



Policy 51 – Work Health & Safety

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Responsible Officer: Director – Corporate Services

Statutory Authority: Work Health and Safety Act 2012

OBJECTIVE

This Policy defines Council's commitment to its responsibility to provide a safe working environment. Council recognises its primary duty as a Person Conducting a Business or Undertaking under the *Work Health and Safety Act 2012* (**the Act**) and will provide a fair and flexible approach to work health and safety activities that take into consideration the individual and operational circumstances.

DEFINITIONS

Applicable Laws means all laws in connection with the carrying out of work or the Workplace including:

- *Age Discrimination Act 2004* (Cth)
- *Anti-Discrimination Act 1998* (TAS)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Fair Work Act 2009* (Cth)
- *Local Government Act 1993* (TAS)
- *Racial Discrimination Act 1975* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Work Health and Safety Act 2012* (TAS)
- *Workers Rehabilitation and Compensation Act 1988* (TAS)

Council means Dorset Council.

Councillor means an elected member of Council known as a Councillor or otherwise meeting the definition of 'Councillor' as defined under Section 3 of the *Local Government Act 1993* (TAS).

Employee means a person who carries out work for Council as an employee of Council.

General Manager means the general manager of Council as appointed under Section 61 of the *Local Government Act 1993* (TAS).

Infringing Workplace Behaviour means any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

Management Team means the General Manager and any Directors currently employed by Council.

Manager/Supervisor means a person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

Officer means:

- (a) an officer within the meaning of Section 9 of the Corporations Act 2001 of the Commonwealth other than a partner in partnership; or
- (b) An officer of the Crown within the meaning of 247 of the *Work Health and Safety Act 2012* (TAS); or
- (c) An officer of a public authority within the meaning of Section 152 of the *Work Health and Safety Act 2012* (TAS) –

Other than an elected member of a local authority acting in that capacity (which includes a Councillor).

Other Persons means any person at the Workplace who is not a Worker including visitors and ratepayers.

Person Conducting a Business or Undertaking means a Person Conducting a Business or Undertaking (PCBU) as defined in Section 5 of the Act.

Policy means this Work Health and Safety Policy.

Reasonably Practicable means (in relation to a duty to ensure health and safety) means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:

- (a) The likelihood of the hazard or the risk occurring; and
- (b) The degree of harm that might result from the hazard or risk; and
- (c) What the person concerned knows, or ought reasonably to know, about-
 - i. The hazard or the risk; and
 - ii. Ways of eliminating or minimising the risk; and
- (d) The availability and suitability of ways to eliminate or minimise the risk; and
- (e) After assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

Worker means a person who carries out work in any capacity for Council, including work as an Employee, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company who has been assigned to work at Council, an outworker, an apprentice or trainee, a student gaining work experience, a volunteer or a Councillor.

Workplace means a place where work is carried out for Council.

SCOPE

This Policy covers and applies to Council, Officer, Workers and Other Persons in relation to all work, health and safety matters.

DUTIES

Work health and safety is both an individual and a shared responsibility. Every person is responsible for ensuring that work and activities are undertaken in a safe manner and in accordance with current safety procedures, standards and legislative requirements.

This section sets out the classes of duty holders and their associated duties in accordance with the Act. Duties and associated accountability are not transferrable to any other person.

A person may have more than one duty by virtue of being in more than one class of duty holder and more than one person can concurrently have the same duty if they are in the same class of duty holder. In the case of the latter, each person retains responsibility for their duty in relation to the matter and must discharge their duty to the extent that their capacity to influence and control the matter allows.

Duties of Council as a PCBU

So far as is Reasonably Practicable, Council as a PCBU must:

- Ensure the safety of Workers and Other Persons;
- Promote, provide and maintain a safe work environment;
- Provide and maintain safe plant and structures;
- Provide and maintain safe systems at work;
- Ensure the safe use, handling and storage of plant, structures and substances;
- Provide adequate facilities for the welfare of Workers while carrying out work for Council;
- Provide any information, training, instruction or supervision that is necessary to protect Workers from risks to their health and safety arising from work carried out for Council;
- Ensure that the health of Workers and the conditions of the Workplace are monitored for the purpose of preventing illness or injury of Workers arising from the conduct of Council operations; and
- Ensure that the Workplace, the means of entering and exiting the Workplace and anything arising from the Workplace are without risks to the health and safety of any person.

Duties of Officers

For the purposes of this Policy, the Management Team are recognised as Officers. Councillors are specifically excluded from the definition of Officers in the Act.

So far as is Reasonably Practicable, Officers must exercise due diligence to ensure Council's compliance with their obligations and duties as a PCBU pursuant to the Act.

Due diligence includes taking reasonable steps to:

- (a) Acquire and maintain knowledge of work health and safety matters;
- (b) Gain an understanding of the nature of the operations of Council and generally of the hazards and risks associated with those operations;
- (c) Ensure the availability and use of appropriate resources and processes to eliminate or minimise risks to health and safety;
- (d) Ensure that appropriate processes are in place for receiving and considering information regarding incidents, hazards and risks and responding in a timely manner to information received.
- (e) Ensure that appropriate processes are implemented to ensure compliance with specific duties and obligations of Council pursuant to the Act; and
- (f) To verify the provision and use of the resources and processes referred to in points (c) to (e).

For the purposes of point (e), the duties or obligations of a PCBU pursuant to the Act may include the following:

- (a) Reporting notifiable incidents;
- (b) Consulting with Workers;
- (c) Ensuring compliance with notices issued under the Act;
- (d) Ensuring the provision of training and instruction to Workers about work health and safety; and
- (e) Ensuring that health and safety representatives receive their entitlements to training.

Responsibilities of Workers

While at the Workplace, Workers must:

- Take reasonable care for their own health and safety;
- Take reasonable care that what they do, or what they do not do, does not adversely affect the health and safety of other people;
- Comply with any reasonable instruction given by Managers/Supervisors;
- Cooperate with any reasonable policy or procedure for work health and safety that has been communicated to them;
- Not misuse or interfere with anything that has been provided for work health and safety;
- Wear personal protective equipment and clothing when necessary;
- Report all known or observed hazards, incidents, accidents, near misses, injuries and illness to their Manager/Supervisor in a timely manner;
- Engage in consultation as required to identify, assess and control hazards and the effectiveness of such controls; and
- Participate in rehabilitation and return to work on suitable duties when applicable.

Responsibilities of Other Persons

While at the Workplace, Other Persons (whether or not the person has another duty) must:

- Take reasonable care for their own health and safety;
- Take reasonable care that what they do, or what they do not do, does not adversely affect the health and safety of other people; and
- Comply with any reasonable instruction given by Council to ensure Council complies with the Act.

BREACH OF POLICY

Persons covered by the Scope of this Policy that engage in Infringing Workplace Behaviour may (as is appropriate and applicable) be subject to appropriate disciplinary action in accordance with Council's Disciplinary Policy and Procedure (Employees), Councillor's Code of Conduct complaint process (Councillors), or removal from the workplace or termination of services (Workers [other than Employees or Councillors] and Other Persons).

REPORTING A BREACH OF POLICY

Persons covered by the Scope of this Policy must reasonably report Infringing Workplace Behaviour as follows:

For breaches by

- a) *A Worker or Other Person* the report must go to the reporting person's applicable Manager/Supervisor;

- b) *The General Manager or a Councillor* the report must go to the Mayor (or if unavailable, to the next appropriately delegated Councillor);
 - c) *The Mayor* the report must go to the Deputy Mayor (or if unavailable to the next appropriately delegated Councillor); and
- as otherwise required or permitted by the Applicable Laws.

All breaches and proposed corrective actions must also be reported to the Management Team.

COMMUNICATION

New Workers will be provided with a copy of this Policy as part of their induction and all Workers will be provided with a copy of this Policy in the event that the Policy is amended.

AMENDMENT, MONITORING AND REVIEW

Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Unless required sooner, this Policy will be reviewed every three (3) years.

RELATED COUNCIL DOCUMENTS

This Policy should be considered in the context of the following Council documents:

- Code of Conduct
- Communications
- Disciplinary
- Fitness for Work
- Issue Resolution
- Performance Management
- Workplace Behaviour
- Council's Work Health and Safety Framework comprising of operational policies, procedures, Safe Work Method Statements (SWMS) and Standard Operating Procedures (SOPs).

DOCUMENT INFORMATION

Version	Description	Doc Ref	Date Reviewed
1		16/105	24 April 2017
2		DOC/21/9363	29 November 2021