



### **Introduction to Safe Work Obligations (Editorial)**

Work Health and Safety (WHS) is a critical aspect of every business, safeguarding the well-being of employees, contractors, and visitors. Compliance with the **WHS Act 2011** (or **OHS Act 2004** for businesses in Victoria) is not just a legal requirement—it is essential for creating a safe and productive work environment.

Without qualified internal WHS support, many businesses struggle to meet their obligations, potentially exposing themselves to serious legal and financial risks. Inadequate attention to safety policies, risk management, and worker consultation can lead to accidents, workplace injuries, and even fatalities. Moreover, non-compliance can result in significant penalties and operational disruptions.

To help businesses stay on track with their safety obligations, we have outlined **20 common compliance gaps** businesses often face under the WHS Act, and what steps need to be taken to address them. By identifying and addressing these gaps, businesses can significantly improve their safety culture and reduce their exposure to risks.

Safe Work compliance involves both initial set up and establishing foundations for compliance **AND** ongoing processes & reviews to maintain compliance. We find many businesses do ok with initial set up and establishing compliance but struggle with ongoing compliance. This can potentially put the business (and workers) at risk. Health and Safety management is not a “set and forget.” It is something we “do,” not something we “did.”

### **(1) Initial Set: Establishing Compliance**

#### **1. Lack of Foundation Work, Health & Safety Documentation**

- **Gap:** Without a formal Safety Company Manual and Worker Safety Handbook, a business is lacking a documented process for identifying, assessing & managing workplace hazards.
- **Risks:** Increased likelihood of workplace injuries & illnesses, Legal & Financial consequences, Reputational Damage, Adverse worker morale, lower productivity, and higher turnover.
- **Fix:** Develop Tailored Company Safety Manuals & Worker Safety Handbooks based on a full WHS review.
- **Key Question:** What WHS Foundation Documentation is in place? What was the process to prepare this documentation and is it tailored & bespoke specifically for your business?

#### **2. Lack of WHS Policy and Commitment from Management**

- **Gap:** Absence of a clear WHS policy and lack of commitment from top management to enforce it.
- **Risks:** Inadequate safety culture, poor worker morale, and legal liability in case of workplace accidents.
- **Fix:** Develop a comprehensive WHS policy that reflects legal obligations and is endorsed by top management. Ensure the policy is communicated across the organization.
- **Key Question:** How does your management demonstrate commitment to WHS, and how is the WHS policy communicated to all employees?

#### **3. Failure to Identify WHS Roles and Responsibilities**

- **Gap:** Lack of defined roles and responsibilities regarding WHS within the business.
- **Risks:** Lack of accountability, confusion about responsibilities, and increased risk of workplace incidents.
- **Fix:** Clearly define and communicate the roles and responsibilities for WHS to all levels of the organization, assigning accountable individuals.
- **Key Question:** How do you assign specific WHS responsibilities within your organization, and how is this communicated to employees?

#### 4. Lack of Formal Risk Management System

- **Gap:** No structured approach to identifying, assessing, and managing risks in the workplace.
- **Risks:** Increased likelihood of accidents, legal claims, and regulatory penalties.
- **Fix:** Implement a formal risk management system that includes hazard identification, risk assessment, and control measures.
- **Key Question:** What system do you have in place for identifying, assessing, and managing workplace risks?

#### 5. Failure to Document Hazardous Work Processes

- **Gap:** Work processes that pose significant risks are not formally documented.
- **Risks:** Accidents due to lack of safety protocols, and challenges in defending against claims.
- **Fix:** Ensure all hazardous work processes are documented with detailed procedures and safety guidelines.
- **Key Question:** How do you document and communicate the safety procedures for hazardous work processes?

#### 6. Inadequate Consultation with Workers on WHS Matters

- **Gap:** Insufficient consultation with employees regarding health and safety matters.
- **Risks:** Failure to identify safety hazards, worker dissatisfaction, and potential legal consequences.
- **Fix:** Implement regular consultations with workers on safety matters through meetings, feedback sessions, and safety committees.
- **Key Question:** How do you involve your workers in health and safety matters and gather their feedback on workplace risks?



#### 7. Failure to Establish Emergency Procedures

- **Gap:** No clear or practiced emergency response procedures.
- **Risks:** Ineffective response in emergencies, leading to greater harm, fines, or reputational damage.
- **Fix:** Develop and communicate emergency response procedures for different scenarios, including evacuation and first aid protocols.
- **Key Question:** What emergency procedures are in place, and how do you ensure all employees are familiar with them?

## 8. Inadequate Training and Induction Programs

- **Gap:** Employees are not provided with comprehensive WHS training, especially new hires.
- **Risks:** Increased risk of accidents, legal claims, and operational disruptions due to untrained workers.
- **Fix:** Develop detailed induction and ongoing training programs on WHS practices, ensuring all employees are properly trained for their roles.
- **Key Question:** How do you ensure all employees, including new hires, receive appropriate WHS training and induction?

## 9. Failure to Provide Proper Personal Protective Equipment (PPE)

- **Gap:** PPE is either not provided or not suitable for the hazards employees are exposed to.
- **Risks:** Exposure to hazardous materials, legal liability for worker injuries, and increased insurance costs.
- **Fix:** Perform a PPE needs assessment and ensure that suitable PPE is provided to workers based on the risks identified.
- **Key Question:** How do you assess PPE requirements and ensure that appropriate equipment is provided and maintained?



## 10. Lack of WHS Documentation and Record Keeping

- **Gap:** Failure to maintain accurate and comprehensive WHS records (e.g., risk assessments, safety audits, training records).
  - **Risks:** Difficulty defending against claims, regulatory penalties, and operational inefficiency.
  - **Fix:** Implement a robust system for recording and storing WHS-related documents, ensuring they are easily accessible.
  - **Key Question:** How do you ensure that all WHS-related records are accurately maintained and stored securely?
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## (2) Ongoing Compliance

### 11. Not Regularly Reviewing Risk Assessments

- **Gap:** Risk assessments are not regularly reviewed or updated.
- **Risks:** Increased risk exposure, ineffective controls, and possible legal consequences.
- **Fix:** Establish a process for regularly reviewing and updating risk assessments, particularly when there are changes in the workplace.
- **Key Question:** How often do you review and update your risk assessments, and what triggers a review?

### 12. Failure to Monitor and Evaluate Safety Performance

- **Gap:** No systems in place to monitor the effectiveness of safety measures.
- **Risks:** Inability to identify areas for improvement, increased accidents, and failure to meet compliance standards.
- **Fix:** Establish a system to track and evaluate safety performance regularly, using indicators such as accident rates and near misses.
- **Key Question:** How do you monitor and evaluate the effectiveness of your WHS measures and performance?

### 13. Failure to Address Worker Feedback

- **Gap:** Not acting on feedback from workers regarding health and safety concerns.
- **Risks:** Employee dissatisfaction, legal claims, and overlooked safety hazards.
- **Fix:** Develop a process for reviewing and acting upon worker feedback on WHS issues to improve safety practices.
- **Key Question:** How do you collect and act upon feedback from workers regarding health and safety concerns?

### 14. Lack of Workplace Safety Inspections

- **Gap:** No regular safety inspections to identify new hazards.
- **Risks:** Failure to identify and mitigate new hazards, potential for accidents, and regulatory fines.
- **Fix:** Implement routine workplace safety inspections, with a focus on high-risk areas, and document the findings.
- **Key Question:** How often do you conduct workplace safety inspections, and how do you ensure that identified hazards are promptly addressed?



## 15. Failure to Investigate Incidents Thoroughly

- **Gap:** Workplace incidents are not thoroughly investigated to identify root causes.
- **Risks:** Recurrent incidents, unaddressed safety concerns, and regulatory non-compliance.
- **Fix:** Develop a procedure for investigating all workplace incidents, including near misses, and implement corrective actions based on findings.
- **Key Question:** How do you investigate workplace incidents, and what steps do you take to prevent them from recurring?

## 16. Not Involving Contractors in WHS Compliance

- **Gap:** Contractors are not properly briefed on WHS requirements or monitored for compliance.
- **Risks:** Legal liability for accidents involving contractors, and damage to business reputation.
- **Fix:** Ensure all contractors are provided with site-specific WHS inductions and monitored to ensure compliance with WHS standards. (As they are considered “workers” under WHS legislation)
- **Key Question:** How do you ensure contractors are fully aware of and comply with WHS requirements while working on your site?

## 17. Failure to Update Emergency Procedures

- **Gap:** Emergency procedures are outdated or not tested.
- **Risks:** Ineffective emergency response, higher injury rates, and reputational damage.
- **Fix:** Regularly review and test emergency procedures to ensure they are effective and up to date.
- **Key Question:** How do you ensure that your emergency procedures are regularly updated and tested for effectiveness?

## 18. Not Keeping Up with ongoing WHS/OHS Legislative Changes

- **Gap:** Failing to stay updated with changes in WHS/OHS laws.
- **Risks:** Compliance breaches, fines, and increased liability for non-compliance.
- **Fix:** Subscribe to relevant WHS/OHS updates and ensure regular reviews of policies and procedures to stay compliant with any legislative changes.
- **Key Question:** How do you stay informed about changes to WHS/OHS laws, and how do you integrate these updates into your business practices and documentation?

## 19. Not Tracking WHS Training and Certification

- **Gap:** No tracking system for ensuring workers have up-to-date WHS training and certifications.
- **Risks:** Legal claims, regulatory penalties, and accidents due to untrained staff.
- **Fix:** Implement a system to track and manage WHS training and certifications, ensuring employees remain compliant with legal requirements.
- **Key Question:** How do you track and manage WHS training and certification for all employees?

## 20. Failure to Manage Mental Health, Work Life Balance & Psychosocial Hazards in the workplace.

- **Gap:** Creates significant gaps in compliance under the WHS Act 2011 (or OHS Act 2004 in Vic). These include failure to identify psychological risks, lack of preventative measures, inadequate reporting systems, absence of support mechanisms, limited training & education and a lack of regular monitoring and reviewing.
- **Risks:** Increased workplace incidents, employee turnover & attrition, legal & financial consequences, reputational damage, reduced productivity & engagement, and increased workers compensation claims (and hence also premiums)
- **Fix:** Risk Assessment & Hazard identification, develop a Mental Health & Wellbeing Policy, Provide Support Services (such as an EAP), Training & Education, create a Safe Reporting Environment, regularly monitor & Evaluate and Promote Work-Life Balance.
- **Key Question:** What strategies and support systems are in place to manage mental health & psychosocial hazards in the workplace, and how do you ensure that employees’ mental health needs are met?

## Conclusion for Safe Work Obligations

In conclusion, maintaining compliance with the WHS Act 2011 (or OHS Act 2004 in Victoria) is essential for ensuring the safety and well-being of everyone in the workplace, including visitors. By addressing the common gaps outlined above, businesses can not only reduce the risk of accidents and legal penalties but also foster a culture of safety and responsibility.

Proactively managing health and safety obligations will help create a safer workplace, improving both employee morale and business performance.

If we can assist your business in any way, around your managing your legal Fair Work & Safe Work obligations, do not hesitate to contact me direct, or click on the image below for further information:



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Kind Regards

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