

# Work Health and Safety Determination

<b>Division / Branch</b>		Corporate Support / People and Culture	
<b>Responsible Officer</b>		Safety & Wellness Services Manager	
<b>Endorsed by General Manager / ExCo on</b>		3 <sup>rd</sup> March 2014	
<b>Revision History</b>		18 <sup>th</sup> August 2022 26 <sup>th</sup> June 2020, 24 <sup>th</sup> June 2019	
<b>Amendment History</b>		26 <sup>th</sup> October 2006 8 <sup>th</sup> November 2010 19 <sup>th</sup> March 2012	
<b>Related Determinations / Policies</b>		Nil	
<b>TRIM Folder Number</b>	F2010/00025	<b>TRIM Number</b>	POL00323

## Introduction

As a Person Conducting a Business or Undertaking ("PCBU"), Hornsby Shire Council ("Council"), has an obligation under the Work Health and Safety Act 2011, Work Health and Safety Regulations 2017 and other associated legislation to ensure the health and safety of workers they engage or whose activities they influence or direct. It is Hornsby Shire Council's determination that each of its workers shall be provided with a safe and healthy place in which to work. Council is committed to achieving this objective through the design, implementation, ongoing review and measurement of a quality-based work health and safety management system.

## Determination

1. The Work Health and Safety Act 2011, the Work Health and Safety Regulation 2017 and other associated legislation requires Council to protect workers and third parties against harm to their health, safety and welfare from risks arising from work.
2. Council shall comply with statutory obligations at a minimum and attempt to pursue best practice through continual improvement beyond such obligations.
3. Council's work health and safety management system shall encompass the following areas;
  - fair and effective workplace consultation
  - systems of work and a working environment that is safe and without risk to health
  - systems of work and a working environment that ensures that third parties within the workplace are not exposed to risks to their health and safety arising from the work activities of Hornsby Shire Council
  - the provision of safe equipment and substances used to carry out work tasks
  - the provision of information, instruction and training as may be necessary to ensure workers health and safety at work
  - elimination or minimisation of risks arising from work through effective hazard identification, assessment and control
  - the provision of adequate and appropriate workplace facilities and amenities
  - reporting of workplace hazards and timely investigation
  - reporting and recording of workplace incidents and timely investigation
  - timely and effective injury management
  - document management
  - ongoing system and compliance auditing of the work health safety management system to ensure an appropriate framework for continuous improvement and progressively higher standards of work health and safety.

4. Health and safety at work is both an individual and shared responsibility of all workers of Council. The responsibilities are as follows:

I. **Officer Responsibility:** - An officer of Council must exercise due diligence to ensure that Council complies with their statutory obligations. Due diligence includes taking reasonable steps to;

- acquire and keep up-to date knowledge of work health and safety matters;
- gain an understanding of the nature of operations and generally of the hazards and risks associated those operations;
- ensuring appropriate resources/systems of work are available for use, and used, to eliminate or minimise risks to health and safety from work carried out by Council;
- ensuring an appropriate and effective system is available, and used, for reporting and responding to hazards and incidents;
- verifying the provision and use of resources and systems of work identified above.

II. **Management Responsibility:** - The promotion and maintenance of work health and safety ("WHS") is primarily the responsibility of management. Management is required to ensure that the work health and safety management system is promoted, consulted on, and effectively implemented, and to support supervisors and hold them accountable for their specific responsibilities.

III. **Supervisor Responsibility:** - Supervisors are responsible, and will be held accountable, for taking all reasonable and practical measures to ensure that the behaviour of all persons in the workplace, is safe and without risks to health and safety. This includes ensuring consultation on WHS issues occurs, identifying any unsafe or unhealthy conditions or behaviour, and initiating, or recommending to management, any remedial action.

IV. **Worker Responsibility:** - All workers are required to co-operate with the PCBU and fellow workers in any matter relating to the health and safety of themselves and/or others. This includes;

- identifying any unsafe or unhealthy conditions or behaviour, and initiating remedial action, or reporting to their supervisor the workplace hazard/s;
- participating in workplace consultation on an issue/s that has health, safety and welfare implications;
- following supervisor/management direction relating to WHS.

V. **Third Party Responsibility:** - All third parties must ensure that people are not exposed to risks to their health and safety arising from their conduct at the workplace and are required to co-operate with Hornsby Shire Council in any matter relating to health and safety.

VI. **Health and Safety Representative (HSR) Responsibility:** - HSR's shall;

- represent the workers in their workgroup in matters relating to work and health safety;
- investigate complaints from members of the workgroup they represent relating to work health and safety;
- inquire into anything that appears to be a risk to the health and safety of workers in their workgroup;
- attend quarterly WHS forums where work health and safety information will be shared with all HSRs across Council;
- (where applicable) attend Divisional, Branch, or Team meetings within the workgroup they represent to pass on relevant WHS information provided at the WHS forums;
- review, consult with the workers they represent and provide feedback regarding draft WHS determinations and procedures.

## Definitions

A **'person conducting a business or undertaking' (PCBU)** conducts a business or undertaking alone or with others. The business or undertaking can operate for profit or not-for-profit. The definition of a PCBU focuses on the work arrangements and the relationships to carry out the work. In addition to employers, a PCBU can be a corporation, an association, a partnership or sole trader. A volunteer organisation which employs any person to carry out work is considered a PCBU. Householders where there is an employment relationship between the householder and the worker are also considered a PCBU. Council is a PCBU.

An **'Officer'** is anyone who makes, or participates in making, decisions that affect the whole, or substantial part of Hornsby Shire Council. An officer is deemed to have a level of influence in Council that allows them to provide for and sustain resources and procedures necessary for effective management of WHS. An elected member of a local authority (councillor) is not considered an officer.

A **'Worker'** is anyone who carries out work for, or on behalf of Hornsby Shire Council. This includes:

- Employees;
- Contractors or sub-contractors;
- Employees of a contractor or sub-contractor;
- Employees of a labour hire company;
- Apprentices or trainees;
- Students gaining work experience; or
- Volunteers.

A **'Third Party'** is any individual, excluding workers, who attends a Hornsby Shire Council workplace, such as visitors, members of the public and customers.

A **'Workplace'** is a place where work is carried out for Hornsby Shire Council and includes any place where a worker goes, or is likely to be, while at work. For example, this includes, but is not limited to, all facilities and offices operated by Council, vehicles driven by Council workers, parks and road/roadside locations.

## Applicability

This determination applies to all Council workers and visitors to Council supervised workplaces.

## Variation

Council reserves the right to vary or revoke this determination. Variations will be communicated to staff.

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