

# OCCUPATIONAL HEALTH & SAFETY

## OBLIGATIONS FOR OWNERS CORPORATIONS



The Owners Corporation must take proactive measures to meet its Occupational Health & Safety (OHS) obligations. This includes ensuring a safe environment for all occupants and workers, maintaining effective risk management systems, and engaging appropriately qualified personnel. While the Manager may support these efforts, the Owners Corporation retains full responsibility for compliance with the OHS Act.

### Obligations of the Owners Corporation:

#### 1. Compliance with OHS Legislation:

- The Owners Corporation must comply with the *Occupational Health and Safety Act 2004* (OHS Act) to ensure the health and safety of all individuals on the property.

#### 2. Responsibility for Workers and Third Parties:

- It is responsible for ensuring all individuals employed, engaged, or working on its behalf comply with the OHS Act, including adhering to any policies, manuals, or rules established by the Owners Corporation.

#### 3. Risk Management Systems:

- Owners Corporations must implement and maintain systems to identify, assess, and eliminate risks and hazards on the property in accordance with OHS Act standards.

#### 4. Training and Supervision:

- All personnel working on the property must receive appropriate training and supervision. Only qualified individuals should be engaged for third-party work, ensuring a high standard of safety and professionalism.

#### 5. Control of Premises:

- As the entity in control of the premises, the Owners Corporation holds the ultimate responsibility for the safety of anyone on or using the property.

#### 6. Role as Principal:

- In contracts or agreements, the Owners Corporation is considered the Principal, bearing liability for compliance. The Manager acts solely as an agent and is indemnified from being considered the Principal.

### Role of the Manager:

#### 1. Scope of Manager's Duties:

- The Manager is not required to inspect the property or attend to repairs, maintenance, or compliance tasks unless explicitly directed by the Owners Corporation or if the issue involves an immediate safety concern.

#### 2. Hazard Reporting:

- If the Manager identifies defects or hazards, they must inform the Owners Corporation promptly. This enables the Owners Corporation to make necessary decisions and allocate funds for repairs.

#### 3. Indemnification of the Manager:

- The Manager is indemnified against any claims arising from breaches of the OHS Act by the Owners Corporation. This reinforces that the Owners Corporation retains ultimate accountability for compliance.

The *Occupational Health and Safety Act 2004* can be found at:

<https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004/044>