

## Duty of Care Policy

Optimum Choice is cognisant of their responsibilities contained in the Western Australia Occupational Health and Safety Act 1984 (03 October 2018 – Version 07-jo-01). Specifically the requirements detailed in Section 19 “Duties of Employers” and Section 20 “Duties of Employees (Duty of Care).

### **Duties of employers**

An employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer shall:

- provide and maintain workplaces, and systems of work such that, so far as is practicable, the employees are not exposed to hazards.
- provide such information, instruction, training supervision, as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;
- where it is not practicable to avoid the presence of hazards at the workplace, provide the employees with necessary equipment or approved procedures, at the workplace can be carried out in a manner such that the employees are not exposed to hazards.
- In determining the training required to be provided with regard shall be had to the functions performed by employees and the capacities in which they are employed.

### **Duties of employees**

An employee shall take reasonable care to ensure his or her own safety and health at work and to avoid adversely affecting the safety or health of any other person. And,

- Fails to comply, so far as the employee is reasonably able, with instructions given by the employer for the safety or health of the employee or for the safety or health of other persons.
- Fails to use such protective clothing and equipment as is provided, or provided for, in a manner in which he or she has been properly instructed to use it, or
- Misuses or damages any equipment provided in the interests of safety or health, or fails to report to the employer any situation at the workplace that the employee has reason to believe could constitute a hazard to any person that the employee cannot correct or any injury or harm to health of which he or she is aware that arises in the course of, their work.
- An employee shall cooperate with the employer in the carrying out by the the obligations imposed on the employer under this Act.

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