



WORK HEALTH AND SAFETY CORPORATE PRACTICE

Corporate Practice
Approved by General Manager: May 2014
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Ownership: Human Resources

Purpose

Mosman Council is committed to ensuring, as far as reasonably practicable, the workplace health and safety of both workers and others in our workplace (including volunteers, contractors, visitors and members of the public).

Scope

Applies to all workers, contractors, volunteers and visitors who are involved in the conduct of Mosman Council business.

Legislative Framework

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

Workers Compensation Act 1987

Workplace Injury Management and Workers Compensation Act 1998

Australian/New Zealand Standard AS/NZS 4804:2001 Occupational Health and Safety Management Systems.

Definitions

Officer: a person who makes or participates in making decisions that affect the whole or substantial part of the organisation (PCBU). This may include any person that can significantly affect the financial standing of Council. Council has identified the Executive Team (General Manager, Director Corporate Services, Director Environment and Planning and Director Community Development) as Officers.

PCBU: the person or entity that conducts a business or undertaking. This may be an individual, a corporation, or a charitable organisation. Under this definition, Mosman Council is the PCBU as an entity.

Reasonably practicable: 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 concerned occurring
- b. the degree of harm that might result from the hazard or the risk
- c. what the person concerned knows, or ought reasonably to know, about:
 - the hazard or the risk
 - ways of eliminating or minimising the hazard or risk
- d. the availability and suitability of ways to eliminate or minimise the hazard or risk
- e. after assessing the extent of the hazard or risk and the available ways of eliminating or minimising it, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the hazard or risk

Work Health and Safety (WHS) Management System: The WHS Management System includes organisational structure, planning activities, responsibilities, policies, practices, procedures and resources for developing, implementing, achieving, monitoring and maintaining Mosman Council's Work Health and Safety Corporate Practice, and managing the WHS risks associated with the business of Mosman Council.

Worker: a person who carries out work in any capacity for a person conducting a business or undertaking, including work as:

- employees
- contractors or subcontractors
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking
- outworkers
- apprentices or trainees
- students undertaking work experience
- volunteers

Responsibilities

PCBU

- 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
- 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.
- Ensure, so far as is reasonably practicable the:
 - a. provision and maintenance of a work environment without risks to health and safety
 - b. provision and maintenance of safe plant and structures
 - c. provision and maintenance of safe systems of work
 - d. safe use, handling, and storage of plant, structures and substances
 - e. provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities
 - f. provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking
 - g. the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking
- Comply with all legislative obligations under the New South Wales *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*.

Officers

The Executive Team will ensure, as far as is reasonably practicable, that there is an effective WHS Management System in place, including a functioning WHS Committee, WHS training program and relevant WHS key performance indicators. In addition the Executive Team will:

- Provide adequate financial and human resources in accordance with the requirements of the WHS Management System
- Participate in prescribed WHS meetings and forums
- Monitor and review the System via prevailing consultative mechanisms, reporting and auditing programs

- Provide appropriate feedback to Safety Performance reports
- Support continuous improvement initiatives
- Provide strategic advice and direction on WHS in alignment with overall business objectives
- As far as is reasonably practicable, provide a safe and healthy workplace
- Facilitate a functioning WHS Committee
- Provide training to ensure employees can perform work in a safe manner and are adequately skilled to perform the task issued to them.
- Develop a system to identify, assess and control hazards
- Provide a system for the identification and review of causes of injury and illness
- Keep the Councilors informed on all aspects of policy implementation
- Fulfill “worker” WHS responsibilities (refer page 5)

Managers

Managers in their respective areas of operation shall promote and oversee the compliance and continued improvement of the WHS Management System. In particular, they shall, as far as is reasonably practicable:

- Effectively communicate Council’s WHS Corporate Practice and supporting policies and procedures to all employees and contractors
- Ensure all employees and contractors comply with the requirements of the WHS Corporate Practice and associated procedures
- Identify, assess and control hazards within their area of operation
- Prepare, review and monitor compliance of safe work method statements (SWMS) and safe operating procedures (SOP) specific to their area of operation
- Promptly address WHS matters raised by Coordinators or Team Leaders
- Inform the Executive of all aspects of implementation of the WHS Corporate Practice within their area of responsibility
- Evaluate employee performance and make arrangements for training to meet skills gaps on a routine basis
- Ensure all staff comply with WHS requirements, and take appropriate disciplinary action in response to breaches of WHS requirements, non-compliance with safe work procedures and/or unsafe behaviour
- Identify changes in the workplace or variations to operations that may adversely affect safety and communicate the situation to the WHS Officer or equivalent for assistance with potential resolution (where required)
- Reward and recognise employees for good safety performance
- Fulfill “worker” WHS responsibilities (refer page 5)

Coordinators and Team Leaders

Coordinators and Team Leaders, as far as is reasonably practicable, shall be responsible for the day to day supervision of their workers, contractors and volunteers and for ensuring that all tasks are performed safely. In particular, they shall:

- Ensure as far as is reasonably practicable all tasks are performed in accordance with legislative requirements
- Ensure as far as is reasonably practicable all tasks are performed in accordance with the safe work method statements and safe operating procedures
- Verify the effectiveness of control measures at appropriate intervals – including monitoring compliance with safe work procedures, site induction requirements and permits to work
- Respond to issues raised through the consultative process and ensure appropriate actions are taken when it relates to their area of influence and responsibility

- Review all Council activities within their area of responsibility and undertake steps to improve safety
- Conduct regular WHS inspections of immediate work area and take necessary corrective action
- Promote WHS with workers, contractors, volunteers and the public
- Ensure as far as is reasonably practicable reported hazards and other WHS issues are dealt with immediately or discussed with Managers without delay
- Facilitate and support workers, contractors and volunteers participation in relevant WHS training
- Support all injured persons and ensure they are adequately cared for immediately following an accident
- Investigate incidents and near misses, take action and/or make recommendations to ensure they are mitigated and do not re-occur
- Keep the managers informed on all aspects of implementation of the WHS Corporate Practice within their area of responsibility
- Fulfill “worker” WHS responsibilities (refer below)

Workers

Workers while at work must:

- Take reasonable care for his or her own health and safety
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons
- Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by Mosman Council (to comply with its responsibilities under the *WHS Act*)
- Co-operate with any reasonable policy or procedure relating to health or safety at the workplace that has been notified to workers
- Participate in training
- Keep their workplace safe, clean and tidy
- Cooperate with Site Safety Rules
- Cooperate with safe work method statements, standard operating procedures and controls
- Report all incidents, near misses and injuries
- Participate in emergency response rehearsals and reviews
- Report hazards
- Undertake rehabilitation and return to work program requirements, where required
- Wear and maintain provided Personal Protective Equipment (PPE)
- Actively participate in any other safety activities

Contractors

Contractors shall devise and implement such strategies as are necessary to eliminate or control, so far as is reasonably practicable, all unsafe work practices and behaviours by their employees and sub-contractors.

Contractors' shall comply with requirements prescribed in Mosman Council's WHS Management System, in particular:

- Comply with all relevant safety legislation
- Take into account applicable current Codes of Practice, Australian Standards and Work Cover guidance material
- Develop and implement safe work method statements or operating procedures tailored to the work being undertaken
- Maintain safe, clean and tidy work areas

- Ensure all contractors employees are adequately trained to safely and competently carry out contracted tasks
- Possess all necessary licenses and certificates of competency for contracted works
- Report near misses and incidents to site personnel
- Communicate any safety concerns to site personnel for rectification
- Comply with any induction and site safety rule requirements
- Ensure their employees and sub-contractors fulfill all other “Worker” WHS responsibilities (see page 5)

Volunteers

Volunteers while at work must:

- Take reasonable care for his or her own health and safety
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons
- Comply, so far as the volunteer is reasonably able, with any reasonable instruction that is given by Mosman Council (to comply with its responsibilities under the *WHS Act*)
- Co-operate with any reasonable policy or procedure relating to health or safety at the workplace that has been notified to volunteers
- Participate in training
- Keep their workplace safe, clean and tidy
- Cooperate with Site Safety Rules
- Cooperate with safe work method statements, standard operating procedures and controls
- Report all incidents, near misses and injuries
- Participate in emergency response rehearsals and reviews
- Report hazards
- Wear and maintain provided Personal Protective Equipment (PPE)

Visitors and Customers

Visitors and customers to Mosman Council must:

- Comply with any reasonable work health and safety instructions provided by Mosman Council representatives escorting them through the workplace
- Take reasonable care to not put themselves or others at risk.

Workplace Consultation on WHS

Mosman Council is committed to establishing and maintaining consultative forums that will:

- Enable workers to contribute to decisions affecting WHS
- Provide workers with the opportunity to express their views and to contribute in a timely manner to the resolution of WHS issues
- Promote decision making on WHS matters
- Promote mutual understanding and co-operation at all levels of the organisation
- Encourage worker contribution, acceptance and observance of policies and procedures governing WHS
- Ensure the views of workers are valued and taken into account
- Facilitate WHS consultation arrangements of non-employees working at its place of work with their respective employers

Mosman Council's agreed WHS consultation methods include:

- Inclusion of WHS as a regular agenda item on team meetings at all levels commencing with the Executive Team
- Maintenance of a Work Health and Safety Committee

Health and Safety Committee

The functions of Mosman Council's Health and Safety Committee (HSC) are:

- To facilitate co-operation between Mosman Council and workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work
- To assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace
- Any other functions prescribed by the regulations or agreed between Mosman Council and the committee

Further detail regarding Committee functions, membership and meeting processes can be found in Mosman Council's Health and Safety Committee Terms of Reference.

Monitoring and Reviewing WHS Performance

A monthly report will be provided by the WHS Officer, in consultation with other sources such as the WHS Committee, for the Executive Team, and may include:

- Progress of WHS Management System improvements as driven by WHS Action Plans, MOSPLAN and/or other Mosman Council strategic planning processes
- WHS training undertaken and scheduled
- Details of incidents and associated corrective action
- Progress of rehabilitation of injured workers
- Developments in legislation relevant to business operations
- Status of Actions arising from previous meetings

Penalties for Breaches of Duties

Sections 30 - 33 of the *Work Health and Safety Act 2011* detail the categories of breaches and associated penalties as follows:

Category 1 – Reckless conduct

A person commits a Category 1 offence if the person:

- a. has a health and safety duty, and
- b. without reasonable excuse, engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness, and
- c. is reckless as to the risk to an individual of death or serious injury or illness.

The penalties for this offence are:

- Body Corporate \$3,000,000
- Individual as a PCBU or an officer \$600,000 or 5 years imprisonment or both
- Individual e.g. worker \$300,000 or 5 years imprisonment or both

Category 2 – Failure to comply with health and safety duty

A person commits a Category 2 offence if:

- a. the person has a health and safety duty, and
- b. the person fails to comply with that duty, and
- c. the failure exposes an individual to a risk of death or serious injury or illness

The penalties for this offence are:

- Body Corporate \$1,500,000
- Individual as a PCBU or an officer \$300,000
- Individual e.g. worker \$150,000

Category 3 - Failure to comply with health and safety duty

A person commits a Category 3 offence if:

- a. the person has a health and safety duty, and
- b. the person fails to comply with that duty

The maximum penalty for this offence is:

- Body Corporate \$500,000
- Individual as a PCBU \$100,000
- Individual e.g. worker \$50,000

Policy Manager

Coordinator, Human Resources and Risk

Review

This policy shall be reviewed every four years or when deemed necessary.

Breach of Corporate Practice

Breaches of this Corporate Practice by any worker or contractor could result in disciplinary action being taken.

Contact

Manager Human Resources - 9978 4012

Amendments

Date	Amendment	Reference
May 2014	Adopted	GM