



Policy Name	Work Health & Safety Policy
Related Policies and Legislation	Work Health & Safety Procedure <i>Education Act 1999;</i> <i>Education Regulations 1999;</i> <i>Work Health & Safety Act 2020</i> AISWA Guidelines – Work Health & Safety
Policy Category	Student Health & Wellbeing Staff Health & Wellbeing Visitor and Volunteer & Wellbeing
Relevant Audience	All Treetops Community
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Person/s Responsible for Review	Treetops Administration

Work Health & Safety Policy

Purpose

Outlines the responsibilities of the Person’s Conducting a Business or Undertaking (PCBU), staff, parents, and visitors in ensuring compliance with work health & safety regulations.

Policy

Treetops Montessori School values the safety and health of all people involved with its activities and is committed to achieving the highest standard of safety and health.

The PCBU and officers

The term PCBU is a broad term that is given to the ‘person conducting a business or undertaking’ (PCBU), alone or with others, whether or not for profit or gain. In the Treetops context, the PCBU would be the Board of Directors, Principal, and Management Team.

An 'officer' (as defined by the Corporations Act 2001) of the school could be:

- (1) a director of the corporation; or
- (2) a person:
 - (a) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation; or
 - (b) who has the capacity to affect significantly the corporation's financial standing; or
 - (c) in accordance with whose instructions or wishes the directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors or the corporation).

At Treetops the officers are likely to be the Principal, members of the governing body, members of any council elected to serve the governing body, and school leaders who meet the description in (2) above.

Duty of Care

A PCBU has a primary duty of care to ensure, so far as is practicable, the health and safety of workers while they are at work in the business or undertaking and others who may be affected by the carrying out of work, such as visitors.

Note that students at a school would be covered by the term 'others' in the Act.

The primary duty of care would include:

- (1) the provision and maintenance of a work environment without risks to health and safety; and
- (2) the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person;
- (3) the provision and maintenance of safe plant and structures; and
- (4) the provision and maintenance of safe systems of work; and
- (5) the safe use, handling and storage of plant, structures and substances; and
- (6) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and
- (7) 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 business or undertaking; and
- (8) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

Duties of workers

While at work, workers must take reasonable care for their own health and safety and that of others who may be affected by their actions or omissions. They must also:

- (1) comply, so far as they are reasonably able, with any reasonable instruction given by the PCBU to allow the PCBU to comply with WHS laws;
- (2) cooperate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that they have been notified about.

Duties of other persons at the workplace

People who are not a PCBU or officer also have requirements under the Act. They are to:

- (1) take reasonable care for their own health and safety; and
- (2) take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons; and
- (3) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.

Reasonably practicable

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

- (a) the likelihood of the hazard or the risk concerned occurring; and
- (b) the degree of harm that might result from the hazard or the risk; and
- (c) what the person concerned knows, or ought reasonably to know, about —
 - (i) the hazard or the risk; and
 - (ii) ways of eliminating or minimising the risk; and
- (d) the availability and suitability of ways to eliminate or minimise the risk; and
- (e) 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.

Due diligence

An officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation. (The Act Section 27 (1))

Due diligence is described as:

- (1) to acquire and keep up-to-date knowledge of work health and safety matters; and
- (2) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and
- (3) to ensure that the person conducting the business or undertaking 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 business or undertaking; and
- (4) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
- (5) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and
- (6) to verify the provision and use of the resources and processes referred to in paragraphs (3), (4) and this could include:
 - (a) reporting notifiable incidents;
 - (b) consulting with workers;
 - (c) ensuring compliance with notices issued under this Act;
 - (d) ensuring the provision of training and instruction to workers about work health and safety;
 - (e) ensuring that health and safety representatives receive their entitlements to training.
- (7) to consult, cooperate and coordinate activities as far reasonable practicable with all other parties who owe duty of care in a relation to the same matter (contactors, volunteers and auditors);
- (8) the use of trained contractors and taking reasonable steps to ensure competent personnel with adequate PPE.

Notifiable incidents

Section 35 of the Act describes notifiable incidents. Due diligence requires officers to report notifiable incidents to WorkSafe. A notifiable incident means:

- (1) the death of a person;
- (2) a serious injury or illness of a person. This includes but is not limited to:
 - (a) The person was required to have immediate treatment as an inpatient in a hospital;
 - (b) A serious head, eye or burn injury;
 - (c) treatment required within 48 hours of exposure to a substance;
 - (d) An injury prevents the person doing their normal work for more than 10 days from the occurrence of the injury.

(3) a dangerous incident. This includes but is not limited to:

- (a) uncontrolled leakage of a substance;
- (b) electric shock;
- (c) collapse of a structure;
- (d) fall from height of any plant or item.

Penalties

Penalties for a breach of a duty imposed by the Act range from WorkSafe accepting a written undertaking to substantial fines and prison sentences.

The new Act introduces the crime of industrial manslaughter. A person commits industrial manslaughter if:

- (1) the person has a health and safety duty as a person conducting a business or undertaking; and
- (2) the person engages in conduct that causes the death of an individual; and
- (3) the conduct constitutes a failure to comply with the person's health and safety duty; and
- (4) the person engages in the conduct —
 - (i) knowing that the conduct is likely to cause the death of, or serious harm to, an individual; and
 - (ii) in disregard of that likelihood.

Penalties for a person can be, for an individual imprisonment for 20 years and a fine of \$5,000,000 and or a body corporate, a fine of \$10,000,000.

An officer of the PCBU can also commit the crime of industrial manslaughter under the same circumstances except clause (4) becomes:

- (1) the PCBU's conduct —
 - (i) is attributable to any neglect on the part of the officer; or
 - (ii) is engaged in with the officer's consent or connivance;

Penalties for an officer can be imprisonment for 20 years and a fine of \$5,000,000.

Election of a Health Safety Representative (HSR)

An HSR for Treetops is elected on an annual basis at the first full staff meeting of the academic year.

The person conducting the election must take all reasonable steps to ensure:

- the relevant PCBU/s are informed of the election date as soon as practicable after it is decided;
- all workers in the work group have the opportunity to nominate for the position of HSR and vote in the election;
- all workers in the work group and relevant PCBUs are informed of the outcome of the election.

A worker is eligible to be elected as an HSR for a work group if they:

- are a member of that work group; and
- have not been disqualified from being an HSR under s.65 of the WHS Act.

If the number of candidates for election as an HSR equals the number of vacancies, the election does not need to be held and each candidate is taken to have been elected as an HSR for the work group.

An HSR for a work group holds office for three years unless they:

- resign from the HSR role by giving the PCBU written notice;
- stop being a worker in the work group;
- are disqualified under section 65 of the WHS Act;
- are removed from the position by a majority of the members of the work group.

Safety and Health Committee (SHC)

Treetops has a Safety and Health Committee (SHC) comprised of staff from across the diverse range of school operations. The functions of a safety and health committee are to:

- enable and assist consultation and cooperation between employers and workers;
- help to initiate, develop and implement safety and health measures;
- keep informed about safety and health standards in similar workplaces;
- make recommendations on safety and health rules, programs, measures and procedures;
- ensure information on hazards is kept where it is readily accessible;
- consider and make recommendations about changes that may affect the safety and health of workers;
- consider matters referred to it by safety and health representatives; and
- perform other functions prescribed in the regulations or given to the committee, with its consent, by the employer.

The SHC may deal with:

- policy development;
- monitoring programs;
- emergency procedures;
- training and supervision;
- trends in accident and illness reports; and
- resolution of safety and health issues.

The school Context:

This Treetops Montessori School Work Health & Safety Policy is not limited to covering the following areas of school operations:

- Hazardous Substances – e.g. handling, storage, labelling, MSDS records
- Hot work – e.g. working with naked flames e.g. in science and metal work
- Hearing safety – e.g. earplugs for certain work such as woodwork
- Confined Spaces – e.g. This is an example of a situation that requires a ban unless certified to work in these areas.
- Equipment – e.g. Testing and tagging, circuit testing, gases stored properly, servicing of equipment and tools
- Personal Protective Equipment – clothing or equipment to be provided for workers and others.
- Emergency and Fire Safety – e.g. fire systems checked, evacuation drills, extinguisher training
- Buildings and Surroundings – roof, gates, gutters, windows, fences, roadways and signage.
- Play and Sports areas – e.g. safety and supervision, sprinkler holes, equipment anchors
- Occupational Health – hygiene in food preparation areas, noise, ergonomics
- Safe Driving – e.g. for those with a company vehicle, or groundsmen with light trucks
- Working at Heights – e.g. groundsmen or tradesmen doing work at the school
- Accident Reporting – e.g. reporting recording and analysis for patterns.
- First Aid – e.g. provision first aid kits, training of staff;
- Office Safety – e.g. manual handling
- Working alone – e.g. checking on each other or a ban in some circumstances
- Manual Handling – e.g. lifting, lowering, pushing, pulling, carrying or moving objects and provision of aids
- Workers Compensation – process of applying in the event of an injury
- Risk Management – e.g. well managed risk register, clear roles
- Violence in the School – e.g. bullying, violent situations, training for workers
- Workplace Harassment
- Drugs and Alcohol – e.g. on the school premises, use of by staff or students
- Management safety systems – e.g. staff refreshers and inductions
- Communicable diseases – e.g. procedure for workers and others with or regarding infectious diseases

- Health issues – e.g. sun protection for workers and others, student medication, smoking, mental health policy for staff
- Training for students – e.g. particularly those on work experience
- Safe Operating Procedures for all equipment used by workers and others
- Safe system of work – e.g. consider induction, EASL/D workers
- Expert reviews – e.g. use of competent people to review safety in specialist areas such as the inspection of safety guards on machines
- Audits – e.g. Routine and comprehensive audits of all work health and safety requirements and systems.
- Assessment and training of contractors and volunteers