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Do PCBUs have to Train their Managers & Supervisors in WHS?

PCBUs need to rely on their Managers, Supervisors and/or Team Leaders to carry out those actions that will help the PCBU to achieve compliance with its duty and obligations. But do they have to be trained? This article takes up some key sections of the WHS Act to answer the question and provide possible solutions.

Some Key Sections in the WHS Act

Section 19 of the WHS tells us that the primary duty of care of the PCBU is to do everything “reasonably practicable” to ensure the health and safety of everyone in the workplace.

Section 18 explains what “reasonably practicable” means and what a PCBU must take into consideration to achieve it.

Section 17 tells us that if it is not reasonably practicable to eliminate risks, then the PCBU must minimise them so far as is reasonably practicable.

And Sections 46 and 47 tells us that the PCBU must consult with Workers and other duty holders in their workplace about WHS matters.

Section 48 explains the “nature of consultation”.

Section 49 explains when Workers and other duty holders must be consulted about WHS matters.

And Section 28 tells us that Workers must:

- take reasonable care of the health and safety of themselves and other persons, and
- comply with any reasonable instruction from the PCBU, and
- co-operate with any reasonable policy or procedure of the PCBU.

Managers, Supervisors and/or Team Leaders are included as Workers under Section 28. So they must satisfy the requirements of Section 28 and the WHS responsibilities and authority given to them by the PCBU because of the position they have in their workplace.

The PCBU needs to ensure that they are competent and active in doing that. And that is achieved through training. If they do not know, understand, and implement required actions then the PCBU is in breach of their primary duty of care (Section 19).

What WHS Training is Essential?

Failure to comply with Section 19 is the most common reason for a PCBU being prosecuted.

So it is very important that the PCBU works out what training he has to give to Managers, Supervisors and/or Team Leaders to ensure that everything “reasonable practicable” is done to ensure health and safety in their workplace and that includes consultation (Sections 46 to 49).

Training could include understanding and implementing specifics such as:

- WHS legal requirements and duty of care for their workplace,
- their duty of care and what they must do to satisfy it,
- the WHS responsibilities given to them by the PCBU and what they must do to satisfy those,
- how their role fits with, and contributes to, the WHS Management System,
- how to inspect their area of the workplace and identify hazards,
- how to assess risks and how select appropriate risk control measures for their workplace,
- how to effectively consult with Workers, HSR’s and Health & Safety Committee members,
- how to do an incident investigation.

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