

WHS & Return to Work Policy

Strategic Reference	Objective 4; Collaborative and respectful relationships amongst community, Elected Members and Council staff. Strategy 4.6; Provide a safe, supportive and caring work environment where staff are comfortable to express their concerns and are encouraged to suggest ideas for administration improvements.
File reference	AR18/12947
Responsibility	Office of the Chief Executive Officer
Revision Number	1.0
Effective date	August 2018
Last revised date	N/A
Minutes reference	146/18
Next review date	2021
Applicable Legislation	Local Government Act 1999 Work Health and Safety Act 2012 Work Health and Safety Regulations 2012 Return to Work Act 2014 Return to Work Regulations 2015
Related Policies	This policy is the over arching policy for work health and safety and return to work, all other internal policies and procedures are developed to support the achievement of the objectives outline in this policy.
Related Documents	Code for the Conduct of Self Insured Employers under the Return to Work Scheme which includes the Performance Standards. AS/NZS 4801:2001: Occupational Health and Safety Management Systems. ISO 45001:2018 Occupational health and safety management systems - Requirements with guidance for use. ISO 31000:2018 Risk Management - Guidelines

Overview

The Local Government Association of South Australia (LGA) is, for the purposes of the Return to Work Act 2014, the nominated Employer for a group of Self Insured Employers which includes all Local Government entities (Councils and Prescribed Bodies (Members)).

In conjunction with the LGA and its Members, the Local Government Association Workers Compensation Scheme (LGAWCS) administers the principles and commitments outlined

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within this policy. The above parties are committed to, within the appropriate scope of involvement and level of remit, to work towards the LGAWCS strategic plan purpose of:

“To proactively mitigate and manage Local Governments’ employee injury risks today and into the future”

This Policy is designed to provide direction on the system structure that will be applied by Local Government and the Coorong District Council to achieve the commitments as documented below.

1. Purpose

To ensure, so far as is reasonably practicable, the health and safety of workers* and others via a Management Systems approach to Work Health and Safety (WHS) and Return to Work (RTW), in line with the Coorong District Council organisational vision and that of Local Government Workplaces. This will be established by:

1. Management commitment to WHS and RTW in accordance with organisational objectives.
2. Development of a WHS and RTW System and Action Plans which support identified policy objectives and procedural requirements.
3. Implementation of individual elements as outlined in the WHS and RTW System and Action Plans.
4. Measurement and evaluation of the WHS and RTW System against defined objectives, targets and performance indicators.
5. Reviewing the WHS and RTW System and Action Plans to identify scope for continuous improvement.

** NB: Definition of a worker is different for the purposes of the Return to Work Act 2014 and the Work Health and Safety Act 2012 (see definitions section below).*

2. Scope

This policy applies to Coorong District Council workers whilst at work. This policy should be read in conjunction with any provisions of Enterprise Bargaining

Agreements and any other Federal or State Legislation directly or indirectly which affects employees of the Coorong District Council, relating to work in WHS and RTW.

3. References

- 3.1 Work Health and Safety Act 2012
- 3.2 Work Health and Safety Regulations 2012
- 3.3 Return to Work Act 2014
- 3.4 Return to Work Regulations 2015
- 3.5 Code for the Conduct of Self Insured Employers under the Return to Work Scheme which includes the Performance Standards.
- 3.6 AS/NZS 4801:2001: Occupational Health and Safety Management Systems
- 3.7 ISO45001:2018 Occupational Health and Safety Management systems.

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4. Definitions

<p>A Person Conducting a Business or Undertaking (PCBU)</p>	<p>Is a key term in South Australia's work health and safety laws which covers a broad range of modern work relationships and business structures/systems. These include someone operating a business or undertaking for-profit or not-for-profit, whether alone or with others. The definition of a PCBU focuses on work arrangements and the relationships involved in carrying out that work.</p> <p>A PCBU can be recognised as an:</p> <ul style="list-style-type: none"> • employer • sole trader • corporation • association • partnership local government (council) • state or commonwealth government • certain volunteer organisations • the trustee of a trust. <p>A self-employed person is also a PCBU and must ensure his or her own health and safety while at work, so far as is reasonably practicable.</p>
<p>Officer</p>	<p>(a) an officer within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth other than a partner in a partnership; or</p> <p>(b) an officer of the Crown within the meaning of section 247; or</p> <p>(c) an officer of a public authority within the meaning of section 252,</p> <p>other than an elected member of a local authority acting in that capacity.</p>
<p>Reasonably Practicable</p>	<p>relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including—</p> <p>(a) the likelihood of the hazard or the risk concerned occurring; and</p> <p>(b) the degree of harm that might result from the hazard or the risk; and</p> <p>(c) what the person concerned knows, or ought reasonably to know, about—</p> <p>(i) the hazard or the risk; and</p> <p>(ii) ways of eliminating or minimising the risk; and</p> <p>(d) the availability and suitability of ways to eliminate or minimise the risk; and</p> <p>(e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.</p>
<p>Safe System of Work</p>	<p>A safe system of work is a procedure that results from a systematic examination of a working process, that identifies hazards and specifies work methods, competencies and tools designed either to eliminate</p>

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	the hazards or controls and minimise the relevant risks.
Work Health and Safety Management System (WHSMS)	Part of the overall management system which includes organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the WHS policy, and so managing the WHS risks associated with the business of the organisation. In Local Government the WHS Management System must also comply with the Code of Conduct for Self-Insured Employers under the Return to Work Scheme which includes Performance Standards. [as defined by the <i>Australian Standard, AS 4801</i>]
Worker (for the purposes of the WHS Act 2012 - Section 7)	A person is a <i>worker</i> if the person carries out work in any capacity for a person conducting a business or undertaking, including work as— (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer*; or (i) a person of a prescribed class. <i>*NB: An Elected Member in Local Government is a worker.</i>
Worker (for the purposes of the RTW Act 2014 - Section 4)	A <i>worker</i> means— (a) a person by whom work is done under a contract of service (whether or not as an employee); (b) a person who is a worker by virtue of Schedule 1; (c) a self-employed worker, and includes a former worker and the legal personal representative of a deceased worker.
Return to Work (RTW)	For the purposes of this policy RTW includes both Claims Management activities and Return to Work activities.

5. Policy Objectives

The Coorong District Council (Person Conducting a Business or Undertaking (PCBU)) is committed to and able to demonstrate application of the following objectives:

- 5.1 Providing and undertaking measures to eliminate risks to health and safety, so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks to health and safety, then to minimise those risks so far as is reasonably practicable and to demonstrate a systematic approach to the planning and implementation of Work Health and Safety processes that is compliant with the WHS Act 2012 and Regulations;
- 5.2 Implementation of effective and early Return to Work procedures in accordance with the Return to Work Act 2014, and associated Regulations, to assist work injured employees to return to work and achieve the best practicable levels of physical and mental recovery;

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- 5.3 Implementation of equitable Claims Management, in accordance with the Return to Work Act 2014 and associated Regulations, for employees who suffer an injury in the course of their employment;
- 5.4 Maintaining effective processes and procedures for consultation, coordination and cooperation in WHS and RTW matters;
- 5.5 Monitoring and reviewing WHS and RTW System Performance and Action Plans, objectives and metrics that ensure and promote continuous improvement;
- 5.6 Further, as well as the above Objectives, the Coorong District Council recognises and is able to demonstrate (at the pertinent system level within our structure as appropriate), application of the following within the WHSMS:
- (a) The requirement to meet legislative compliance;
 - (b) The requirement for ongoing review of this WHS and RTW Policy and supporting Policies;
 - (c) The commitment that adequate resources and appropriate internal / external expertise will be used so far as is reasonably practicable, when required;
 - (d) Other relevant supporting policies and procedures that support the WHS and RTW systems;
 - (e) A commitment to communicating relevant information to relevant workers in an appropriate manner;
 - (f) Its obligations to workers and others while workers are at work and whilst other persons may be at risk from work carried out, so far as is reasonably practicable;
 - (g) The requirement for an effective hazard management approach to WHS, which encompasses the identification, assessment and elimination or control of hazards;
 - (h) Development, implementation and the maintenance of appropriate safe systems of work.
- 5.7 This policy will be reviewed regularly and updated as required for continued suitability and effectiveness.

6. Responsibilities

- 6.1 The LGAWCS is accountable for conducting planning, monitoring and review activities and confirming that organisational and policy objectives are being met.
- 6.2 The CDC Executive Leadership Team (officer's) are committed to safety and to exercise their due diligence duty, to ensure they meet their workplace health and safety obligations. They are also accountable for checking that the CDC has available for use, and uses, appropriate resources and implements the appropriate processes used to provide all workers with a safe and healthy place to work. Furthermore, they have to be proactive in ensuring the CDC complies with their duties under the WHS Act and that their actions foster a positive safety culture.
- 6.3 Supervisors/Managers are accountable for bringing this policy and supporting policies, procedures and safe systems of work to the attention of relevant workers and

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confirming, through supervisory activities, that this policy and supporting policies, procedures and safe systems of work are adhered to.

6.4 Supervisors/Managers are accountable for checking that workers have had appropriate knowledge, training and competencies to undertake the activities identified within this policy and supporting policy and procedures.

6.5 Workers are accountable for complying and co-operating with the requirements of this policy and supporting policies, procedures and safe systems of work, and for reporting any inability to do so to management at the earliest opportunity.

Further specific responsibilities and accountabilities are detailed within the supporting internal WHS and RTW system policies and procedures.

7. Review

This Work Health Safety & Return to Work Policy shall be reviewed by Council at a minimum within three (3) years of issued date, (or on significant change to legislation or aspects included in this policy that could affect health and safety and/or return to work practices).

8. Council Endorsement

This Policy was adopted by resolution of the Council on 21 August 2018.

9. Further Information

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website: www.coorong.sa.gov.au.

Coorong Civic Centre

95-101 Railway Terrace
Tailem Bend
Phone: 1300 785 277
Fax: 8572 3822

Meningie Information Hub

49 Princes Highway
Meningie

Tintinara Customer Service Centre

37 Becker Terrace
Tintinara

Copies will be provided to interested parties upon request. Email council@coorong.sa.gov.au.

Any grievances in relation to this code of conduct or its application should be forwarded in writing addressed to the CEO of Council.

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Policy Version No:	Issue Date:	Description of Change:
1.0	01/09/2013	Original WHS & Injury Management Policy.
2.0	04/06/2015	Updated Policy to include introduction of RTW Act 2014 requirements & renamed to WHS & RTW Policy.
1.0	21/08/2018	Scheduled review of LGRS policy, minor amendments to terms. Additional definitions of WHS and RTW terminology added due to outward facing document. Modified LGRS document to give Coorong District Council document ownership, therefore this is now version 1.0.