

# Worker obligations

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## Workers have obligations under work health and safety laws.

A worker is a person who carries out work in any capacity for a business or employer or 'person conducting a business undertaking' They can be:

- an employee
- a trainee, apprentice or work experience student
- a volunteer
- an outworker
- a contractor or sub-contractor
- an employee of a contractor or sub-contractor
- an employee of a labour hire company.

While at work a worker must:

- take reasonable care for their own health and safety
- take reasonable care for the health and safety of others
- comply with any reasonable instructions, policies and procedure given by their employer, business or controller of the workplace.

Workers can also be considered visitors under some circumstances.

## Your safety responsibilities as a worker

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As a worker, you must take reasonable care of yourself and not do anything that would affect the health and safety of others at work.

You must follow any reasonable health and safety instructions from your employer. It is important that you:

- work safely
- follow instructions
- ask if you're not sure how to safely perform the work
- use personal protective equipment (PPE) in the way you were trained and instructed to use it
- report injuries and unsafe and unhealthy situations to your supervisor or to your health and safety representative (HSR).

Remember, health and safety representatives (HSRs) play an important role in representing the health and safety issues of a work group and can talk to your employer on your behalf.

If you work through a group training organisation or labour hire agency, you can report any work health and safety concerns to either your supervisor, the HSR or your agency.

## **Your work health and safety; what to expect as a worker**

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### Work safely

When you start a job, you should be:

- shown how to use any equipment that you will be operating
- given personal protective equipment (PPE) and shown how to use and wear it properly
- shown around the workplace, including entry and exit points, amenities and first aid areas
- told about emergency evacuation procedures and shown the emergency evacuation point/s
- introduced to your immediate supervisor, health and safety representative (HSR) and people you will be working with
- told about the safety policies and procedures in place, including how to report problems or injuries
- clear about everyone's role and responsibilities for safety in the workplace.

This is called a workplace induction.

### Appropriate safety equipment

You must be given safety equipment appropriate to your job. Your PPE must be in good condition, and you need to know how to use it and to wear it properly.

### Help and training

If you are not sure how to do something safely, ask your supervisor for help or training. If still unsure, talk to your co-workers, manager or health and safety representative (HSR). Remember, health is both physical and psychological.

If you're not satisfied with their response, contact us on 13 10 50. If necessary, we can get a translator to help you.

### No unsafe work

You have the right to refuse to do unsafe work. If asked to do something that you think may be unsafe, stop and talk to your supervisor or HSR.

If you are unable to raise it with your supervisor or HSR or your employer doesn't find a safer way to do the work, contact us on 13 10 50. If necessary, we can get a translator to help you.

### Consultation

Consultation gives you the opportunity to participate in, and share information about, work health and safety issues.

Your employer (PCBU) must consult with workers on all WHS matters that are likely to affect you, including:

- doing risk management activities
- planning changes that may affect the health and safety of workers
- making decisions about any health and safety procedures
- the adequacy of facilities for workers.

Using the knowledge and experience of everyone makes it easier to identify safety hazards and risks, as well as find and discuss practical solutions.

#### Workers compensation

Your employer must have workers compensation insurance so if you get injured at work you can get the medical treatment you need and compensation for loss of income.

If you get injured at work you may be able to make a workers compensation claim. You can make a claim through your employer. Ask your boss for the forms needed to apply for it. [Find out how to make a claim](#) or call us on 13 10 50 for advice.

If you are hurt at work, you must notify your employer as soon as possible.

You are generally better off if you recover from your workplace injury or illness at work. People who keep working, even if you can't do your usual tasks straight away, get better and return to usual activities quicker than people who take a long time off work to recover. The State Insurance Regulatory Authority (SIRA) has [detailed information about recovering at work](#).

#### A fair and just workplace

You have the right not to be bullied at work. Bullying is repeated and unreasonable behaviour directed at a worker or group of workers. If you're being bullied, talk to your supervisor, HSR or another impartial person whom you trust.

Or you can contact us on 13 10 50 for advice and assistance.

If you think you're being bullied because of your gender, sexuality, race or religion, you should:

- visit the [Human Rights Commission](#) website for information
- speak to the [Anti-Discrimination Board](#) of NSW
- visit [our web pages on bullying](#) for information on SafeWork's role
- visit the [Fair Work Ombudsman pages on bullying](#).

For mental health support, call:

- [Lifeline](#) 13 11 14
- [Beyond Blue](#) 1300 224 636.

#### Pay and conditions

In NSW, there are minimum wages and working conditions. For information about your rights around things like rates of pay or leave entitlements call the Fair Work Ombudsman on 13 13 94. Call 13 14 50 if you need a translator.

Your rights at work fact sheet

We provide a your rights at work fact sheet which explains the basic responsibilities of the worker and the employer.

It is also available in Arabic, Korean, Hindi, Filipino, Chinese and Malay.

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<https://www.safework.nsw.gov.au/legal-obligations/worker-obligations>

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