

POLICY

Work Health and Safety Roles & Responsibilities

Date adopted by Council	31 January 2022
Minute number	H.01.1
Endorsed by	Council SMG Health & Safety Committee
CM Ref	CD-197/21
Due for review	1 November 2024
Related documents	WHS Policy
Responsible officer	Manager Human Resources
Department/Section	Corporate Services/Human Resources
Category	Personnel
Community Strategic Plan goal	<p>Goal 8 – Provide Community Leadership</p> <p>CS-30 – Effectively and efficiently manage the business of Council, while encouraging an open and participatory Council with an emphasis on transparency Community engagement, action and response.</p>



Policy Statement

Upper Hunter Shire Council (Council), as a Person Conducting a Business or Undertaking (PCBU), and its Officers will provide a safe and healthy working environment for all workers, and other persons as far as reasonably practicable. Council will implement a process, backed and strengthened by encouraging responsibility across all levels of Council, including stakeholder consultation, monitoring and review and embedding a strong workplace culture.

Objective

The purpose of this policy is to provide an outline of the Work Health and Safety (WHS) responsibilities of all those involved in creating a safe work place. Council will comply with the Legislative requirements of the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017. It will implement these requirements together with Codes of Practice, Australian Standards and relevant guides throughout its operations with the aim of working towards AS/NZS ISO 45001 Occupational Health and Safety Management Systems and Best Practice.

Scope

This policy applies to:

- a) All workers of the Council, which is to include all persons performing work under the direction of, or on behalf of Council (for example, employees, outworkers, apprentices, trainees, work experience, volunteers, contractors, subcontractors and their employees, agents, consultants, full time, part time, casual and temporary workers).
- b) All Council work sites and where work is carried out or where Council is represented (for example when visiting a customer, client or supplier).
- c) Others – including Councillors whilst acting in their official capacity and all other visitors to Council work sites (as above).

Definitions

Job Description	A documented statement of a specific job. It includes duties, purpose, responsibilities, scope, the job's title, and the name of who the worker reports to, or what functions report to that job.
Health & Safety Committee (HSC)	A representative group of workers who meet in a cooperative way to improve systems for managing WHS in the workplace.
Health & Safety Representative (HSR)	A worker in the workplace who is elected by the workers of the same workgroup to represent them on WHS matters which affect them. A HSR can be a member of the HSC if they choose to do so
Officer	You are an officer of a corporation or entity if you: <ul style="list-style-type: none"> • are appointed as a director or officer of a corporation • have influence over decisions that affect the business or undertaking of the corporation or entity, including financial and administrative decisions



	<ul style="list-style-type: none"> • can instruct other officers or directors about the business or undertaking of the corporation or entity • are a liquidator of the business or undertaking • are a trustee of the business or undertaking. <p>The relevant legislation is the Work Health and Safety Act 2011 and the Corporations Act 2001.</p>
PCBU	A Person Conducting a Business or Undertaking, where a person may be an organisation or individual. Council is a PCBU. Other organisations or individuals may hold shared responsibilities as a PCBU depending on the arrangement with Council.
Reasonably Practicable	<p>Doing what is reasonably able to be done to ensure the health and safety of workers and others, taking into account:</p> <ul style="list-style-type: none"> • The likelihood of the hazard or risk occurring; • The degree of harm that might result from exposure to the hazard or risk; • What the person concerned knows, or ought reasonably know, <ul style="list-style-type: none"> ○ about the hazard or risk, and ○ about the ways of eliminating or minimising the risk; • The availability and suitability of controls and the cost associated with controls; and <p>After assessing the risk and available means to eliminate or minimise the risk, whether the cost is grossly disproportionate to the risk.</p>
Responsibility	Something that is your job or duty to manage.
Worker	A person who carries out work in any capacity for Council. This includes an employee, contactor, subcontractor or volunteer.

Policy Details

Legal WHS Duties and Responsibilities

WHS Duties of Council

In accordance with the Work Health and Safety Act 2011, the Council (in its legal capacity as a Person Conducting a Business or Undertaking) has a primary duty of care to ensure workers are not exposed to a risk to their health and safety while at work, and that others are not put at risk from work carried out.

The Council must meet these obligations, so far as is reasonably practicable, by ensuring:

- Safe systems of work,
- A safe work environment,
- Provision and safe use of plant, structures and substances,
- Facilities for the welfare of workers are adequate,
- Notification and recording of workplace incidents,



- Adequate information, training, instruction and supervision is provided,
- Provision of any information and or instruction to ensure staff work in a safe manner, and
- Effective systems are in place for monitoring the health of workers and workplace conditions.

Council must also have meaningful and open consultation about work, health and safety with its workers, Health and Safety Representatives (HSRs) and Health and Safety Committees (HSC), as per the WHS Consultation Operational Policy. Council must consult, cooperate and coordinate about WHS hazards and requirements with other organisations with whom they share WHS duties.

WHS Duties of Council Officers

Council's General Manager (GM), Directors and some Senior Managers are considered "Officers" under the WHS Act, because they meet definition (as per the Corporations Act (Cth) 2001) as people who make decisions, or participate in making decisions that affect the whole or a substantial part of a business or undertaking, and have the capacity to significantly affect the financial standing of the business or undertaking. Most Council operational managers, including supervisors and team leaders, are not considered to be Officers.

While Directors may delegate some of the details and implementation of WHS management to department managers and WHS Staff, as Officers the Directors however maintain ultimate responsibility and accountability for WHS.

Under the WHS Act, it is an Officer's duty to exercise due diligence to ensure their business or undertaking fulfils its health and safety obligations, by:

- Acquiring and keeping up to date knowledge of work health and safety matters, for example by:
 - Attending WHS related training
 - Signing up to WHS regulator, WHS law and other relevant e-newsletters
- Gaining an understanding of the operations of Council, and the hazards and risks involved, for example by:
 - Reviewing Council's WHS Risk Register
 - Performing periodic safety observations
- Ensuring managers are provided with appropriate resources (including financial and human capital) to enable Council's hazards to be identified and risks to be eliminated or minimised. This includes ensuring that Councillors are provided with adequate information to allow them to allocate sufficient funding for effective WHS management, for example by:
 - Consulting with managers and workgroups to ascertain the WHS needs for the next financial year and considering this in budgetary planning
- Confirming information regarding incidents, hazards and risks is received (via Incident reports, hazard reports, investigations, and other means) and the information is responded to in a timely manner, for example by:
 - Having oversight of incident reporting and incident investigations to ensure that they are being investigated and that suggested controls are effective and implemented in a timely manner
- Ensuring Council has, and implements, processes for complying with all its WHS legal duties and obligations, for example by:



- Ensuring there are regular internal and external audits to verify WHS compliance
- A WHS legal compliance register is developed, and a review of compliance is performed with any corrective actions being carried out in a timely manner
- Ensuring WHS processes are verified, monitored and reviewed, via inspections, WHS audits, and WHS management reviews, for example by:
 - Actively participating in or leading the annual WHS management review and planning process, as per the WHS Planning and Reporting Procedure.

WHS Duties of all Workers

Workers (including volunteers, labour-hire workers, students, and work-experience students) are legally obligated to take the following actions while working at or for Council:

- Take reasonable care for their own health and safety, and that their acts or omissions do not adversely affect the health and safety of other persons,
- Comply with any reasonable instruction from Council’s Managers, Coordinators and Supervisors, and
- Cooperate with and follow all Council WHS policies and procedures.

Workers must be informed of their obligations and the consequences of failing to adhere to these duties.

WHS Responsibilities of Councillors

The Mayor and Councillors are not considered to be Officers, as they are specifically excluded by Section 4 of the WHS Act. Instead, Councillors are treated as “workers or others” under the WHS Act. Their duty is to ensure that their actions and omissions as Councillors do not create WHS risks for Council’s workers, residents, visitors, and others affected by the Council. Councillors must also comply with Council WHS requirements and procedures while acting for Council.

As per the Local Government Act 1993, Councillors must “make considered and well-informed decisions” on behalf of the community, which includes considering WHS risks.

WHS Responsibilities of Managers and Coordinators/Supervisors

Managers and Coordinators/Supervisors are usually classified as workers under WHS Law, some higher level Managers may be classified as Officers. However, they have a key role in implementing Council’s WHS requirements as detailed in WHS procedures and ensuring that workers under their control receive adequate communication, support, training, and supervision in order to follow all of Council’s WHS requirements.

Managers and supervisors are responsible for ensuring that WHS is considered in all activities under their control, including ensuring the adequacy of the supervision they provide to employees, students, volunteers, or contractors under their control. The type and constancy of supervision required will vary according to the complexity of the task, risk associated with the task, and the competency of the individuals performing the task.



WHS Responsibilities for WHS/HR Staff

WHS/HR staff are responsible for developing, managing the implementation of, and improving, the systems for WHS Management. They will provide advice to Directors and support to managers, in order to assist them to fulfil their WHS Responsibilities, however WHS/HR Staff are not classified as Officers under the WHS Act.

WHS/HR Staff will make recommendations on any outsourcing of WHS services that may need to be outsourced, such as tagging, testing, training or auditing, or using the services of a specialised consultant to provide expert knowledge not available within Council.

WHS Responsibilities for Secondary WHS Roles

Certain workers within Council have secondary safety roles in addition to their job title, such as:

- Health and Safety Committee members and Health and Safety Representatives, who are responsible for assisting with WHS consultation and communication, and may assist managers to carry out certain WHS responsibilities such as inspections see the WHS Consultation Operational Policy.
- Members of the Emergency Control Organisation, who are responsible for overseeing the planning and testing of the Council Emergency Preparedness Operational Policy,
- Emergency Wardens, who are responsible for implementing some aspects of the emergency plans, such as directing workers to evacuate,
- First Aiders, who are responsible for administering first aid to workers and others in the work area, within the scope of their first aid training, and
- Members of the WHS Steering Committee (Senior Management Group and Manager Human Resources), who are responsible for WHS Management Review and planning.

These secondary roles may or may not be reflected on a worker's job description, however they are very important for the functioning of the WHS Management System at Council. Workers, their managers, and directors must ensure that sufficient time is allowed for the completion of duties associated with these secondary WHS roles.

WHS responsibilities - Communication and reinforcement

WHS Policy

General Managers must approve and sign a WHS Policy that has been agreed to by the WHS Steering Committee (in our Council SMG & MHR take on this role), which is the first step in communicating Executive Management commitment to safety.

Job Descriptions

The HR Manager is responsible for ensuring that all job/position descriptions in Council include WHS roles and responsibilities. These responsibilities should be considered when identifying and establishing the selection criteria for candidates for roles, and the development plans for workers in existing roles. Please refer to appendix 1.



WHS Plans

The WHS Steering Committee (consisting of the GM, Directors, Manager Human Resources,) will develop the WHS Plan on an annual basis. This includes deciding on WHS objectives and targets, as well as actions to achieve the targets, performance indicators or deliverables, the individuals who will be held responsible for achieving these outcomes, and timeframes for achievement. These responsibilities will be aligned to appropriate workers whose role allows them to achieve the outcomes. Achievement of selected (key) performance indicators will be monitored monthly, and achievement of all performance indicators and deliverables will be reviewed quarterly by the WHS Steering Committee.

WHS Resources required to fulfil WHS requirements, legal responsibilities and actions should be documented in confidential versions of the WHS Plans.

Individual Performance Objectives and Performance Reviews

All directors, managers and coordinators/supervisors will have WHS performance objectives as part of their individual performance plans. Achievement of these indicators, must be assessed at each performance review.

WHS Operational Policies and Procedures

All WHS Operational Policies and Procedures will have a “Responsibilities” section which allocates responsibility for required actions to individual roles.

Where required, other relevant policies and procedures (for example procedures for procurement, event planning, construction or works planning) should incorporate WHS requirements such as risk assessments and inspection and reference any required WHS forms or procedures.

Training

Training will be provided to ensure all workers are aware of their WHS responsibilities and have the skills and knowledge to carry them out. WHS Roles and Responsibilities must be included in inductions for all workers, volunteers and contractors.

A Compliance/Essential Training Matrix will be completed and kept up to date, which indicates induction and ongoing compliance training that must be completed by workers in each specific role.. All relevant workers will be provided with information and/or training on WHS operational policies, procedures and WHS documents relevant to their role.

Specialised training will be delivered by approved external providers, for example licencing (e.g. forklift drivers, workers who drive Council vehicles), certification (e.g., First Aiders), and others may need to have their competency for certain tasks verified (Verification of Competency of excavator drivers), in order for them to continue carrying out those tasks.



Responsibilities

Councillors

Councillors will:

- Be aware of Council's WHS Roles and Responsibilities Policy and its contents to ensure their actions and omissions to act as Councillors do not create WHS risks for Council's workers, residents, visitors and others affected by the Council.
- Must also comply with Council WHS requirements and procedures while acting for Council.
- Must "make considered and well-informed decisions" as per the Local Government Act 1993 on behalf of the community, which includes considering WHS risks.

Senior Management Group

The Senior Management group will:

- Ensure Council has the necessary resources and processes to implement the requirements of this procedure, and fulfil all WHS responsibilities.
- Monitor the requirements of this Operational Policy to ensure that WHS roles and responsibilities are known and followed within Council.

Managers, Coordinators and Supervisors

Manager, coordinators and supervisors will:

- Participate in training and education in relation to this operational policy and arrange for workers under their direction to attend training in relation to this procedure
- Enforce WHS Responsibilities for workers under their supervision.

WHS/HR Staff

WHS/HR staff will:

- Support the WHS management system and processes relating to the allocation and monitoring of WHS responsibilities.
- Coordinate appropriate training in accordance with section 5 of this Operational Policy.

Workers

Workers will:

- Follow Council's policies and procedure as instructed
- Participate in training in relation to this Operational Policy.

Others

A person at a workplace (whether they fall under the above categories or not) must:

- Follow Council's policies and procedure as instructed



References and Related Legislation

- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017 (NSW)
- WHS Codes of Practice - <https://www.safework.nsw.gov.au/resource-library/list-of-all-codes-of-practice>
- AS/NZS ISO 45001:2018 Occupational health and safety management systems- Requirements with guidance for use
- Corporations Act 2001 (Cth)
- Local Government Act 1993
- WHS Responsibilities Outline (Appendix 1).

Version History

Version No.	Date	CD Ref	Reason for Review
1	31/01/2022	CD-197/21	New policy required as an outcome of Council's Annual WHS Continuous Improvement audit.



Appendix 1.

These WHS Responsibilities for workers will be included in relevant Job Descriptions:

Councillors will:

- Take reasonable care of their own health and safety.
- Ensure that their actions and omissions to act as Councillors do not affect the health and safety of Council's workers, residents, visitors and others affected by Council.
- Comply with any reasonable instruction, as far as is reasonably able given by Council to comply with their legal obligations.
- Cooperate with any reasonable policy or procedure of Council in relation to health and safety in the workplace.
- Make considered and well-informed decisions on behalf of the community, which includes considering WHS hazards and risks.
- Councillors will be provided with information relating to their individual responsibilities.

GMs and Directors will:

- Acquire up to date knowledge of all work health and safety matters relating to Council.
- Gain an understanding of the nature of operations of Council and generally of the hazards and risks associated with those operations.
- Ensure Council has the necessary resources, and processes are available to enable hazards to be identified and risks to be eliminated or minimised. E.g. to implement effective WHS management systems, safe systems of work, emergency management systems and training and instruction to workers about work health and safety.
- Ensure there is an appropriate process being used for receiving information relating to incidents, hazards and risks and the information is responded to in a timely way.
- Ensure Council's processes are in place and used to meet all WHS legislative requirements.
- Provide workers and other affected people with a safe working environment and equipment, in accordance with Work Health and Safety (WHS) legislative requirements
- Review Council WHS performance and the effectiveness of the management system and assist in formulating WHS objectives and plans.
- Ensure effective WHS consultation mechanisms are in place.

Managers will:

- Ensure all sectional operations comply with WHS legal requirements and relevant WHS policies and procedures are documented, understood by workers and complied with.
- Consult with workers on health and safety matters such as planning, designing, procedural changes, purchase of new equipment to ensure safety considerations are taken into account at the beginning of a process.
- Plan sectional WHS actions in order to assist Council in achieving its WHS objectives and targets
- Monitor and report on sectional WHS performance and the KPIs of people reporting to them
- Monitor the workplace to identify and respond to hazards
- Ensure all workers and others under their direction are trained and competent in relation to all relevant WHS legislation and best practice.



- In consultation with workers and other affected people, ensure all WHS hazards and risks in their section are identified, controlled and reviewed, and carry out all allocated WHS corrective actions in a timely manner
- Carry out sectional event investigations on all significant events and ensure completion of control measures are in place in a timely manner to prevent re-occurrence.
- Ensuring programs are in place to monitor the, maintenance, use and replacement of equipment. E.g. personnel protective equipment (PPE).

Coordinators /Supervisors/ Team Leaders will:

- Ensure all workers are inducted to Council and applicable job sites.
- Ensure workers understand and comply with all sectional WHS policies and procedures.
- Ensure all workers in their team are trained and competent in relation to safe work operations, legislative requirements and relevant health and safety hazards and risks.
- Ensure risk assessment and hazard identification is consulted, carried out and reviewed in a timely manner: when there is a change in work procedure, where further hazards or risks have been identified, after an event occurs or after a regular review.
- Ensure all WHS hazards incidents and near misses are reported before the end of the shift using Councils system, and investigated and resolved in a timely manner.
- Consult with workers and other affected people on all matters in relation to health and safety.
- Report any non-compliance to management.

Workers will:

- Take reasonable care of their own health and safety.
- Ensure their actions, or omissions to act, do not adversely affect the health and safety of themselves or any other person
- Comply with any reasonable instruction, as far as reasonably able given by Council to comply with their legal obligations.
- Cooperate with any reasonable policy or procedures of Council in relation to health and safety in the workplace.
- Participate in the consultation process on all matters in relation to health and safety.
- Report all WHS hazards, incidents and near misses as soon as reasonably practicable using Councils reporting procedure.
- Participate in all required WHS training

WHS/HR Staff will:

- Develop, provide and review the policies, procedures, systems and processes for the implementation and improvement and of the WHS management system across Council
- Monitor the implementation of Council's WHS management system
- Provide, support and improve processes for the identification, assessment, control and monitoring of risks
- Provide assistance and feedback to Supervisors and Managers regarding the management of risks and the implementation of the WHS management system
- Coordinate appropriate WHS training in conjunction with L&D staff
- Consult with workers and other affected people to ensure effective management of hazards and risks



Others will:

- Take reasonable care for their own safety
- Take reasonable care their acts or omissions to act do not adversely affect the WHS of others.
- Comply as reasonably able with any instruction given by Council to allow Council to comply with their legal obligations.

Additional WHS Responsibilities for specialised workers/departments:

Procurement

- In consultation with relevant workers, ensure all WHS risks associated with the whole product or service life cycle are assessed and WHS considerations are prioritised in all purchasing decisions, as far as reasonably practicable.

Event Management

- In consultation with relevant workers, ensure WHS risks associated with all event stages and foreseeable occurrences are assessed, and WHS considerations are prioritised in all event planning decisions, as far as reasonably practicable.

Infrastructure

- In consultation with relevant workers, ensure WHS risks associated with all stages of construction are assessed and WHS considerations are prioritised in all construction planning decisions, as far as reasonably practicable.
- Ensure a Project WHS Management Plan is developed or reviewed by Council, for all projects valued at over \$250k.
- Ensure current Safe Work Method Statements (SWMS) are current, defined in writing, communicated to and understood by workers and reviewed, regularly and after any incident, for all high-risk construction work.

Workers Who Engage Contractors

- Ensuring that contractors have adequate WHS management systems before contracts are awarded
- Ensuring contractors are inducted to the site safety rules and hazards and safe systems of work.
- Providing adequate supervision to ensure the safety of all people potentially affected by their work

Human Resources

- Ensuring that WHS responsibilities are included in Job Descriptions and employment contracts
- Ensure WHS performance is a key consideration during performance appraisals
- Implement performance management or disciplinary action in regard to inadequate WHS performance or WHS breaches, if required.