Legislation

Legislation is the act of preparing and imposing laws, it is the act or process of making a law or a lot of different laws. We need legislation so that employers and employees are kept safe in the workplace. The act ensures that employees and employers are kept safe and healthy whilst in the workplace. The legislation is imposed so that workplace accidents and injuries are reduced. It is important as it covers the legal responsibilities of the employer and the duties of the employees in regards to health and safety.

Regulations

All of the staff (managers, employers and employees) within a company have legal obligations to help maintain a safe workplace.

The obligations of the staff are outlined in the Occupational Health and Safety Regulations 1996. A link is shown below.

<http://www.slp.wa.gov.au/legislation/agency.nsf/docep_main_mrtitle_1853_homepage.html>

To display the health and safety regulations click on either the word document or the PDF file located underneath the Download (help) section.

Regulations are legally binding. They include details about the duties and procedures that should be followed to control risks of particular hazards. The regulations outline that employers are required to identify, assess and develop ways to reduce risks in the workplace.

Codes of Practices

Codes of Practice provide advice on how to meet regulatory requirements. Codes are not legally enforceable, but they can be used in courts as evidence that legal requirements have or have not been met.

A code of practice is defined in the Act as a document prepared for the purpose of providing:

* practical advice on preventative strategies; and
* a practical means of achieving any code, standard, rule, provision or specification relating to occupational safety and health in Western Australia.

The codes of practice are developed by the Commission for Occupational Safety and Health.

Australian Standards

Standards Australia is recognised by the Government as Australia’s peak Standards body. It coordinates standardisation activities, develops internationally aligned Australian Standards® that deliver Net Benefit to Australia, and facilitates the accreditation of other Standards Development Organisations. Through the Australian International Design Awards it promotes excellence in design and innovation.

Duties

##### **Duties of Employers**

1. **To provide and maintain a working environment that is safe and without risk to health.**
2. **The employer must:**
   1. ensure that the use, handling, storage & transport of plant and substances (chemicals) is safe & without risks to health
   2. ensure that the workplace under employers’ control is safe and without risks to health
   3. provide adequate facilities (washrooms, toilets, lockers, dining areas, first aid, etc)
   4. provide as much information, instruction, training and supervision to the workers so that they can work safely.
   5. monitor the health of the employees
   6. monitor the conditions at the workplace under their management and control (eg heat, cold, dust levels, fumes, and so on)
   7. keep information and records on the health and safety of employees

**Duties of Employees**

Employees’ must:

* take reasonable care for their own health and safety
* take reasonable care for the health and safety of others who may affected by their acts or omissions
* cooperate with anything the employer does to comply with OHS requirements
* not 'intentionally or recklessly interfere with or misuse' anything provided at the workplace for OHS.