

Legislation

09.01.02

Workplace Health and Safety Act 2007

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 – 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.

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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](#).

NT WorkSafe

GPO Box 1722

Darwin NT 0801

Telephone 1800 019 115

Facsimile (08) 8999 5141

Email ntworksafe@nt.gov.au

Website www.worksafe.nt.gov.au

Workplace status	Responsibilities under Regulations
Employers	An employer must ensure that these Regulations are complied with in respect of the health and safety of a worker and of any other person who could be adversely affected by the performance of work by the worker at a workplace.
Workers	<p>A worker shall, as far as practicable:</p> <ul style="list-style-type: none"> • do all things required to ensure compliance with the Regulations; • before starting to perform work, ensure that neither the worker nor any other person will be endangered by the work performed by the worker; • report to a person in charge at the workplace or the worker's employer a situation which the worker has reason to believe may present a risk to the health and safety of workers or other persons at the workplace; • report to a person in charge at the workplace or the worker's employer an accident or occurrence affecting the health and safety of workers or other persons at the workplace; and • not tamper with any valve, fitting, control, guard, safety device or system of plant so as to interfere with its proper, safe and efficient working.
Self-employed persons	A self-employed person must, in respect of his or her own health and safety and the health and safety of any other person who could be adversely affected by work performed by the self-employed person, ensure compliance with the Regulations.
Occupiers of workplaces	<p>The occupier of a workplace shall, insofar as is relevant to the health and safety of workers and other persons at the workplace, ensure compliance with a regulation that relates to:</p> <p>(a) the condition of the workplace;</p> <p>(b) the condition of a building or structure at the workplace; and</p> <p>(c) access to and egress from, the workplace.</p>
Owners of buildings	<p>Subject to these Regulations, the owner of a workplace shall, insofar as is relevant to the health and safety of workers and other persons at the workplace, ensure compliance with a regulation that relates to:</p> <p>(a) the condition of the workplace; and</p> <p>(b) to the extent that a fixture or fitting in the workplace is under the control of the owner, the provision and maintenance of the fixture or fitting at the workplace.</p>
Designers of plant or structures	<p>Subject to these Regulations, a person who designs plant or structures for use at a workplace shall –</p> <p>(a) insofar as is relevant to the health and safety of workers and other persons at the workplace, ensure that the design of the plant or structure complies with these Regulations; and</p> <p>(b) ensure the plant or structure is designed to minimise the risk to the health and safety of workers and other persons at or in proximity to the workplace.</p>
Manufacturers	<p>Subject to these Regulations, a person who manufactures plant, substances or materials for use at a workplace, or material to be used for the purpose of a structure to be erected at a workplace, shall, insofar as is relevant to the plant, substance or material, ensure compliance with a regulation that relates to:</p> <ul style="list-style-type: none"> • the manufacture of the plant, substance or material; • the testing of the plant, substance or material; and • the provision of information relating to the plant, substance or material. <p>Where a person manufactures plant for use in a workplace that is designed by a person outside the Territory, the responsibilities placed on a designer of such plant by these Regulations shall be deemed to be the responsibilities of the person who manufactures the plant.</p>

Importers and suppliers	<p>A person who imports or supplies plant, substances or materials for use at a workplace, or material to be used for the purpose of a structure to be erected at a workplace, shall, insofar as is relevant to the plant, substance or material, ensure compliance with a regulation that relates to:</p> <ul style="list-style-type: none"> ● the requirements to be complied with in relation to the importing or supply of the plant, substance or material; ● the testing requirements for the plant, substance or material; and ● the provision of information with the plant, substance or material. <p>Where a person imports or supplies plant, substances or materials for use at a workplace that is designed or manufactured by a person outside the Territory, the responsibilities placed on the designer or manufacturer of such plant, substances or material by these Regulations are deemed to be the responsibilities of the person who imports or supplies the plant, substances or materials.</p> <p>Where a person supplies plant for use at a workplace under a hiring or leasing arrangement, the responsibilities placed on the owner of such plant by the Regulations are deemed to be placed on the person who supplies the plant.</p>
Installers and erectors of plant or structures	<p>A person who installs or erects plant or a structure at a workplace must:</p> <ul style="list-style-type: none"> ● insofar as is relevant to the plant or structure, ensure compliance with a regulation that relates to the integrity of the plant or structure; and ● ensure that the erection or installation is carried out in a manner that avoids damage to the plant that may create a risk to the health and safety of workers and other persons at the workplace.
Owners of plant	<p>The owner of plant at a workplace must, insofar as is relevant to the plant, ensure compliance with a regulation that relates to:</p> <ul style="list-style-type: none"> ● the condition, inspection or testing of the plant; ● the layout and location of the plant; and <p>the provision of information relating to the installation, commissioning, use, maintenance, repair, testing, de-commissioning, dismantling or disposal of the plant.</p>
Joint responsibilities	<p>If more than one person is under an obligation to comply with a regulation, each person shall comply with the regulation to its full extent and without regard to the fact that another person is also under an obligation to comply with the regulation.</p>