

<b>Councillor Workplace Health &amp; Safety</b>	Policy No:	SCS 038
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Responsible Officer: Manager People and Culture	Approved By:	Council
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<b>Authorised Officer:</b> Chief Executive Officer		

### 1. Purpose

Surf Coast Shire Council exists to represent the community, and its work includes providing a range of community, corporate, infrastructure, planning and environmental services to the Surf Coast Shire in a safe, efficient, cost effective and environmentally responsible manner.

Councillors care about the community and acknowledges their responsibility to provide leadership on workplace safety and relevant social justice issues.

Councillors recognise their responsibilities, participating in the formal decision-making of the Council and individually taking reasonable care as 'Officers' within the meaning of the legislation, to provide and maintain so far as is reasonably practicable:

- a working environment;
- work systems, processes and training; and
- Council managed buildings and community facilities;

that are safe and without risks to the health of employees, contractors, volunteers, visitors and members of the public as required by the *Occupational Health & Safety Act 2004 (OHS Act)*.

### 2. Scope

This policy applies to all Councillors of the Surf Coast Shire Council.

It provides guidance to Councillors concerning meeting their legal obligations, corporately and individually, concerning the general duties, requirements and other obligations under the OHS Act, and any other associated legislation. The policy has been enacted for the protection of employees, contractors, visitors and members of the public during the course of work at Surf Coast Shire Council and arising out of the conduct of the undertaking of Council. See the Appendix for relevant definitions.

This policy is in addition to the responsibilities of Councillors under the Councillor Code of Conduct.

### 3. POLICY

Recognising the obligations placed on Council and individual Councillors by relevant legislation and acknowledging the expectations of the community at Surf Coast Shire, the Council and Councillors are committed to:

- ensuring, so far as is reasonably practicable, the health and safety of all

- employees, Councillors, contractors, visitors, and members of the public;
- compliance with all relevant workplace health and safety legislation.

Council and individual Councillors will demonstrate a commitment to health and safety by ensuring that Council's Management establishes and maintains objectives that are measurable and consistent with Council's values, goals and expectations which include:

- Eliminating, or if that is not possible, reducing, so far as reasonably practicable, risks to health and safety and wellbeing;
- Providing work environments that do not compromise the health, safety or wellbeing of Council employees, contractors and volunteers;
- Monitoring and reporting on relevant OHS issues;
- Providing relevant OHS information to Council or delegated committee to enable Council to make informed decisions;
- Consulting with employees, and other people likely to be affected by decisions, about safety;
- Ensuring that workplace health and safety is managed in a proactive manner; and
- Continually improving the effectiveness of all safety management systems.

#### **4. What are Councillors Responsible For?**

As well as being responsible for participating in the decision-making of the Council to comply with Council's obligations under the OHS Act, Councillors are subject to the obligations imposed on Officers in the OHS Act and acknowledge that they each have an individual responsibility to take reasonable care to ensure that Council carries out its health and safety obligations.

Councillors will best achieve these objectives by:

- Ensuring that decisions made by the Council have taken into account issues concerning health and safety where relevant;
- Ensuring that Council has the resources to implement and manage an appropriate safety management systems;
- Requiring the CEO and Senior Management team to provide appropriate information regarding any relevant health and safety matters;
- Asking questions of the CEO and Senior Management team to ensure that Council understands and accepts, as reasonably practicable, the measures that Council has in place to manage issues of health and safety as required by the OHS Act and related legislation;
- When performing duties on behalf of Council or attending Council workplaces, ensuring that they are complying with this policy and any directions by Council concerning health and safety;
- Interacting with all Council employees, contractors, volunteers, members of the public and fellow Councillors in a manner that does not compromise any person's physical and/or psychological health and safety;
- Being aware of and reporting any incidents, near misses or perceived hazards , including any incidents, near misses or hazards arising from the behaviour of any person, to the Mayor, or the Deputy Mayor;

- The Mayor and Deputy Mayor taking all reasonable actions to ensure the health and safety of Councillors in relation to any safety issues arising internally within Council;
- The Mayor and Deputy Mayor reporting to the CEO all hazards identified by Councillors relating to Council property, staff, contractors or the community;
- Attending any safety related training or making themselves familiar with any briefing provided to Councillors in relation to workplace health and safety;
- Participating actively in any matter concerning the resolution of a safety issue;
- Undertaking all duties in a manner that does not put themselves or any other person at risk to their health or safety, at all times.

## **5. Failure to Comply**

Any acts or omissions by Council which are in breach of Council's obligations under the OHS Act and related legislation may result in:

- Accident and injury to persons and damage to Council property
- Investigation and criminal prosecution of Council, Councillors or Staff under the OHS Act by WorkSafe Victoria
- Damage to the reputation of Council and Councillors in the community
- Intervention by the Minister

Any failure by an individual Councillor to take reasonable care to ensure that Council carries out its safety obligations may result in investigation and individual criminal prosecution by WorkSafe Victoria.

## **6. PROCEDURE**

This Policy will be achieved by Council and Councillors:

- Where relevant, having a section in any briefing paper provided by Management, for the purposes of Councillor Briefings, that identifies safety issues and provides details of any risk management;
- Considering workplace health and safety policy considerations and risk in all decisions before Council;
- Delegating authority to the Audit and Risk Committee to consider workplace health and safety issues at every committee meeting and to report any significant risks to Council;
- Receiving monthly reports from the CEO regarding strategic or significant OHS issues as a standing item at ordinary meetings of the Council;
- Reviewing annually Council's risk register and in particular, the top 5 risks identified as the most serious for Council;
- Considering the safety of Councillors and members of the public at any Council meeting or Civic engagement where it might be reasonably anticipated that additional security is warranted;
- Taking all reasonable care for their own safety while carrying out any Council or Civic duty, including ensuring that they are not impaired by drugs or alcohol at any Council meeting or event or while driving to and from any such meeting or event.

## **7. Related Legislation**

*Victorian Occupational Health and Safety Act 2004*

Victorian Occupational Health and Safety Regulations 2017

*Victorian Workplace Injury Rehabilitation and Compensation Act 2013*

OHSAS 18001:2007 Occupational Health and Safety Management System

*Victorian Local Government Act 1989*

*Victorian Privacy and Data Protection Act 2014*

## **8. Related Policies and other Documents**

As well as directly related statutory obligations Council has responsibilities under other documents which have OHS implications such as:

- Councillor Equal Opportunity and Workplace Behaviours Policy
- Council policy, IS-010 Records Management Policy
- Other Council policies and procedures
- Contractual conditions that may change from time to time
- Current and relevant staff enterprise agreements
- Agreements with health authorities
- Voluntary principles, best practices, codes of conduct, charters and guidelines

**Appendix – Definitions from the OHS Act**

9.	The Principles of Health and Safety Protection (section 4)	<ol style="list-style-type: none"> <li>1) The importance of health and safety requires that employees, other persons at work and members of the public be given the highest level of protection against risks to their health and safety that is reasonably practicable in the circumstances.</li> <li>2) Persons who control or manage matters that give rise or may give rise to risks to health or safety are responsible for eliminating or reducing those risks so far as is reasonably practicable.</li> <li>3) Employers and self-employed persons should be proactive, and take all reasonably practicable measures, to ensure health and safety at workplaces and in the conduct of undertakings.</li> <li>4) Employers and employees should exchange information and ideas about risks to health and safety and measures that can be taken to eliminate or reduce those risks.</li> </ol>
10.	Contractor owed a duty under section 21 of the OHS Act	an independent contractor engaged by the employer, and any employees of the independent contractor, in relation to matters over which the employer has control or would have control if not for any agreement purporting to limit or remove that control.
11.	Health	includes psychological health
12.	Officer	officer of a body corporate, unincorporated body or association or partnership has the meaning (other than in Part 8) given by section 9 of the Corporations Act;
13.	So far as is reasonably practicable	<p>regard must be had to the following matters in determining what is (or was at a particular time) reasonably practicable in relation to ensuring health and safety—</p> <ol style="list-style-type: none"> <li>(a) the likelihood of the hazard or risk concerned eventuating;</li> <li>(b) the degree of harm that would result if the hazard or risk eventuated;</li> <li>(c) what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;</li> <li>(d) the availability and suitability of ways to eliminate or reduce the hazard or risk;</li> <li>(e) the cost of eliminating or reducing the hazard or risk.</li> </ol>
14.	Volunteer	means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses);
15.	Workplace	means a place, whether or not in a building or structure, where employees or self-employed persons work.