Company Officer Due Diligence Plan

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| Company Officer Name | Date Of Plan | | Officer Signature |
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| An Officers due diligence:  Under the *Work Health and Safety Act* (Model) Officers of a PCBU must exercise due diligence in accordance with section 27 of the Act. Due diligence refers to taking ‘reasonable steps’ under the banner of 6 broad elements (see below) that address WHS matters.  A Workers duty of care:  Section 28 of the Act requires Workers to take ‘reasonable care’ both for their own safety and that their acts or omissions do not adversely affect the health and safety of others. Workers must comply with reasonable instruction and cooperate with any reasonable policy and procedure.  Duties of other persons:  Similarly, Section 29 of the Act requires other persons at a workplace to take much the same duties as a worker.  *\*Penalties do apply for not meeting a duty.* | | The DD Plan   1. Review the 6 elements of WHS due diligence. 2. For each of the areas, consider how you go about demonstrating each area of exercising your due diligence. Think of answers from a company-wide point of view and/or related more specifically to project management, job planning, specific task, hazards and risk management. 3. Now identify areas and opportunities for improvement over the coming year for you and perhaps your key stakeholders/Team members to work on. 4. Periodically check-in and review how you’re going against items identified in point 3 (i.e. quarterly) and renew the plan every 12-months to support continuous improvement. | |

***The 6 Elements of Due Diligence***

**Verify**

**Verify the  
provision and  
use of the  
resources and  
processes**

**Comply**

**Compliance  
with work health  
and safety and  
other relevant legislation**

**Know**

**Acquire and  
keep up to date knowledge of  
WHS matters**

**Monitor**

**Monitor  
information on  
hazards, risks  
and incidents  
and respond in  
a timely way to  
that information**

**Resources,  
processes**

**Provide and  
use appropriate resources and processes  
to manage  
WHS risks**

**Understand**

**Gain an understanding  
of the nature of  
the operations  
as a business  
or undertaking**

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| Due diligence area | Possible Regulator Questions Requiring A Response | Response To Exercising The Due Diligence Area |
| Know  ***Acquire and keep up to date knowledge of WHS matters***  You must acquire knowledge to enable your understanding and test the information presented and make informed decisions. This should be systematically acquired and maintained. | How do you keep up to date with WHS matters and access that information?  How does your company distribute WHS information to officers and workers?  How do you know that the WHS information distributed is sufficient?  Who is responsible for distributing and reporting on WHS information?  How do you demonstrate that you know your legislative requirements? |  |

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| Due diligence area | Possible Regulator Questions Requiring A Response | Response To Exercising The Due Diligence Area |
| Understand  ***Gain an understanding of the nature of your operations as a business or undertaking***  You are expected to understand the critical risks arising from the operations and the controls which are in place to address them. | How well do you understand your operations?  How are operational changes communicated?  How well do you understand hazards relating to operations?  How are the critical risks and hazards of the company identified?  How do you show evidence of your understanding? |  |
| **Due diligence area** | **Possible Regulator Questions Requiring A Response** | **Response To Exercising The Due Diligence Area** |
| Resource and process  ***Provide and use appropriate resources and processes to manage WHS risks***  You are required to consider the safety impact of resource decisions. Resources include human resources not just financial. | What human resources do you have in place to manage WHS? And what process have you gone through to make to deem this adequate?  What investments have you made in providing the business the appropriate level of resources to manage WHS risks?  What examples can you provide? |  |
| **Due diligence area** | **Possible Regulator Questions Requiring A Response** | **Response To Exercising The Due Diligence Area** |
| Monitor  ***Monitor information on incidents, hazards and risks and respond in a timely way to that information.***  Analysing and learning from incident and near miss data is critical to avoiding further incidents. | Do incident, hazard and risk reports provide an accurate picture of the health and safety issues in the business?  How do you verify this? How do you challenge, test, or audit the reports?  Are the reports disseminated to the right people? What is done with the information in the reports?  How are findings from investigations communicated to other areas in the business?  Is there a process for effective consultation? |  |
| **Due diligence area** | **Possible Regulator Questions Requiring A Response** | **Response To Exercising The Due Diligence Area** |
| Comply  ***Comply with work health and safety and other relevant legislation.***  Have and implement processes for complying with safety duties and obligations. | How do you ensure that there are processes to comply with your WHS obligations?  Are there sufficient systemic processes in place for achieving compliance with WHS Law, Regulations & Codes of Practice? |  |
| **Due diligence area** | **Possible Regulator Questions Requiring A Response** | **Response To Exercising The Due Diligence Area** |
| Verify  ***Verify the provision and use of the resources and processes.***  You should have confidence that you have a system of verification in place (audits/ safety observations/ peer reviews/ consultation with works) to verify the implementation of due diligence actions. | How do ensure that there are processes in place to obtain verification of compliance with elements 1 to 5? |  |