



## What is Work Health and Safety (WHS)?

In 2012 Work Health and Safety was established, replacing what was formerly known as Occupation Safety and Health (OH&S).

An important part of managing a school canteen is to ensure the health and safety of all canteen workers and visitors. This is carried out by taking two steps:

1. Firstly, making a commitment to safety and developing a policy statement (see HKA WHS Policy template).
2. Secondly, the ongoing management of ensuring safety in the canteen, is by taking a risk management approach, whereby, the risks are identified, assessed and controlled in a pro-active and ongoing manner, rather than waiting for an injury or accident to arise, before taking action.

The *NSW Work Health and Safety Act 2011* is the legislation that covers all NSW workplaces and describes the general requirements that ensure a safe and healthy workplace.

Under this legislation, the school canteen is a workplace, even if the workers are unpaid. This legislation imposes duty of care responsibilities on employers, known as a Person Conducting a Business or Undertaking (PCBU). For a school canteen, the PCBU may be the school's parent body, the Principal, or the Leasee.

WorkCover NSW is the statutory authority that administers WHS and compensation legislation and is responsible for workplace health, safety and welfare in NSW.

WorkCover NSW can be contacted on 13 10 50 or at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

### Responsibilities – Primary Duty of Care:

Division 2 of the legislations states:

**Primary duty of care** - The [person conducting a business or undertaking](#) (PCBU) has a primary duty of care to ensure workers and others are not exposed to a risk to their health and safety. A [primary duty of care](#) is owed by a PCBU when it:

- directs or influences work carried out by a worker
- engages or causes to engage a worker to carry out work (including through subcontracting)
- has management or control of a workplace.

The PCBU must meet its obligations, so far as is [reasonably practicable](#), to provide a safe and healthy workplace for [workers](#) or [other persons](#) by ensuring:

- safe systems of work
- a safe work environment
- accommodation for workers, if provided, is appropriate
- safe use of plant, structures and substances

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- facilities for the welfare of workers are adequate
- notification and recording of workplace incidents
- adequate information, training, instruction and supervision is given
- compliance with the requirements under the work health and safety regulation
- effective systems are in place for monitoring the health of workers and workplace conditions.

#### **Duties of a worker**

A worker must, while at work:

- take reasonable care for their own health and safety
- take reasonable care for the health and safety of others
- comply with any reasonable instruction by the PCBU
- cooperate with any reasonable policies and procedures of the PCBU.

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