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The document must be attributed as the ‘Work Health and Safety Policy’.
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Statement of Commitment to Health and Safety

The Department of Jobs and Small Business is committed to providing a safe, healthy and productive working environment for all employees and visitors to the Department.

The Department strives for continuous improvement in all areas of health and safety with the understanding that a strong health and safety culture is a vital part of a productive workplace.

Leadership involvement is critical in fostering positive culture and setting the health and safety priorities and performance for the Department.

This statement of commitment identifies the Department’s key priorities for improving our health and safety performance and management system.

The Department is committed to:

- the risk management process and ensuring consistency with the nature of workplace activities and scale of health and safety risks
- complying with relevant health and safety legislation and other requirements placed upon the Person Conducting Business Undertakings (PCBU) or to which the PCBU subscribes
- establishing measurable objectives and targets for health and safety to ensure continuous improvement aimed at elimination of work-related illness and injury
- providing appropriate health and safety training to all workers
- consultation processes to ensure all workers are included in decision-making where there is an impact on workplace health and safety
- dissemination of health and safety information to all workers and visitors to the workplace
- effective implementation of the health and safety policy.

The Department will continue to consult with its people to ensure this commitment and associated policies and procedures operate effectively and our management system is reviewed and continuously improved.

Kerri Hartland

9 March 2018
1. Purpose

1.1. This policy provides information and guidance relating to duty holders under the *Work Health and Safety Act 2011* (the Act) and others with a delegated role or responsibility on behalf of the Person Conducting a Business or Undertaking (PCBU), the Department of Jobs and Small Business.

2. Date of effect

2.1. This policy is effective from 15 May 2017.

2.2. This policy will be reviewed every two years or where there is significant legislative change. Reviews will be conducted by the Performance and Wellbeing Team.

3. Application

3.1. This policy applies to all Department of Jobs and Small Business officers, workers, visitors and contractors.

3.2. This policy is supported by the Department’s:

- Statement of Commitment to Health and Safety
- Near miss, incident and hazard reporting guidelines
- WHS Due Diligence Guidance for Officers
- Rehabilitation and Return to Work Policy
- Work Health and Safety Committee Terms of Reference
- WHS Issues Resolution procedures

4. Legislative framework

4.1. The Act provides the legislative framework for regulating the health and safety of workers and provides a legal basis for the protection of the health and safety of workers, including Department of Jobs and Small Business employees.

4.2. This policy needs to be read in conjunction with:

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2011*
- *Safety and Rehabilitation Compensation Act 1988;*
- *Disability Discrimination Act 1992;*
- *Public Service Act 1999;*
- *Fair Work Act 2009;*
- *Department of Employment Enterprise Agreement 2015-18*
5. Primary Duty of Care (s19 WHS Act)

5.1. The Department is considered a Person Conducting a Business or Undertaking (PCBU) (s5 WHS Act) and therefore has a duty to ensure, so far as is reasonably practicable, that the health and safety of any worker is not put at risk from work carried out for the Department.

5.2. The Department has a primary duty of care under the Act towards:
   a) workers engaged, or caused to be engaged by the Department;
   b) workers whose activities in carrying out work are influenced or directed by the Department, while the workers are at work in the Department.

5.3. A ‘worker’ (s7 WHS Act) includes Department employees, as well as contractors, subcontractors, volunteers and work experience students where their work is considered to be ‘influenced or directed’ by the Department.

5.4. The Department must meet its duty, so far as reasonably practicable, to provide a safe and healthy workplace for workers or other persons by ensuring:
   a) the provision and maintenance of a work environment without risks to health and safety;
   b) the provision and maintenance of safe plant and structures;
   c) the provision and maintenance of safe systems of work;
   d) the safe use, handling and storage of plant, structures and substances;
   e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the Department including ensuring access to those facilities;
   f) the 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 Department; and
   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 Department.

5.5. The Department must also have meaningful and open consultation about work health and safety with its workers, health and safety representatives and safety committees.

5.6. The Department is obliged to consult, cooperate and coordinate with any organisation that has a duty of care in relation to the same workers.

6. Duties and Responsibilities

6.1. The following principles apply to all duties that persons have under the Act (s13 -s17 WHS Act):
   • A duty is not transferable
   • A person may have more than one duty
   • More than one person can have the same duty
   • Risks are managed to ensure they are eliminated or minimised, so far as reasonably practicable.
6.2. The Act requires that where more than one PCBU or person has a duty for the same issue or the same workers, each PCBU or person retains responsibility for the matter and must discharge the duty to the extent they can influence and control the issue.

Who is an Officer under the Act?

6.3. The Act defines an Officer as a person who:
   a) Participates in decision making that affects a whole or substantial part of the Department (s247 WHS Act)

Duty of an Officer (s27 WHS Act)

6.4. It is an Officer’s duty to proactively exercise due diligence to ensure the Department fulfils its health and safety obligations under the Act. Due diligence requires an Officer to investigate, evaluate and ensure the health and safety of workers as part of the decision making process.

6.5. This duty supports effective decision making and can strongly influence the Department’s health and safety culture. Due diligence requires an Officer to:
   a) acquire and keep up to date knowledge of work health and safety matters;
   b) gain an understanding of the operations of the Department and the hazards and risks involved;
   c) ensure appropriate resources and processes are provided to enable hazards to be identified and risks to be eliminated or minimised;
   d) ensure information regarding incidents, hazards and risks is received and the information is responded to in a timely way;
   e) ensure the Department has, and implements, processes for complying with any legal duty or obligations;
   f) ensure processes are verified, monitored or reviewed; and
   g) verify the provision and use of resources and processes referred to in the above duties.

Who is a Manager under the Act?

6.6. Managers are considered to be workers under the Act and therefore have the same legislative obligations as workers (s28 WHS Act).

6.7. For practical purposes, a manager in the Department is considered to be a person who is responsible for instructing and supervising others at work.

6.8. Managers assist Officers to meet due diligence requirements and contribute to effective health and safety within their team by leading, guiding and supporting workers to understand and adhere to any health and safety obligations, policies and procedures.

6.9. A manager should ensure a healthy and safe workplace for all workers in the workplace under their control, and that those workers have an opportunity to raise health and safety issues at any time.

6.10. A manager is a key stakeholder in the rehabilitation process for the safe return to work for injured workers.
6.11. The fact sheet managing health, safety and wellbeing provides managers with practical guidance to promote safe and healthy work practices in a team.

Who is Worker under the Act?

6.12. For the purposes of this policy, the term ‘worker’ includes any person who works for the Department as an:
   a) Employee (ongoing or non-ongoing)
   b) Outposted worker
   c) Contractor or subcontractor
   d) Employees of a contractor or subcontractor
   e) Trainee or apprentice
   f) Volunteer or work experience student

Duty of a Worker (s28 WHS Act)

6.13. A worker or visitor to the Department has a duty under the Act. Workers and visitors can discharge their duties by ensuring they undertake the following while working in connection with the Department:
   a) Take reasonable care for their own health and safety
   b) Take reasonable care for the health and safety of others
   c) Comply with any reasonable instruction from the Department
   d) Cooperate with any reasonable policies and procedures of the Department

6.14. All workers and visitors to the Department have the authority to report hazards in the workplace and exercise their responsibilities under the Act to improve workplace health and safety.

6.15. The fact sheet, looking after your health and wellbeing provides workers with practical assistance to meet their health and safety duty.

6.16. Where there is more than one duty holder responsible for the health and safety of particular workers, each duty holder retains responsibility for the duty in relation to the matter and must discharge the duty to the extent of their influence and control of the matter (s16 WHS Act).
7. Accountability for health and safety

7.1. Health and safety in the Department must be adhered to and considered as part of day to day business. In particular, Officers and managers must ensure that they are familiar with, and fulfil their obligations, for ensuring, so far as reasonably practicable, effective health and safety.

7.2. Officers, as part of their obligations, should ensure that employees and managers:

- complete necessary health and safety and related training
- correct and monitor any employees not adhering to safe work practices or who perform tasks in an unsafe manner
- ensure appropriate risk management processes are in place and continually monitored for effectiveness
- communicate any hazards and the procedures to controls risks
- report any near-misses, hazards, incidents, injury and illness through the Incident and Hazards Online Reporting Form
- cooperate with any WHS representatives
- keep up to date with WHS issues and communicate these issues to employees

7.3. Mechanisms to help Officers and delegated managers fulfil their WHS obligations include, but are not limited to:

- Hazard and incident reporting
- Risk management
- Training programs, both face to face and online
- Workstation assessments
- Workplace inspection
- The EAP and Manager Assistance hotline
- Health and Wellbeing activities, such as influenza vaccination reimbursement
- Health and Safety representatives

8. Controlling risks to health and safety

8.1. The Department has a Work Health and Safety Risk Plan as part of our risk management governance.

8.2. Identification and management of WHS risks should also be considered as part of project planning and project management, for example, accommodation moves etc.

8.3. The Secretary’s Instructions relating to Risk Management outline the responsibility of all officials to undertake the management of risk and the operational rules.

9. Incident notification

9.1. The Department must notify the regulator of any notifiable incidents immediately after the Department becomes aware that an incident has occurred (s38 WHS Act).
9.2. The Performance and Wellbeing Team is responsible for reporting notifiable incidents to Comcare on behalf of the Department. To facilitate prompt reporting to Comcare, workers and/or their manager must immediately report incidents or hazards using the Incident and Hazards Online Reporting Form.

10. **Health and Safety Representation (s50-s74 WHS Act)**

10.1. Health and Safety Representatives (HSRs) represent workers in the specified work group in relation to health and safety matters at work (s68 WHS Act). Responsibilities and authority of HSRs include:

   a) monitoring Department of Jobs and Small Business compliance with the WHS Act
   b) investigating complaints from work group members about WHS matters and liaise with management to resolve these matters
   c) keeping records of any consultation or investigations carried on behalf of their work group
   d) inquiring into anything arising from the conduct of Department of Jobs and Small Business that appears to be a risk to the health or safety of work group members
   e) conducting regular WHS inspections of the work area
   f) inspecting the workplace or any part of the workplace at which work group members work, after giving reasonable notice to the Department
   g) inspecting the workplace without giving notice, in response to an incident or a situation involving a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard
   h) accompanying an inspector during an inspection of the workplace or part of the workplace at which a work group member works
   i) if they have completed the required training, directing a work group member to cease unsafe work and issuing a Provisional Improvement Notice (PIN).

10.2. HSRs should conduct a WHS inspection of their work group at a minimum of twice a year – the first week of May and September each year. A template inspection checklist is available on the intranet.

10.3. If the designated HSR or Deputy HSR is unavailable, a worker from the work group can make a request in writing to the WHS Unit mailbox to arrange for a HSR from another work group to undertake the inspection.

10.4. HSRs may consult with managers in the work group to resolve any health and safety matters identified during the inspection. HSRs may also seek support from the WHS Unit in People Branch or from the Property Team.

10.5. A copy of the inspection report and actions taken to resolve any identified health and safety matters should be provided to the WHS Unit in People Branch.

**Election of health and safety representatives (s50 WHS Act)**

10.6. Each work group in the Department will be represented by at least one HSR. A work group can be defined by organisational structure, location or through any category agreed to by
the relevant workers. A HSR will hold their office for three years unless during that period they:

a) resign
b) cease to be a worker in the work group they represent
c) are disqualified as a HSR
d) are removed from the position by the majority decision of the work group.

10.7. HSRs are eligible to receive the Workplace Responsibility Allowance (WRA). Further information about the WRA is available in the Workplace Responsibility Allowance Policy.

10.8. When there is an identified HSR or Deputy HSR vacancy, the Performance and Wellbeing Team will notify workers in the relevant work group of the vacancy and call for nominations.

10.9. If only one nomination is received, the worker will automatically become the HSR for their work group. If multiple nominations are received an election will be held in accordance with the procedures set out in Section 61 of the WHS Act and Section 18 of the WHS Regulations.

10.10. To ensure transparency, the WHS Committee will nominate one management and worker elected or union representative to review the election process and results.

10.11. If a vacancy is not filled, an existing HSR will be asked to temporarily cover the work group until the vacancy is filled through normal nomination processes.

Training of health and safety representatives

10.12. HSRs and Deputy HSRs must, as soon as practicable, undertake an accredited health and safety training course.

10.13. HSRs and Deputy HSRs must also undertake one day refresher training each year following completion of the initial accredited health and safety training course. The WHS Unit will notify HSRs and Deputy HSRs when they are due to undertake refresher training.

10.14. Payment of all course fees and travel associated with HSR training will be met corporately.

11. **Consultation**

11.1. The WHS Act requires the Department to, so far as is reasonably practicable, consult with workers who are, or are likely to be, directly affected by a WHS matter (s47 WHS Act).

11.2. The Department’s Work Health and Safety Committee is the primary mechanism to facilitate WHS consultation in the Department.

11.3. Other mechanisms such as Local Accommodation Committees are also used to consult with workers regarding significant relocation moves.

Issue resolution procedure

11.4. A worker should raise any concerns about WHS with their supervisor, the relevant HSR or with the WHS Unit in People Branch. Where a worker draws a WHS matter to the attention of a HSR and/or manager, the HSR and/or manager will investigate and assess the matter further in consultation with the employee and their relevant managers.

11.5. The WHS issue resolution process can be found on the intranet.
12. **Cessation of work**

12.1. A worker has a right to cease or refuse to undertake work if they have a reasonable concern that doing the work would expose them to a serious risk to their health and safety arising from an immediate or imminent exposure to a hazard (this may include removing themselves from the workplace).

12.2. Following notification that a worker has ceased work, resolution of the issue will occur in accordance with the procedures at s83-s89 of the Act.
13. Definitions

**Comcare**: the regulatory body responsible for administering the *Work Health and Safety Act 2011* and *Work Health and Safety Regulations 2011* in the Commonwealth jurisdiction.

**Contractor**: a person or business engaged, directed or influenced by the Department in which goods or services are provided.

**Due Diligence**: The reasonable steps an Officer must take to ensure the PCBU complies with its work health and safety obligations.

**Hazard**: an object or situation that has the potential to harm a person, the environment or cause damage to property.

**Health and Safety Representative**: workers elected or selected for the role, who represent the health and safety interests of workers within their workgroup for a person conducting a business or undertaking (PCBU).

**Incident**: any unplanned event resulting in, or having the potential for injury, ill health, damage or loss.

**Injury**: any physical or psychological damage to the body caused by exposure to a hazard.

**Manager or delegated manager**: a Departmental person who has responsibility for others at work.

**Notifiable Incident**: means:
- a) the death of a person; or
- b) the serious injury or illness of a person; or
- c) a dangerous incident.

**Officer**: a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the Department.

**Person Conducting a Business or Undertaking (PCBU)**: for the purposes of these guidelines, a PCBU means the Department.

**Reasonably Practicable**: Defined in the Act in Section 18(a-e).

**Regulator**: means Comcare

**Representative**: in relation to a worker, means:
- a) the health and safety representative for the worker; or
- b) the union representing the worker; or
- c) any other person the worker authorises to represent him or her.

**Risk**: is the likelihood and consequence of the occurrence of injury, illness and harm.