

OSH POLICY No 1

OSH Policy

Policy Objective

The Shire of Jerramungup will provide a safe and healthy work environment, so far as practicable, for all employees, contractors, volunteers and visitors.

OSH Policy

The Shire of Jerramungup is concerned with protecting the safety, health and welfare of all personnel and visitors. Consistent with this, the Shire of Jerramungup will:

- Provide and maintain a safe work environment by managing risk through effective hazard identification and control;
- Strive for continuous improvement in Occupational Health and Safety performance utilising best practice procedures and taking into account evolving knowledge and technology;
- Comply with all applicable legislation and standards;
- Establish, implement and maintain an Occupational Health and Safety Management System;
- Ensure that all employees, including contractors and volunteers, are fully informed, instructed, trained and supervised in the tasks they are required to perform;
- Communicate and consult with employees, including contractors and volunteers, involve them in the development of practices and procedures aimed at the improvement of Occupational Health and Safety performance;
- Ensure that all employees, including contractors and volunteers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.

Copies of this Policy shall be made available to all employees, contractors, volunteers and visitors, and displayed within the workplace.

OSH POLICY No 2

Fitness for Work Policy

Policy Objective:

The Shire of Jerramungup (or “the Shire”) is committed to the safety and health of its employees and has a duty of care under the Occupational Safety and Health Act, 1984 to provide a safe working environment. The Shire also recognises that this duty is incumbent on all employees that extends to co-workers and individuals alike in order to prevent their safety and health from being jeopardised through an act or omission of an employee who is unfit for work.

Scope:

For the purpose of meeting our duty of care, employees who attend work under the influence of, in possession of or found to be cultivating, selling or supplying drugs and / or alcohol, or being in any other way impaired for work¹, will not be tolerated by the Shire. In order to ensure that this duty is fulfilled, the Shire of Jerramungup has implemented this procedure in the interests of occupational safety and health.

Those who are suspected or found to be under the influence of drugs or alcohol at work will be submitted for a drug and alcohol test. If the test proves positive, the employee will subsequently be stood down from work without pay.

Those who fail to follow this procedure will be appropriately counselled and depending on the severity of their actions, may also stand the consequence of suspension without pay or instant dismissal.

Responsibilities:

It is the responsibility of the direct supervisor or manager to raise concerns with the Shire’s management if an employee is showing signs to be unfit for work.

It is the responsibility of employees to ensure they do not attend work in a manner which will affect their work performance that could endanger themselves, work colleagues, members of the public or cause damage to council equipment.

The Shire of Jerramungup believes that the health and wellbeing of an employee is of great importance to the organisation. An employee assistance program will be offered in order to support the effected employee.

All matters pertaining to fitness for work will be treated with the utmost confidentiality and any employee of the Shire of Jerramungup who is interested in receiving counselling services should seek approval from their Chief Executive Officer (CEO).

Definitions:

For the purpose of this policy and procedure, the abuse of alcohol and / or other drugs includes:

- Impaired Work Performance - sudden or gradual deterioration in a person’s ability to function appropriately at work.

¹ Other reasons for impaired work performance may include but are not limited to: fatigue, physical injuries etc.

- Unfit for Work – being impaired for work and therefore unable to perform duties in a safe manner.
- Use – eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.
- Misuse – inappropriate use of a substance on the Shire premise or property, including overdose of a drug or the failure to take a drug in accordance with medical advice.
- Alcohol – Any beverage containing alcohol.
- Drugs – Amphetamines, Cannabinoids THC, Opiates, Barbiturates, Cocaine, methadone, Benzodiazepines, Alcohol and other narcotics, prescription drugs and non-prescription drugs.
- Substance – any drug that may have adverse effects causing impaired work performance.
- Fatigue – The inability to perform work effectively or safely due to lack of sleep. Or the adverse effects of medication, alcohol, drugs and / or other substances (including, “hangovers” and/or “come downs”).
- Fitness for Work/Duty – refers to a state (whether physical, mental and/or emotional), which enables an individual to perform an assigned task competently and safely.
- Physical impairment – musculoskeletal injuries, sprains and strains, major injuries etc.

Application

Alcohol:

Being under the influence of alcohol will not be permitted whilst working on the premise or property of the Shire of Jerramungup. Employees who commence work whilst under the influence of alcohol including, working under the adverse effects of alcohol, will be stood down from their duties and taken to the nearest approved medical centre for a blood alcohol test. If a blood alcohol level is deemed to be 0.05 and over, employees will be sent home without pay for the remainder of the day. As the employee will be over the legal limit to drive, alternative transport will be required.

If the blood alcohol level is under 0.05, employees will be prohibited to operate machinery, plant or equipment until a blood alcohol content of 0.00 is reached. Sedentary duties, under direct supervision of the applicable supervisor/manager, will be offered until then.

If the blood alcohol test provides positive results on the first offence, the employee will receive a written warning.

There may be occasions where alcohol may be included as part of a work function or other recognised work event. Where the Chief Executive Officer has properly approved the consumption of alcohol, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing. Failure to behave in a sensible and responsible manner with due care, or any failure to follow any directions given by management with regard to the consumption of alcohol may result in disciplinary action. It is a condition of the Shire of Jerramungup that employees make alternative arrangements to get home. The Shire accepts no responsibility for employees during travel to and from the function.

Drugs and Prescription Medication:

Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Jerramungup. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire property or premise will result in disciplinary action and possibly instant dismissal.

If suspected of the above, an employee must undergo a drug screen (paid by the Shire).

Refusal to a drug screen may result in instant dismissal.

If the drug screen proves positive results on the first offence, the employee will receive a written warning.

If an employee is found to give a positive result on the second offence, they will receive a second written warning. On the second offence, the employee must agree to be submitted for consequent drug testing (every fortnight or at random) for a (two month) period. The employee will be instantly dismissed if a subsequent test is undertaken with a positive result.

Any third offence will also result in instant dismissal.

Prescription and Other Medication

It is an employee's responsibility to inform their supervisor of any medication they are taking. It is also a requirement of employees to advise their supervisor of any adverse effects that may occur whilst taking such medication, including the amount of times at which the medication is taken per day. This information is to be recorded on their personnel file for reference in the event of an emergency. It is also necessary for the employer to record any known allergic reactions to any medication an employee may have (i.e. penicillin).

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturer's recommendations.

Failure to follow these requirements will result in disciplinary action, or instant dismissal.

Fatigue:

Fatigue can be the result of many different situations. Due to this, this procedure will directly reflect the implications of fatigue through the following external triggers (but are not limited to):

Lack of sleep

Voluntary Work

External work commitments

In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore increasing the potential to cause injury or harm to themselves, personnel or members of the public.

It is the Shire of Jerramungup procedure to provide a safe place of work for its employees. It is an employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside of their employment with the Shire of Jerramungup which may affect their fitness for work. Depending on the circumstances, the Shire may agree to come to a compromise with the employee to ensure there is equilibrium between regular hours worked at the Shire, sleep / rest and additional hours worked elsewhere (including paid and voluntary work). If this agreement is abused by the employee, disciplinary action will result.

If deprivation of sleep is the cause of fatigue due to other external circumstances, a drug and alcohol screen will be required. If positive, disciplinary action will result.

In circumstances where the employee is unfit to remain at work as to the judgement of their manager, the employee will be stood down from work without pay, if the fatigue is self-inflicted, for the remainder of the day. Alternatively to being stood down without pay, the employee can choose to take a leave day.

In case of being stood down due to fatigue caused by work or volunteering related activities, the employee will be paid for a standard day (7.6 hours for admin staff, 8.5 hours for works department).

Employee Assistance Program (EAP):

The Shire of Jerramungup understands employees may be experiencing difficulties external to work that may influence their behaviour and health whilst at work. To assist with the recovery of the employee, the Shire has in place a confidential employee assistance program. For the purpose of this procedure, this program may be offered to first offence employees through ratification of the CEO. Otherwise this program will be offered on the second affirmed screening. The Shire will offer a total of 3 counselling sessions, if further sessions are required, approval is to be deemed by CEO.

If an EAP is offered as a result of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on second offence.

Employees who have not failed to meet the guidelines of this procedure and feel an EAP would benefit them due to personal circumstances may utilise these services on ratification of the CEO. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service.

Disciplinary Action:

If this procedure is in anyway contravened by an employee the following will result.

General Guidelines:

Any employee who tests positive to an alcohol breath screen or urine screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work. Any person who is found to be significantly fatigued will also be stood down from work without pay until such time as they have proven they are fit for work.

Exemptions to this apply to emergency services volunteers as per individual agreement.

Employees fully returning to work after an injury or illness must provide the Shire of Jerramungup with a final medical certificate from their treating medical practitioner, showing no restrictions on their ability to work. Any other cases will be dealt with in accordance to the Shire's "Injury Management" policy (OSH Policy No. 6) and procedures

First Offence:

- a) The employee will be immediately suspended from duty without pay if found unfit to work.
- b) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- c) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- d) The employee will be counselled by their supervisor that will focus on;

- e) the unacceptability of the employee's behaviour
- f) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
- g) the employee's responsibility to demonstrate that the problem is being effectively addressed;
- h) that any future breach of the policy will result in second offence or instant dismissal.
- i) The employee will be formally offered the opportunity to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the employee and cannot be made mandatory. However, refusal to accept counselling may result in instant dismissal on second offence. The Shire of Jerramungup will insist that the employee provide satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work.

Second Offence:

- a) The employee will be immediately suspended from duty without pay if found unfit for work.
- b) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- c) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- d) The employee will be counselled by their supervisor that will focus on;
- e) the unacceptability of the employee's behaviour
- f) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
- g) the employee's responsibility to demonstrate that the problem is being effectively addressed;
- h) that any future breach of the policy will result in instant dismissal.
- i) Counselling will be offered, refer to *First Offence (v)*, if counselling was not used in the first offence.
- j) The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
- k) The employee maybe submitted fortnightly or randomly for alcohol and / or drug screening for the period of two months paid by the Shire of Jerramungup. If tests confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

Third Offence:

- a) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- b) The employee will be immediately dismissed from duty without notice.

Instant Dismissal:

The following are guidelines to circumstances that will result in dismissal without notice:

- a) Any attempt to falsify the drug and alcohol screen.
- b) Cultivating, selling or supplying drugs and / or other substances on or off the worksite.
- c) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
- d) Unlawful behaviour.

Other:

If an employee is found to be heavily intoxicated, above the legal limit to drive, or extremely fatigued and they are to be sent home without pay, it is a requirement of the supervisors to:

- a) Contact the employees next of kin to arrange pick up.
- b) If next of kin is unable to be contacted or unable to take employee home, a staff member authorised by the CEO will be appointed to take the employee home. The employee is to be advised that their vehicle must be collected that day.

References

- Occupational Safety and Health Act 1984;
- Occupational Safety and Health Regulation 1996, and 2005 amendments;
- ISO 31000 Risk Management – Principles and guidelines

OSH POLICY No 3

Smoking in Council Premises/Vehicles Policy

Policy Objective:

There is to be no smoking whatsoever within Council buildings and Council vehicles. It is designed to ensure that those who work for the Council do so in a clean and safe environment.

Policy:

As an employer, the Council has a duty under the Occupational Safety and Health Act 1984 to provide a safe working environment and to protect the health of all employees from hazards in the workplace.

On the basis of a current medical opinion and following a landmark judgment in the Federal Court of Australia, it has been shown that passive smoking may affect a person's health. Accordingly, Council prohibits any member or employee of Council, from smoking in any enclosed workplace, building or vehicle of Council, including at all Council and Committee meetings.

All members of Council and employees shall have an individual responsibility for drawing the prohibition on smoking to the attention of any visitor, caller or employee, who it appears, may be in contravention of the Policy.

Council's commitment to this Policy will be demonstrated publicly by the display of appropriate signs throughout Council's buildings and facilities.

OSH POLICY No. 4

Workplace Bullying Policy

1. OBJECTIVE

To identify, minimise and where possible prevent harassment and bullying in the workplace by eliminating, intimidating, humiliating, offending and threatening behaviour and encouraging a professional and productive workplace.

1.1 POLICY

1. Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers.
2. Workplace bullying is considered to be an illegal and unacceptable form of behaviour which will not be tolerated under any circumstances.
3. Workplace bullying behaviour may involve:
 - a) Abusive, insulting or offensive language;
 - b) Violence or threats;
 - c) Constant practical joking and teasing;
 - d) Behaviour or language that frightens, degrades or humiliates;
 - e) Ignoring, isolating or withholding information from a person; or
 - f) Unfair treatment in relation to accessing workplace entitlements.
4. It may be carried via verbal communication, letters, emails, telephone calls and/or text messages or cyber-attacks via Facebook, Twitter, Instagram or other social media.
5. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.
6. The Shire of Jerramungup encourages all employees to report workplace bullying. Managers and supervisors will endeavour to ensure that no one making a complaint or witnesses are victimised.
7. The Shire of Jerramungup has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.
8. Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve warning, transfer, counselling, demotion or dismissal, depending on circumstances.

OSH POLICY No. 5

Sexual Harassment Policy

1. OBJECTIVE

The Shire of Jerramungup strongly supports the concept that every employee, elected member and member of the public employed or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.

1.1 POLICY

The Shire of Jerramungup considers sexual harassment to be an unacceptable form of behavior which will not be tolerated and recognises that sexual harassment is unlawful.

1.1.1 Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and/or rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered and expressed as being offensive to an employee, elected member or member of the general public:

- a) Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching;
- b) Subtle or explicit demands for sexual activities or molestation;
- c) Intrusive enquiries into a person's private life;
- d) Uninvited and unwelcome jokes that have a sexual and/or sexist undertone; and
- e) Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.

- 1.1.2** The Shire of Jerramungup recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. The Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workforce including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.
- 1.1.3** Any complaints of sexual harassment made against any person associated with the Council will be viewed seriously, treated confidentially, and thoroughly investigated by appropriately trained persons.
- 1.1.4** Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face-to-face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.
- 1.1.5** An employee whose health or work performance has been affected by personal harassment will not have their employment status or conditions disadvantaged in any way, as a result thereof.
- 1.1.6** A formal complaints/grievance procedure follows and will be utilised to effectively resolve complaints of sexual harassment.

1.2 COMPLAINTS/GRIEVANCE PROCEDURE

- 1.2.1** All complaints of sexual harassment will be treated confidentially and resolved promptly.
- 1.2.2** Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.
- 1.2.3** It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.
- 1.2.4** A complaint of sexual harassment may be lodged with any of the following persons:
- a) Immediate Supervisor/Manager (except where this person is the alleged harasser);
 - b) Division Manager (if applicable- except where this person is the alleged harasser);
 - c) Chief Executive Officer (if the alleged harasser is a Divisional Manager or the Shire President); and
 - d) Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor).
- 1.2.5** A person receiving a complaint of sexual harassment will:
- a) Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of

management. Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure;

- b) Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow up reports are provided until the matter is resolved, (or, in the event that the complaint relates to the Chief Executive Officer, the report shall be prepared by the Shire President); and
- c) Ensure no information regarding the complaint is discussed outside this procedure.

1.2.6 The person handling the complaint, whether it is the person who received the complaint or a more senior person will, with the approval of the complainant:

- a) As soon as possible, advise the alleged harasser of the nature of the complaint and provide opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour;
- b) Advise the alleged harasser of the right to contact his/her Union or advocate for advise and representation;
- c) Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard; and
- d) Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.

1.2.7 If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:

- a) The matter will be investigated and where the complainant or the harasser is the member of a Union, the Union may be party to the investigation; and
- b) All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.

1.2.8 During the period of investigation of a case of serious sexual harassment:

- a) The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case, to have witnesses in attendance and to respond to any proposed adverse findings that may be made against them;
- b) If requested by either party or by management, alternative working arrangements may be made; and
- c) Any reasonable request by either party for legal or Union representation shall not be denied.

1.2.9 If, following investigation and resolution, a complaint is judged to have been proved:

- a) Remedial action will be taken; and
- b) A record of the detail of the remedial action will remain on employee's personal file for a period of twelve months, where upon the record will be destroyed

unless otherwise decided by the Chief Executive Officer (or Shire President in the event that the complaint relates to the Chief Executive Officer).

- 1.2.10** If, following investigation, a complaint is judged to have been unproven, the complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action will be taken against the complainant.
- 1.2.11** Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.
- 1.2.12** While it is the Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing, this complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.

OSH POLICY No. 6

Injury Management Policy

1. OBJECTIVE

The Shire of Jerramungup is committed to assisting injured workers to return to work as soon as medically appropriate and will adhere to the requirements of the *Workers' Compensation and Injury Management Act 1981* in the event of a work related injury or illness.

1.1 POLICY

Management supports the injury management process and recognises that success relies on the active participation and cooperation of the injured worker. Whenever possible, suitable duties will be arranged internally having regard for the injured worker's medical restrictions.

Workplace Information:

Contact Person:	Admin:	Deputy Chief Executive Officer
		Human Resource/Payroll Officer
	Works:	Works Manager
	Telephone:	08 9835 1022

OSH POLICY No. 7

Contractors OSH Policy

1. OBJECTIVE

The safety and health of all people working for the Shire of Jerramungup is of primary concern and safe working practices must be observed at all times.

It is therefore required that contractors carrying out any work for the Shire shall comply with the Shire's OSH Policies and Procedures.

This will entail both a general induction, site-specific induction and the presentation of insurance cover notes and licences.

1.1 POLICY

1.1.1 GENERAL INDUCTIONS

Preferred contractors for the following categories may be appointed for a fix period of three continuous years: Carpentry, Civil Works, Concrete, Electrical, Freighting, Landscaping, Mechanical, Plumbing.

One representative of each appointed contractor is required to undertake a general induction at the Shire of Jerramungup and should then provide all relevant information to other employees in their business carrying out work for the Shire.

1.1.2 INSURANCE COVER NOTES

On commencement of the induction, contractors will be asked to provide details of the certificates of currency for the following policies:

- Public Liability Insurance
- Professional Liability Insurance
- Workers Compensation Insurance

1.1.3 SITE-SPECIFIC INDUCTIONS

Contractors will be required to report to the Manager's/Shire's Office who initiated the work, to undertake an initial site-specific induction where necessary. An "On-site Induction" Checklist is to be signed off by the contractor/manager, to be recorded in SynergySoft.

1.1.4 LICENCES

All contractors and employees are required to have appropriate licences for work activity, plant and equipment being provided. Copies of these licences can be requested by the Shire at any time.

1.1.5 NON-COMPLIANCE

Any contractor or their employee contravening with the Shire of Jerramungup's OSH Policies and Procedures can be asked to leave the premises or worksite and can be refused re-entry.