

# INFORMATION FOR OCCUPIERS AND THOSE WHO MANAGE OR CONTROL WORKPLACES

## OCCUPATIONAL HEALTH AND SAFETY ACT 2004

### 1ST EDITION

MAY 2005

The *Occupational Health and Safety Act 2004* clarifies and brings Victoria's safety laws up-to-date to reflect modern workplaces and arrangements.

The Act states that people who have management or control of a workplace must take every reasonable action, and work proactively to ensure health and safety in the workplace.

#### Who is an occupier?

A person who manages or controls a workplace (sometimes known as "the occupier") can include an employer, the building or site owner, and the property management or lessee of a building or site where there is a workplace.

If you are an employer, you have a number of additional OHS duties to ensure the workplace is safe and without risk to those who could be adversely affected by your business activities.

#### Ensuring health and safety

In ensuring that the workplace is safe and without risks to health, occupiers, or those managing or controlling workplaces, must eliminate risks to health and safety so far as is reasonably practicable. Where a risk cannot be eliminated, it must be reduced as far as is reasonably practicable.

#### Duties as an occupier

Duties under the OHS Act ensure that things in a workplace over which an occupier has management or control are safe and without risks to health, so far as is reasonably practicable. This includes the building (eg. structural soundness and protection of occupants from the weather), its services (eg. lighting and ventilation), and fittings (eg. doors, windows, shelves etc). For example:

- Single tenancy employer / leasing company relationship.

Company X leases premises from you. As part of the leasing arrangements you are responsible for

maintaining and authorising repairs to the workplace. Asbestos is discovered in the roof and has the potential to adversely affect employees' health. You have management of this matter in the workplace, and are obliged to control this risk.

- A large building complex under construction.

You are the principal contractor, you oversee construction and manage the numerous contractors and sub-contractors on site. The overall control and management of the workplace therefore belongs to you.

These duties also include ensuring that the means of entering and leaving a workplace are safe and without risks to health. For example:

- Multiple-occupancy site.

You have the overall management and control of a building where there are a number of workplaces. Fire escapes are required to be left unobstructed. You must ensure that you and your tenants do not use the stairways as a storage facility, or otherwise restrict use of the fire escapes. Emergency evacuation procedures must be in place and effective.

- Multiple-occupancy site.

You manage and control a large regional shopping centre. You are responsible for providing safety in the car parks for your employees, your tenants, their employees and users of the centre.

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## Overlapping and co-existing duties

A person may have OHS duties under the Act for more than one of their roles, for example as an employer, as a person who manages and controls the workplace and as a supplier.

In addition, more than one person may have duties relating to a particular work activity and the environment in which it is being undertaken. For example, both an employer and a contractor engaged to carry out work have OHS duties relating to that work to the extent to which they have management and control of it; and the owner of the building and the employer occupying the building may both have duties relating to the work environment in it.

## FURTHER INFORMATION

This information is based on the *Occupational Health and Safety Act 2004* and should not be considered a legal document, or a substitute for the Act.

For further information please contact WorkSafe Victoria on 1800 136 089 or online at [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)

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