



Policy Number:	ML 1.10	Date:	23 rd October 2018
		Approved by:	Chief Executive Officer
Version:	1/2018	Scheduled review date:	1 st November 2019

1. Statement of Context and Purpose

- 1.1 Melbourne Legacy (ML) is committed to providing a safe and healthy workplace for its workers, Legatees, other volunteers and visitors.
- 1.2 This policy defines the principles of this commitment and Melbourne Legacy's approach to the continuous improvement of health and safety in the workplace.
- 1.3 This policy aims to:
 - (a) Give effect to Melbourne Legacy's WHS Management Plan, Management System, procedures and guidelines;
 - (b) Create awareness of the collective and individual responsibility to work safely and be engaged in activities to help prevent injuries and illness.

2. Scope

- 2.1 This policy applies to all employees, contractors, volunteers and other authorised personnel required to perform functions on behalf of ML or on ML's premises.
- 2.2 This policy is not intended to override or form part of the terms of any award, enterprise agreement or contract that applies to an employee, but should be considered a reasonable direction to staff. As such all employees, volunteers, contractors and other authorised personnel are expected to abide by this policy and report any suspected or known breaches of this policy.

3. Related Documents

3.1 External Documents

Relevant Legislation or Authority:

- a) Occupational Health and Safety Act 2004 (Vic)
- b) Occupational Health and Safety Regulations 2017 (Vic)
- c) Accident Compensation Act 1958 (Vic)
- d) Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)

3.2 Internal Documents

Policies and Procedures:

- a) Workplace Behaviour Policy
 - b) Code of Conduct
 - c) Disciplinary Policy
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4. Definitions

- 4.1 **Worker** is broadly defined, and for the purposes of this policy may mean:
- (a) An employee;
 - (b) A contractor or subcontractor used by ML;
 - (c) An employee of a contractor or subcontractor used by ML;
 - (d) An employee of a labour hire company used by ML;
 - (e) An apprentice or trainee or work experience student employed by or hosted by ML;
 - (f) A student gaining work experience or undertaking a vocational placement with ML;
 - (g) A volunteer or Legatee.
- 4.2 **Manager and Supervisor** means an individual who has been delegated authority to be responsible for another employee in respect of specified workplace matters and/or decisions.
- 4.3 **Visitor** means any person who visits a Melbourne Legacy site and is not classified as a worker. Visitors may include:
- (a) Beneficiaries
 - (b) Commercial clients or customers
 - (c) Legatee family and friends
 - (d) Community visitors
- 4.4 **Work Health and Safety (WHS)** is a multi-disciplinary field concerned with the safety, health and welfare of people at work.
- 4.5 **Duty of care** relates to the duty ML employees, Legatees and other volunteers have to provide a high standard of care to beneficiaries, requiring the taking of all reasonable steps to reduce the risk of harm to beneficiaries, including the implementation of strategies to create a culture of positive behavior. This duty is non-delegable, meaning that it cannot be assigned to another party.
- 4.6 **First Aid** involves emergency treatment and support to:
- (a) Preserve life through clearing and maintaining open airways, restoring breathing or circulation, monitoring wellbeing until the person recovers or is transferred into the care of ambulance paramedic, doctor or nurse;
 - (b) Protect a person, particularly if they are unconscious;
 - (c) Prevent a condition worsening; and
 - (d) Promote recovery.
- 4.7 **Health and Safety Representative (HSR)** is a representative of workers who works in collaboration with Melbourne Legacy to action and manage WHS risks.
- 4.8 **Officer** is someone who is appointed by Melbourne Legacy and whom has the delegated authority to make decisions, or participate in making decisions that affect the whole, or a substantial part, of a business or undertaking. It is a requirement of the relevant legislation that any officer exercises due diligence to ensure that Melbourne Legacy complies with its health and safety duties. This means they must ensure that the organisation has appropriate systems of work and they must actively monitor and evaluate health and safety management within the organisation.

- 4.9 **Work group** means a group of workers represented by an HSR who in many cases share similar work conditions.
- 4.10 **Workplace** means a place where work is carried out for Melbourne Legacy and includes any place where a worker goes, or is likely to be, while at work. The relevant health and safety legislation, and this policy, applies to all these locations.
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5. Principles

- 5.1 Melbourne Legacy is committed to providing workers, visitors and their families and beneficiaries with, so far as is reasonably practicable, a safe environment without foreseeable risks to health.
- 5.2 Melbourne Legacy strives, through a process of continuous improvement, to fully integrate health and safety into all aspects of its activities. This is achieved by:
- (a) Implementing and maintaining a framework that ensures the systematic management of health and safety at all places of work, and compliance with legal and other requirements;
 - (b) Setting measurable objectives and targets aimed at controlling higher risk activities and increasing awareness of health and safety; and
 - (c) Having as our principal goal to improve health and safety and to eliminate workplace injuries and illnesses.
- 5.3 Melbourne legacy promotes a proactive health and safety management philosophy based on effective communication and consultation along with the systematic -identification, assessment and control of hazards and the encouragement of innovation.
- 5.4 Accepting the obligations imposed by legislation on workplace health and safety, Melbourne Legacy will ensure so far as is reasonably practicable, the:
- (a) Inducting and training of employees and contractors in relation to occupational health and safety requirements;
 - (b) Consulting of employees in relation to occupational health and safety matters;
 - (c) Advising of all levels of management that are held accountable for a safe environment in the areas under their control;
 - (d) Establishing and maintaining of systems that identify hazards and record accidents;
 - (e) Implementing of corrective actions where there is an incident or accident regardless of whether the incident has caused injury or not; and
 - (f) Assisting employees injured at work to return to work as soon as practicable.
- 5.5 All employees, contractors, visitors and other authorised personnel have a responsibility for taking reasonable steps to ensure that his or her own work or environment and practices protect their own health and safety as well as the health and safety of others.
- 5.6 The success of our health and safety management is dependent on:
- (a) Pro-active planning of all work activities with due consideration given to implementing work health and safety controls that are suitable to each given situation;
 - (b) Understanding the total work process and associated work health and safety risks;
 - (c) Ensuring the work team is totally committed to achieving our objectives; and
 - (d) Ensuring that open and honest communication exists between management and all workers.

6. Responsibilities

- 6.1 Safety is everybody's concern. Communication is vital. No job is too important that safety has to be compromised in any way, shape or form.
- 6.2 Melbourne Legacy's Board of Directors and its' officers are ultimately responsible for work health and safety at Melbourne Legacy, however, it is expected that all workers adopt a personal policy of safety first.
- 6.3 All workers are responsible for each other's safety and wellbeing, including their own. They actively participate in WHS consultations, identify and resolve hazards, and engage with risk assessment and management processes; apply safe work instructions or procedures and identify and report hazards, incidents and 'near misses'.
- 6.4 The Melbourne Legacy WHS Committee represents all workers and helps to manage WHS risks. The committee is responsible for reviewing incidents and makes recommendations about corrective actions to apply learnings from these events. Committee Members review WHS risk registers, conduct WHS inspections and actively participate in WHS consultation. Similarly, the committee also ensure that it consults in a two-way manner with Melbourne Legacy about its WHS Management System and its implementation. Members of the committee facilitate a cooperative and collaborative approach to monitoring, reviewing and treating risks.
- 6.5 Health and Safety Representatives (HSR) represent workers within work groups and monitor Melbourne Legacy's actions to manage WHS risks. HSRs also respond to WHS complaints and risks that may be faced by their work group.
- 6.6 Officers (including the Chief Executive Officer, Executives and the Board of Directors) are responsible for managing Melbourne Legacy's health and safety duties and allocate sufficient resources to ensure that all WHS risks are identified and managed, and appropriate safe systems of work are regularly reviewed and maintained. Managers are expected to actively monitor and evaluate health and safety management and ensure compliance obligations are met while also responding to incidents, hazards and risks, and implement processes to manage these risks.
- 6.7 Managers and Supervisors will be committed to the provision and maintenance of a healthy and safe workplace, consult and participate in the WHS Management System and use risk identification, assessment and control principles to respond to incidents, hazards and risks and implement processes to manage these risks.
- 6.8 All workers will participate in health and safety training, actions and activities and support Melbourne Legacy's efforts to reach its health and safety and where relevant, rehabilitation objectives.
- 6.9 Visitors are also responsible to assess risks to their health and safety and have control measures in place to address those risks, including complying with any relevant Melbourne Legacy policies, practices or instructions.

7. WHS Consultation

- 7.1 Melbourne Legacy is committed to a meaningful and effective consultative approach to WHS management.
- 7.2 Melbourne Legacy will consult with workers in implementing safety practices and systems that will ensure the health, safety and welfare of all employees.
- 7.3 Melbourne Legacy will consult with workers as relevant to:
- (a) Setting the strategic direction for WHS at Melbourne Legacy;
 - (b) The implementation of the various legislative requirements across the organisation;
 - (c) Ensuring awareness of obligations under the legislation and advising workers of any important WHS issues; and, but not limited to,
 - (d) Determination of any escalated WHS issue at Melbourne Legacy in terms of dealing with WHS matters which have broader implications than at the unit level.
- 7.4 Where Melbourne Legacy is not required to establish a WHS Committee, and does not otherwise establish such a Committee, Melbourne Legacy will conduct regular WHS Forums.

7.5 Health and Safety Committee

- 7.5.1 Where required under legislation, Melbourne Legacy will establish a Work Health and Safety Committee consisting of management and employee representatives. The Work Health and Safety (WHS) Committee will be the principal forum in which managers consult with employees on broad health and safety policy issues.
- 7.5.2 The number of Committee Members will be decided and agreed by Melbourne Legacy, in consultation with its workers.
- 7.5.3 Elected HSR's may also be Health and Safety Committee Members, although this is not necessary. However, at least 50% of the WHS Committee must also be HSRs.

7.6 Health and Safety Representatives

- 7.6.1 Melbourne Legacy will encourage and facilitate the information of work groups and the election of Health and Safety Representatives to represent employees on health and safety matters.

8. Risk Assessment and Hazard Identification

8.1 Risk Management

- 8.1.1 Melbourne Legacy will maintain a documented set of procedures that include legal requirements that are directly applicable to the activities, products and services, including relevant relationships with contractors or suppliers.
- 8.1.2 Once a potential hazard or risk is identified, the individual needs to acknowledge the situation and do the following as appropriate. In order of preference:
- (a) Remove the hazard completely. For example, the individual should remove risk to personal safety, work in pairs or lock the office door.

- (b) Separate others from the hazard. For example, 'tag out' and remove a broken chair from use.
- (c) Carry out other steps to minimise the risk as far as practicable. For example, let other employees know of your whereabouts.

8.2 **Manual Handling**

- 8.2.1 There is an expectation that all workers will follow safe operating procedures associated with their work tasks and report hazards associated with manual handling to their supervisor as soon as possible.

8.3 **WHS Risk and Hazard Register**

- 8.3.1 Melbourne Legacy maintains a consolidated WHS Risk Register which details the WHS risks associated with its operations.
- 8.3.2 The register includes the likely impact of risks, causes and risk rating as well as the treatment strategies or controls in place to minimise identified risks.
- 8.3.3 A conflict of interest occurs when an individual's personal interests conflict with his or her responsibility to act in the best interest of ML, such that his or her decision making may be affected by those influences. A conflict may be legal, financial, non-financial or ethical.

9. **Bullying and Workplace Violence**

- 9.1 Bullying in the workplace is unlawful, which is why Melbourne Legacy is committed to ensuring the workplace is free from all forms of bullying.
- 9.2 All workers should be aware of their responsibilities and obligation to behave in a manner consistent with the requirements set out in Melbourne Legacy's Workplace Behaviour Policy.
- 9.3 To ensure this and other relevant policies and procedures are understood and adhered to, all workers will undergo periodic training.
- 9.4 This policy and the associated training materials will be available throughout the workplace and will also be posted on the company website.
- 9.5 It is important that all workers are aware of their obligations and responsibilities in the workplace, including an understanding that bullying is against the law and that everyone has the right to work in an environment that is free from bullying.
- 9.6 Managers and supervisors in particular, have a primary role towards achieving this, as Melbourne Legacy has a legal responsibility to prevent bullying in the workplace. It is therefore expected that managers and supervisors will role model appropriate workplace behaviour, prevent occurrences of inappropriate behaviour and act as quickly as is reasonably possible on complaints of bullying or inappropriate conduct or behaviour.

10. Smoking

- 10.1 Melbourne Legacy employs a non-smoking policy. Smoking is not permitted on Melbourne Legacy property or offices at any time.
 - 10.2 Smoking is accepted to be harmful to the health of those who smoke and those around them (passive smokers). Consequently, smoking while on Melbourne Legacy's premises will be considered as gross misconduct and as such, the worker may face disciplinary action, up to and including termination of their employment.
 - 10.3 Smokers who need to take breaks should do so during their own time or lunch break.
 - 10.4 No special privileges will be afforded to smokers. Any additional breaks (outside of allotted breaks) must be approved by an employee's manager. Any additional breaks or time granted must be made up at the conclusion of the working day.
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11. Alcohol and Drugs

- 11.1 This policy is not concerned with social drinking or the taking of prescribed drugs for medical purposes, the concern is directed to instances where alcohol or other drugs, or abuse of alcohol or other drugs, affects an individual's job performance and/or safety or the job performance and/or safety of another.
 - 11.2 Melbourne Legacy is committed to creating and maintaining a safe, healthy and productive workplace for all employees. Melbourne Legacy has a zero tolerance policy in regards to the use of illicit drugs on their premises or the attending of another business related premises while under the influence of drugs and/or alcohol. Any contravention of this policy amounts to gross misconduct which may result in disciplinary action, up to and including termination of employment.
 - 11.3 At times, Melbourne Legacy will make alcohol available to workers over the age of 18 for example, at social functions. Limiting the consumption of any alcohol made available is the responsibility of the employee. Driving under the influence of alcohol or any other illicit drug is illegal and it is the individual's responsibility to ensure that they comply with the law.
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12. Workplace Wellbeing and Employee Assistance Program

- 12.1 At Melbourne Legacy, sometimes we may come across things in our work which may be stressful or otherwise impactful on an individual's wellbeing.
 - 12.2 Workers should take care of their own and others' mental and emotional health and wellbeing and look out for each other.
 - 12.3 Workers should debrief with another staff member after a stressful meeting or when providing support within our service.
 - 12.4 If an individual is worried about a particular matter at work, talk to your colleagues.
 - 12.5 If you need to talk to someone outside the workplace, contact Melbourne Legacy's Employee Assistance Program (EAP). The EAP program is designed to encourage workers to
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seek expert and confidential assistance from a qualified counsellor when there are experiencing work or personal related stress or problems which may adversely affect their performance and wellbeing.

13. Consequences of a Breach of this Policy

- 13.1 ML emphasises the need to comply with the requirements of this policy. Breaches of this policy and its procedures may result in suspension of access to ML's information resources.
 - 13.2 Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment. Employees should refer to the Performance Management, Misconduct and Disciplinary Action Policy and Procedure.
 - 13.3 Similarly, a Legatee or volunteer found to be in breach of the requirements of this policy may be subject to disciplinary action in accordance with ML's Legatee Code of Conduct.
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14. Policy Review

- 14.1 ML may make changes to this Policy at any time and will inform Legatees, volunteers and staff accordingly.
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15. Authorisation

Approved by Melbourne Legacy Chief Executive Officer:

Justin Elwin

Date: 23 / 10 / 2018

Ratified by:

Melbourne Legacy Board of Management

Date: 23 / 10 / 2018
