

Enkindle Village School

Work Health and Safety Policy



1. Statement

Enkindle Village School (Enkindle) is committed to protecting workers and other persons, such as students and parents, against harm to their health and safety through the elimination or minimisation of risks arising from work.

Enkindle supports the principle that workers and other persons should be given the highest level of protection against harm to their health and safety from hazards and risks arising from work, as far as is reasonably practicable.

In line with the *Work Health and Safety Act 2011 (Qld)* and the *Work Health and Safety Regulation 2011 (Qld)*, this means that Enkindle will ensure, so far as is reasonably practicable:

- the health and safety of workers while at work in the school,
- that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the school.

This commitment is in line with Enkindle Village School's responsibility under the *Education (Accreditation of Non-State Schools) Regulation 2017* to have a written process about the health and safety of staff and students.

2. Purpose

The purpose of this policy is for Enkindle to eliminate risks to the health and safety of workers and other persons so far as is reasonably practicable; or if this is not possible, to minimise the risks to health and safety so far as is reasonable practicable.

3. Scope

Enkindle Village School's Management Committee, all officers, all workers and other persons at the school, including students and parents/carers.

4. Principles

Enkindle acknowledges that a duty under the *Work Health and Safety Act* and the *Regulation* cannot be transferred or delegated to another person.

Enkindle also acknowledges that in accordance with the *Work Health and Safety Act* and the *Regulation*:

1. more than one person can concurrently have the same duty,
2. each duty holder must comply with that duty to the standard required by the legislation even if another duty holder has the same duty,
3. if more than one person has a duty for the same matter, each person—

- a. retains responsibility for their duty in relation to the matter; and,
- b. must discharge their duty to the extent to which they have the capacity to influence and control the matter or would have had that capacity but for an agreement or arrangement purporting to limit or remove that capacity; and,
- c. must, so far as is reasonably practicable, consult, cooperate and coordinate activities with all other persons who have a duty in relation to the same matter.

The specific roles and responsibilities of a person conducting a business or undertaking, officers, workers and other persons are outlined below.

Person Conducting a Business or Undertaking

In its legal role as a *Person Conducting a Business or Undertaking*, Enkindle must undertake its role and responsibilities under the *Work Health and Safety Act* and the *Regulation* as follows:

1. Enkindle will ensure, so far as is reasonably practicable, the health and safety of:
 - a. workers engaged, or caused to be engaged by the school; and,
 - b. workers whose activities in carrying out work are influenced or directed by the school;
 while they are at work in the school.
2. Enkindle will ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the school.
3. Enkindle will also ensure, so far as is reasonably practicable—
 - a) the provision and maintenance of a work environment without risks to health and safety; and,
 - b) the provision and maintenance of safe plant and structures; and,
 - c) the provision and maintenance of safe systems of work; and,
 - d) the safe use, handling and storage of plant, structures and substances; and,
 - e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the school, including ensuring access to those facilities; and,
 - f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the school; and,
 - g) that the health of workers and the conditions at the school are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the school.
5. Enkindle will ensure, so far as is reasonably practicable, that the school, the means of entering and exiting the school and anything arising from the school are without risks to the health and safety of any person.
6. Enkindle will ensure, so far as is reasonably practicable, that the fixtures, fittings and plant are without risks to the health and safety of any person.
7. Enkindle will ensure the provision of consultation, cooperation and issue resolution in relation to work health and safety as required under the relevant provisions of the legislation.
8. Enkindle will ensure compliance when reporting notifiable incidents under the relevant provisions of the legislation.

Enkindle Village School's governing body must also undertake its role and responsibilities under the *Education (Accreditation of Non-State Schools) Regulation 2017* as follows:

1. ensure that staff, students and parents are made aware of the health and safety processes,
2. ensure that staff are trained in implementing the processes,
3. ensure that the school is implementing the processes,
4. ensure that the processes are readily accessible by staff, students and parents,
5. ensure that the school has a written complaints procedure to address allegations of non-compliance with the processes; the complaints procedure may form part of any other written procedure of the school for dealing with complaints.

Officers

In their legal role as Officers, Enkindle Village School's Management Committee Members, Principal and Senior Executive Team must undertake their role and responsibilities under the *Work Health and Safety Act* and the *Regulation* as follows:

1. If Enkindle has a duty or obligation under the legislation, an Officer will exercise due diligence to ensure that the school complies with that duty or obligation.
2. Due diligence includes taking reasonable steps—
 - a. to acquire and keep up-to-date knowledge of work health and safety matters; and,
 - b. to gain an understanding of the nature of the operations of Enkindle and generally of the hazards and risks associated with those operations; and,
 - c. to ensure that Enkindle has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the school; and,
 - d. to ensure that Enkindle has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and,
 - e. to ensure that Enkindle has, and implements, processes for complying with any duty or obligation of the school under the legislation; and,
 - f. to verify the provision and use of the resources and processes mentioned above.

Workers

In their legal role as *Workers*, employees of Enkindle contractors and subcontractors and their employees, employees of a labour hire company who has been assigned to work in the school, outworkers, apprentices, trainees, students gaining work experience and volunteers, must undertake their role and responsibilities under the *Work Health and Safety Act* and the *Regulation* as follows:

1. take reasonable care for his or her own health and safety; and,
2. take reasonable care that his or her acts or omissions do not adversely affect the health and safety of others; and,
3. comply, so far as the Worker is reasonably able, with any reasonable instruction that is given by Enkindle to allow compliance with the legislation; and,

4. co-operate with any reasonable policy or procedure of Enkindle relating to health or safety at the school, that has been notified to Workers.

Responsibilities of Others at the School

In their legal role as Other Persons at the school, Management Committee Members, students, parents and visitors, must undertake their role and responsibilities under the *Work Health and Safety Act* and the *Regulation* as follows:

1. take reasonable care for his or her own health and safety; and,
2. take reasonable care that his or her acts or omissions do not adversely affect the health and safety of others; and,
3. comply, so far as the person is reasonably able, with any reasonable instruction that is given by Enkindle.

5. Implementation

Implementation under the *Work Health and Safety Act 2011* and the *Regulation 2011*

In practice, Enkindle Village School's commitment to protecting workers and other persons against harm to their health and safety means that it will implement the following measures in line with the *Work Health and Safety Act* and the *Regulation*:

- a risk management process,
- provide information, training, instruction and supervision,
- provide a process for consultation, cooperation and issue resolution.

Further details of these measures is provided below.

Risk management process

Enkindle Village School's Risk Management Policy provides further guidance on the process and approach to managing risks at the school.

Provide information, training, instruction and supervision

In accordance with the *Work Health and Safety Act* and the *Regulation*, Enkindle will ensure that appropriate information, training, instruction and supervision is provided to workers to enable them to perform their work without risk to their health or safety, as far as is reasonably practicable. This information, training, instruction and supervision will be suitable and adequate, having regard to:

- the nature of the work carried out by the worker; and,
- the nature of the risks associated with the work at the time the information, training, instruction or supervision is provided; and,
- the control measures implemented.

Enkindle will ensure, so far as is reasonably practicable, that the information, training and instruction is provided in a way that is readily understandable by any person to whom it is provided.

Enkindle Village School's Risk Management Policy provides further guidance on the information, training, instruction and supervision provided to workers at the school.

Provide for consultation, cooperation and issue resolution

Enkindle acknowledges its duty to consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking, who are or are likely to be, directly affected by a matter relating to work health or safety. Where more than

one person has a duty for the same matter, each person, must, so far as is reasonably practicable, consult, cooperate and coordinate activities with all other persons who have a duty in relation to the same matter.

Enkindle will consult with workers in relation to the following health and safety matters in accordance with the *Work Health and Safety Act* and the *Regulation*:

- a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the school;
- b) when making decisions about ways to eliminate or minimise those risks;
- c) when making decisions about the adequacy of facilities for the welfare of workers;
- d) when proposing changes that may affect the health or safety of workers;
- e) when making decisions about the procedures for—
 - (i) consulting with workers; or
 - (ii) resolving work health or safety issues at the workplace; or
 - (iii) monitoring the health of workers; or
 - (iv) monitoring the conditions at any workplace under the management or control of Enkindle or
 - (v) providing information and training for workers; or
- f) when carrying out any other activity prescribed under the relevant legislation.

When consulting with workers, Enkindle will ensure:

- a) that relevant information about the matter is shared with workers; and
- b) that workers be given a reasonable opportunity—
 - (i) to express their views and to raise work health or safety issues in relation to the matter; and
 - (ii) to contribute to the decision-making process relating to the matter; and
- c) that the views of workers are taken into account by Enkindle;
- d) that the workers consulted are advised of the outcome of the consultation in a timely way; and
- e) that records of the consultation process and outcome are retained

Enkindle Village School's Dispute Resolution Policy and Procedures provide further guidance on resolving work health and safety issues.

Implementation under the *Education (Accreditation of Non-State Schools) Regulation 2017*

In accordance with the *Education (Accreditation of Non-State Schools) Regulation 2017*, Enkindle will ensure that:

- **Awareness of this Policy is raised:** Enkindle will inform staff, students and parents of this Policy and any related processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website, newsletter and handbooks.
- **This Policy is accessible:** This Policy and any related processes relating to the health, safety and conduct of staff and students are accessible on the school website and will be available on request from the school administration.
- **This Policy is implemented:** Enkindle will ensure it is implementing this Policy and any related processes relating to the health, safety and conduct of staff and students by auditing compliance with this Policy and related processes annually.

- **Training on this Policy is provided:** Enkindle will train its staff on this Policy and any related processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually.
- **A complaints mechanism is provided:** Suggestions of non-compliance with this Policy and any related processes may be submitted as complaints under Enkindle Village School's Dispute Resolution Policy.

Compliance and Monitoring

In line with the *Work Health and Safety Act* and the *Regulation* and its duties Enkindle is committed to monitoring the health of workers and the conditions at the school.

Enkindle has implemented an Incident Reporting Form which requires workers and other persons to report any hazards or incidents resulting in potential or actual harm to health and safety. Enkindle will regularly monitor, collate and report on hazards and incidents in accordance with the *Work Health and Safety Act* and the *Regulation*.

Enkindle is also committed to reporting notifiable incidents to Workplace Health and Safety Queensland in accordance with the *Work Health and Safety Act* and the *Regulation*. Notifiable incidents include the death, serious injury or illness of a person or a dangerous incident, arising out of the conduct of the school.

6. Definitions

Definitions relevant to this policy include:

Person conducting a business or undertaking (PCBU): a business or an undertaking that is either conducted alone or with others, whether or not for profit or gain. A PCBU can be:

- a sole trader (for example a self employed person),
- a partnership,
- a company,
- an unincorporated association,
- a government department,
- a public authority (including a municipal council).

An elected member of a municipal council acting in that capacity is not a PCBU.

Officer: for a corporation, partnership or unincorporated association is as defined in section 9 of the *Corporations Act 2001 (Cth)*, and includes a person:

- who makes, or participates in making decisions that affect the whole or a substantial part of the business,
- has the capacity to significantly affect the corporation's financial standing,
- on whose instructions the directors of the corporation are accustomed to act.

A dangerous incident: is an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance,
- an uncontrolled implosion, explosion or fire,

- an uncontrolled escape of gas or steam,
- an uncontrolled escape of a pressurised substance,
- electric shock,
- the fall or release from a height of any plant, substance or thing,
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations,
- the collapse or partial collapse of a structure,
- the collapse or failure of an excavation or of any shoring supporting an excavation,
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel,
- the interruption of the main system of ventilation in an underground excavation or tunnel,
- any other event prescribed under a regulation; but does not include an incident of a prescribed kind.

Due diligence: In demonstrating due diligence, officers will need to show that they have taken reasonable steps to:

- acquire and update their knowledge of health and safety matters,
- understand the operations being carried out by the person conducting the business or undertaking in which they are employed, and the hazards and risks associated with the operations,
- ensure that the person conducting the business or undertaking (PCBU) has, and uses, appropriate resources and processes to eliminate or minimise health and safety risks arising from work being done,
- ensure that the PCBU has appropriate processes in place to receive and respond promptly to information regarding incidents, hazards and risks,
- ensure that the PCBU has, and uses, processes for complying with duties or obligations under the WHS Act.

This approach emphasises the corporate governance responsibilities of officers. It is critical to the achievement of positive safety outcomes for senior management to lead the corporate safety agenda.

Health and safety representative: A HSR represents the health and safety interests of a work group. There can be as many HSRs and deputy HSRs as needed, after consultation, negotiation and agreement between workers and the persons conducting a business or undertaking (PCBU).

Reasonably practicable: means that which is, or was at a particular time, reasonably able to be done to ensure health and safety, taking into account and weighing up all relevant matters including:

- the likelihood of the hazard or the risk concerned occurring,
- the degree of harm that might result from the hazard or the risk,
- what the person concerned knows, or ought reasonably to know, about the hazard or risk, and ways of eliminating or minimising the risk,
- the availability and suitability of ways to eliminate or minimise the risk,
- after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

Serious injury or illness: The *Work Health and Safety Act 2011* and the *Safety in Recreational Water Activities Act 2011* set out that a serious injury or illness of a person is:

- an injury or illness requiring the person to have,
 - immediate treatment as an in-patient in a hospital,
 - immediate treatment for:
 - the amputation of any part of his or her body,
 - a serious head injury,
 - a serious eye injury,
 - a serious burn,
 - the separation of his or her skin from an underlying tissue (such as degloving or scalping),
 - a spinal injury,
 - the loss of a bodily function,
 - serious lacerations,
 - medical treatment (treatment by a doctor) within 48 hours of exposure to a substance.
- any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carrying out work
 - with micro-organisms,
 - that involves providing treatment or care to a person,
 - that involves contact with human blood or body substances,
 - that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products,

Worker: employees, contractors, subcontractors, outworkers, apprentices and trainees, work experience students, volunteers and PCBUs who are individuals if they perform work for the business.

7. Legislation

- *Work Health and Safety Act 2011* (Qld)
- *Work Health and Safety Regulation 2011* (Qld)
- *Education (Accreditation of Non-State Schools) Act 2017* (Qld)
- *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld)

8. Version Control

Approval Details

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2	16.08.18	16.08.18	Updated: Reference to <i>Education (Accreditation of Non-State Schools) Act 2017</i>