



# Document information

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<b>Related External Policies or Links:</b> <i>Work Health and Safety Act 2011</i> <i>Work Health and Safety Regulation 2017</i> <i>Workers Compensation Act 1987</i> <i>Workplace Injury Management and Workers Compensation Act 1998</i> <i>Workers Compensation Regulation 2016</i>

Version	Amendments**	Prepared by title, unit	Date	Record No.
V0.12	New document	Manager, WHS, People and Culture, Strategic and Business Services	1 Dec 2015	CORP15/706
V2.0	Major update to policy including context, scope and governing principles, definitions, roles, and responsibilities.	Senior Project Officer, WHS	25 July 2018	D19/111060
V2.1	Updates to policy include changes to organisational structure, Governing Principles aligned to updated WHS Charter, and transfer to new policy template	Senior Project Officer, WHS	18 November 2020	D19/111060
V2.2	Update review dates and verify	WHS, Human Resources	26 Sept 2023	D23/109516
V2.3	Update and review following consultation period	WHS, Human Resources	27 March 2024	D24/17190

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## 1 Context

The Office of Sport (the Office) is committed to ensuring, as far as reasonably practicable, the workplace health and safety of our employees, contractors, customers, visitors and the wider community. This policy outlines how the Office meets its legislative obligations under the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2017*, and to ensure continuous improvement in workplace health and safety.

## 2 Scope

Applies to all Office of Sport employees (ongoing, temporary and contract), contractors, volunteers, visitors, customers, and others, engaged or affected by the work carried out by the Office of Sport, inclusive of the following divisions:

- Office of the Chief Executive
- Regional Delivery Group
- Policy and Planning Group

## 3 Governing Principles

Work Health and Safety is a moral responsibility and legislative obligation. The Office of Sport's safety commitment is based on seven key principles to promote and protect the physical and mental health of our people:

- 1. Safety is vital in everything we do**
- 2. Our work is never so important that we cannot take time to do it safely**
- 3. We all have a responsibility to speak up if we see something unsafe**
- 4. Consultation and communication are central to managing hazards and risks**
- 5. All levels of supervision are accountable for safety procedures**
- 6. Employee and contractor commitment is essential to safety performance**
- 7. Positive safety values bring positive business results**

### 3.1 Legislation

- The *Work Health and Safety Act 2011* is designed to ensure the health, safety and welfare of workers and other people who could be affected by the work of an organisation.
- The *Work Health and Safety Regulation 2017* provides specific detail and guidance on complying with the Act.

## 3.2 Supporting Resources

- *Codes of Practice* support the Act and Regulation with practical information on activities, hazards, risks and risk control measures. Compliance with these is recommended, however, not mandatory if alternative methods provide equivalent or higher standards of worker health and safety.
- *Australian and International Standards* are published documents that are designed to provide guidance to help ensure safety, performance and reliability of goods, services and systems. Compliance with a number of standards is required under the WHS Regulation 2017.

## 3.3 SafeWork NSW

SafeWork NSW is the health and safety regulator for workplaces in NSW, and is responsible for:

- Regulating and enforcing work health and safety laws in NSW
- Providing work health and safety advice

## 3.4 Safety Management System (SMS)

The Office of Sport's *Safety Management System* applies the relevant legislative requirements into a set of plans, actions and procedures with the purpose of ensuring our organisation systematically manages health and safety in the workplace. Implementation of the Safety Management System at each site within the Office of Sport enables compliance with statutory requirements.

## 3.5 WHS Steering Group

The WHS Steering Group provides high level oversight of work health and safety activities across the Office of Sport, this group reports to the Executive and where necessary presents reports and recommendations for approval. The WHS Steering Group also provides governance of the Safety Management System, ensuring compliance, promoting a safety culture and driving continuous improvement.

# 4 Definitions

The following definitions are derived from the WHS Act 2011.

## 4.1 PCBU

The person (or entity) that conducts a business or undertaking. This may be an individual, a corporation, or a charitable organisation. Under this definition, the Office of Sport is a PCBU as an entity.

## 4.2 Officer

A person who makes or participates in making decisions that affect the whole or

substantial part of the organisation (PCBU). An 'officer' for the Office of Sport core is:

- Chief Executive
- Executive Director, Regional Delivery
- Executive Director, Policy and Planning
- Anyone acting in one of these roles may also be considered an officer under the Act for the duration of their relieving period.

Other directors/managers of business units of the Office of Sport may be also be 'officers' if they make, or participate in making decisions that affect the whole or substantial part, of the Office of Sport.

### 4.3 Worker

A person who carries out work in any capacity for the Office of Sport, including employees, contractors or subcontractors or their employees, employees of a labour hire company, outworkers, apprentices or trainees, students on work experience or volunteers.

### 4.4 Reasonably Practicable

Means doing what is reasonable to ensure health and safety, taking into account and weighing up all relevant matters including:

- a. The likelihood of the hazard or risk concerned occurring
- b. The degree of harm that might result from the hazard or risk
- c. What the person concerned knows or ought to reasonably know about the hazard or risk, and how to eliminate or minimise the risk
- d. The availability and suitability of ways to eliminate or minimise the risk
- e. After assessing the extent of the risk and 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

## 5 Responsibilities

Health and safety duties are legislated in the *Work Health & Safety Act 2011* for PCBUs, officers, workers and others (e.g. visitors). Key points for health and safety duty holders:

- Health and safety duties are not transferrable i.e. a person cannot delegate their duties to others.

- A person can have more than one duty.
- More than one person can have the same duty. Where this happens, each person is required to carry out their duty to the extent they have the capacity to influence and control the matter.
- Where a person has a duty to ensure health and safety, they are required to eliminate risks to health and safety as far as reasonably practicable, or if this is not possible, to minimise the risks to health and safety so far as is reasonably practicable.

## 5.1 PCBU

The Office of Sport as a PCBU has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of workers and other people affected by its work.

This duty requires the Office of Sport to take action to eliminate risks to health and safety in the workplace. Where risks cannot be eliminated, steps must be taken to minimise those risks.

## 5.2 Officers

Officers of the Office of Sport have a legal responsibility under the Act to exercise due diligence requirements to ensure the organisation is health and safety compliant. Breaches of these requirements can result in financial and custodial penalties imposed personally.

Officers must take reasonable steps to:

- Provide leadership and commitment to drive the safety culture
- Strategically and proactively consider the hazards and risks
- Ensure adequate resources and processes to manage WHS risks
- Actively enforce accountability for health and safety responsibilities
- Implement adequate consultation arrangements across regions and sites
- Measure safety performance based on lead and lag key performance data and plan for continual improvement

## 5.3 Managers

Managers and Supervisors are responsible for the health and safety of their workers and the safety impact of Office of Sport activities on other people within their area of operation.

Managers are required to:

- Identify, assess and control hazards and risks, and review control measures periodically within their area of operation
- Promptly escalate WHS matters that cannot be adequately controlled within area of their operation
- Address WHS matters raised by employees, contractors, visitors and customers
- Manage WHS breaches
- Implement health and safety policies and procedures (Safety Management System implementation)
- Communicate the WHS Policy and Charter, including health and safety roles and responsibilities
- Manage daily work health and safety issues within their area of responsibility
- Report on health and safety performance within their area of responsibility
- Ensure agreed mechanisms for health and safety consultation are followed
- Fulfil all WHS responsibilities as a “worker”
- Ensure all safety requirements are met, including, but not limited to, a Working from Home Checklist or other safety guides/checklists and ensure corrective actions are in place

#### 5.4 Workers

Employees must take reasonable care to:

- Follow safe work procedures and comply with reasonable instructions regarding health and safety
- Actively engage in consultation processes
- Avoid affecting their own health and safety or the health and safety of any other person through acts or omission
- Actively participate in health and safety induction processes
- Report any accidents, injuries or near-miss incidents to their Manager/Supervisor as soon as possible after the event and assist with incident investigations or corrective actions
- Complete an online *Incident Report* for any accidents, injuries, near misses or hazards within 24 hours, if able
- Promptly report any workplace hazards
- Identify, assess and control risks within their area of operation



- Ensure all safety requirements are completed and submitted for approval. This includes, but is not limited to, a Working from Home Checklist or other safety guides/checklists

## 5.5 Contractors

Contractors must comply with requirements prescribed in the Office of Sport's Safety Management System, in particular:

- Comply with all relevant safety legislation
- Consider applicable Codes of Practice, Australian Standards, and SafeWork NSW guidance material.
- Develop and implement safe work method systems or operating procedures tailored to the work being undertaken
- Maintain safe, clean, and tidy work areas
- Ensure all employees of the contractor are adequately trained to safely and competently carry out contracted tasks
- Possess all necessary licenses and certificates of competency for contracted works
- Report all incidents, hazards, near misses and injuries
- Comply with contractor induction training and site specific safety rule requirements
- Fulfil all WHS responsibilities as a "worker"

## 5.6 Visitors and Customers

Visitors and customers to the Office of Sport must:

- Take care of their own and others' health and safety
- Comply with any reasonable instruction given by the Office of Sport
- Actively participate in health and safety induction processes
- Report anything that could harm the health and safety of others

## 6 Psychological Safety

The Office of Sport recognises that a mentally healthy workplace is a key driver for organisational success and sustainability.

The Office of Sport is committed to:

- Take care of their own and others' health and safety

- Eliminating or minimising risks to psychological health with integrated systems, policies and processes that are monitored regularly
- Building and maintaining a positive and supportive environment and culture that protects from psychological injury
- Increasing workers' knowledge, skills and capabilities to be resilient and thrive at work
- Reducing stigma and discrimination in the workplace
- Facilitating workers' participation in a range of initiatives that contribute to a mentally healthy workplace

All workers are encouraged to:

- Understand this policy and seek clarification from management where required
- Identify and report on hazards and factors that may impact on workers' psychological health and safety
- Consider this policy while completing work-related duties and at any time while representing the Office of Sport
- Support fellow workers in their awareness of this policy
- Support and contribute to the Office of Sport's aim of providing a mentally healthy workplace for all workers

## 7 WHS Consultation

The Office of Sport is committed to establishing and maintaining consultative forums that will:

- Enable workers to contribute to decisions affecting WHS
- Provide workers with the opportunity to express their views and to contribute in timely manner to the resolution of WHS issues
- Promote decision making on WHS matters
- Promote mutual understanding and co-operation at all levels of the organisation
- Encourage worker contribution, acceptance, and observance of policies and procedures governing WHS
- Ensure the views of workers are valued and taken into account
- Facilitate WHS consultation arrangements of non-employees working at its place of work with their respective employers

## 8 Monitoring and Reviewing WHS Performance

Measurement of WHS Performance identifies where action is required and enables continuous improvement. The Office of Sport is committed to capturing lead and lag data related to health and safety activities, including:

- Progress of the Safety Management System implementation
- Incident and near miss reporting
- Identification, assessment, control and review of workplace hazards and risks
- Number of injuries and associated workers' compensation claims
- Functioning of consultation arrangements and issue resolution procedures
- WHS training needs and schedule

## 9 Communication to staff

- This policy is the foundational piece of the Leadership and Commitment element of the Safety Management System.
- All Office of Sport workers are required to completed the WHS induction package on entry into the organisation and every two years thereafter.
- Managers must communicate this policy to all staff members.
- Communication of this policy will be measured through key performance indicators and audits.
- Any queries regarding this policy should be addressed to the WHS unit.

## 10 Review of policy

The policy will be reviewed every four years or more frequently where there is a significant change in legislation or policy.