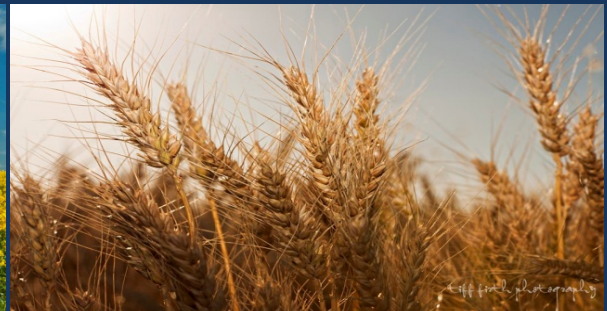
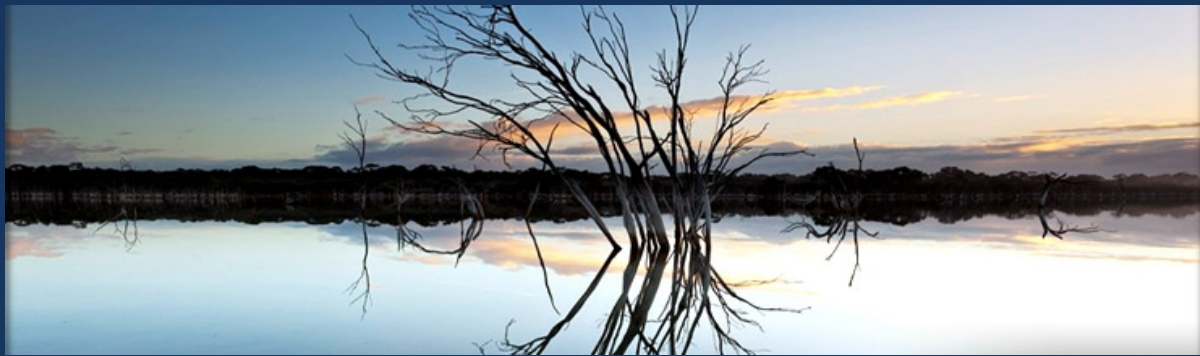




Policy – WHS & Return to Work Policy



“Working with our Rural & Coastal Communities”



WHS-POL-01 – WORK HEALTH SAFETY & RETURN TO WORK POLICY

Version No:	4.1
Issued:	February 2023
Next Review:	March 2025

Responsible Department:	Corporate Services
Policy Adopted:	15/02/2023
Minutes reference:	30.1(3a)
Applicable Legislation:	Local Government Act 1999 Work Health & Safety Act 2012 Work Health & 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. ISO45001: 2018 Occupational health and safety management systems
Related Policies/Procedures/Codes:	WHS-PRO-03.01 – Document Management Procedure WHS-PRO-01.01 – Workplace Return to Work Procedure
Review Frequency	Within 3 Years of issue date

1. 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 Lower Eyre Council. This will be established by:

- 1.1 Management commitment to WHS and RTW in accordance with organisational objectives.
- 1.2 Development of a WHS and RTW System and Action Plans which support identified policy objectives and procedural requirements.
- 1.3 Implementation of individual elements as outlined in the WHS and RTW System and Action Plans.
- 1.4 Measurement and evaluation of the WHS and RTW System against defined objectives, targets and performance indicators.
- 1.5 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).*

2. SCOPE

This policy applies to Lower Eyre Council 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 Lower Eyre Council entities, relating to work in WHS and RTW.

3. POLICY OBJECTIVES

Lower Eyre Council is committed to and able to demonstrate application of the following objectives:

- 3.1 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;
- 3.2 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;
- 3.3 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;
- 3.4 Maintaining effective processes and procedures for consultation, coordination and cooperation in WHS and RTW matters;
- 3.5 Monitoring and reviewing WHS and RTW System Performance and Action Plans, objectives and measures;
- 3.6 Further, as well as the above Objectives, Lower Eyre Council recognises and is able to demonstrate (at the pertinent system level within the Lower Eyre Council structure as appropriate), application of the following within the WHSMS:
 - (a) The requirement to meet legislative compliance;
 - (b) Processes for ongoing review and continuous improvement;
 - (c) The requirement for ongoing review of this WHS and RTW Policy and supporting Policies;
 - (d) The commitment that adequate resources and appropriate internal / external expertise will be used so far as is reasonably practicable, when required;
 - (e) Other relevant supporting policies and procedures that support the WHS and RTW systems;
 - (f) A commitment to communicating relevant information to relevant workers in an appropriate manner;
 - (g) 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;
 - (h) The requirement for an effective hazard management approach to WHS, which encompasses the identification, assessment and elimination or control of hazards;
- 3.7 This policy will be reviewed regularly and updated as required for continued suitability and effectiveness.

4. RESPONSIBILITIES

- 4.1 The Executive Management team is accountable for checking that the organisation at that level meets their duties as a PCBU and has available for use, and uses, appropriate resources and processes to enact this policy and supporting policies and procedures effectively.
- 4.2 Supervisors / Managers are accountable for bringing this policy and supporting policies and procedures to the attention of relevant workers and confirming, through supervisory activities, that this policy and supporting policies and procedures are adhered to.
- 4.3 Supervisors / Managers are accountable for checking that workers have had appropriate training to undertake the activities identified within this policy and supporting policy and procedures.
- 4.4 Workers 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.
- 4.5 Further specific responsibilities and accountabilities are detailed within supporting policies and procedures.

5. REVIEW

This Work Health Safety & Return to Work Policy shall be reviewed by the Lower Eyre Council at a minimum within three (3) years of issued date, or on significant change to legislation or aspects included in this policy that could affect health and safety and / or return to work practices.

6. DEFINITIONS

Management System	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. [As defined within ISO45001:2018]
PCBU	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.
Work Health and Safety Management System (WHSMS)	An orderly arrangement of interdependent activities and related procedures that drives an organisation's WHS performance. [as defined by the RTWSA Work Health and Safety Guidelines August 2017] 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.
Worker (for the purposes of the WHS Act 2012 - Section 7)	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— (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.
Worker (for the purposes of the RTW Act 2014 - Section 4)	A worker means— (a) a person by whom work is done under a contract of service (whether or not as an employee); (b) a person who is a worker by virtue of Schedule 1; (c) a self-employed worker, and includes a former worker and the legal personal representative of a deceased worker.
Return to Work (RTW)	For the purposes of this policy RTW includes both Claims Management activities and Return to Work activities.

Document History

Version No.	Issue Date	Description of Change
1.0	01/09/2013	Original WHS & Injury Management Policy.
2.0	04/06/2015	Updated Policy to include introduction of RTW Act 2014 requirements & renamed to WHS & RTW Policy.
3.0	Feb 2018	Scheduled review of policy, minor amendments to terms.
	March 2019	Adopted by Council (Following Council elections)
4.0	March 2021	Scheduled review of policy, amendments to incorporate LGASA Mutual Services, changes to definitions & inclusion of PCBU responsibilities
4.1	February 2023	Updated Council name and logo, minor formatting changes. Removed signatory requirement. Adopted by Council (following election).