audits and performance indicators ▪ Other responsibilities as outlined in the JCU HSMS

Position	WHS Responsibilities
Academic and Professional staff with responsibility for the management or supervision of staff, studies or facilities	<ul style="list-style-type: none"> ▪ Ensure that work areas and equipment under their control is safe and without risk to health and safety ▪ Ensure all hazards and incidents are identified, assessed, controlled and reported via the JCU risk and incident management system and appropriately actioned ▪ Provide appropriate instruction, information, training and supervision to staff, students and others to enable work to be carried out safely ▪ Monitor the work health and safety performance of direct reports through the Performance and Development Process ▪ Ensure risks are managed when there is a known hazard that may result in injury or illness for tasks for the area of responsibility ▪ Control the risks associated with the work and study that they supervise and record the risk management process in the JCU risk management system ▪ Actively participate in inspections and audits within their area of responsibility ▪ Ensure an appropriate level of supervision for staff dependant and equivalent to their skills and experience in the task being undertaken ▪ Other responsibilities as outlined in the JCU HSMS
All staff, contractors, adjuncts and Others	<ul style="list-style-type: none"> ▪ Take reasonable care for their own health and safety ▪ Take reasonable care for the health and safety of others including the implementation of risk control measures within their control to prevent injuries or illnesses ▪ Comply with any reasonable instruction issued by JCU ▪ Comply with all JCU Policies and Procedures ▪ Promptly report hazards or incidents via the JCU hazard and incident reporting process ▪ Be familiar with emergency and evacuation procedures and comply with instructions given by emergency response personnel such as Wardens and First Aiders ▪ Other responsibilities as outlined in the JCU HSMS documentation

Position	WHS Responsibilities
Health, Safety and Environment Committee	<ul style="list-style-type: none"> ▪ Consult with the University Council on strategic work health and safety issues including but not limited to: <ul style="list-style-type: none"> - Monitor and review the work health and safety performance of JCU - Recommend improvements to the HSE Policy and associated documentation - Monitor progress towards achieving compliance with work health and safety legislation and best practice - Oversee activities of any Committee that reports to the Health, Safety and Environment Committee - Improve the communication and awareness of work health and safety requirements within the JCU community
Health, Safety and Environment Advisory Committee (HSEAC)	<ul style="list-style-type: none"> ▪ Consult with JCU management through the Health, Safety and Environment Committee on the implementation of work health and safety requirements for the area of responsibility including: <ul style="list-style-type: none"> - monitor the work health and safety performance - recommend improvements to the JCU HSMS documentation - endorse the JCU HSMS Procedures for approval by the approval authority - oversee activities of any subcommittee or working parties reporting to it - improve communication and awareness of work health and safety requirements - assist with the investigation of incidents and consider advice provided by the Health Safety Representatives

Position	WHS Responsibilities
University Institutional Biosafety Sub Committee of the Health, Safety and Environment Advisory Committee	<ul style="list-style-type: none"> ▪ Monitor biological related hazards ▪ Review and approve projects that have dealings under the Office Gene Technology Regulator regulations ▪ Develop, implement, monitor and review the Biosafety Procedure, which is a JCU HSMS document ▪ Oversee biosafety activities at JCU to ensure work health and safety compliance and make arrangements to improve compliance if necessary ▪ Raise issues, make recommendations and advise JCU management through the HSEAC ▪ Review all relevant reports and advise HSEAC of the status of action taken in respect of outstanding matters for: <ul style="list-style-type: none"> - Workplace Inspections and Audits - Incidents and hazards
University Boating and Diving Safety Sub Committee of the Health, Safety and Environment Advisory Committee	<ul style="list-style-type: none"> ▪ Develop, implement, monitor and review the Boating Procedure and the Diving Procedure, which are JCU HSMS documents ▪ Raise issues, make recommendations and advise JCU management through the HSEAC ▪ Review all relevant reports and advise HSEAC of the status of action taken in respect of outstanding matters for: <ul style="list-style-type: none"> - Workplace Inspections and Audits - Incidents and hazards ▪ Oversee the boating and diving activities at JCU to ensure work health and safety compliance and make arrangements to improve compliance if necessary

Position	WHS Responsibilities
University Radiation Safety Sub Committee of the Health, Safety and Environment Advisory Committee	<ul style="list-style-type: none"> ▪ Develop, implement, monitor and review the Radiation Safety Procedures, which are JCU HSMS documents ▪ Raise issues, make recommendations and advise JCU management through the HSEAC ▪ Review all relevant reports and advise HSEAC of the status of action taken in respect of outstanding matters for: <ul style="list-style-type: none"> - Workplace Inspections and Audits - Incidents and hazards ▪ Oversee the radiation activities at JCU to ensure work health and safety compliance and make arrangements to improve compliance if necessary
Health and Safety Representatives	<ul style="list-style-type: none"> ▪ Consult with management on work health and safety requirements by: <ul style="list-style-type: none"> - providing advice on the implementation of the HSE Policy and Procedures - raise work health and safety issues to management on behalf of Workers - improve communication and awareness of work health and safety requirements - assist with the investigation of work health and safety issues or incidents - when trained, issue Provisional Improvement Notices as per the <i>Work Health and Safety Act 2011</i> (Qld)

Position	WHS Responsibilities
Health, Safety and Environment Unit	<ul style="list-style-type: none"> ▪ Develop, consult and communicate the JCU HSMS to the University community ▪ Support the University to meet its work health and safety responsibilities by assisting in the identification of hazards and the implementation of risk controls ▪ Evaluate and report on the status of the implementation of work health and safety requirements by completing audits and inspections ▪ Develop work health and safety registers and report to JCU management on the content of these registers ▪ Provide technical work health and safety advice where appropriate, and recommend required remedial actions for compliance ▪ Record, analyse and report work health and safety performance ▪ Assist with the development and monitoring and review of committee action plans ▪ Identify industry best practice control options to control hazards and risks ▪ Report regularly on changes to legislation and / or industry best practice standards for incorporation into JCU
Estate Directorate	<ul style="list-style-type: none"> ▪ Ensure that JCU's facilities and grounds are safe for use and that they comply with all relevant work health and safety building regulations and codes ▪ Ensure that all contractors engaged by the Directorate follow all applicable JCU Policies, Procedures and induction requirements
Wardens	<ul style="list-style-type: none"> ▪ Coordinate the emergency evacuation of staff, students and visitors from buildings ▪ Ensure emergency training remains up-to-date
First Aider	<ul style="list-style-type: none"> ▪ Ensure first aid qualifications and training remain up-to-date ▪ Check first aid kits and equipment at intervals specified under the First Aid in the Workplace Code of Practice or as stated under a risk assessment ▪ Ensure injuries and administered first aid treatment is recorded ▪ Assist with emergencies when required ▪ Notify the Health, Safety and Environment Unit of changes in their position or contact details

Position	WHS Responsibilities
Contractor	<ul style="list-style-type: none"> ▪ Follow JCU Policies and Procedures in particular the HSE Contractor Management Procedure ▪ Comply with all relevant WHS legislation, standards and codes of practice applicable to their scope of work ▪ Must not, through their acts or omissions, do anything that could put at risk their own health or safety or that of University staff, students or visitors
Other PCBU which the University may come in contact with, including tenants	<ul style="list-style-type: none"> ▪ Other PCBUs that interact with JCU must meet their obligations in accordance with the Queensland work health and safety legislation