



# COUNCIL POLICY

## Peak Work Health Safety and Return to Work

<b>Policy Number:</b>	PO001		
<b>Strategic Plan Objective:</b>	5. Responsible Governance		
<b>Policy Owner:</b>	Chief Executive Officer	<b>Record Number:</b>	16/13828[v5]
<b>Responsible Officer:</b>	Manager People Culture and Safety	<b>Minute Reference:</b>	034/2021
<b>Date Adopted:</b>	10/03/2021	<b>Next Review Date:</b>	March 2025

### 1. OVERVIEW

The Local Government Association of South Australia (LGA) is, for the purposes of the Return to Work Act 2014, the nominated Employer for a group of Self Insured Employers which includes all Local Government entities (Councils and Prescribed Bodies (Members)).

In conjunction with the LGA, LGA Mutual Services and its Members, the Local Government Association Workers Compensation Scheme (LGAWCS) administers the principles and commitments outlined within this policy. The above parties are committed to, within the appropriate scope of involvement and level of remit, to work towards the strategic plan mission to:

- “Provide unique cover and risk services that meet our Members’ needs”

This Policy is designed to provide direction on the system structure that will be applied by Local Government to achieve the commitments as documented below.

### 2. PURPOSE

To ensure, so far as is reasonably practicable, the health and safety of workers\* and others via a Management Systems approach to Work Health and Safety (WHS) and Return to Work (RTW), in line with the organisational vision of Local Government Workplaces. This will be established by:

- Management commitment to WHS and RTW in accordance with organisational objectives.
- Development of a WHS and RTW System and Action Plans which support identified policy objectives and procedural requirements.
- Implementation of individual elements as outlined in the WHS and RTW System and Action Plans.
- Measurement and evaluation of the WHS and RTW System against defined objectives, targets and performance indicators.
- Reviewing the WHS and RTW System and Action Plans to identify scope for continuous improvement.

NB: Definition of a worker is different for the purposes of the Return to Work Act 2014 and the Work Health and Safety Act 2012 (see definitions section below).

### **3. SCOPE**

This policy applies to Local Government workers whilst at work. This policy should be read in conjunction with any provisions of Enterprise Bargaining Agreements and any other Federal or State Legislation directly or indirectly which affects employees of Local Government entities, relating to work in WHS and RTW.

### **4. DEFINITIONS**

Refer to Attachment 1.

### **5. POLICY STATEMENT**

Local Government is committed to and able to demonstrate application of the following objectives:

- a) Providing and undertaking measures to eliminate risks to health and safety, so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks to health and safety, then to minimise those risks so far as is reasonably practicable and to demonstrate a systematic approach to the planning and implementation of Work Health and Safety processes that is compliant with the WHS Act 2012 and Regulations and self-insurance requirements;
- b) Implementation of effective and early Return to Work procedures in accordance with the Return to Work Act 2014, and associated Regulations, to assist work injured employees to return to work and achieve the best practicable levels of physical and mental recovery;
- c) Implementation of equitable Claims Management, in accordance with the Return to Work Act 2014 and associated Regulations, for employees who suffer an injury in the course of their employment;
- d) Maintaining effective processes and procedures for consultation, coordination and cooperation in WHS and RTW matters;
- e) Monitoring and reviewing WHS and RTW System Performance and Action Plans, objectives and measures;
- f) Further, as well as the above Objectives, Local Government recognises and is able to demonstrate (at the pertinent system level within the Local Government structure as appropriate), application of the following within the WHSMS:
  - The requirement to meet legislative compliance;
  - Processes for ongoing review and continuous improvement;
  - The requirement for ongoing review of this WHS and RTW Policy and supporting Policies;
  - The commitment that adequate resources and appropriate internal / external expertise will be used so far as is reasonably practicable, when required;
  - Other relevant supporting policies and procedures that support the WHS and RTW systems;
  - A commitment to communicating relevant information to relevant workers in an appropriate manner;
  - Its obligations to workers and others while workers are at work and whilst other persons may be at risk from work carried out, so far as is reasonably practicable;

- The requirement for an effective hazard management approach to WHS, which encompasses the identification, assessment and elimination or control of hazards;
- g) This policy will be reviewed regularly and updated as required for continued suitability and effectiveness.

## **6. RESPONSIBILITIES**

- 6.1. The LGAWCS is accountable for conducting planning, monitoring and review activities and confirming that organisational and policy objectives are being met in relation to the self-insurance requirements.
- 6.2. The Corporate Management Team of Yorke Peninsula Council (Council) are accountable for checking that the organisation at that level meets their duties as a PCBU and Scheme Member and has available for use, and uses, appropriate resources and processes to enact this policy and supporting policies and procedures effectively.
- 6.3. Supervisors/Managers of Council are accountable for bringing this policy and supporting policies and procedures to the attention of relevant workers, applying implementation processes in their areas of responsibility and confirming, through supervisory activities, that this policy and supporting policies and procedures are adhered to.
- 6.4. Supervisors/Managers of Council are accountable for checking that workers have had appropriate training to undertake the activities identified within this policy and supporting policy and procedures.
- 6.5. Workers of Council are accountable for complying and co-operating with the requirements of this policy and supporting policies and procedures, and for reporting any inability to do so to management at the earliest opportunity.
- 6.6. Further specific responsibilities and accountabilities are detailed within the supporting WHS and RTW management system policies and procedures.

## **7. COMPLAINTS**

Complaints relating to this Policy can be made in writing to Council's Manager People Culture and Safety. All complaints will be managed in accordance with Council's PO147 Complaints Policy.

## **8. REVIEW**

This Policy will be reviewed every four (4) years, in consultation with Workers and/or their nominated representative(s). The policy will also be reviewed as deemed necessary in consideration of any changes made by the LGAWCS, change to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessments and or hazard/ incident reports and stakeholder feedback.

## **9. TRAINING**

Council is committed to supporting Employees in complying with this Policy. An overview of this Policy will be given to all staff during their induction.

## **10. RECORDS**

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

**11. RELATED COUNCIL POLICIES**

- PO002 Hazard Management Policy
- PO003 Administration of the WHS Management System Policy
- PO063 Records Management Policy
- PO004 Hazardous Work Policy
- PO005 Workplace Emergency Management Policy
- PO006 Contractor Management Policy
- PO007 Work Health and Safety Consultation and Communication Policy
- PO011 Training and Development Policy
- PO016 Fitness for Work Policy

**12. REFERENCES AND LEGISLATION**

- Local Government Act, 1999.
- Work Health and Safety Act 2012.
- Work Health and Safety Regulations 2012.
- Return to Work Act 2014.
- Return to Work Regulations 2015.
- Code for the Conduct of Self Insured Employers under the Return to Work Scheme which includes the Performance Standards (Injury management standards for self-insured employers April 2019 and Work Health and Safety standards for self-insured employers August 2017).
- ISO45001: 2018 Occupational health and safety management systems.

**SIGNED:** \_\_\_\_\_  
CEO  
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
Chairperson, Safety Committee  
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**13. VERSION HISTORY**

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1.1.0	Dec 2009	New Document.
1.1.1	Nov 2010	Formatting changes only.
1.1.2	Nov 2011	Minor changes, SMT to CMT and 1995 to SA OHS&W Regulations 2010.

## PO001 – Peak Work Health Safety and Return to Work Policy

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Version No	Issue Date	Description of Change
1.0	Mar 2014	Policy No. OHS&W-1 superseded by LGAWCS Work Health Safety and Injury Management Policy.
2.0	Oct 2015	LGAWCS WHS RTW Policy (signed)
3.0	Dec 2017	Scheduled review of policy – minor amendments to terms, training and name of policy.
4.0	October 2020	Safety Committee & CMT have endorsed review date extension to 30/06/2021, whilst awaiting Scheme updates, therefore allowing better alignment with review date.
5.0	10/03/2021	Put Policy into Council template and aligned with scheduled review of policy by LGAWCS. Amendments to incorporate LGASA Mutual Services, changes to definitions & inclusion of PCBU responsibilities. Document adopted 10/03/2021 Council meeting Ref: 034/2021

**ATTACHMENT 1: DEFINITIONS**

Term/Reference	Definition
Management System	<p>Set of interrelated or interacting elements of an organisation to establish policies and objectives and processes to achieve those objectives. Note 2: The system elements include the organisation’s structure, roles and responsibilities, planning, operation, performance evaluation and improvement.</p> <p>[As defined within ISO45001:2018]</p>
PCBU	<p>A “Person Conducting a Business or Undertaking” as described in section 5 of the WHS Act is the entity with the primary duty of care. Councils “in terms of the organisation” and Prescribed Bodies are PCBUs for the purpose of the Act.</p>
Work Health and Safety Management System (WHSMS)	<p>An orderly arrangement of interdependent activities and related procedures that drives an organisation’s WHS performance.</p> <p>[as defined by the RTWSA Work Health and Safety Guidelines August 2017]</p> <p>In Local Government the WHS Management System must also comply with the Code of Conduct for Self-Insured Employers under the Return to Work Scheme which includes Performance Standards.</p>
Worker (for the purposes of the WHS Act 2012 - Section 7)	<p>A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as—</p> <ul style="list-style-type: none"> <li>a) an employee; or</li> <li>b) a contractor or subcontractor; or</li> <li>c) an employee of a contractor or subcontractor; or</li> <li>d) an employee of a labour hire company who has been assigned to work in person's business or undertaking; or</li> <li>e) an outworker; or</li> <li>f) an apprentice or trainee; or</li> <li>g) a student gaining work experience; or</li> <li>h) a volunteer; or</li> <li>i) a person of a prescribed class.</li> </ul>
Worker (for the purposes of the RTW Act 2014 - Section 4)	<p>A worker means—</p> <ul style="list-style-type: none"> <li>(a) a person by whom work is done under a contract of service (whether or not as an employee);</li> <li>(b) a person who is a worker by virtue of Schedule 1;</li> <li>(c) a self-employed worker,</li> </ul> <p>and includes a former worker and the legal personal representative of a deceased worker.</p>
Return to Work (RTW)	<p>For the purposes of this policy RTW includes both Claims Management activities and Return to Work activities.</p>