



# NORTHERN MIDLANDS COUNCIL

## POLICY MANUAL

### WORK HEALTH AND SAFETY

- Originated Date:** Adopted 19 October 2015 – Min. No. 293/15  
(Replacing Policy 12 – Occupational Health & Safety Policy)
- Amended Date/s:** Amended: 20 February 2017 – Min. Ref 35/17  
Reviewed: May 2018
- Applicable Legislation:** *Age Discrimination Act 2004 (Cth)*  
*Anti-Discrimination Act 1998 (TAS)*  
*Asbestos Related Diseases (Occupational Exposure) Compensation Act 2011*  
*Australian Human Rights Commission Act 1986 (Cth)*  
*Disability Discrimination Act 1992 (Cth)*  
*Fair Work Act 2009 (Cth)*  
*Local Government Act 1993 (TAS)*  
*Long Service Leave Act 1976*  
*Racial Discrimination Act 1975 (Cth)*  
*Sex Discrimination Act 1984 (Cth)*  
*Work Health & Safety Act 2012 (TAS)*  
*Workers (Occupational Diseases) Relief Fund Act 1954*  
*Workers Rehabilitation & Compensation Act 1988 (TAS)*
- Objective**
- 1) To acknowledge the cultural importance of Aboriginal people and importance to Northern Midlands heritage and identity.
  - 2) To provide direction and support to Mayor, Deputy Mayor, Councillors and officers of the Northern Midlands Council for Welcome to Country and Acknowledgment of Country protocols.
- Publication Sources:** 15/013 - Human Resources Policies & Procedures  
02/03/01/01 – Human Resources – Employee  
Infonet / Documents / HR – Policies  
Works Depot, Childcare Facility and Pool Locations
- Administration:** Governance – People & Culture Business Partner  
Corporate Services - Work Health & Safety Officer
- Review Cycle/Date:** January 2020

#### 1. AUTHORITY & APPLICATION

This Policy should be considered in the context of the following policies and procedures:

- Alcohol & Other Drugs
- Communications & Social Media
- Disciplinary
- Employee Code of Conduct
- Fitness for Work
- Health & Wellbeing
- Induction
- Issue Resolution
- Performance Management
- Plan Management



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- Smoke Free
- Sun Protection
- Training & Development
- Working in Remote & Isolated Areas
- Workplace Behaviour

### DEFINITIONS

*Council* - Northern Midlands 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 *Local Government Act 1993 (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 *Local Government Act 1993 (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* – an officer within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth other than a partner in a partnership; or an officer of the Crown within the meaning of section 247 of the *Work Health and Safety Act 2012 (TAS)*; or an officer of a public authority within the meaning of section 252 of the *Work Health and Safety Act 2012 (TAS)* – other than an elected member of a local authority acting in that capacity (which includes a Councillor).

*Other Persons at the Workplace* - any person, other than a Councillor at the workplace who is not a worker including visitors and ratepayers.

*Policy* - this Policy including the Authority and Application.

*Worker* - a person who carries out work in any capacity for Council, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Council
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer or
- a Councillor

*Workplace* - a place where work is carried out for Council.

### TRAINING

Council will provide all persons covered by this Policy with the appropriate training so they are made aware of their responsibilities and obligations under the Policy.

### AMENDMENT

Council retains the sole discretion to reasonably 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.



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### INTERPRETATION OF POLICY

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.

'Including' and similar expressions are not words of limitation.

A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

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.

Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.

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.

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 so 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.

Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager/supervisor, the Work, Health & Safety Officer or the People & Culture Business Partner.

### REPORTING OF BREACHES

Persons covered under the paragraph 'Coverage' must reasonably report breaches of infringing workplace behaviour as follows:

For breaches by:

- an employee, worker (other than the General Manager) or other person at the workplace the report must go to the reporting person's applicable manager/supervisor;
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and as otherwise required or permitted by applicable laws.

### BREACH OF THIS POLICY

Persons covered under the paragraph 'Coverage' who engage in infringing workplace behaviour may (as is appropriate and as is applicable) be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure (employees) or removal from the workplace or termination of services (workers, other than employees and other persons at the workplace). Infringing workplace behaviour may also amount to breaches of applicable laws:

- exposing individuals to legal proceedings and
- making Council vicariously liable for the conduct of others

## **2. PURPOSE**

The purpose of this Work Health and Safety Policy is to:

- recognise Council's commitment to providing a safe and healthy workplace for workers and other persons at the workplace whose health, safety or wellbeing could be at risk through the work they do or that they are exposed to
- direct and guide workers and other persons at the workplace regarding action considered reasonably practicable



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to protect health and safety

- operate with any applicable laws or policies and procedures
- comply with applicable laws through implementing:
  - appropriate plans, policies and procedures and programs to support and implement this Policy
  - measurable safety performance objectives and targets
  - training on health and safety matters relevant to Council work
  - induction programs
  - consultation, cooperation and coordination processes
  - reporting of all hazards, incidents, accidents and, near misses
  - adequate resources
  - monitoring, reviewing and verification of Council systems
  - corrective action where it is identified that the acts of omissions of persons are putting themselves at risk

Council recognises its duty of care under the *Work Health & Safety Act 2012 (TAS)* and will provide a fair and flexible approach to work, health and safety activities that takes into consideration the individual, operational and environmental circumstances.

### 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:

Workers and other persons at the workplace must comply with this Policy.

Workers and other persons at the workplace are required to meet their duty of care obligations and to be accountable for their own health, safety and wellbeing, as well as the health, safety and wellbeing of others at the workplace.

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.

Managers/Supervisors are required to:

- promote this Policy within their area of responsibility
- take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately and
- where applicable, if and as officers meet their due diligence obligations

Compliance with legislative requirements in regards to work health and safety is the minimum standard acceptable to Council and we recognise that all persons are required to contribute to this to achieve this objective. Anyone found to be in breach of this Work Health and Safety Policy may be subject to disciplinary action, up to and including termination of employment.

### 5. APPROVAL AUTHORITY:

Name: Des Jennings

Signature:

Position: General Manager, Northern Midlands Council

Date: 17 May 2018