

OCB POLICY TEMPLATE – WORKPLACE HEALTH & SAFETY

Policy Item	(Sample) Description
Title	Workplace Health & Safety Policy (WHS)
Date	e.g. Created/Updated/ Effective from Day/Month/Year
Ownership	e.g. The HR Function is responsible for the content, update and administration of this policy. For more information or guidance, please contact:
Purpose	<i>Co XYZ (Organisation) is committed to (intent and values statement relating to policy).</i> e.g. The purpose of this policy is to ensure compliance with XYZ Company's Health and Safety (OH&S) obligations and to set a formal disciplinary policy for non-compliance.
Overview & Objectives	<i>(Provide a brief description of what the policy includes)</i> Objectives of this policy are to hold all levels of management accountable for health and safety matters in their areas of responsibility. XYZ Company recognises that each employee or volunteer has direct and legal responsibilities to follow practices that ensure their own health and safety and that of their fellow employees. This Workplace Health & Safety system is designed to capture all relevant WHS tools and resources, such as: <ul style="list-style-type: none"> - Policy addressing the commitment of the organisation and management to the implementation of WHS - Documented roles and responsibilities across the organisation - Communication and consultation strategies - Training and induction programs - Risk assessment, hazard, near miss, incident reporting, recording, investigation and analysis
Definitions	<i>(Provide clear and standard description for key terms and references included in the policy, if required)</i>
Relevant Legislation/Acts	<i>(Reference applicable legislation and/or acts that the policy refers to or abides by)</i> e.g. Background: On 1 January 2012, harmonised Work Health and Safety (WHS) legislation became effective in New South Wales (NSW), Queensland (Qld), Northern Territory (NT), Australian Capital Territory (ACT) and the Commonwealth jurisdictions with Tasmania (TAS) and South Australia (SA) introducing the legislation from 1 January 2013. Western Australia (WA) and Victoria (VIC) are implementing changes towards harmonisation. These new laws have an immediate impact on all businesses as there is a greater exposure for directors and managers and larger penalties for corporations, including jail terms for serious breaches. The new model legislation requires that 'officers' must exercise some form of 'due diligence'. Under this legislation, due diligence includes: <ul style="list-style-type: none"> - Understanding the nature of operations and the associated hazards and risks - Verifying that risks and hazards are appropriately controlled - Ensuring that appropriate resources and processes are available to conduct work safely - Ensuring that processes are in place to receive and review pertinent information (incident, hazards, risks) and respond in a timely manner

	<ul style="list-style-type: none"> - Verifying the implementation of those processes through regular audits and ensure legal compliance.
Scope & Application	<p><i>This section refers to who is governed under the policy. e.g.</i></p> <p>This policy applies to all full time, part time, casual and contracted employees and volunteers who have a requirement to directly deliver operational outcomes to (the organisation).</p>
Roles and Responsibilities	<p>The Executive/General Management shall:</p> <ul style="list-style-type: none"> - Ensure the business complies with all relevant legislation, acts, regulations, associated codes of practice and any other relevant industry practices and standards - Establish measurable Work Health and Safety (WHS) objectives and targets - Assign WHS responsibilities to all functional levels within Co XYZ, including the delivery of the WHS program - Provide a proactive forum that promotes consultation and the involvement of workers in all work areas with relevant decision making processes relating to health and safety, including the development of this policy - Review this policy on an annual basis to ensure consistency with the nature of workplace activities and scale of health and safety risks at Co XYZ - Review company XYZ's WHS Management System and performance, to ensure the continuous improvement of work health and safety practices <p>Human Resources shall:</p> <ul style="list-style-type: none"> - Review overall WH&S performance - Be responsible for provision of appropriate resources in relation to WH&S - Provide Technical advice on WH&S requirements - Monitor performance and procedures, - Ensure that all stakeholders to the Safe Workplace System have WH&S responsibilities documented in their performance deliverables - Provide assistance regarding identification of hazards and assessment of risk - Conduct Technical auditing authorisation of the WHS System manual - Maintain WH&S management systems - Reviewing objectives and targets for implementation and continual improvement of the WHS System - Promoting the concept of continuous improvement and practicable elimination of hazards - Ensuring effective communication and consultation is practiced - Raising and addressing WH&S issues at Executive meetings - Provide independent, fair and transparent decisions to resolve WH&S disputes <p>Management shall:</p> <ul style="list-style-type: none"> - Ensure all work practices and processes are subject to a risk management approach - Provide relevant information, instruction, training and supervision necessary to ensure the health and safety of workers. <p>All Employees shall:</p> <ul style="list-style-type: none"> - Work safely and abide by procedures and instructions - Report all incidents, injuries and hazards, as required - Take reasonable care of themselves and others who may be affected by their actions or omissions.
Procedures (or link to formal instruction)	<p><i>This includes Reporting Procedures, Information capture procedures, Privacy Procedures, Complaints procedures required for compliant risk management. Detailed Record Management and Consequence Management can be separated (below) or included in Procedure instructions. e.g.</i></p>

Formal Procedures (Depending on escalation and incident severity)

Step 1 – First Warning (Verbal) Guidance and Counselling Incident:

XYZ Company employee is demonstrating WHS performance or behavioural non-compliance. This may include neglect of duties, failure to adhere to WHS policies and procedures, non-compliance with safety standards, duty of care, takes risk assessment, etc.

Procedure:

Counselling discussions should involve: The employee concerned, the employee's supervisor, Safety Officer HR Representative, Union representation if requested, Employee representative if requested.

Action Steps: Identify causes of the non-compliance and provide examples of the problem. Gain the employee's commitment to solving the non-compliance. Set a specific date for reviewing the matter, as well as clearly identifying the corrective action to be taken to solve it.

Recording:

The supervisor will note a record of the discussion and forward it to the Human Resources Manager for placement in the appropriate employee file. The employee shall be entitled to sight and sign such record and add any notations regarding the contents of such records.

The record must include date and time of discussion and who was in attendance. The purpose of discussion and whether the non-compliance was acknowledged by the employee, the follow up date and required corrective action should be mentioned. If improvement is then made by the agreed date, the supervisor should acknowledge and give recognition to the employee encourage continued improvement at the same time.

Details of such improvement will be noted by the supervisor and placed on the appropriate employee file. However, if insufficient improvement by the agreed date has not been acknowledged, then XYZ company will proceed to Step 2.

Step 2 – Second Warning (Written. Utilising Effective Follow Up Action Procedure:

Follow up discussions should involve: The employee concerned, the employee's supervisor, Departmental Manager, Safety Officer HR Representative, Union representation if requested, Employee representative if requested.

Review previous discussions and illustrate the reason for secondary or follow-up discussions Discuss possible solutions. Indicate the consequences of further lack of improvement and detail further disciplinary action that may be taken. Set a specific date for review of the matter and frame an action plan of corrective action to be taken.

Record Management:

A written record of the second warning is to be shown to the employee who should sign it and add any notations regarding the content of such record. The record will be forwarded to the Human Resource Officer for placement on the employee's employee file.

Records must include date and time of discussion and who was in attendance. The purpose of discussion and whether the non-compliance was acknowledged by the employee must be included. Follow up dates and required corrective action to be

taken should also be mentioned, along with name and signature of supervisors, Safety Officer, Departmental Manager and who took the action.

If improvement is then made by the agreed date, the Department Manager should acknowledge this and give written recognition to the employee for the improvement. The supervisor should monitor and encourage continued improvement. A copy of such letter should be placed on the employee's employee file. However, if insufficient improvement is made by the agreed date, then XYZ Company will proceed to Step 3.

Step 3 – Final Warning (Written) Procedure:

A FINAL WARNING meeting should involve: The employee concerned, The Departmental Director, Departmental Manager, Safety Officer/HR Representative, Union representation if requested, Employee representative if requested.

Review previous discussions. Discuss evidence, reasons for the situation and illustrate rationale for the final warning. Agree on specific actions and follow up date. If appropriate, inform the employee that at further disciplinary action may result in termination and stress on immediate corrective action. The further disciplinary action may include:

- Demotion to a lower paid position,
- A report to the General Manager recommending suspension with a view to termination.
- Dismissal with due notice.

Record Management:

A written record of the final warning is to be shown to the employee who will be required to sign it and add any notations regarding the contents of such record; and the record will then be forwarded to the Human Resource department for placement on the employee's employee file.

The record must include date and time of discussion and who was in attendance. The purpose of discussion and whether the non-compliance was acknowledged by the employee, a follow up date and required corrective action to be taken should be mentioned, along with name and signature of Management taking the action. Copies of all correspondence arising out of this step should be sent to the employee. Should the employee fail to take the required corrective action within the agreed period, then HR/ Management/Legal will proceed to Step 4.

Step 4 – Show Cause Meeting Procedure:

Meeting should involve: The employee concerned, the Director concerned, Safety Officer / HR Representative, Legal representative if required, Union representation if requested, Employee representative if requested.

Purpose of Meeting:

The meeting shall discuss the subsequent WH&S breach and outline any former breaches and warnings. The employee will then be asked to show cause and why their employment should not be terminated based on their failure to adhere to XYZ's WH&S policies and procedures.

On consideration of the employees show cause response, the Director may take this decision:

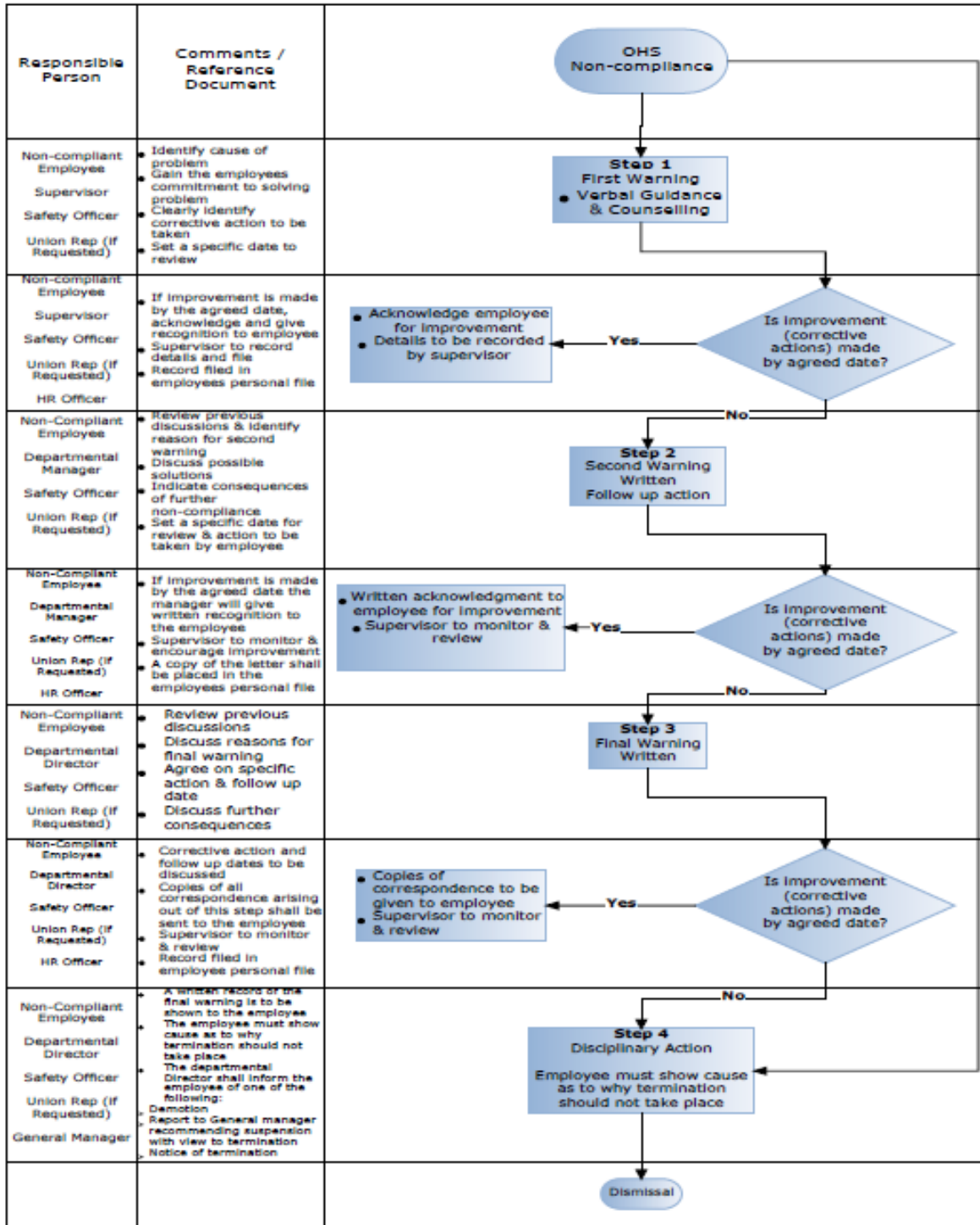
1. Demotion to a lower paid position
2. A report to the General Manager recommending suspension with a view to termination
3. A discussion with due notice of termination

	<p>Serious and Wilful Misconduct</p> <p>In instances of serious and wilful misconduct, an employee may be instantly dismissed.</p> <p>An act of serious and wilful misconduct is a breach of one of the essential conditions of the contract of employment. Should an employee be guilty of serious and wilful misconduct in the course of their employment such as included and not limited to theft, assault of a person, wilful misuse or damage to XYZ plant, equipment or property, failing to provide duty of care to the employee and other employees, failing to abide by XYZ's WHS policies and procedures, the offending employee or employees may be suspended immediately.</p> <p>The offending employee or employees will be interviewed by a committee comprising the Director concerned or their nominee, HR Representative, Union representatives if requested and the General Manager, who will determine whether immediate dismissal will be invoked.</p>
<p>Reward and Consequences</p>	<p><i>For clarity & reference purposes, organisations may choose to outline disciplinary procedures here.</i></p> <p>e.g. The offender will be issued with a written warning, depending on the outcome of the investigation. Serious misconduct may result in dismissal from the organisation. See consequence procedures above</p>
<p>Record Management</p>	<p><i>As organisational policies are underpinned by formal legislation and procedures, the management of records, reviews and changes must be conducted under governance protocols.</i></p> <p>e.g. All notes and responses will be captured by the manager of the employee being investigated and forwarded to the relevant HR representative for reference. See also record management in procedures above.</p> <p>Reviews & Changes to Policy:</p> <p>Continual improvement is a major component of the WHS System and ensures it maintains continual effectiveness. The need for improvements may be identified by:</p> <ul style="list-style-type: none"> - Random inspections and routine audits - Annual reviews - Business expansion - Technology changes - Hazard and Incident Reports - Risk assessments - Legislative reform <p>Review or Change Process</p> <p>Any changes to the WHS System must be conducted under the guidance of the WH&S Leader/Expert and apply the following process:</p> <ul style="list-style-type: none"> - Identify the changes and determine the benefits - Identify the additional resources required - Identify their impact upon the entire WHS System - Determine whether changes will require: <ul style="list-style-type: none"> ➢ Additional risk assessments ➢ Alterations to other procedures ➢ Additional training ➢ Allocation of responsibilities ➢ Documentation changes - Ensure stakeholders are consulted during the process

	<ul style="list-style-type: none"> - Ensure responsibilities and target dates are defined - Document the changes and obtain authorisation - Effective communication and implementation of the change - Monitor and review its effectiveness <p>Changes to the WHS System will require written approval and authorisation from the Head of HR and WHS Leader/Expert.</p>
<p>Related Documents/ Processes</p>	<p>In addition to the WHS Policy, other forms of documentation, charts, checklists and procedures may include:</p> <ol style="list-style-type: none"> 1. Employment Agreements 2. Induction checklists 3. Working from Home Checklist 4. Hazard Identification Checklists 5. Risk Assessment/Evaluation 6. Hazard Identification and Risk Evaluation Form 7. Hazard & Incident Investigation Report Form 8. Manual Handling Hazard Identification Prompt Sheet 9. Manual Handling National Code of Practice 10. New and Expectant Mothers Risk Assessment Form 11. Return to Work Plan 12. Injured Worker Authorisation 13. Safe Driving & Journey Plan 14. Workplace Inspection Checklist 15. Ergonomic Online Training 16. First Aid Procedures 17. Workplace Health & Safety during a pandemic

Example workflow of WHS Disciplinary Procedure, Roles & Responsibilities

OHS Disciplinary Procedure



REFERENCES:

For further information on state based workers compensation legislation and requirements, please refer below:

Workers Compensation (Different legislation and process for states and territories)

Visit the workers' compensation regulator in your state or territory

- Work Safe ACT – www.worksafe.act.gov.au
- State Insurance Regulatory Authority (NSW) www.sira.nsw.gov.au
- NT Work Safe www.worksafe.nt.gov.au
- WorkCover Queensland www.worksafe.qld.gov.au
- Return To Work SA www.rtwasa.com
- WorkCover Tasmania www.workcover.tas.gov.au
- Work Safe Victoria www.workcover.vic.gov.au
- WorkCover WA www.workcover.wa.gov.au
- Comcare (Commonwealth) www.comcare.gov.au/home
- For general information about workers' compensation arrangements across Australia, visit the Safe Work Australia website www.safeworkaustralia.gov.au/sites/swa

LEGISLATION GUIDELINES

New South Wales

Work Health and Safety Act 2011
Work Health and Safety Regulations 2011

Queensland

Work Health and Safety Act 2011
Work Health and Safety Regulations 2011

Tasmania

Work Health and Safety Act 2012
Work Health and Safety Regulations 2012

Australian Capital Territory

Work Health and Safety Act 2011
Work Health and Safety Regulations 2011

Victoria

Occupational Health and Safety Act 2004
Occupational Health and Safety Regulations 2007

South Australia

Work Health and Safety Act 2012
Work Health and Safety Regulations 2012

Western Australia

Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996

Northern Territory

Work Health and Safety Act 2011
Work Health and Safety Regulations 2011