

LAWS 3072 WORK HEALTH AND SAFETY LAW

Credit Points 10

Legacy Code 200799

Coordinator Jonathan Adamopoulos (<https://directory.westernsydney.edu.au/search/name/JonathanAdamopoulos/>)

Description This subject examines the different means in which the law protects workplace safety in Australia. The primary focus will be on the work health and safety regulatory framework and its underlying policy. The arbitrary nature of standard setting in the early systems of safety regulation is compared with later legislative models. The workings of these legislative strategies are illustrated by a series of selected issues relating to contemporary health risks in workplaces. Students will also examine issues surrounding enforcement and compliance and corporate governance in the safety context. Other topics include workers compensation and employment law.

School Law

Discipline Business and Commercial Law

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 2013

Equivalent Subjects LGYB 0395 - Occupational Health and Safety Law
LAWS 3054 Occupational Health and Safety Law

Learning Outcomes

On successful completion of this subject, students should be able to:

1. explain the regulatory framework of work health and safety (WHS) in Australia;
2. distinguish between the various means in which the law ensures workplace safety;
3. explain the duties of employers, employees, directors and managers and identify the availability of defences in the event of a breach;
4. consider WHS issues in a commercial context and provide clear and accurate legal advice to clients;
5. explain the relationship between workplace safety and terms of employment;
6. explain the consequences of contravening WHS duties and distinguish various penalty options;
7. critically evaluate the effectiveness of WHS regulation in Australia from different employers' and employees' perspectives.

Subject Content

- Contextual Background and historical development of WHS Law
- workplace safety and The common Law
- workplace safety and employment Law
- duties of employers to employees and other persons in The workplace
- Other statutory duties under the Work Health and Safety Act 2011 (NSW)

- The Commonwealth WHS Scheme
- Defences
- Obligations under the Work Health and Safety Regulation 2011 (NSW)

- workplace consultation and codes of practice
- enforcement
- Penalties and Remedies
- Workers' compensation and rehabilitation

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/ Group Task
Case Study	1,500 words	20	N	Individual
Professional Task	1,000 words	20	N	Individual
Final Exam	2,500 words	60	N	Individual

Prescribed Texts

- Adamopoulos, J, *The Law of Workplace Safety* (Seminar Guide) 2024 (available online on vUWS)
- Michael Tooma, Tooma's Annotated Work Health and Safety Act 2011 (Thomson Reuters, 2nd ed, 2017).

Recommended ONLY

- Richard Johnstone, Elizabeth Bluff and Alan Clayton, *Work, Health and Safety Law and Policy* (Thomson Reuters, 3rd ed, 2012).

Teaching Periods

Autumn (2024)

Parramatta - Victoria Rd

On-site

Subject Contact Jonathan Adamopoulos (<https://directory.westernsydney.edu.au/search/name/JonathanAdamopoulos/>)

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3072_24-AUT_PS_1#subjects)