

Scouts NSW Responsibility Under WHS Legislation

Scouts Australia NSW is a volunteer organisation that has paid workers and subsequently, has responsibilities under WHS laws.

Volunteers are called workers under the WHS Act and have the same WHS obligations as professional paid staff when performing activities defined as “work”. Workers also include work experience students, labour hire, consultants and contractors. 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, 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 • 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.

In addition to their responsibilities as workers, **managers and leaders** have additional responsibilities in WHS, regardless of whether they are paid or unpaid. Although their positions may not be specified as officers, managers can influence workplace safety. Therefore, managers are responsible for ensuring that the requirements of the various WHS Procedures, Leader Support Guides, Operations and Information (O&I), ScoutSafe training modules etc are implemented within the scope of their responsibility.

Volunteers and paid workers who participate in making, decisions that affect the whole or a substantial part of the organization 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 and that the organisation has appropriate systems of work in place to actively monitor and evaluate health and safety management within the organisation.

Whether we are paid staff or volunteers we all have responsibilities under the WHS Act, and as such if we fail in our duties, we can be prosecuted.

Peter Belan

WHS & Risk Manager

Scouts NSW