

LEGISLATION

Duty of Care

This information bulletin provides a guide to the statutory duties of care for employers and workers under the [Workplace Health and Safety Act 2007](#) Part 5 Section 55 to 57 and Section 60; and Workplace Health and Safety Regulations 4 to 14.

Statutory duties of care

Employer's general statutory duty of care

An employer has a duty (the employer's general statutory duty of care) to ensure, as far as reasonably practicable, that workers and others are not exposed to risks to health or safety arising from the conduct of the employer's business.

A self-employed person owes him/herself the general statutory duty of care.

An employer must carry out the general statutory duty of care by proceeding, in a systematic way, to:

- identify hazards; and
- identify, and assess the seriousness of, risks resulting from the hazards; and
- determine appropriate risk management measures:
 - to eliminate, as far as reasonably practicable, avoidable risks; and
 - to minimise, as far as reasonably practicable, unavoidable risks; and
- carry the risk management measures into effect; and
- monitor and review the effectiveness of the measures.

Duties in regard to workplace

An employer has a duty to take all reasonably practicable measures to ensure that the workplace, and the means of entering and leaving it, are safe.

The duty extends, to the extent that may be appropriate in the circumstances, to:

- an owner or occupier of the workplace; and
- a person who designs, constructs, manufactures, imports, installs or supplies a workplace or any part or component of a workplace.

Duties in regard to workplace infrastructure, equipment and materials

An employer has a duty to take all reasonably practicable measures to ensure that:

- workplace infrastructure or equipment, and workplace materials, are safe; and
- workers are, where necessary, properly instructed in the use, and warned about risks involved in the use, of workplace infrastructure or equipment, and workplace materials; and
- if workplace materials are poisonous – adequate toxicological information is available.

The duty extends, to the extent that may be appropriate in the circumstances, to a person who:

- owns, designs, constructs, manufactures, imports, installs or supplies workplace infrastructure or equipment or any component of workplace infrastructure or equipment; or
- designs, manufactures, imports or supplies workplace materials.

Duties of workers

A worker has a duty:

- to take reasonable care for the worker's own health and safety, and for the health and safety of others, while at work; and
- to follow reasonable directions given by, or on behalf of, the employer on issues related to health or safety; and
- to use relevant safety equipment provided for the worker's use; and
- to report a workplace accident to the employer as soon as practicable after it occurs.

A worker must not:

- intentionally or recklessly interfere with or misuse safety equipment provided by the worker's employer; or
- intentionally create a risk to the health or safety of another at the worker's workplace.

Responsibilities under Regulations

In addition to the requirements under the Act there are specific responsibilities outlined in the regulations for various parties in the workplace including joint responsibilities.

Penalties

A range of penalties applies where the provisions of the Act are not complied with. Please refer to NT WorkSafe information bulletin 09.01.07 Fines under the Act.

For further information please contact NT Worksafe on 1800 019 115 or go to worksafe.nt.gov.au