



POLICY

POLICY NO.	MPWHS1
POLICY TITLE	Work Health and Safety Policy
STATUS	Internal Management
SERVICE	People and Culture
DOCUMENT ID	554518

PURPOSE

Hunter's Hill Council (Council) is committed to providing a safe and healthy work environment for all workers and others in the workplace, so far as reasonably practicable. This is achieved with effective consultation between management, workers and other stakeholders in accordance with the requirements of the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017.

The purpose of the Work Health and Safety Policy is to outline appropriate guidelines and responsibilities as documented in Council's Work Health and Safety Management System and in accordance with legislative requirements.

APPLICABILITY

The Policy applies to all Councillors and Council workers including permanent, labour hire, casuals, contractors, temporary staff and volunteers.

OBJECTIVES

The objectives of this policy are to:

- To provide a safe and healthy work environment for all our employees, volunteers, contractors and others persons;
- To provide programs of health and safety activities and procedures which are continually updated and effectively carried out;
- To identify and eliminate or reduce hazards and risks to health and safety;
- To provide safe and healthy methods of work;
- To continually monitor and improve work health and safety;
- To provide education and training resources;
- To integrate with Council's Risk Management Framework; and

- To comply with all relevant laws, rules, standards and codes of practice.

POLICY STATEMENT

Application

This policy applies to Council and its workers including permanent, labour hire, casuals, contractors, temporary staff and volunteers.

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 with all work health and safety laws including (but not limited to) the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2017*.

WHS Goal

The work health and safety goal of Hunter's Hill Council is for "Council, senior management and workers to continually improve work systems that ensure the health and safety of workers, contractors, volunteers and the community.

Duty of Care

Council's primary 'duty of care' is to ensure the health and safety of workers while they are at work and to ensure 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.

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, Directors and 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 person 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	<p>The principles applicable to duties are that: -</p> <ul style="list-style-type: none"> • Duties are not transferrable • 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.

RELATED POLICIES AND DOCUMENTS

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
Work Health and Safety Act 2011	WHS Act 2011
Work Health and Safety Regulation 2017	WHS Regulation NSW 2017
Local Government Act 1993	Local Government Act
WHS Codes of Practice (Safe Work Australia)	Safe Work Codes of Practice

Related external references

Name	Link
WorkCover NSW	Workcover NSW

Related internal references

Name	Link
Hunter's Hill Council Code of Conduct	Code of Conduct
Hunter's Hill Council Child Protection Policy	Child Protection Policy
Hunter's Hill Workplace Bullying Policy	Respectful Workplace Policy
Enterprise Risk Management Policy	ERM Policy
Hunter's Hill Council Volunteers Policy	Volunteers Policy
Hunter's Hill Council Disciplinary Policy	H.R. Pol-22 (internal)

Supporting documents

Name	Link
Appendix 1	Definitions and Responsibilities per <i>WHS Act 2011</i>
Appendix 2	Implementation Plan

POLICY AUTHORITY

General Manager

REVIEW

The Policy should be reviewed every three years and be endorsed by the General Manager.

ADOPTED BY COUNCIL:

DATE: 28 August 2023

RESOLUTION NO:

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
26.08.2002	1.0	371/2002	Adoption by Council	R. Guerra
10.02.2014	1.1	16/14	Updated and Change of Title	R. Guerra
04.01.2020	1.2		Updated to reflect legislative changes	R. Guerra
28.08.2023	1.3		Reviewed and updated to reflect updated standards and procedures	R. Guerra

APPENDIX 1

DEFINITIONS AND RESPONSIBILITIES (AS 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.
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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 undertaking 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 considers 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 minimizing 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.

Responsibilities of the PCBU (Council), Officers, and Workers are as summarised below:	
Council (PCBU)	<p>Council 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.</p> <p>Council must also consult, coordinate and cooperate with other PCBUs working for or on behalf of Council.</p>
Councillors (workers)	<p>Councillors 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>
The General Manager (officer)	<p>The General Manager 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 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
Directors (officers)	<p>Directors are responsible for ensuring that the requirements of the WHSMS are communicated to employees and are implemented at all workplaces within areas of responsibility.</p> <p>Directors shall:</p> <ul style="list-style-type: none"> • actively support the integration of WHS as part of normal management practices • support and encourage Managers in the application of the WHSMS and hold them accountable for their specific WHS responsibilities

	<ul style="list-style-type: none"> • 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 Councils 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>
<p>Managers (officers)</p>	<p>Managers 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.</p> <p>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>Managers' commitment to WHS, its implementation and continuous improvement will be measured via annual performance appraisals.</p>
<p>Workers with supervisory responsibilities (workers)</p>	<p>Workers with supervisory responsibilities 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.</p>

	<p>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 divisional 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>
<p>Workers without supervisory responsibilities <i>(workers)</i></p>	<p>Workers without supervisory responsibilities 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
<p>Other persons at the workplace</p>	<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>

APPENDIX 2

IMPLEMENTATION PLAN

Requirements	Responsibility
<p>1 Authorisation This policy is the overriding WHS policy of Hunter’s Hill 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>	<p>General Manager</p>
<p>2 Compliance 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>	<p>Officers</p>
<p>3 Staff 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.</p>	<p>Council Officers</p>
<p>4 Concerns Concerns and requests received regarding WHS will be raised in accordance with Council’s Grievance Procedures</p>	<p>Council Officers</p>
<p>5 Consultation</p> <ul style="list-style-type: none"> • Employees will be advised via email of the updated WHS policy and will be required to sign an Acknowledgement form • The WHS Policy will be available and accessible via Council’s website and intranet • Information related to the WHS policy will be incorporated into all induction programs • Responsibilities will be documented in staff position descriptions and work plans 	<p>Director People and Culture Manager Risk and Compliance WHS Committee</p>

	<ul style="list-style-type: none">• Staff will be assessed on compliance at their performance reviews and probation meetings• The Work Health Safety Committee will ensure 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.	
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