

# **Football West Workplace Health & Safety**

**January 2023**



**FOOTBALL  
WEST**



**Workplace Health and  
Safety Act 2020**

The Work Health and Safety Act 2020 replaced the OSH Act in March 2022. The changes introduced are to bring WA in closer alignment with other Australian state WHS laws.

**The WHS Act introduced a definition of 'the person conducting a business or undertaking' - or PCBU.**

**A PCBU can be:**

- **A sole trader (e.g., self-employed person)**
- **Each partner within a partnership**
- **A company**
- **An unincorporated association**
- **A government department of public authority**



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# Person Conducting A Business or Undertaking PCBU





## **PCBU – What it means for us**

**Under the WHS Act, all PCBUs have a primary duty of care to ensure the health and safety of their workers and others who may be affected by the carrying out of work.**

**This means, where reasonably practicable, the PCBU (Football West and associated clubs) would need to take action to eliminate risks to health and safety. If this is not reasonably practicable, we need to make sure those risks are minimised as far as is reasonably practicable.**

# Penalties

**The WHS Act includes a new offence of industrial manslaughter (s30A). This offence involves substantial penalties for PCBUs in a business where a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.**

**The WHS Act voids insurance coverage for WHS penalties and imposes penalties for providing or purchasing this insurance.**

The new laws also introduce what are known as enforceable undertakings.

# Enforceable Undertakings



**How an enforceable undertaking might work:**

- **If a business operates in a way that commits (or may commit) an offence under the WHS laws (except for industrial manslaughter or a Category 1 offence), they may be able to volunteer to give an enforceable undertaking instead of going through legal proceedings. Giving an enforceable undertaking is not an admission of guilt.**
- **Their enforceable undertaking is a written commitment to do certain things in an agreed period and can be accepted or rejected by the Regulator.**
- **If the undertaking is accepted, the business would complete certain activities which need to be substantial and aim to deliver tangible benefits to the workplace, industry or broader community.**

**As part of the new laws, there are also reporting requirements for what are known as 'notifiable incidents', which includes serious illness, injury or death and dangerous incidents which might happen during the conduct of a business or undertaking.**



# WHS Act & Volunteers



## Further Information

**A volunteer organisation will have WHS duties as a person conducting a business or undertaking (PCBU) under the Work Health and Safety Act 2020 where one or more persons are employed to carry out work for the organisation.**

## What does this mean for clubs?

- **Clubs that pay volunteers by invoice, honorarium, memberships, waiver fees etc. will be considered to be a PCBU.**
- **Volunteers within the club will now be provided the same protections as a “worker” under the WHS Act.**

# What Activities Are Covered by the WHS Act?



**Only work activities are covered by the WHS Act. Activities that are purely domestic, social, recreation or private in nature are not included.**

## **Examples:**

- **Maintenance of the things needed to enable an organisation to carry out its work. For example, groundskeepers.**
- **Activities that people are ordinarily paid to do but are carried out for the organisation by a volunteer. For instance, working the canteen.**
- **Activities that the organisation has a great degree of direction or influence over. For example, fixturing and events.**

# What Do We Need To Do?

**A PCBU under the WHS Act must ensure, so far as reasonably practicable, the health and safety of all its workers, including volunteers.**

## What does this mean?

- **The organisation must provide the same protections to its volunteers as it does to its paid workers. The protection covers the physical safety and mental health of all workers, including volunteers.**

## What are the PCBU's duties under the WHS?

- **Providing a safe place of work**
- **Providing for safe work systems**
- **Provide information, instruction, training and supervision on how to deal with hazards**
- **Monitoring the health and safety of workers (including volunteers)**
- **Provide for the safe use of plant, chemicals, equipment and structures**

# FAQS



**A PCBU under the WHS Act must ensure, so far as reasonably practicable, the health and safety of all its workers, including volunteers.**

## **1. What's a safe work system?**

**Documented processes that set out the task to be completed; all the potential hazards associated with that task; how the hazards are to be controlled and what safety equipment is required.**

## **2. Are all volunteers covered?**

**No. Volunteers that are deemed to be part of a volunteer association are not covered by the WHS Act.**

## **3. What WHS duty of care do volunteers have?**

**Volunteers have the same WHS duty of care as a worker;**

- Take reasonable care of their own safety and take care not to affect the health and safety of another person through their actions**
- Report hazards and incidents as they become apparent**
- Comply with any reasonable instruction and with workplace safety rules, policies, and procedures.**

## **4. Do I have to train volunteers?**

**Yes. All volunteers require some level of health and safety training, as is the care for any other worker, in order to perform their duties without harm. All volunteers must receive a health and safety induction when they commence work.**

# Further Information



**Government of Western Australia Department of Mines, Industry Regulation and Safety have some helpful resources to raise awareness of responsibilities and duties under the Work Health and Safety laws.**

- **[Introducing WHS Laws](#)**
- **[Consultation and Representation](#)**
- **[Volunteers and WHS Laws](#)**

**For further information on managing WHS for volunteers:**

- **[SafeWork Australia –www.safeworkaustralia.gov.au/topic/volunteers](http://www.safeworkaustralia.gov.au/topic/volunteers)**
- **[Volunteering Australia –www.volunteeringaustralia.org/resources](http://www.volunteeringaustralia.org/resources)**