



TASMANIAN
CATHOLIC
education commission

WORK HEALTH AND SAFETY POLICY

Policy No. 07:2016

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1 AUTHORITY AND APPLICATION

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| Date of approval | 4 August 2016 |
| Source of approval | Tasmanian Catholic Education Commission |
| Start date | 9 August 2016 |
| Date of review | 9 August 2019 |
| Date of amendments | Not Applicable |
| Previous policies replaced by this Policy | Work Health and Safety Policy No. 02 dated 27 September 2012 |

SIGNED:



Chair of the TCEC

DATE:

4 August 2016

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2 RELATED DOCUMENTS

This Policy should be considered in conjunction with the following related documents:

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| <p>Policies and Procedures</p> | <ul style="list-style-type: none"> • Child Safe Organisation • Code of Conduct • Cyberbullying • Disciplinary • Fitness for Work (To be Developed) • ICT for Workers • ICT for Students • Issues Resolution • Performance Management • Policy Terms, Definitions and Interpretation • Schools Grievance • Risk & Adventure in Outdoor Learning • Volunteers in Catholic Education • Workplace Behaviour |
| <p>Applicable Laws</p> | <p>All laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> • <i>Anti-Discrimination Act 1998 (TAS)</i> • <i>Australian Human Rights Commission Act 1986 (Cth)</i> • <i>Building Act 2000 (Tas)</i> • <i>Disability Discrimination Act 1992 (Cth)</i> • <i>Fair Work Act 2009 (Cth)</i> • <i>Racial Discrimination Act 1975 (Cth)</i> • <i>Sex Discrimination Act 1984 (Cth)</i> • <i>Work Health & Safety Act 2012 (TAS)</i> • <i>Workers Rehabilitation & Compensation Act 1988 (TAS)</i> |

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3 DEFINITIONS

The TCEC document “Policy Terms, Definitions and Interpretations” defines a number of terms used in this document and should be referred to in conjunction with this policy.

Please note for the purposes of this Policy, any reference to:

- **CET** is Catholic Education Tasmania; a reference to the TCEO, all Schools and Governance operating in the Archdiocese of Hobart
- **Child** is a person under 18 years of age or a Student aged 18 years or older
- **CTC** is the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart
- **Employer** is be either the: CTC or Trustees of the Christian Brothers as Trustees for Edmund Rice Education Australia or Provincial Salesians of Don Bosco Asia-Pacific
- **Infringing Workplace Behaviour** is any act or omission which amounts to a breach of any policy, contractual obligation or misconduct at common law
- **Officer** means an officer within the meaning of section 9 of the Corporations Act 2001 (Cth)
- **Other Persons** refers to any person in a School Environment or Workplace who is not a Worker
- **PCBU** refers to a person conducting a business or undertaking as defined by Section 5 of the WHS Act 2012.
- **School** includes any Systemic School or College, Archdiocesan College or Congregational School or College
- **School Environment** any physical or virtual place made available or authorised by a School for use by Children during or outside School hours, that includes:
 - (a) School grounds, including all campuses;
 - (b) online School environments, including email, intranet systems and Social Media platforms; and
 - (c) other locations provided by the School for a Child’s use, including locations used for School Activities and School Events
- **Student** is a person enrolled at a School
- **TCEC** is the Tasmanian Catholic Education Commission, an entity with delegated responsibility from the CTC for oversight of CET in accordance with its Constitution
- **TCEO** is the Tasmanian Catholic Education Office, the operational arm of the TCEC that provides professional support, services and guidance to all Schools
- **Worker** includes any person who carries out work or services in any capacity for CET either as:
 - an Employee

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- a Volunteer
 - a priest or a member of a religious order
 - a contractor, subcontractor or consultant
 - an employee of a contractor, subcontractor or consultant
 - an employee of an employment agency or labour hire company
 - an apprentice or trainee
 - an external student gaining work experience or on work placement
 - or as defined by WHS Act 2012 (TAS)
- **Workplace** is a place where work is carried out for CET, including any School Environment

4 PURPOSE

The aims of this Policy are to:

- (a) recognise the TCEC's commitment to providing a safe environment for Workers, Students and Other Persons;
- (b) ensure a planned and systematic approach to the management of work health and safety and injury prevention through a formal Work Health and Safety Management System (WHSMS);
- (c) clearly state the responsibilities of Principals/Managers/Supervisors, Workers, Students and Other Persons;
- (d) enable adequate resourcing for the successful implementation and continuous improvement of the WHSMS;
- (e) recognise that WHS issues are best dealt with at the operational level, in a cooperative and consultative manner, as soon as is practicable to prevent escalation of risk,;
- (f) provide a reference and framework for all CET WHS Procedures; and
- (g) operate in conjunction with Applicable Laws and Related Documents.

5 COVERAGE

The Work Health and Safety Policy applies to all Catholic Education Tasmania (CET) Workers and Other Persons at Workplaces owned, managed or controlled by the Employing Authorities and approved offsite Workplaces.

All members of the CET community have a collective and individual responsibility with regard to the prevention of workplace harm to health and safety through elimination or minimisation of risks created by work requirements.

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6 REQUIREMENTS

The Employers as PCBUs have ultimate responsibility for the effective communication and implementation of this WHS Policy.

Principals/Managers/Supervisors are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to resolve WHS matters at the individual level, as soon as is practicable and without unnecessary formality to prevent unnecessary escalation and to promote a culture of safety.

Workers and Other Persons at the Workplace are required to comply with this Policy and Applicable Laws.

The Employers, the individual members of the TCEC, the TCEO Director and Leadership Team, the Systemic Catholic Schools Governing Council, College Governing Councils, Principals, Advisory Boards, School Management Teams and any other person who makes, or participates in, decisions affecting the whole or a substantial part of the TCEO or school business, or an employee on whose advice the employing authorities rely, or anyone who can significantly affect the TCEO or a school's financial standing as Officers are responsible within their assigned areas for:

- Ensuring that each Employer meets its responsibilities as a Person Conducting a Business or Undertaking (PCBU) in accordance with Work Health and Safety legislation;
- Ensuring effective resourcing and implementation of the Work Health and Safety Policy and the WHSMS;
- Providing the leadership necessary to raise an organisation-wide safety culture;
- Meeting due diligence requirements of Work Health and Safety Act 2012 for acquiring and keeping up to date knowledge of WHS matters, receiving and considering information and ensuring implementation of programs under the management system;
- Ensuring that within the workplace there are appropriate work health and safety programs specific to the needs of each area.

7 RESPONSIBILITIES

7.1 What are the Principal/Manager/Supervisor's Responsibilities?

Principals/Managers/Supervisors are responsible for:

- (a) Ensuring that adequate consultation, information, instruction and training are provided to Workers, Students and Other Persons under their control;
- (b) Providing supervision appropriate to the level of risk that the task or job entails;
- (c) Managing the safety of students, contractors, volunteers and visitors;
- (d) Where deemed necessary, or required by legislation, managing consultation, cooperation and coordination of activities with PCBUs and other stakeholders associated with schools/colleges and the TCEO.
- (e) making appropriate records relating to WHS matters;

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- (f) taking reasonable steps to ensure Workers and Other Persons are not victimised or subjected to other Infringing Workplace Behaviour because they have made, are respondent to or otherwise involved in WHS issues legitimately raised;
- (g) making reasonable resources available to assist Workers and Other Persons at the Workplace in relation to raising or responding to and resolving WHS needs; and
- (h) advising Workers of reasonable internal and external support to raise or respond to and resolve WHS issues.

7.2 What are Workers, Students and Other Persons Responsibilities at the Workplace?

Workers, Students and Other Persons at the Workplace are responsible for:

- (a) taking reasonable care of their own health and safety and ensuring their conduct does not adversely affect the safety of others;
- (b) co-operating with instructions, supporting and promoting work health and safety within education-related workplaces and whilst engaged in Catholic education activities;
- (c) acting and encouraging others to act in a healthy and safe manner;
- (d) ensuring their actions in raising or responding to WHS issues are in good faith, and not vexatious, false, frivolous, or without reasonable grounds; and
- (e) reporting or rectifying any unsafe conditions or acts that come to their attention.

8 POLICY PROVISIONS

8.1 Compliance

The TCEO and Schools will comply with the relevant Work Health and Safety and Workers' Rehabilitation and Compensation legislation and Building Act for Building Safety and Compliance.

8.2 Management System

The TCEO and Schools will implement a WHSMS, comprising an integrated suite of policies, procedures, plans, positions and resources to systematically manage work health and safety risks.

8.3 Resourcing

The TCEO and Schools will provide adequate and responsible resources, including finances, to facilitate the fulfilment of the CET's Work Health and Safety responsibilities.

8.4 Induction and Training

The TCEO and Schools will identify, develop and provide appropriate information, instruction and training to equip Workers, Students and Other Persons with the knowledge and skills necessary to ensure their health and safety and meet their Work Health and Safety responsibilities.

8.5 Identification, Control and Management of Safety Hazards and Risk

The TCEO and Schools will identify work health and safety hazards associated with the tasks and activities undertaken at the Workplace. All such hazards will be eliminated unless it is not reasonably practicable to do so.

When it is not reasonably practicable to eliminate a hazard, the TCEO will work with

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Schools to select the most appropriate measure to control and minimize the risk associated with the hazard, having regard to the test of what is reasonably practicable.

8.6 Safe Facilities at Work

The TCEO and Schools will provide facilities needed for Workers, Students and Other Persons to conduct their activities in a healthy and safe environment.

8.7 Consultation

The TCEO and Schools will consult openly with Workers, Students and Other Persons. The TCEO and Schools will consult, coordinate and cooperate with other PCBUs. The networking of WHS practitioners is strongly encouraged both within CET Schools and with other educational authorities. CathEdSAFE will be the primary means of consultation between TCEO, Archdiocesan Colleges and Congregational Colleges.

The TCEO and Schools will value and acknowledge the outcomes of this consultation. Consultation with Students will primarily occur through channels in place, such as Student Representative Council, and the Positive Behaviour Support framework or its equivalent.

8.8 Review of Work Health and Safety Management System

The TCEO and Schools will regularly review and evaluate the WHSMS through audits and workplace inspections.

9 DUTY OF CARE

- a) Workers and Other Persons have a legal and moral obligation to take reasonable care for their own safety and the safety of Students and others with whom they come into contact.
- b) Workers specifically have a duty to take reasonable care for the safety and welfare of Students in their care. That duty is to consider and take all reasonable action to protect Students from known hazards or risk of harm that can be reasonably predicted. The standard of care that is required needs to take into consideration various factors, such as a Student's maturity and ability.
- c) Duty of care to Students applies during all activities and functions conducted or arranged by Schools where Students are in the care of Workers or Other Persons at the Workplace. The risk associated with any activity needs to be assessed and managed before the activity is undertaken.
- d) Examples of duty of care obligations to Students, Workers, Other Persons and self that may arise could include:
 - I. Providing adequate supervision;
 - II. Ensuring grounds, premises and equipment are safe for purpose;
 - III. Implementing strategies to prevent bullying from occurring in the School Environment;
 - IV. Following procedures relating to safety, welfare and well being (for example reporting risk of significant harm);
 - V. Complying with mandatory reporting policies, legislation and regulations;
 - VI. Providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a Student, Worker, Other Person or self who is injured or becomes sick at school.
- e) A single serious failure to exercise appropriate duty of care, or persistent repeated failures,

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may constitute neglect or negligence according to the law if actual harm is caused or if there is the potential to cause significant harm to a Child, Student, Workers, Other Persons or self.

Neglect may include either an action or inaction by a person who has care responsibilities towards a Student, Workers, Other Persons or self, such as:

- Supervisory neglect (failure to adequately supervise)
- Failure to protect from abuse (unreasonable failure to respond to information that may result in harm to a Student, Workers, Other Persons or self)
- Reckless acts or failure to act (gross breach of professional or expected standards that may result in harm to a Student, Workers, Other Persons or self)

10 BREACHES

Persons must reasonably report breaches of this policy to their Principal/Manager/Supervisor and as otherwise required or permitted by Applicable Laws.

Persons who breach this policy may be subject to disciplinary action in accordance with the TCEC Disciplinary Policy, removal from the Workplace or termination of services.

Workplace Behaviour that infringes policy may also amount to breaches of Applicable Laws that could expose individuals to legal proceedings.

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