



1.2 Evaluate Employer and Organisational Duties Under Applicable Legislation

Learning Outcome: By the end of this session, learners should be able to evaluate employer and organisational duties under applicable occupational health and safety legislation. Learners will examine statutory duties, director and officer accountability, duty of care obligations, and the governance implications of legislative compliance.

Learning Objectives

After completing this topic, learners will be able to:

1

Explain the general and specific statutory duties of employers.

2

Evaluate the legal responsibilities of directors, officers, and senior managers.

3

Assess the importance of duty of care and risk management obligations.

4

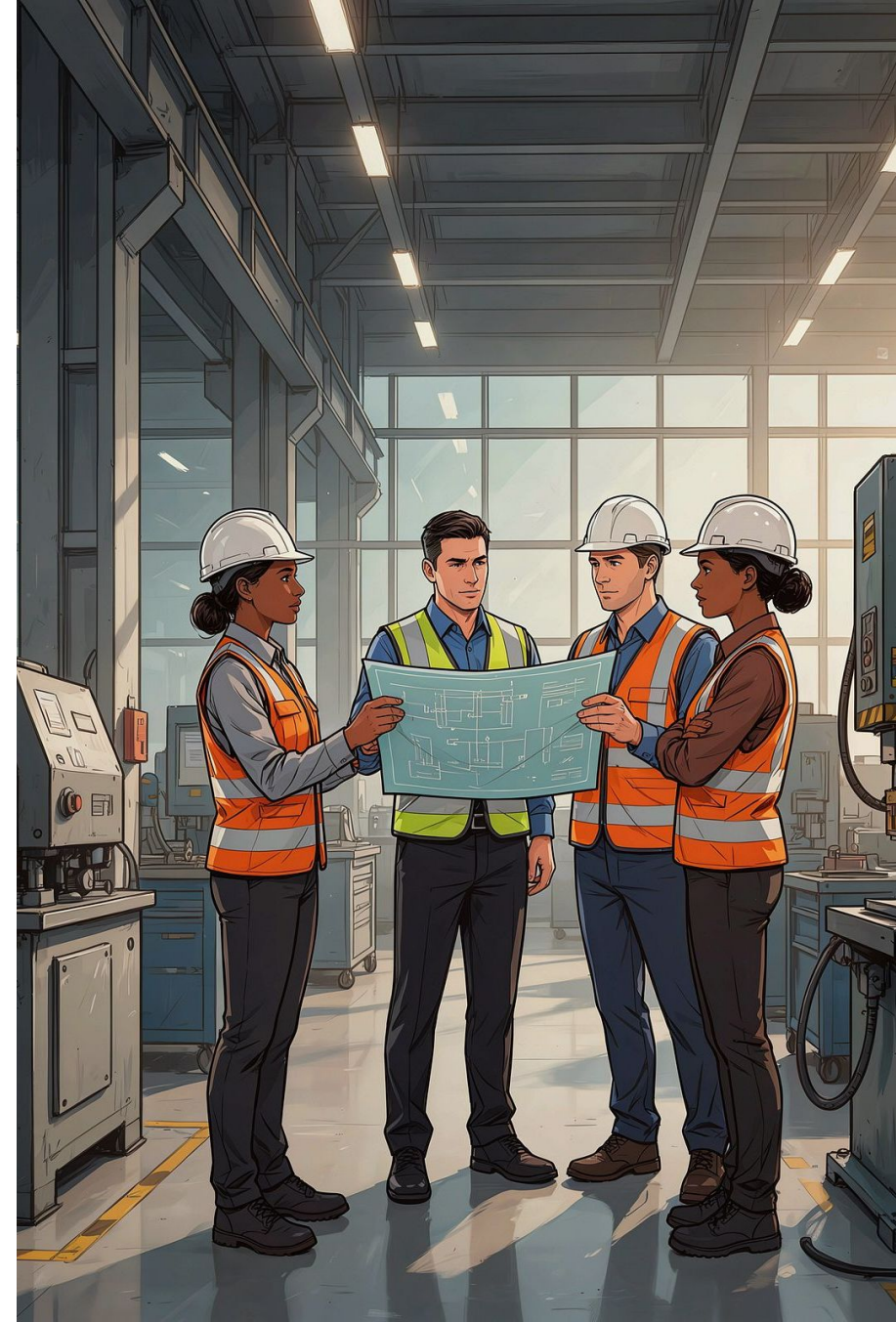
Critically evaluate how legislative compliance supports effective organisational governance.



Introduction

Occupational health and safety legislation places significant legal responsibilities on employers and organisations to protect workers and others who may be affected by their activities. These responsibilities extend beyond simply complying with regulations; they require organisations to proactively identify hazards, assess risks, implement suitable controls, and continually monitor workplace health and safety performance.

Effective compliance is a legal obligation and a key element of good governance. Organisations that fulfil their duties create safer workplaces, reduce legal exposure, enhance stakeholder confidence, and improve long-term organisational performance.



1. General and Specific Statutory Duties

Occupational health and safety legislation typically places general duties on employers while also imposing specific duties for particular hazards, industries, or activities.

General Statutory Duties

Although legal wording varies across countries, employers are generally required to:

Provide a safe and healthy workplace.

Ensure safe plant, machinery, and equipment.

Develop safe systems of work.

Identify hazards and assess risks.

Provide suitable information, instruction, training, and supervision.

Consult workers on health and safety matters.

Provide appropriate welfare facilities.

Monitor workplace health and safety performance.

These duties apply to all organisations regardless of size or industry.

Specific Statutory Duties

Specific duties usually relate to higher-risk activities or specialised areas.

Examples include:

- | | | | |
|---|---------------------------|---|---|
|  | Working at height. |  | Hazardous chemicals. |
|  | Manual handling. |  | Electrical safety. |
|  | Fire safety. |  | Construction activities. |
|  | Confined spaces. |  | Personal Protective Equipment (PPE). |

These duties require employers to implement additional controls appropriate to the level of risk.

1. Director and Officer Accountability

Health and safety is no longer viewed solely as the responsibility of safety professionals. Directors and senior leaders are expected to provide strategic leadership and ensure legal compliance throughout the organisation.

Directors and officers should:

Establish a clear OHSES policy.

Demonstrate visible leadership.

Allocate sufficient resources.

Ensure effective risk management.

Monitor OHSES performance.

Promote a positive safety culture.

Ensure legal compliance.

Review organisational performance regularly.

In many jurisdictions, directors and officers may be held personally accountable where serious failures in governance or leadership contribute to legal breaches.

1. Duty of Care and Risk Management Obligations

Duty of Care

A duty of care is the legal and ethical obligation to take reasonable steps to prevent harm to people who may be affected by organisational activities.

This duty extends to:

- Employees.
- Contractors.
- Visitors.
- Customers.
- Members of the public.

Duty of care requires organisations to act proactively rather than waiting for incidents to occur.

Risk Management Obligations

Employers should implement a structured risk management process by:

- Identifying hazards.
- Assessing risks.
- Implementing suitable control measures.
- Monitoring effectiveness.
- Reviewing controls regularly.

The objective is to reduce risks to a level that is reasonably practicable and maintain continual improvement.

1. Governance Implications of Legislative Compliance

Legal compliance is an important element of corporate governance.

Effective governance requires organisations to:

01

Understand applicable legal requirements.

02

Allocate responsibilities.

03

Maintain compliance records.

04

Conduct internal audits.

05

Investigate incidents.

06

Report significant events.

07

Review performance through management and board oversight.

Strong governance demonstrates accountability, transparency, and responsible leadership.

 Failure to comply with legislation may result in legal action, financial penalties, reputational damage, and loss of stakeholder confidence.



International Standards Supporting Employer Duties

Although international standards are generally voluntary, they provide recognised frameworks for meeting legal obligations.



1

ISO 45001:2018

Leadership, legal compliance, worker participation, and continual improvement.

2

ISO 31000:2018

Risk management principles.

3

ISO 14001:2015

Environmental compliance and risk management.

4

ILO Occupational Safety and Health Conventions

International guidance on employer responsibilities and worker protection.

Practical Case Study Scenario

A construction company plans to undertake a major infrastructure project.

To meet its legal duties, the organisation:

- Conducts comprehensive risk assessments.
- Provides competency-based training.
- Supplies appropriate PPE.
- Consults workers during planning.
- Carries out regular workplace inspections.
- Reviews safety performance at Board meetings.
- Investigates all incidents and near misses.

As a result, the organisation demonstrates legal compliance, reduces workplace risks, and strengthens its governance framework.



Critical Evaluation

Employer duties under occupational health and safety legislation extend beyond compliance with statutory requirements. Modern organisations are expected to demonstrate effective leadership, robust risk management, and strong governance to protect workers and other stakeholders. Directors and senior officers play a critical role by setting strategic direction, allocating resources, and ensuring accountability throughout the organisation. While legislation establishes minimum legal standards, organisations that integrate these duties into their governance systems and organisational culture are better positioned to improve safety performance, reduce legal risks, and achieve sustainable business success.



Summary Table

Employer Duty	Purpose
General Statutory Duties	Protect workers through safe workplaces, systems, and supervision
Specific Statutory Duties	Control risks associated with particular hazards or industries
Director and Officer Accountability	Provide leadership, governance, and oversight of OHSES performance
Duty of Care	Take reasonable steps to prevent harm to workers and others
Risk Management	Identify, assess, control, and monitor workplace risks
Legislative Compliance	Support effective governance, accountability, and continual improvement

Reflective Questions

- Why do occupational health and safety laws place responsibilities on both employers and directors?
- How does the duty of care influence organisational decision-making?
- What is the difference between general statutory duties and specific statutory duties?
- Why is legislative compliance considered an essential element of good corporate governance?

Global Perspective

Although employer duties vary between jurisdictions, the underlying principles remain consistent worldwide. Employers are expected to provide safe workplaces, manage risks, consult workers, comply with applicable legislation, and demonstrate effective leadership. Organisations operating internationally should establish legal compliance processes that address both local statutory requirements and internationally recognised best practices such as ISO 45001 and ILO conventions.

Key Takeaways

- Employers have both general and specific statutory duties to protect workers and others affected by their activities.
- Directors and senior officers are responsible for providing leadership, governance, and accountability for OHSES performance.
- Duty of care requires organisations to take reasonable and proactive steps to prevent harm.
- Effective risk management is central to meeting legal obligations and reducing workplace risks.
- Legislative compliance strengthens organisational governance, protects reputation, and supports long-term business sustainability.
- International frameworks such as ISO 45001, ISO 31000, ISO 14001, and ILO conventions help organisations meet legal responsibilities and demonstrate good OHSES governance.