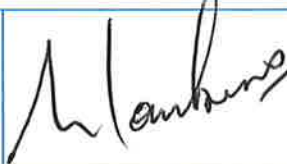



PROCEDURE

WHS Responsibilities



Issued with the authority of the Chief Commissioner
and Chief Executive Officer of Scouts Australia NSW

Chief Commissioner signature		Chief Executive Officer signature	
Sponsor	Head of Risk		
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WHS Responsibilities

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1 Purpose and scope

Scouts Australia NSW is a volunteer organisation that has paid workers and subsequently, has responsibilities under WHS laws. Our volunteers are called workers under WHS laws and they have the same WHS obligations as a paid worker. Therefore, Scouts Australia NSW WHS Procedures apply to workers, members and volunteer supporters (which are all described collectively in the WHS Procedures as *workers*).

For the above reason, Scouts NSW develops and maintains WHS procedures that include responsibilities for both professional employed staff and those working on a volunteer basis. [Appendix 1 – WHS Governance Model](#) gives an overview of the Scouts NSW WHS organisation.

2 Responsibilities

Volunteers, professional paid staff (“workers”)

Scouts NSW volunteers are called workers in the WHS Act and have the same WHS obligations as professional paid staff when performing activities defined as work (see *PRO15 Incident Reporting and Analysis* for information about work). Workers also include work experience students, labour hire, consultants and contractors. Specific WHS responsibilities are described in the various WHS Procedures, Leader Support Guides, ScoutSafe training modules etc.

Even when not performing *work*, volunteers should follow this advice in order to fulfil their duty of care towards youth and fellow volunteers. *The Essential Guide to Work Health and Safety for Volunteers*, issued by SafeWork Australia; a link to which is available on the Scouts NSW website, provides the following information:

Under the WHS Act, as a worker (or volunteer) you must:

- take reasonable care for your own health and safety
- take reasonable care to ensure you don’t affect the health and safety of others
- carry out your tasks in a safe way
- follow the reasonable policies and procedures of the organisation that relate to work, health and safety.

Essentially, what is reasonable care would be what a reasonable person would do in the circumstances considering things like:

- your knowledge
- your role
- your skills and the resources available to you
- your qualifications



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- the information that you have
- the consequences to health and safety of a failure to act in the circumstances.

Other ways of making sure you take reasonable care are:

- carrying out health and safety activities within the role you have been assigned
- not carrying out activities that you do not have the skills to undertake
- not doing anything that would seem to be unsafe.

Managers and leaders

In addition to their responsibilities as workers above, managers and leaders have additional responsibilities in WHS, regardless of whether they are paid or unpaid. Although their positions may not be specified in the Scouts documentation as *officers*, managers can have a greater scope of influence and control over workplace safety, than individual workers. Therefore, managers are responsible for ensuring that the requirements of the various WHS Procedures, Leader Support Guides, ScoutSafe training modules etc are implemented within the scope of their responsibility.

Managers are responsible also, for addressing shortfalls in WHS in their areas, such as non-compliances and individual cases where a worker fails to, or refuses to, fulfil their WHS responsibilities.

Managers of sites are responsible for maintaining an appropriate standard of health of safety for the site they manage.

Board of Directors and other Officers

Volunteers and paid workers who participate in making, decisions that affect the whole or a substantial part of the organisation they volunteer or work for may be seen as Officers under the WHS Act. Officers of Scouts NSW are nominated in the [POL06 WHS Policy and Framework](#).

Officers must exercise due diligence to ensure that the organisation complies with its health and safety duties. Officers must ensure that the organisation has appropriate systems of work in place and actively monitor and evaluate health and safety management within the organisation. The high level responsibilities of officers appears in [POL06 WHS Policy and Framework](#).

The Board of Directors is responsible for ensuring that appropriate WHS resources are available and for taking steps to secure additional or alternative resources (personnel or committees) as required. Review of resources takes place through regular activities such as – WHS audits, monthly WHS reports, performance appraisals etc.

The remainder of this section is taken from *The Essential Guide to Work Health and Safety for Volunteers*, issued by SafeWork Australia; a link to which is available on the Scouts NSW website.



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Exercising due diligence as an officer also means that you must take the reasonable steps outlined below.

- Continuously learn about and keep up to date with work health and safety matters. For example, learn what the WHS Act requires and the strategies and processes for elimination or minimisation of hazards and risks so far as is reasonably practicable.
- Have an understanding of the nature of the work the organisation does and stay aware of the risks workers and volunteers may face when working for the organisation. For example, advice from a suitably qualified person may be required to gain a general understanding of the hazards and risks associated with the operations of the organisation.
- Ensure and verify that the organisation has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety. For example, this requires you to have an understanding of what is needed for health and safety, making decisions about procedures and resources and ensuring they are used.
- Ensure and verify the organisation has processes in place for communicating and considering information regarding work health and safety and responding to that information. This should include the reporting of incidents and emerging hazards and risks, identifying if action is required to eliminate or minimise the hazards or risks so far as is reasonably practicable.
- Ensure and verify the organisation has, and implements, processes for complying with any duties and requirements under WHS law. Officers might fulfil their duties by doing things like:
 - talking about work health and safety matters at board meetings
 - making sure there is ongoing consultation with volunteers and other workers
 - asking about the effectiveness of the organisation's safety procedures
 - being aware of what workers, including volunteers, do within the organisation and the dangers they might face at work
 - seeking advice about specific work health and safety issues
 - keeping up to date with work health and safety developments and best practice relevant to the organisation.

3 Other position holders and committees

Board of Directors

The Board of Directors is responsible for WHS Officer Duty & PCBU Legislative Accountability. They are responsible for ensuring appropriate WHS resources are available to enable the organisation to comply with WHS duties.



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The board is supported by, and receives advice from, suitably qualified internal position holders including Head of Risk, Audit and Risk Committee, State Commissioner Risk Management. Where additional advice or expertise is required, the Board may elect to seek temporary resources from outside of the organisation to assist with continuous improvement of WHS.

Audit and Risk Committee

When activated, the Audit and Risk Committee supports the Board of directors with WHS compliance oversight. The committee works in collaboration with other duty holders such as the State Commissioner Risk Management and Head of Risk.

Health and Safety Committee (HSC)

When activated, the HSC facilitates WHS Communication & Consultation and operates under the requirements of the HSC Charter. The Health & safety Committee reports into the Audit and Risk Committee.

Head of Risk

The Head of Risk is responsible for Risk & WHS Management and Monitoring. This includes development and maintenance of procedures and preparation of reports for the Board of Directors. Head of Risk must be suitably qualified and experienced in Work Health and Safety, to be assessed at time of recruitment. The role is detailed in the respective Position Description.

State Commissioner – Risk Management

Similar to Head of Risk, the SC – Risk Management is responsible for Risk & WHS Management and Monitoring however this focusses largely on health and safety matters for the youth and Adult Volunteer areas. The SC – Risk Management is selected based upon their qualifications and experience in the area of risk management and ideally will have experience in the area of WHS.

ScoutSafe Advisors

Members of the ScoutSafe Team support WHS efforts by providing Risk & WHS support for volunteers, within their level of skills and training. Scout Safe advisors receive information and training from the SC-Risk Management and Head of Risk.

4 Records & references

- WHS Volunteers Guide (Safe Work Australia)
- Scouts NSW WHS Procedures
- HSC Charter
- Scoutsafe Committee Charter
- Position Description State Commissioner (Risk Management, Health and Safety)



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- Position Description (Head of Risk)

5 Associated forms

- Nil

6 Appendices

- Appendix 1 – WHS Governance Model
- Appendix 2 – Overview of WHS Responsibilities at Scouts NSW



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Appendix 1 – WHS Governance Model

Scouts NSW Australia



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Appendix 2 – Overview of Work Health & Safety Responsibilities at Scouts NSW

When a volunteer organisation has one or more paid workers, volunteers and paid staff are protected by the WHS laws. In an organisation like Scouts Australia NSW, anyone who carries out work, regardless of whether they are paid or unpaid, is called a **worker**. All **workers** have responsibilities under the WHS laws.

Much of what our members and volunteers do, is recreational. However volunteers also carry out activities that would be deemed work and are therefore subject to WHS requirements. Work is not defined in the WHS laws and whilst some Scouting activities have been defined as *work*, it can sometimes be difficult to distinguish work from recreation. Adult workers have a range of responsibilities (beyond just WHS) to protect the wellbeing of youth and other workers. Follow the range of procedures in order to discharge your duty of care.

All workers have the following responsibilities under the WHS Act:

- take reasonable care for your own health and safety
- take reasonable care to ensure you don't affect the health and safety of others
- carry out your tasks in a safe way
- follow the reasonable policies and procedures of the organisation

Some ways of making sure you take reasonable care are:

- carry out health and safety activities within the role you have been assigned
- do not carry out activities that you do not have the skills to undertake
- do not do anything that would seem to be unsafe
- report work, health and safety incidents and issues

Workers who manage Scouts properties (such as Scout Halls, campsites, activity centres or offices) have additional WHS responsibilities. This includes some WHS tasks in regard to engaging contractors to perform work around the property.

Managers and leaders of people also have additional responsibilities in WHS. They have a greater scope of influence and control over workplace safety than individual workers. Managers are responsible for addressing WHS issues within their scope of responsibility.

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- *References: WHS Volunteers Guide (Safe Work Australia)*
 - www.safework.nsw.gov.au/law-and-policy/volunteering
 - *WHS Act 2011 Section 5 "Meaning of PCBU"*



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