



WorkSafe's Enforcement Policy

1. All provisions of the [OSH Act and Occupational Safety and Health Regulations 1996](#) are important in regard to the need to comply, and will be appropriately enforced.
2. The enforcement action that is warranted will depend on the circumstances of the case and the seriousness of the breach.
3. Non-compliance will be addressed by: improvement notice, prohibition notice, prosecution action, verbal direction, or any combination of these. See above for an explanation of what these are.
4. Verbal directions only relates to situations where a breach can be immediately fixed and inspected prior to the inspector leaving the site.
5. Action taken by the inspector, including verbal directions, will be conveyed to the employer, safety and health representatives or safety and health committee or any other relevant party while the inspector is at the workplace.
6. WorkSafe's [Prosecution Policy](#) details the relevant considerations associated with decisions relating to instituting and continuing a prosecution, and also covers considerations relating to appeals. Prosecutions are commenced in circumstances including:
 - a. where the issue of notices is not considered sufficient for ensuring compliance with the OSH Act or regulations;
 - b. where an alleged breach of the Act or regulations either has resulted, or could have resulted, in a fatality or serious injury;
 - c. alleged failure to comply with an improvement or a prohibition notice;
 - d. where an inspector alleges a person has repeated the same offence;
 - e. in cases of discrimination against an employee for any action in relation to occupational safety and health;
 - f. breaches of the consultative provisions of the Act; and
 - g. where there is obstruction of an inspector.
7. Circumstances may arise in the process of investigating a serious injury or fatality where WorkSafe and the Western Australia Police both have an interest in investigating a fatal or serious incident. In these circumstances, WorkSafe and the Western Australia Police will both investigate and not interfere with each other's investigation.
8. Prosecution action is taken in accordance with WorkSafe's [Prosecution Policy](#).

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