



Safe people
safe environments

Work Health and Safety Information

Information sheet: Work Health and Safety laws

April 2013

The Uniting Church in Australia is committed to providing safe places where people are cared for, nurtured and sustained.

Following the introduction of the new Work Health and Safety laws (which took effect in Queensland on 1 January 2012) there have been concerns raised in respect of their impact on Uniting Church staff and volunteers.

Whilst the new legislation has broadened the definition of “worker” to include volunteers in organisations such as the church, the underlying duty of care expected from church workers, volunteers and others already existed under common law principles prior to the introduction of this legislation. Section 36 of the repealed *Workplace Health and Safety Act 1995* included the following obligation:

A worker or anyone else at a workplace has the following obligations at a workplace—(d) not to wilfully place at risk the workplace health and safety of any person at the workplace.



The Uniting Church in Australia, Queensland Synod has long recognised this duty of care and responded with its Work Health and Safety Policy and links to a comprehensive range of supporting material available at

**[www.personnelservices.ucaqld.com.au/
work-health-and-safety/](http://www.personnelservices.ucaqld.com.au/work-health-and-safety/)**

The updated and previous versions of this material have been circulated across our organisation to assist business units, presbyteries and congregations to eliminate or minimise risk in their activities. Perusal of our current Work Health and Safety Policy will reinforce that we are committed to providing a safe and health workplace for workers, volunteers and other who have contact with Uniting Church affiliated workplaces.

In effect, the new legislation has formalised the duty of care owed to all persons engaged in Uniting Church activities, whether paid or voluntary. As a “Person conducting a business or undertaking” (PCBU) the church has a primary duty “to ensure, so far as is reasonably practicable, the health and safety of workers.” The new legislation extends duties to officers of the PCBU, workers and other persons at the workplace. This is the area where volunteers must consider the risk their activities pose to themselves and others. As long as church volunteers consider this duty of care when undertaking church activities, and implement strategies to eliminate or minimise risk, they should be confident that they will not be exposed to prosecution under the Act.

The new Act requires that a “reasonably practicable” approach is taken to risk. This is not an absolute duty to ensure that no harm occurs. Whilst ultimately determined by the courts, what is reasonably practicable will be determined objectively. This means that a duty-holder must meet the standard of behaviour expected of a reasonable person in the duty-holder’s position and who is required to comply with the same duty.



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Work Health and Safety laws



The Queensland Synod's Work Health and Safety Policy has been reviewed to take into account additional or changed requirements of the legislation.

As an example, by reading and following the Manual Tasks information on the Queensland Government Workplace Health and Safety internet site (a link to which is available at www.personnelservices.ucaqld.com.au/work-health-and-safety/) risk of injuries should be mitigated.

In the event of an injury being sustained by a worker, documented evidence of a risk assessment, control measures and training should satisfy a Work Health and Safety Queensland inspector that the church and individual complied with their relevant duty of care.

People constantly assess risk in their day-to-day activities, whether it is determining when it is safe to cross the road or shielding themselves from the elements by wearing protective clothing.

Safe Work Australia has also recently established a dedicated Volunteer Assistance Line, details of which along with fact sheets can be found at <http://www.safeworkaustralia.gov.au/sites/swa/legislation/volunteers/pages/volunteers.aspx>

For more information on Work Health and Safety within the Queensland Synod please contact the Queensland Synod's Work Health and Safety Resource Advisor on 07 3377 9729 or email health.safety@ucaqld.com.au.



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