



## **9. GOVERNANCE**

### 9.13 Policy

#### WORK HEALTH AND SAFETY

Version 2

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### 9.13 WORK HEALTH AND SAFETY POLICY

#### PURPOSE

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

#### OBJECTIVES

The objectives of this policy are to:

- a) ensure that council complies with the 'reasonably practical' standard, which is intended to be a very high one;
- b) give the highest level of protection from hazards and risks arising from work so far as is 'reasonably practicable';
- c) 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
- d) 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 STATEMENT

1.	<b>Application</b> This policy applies to PCBUs' workers and other persons affected by Lithgow City Council activities at Council workplaces.
2.	<b>Legislation</b> 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 2011</i> .
3	<b>WHS Goal</b> 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".
4	<b>Duty of Care</b> Council's primary 'duty of care' is to ensure the health and safety of workers while they are at work 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.
5.	<b>Responsibilities</b>

	Responsibilities of the PCBU (Council), Officers, and Workers are as described below:
5.1	<b>Council (PCBU)</b> 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.
5.2	<b>Councillors (Workers)</b> , 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.  They must comply with reasonable instructions to assist Council in complying with the WHS Legislation
5.3	<b>The General Manager (Officer)</b> 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.  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.  The General Manager shall: <ul style="list-style-type: none"> <li>• approve all work health and safety policies</li> <li>• regularly review and document organizational WHS performance</li> <li>• support and encourage Group Managers in the application of the WHSMS and hold them accountable for their specific WHS responsibilities</li> <li>• actively support the integration of WHS as part of normal management practices</li> <li>• seek and consider the views of workers when making decisions on issues, which may affect their health, safety and welfare</li> </ul>
5.4	<b>Managers (officers)</b> 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. Managers shall: <ul style="list-style-type: none"> <li>• actively support the integration of WHS as part of normal management practices</li> <li>• Support and encourage workers with supervisory responsibilities the application of the WHSMS and hold them accountable for specific WHS responsibilities.</li> <li>• Ensure that adequate provisions are made in their annual budget estimates to meet WHS requirements.</li> <li>• Identify, develop and implement any necessary WHS procedures or safe systems of work required to comply with WHS legislative requirements</li> <li>• Seek and consider the views of workers when making decisions on issues which may affect their health and safety</li> </ul>

	<ul style="list-style-type: none"> <li>• Refer to executive management any WHS matter or concern that falls outside their area of responsibility or authority</li> <li>• Regularly report to the General Manager on WHS initiatives implemented and the WHS performance of their area of responsibility</li> <li>• Regularly report on WHS initiatives implemented and the WHS performance of their areas to the Health and Safety Committee</li> <li>• Ensure that system of work are regularly reviewed and provide areas for continuous improvement</li> <li>• Ensure all hazard reports raised are dealt with in a timely manner</li> <li>• Actively maintain current WHS knowledge as applicable to area of responsibility improvement will be measured via annual performance appraisals.</li> </ul>
5.6	<p><b>Workers with supervisory responsibilities</b> (<i>workers</i>) 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"> <li>• support and encourage workers, and hold them accountable for their specific WHS responsibilities</li> <li>• ensure that WHS policies, procedures and work methods are complied with</li> <li>• Ensure adequate supervision, training and information is provided to enable employees to carry out tasks safely.</li> <li>• Notify the divisional manager of budgetary requirements to meet WHS obligations</li> <li>• Refer to an officer any WHS hazard, incident or risk</li> <li>• Seek and consider the views of workers when making decisions on issues that affect health and safety</li> <li>• Identify, report and rectify workplace hazards, and act on hazards reported in a timely manner</li> <li>• Investigate accidents and incidents and report the outcome of the investigation to the responsible officer.</li> <li>• respond in a timely manner to issues raised by WHS representatives</li> <li>• ensure that work systems are reviewed and provide areas for continuous improvement</li> <li>• regularly report to the responsible officer on the WHS performance of the section</li> </ul> <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>
5.7	<p><b>Workers without supervisory responsibilities</b> (<i>workers</i>) have a responsibility to take reasonably practicable care for their own safety and that of other people at the workplace, which may be affected by the work being done. Workers without supervisory responsibilities shall:</p> <ul style="list-style-type: none"> <li>• co-operate with other workers and management to ensure that legal WHS requirements are met</li> </ul>

	<ul style="list-style-type: none"> <li>actively participate in WHS initiatives at both team and organizational level</li> <li>actively participate in WHS consultation</li> <li>immediately report all accidents, injuries, incidents, hazards, dangerous occurrences, unsafe conditions and near misses to management</li> <li>not intentionally interfere with or misuse anything provided in the interests of health and safety</li> <li>Carry out their work activities in accordance with all policies, procedures and approved work methods.</li> <li>Comply with any lawful WHS directive</li> </ul> <p>Workers' commitment to WHS, its implementation and continuous improvement will be measured as follows:</p> <ul style="list-style-type: none"> <li><i>For Employees:-</i> via annual performance appraisals.</li> <li><i>For Contractors/ Sub contractors:-</i> through contractor performance reviews</li> <li><i>For Volunteers:-</i> via on the job review</li> </ul>
5.8	<p><b>Other persons at the workplace</b> 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>

## IMPLEMENTATION

Requirements	Responsibility
<p>1</p> <p><b>Authorisation</b></p> <p>This policy is the overriding WHS policy of Lithgow City 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>	General Manager
<p>2</p> <p><b>Compliance</b></p> <p>Failure by any of 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-</p>	Officers

	<p>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>	
3	<p><b>Staff</b> Staff, where appropriate 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.</p>	Council Officers
4	<p><b>Concerns</b> 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</p>	Council Officers
7	<p><b>Consultation</b> The 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 organizational or legislative requirements.</p>	As applicable.

## REVIEW

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

**NOTE:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

The General Manager in consultation with officers and workers shall review this policy every 3 years and after any reportable serious incident. This policy

may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages WHS. Where the review indicates any changes to the policy the General Manager shall refer the policy to Council for adoption.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Number of breaches (hazards and incidents)	Council records
Concerns or requests regarding WHS	Council records
Employee Feedback Survey Responses	Surveys
Commitment to WHS, its implementation and continuous improvement measured via: <ul style="list-style-type: none"> <li>Annual Performance Appraisals</li> <li>Contractor Performance Review</li> <li>On the Job Review</li> </ul>	Council records
Audit records <ul style="list-style-type: none"> <li>The current written and dated policy, signed by the General Manager</li> <li>Induction training content and induction records</li> <li>Tool box/ team meeting minutes or other documentation indicating communication of the policy.</li> </ul>	Council records
Internal and external review	Audit
Compliance with Council's WHS Strategy.	Council Records

## GOVERNANCE

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

### *Related legislation and policies*

Name	Link
<i>Work Health and Safety Act 2011</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/2011/10">http://www.legislation.nsw.gov.au/#/view/act/2011/10</a>
<i>Work Health and Safety Regulation 2011</i>	<a href="http://www.legislation.nsw.gov.au/#/view/regulation/2011/674">http://www.legislation.nsw.gov.au/#/view/regulation/2011/674</a>
<i>Local Government Act 1993</i>	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>
WHS Codes of Practice (SafeWork Australia)	<a href="https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws#model-codes-of-practice">https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws#model-codes-of-practice</a>

### *Related External references*

Name	Link
SafeWork NSW	<a href="http://www.safework.nsw.gov.au/">http://www.safework.nsw.gov.au/</a>

### *Supporting Documents*

Name	Link
Appendix 1	Definitions and Responsibilities per <i>WHS Act 2011</i>

*Definitions*

Word/ Term	Short Definition – See appendix 1 for long definition
PCBU	Person Conducting a Business or Undertaking (i.e. Council)
Officers	The persons within Council who make or participate in making decisions that affect the whole or a significant part of the organisation. Council's officers are the General Manager, all Group Managers and all Managers. The officers are required to exercise "Due Diligence" in ensuring Council meets its obligations under the Act.
Workers	Anyone carrying out work, in any capacity for or on behalf of Council. This includes employees, contractors and their employees, sub-contractors and their employees, labour hire employees engaged to work for Council, outworkers, apprentices, trainees, work experience students and volunteers
Other persons at the workplace	Any person present at a place where Council carries out work, who is not conducting work for or on behalf of Council (e.g. members of the public, visitors not performing work).
Due Diligence	To take every precaution reasonable in the circumstances to protect the health, safety and welfare of workers and other persons at the workplace
Reasonably Practicable	Doing what is effective and possible at a particular time to ensure the health and safety of workers and others. All people must be given the highest level of health and safety protection from hazards arising from work, so far as is reasonably practicable.
Duties / Responsibilities	The principles applicable to duties are that:- <ul style="list-style-type: none"> <li>• Duties are not transferable, and</li> <li>• Duties cannot be delegated to another person, and</li> <li>• A person can have more than one duty (i.e. Officers also have duties as Workers), and</li> <li>• More than one person can have the same duty.</li> </ul>

General Manager  
Lithgow City Council.

<b>Maintained by Department:</b>	Organisational Development	<b>Approved by:</b>	Council		
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<b>Reference:</b>	Policy Register	<b>Council Policy No:</b>	9.13	<b>Effective Date:</b>	
<b>Min No:</b>		<b>Version No:</b>	2	<b>Review Date:</b>	3 years

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## **Appendix 1 – Definitions and Responsibilities per WHS Act 2011**

### **DEFINITIONS**

#### **Duties / Responsibilities**

The principles applicable to duties are that:-

- Duties are not transferable, and
- Duties cannot be delegated to another person, and
- A person can have more than one duty (i.e. Officers also have duties as Workers), and
- More than one person can have the same duty.

#### **Duty of Care:**

1. A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:
  - a. Workers engaged, or caused to be engaged by the person, and
  - b. Workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.
2. A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

#### **Due Diligence**

The WHS Act sets out a non-exhaustive list of steps which officers are expected to take in order to exercise due diligence. Due Diligence includes taking reasonable steps:

- To acquire and keep up-to-date knowledge of work health and safety matters and
- To gain an understanding of the nature of the operations of the business or undertaking and of the hazards and risks associated with those operations; and
- To ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- To ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
- To ensure that the person conducting the business or undertakings has, and person conducting the business or undertaking under this Act; and
- To verify the provision and use of these resources and processes.

#### **Reasonably Practicable:**

What is reasonably practicable to be done at a particular time in relation to ensuring the work health and safety of others. It takes into account and weighs up all matters, including:

- The likelihood of the hazard (identified) or the risk concerned occurring; and
- The degree of harm that might result from the hazard or the risk; and
- What the person concerned knows or ought 'reasonably' to know about the hazard, the risk and ways of eliminating or minimising the risk; and
- The availability and suitability of ways to eliminate or minimise the risk; then finally
- The cost associated with controlling the risk must also be considered, including whether the cost is grossly dis-proportionate to the risk.

## **Responsibilities**

### **PCBU – (WHS ACT 2011 divisions 2 and 3)**

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 others. Additionally the PCBU, must consult, coordinate and cooperate with other PCBUs working for or on behalf of Council.

To meet these duties Council will, as far as is reasonably practical:

- Provide and maintain a safe work environment
- Provide and maintain safe plant and structures.
- Provide and maintain safe systems of work
- Ensure the safe use, handling and storage of plant, structures and substances.
- Provide adequate facilities (and ensure access is maintained).
- Provide instruction, training, information and supervision.
- Monitor the health of workers and conditions at Council workplaces.

### **Officers (WHS Act 2011 section 27)**

Officers are required to exercise due diligence to ensure the PCBU meets its duties.

They must take reasonable steps to:

- Gain and update knowledge of WHS matters.
- Understand the nature of Council's operations, and the general hazards and risks involved.
- Ensure Council has and uses appropriate resources for eliminating or minimising risks.
- Ensure Council has processes for receiving, reviewing and responding to information about incidents, hazards and risks.
- Ensure Council implements processes for complying with its duties including consultation, providing training and instruction and reporting of notifiable incidents.

### **Workers (WHS Act 2011 section 28)**

Workers shall, as far as is reasonably practicable:

- Take reasonable care for his or her own health and safety, and
- Take reasonable care to ensure their acts or omissions do not adversely affect the health and safety of others, and

- Comply so far as reasonably able with reasonable instructions from the PCBU to assist in complying with the WHS ACT, and
- Cooperate with any reasonable policy and procedure of the PCBU relating to health or safety at the workplace that the workers have been informed of.

**Other persons at the workplace** (WHS Act 2011 section 29)

Others must as far as is reasonably practicable:

- 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, and
- Comply so far as the person is reasonably able with any reasonable instructions from the PCBU to assist in complying with the WHS Act.

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