



Kingborough

Kingborough Council

Work Health and Safety Policy

Policy No 9.8

Document:	Start Date: 25 September 2017	Page Reference:
Work Health & Safety Policy	Approval Date: 25 September 2017	Page 1 of 6

TABLE OF CONTENTS

1	AUTHORITY & APPLICATION.....	2
2	PURPOSE	5
3	COVERAGE.....	6
4	REQUIREMENTS	6

1 AUTHORITY & APPLICATION

Date of approval	25 September 2017
Minute Number	C498/21-17
Source of approval	Kingborough Council
Start date	September 2019
Related Council Documents	<p>This Policy should be considered in the context of the following administrative policies and procedures:</p> <ul style="list-style-type: none"> • <i>Employee Code of Conduct</i> • <i>Counselling and Discipline</i> • <i>Issue Resolution</i> • <i>Performance Management</i> • <i>Workplace Behaviour</i> • <i>Work Health and Safety Management System</i>
Date of review	September 2019
Previous policies replaced by this Policy	Work Health and Safety Policy No 9.8 version of 2015
Publication of Policy	Council website
Definitions	
<u>Term</u>	<u>Meaning</u>
Applicable Laws	<p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004 (Cth)</i> • <i>Anti-Discrimination Act 1998 (TAS)</i> • <i>Australian Human Rights Commission Act 1986 (Cth)</i> • <i>Disability Discrimination Act 1992 (Cth)</i> • <i>Fair Work Act 2009 (Cth)</i> • <i>Local Government Act 1993 (TAS)</i> • <i>Racial Discrimination Act 1975 (Cth)</i> • <i>Sex Discrimination Act 1984 (Cth)</i> • <i>Work Health & Safety Act 2012 (TAS)</i> • <i>Workers Rehabilitation & Compensation Act 1988 (TAS)</i>

Document:	Start Date: 25 September 2017	Page Reference:
Work Health & Safety Policy	Approval Date: 25 September 2017	Page 2 of 6

Council	Kingborough Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the <i>Local Government Act 1993</i> (TAS)
Employee	A person who carries out work for Council as an employee of Council.
General Manager	The general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS).
Infringing Workplace Behaviour	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Manager/Supervisor	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	<p>(a) an officer within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth other than a partner in a partnership; or</p> <p>(b) an officer of the Crown within the meaning of section 247 of the Work Health and Safety Act 2012 (Tas); or</p> <p>(c) an officer of a public authority within the meaning of section 252 of the Work Health and Safety Act 2012 (Tas) –</p> <p>other than an elected member of a local authority acting in that capacity (which includes a Councillor);</p>
Other Persons at the Workplace	Any person at the Workplace who is not a Worker including visitors and ratepayers.
Policy	This Work Health & Safety Policy including the 'Authority and Application'
Worker	<p>A person who carries out work in any capacity for Council, including work as:</p> <p>(a) an Employee;</p> <p>(b) a contractor or subcontractor;</p> <p>(c) an employee of a contractor or subcontractor;</p> <p>(d) an employee of a labour hire company who has been assigned to work at Council;</p> <p>(e) an outworker;</p> <p>(f) an apprentice or trainee;</p> <p>(g) a student gaining work experience;</p> <p>(h) a volunteer; or</p> <p>(i) a Councillor.</p>
Workplace	A place where work is carried out for Council.
Training	Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.
Amendment	Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Interpretation of Policy	<p>(a) The singular includes the plural and vice versa.</p> <p>(b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.</p> <p>(c) A reference to policy or procedure means any approved policies or</p>

Document:	Start Date: 25 September 2017	Page Reference:
Work Health & Safety Policy	Approval Date: 25 September 2017	Page 3 of 6

	<p>procedures of Council unless otherwise stated.</p> <p>(d) 'Including' and similar expressions are not words of limitation.</p> <p>(e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.</p> <p>(f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.</p> <p>(g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive and depending on the circumstances may or may not amount to Infringing Workplace Behaviour.</p> <p>(h) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.</p> <p>(i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.</p> <p>Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.</p>
<p>Reporting of Breaches</p>	<p>Persons covered under paragraph 0 (Coverage) must reasonably report breaches of Infringing Workplace Behaviour as follows:</p> <p>For breaches by</p> <p>a) an Employee, Worker (other than a Councillor or General Manager), or Other Person at the Workplace the report must go to the reporting person's applicable Manager/Supervisor;</p> <p>b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor);</p> <p>c) a Councillor the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor); and/or</p> <p>d) the Mayor the report must go to the Deputy Mayor (or if unavailable to the next appropriately delegated Councillor); and</p> <p>as otherwise required or permitted by Applicable Laws.</p>
<p>Breach of Policy</p>	<p>Persons covered under paragraph 0 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Counselling and Discipline Administrative 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 at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:</p> <p>(a) exposing individuals to legal proceedings; and</p> <p>(b) making Council vicariously liable for conduct of others.</p>

Document:	Start Date: 25 September 2017	Page Reference:
Work Health & Safety Policy	Approval Date: 25 September 2017	Page 4 of 6

2 PURPOSE

The aims of this Policy are to:

- (a) recognise Council's commitment to its primary duty of care under the *Work Health & Safety Act 2012* (TAS).
- (b) recognise Council's commitment to providing a safe and healthy workplace for Workers and Other Persons at the Workplace whose health or safety could be at risk through our work;
- (c) recognise Council's commitment to, so far as is reasonably practicable, eliminate risks to health and safety or minimise those risks where elimination is not reasonably practicable;
- (d) signify Council's endorsement and support of its commitment to a safe and healthy workplace;
- (e) provide evidence of, and to be available to, other duty holders or interested parties including regulatory authorities, Workers and Other Persons at the Workplace of Council's commitment to a safe and healthy workplace;
- (f) direct and guide Workers and Other Persons at the Workplace regarding action considered reasonably practicable to protect health and safety;
- (g) provide a fair and flexible approach to work health and safety activities which take into consideration the individual, operational and environmental circumstances;
- (h) operate with any Applicable Laws or policies and procedures;
- (i) comply with Applicable Laws through implementing:
 - (i) appropriate plans, policies, procedures and programs to support and implement this Policy;
 - (ii) measurable safety performance objectives and targets;
 - (iii) training on health and safety matters relevant to Council work;
 - (iv) induction programs;
 - (v) consultation, cooperation and coordination processes;
 - (vi) adequate resources;
 - (vii) monitoring, reviewing and verification of Council systems; and
 - (viii) corrective action where it is identified that the acts or omissions of persons are putting themselves or others at risk.

Document:	Start Date: 25 September 2017	Page Reference:
Work Health & Safety Policy	Approval Date: 25 September 2017	Page 5 of 6

3 **COVERAGE**

This Policy covers and applies to Workers and Other Persons at the Workplace in relation to all work, health and safety matters.

4 **REQUIREMENTS**

- (a) Workers and Other Persons at the Workplace must comply with this Policy.
- (b) Workers and Other Persons at the Workplace are required meet their duty of care obligations and to be accountable for their own safety and the safety of others at the Workplace.
- (c) Workers and Other Persons at the Workplace (unless otherwise notified in writing) are required to adhere to lawful and reasonable directions, policies and procedures regarding compliance with this Policy and health and safety generally.
- (d) Managers/Supervisors are required to:
 - (i) disseminate and make available this Policy within their area of responsibility;
 - (ii) take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately; and
 - (iii) where applicable, if and as Officers, meet their due diligence obligations.

Document:	Start Date: 25 September 2017	Page Reference:
Work Health & Safety Policy	Approval Date: 25 September 2017	Page 6 of 6