

Understanding Duty of Care and Safe Work Practices

People who require paid supports have a right to expect the highest quality support. People with disability may retain people to provide support services to them. In these cases, they effectively become the Employer of the support staff.

For the purpose of these articles, people with disability will be referred to as the "**Employer**", and the retained support staff will be referred to as the "**Employee**".

All Employees have an obligation to ensure that they do what is reasonable to minimise the risks to the Employer and to ensure that they do what is reasonable to uphold the Employee's rights to safety and well being.

It is important for you, the Employer, to understand the Duty of Care owed to you by Employees and Contractors, as well as the Duty of Care that you owe to your Employees and Contractors in your capacity as their Employer.

The articles in this section provide and outline of what what is involved with understanding duty of care and safe work practices.

Defining Duty of Care - it is important when employing people to understand that you have primary responsibility to ensure that you have implemented reasonable and practical measures to ensure the health and safety of all workers and that anyone you employ understands their duty of care. .

Informed Decision Making - it is important that employees understand that they have a role to provide information and opportunities for growth in decision making, not to make decisions on behalf of you.

Duty of Care Legislation - to meet the legislative requirements you need to assess places that people are required to work in, identify potential risks and make a plan to deal with these risks. This includes consulting with your employees and reporting any significant incidents.

Duties of your Employees - employees have a responsibility to take reasonable care of their own health and safety including identifying, reporting and problem solving around risks in their place of work.

Standard of Care - involves analysing what is reasonable and practical to ensure health and safety while taking in a number of relevant factors such as how likely is it that the risk will arise, what is the potential harm, what is reasonably foreseeable and



the availability of options and the costs associated with minimising or eliminating risks. A breach of duty of care occurs when either party is deemed to have not acted on what is foreseeable with reasonable and practical actions.

Injuries sustained by Employers - what would you reasonable expect from your employees if you sustained an injury while they are on duty.

Safe Work Practices - you may be called on to provide evidence of what reasonable measures you implemented to inform workers of the potential risks and your plan to minimise the consequences of these risks. Having a risk assessment and plan to minimise risks will demonstrate that you have understood and taken responsibility for your duty to care for the health and safety of the people you employ.

Disclaimer: *These articles are intended to provide general information and commentary regarding workplace health and safety and duty of care obligations. It is not intended to be a comprehensive coverage of the subject areas.*