

Policy name	Work Health and Safety (WHS)
Responsible manager(s)	General Manager
Contact officer(s)	Manager of People and Culture
Directorate	General Manager
Approval date	22 November 2022
Outcome area	5 Our engaged community with progressive leadership
Strategy	5.3 Work together to achieve our collective vision
Delivery Program	5.3.4 Develop and grow a skilled, motivated and accountable workforce and position Council as an organisation people want to work for
Operational Plan	5.3.4.3 Champion the safety and wellbeing of staff

Purpose

This document sets out Council's approach to Work, Health and Safety (WHS) and to ensure that adequate resources are made available to comply with Councils legal WHS obligations. This policy also sets out responsibilities and accountabilities in relation to the management of WHS.

The objectives of this policy are:

- to ensure that Council complies with the 'reasonably practicable' standard, which is intended to be a very high one;
- to give the highest level of protection from hazards and risks arising from work so far as is 'reasonably practicable';
- to provide for consultation, co-operation and co-ordination between all 'persons conducting a business or undertaking' (PCBUs) and workers and others at a workplace; and
- to ensure that any workplace under Council management or control is, as far as is reasonably practicable, without risk to the health and safety of any person.

Policy/Procedure details

1	Statement Council has an ongoing commitment to eliminating the risk to health and safety of any person on council worksites.
2	Application This policy applies to PCBUs, workers and other persons affected by Eurobodalla Shire Council activities at Council workplaces.
3	Legislation Council recognises that it has a legal obligation to ensure the health and safety of workers, and other persons affected by Council activities. In meeting this obligation Council shall comply, so far as it is reasonably practicable, with all work health and safety laws including (but not limited to) the <i>Work Health and Safety Act 2011</i> and the <i>Work Health and Safety Regulation 2017</i> .
4	WHS Goal The work health and safety goal of the Council is: "For Council, senior management and workers to continually improve work systems that ensure the health and safety of personnel, contractors, volunteers and the community whilst maintaining the competitiveness and long term employment prospects of the workforce".

5	<p>Duty of Care</p> <p>Council's primary 'duty of care' is to ensure the health and safety of workers while they are at work and that the work carried out does not carry risks to the health and safety of these workers and others. To achieve this, Council will adopt a systematic risk management approach to the management of work health and safety.</p>
6	<p>Responsibilities</p> <p>Responsibilities of the PCBU (Council), Officers, and Workers are as described below:</p>
6.1	<p>Council (PCBU) shall demonstrate continued commitment in meeting its moral and legal obligation by ensuring that adequate human and financial resources are made available so that the objectives of this policy are met. Council must also consult, coordinate and cooperate with other PCBUs working for or on behalf of Council.</p>
6.2	<p>Councillors (workers), while conducting business for Council, have a responsibility to ensure that they take reasonable care for their own safety and that their general interaction with Council workers and others does not adversely affect the health, safety or welfare of these people.</p> <p>They must comply with reasonable instructions to assist Council in complying with the WHS legislation.</p>
6.3	<p>The General Manager (officer) as the Council's most senior management representative is responsible, and accountable to the Council, for ensuring that the objectives of this policy are met.</p> <p>The General Manager is responsible for ensuring that a Work Health and Safety Management System (WHSMS), including return to work provisions is developed, implemented, reviewed and maintained.</p> <p>The General Manager shall:</p> <ul style="list-style-type: none"> • approve all work health and safety policies • regularly review and document organisational WHS performance • support and encourage Directors and Level 3 Managers in the application of the WHSMS and hold them accountable for their specific WHS responsibilities • actively support the integration of WHS as part of normal management practices • seek and consider the views of workers when making decisions on issues, which may affect their health, safety and welfare
6.4	<p>Directors (officers) are responsible for ensuring that the requirements of the WHSMS are communicated to employees and are implemented at all workplaces within areas of responsibility. Directors shall:</p> <ul style="list-style-type: none"> • actively support the integration of WHS as part of normal management practices • support and encourage Level 3 Managers in the application of the WHSMS and hold them accountable for their specific WHS responsibilities • regularly report to the General Manager on WHS initiatives implemented and the WHS performance of their Directorates • seek and consider the views of workers when making decisions on issues, which may affect worker health and safety • provide appropriate resources and funding as required to ensure Council's WHS obligations are met • actively maintain current WHS knowledge as applicable to area of responsibility <p>Director commitment to WHS, its implementation and continuous improvement will be measured via annual performance appraisals.</p>

6.5	<p>Level 3 Managers (officers) are responsible for ensuring that the requirements of the WHSM system are communicated to workers and implemented at all workplaces within their area of responsibility. Level 3 Managers shall:</p> <ul style="list-style-type: none"> • actively support the integration of WHS as part of normal management practices • support and encourage workers with supervisory responsibilities in the application of the WHSMS and hold them accountable for specific WHS responsibilities • ensure that adequate provisions are made in their annual budget estimates to meet WHS requirements • identify, develop and implement any necessary WHS procedures or safe systems of work required to comply with WHS legislative requirements • seek and consider the views of workers when making decisions on issues which may affect their health and safety • refer to senior management any WHS matter or concern that falls outside their area of responsibility or authority • regularly report to the Director on WHS initiatives implemented and the WHS performance of their area of responsibility • regularly report on WHS initiatives implemented and the WHS performance of their areas to the WHS Committee • ensure that systems of work are regularly reviewed and provide areas for continuous improvement • ensure all hazard reports raised are dealt with in a timely manner • actively maintain current WHS knowledge as applicable to area of responsibility <p>Level 3 Managers' commitment to WHS, its implementation and continuous improvement will be measured via annual performance appraisals.</p>
6.6	<p>Workers with supervisory responsibilities (workers) are responsible for ensuring that the requirements of the WHSMS are communicated to employees and are implemented at all workplaces within their area of responsibility. In line with their supervisory roles, workers with supervisory responsibilities shall:</p> <ul style="list-style-type: none"> • support and encourage workers, and hold them accountable for their specific WHS responsibilities • ensure that WHS policies, procedures and work methods are complied with • ensure adequate supervision, training and information is provided to enable employees to carry out tasks safely • notify the Level 3 manager of budgetary requirements to meet WHS obligations • refer to an officer any WHS hazard, incident or risk • seek and consider the views of workers when making decisions on issues that affect health and safety • identify, report and rectify workplace hazards, and act on hazards reported in a timely manner • investigate accidents and incidents and report the outcome of the investigation to the responsible officer • respond in a timely manner to issues raised by WHS representatives • ensure that work systems are reviewed and provide areas for continuous improvement • regularly report to the responsible officer on the WHS performance of the section <p>The commitment, implementation and continuous improvement to work health and safety matters by Workers with supervisory responsibilities will be measured via annual performance appraisals.</p>

6.7	<p>Workers without supervisory responsibilities (workers) have a responsibility to take reasonably practicable care for their own safety and that of other people at the workplace, who may be affected by the work being done. Workers without supervisory responsibilities shall:</p> <ul style="list-style-type: none"> • co-operate with other workers and management to ensure that legal WHS requirements are met • actively participate in WHS initiatives at both team and organisational level • actively participate in WHS consultation • immediately report all accidents, injuries, incidents, hazards, dangerous occurrences, unsafe conditions and near misses to management • not intentionally interfere with or misuse anything provided in the interests of health and safety • carry out their work activities in accordance with all policies, procedures and approved work methods • comply with any lawful WHS directive <p>Workers commitment to WHS, its implementation and continuous improvement will be measured as follows:</p> <ul style="list-style-type: none"> • <i>For Employees:</i> - via annual performance appraisals. • <i>For Contractors/ Sub contractors:</i> - through contractor performance reviews. • <i>For Volunteers:</i> - via on the job review
6.8	<p>Other persons at the workplace have a responsibility to take reasonable care for their own health and safety, and take reasonable care to ensure their acts or omissions do not adversely affect the health and safety of others. Other persons at the workplace shall comply so far as reasonably practicable with any reasonable instruction.</p>
7	<p>Implementation Requirements</p> <p>Implementation requirements of the General Manager, Officers and Work Health and Safety Committee are as described below:</p>
7.1	<p>Authorisation – General Manager</p> <p>This policy is the overriding WHS policy of Eurobodalla Shire Council. The policy is approved by Council and administered by the General Manager. The General Manager shall sign the policy.</p> <p>A summary of this policy shall be prominently displayed at all permanent workplaces and available electronically for reference by officers and workers.</p>
7.2	<p>Compliance - Officers</p> <p>Failure by any Council-employed person to comply with this policy is likely to result in disciplinary action in accordance with Council’s current discipline procedures.</p> <p>Contractors that fail to comply with this policy shall be stood down until such time as the site supervisor or other authorised person is satisfied that the contractor will not commit any further breaches. Any serious or continued non-compliance shall be considered a breach of the contract and grounds for termination of that contract.</p> <p>The participation of volunteers in Council activities is conditional upon compliance with Council’s policies and procedures. Any serious or continued non-compliance with this policy will result in the volunteer being instructed to leave the site and refused permission to participate in further volunteer activities.</p> <p>Visitors that fail to comply with this policy shall be required to leave the premises or worksite.</p>

7.3	Staff – Council Officers Staff, where appropriately trained and instructed, are required to comply with Council policy and to ensure that the provisions of those policies are adhered to within their work area.
7.4	Concerns – Council Officers Concerns and requests received regarding WHS will be recorded on Council's Customer Service Request (CSR) or records system and handled in accordance with Council's Customer service policy. This information will be used to analyse the history of concerns and requests and to help determine follow up actions.
7.5	Complaints – Public Officers Complaints received regarding this policy will be lodged with the public officer and handled in accordance with council's complaints policy.
7.6	Consultation – Work Health and Safety Committee The Work Health and Safety Committee ensures that regular ongoing WHS consultation occurs throughout Council. Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies and other agencies. It will occur in response to changes in relevant legislation, codes of practice, industry guidelines, standards and any organisational or legislative requirements.

Review

This Policy/Code of Practice will be reviewed every three (3) years. It may be reviewed and updated as necessary when legislation or policy requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Internal Appointments.

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Council reserves the right to vary, replace or terminate this policy

Related legislation and policies

Name	Link
Work Health and Safety Act 2011	www.legislation.nsw.gov.au/maintop/view/inforce/act+10+2011+cd+0+N
Work Health and Safety Regulation 2017	https://www.legislation.nsw.gov.au/#/view/regulation/2017/404
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
WHS Codes of Practice (Safe Work Australia)	https://www.safeworkaustralia.gov.au/resources-publications/model-codes-of-practice

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E06.0379 E09.3418	Reviewed and approved, report G09/145

2	26 Jun 2012	Council	12/165	E06.0379	Reviewed and approved, updated to reflect legislation, report O12/128
3	10 Sep 2013	Council	13/272	E06.0379 E13.7095	Updated to new Policy Template, updated review date, updated references and links
4	28 Mar 2017	Council	17/56	E06.0379	Reviewed, report GMR17/008 updated to reflect org structure.
5	22 November 2022	Council	22/313	S004-T00060	Reviewed and updated (start of new Council term) Report

Internal use

Responsible officer		General Manager	Approved by	Council	
Min no	22/313	Report no	GMR22/111	Effective date	22 November 2022
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