



INFORMATION SHEET

The health and safety duty of an officer

Who is an officer?

Having the word 'officer' in your work title is not what makes someone an officer under work health and safety (WHS) laws. Officers are in positions that allow them to exercise significant influence over decision-making for the organisation or have the capacity to significantly affect the financial standing of the organisation. The decision-making does not have to specifically involve WHS issues – it is about decisions in general that substantively affect the organisation. See interpretive guideline [The health and safety duty of an officer](#) for more.

An officer must use due diligence to ensure the [person conducting a business or undertaking](#) (PCBU) meets its health and safety duties to protect workers and other persons from harm.

What is due diligence?

Due diligence in relation to WHS means ensuring the PCBU implements and maintains appropriate and safe systems of work. This includes monitoring and evaluating how WHS is managed within the organisation.

An officer may not be directly involved in day-to-day management, but must ensure the PCBU facilitates a safe work environment, through providing resources, creating and enforcing processes and procedures, and reviewing risks, incidents and controls.

Refer to s. 27(5) of the WHS Act for a list of due diligence requirements.

Why is there an officer duty?

Officers can strongly influence the culture and accountability of the business or undertaking through their corporate responsibilities, decisions and behaviour. Officers have a duty to exercise due diligence because they make investment and policy decisions that can affect health and safety outcomes at the workplace.

What does it mean to participate in making decisions?

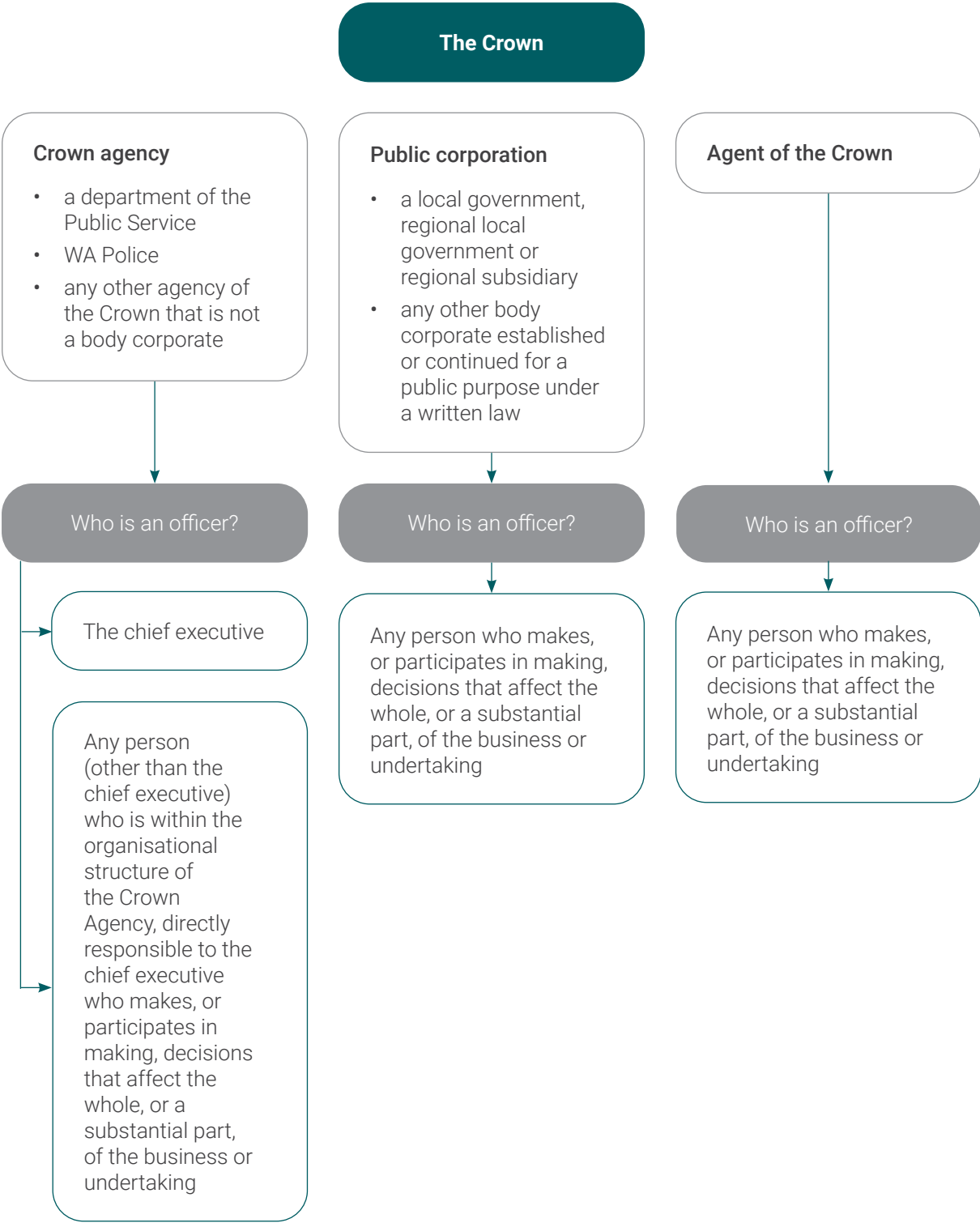
Decision-making is defined as the act or process of deciding on something, either alone or with other people. It is important to realise that an officer may not be directly involved

An officer can be considered a participant in the decision-making process by contributing or making the decision. A person only responsible for recommending or applying those decisions would not be an officer on that basis.

What is a large (substantial) part of a business or undertaking?

Whether a decision affects a large part of a business or undertaking can only be assessed on a case by case basis. An assessment could include determining whether they are high-level or strategic decisions or not, how many people are affected, the financial picture including outlay and maintenance, whether it affects core activities and by how much etc.

Who are officers of the Crown?



Can an officer be charged with an offence under WHS law?

An officer may be charged with certain offences under WHS Act law if they fail their duty of due diligence. This applies even if the PCBU wasn't convicted or found guilty of an offence.

Can a volunteer be an officer?

For a volunteer to be an officer in relation to WHS duties, the volunteer organisation must meet the definition of a PCBU. This means the organisation has to employ at least one paid worker. Whether a volunteer of a PCBU is an officer will depend on their involvement and influence over the organisation.

A volunteer may be an officer if they:

- sit on a board or committee of an organisation
- they make, or participate in making, decisions that affect the whole, or a large part of the organisation
- they have the capacity to significantly affect the financial standing of the organisation

See interpretive guideline [Work health and safety for volunteer organisations](#) for more information.

A volunteer who is an officer has a duty to exercise due diligence, but cannot be prosecuted for failing to comply with that duty. See [Responsibilities of workers and others at the workplace](#) for more.