

## Occupational Health and Safety

### **Purpose and Scope**

The purpose of this policy is to describe the duty of care responsibilities of The Centre, its staff and clients in the provision of a safe and healthy workplace for all.

### **Policy**

#### **1. Principals**

- 1.1 Every reasonable effort will be made to prevent accidents, protect from injury and promote the health, safety and welfare of all staff, clients and visitors of The Centre.
- 1.2 The Centre will make available appropriate resources to ensure that it complies in all respects with relevant legislation, particularly the OHS Act 2004.

#### **2. Prevention**

- 2.1 The Centre and its staff have a duty of care to their peers and clients to ensure that everything 'reasonably practicable' is done to protect their health, safety and wellbeing in the workplace. A duty of care can be breached either by action or inaction
- 2.2 The Centre is vicariously liable for the acts of its staff in the course of their employment, however an individual may become involved in court proceedings in a claim for damages if a claim is made that:
  - 2.2.1 a duty of care existed
  - 2.2.2 there was a breach of that duty
  - 2.2.3 injury to a staff member or client resulted from that breach.
- 2.3 Whilst a staff member may become involved in court proceedings arising from such an action, The Centre may accept responsibility, provided the staff member has not been grossly negligent in carrying out his/her assigned duties.
- 2.4 To incur such liability, it would have to be proven that the staff member was:
  - 2.4.1 recklessly indifferent to the welfare of fellow staff members or clients
  - 2.4.2 wilfully disobedient of directions and instructions
  - 2.4.3 intentionally harmful
  - 2.4.4 so grossly negligent in the performance of duties as to have abandoned responsibility.

#### **3. General responsibilities**

- 3.1 The Centre, as an employer, has a duty of care to its staff, clients, suppliers and the general public to provide a healthy and safe environment for work, or undertaking the various activities of The Centre. This includes, but is not limited to:
  - 3.1.1 Provision and maintenance of equipment and systems of work
  - 3.1.2 Safe systems of work in connection with equipment and substances
  - 3.1.3 A safe working environment and adequate welfare facilities
  - 3.1.4 Information and instruction on workplace hazards and supervision of staff in safe work
  - 3.1.5 Monitoring the health of staff members and related records keeping
  - 3.1.6 Engagement of qualified persons to provide health and safety advice
  - 3.1.7 Monitoring conditions at any workplace under its control and management
  - 3.1.8 Provision of policies, procedures and guidelines to assist staff and clients to provide a duty of care.
- 3.2 An Occupational Health and Safety Working Group (OHS Group) establishes a program of activities, procedures and information which is continually reviewed and effectively carried out. This program relates to all aspects of occupational health and safety including, but not limited to:
  - 3.2.1 OHS training and education
  - 3.2.2 Review of workplace design and standard work methods
  - 3.2.3 Changes to work methods and practice, including those associated with technological change
  - 3.2.4 Safety rules, including penalties
  - 3.2.5 Emergency management and critical incident plans
  - 3.2.6 Provision of OHS equipment, services and facilities
  - 3.2.7 Workplace inspections and evaluation
  - 3.2.8 Reporting and recording of incidents, accidents, injuries and illnesses

- 3.2.9 Provision of information to staff and clients
- 3.2.10 Provision of first aid equipment and staffing
- 3.2.11 Arrangements for staff and clients who become ill in the workplace/training
- 3.2.12 Client medication conditions and management

#### 4. Responsibilities of the parties involved in health and safety at The Centre

##### 4.1 The Chief Executive Officer (CEO) has the responsibility to ensure that:

- 4.1.1 Hazards are identified, risks are assessed and control strategies are implemented to minimise risk of injury to people and property
- 4.1.2 The relevant Acts and Regulations that apply to working conditions and the work environment are observed and enforced
- 4.1.3 Consultation is encouraged as safety issues are addressed
- 4.1.4 Safe systems of work are developed and implemented
- 4.1.5 Adequate safety information, training and supervision is provided

##### 4.2 Staff have responsibility to:

- 4.2.1 Ensure that the workplace in their area is safe and without risks to health, and that any unsafe or unhealthy conditions are identified and reported to any member of the OH&S Working Group promptly, together with any recommendations for remedial action
- 4.2.2 Take appropriate care for their own health and safety and for the health and safety of all persons who may be affected by their acts at the workplace
- 4.2.3 Follow all reasonable directions given to them by their manager or team leader, or their representative, in relation to their own and any other person's health and safety
- 4.2.4 Ensure that their own behaviour and performance of work duties in the workplace is cooperative, and enables the health and safety of all staff and clients
- 4.2.5 Adhere to safe work practices, instructions and rules
- 4.2.6 Not misuse, damage, refuse to use, or interfere with anything provided in the interest of occupational health and safety
- 4.2.7 Encourage fellow staff and clients to create and maintain a safe and healthy work environment
- 4.2.8 Use relevant safety equipment when provided or made available for their use
- 4.2.9 Ensure not to interfere (wilfully or recklessly) with or misuse anything provided in the interests of health and safety
- 4.2.10 Ensure not to wilfully place at risk the health or safety of another person at the staff member's workplace

##### 4.3 Clients and members of the general public have responsibility to:

- 4.3.1 Comply with instructions given to them by The Centre staff or representatives in order to protect their health and safety and that of others whilst on The Centre's premises
- 4.3.2 Report any unsafe or unhealthy conditions to a member of staff
- 4.3.3 Responsible for reporting all hazards and injuries to the supervising staff member
- 4.3.4 Ensure that their own behaviour is cooperative, and enables the health and safety of all staff and clients
- 4.3.5 Adhere to safe work practices, instructions and rules
- 4.3.6 Not misuse, damage, refuse to use, or interfere with anything provided in the interest of occupational health and safety
- 4.3.7 Encourage other clients to create and maintain a safe and healthy work environment
- 4.3.8 Take appropriate care for their own health and safety and for the health and safety of all persons who may be affected by their acts at the workplace
- 4.3.9 Use relevant safety equipment when provided or made available for their use
- 4.3.10 Ensure not to interfere (wilfully or recklessly) with or misuse anything provided in the interests of health and safety
- 4.3.11 Ensure not to wilfully place at risk the health or safety of another person at the workplace

- 4.3.12 Ensuring the health and safety of our clients at The Centre
- 4.4 The Centre staff engaged in training or program delivery have a duty to clients to take reasonable care to protect them, from a known or reasonably foreseeable risk of harm and/or injury. Discharge of this duty requires staff to take such proactive measures as are reasonable to prevent harm and/or injury to a client as well as following The Centre's procedures, policies and guidelines.
- 4.5 In the interest of the wellbeing of clients, and in accordance with the VRQA Guidelines for VET Providers The Centre will not require or permit clients to attend scheduled programs and activities (including time allocated for self-paced or online studies) for periods of more than eight hours in any one day (this could be exempted where the VRQA has issued the provider a specific written exemption for a course-related reason, specifying different maximum hours for that course).
- 4.6 For full time clients, scheduled programs and activities (including time allocated for self-paced or online studies) will only be conducted between 08:00 to 22:00 hrs. on any day (this could be exempted where the VRQA has issued the provider a specific written exemption for a course-related reason, approving a different schedule for that course and with the written agreement of the student)
- 4.7 Duty of care is based on reasonable care. What is considered reasonable care will vary depending on the circumstances (for assistance refer to [Definitions](#)).
- 4.8 Listed below are some key factors to consider when assessing the 'reasonableness' of the level of care required for a client:
  - 4.8.1 Client's age, experience and capabilities
    - 4.8.1.1 The level of care will generally be greater the younger the student
  - 4.8.2 Physical and intellectual impairment
    - 4.8.2.1 A client with a disability is generally at greater risk of injury than a client without a disability. This could be due to a physical inability to complete the activity without difficulty, or an intellectual inability to appreciate the risks involved
  - 4.8.3 Medical condition
    - 4.8.3.1 Particular medical conditions including conditions such as asthma and epilepsy require special attention to ensure the client is not exposed to a greater risk of injury
  - 4.8.4 Behavioural characteristics
    - 4.8.4.1 If a client is known to behave inappropriately then the level of care required increases
  - 4.8.5 Impairment caused by use of alcohol and/or other drugs
    - 4.8.5.1 Clients on The Centre premises who are clearly affected by alcohol and/or other drugs should be protected by staff from further harm. Staff should recommend and/or assist clients to remove themselves from The Centre premises in a safe manner
  - 4.8.6 Nature of the activity and the environment in which the activity is held
    - 4.8.6.1 Activities with a higher level of risk, and held in hazardous or potentially hazardous environments, require a higher level of care
  - 4.8.7 Assessing the level of risk involved in any individual activity. The risk level is the outcome of the combination of the result from the following assessment:
    - 4.8.7.1 Probability of the risk occurring
    - 4.8.7.2 Magnitude of the risk
    - 4.8.7.3 Expense, difficulty, and inconvenience involved in alleviating the risk.
  - 4.8.8 Age of the client. For clients under 18 years, Centre staff must exercise duty of care responsibilities concerning:
    - 4.8.8.1 Provision of an adequate system of supervision
    - 4.8.8.2 Ensuring that medical assistance is provided to sick or injured students
    - 4.8.8.3 Implementation of strategies to prevent bullying
    - 4.8.8.4 Mandatory reporting and
    - 4.8.8.5 Protection re inappropriate web content

## 5. Definitions

### 6.

<i>client</i>	Any person enrolled or otherwise engaged in programs or activities conducted by or at The Centre
<i>duty of care</i>	The term 'duty of care' is a legal concept that defines the duty a person or organisation has to use reasonable care toward others in order to protect them from known or reasonably foreseeable risk of harm and/or injury
<i>general public</i>	Any person who is not a staff member or client who has reason to access The Centre's facilities
<i>reasonable</i>	While there are no predetermined answers to questions about whether or not an action is reasonable, there are a number of factors which must be considered each time a staff member makes a decision. Staff must use their professional skills and experience to decide the weight to be given to each factor and to make a final decision about the most reasonable action in a particular situation
<i>staff</i>	For the purpose of this policy staff refers to permanent, full-time or part-time employees, casual staff, volunteers and tutors. Contractors are also covered by this policy
<i>workplace</i>	Any of the buildings or structures operated by The Centre or any other place a client is receiving a component of their learning experience

### Version Control

<b>Policy Operative From</b>	01/2013	<b>Date and Current Version</b>	Version 2.10 04/2018
<b>Responsible Officer</b>	Quality Administrator	<b>Policy Approved By</b>	Board of Governance
<b>Date of Next Review</b>	04/2020		

### References

Client Code of Conduct  
 Staff Code of Conduct  
 Emergency and Critical Incident Management Plan  
 Incident Report Form  
 Terms of Reference – OHS Working Group  
 Occupational Health and Safety Act 2004  
 Occupational Health and Safety Regulations 2017 (Vic)

### Related Policy

Prohibited Items Policy  
 Anaphylaxis Policy  
 First Aid Policy  
 Excursion Policy  
 Child Safe Policy

### Related Procedure

Staff Discipline Procedure  
 Child Safe Procedure  
 Excursion Procedure

### Related Guidelines

Staff Code of Conduct