



## **OSH1 – OCCUPATIONAL SAFETY AND HEALTH POLICY**

### **MANAGEMENT PRACTICE:**

### **DELEGATION:**

#### **OBJECTIVE**

To confirm the Shire's commitment and outline the principles governing the management of occupational safety and health (OSH) in the workplace.

#### **POLICY**

The Shire of Jerramungup is committed to the provision of a health and safety management system that eliminates or minimises risk of injury or illness to people associated with the Shire's operations.

To achieve a safe, healthy, low risk work environment, the commitment and cooperation of all our elected members, employees, contractors, volunteers and visitors is essential.

While the emphasis is on injury prevention, where injuries do occur, the Shire is committed to effective injury management, and timely return to work for all injured or ill staff members.

In support of this Policy, the Shire will:

- Establish, implement and maintain an OSH management system that complies with or exceeds all relevant legislation and subsidiary codes.
- 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.
- As far as practicable provide the necessary resources, both human and financial, to meet those requirements.
- Communicate and consult with employees in relation to all OSH matters affecting their safety in the workplace.
- 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;
- Provide safe systems of work, coordination, planning, allocation of responsibilities, information, instruction, training, and supervision to enable employees, contractors and volunteers to perform their duties in a safe and healthy environment.
- Adopt, in consultation with employees, a risk management approach to work methods, plant and machinery acquisition and workplace design, and eliminate or control those identified risks.
- Manage the rehabilitation of injured workers in conjunction with relevant medical practitioners to give them a successful return to work.
- Educate and promote health and safety awareness in all employees.

- Utilise Safety and Health Representatives in hazard identification and control in conjunction with line supervision by conducting site inspections.
- Investigate all incidents in the workplace and report findings to relevant personnel to prevent recurrence.
- Ensure continuous improvement by monitoring and reviewing the OSH Policy for relevance and performance.

#### Definitions:

**Elected Member** means a Councillor of the Shire of Jerramungup Council.

**Risk Management** is the process for identification of hazards, estimation of related risk of injury or illness and implementation of mitigating control measures.

**Workplace** is any location where tasks and activities are carried out for or on behalf of the Shire.

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

<b>Relevant Legislation:</b>	<i>Occupational Health and Safety Act 1984</i>
<b>Related Documents:</b>	N/A
<b>Related Local Law:</b>	N/A
<b>Related Policies:</b>	OSH2 – Fitness for Work Policy OSH4 – Workplace Bullying Policy OSH5 – Sexual Harassment Policy OSH6 – Injury Management Policy OSH7 – Contractors Policy
<b>Adopted:</b>	October 2009
<b>Last Reviewed:</b>	April 2011 May 2014 April 2016 21 August 2019
<b>Next Review Date:</b>	2020



## OSH2 – FITNESS FOR WORK POLICY

### MANAGEMENT PRACTICE:

### DELEGATION:

#### OBJECTIVE

The principle objective of this Policy is to highlight the Shire of Jerramungup's ongoing commitment to its workers and meeting its obligations under the *Occupational Safety and Health Act 1984* by creating and maintaining a safe work 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 by managing and reducing the risks associated with personnel presenting to, or throughout the day, being in an unfit state.

#### POLICY

The Shire of Jerramungup is committed to the provision of a health and safety management system that eliminates or minimises risk of injury or illness to people associated with the Shire's operations.

To achieve a safe, healthy, low risk work environment, the commitment and cooperation of all our elected members, employees, contractors, volunteers and visitors is essential.

While the emphasis is on injury prevention, where injuries do occur, the Shire is committed to effective injury management, and timely return to work for all injured or ill staff members.

In support of this Policy, the Shire will:

- Establish, implement and maintain an OSH management system that complies with or exceeds all relevant legislation and subsidiary codes.
- 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.
- As far as practicable provide the necessary resources, both human and financial, to meet those requirements.
- Communicate and consult with employees in relation to all OSH matters affecting their safety in the workplace.
- 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;
- Provide safe systems of work, coordination, planning, allocation of responsibilities, information, instruction, training, and supervision to enable employees, contractors and volunteers to perform their duties in a safe and healthy environment.
- Adopt, in consultation with employees, a risk management approach to work methods, plant and machinery acquisition and workplace design, and eliminate or control those identified risks.

- Manage the rehabilitation of injured workers in conjunction with relevant medical practitioners to give them a successful return to work.
- Educate and promote health and safety awareness in all employees.
- Utilise Safety and Health Representatives in hazard identification and control in conjunction with line supervision by conducting site inspections.
- Investigate all incidents in the workplace and report findings to relevant personnel to prevent recurrence.
- Ensure continuous improvement by monitoring and reviewing the OSH Policy for relevance and performance.

#### **Definitions:**

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

**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.

#### **Purpose:**

The purpose of this Policy is to identify the risks and to put measures in place to ensure all workers are aware of their obligations and the Shire's commitment to fitness for work. Conditions which could impact on a person's fitness for work (FFW) include, but are not limited to:

- Sleep deprivation
- Physical injury
- Temporary or ongoing illness
- Alcohol use and subsequent impairment
- Other drug use; prescription, over the counter and illicit
- Stress
- Emotional distress
- Mental health
- Grief and loss
- Family issue

**Scope:**

This Policy applies to all workers performing work (paid and unpaid) for the Shire, including but not limited to direct hire, contractors, labour hire, project workers, volunteers and those performing work through a third party.

**Responsibilities:****Executives, Supervisors and Leaders**

Executives, Supervisors and Leaders remain accountable for the following in relation to FFW at the Shire:

- Assess and report on any person who appears to be, or has been reported as being, unfit for duty.
- Seek advice from Management if they are concerned a person may not be fit for work.
- Ensure workers comply with this Policy.
- Maintain accurate and confidential documentation relating to FFW event.
- Reinforce the need for reporting any FFW issues and for individual self-awareness and management of their exposure to alcohol and other drugs to ensure safe work conditions for all.

**All Personnel**

All persons performing work for the Shire remain accountable for the following in relation to FFW at the Shire:

- 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.
- Notify their direct Supervisor, Shire representative or Management if they are concerned about their own or a fellow employees FFW.
- Participate in health, wellbeing and FFW activities where requested by the Shire.

**Application:****Drug and Alcohol Screens**

All personnel may be subject to drug and alcohol testing on entry to site, commencement of work or at any time whilst performing work for the Shire. 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. Testing (other than self-testing) will be conducted in accordance with AS/NZ Standards applicable at the time of testing by a suitably trained, qualified collector. The Shire has a zero (0.00%) alcohol limit, and measures drug levels in accordance with AS/NZ Standards. 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 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). Prior to undertaking testing, the person must advise the tester if they are taking any medication such as over the counter or prescription. An attempt to declare after testing will not be considered under any circumstances. Some prescription and over the counter medication can register as a non-negative result when drug testing occurs. For example:

- Codeine™ with Opioids
- Codral™ with Opioids
- Demazin™ with Amphetamines
- Actifed™ with Amphetamines

All personnel have a responsibility to ensure they have consulted with their doctor or pharmacist as to what effect the drug or medication may have and if there is a risk that it may adversely affect their fitness for work, or lead to a positive test result. If at any time personnel is taking medication or drugs which may affect their fitness for work, they have a responsibility to declare this to their Direct Supervisor or Management in writing. This will allow the Direct Supervisor or Management to arrange safe and suitable work tasks are assigned (where possible) or seek appropriate information to ensure the person and/or others are not placed at risk. 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.

### **Fatigue Management**

Fatigue is a general term used to describe the feeling of being tired, drained or exhausted and is accompanied by poor judgment, slower reactions to events and decreased skill levels. Where the effects of fatigue and/or the nature of the work being performed induces fatigue causing impairment to a person's health and safety, the Shire will ensure that appropriate and reasonable action is taken. 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, if the fatigue is self-inflicted, for the remainder of the 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 (8 hours for Administration Staff, 8.5 hours for Works Department Staff).

### **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 personnel, the Shire has in place a confidential employee assistance program. The program consists of professional counselling services in a number of areas, which include, but are not limited to:

- Drugs and alcohol
- Personal affairs
- Support services
- Addictions
- Stress

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.

### **Provision for Medical Assessment**

A person may be referred to a certified medical practitioner of the Shires choosing for a fitness for work medical assessment coordinated by Management where the Shire has a genuine indication of the need for such examination and in deciding the need will take into account the following:

- Has there been a prolonged absence from the workplace without explanation or evidence?
- Has adequate medical information been provided to explain the absence and demonstrate the person's fitness for work?
- What level of risk is involved in the person's normal duties?

- Are there legitimate concerns that the person's illness or injury will impact on others in the workplace?

Where a certified medical practitioner will not, or is unable to confirm a person's fitness for the stated duties, they will be requested to refer the person to a specialist. Further action will be dependent on the fitness for duty report.

### **Work Related Injury or Illness**

All work related injuries or illnesses will be dealt with by Management in accordance with Injury Management and/or Workers Compensations processes.

### **Non-Work Related Injury or Illness (NWRI)**

Non work related injury or illness (including physical, mental or psychological conditions) are those which do not arise out of the course of employment or have not been deemed compensable under the *Workers Compensation and Injury Management Act 1981*. If an employee experiences a significant non work related injury or illness that has the potential to impact on their ability to undertake the full duties of their position, then a medical clearance from their treating practitioner, confirming the employee's abilities to undertake the duties of their role, will be required before returning to work. If an employee presents to work and is subsequently unable to carry out the duties of their position, or where their Supervisor reasonably believes there is a risk to them or other employees, the employee may be stood down in consultation with Management until independent medical advice is received, confirming their fitness for work.

### **Risk Management:**

#### **Self-Management**

Any person, who believes they may be unfit for work for any reason is expected to inform their Direct Supervisor accordingly and not to commence work.

### **Identify and Assess**

Where it is suspected that a person has presented to work in an unfit condition or such condition arises while at work, an assessment must be carried out and may include:

- Face to face discussion between Direct Supervisor and the employee.
- Determine whether prescribed or over the counter medication may be producing their behaviour.
- Assess work duties that may contribute to levels of stress or fatigue.
- Arrange for a medical assessment (in conjunction with Management).
- Arrange for testing of alcohol and/or other drugs.
- Psychological/emotional assessment.
- Where practicable, obtain witness statement of incident involving affected person.



## Action

If, following an assessment, there is concern for the wellbeing of the person and their fitness for work, then appropriate action to ensure their safety is to be taken. Such action may include:

- Arrangements for further medical treatment.
- Discuss in confidence with the person options to manage identified risks.
- Offer for appropriate and reasonable counselling such as EAP services.
- The person being stood down from duties and suitable transport being arranged.
- Inform the person they are being stood down from work pending investigation.
- Develop an appropriate review and case management plan if applicable.
- Keep in regular contact with the person, offer support and assistance where appropriate Consultation with Management is essential as is confidential documentation.

## 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 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 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;
  - the unacceptability of the employee's behavior;
  - the risk that such behavior creates for the safety of the individual and other employees or members of the public;
  - the employee's responsibility to demonstrate that the problem is being effectively addressed;
  - That any future breach of the policy will result in second offence or instant dismissal.

- e) 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 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;
- the unacceptability of the employee's behavior;
  - the risk that such behavior creates for the safety of the individual and other employees or members of the public;
  - the employee's responsibility to demonstrate that the problem is being effectively addressed;
  - that any future breach of the policy will result in instant dismissal.
- e) Counselling will be offered, refer to *First Offence (v)*, if counselling was not used in the first offence.
- f) The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
- g) The employee may be 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 behavior.

**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 employee's 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.

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

<b>Relevant Legislation:</b>	<i>Occupational Health and Safety Act 1984</i>
<b>Related Documents:</b>	N/A
<b>Related Local Law:</b>	N/A
<b>Related Policies:</b>	OSH1 – Occupational Safety and Health Policy OSH4 – Workplace Bullying Policy OSH5 – Sexual Harassment Policy OSH6 – Injury Management Policy OSH7 – Contractors Policy
<b>Adopted:</b>	October 2009
<b>Last Reviewed:</b>	April 2011 May 2014 April 2016 21 August 2019
<b>Next Review Date:</b>	2020





## OSH4 – WORKPLACE BULLYING POLICY

### MANAGEMENT PRACTICE:

### DELEGATION:

#### OBJECTIVE

To identify, minimise and where possible prevent harassment, discrimination and bullying in the workplace by eliminating intimidating, humiliating, offending and threatening behaviour and encouraging a professional and productive workplace. Outlined objectives within this policy include but are not limited to:

- To ensure that all employees understand the definition of workplace bullying.
- Prevent bullying and maintain an environment that is free from workplace bullying.
- Outline how complaints of workplace bullying, harassment or discrimination can be made and how claims will be treated by Council.
- Outline procedures to investigate and resolve incidents.

#### POLICY

1. Council does not tolerate bullying conduct or any other behaviours inconsistent with this policy nor anyone taking reprisals against those who come forward to disclose such conduct.
2. All employees, volunteers, contractors and agents of Council are expected to comply with this policy, to behave in a professional manner and to treat each other and members of the public with dignity and respect when they are at work.
3. Council will take all reasonable steps to ensure that employees, volunteers, contractors and agents of Council are not subjected to bullying behaviours from members of the public in the course of their duties.
4. Anyone covered by this policy who experiences or witnesses bullying, harassment or violence should report any behaviour that violates this policy or any related law /regulation; or is a danger to public health or safety as soon as possible.
5. 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.
6. Council is committed to transparency and accountability in its administrative and management practices, and supports complaints or disclosures that reveal bullying behaviours, or conduct involving a substantial risk to public health and safety.
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. All information will be treated confidentially and where information is required to be reported, this will be advised to the relevant party.
9. Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve warning, transfer, counselling, demotion or dismissal, depending on circumstances.

**Purpose:**

The Jerramungup Shire Council is committed to providing employees, volunteers and other agents with a safe and healthy work environment free from bullying, harassment and occupational violence, and regards this to be a primary responsibility as an employer. The purpose of this policy is to outline Council's position that bullying and workplace violence will not be tolerated and to provide guidelines for the processes to follow if any instances of bullying or other inappropriate behaviours outlined below are reported.

**Rationale:**

Workplace bullying, harassment and discrimination create an unsafe working environment and increases risks to the health of employees. Employers have a duty, under Section 21 of the *Occupational Health and Safety Act 1984*, to ensure, so far as practicable, risks to health and safety as a result of bullying and violence in the workplace are eliminated or reduced. Council is committed to eliminating, as far as possible, all forms of bullying in the workplace and in its relationships with its users through a culture of openness, support, and accountability.

**Standards of Behaviour:**

Council aims to create positive working relationships, and requires everyone observe the Code of Conduct and follow minimum standards of behaviour, including:

- Being polite and courteous to others.
- Being respectful of the differences between people and their circumstances.
- Ensuring they do not engage in any bullying or offensive behaviour(s) towards others.
- Ensuring they do not assist or encourage others to engage in bullying or offensive behaviour(s); Supporting colleagues and reporting any bullying behaviour(s) they see happening to others and Keeping information confidential if involved in any investigation of bullying behaviour(s).

**Definitions:****Bullying**

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or group of employees that creates a risk to the worker/s health, safety and wellbeing and is directed related to the workplace. Bullying does not have to be intentional, and includes any behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten. Bullying is a form of harassment, may also be a criminal offence and can be prosecuted by WorkSafe in Western Australia. In the context of this policy bullying behaviour(s) include harassment or occupational violence (see sub-definitions below).

**Harassment**

Harassment is a type of bullying but may arise from fewer incidents and is where a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, sexual preference, or some other characteristic specified under anti-discrimination or human rights legislation.

## **Discrimination**

Discrimination is treating someone less favourably, because of an attribute or personal characteristic, than someone with the same or different attribute or trait. Discrimination may include bullying and harassment over one of these traits.

## **Complaint**

A complaint is about any type of situation, activity, behaviour or item which causes concern about work or workplace. It can be against or about a person or a workplace system or procedure. It includes actions of an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

## **Complaint Handler**

The person who handles the complaint to its conclusion. This will usually be the Manager and/or the HR representative

## **Inappropriate Behaviour**

Inappropriate behaviour is any action which causes a staff member to feel uncomfortable or offended. More formally, it includes behaviour which can be described as harassing, bullying, discriminatory and victimising in its impact.

## **Repeated Behaviour**

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

## **Occupational Violence**

Occupational violence or assault differs from the definition above as it can result from a single incident or small number of incidents - whereas bullying tends to be an accumulation of incidents over a long period of time.

## **Unreasonable Behaviour**

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, and would expect to victimise, humiliate, undermine or threaten.

## **Sub-Definitions:**

### **Examples of Bullying Behaviour may include, but are not limited to**

- excluding or isolating employees;
- psychological harassment;
- verbal/non-verbal threats or abuse;
- offensive or insulting language or attempting to humiliate someone in front of another sniggering, gossiping or spreading rumours or innuendo about someone;
- intimidation;

- laughing at someone in the workplace which is intended to make them feel uncomfortable or distressed;
- any of the above behaviours in an on-line or social media environment taking and or sharing digital photographs that demean or humiliate a person (this may also contravene other legislation such as Privacy);
- Individual or groups of employees forcing a new employee to participate in an “initiation” process; playing of practical jokes on or forcing an employee to undertake demeaning tasks.

**In addition, Bullying may also include:**

- assigning meaningless tasks unrelated to the job;
- assigning impossible tasks, setting unreasonable timelines or constantly changing deadlines deliberately changing rosters to inconvenience particular employees;
- deliberately withholding information that is vital for effective work performance;
- using a management style that is harsh, involves shouting, constant criticism or humiliation of an employee or group of employees in private or in front of their peer;
- Continuously and deliberately excluding someone from workplace activities including ignoring them and keeping them isolated from relevant communications about work issues.

**Workplace bullying does not include the taking of reasonable management actions which are carried out appropriately, including:**

- Work performance (including performance management) and management procedures Allocation of work or legitimate directive to an employee, contractor or agent related to a job role.
- Rostering and allocation of working hours.
- Informing an employee, contractor or agent about inappropriate behavior.
- Disciplinary action or allocation of work according to Council practices and procedures or organisational review and implementation of change.

**Violence is defined as any incident where an employee is physically attacked or threatened. It may be a one-off event. Examples include:**

- striking, kicking, scratching, biting, spitting or any type of physical contact;
- throwing objects;
- pushing, shoving;
- attacking with any type of weapon.

**Violence can come from:**

- a co-worker (including a supervisor, manager, agent, volunteer);
- a customer or client;
- a person known to the organisation or employee;
- an unknown person;
- Even when provoked (possibly by bullying) occupational violence will not be tolerated.



**Governance:**

1. All workers and Council representatives have a responsibility to observe this policy.
2. It is the responsibility of management to ensure compliance with this policy.
3. All Reports of Bullying, harassment and Discrimination incidents will be completed in writing on Councils Hazard, Incident and Injury form.
4. The implementation of this policy will be monitored at an organisational level by Jerramungup Shire Council Management.

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

<b>Relevant Legislation:</b>	<i>Occupational Health and Safety Act 1984</i>
<b>Related Documents:</b>	N/A
<b>Related Local Law:</b>	N/A
<b>Related Policies:</b>	OSH1 – Occupational Safety and Health Policy OSH2 – Fitness for Work Policy OSH5 – Sexual Harassment Policy OSH6 – Injury Management Policy OSH7 – Contractors Policy
<b>Adopted:</b>	October 2009
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## **OSH5 – SEXUAL HARASSMENT POLICY**

### **MANAGEMENT PRACTICE:**

### **DELEGATION:**

#### **OBJECTIVE**

The Shire of Jerramungup considers sexual harassment to be an unacceptable form of behaviour in the workplace. This policy provides appropriate procedures to deal with the problem and prevent its recurrence. This policy encourages and promotes the development and implementation of policies and procedures that will lead to the creation of workplaces that are free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy, and their right to equity in the workplace.

#### **POLICY**

Council strongly supports the concept that every employee, elected member and member of the public employed by 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.

Council considers sexual harassment to be an unacceptable form of behaviour which will not be tolerated and recognises that sexual harassment is unlawful.

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general.

Council recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workplace 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.

Any complaints of sexual harassment made against another person associated with the Council will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

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.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

A formal complaints/grievance procedure is attached to this Policy and will be utilised to effectively resolve complaints of sexual harassment.

**Purpose:**

The Jerramungup Shire Council is committed to providing employees, volunteers and other agents with a safe and healthy work environment free from sexual harassment and regards this to be a primary responsibility as an employer. The purpose of this policy is to provide the appropriate procedures and measures to prevent the occurrence of sexual harassment, as well as the appropriate procedures should this occur.

**Rationale:**

Sexual harassment creates an unsafe working environment and increases risks to the health of employees. Employers have a duty, under section 21 of the *Occupational Health and Safety Act 1984*, to ensure, so far as practicable, risks to health and safety as a result of harassment in the workplace are eliminated or reduced. Council is committed to eliminating, as far as possible, all forms of harassment in the workplace and in its relationships with its users through a culture of openness, support, and accountability.

**Standards of Behaviour:**

Council aims to create positive working relationships, and requires everyone observe the Code of Conduct and follow minimum standards of behaviour, including:

- Being polite and courteous to others.
- Being respectful of the differences between people and their circumstances.
- Ensuring they do not engage in any harassment of any nature or offensive behaviour(s) towards others.
- Ensuring they do not assist or encourage others to engage in offensive behaviour(s); Supporting colleagues and reporting of any harassment they see happening to others and Keeping information confidential if involved in any investigation of sexual harassment.

**Definitions:****Harassment**

Harassment is a type of bullying but may arise from fewer incidents and is where a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, sexual preference, or some other characteristic specified under anti-discrimination or human rights legislation.

**Complaint**

A complaint is about any type of situation, activity, behaviour or item which causes concern about work or workplace. It can be against or about a person or a workplace system or procedure. It includes actions of an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

**Complaint Handler**

The person who handles the complaint to its conclusion. This will usually be the Management.

## **Repeated Behaviour**

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

## **Sexual Harassment**

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

The *Sex Discrimination Act 1984* (Cth) defines the nature and circumstances in which sexual harassment is unlawful. It is also unlawful for a person to be victimised for making, or proposing to make, a complaint of sexual harassment to the Human Rights and Equal Opportunity Commission.

## **Unreasonable Behaviour**

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, and would expect to victimise, humiliate, undermine or threaten.

## **Sub-Definitions:**

**Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the examples listed as follows:**

- Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- Reverse harassment occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.
- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.
- Subtle or explicit demands for sexual activities or molestation.
- Intrusive enquiries into a person's private life.
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.

**Governance:**

1. All workers and Council representatives have a responsibility to observe this policy.
2. It is the responsibility of management to ensure compliance with this policy.
3. All Reports of Sexual harassment incidents will be completed in writing on Councils Hazard, Incident and Injury form.
4. The implementation of this policy will be monitored at an organisational level by Jerramungup Shire Councils Management.

<b>Relevant Legislation:</b>	<i>Occupational Health and Safety Act 1984</i>
<b>Related Documents:</b>	N/A
<b>Related Local Law:</b>	N/A
<b>Related Policies:</b>	OSH1 – Occupational Safety and Health Policy OSH2 – Fitness for Work Policy OSH4 – Workplace Bullying Policy OSH6 – Injury Management Policy OSH7 – Contractors Policy
<b>Adopted:</b>	October 2009
<b>Last Reviewed:</b>	April 2011 May 2014 April 2016 21 August 2019
<b>Next Review Date:</b>	2020



## OSH6 – INJURY MANAGEMENT POLICY

### MANAGEMENT PRACTICE:

### DELEGATION:

#### OBJECTIVE

To provide and maintain a safe and healthy workplace for, and in consultation with, all Jerramungup Shire Council employees, contractors, volunteers and visitors.

The Shire of Jerramungup is committed to providing a systematic approach to injury management, rehabilitation and 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.

#### POLICY

The Shire of Jerramungup strives to ensure an ongoing commitment to continual improvement aimed at the elimination of work related injury and illness is maintained. 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.

Work shall be conducted in accordance with the *Occupational Safety and Health Act 1984*, respective Regulations, Codes of Practice, Statutory Requirements, Shire of Jerramungup SOP's, JSA's and Local Laws relevant to the nature of work being undertaken.

To achieve this aim Council will:

1. Ensure there are systems, resources and clear responsibilities to implement and review the Safety and Health Policy and continuously improve its application.
2. Ensure measurable Health and Safety objectives and targets are established and planning is undertaken to achieve objectives and monitor results.
3. Implement risk management systems that identify existing and potential hazards, assess the associated risk and implement effective control strategies to lower the risk to as low as reasonably practicable.
4. Ensure that all employees and contractors are fully informed, instructed, trained, supervised and verified as competent in the tasks they are required to perform and ensure they are able to execute their duties in a safe and efficient manner.
5. Communicate and consult with Safety Representatives, employees and contractors in regard to safety and health related matters, to ensure feedback and involvement is sought from all personnel.
6. Ensure there are systems in place for the identification of legal and other requirements relevant to the Shire's operations and processes established to monitor compliance.
7. Ensure all employees and contractors are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and avoid adversely affecting the health and safety of others through any act or omission at work.
8. Achieve the best level of recovery and return to the workplace for injured employees by implementing rehabilitation and injury management initiatives.

**Definitions:****Injury**

Physical harm or damage to someone's body caused by an accident, illness or an attack.

**Rehabilitation**

The action of restoring someone to health or normal life through training and therapy after accident or illness.

**Safe Operating Procedure (SOP)**

A safe operating procedure is a written document that provides step-by-step instructions on how to safely perform a task or activity which involves some risk to health and safety. (A safe operating procedure is sometimes referred to as a **safe work procedure** or **safe work method statement**).

**Job Safety Analysis (JSA)**

A procedure which helps integrate accepted safety and health principles and practices into a particular task or job operation. In a JSA, each basic step of the job is to identify potential hazards and to recommend the safest way to do the job.

**Governance:**

1. All workers and Council representatives have a responsibility to observe this policy
2. It is the responsibility of management to ensure compliance with this policy
3. The implementation of this policy will be monitored at an organisational level by Jerramungup Shire Council Management.

**Workplace Information:**

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

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



<b>Relevant Legislation:</b>	<i>Occupational Health and Safety Act 1984</i>
<b>Related Documents:</b>	N/A
<b>Related Local Law:</b>	N/A
<b>Related Policies:</b>	OSH1 – Occupational Safety and Health Policy OSH2 – Fitness for Work Policy OSH4 – Workplace Bullying Policy OSH5 – Sexual Harassment Policy OSH7 – Contractors Policy
<b>Adopted:</b>	October 2009
<b>Last Reviewed:</b>	April 2011 May 2014 April 2016 21 August 2019
<b>Next Review Date:</b>	2020





## OSH7 – CONTRACTORS POLICY

### MANAGEMENT PRACTICE:

### DELEGATION:

#### 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 licenses.

#### POLICY

#### PROCEDURE IN THE ENGAGEMENT OF CONTRACTORS

All formal written contracts entered into with contractors shall contain the following clauses

- The contractor warrants that whilst undertaking the contract, the requirements of the *Occupational Safety and Health Act 1984*, regulations, codes of practice and applicable Australian Standards shall be complied with.
- The contractor accepts the terms and conditions of the Shire of Jerramungup Contractor Safety and Health Policy, and/or shall provide a copy of their own policy before contract commencement.

Shire of Jerramungup officers responsible for awarding contracts shall ensure that the successful contractor holds adequate insurance cover for workers compensation, public liability and professional indemnity. The contractor is to comply with all relevant statutory requirements, Codes of Practice, Australian Standards and the Shire of Jerramungup Contractor Policy. Copies of relevant documentation shall be made available to the contractor.

When required, the contractor and/or employee(s) must be able to display that they are adequately qualified to perform the required duties. The contractor/employee shall:

- Hold an appropriate license (e.g. plumber, electrician)
- Hold a certificate of competency (e.g. crane driver, scaffolder)
- Be registered (e.g. builder)
- Hold relevant certificates (e.g. first aid)
- Hold relevant qualifications (e.g. engineer)

Nothing in the preceding clauses shall restrict the Shire of Jerramungup or its representative(s) from stopping dangerous work or practices, requiring the contractor to take remedial action to comply with safety requirements. Contracts shall be written in such a manner as to permit termination of the contract for failure to comply with safety requirements.

## HAZARD IDENTIFICATION AND ACCIDENT/INCIDENT REPORTING

An integral component of occupational safety and health management is the identification of hazards. All employees, including contractors, as far as practicable are required to:

- Identify each hazard to which a person in the workplace is likely to be exposed.
- Assess the risk of injury or harm to a person resulting from each hazard.
- Consider the means by which the risk may be reduced.

Employees must, as soon as practicable, report to the employer any situation believed to be hazardous, which the employee cannot remedy. All accidents, injuries and “near miss” incidents must be reported and documented in accordance with the Shire of Jerramungup Occupational Safety and Health Policy. Report forms are available from the Shire office or depot.

## BREACH OF SAFETY REQUIREMENTS

If a contractor, or an employee of the contractor, is observed working in an unsafe manner, the safety breach shall be brought to the immediate notice of the contractor. The contractor must take immediate action to rectify any such breach of safety requirements.

If the breach is of a serious nature or is not able to be rectified immediately, the Chief Executive Officer shall instruct the contractor to cease work. Where there is a difference in opinion as to safety requirements, Worksafe Western Australia shall be requested to adjudicate.

## SAFETY STANDARDS ADVICE TO CONTRACTORS

Management has a Review for the safety of all contractors that it employs. The *Occupational Safety and Health Act 1984* section 19 (4) states:

- 4) For the purposes of this section, where in the course of a trade or business carried out by him, a person (in this section called “the principal”) engages another person (in this section called “the contractor” to carry out work for the principal –
  - a) the principal is deemed, in relation to matters over which he has control or but for an agreement between him and the contractor would have had control, to be the employer of – a) the contractor; and ii) any person engaged by the contractor to carry out or to assist in carrying out the work; and
  - b) the persons mentioned in paragraph (a) (i) and (ii) are deemed in relation to these matters to be employees of the principal.
- 5) Nothing in subsection (4) derogates from –
  - a) the duties of the principal to the contractor; or
  - b) the duties of the contractor to persons employed or engaged by him.
- 6) An employer who contravenes section (1) or (3) commits an offence.

This section of the Act clearly indicates the responsibilities of the principal notwithstanding the existence of a contract, tender or purchase order.

On the basis of this responsibility, the Shire wishes to ensure that the safety standards and procedures carried out by contractors and their employees are adequate. It is expected that contractors and their employees comply with the same standards as our own employees.

In view of this, please read the following conditions and ensure that all your employees engaged in the contract are aware of their responsibilities and obligations. Please sign the bottom of this document and return it to us together with insurance Certificates of Currency as soon as possible.

## NON-COMPLIANCE

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

### Workplace Information:

Contact Person: Admin: Building Officer  
OSH Supervisor  
Works: Works Manager  
Telephone: 08 9835 1022

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

<b>Relevant Legislation:</b>	<i>Occupational Health and Safety Act 1984</i>
<b>Related Documents:</b>	N/A
<b>Related Local Law:</b>	N/A
<b>Related Policies:</b>	OSH1 – Occupational Safety and Health Policy OSH2 – Fitness for Work Policy OSH4 – Workplace Bullying Policy OSH5 – Sexual Harassment Policy OSH6 – Injury Management Policy
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