

2.19 Work Health & Safety policy

The Work Health and Safety policy (hereafter ‘the Policy’), ensures the LECC is committed to providing a safe, equitable and productive working environment for all employees and others affected by the work of the LECC.

The LECC is also committed to providing a supportive environment for employees injured at work, ensuring effective treatment and management of the return to work process. For further information, please see the Return to Work policy.

Document Control

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V2.1	08/05/2018	Approved by CEO
V2.2	18/12/2018	Add Medical Emergency Procedure to policy as Annexure A
V2.3	14/01/2019	Reference to Critical Incident Debrief Welfare Policy & Procedure and Complaint Management Policy & Procedure added

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1. Definitions

CEO	Chief Executive Officer
Commission	Law Enforcement Conduct Commission
LECC	Law Enforcement Conduct Commission
Officer	<p>A person who makes decisions, or participates in making decisions, which affect the whole, or a substantial part, of a business or undertaking or has the capacity to significantly affect the financial standing of the business or undertaking. If a person is responsible only for implementing those decisions, they are not considered an officer.</p> <p>You are considered to be an officer if you are:</p> <ul style="list-style-type: none"> • An officer within the meaning of section 9 of the Corporations Act 2001 • An officer of the Crown within the meaning of section 247 of the Work Health and Safety (WHS) Act 2011 • An officer of a public authority within the meaning of section 252 of the WHS Act.
Person conducting a business or undertaking (PCBU)	An individual or organisation that conducts a business or undertaking. This business or undertaking can be conducted either alone or with others, and it can be for profit or gain.
WHS	Work Health and Safety
WHSMS	Work Health and Safety Management System
Worker	<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"> • An employee, or • A contractor or subcontractor, or • An employee of a contractor or subcontractor, or • An employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • An apprentice or trainee, or • A student gaining work experience, or • A volunteer, or • A person of a prescribed class (e.g. Commissioners, Counsel Assisting, Associates).

2. LECC Values

The LECC values of trust, collaboration, integrity, accountability and teamwork are the basis of a values-led workplace culture. The Commission requires your behaviour and conduct to comply with the LECC's Code of Ethics and Conduct.

3. Know your responsibilities

3.1 LECC

Under the Work Health and Safety Act 2011 (WHS Act), the LECC is considered a 'Person Conducting a Business or Undertaking' (PCBU) and the CEO has ultimate responsibility for LECC's Work Health and Safety (WHS) performance and for ensuring the WHS management system (WHSMS) is operating effectively. A PCBU has a primary duty of care to ensure that workers and others are not exposed to risks to their health and safety in the workplace. Under this primary duty of care, the PCBU must ensure so far as is reasonably practical that they provide:

- Safe systems of work;
- A safe work environment;
- Appropriate accommodation for workers if required in any given circumstances;
- Safe use of plant structures and substances;
- Adequate facilities for the welfare of workers;
- Notification and recording of workplace incidents;
- Adequate information, training, instruction and supervision;
- Compliance with appropriate WHS regulations;
- Effective systems for monitoring the health of workers and workplace conditions.

3.2 Officers

LECC Commissioners and the CEO, as principal decision makers for the whole of the LECC, are considered 'Officers' under the WHS Act and are responsible for managing work health and safety risk and exercising WHS due diligence, by taking reasonable steps to:

- Acquire and keep up to date knowledge of WHS risk management matters;
- Maintain an understanding of the nature and operations of the LECC and generally of the hazards and risks associated with those operations;
- Ensure that the LECC has available for use, and uses, appropriate resources and processes to eliminate or minimise risks from work carried out as part of its conduct;
- Ensure that the LECC has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information;
- Ensure that LECC has, and implements, processes for complying with any duty or obligation under the relevant provisions of applicable legislation;
- Verify, monitor and review the provision and use of the resources and processes designed to achieve these due diligence requirements.

Directors and Managers are accountable for managing WHS risk within their area of responsibility through:

- The elimination of risk.

- Managing the reduction of risk to a level that is as low as reasonably practicable if elimination of the risk is not reasonably practicable.

3.3 Workers

A worker is someone who carries out work in any capacity for a PCBU and includes an employee, Counsel Assisting, Commissioners, labour hire staff, volunteers, apprentices, work experience students, subcontractors and contractors (and their employees).

While at work, a worker must:

- Take reasonable care for his or her own health and safety in the workplace;
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons in the workplace;
- Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU to ensure compliance with the WHS Act1;
- Co-operate with any reasonable policy or procedure of the PCBU relating to health or safety in the workplace that they have been made aware of.

3.4 Visitors

Visitors to LECC workplaces have WHS responsibilities and must take reasonable care for their own safety and that of others in the workplace. Visitors and others must:

- Comply with any reasonable work health and safety instructions in the workplace;
- Take reasonable care to not put themselves or others at risk in the workplace;
- Report any hazards / potential hazards to the person facilitating their visit;

4. WHS commitments and aims

The LECC is committed to:

- Ensuring the highest standards of WHS in all its work locations and operations;
- Maintaining a WHSMS that provides workers and other persons with the highest level of protection that is reasonably practicable against harm to their health, safety and welfare from hazards and risks arising from work or from specified types of substances or plant in the workplace.

The LECC will aim to:

- Comply with WHS legislation, Australian Standards and relevant codes of practices;
- Maintain effective WHS management systems;
- Integrate WHS into all planning activities and operations;
- Design and deliver quality WHS training packages and programs;
- Regularly monitor and review the effectiveness and relevancy of WHS policy, programs and performance through WHS mechanisms.

5. WHS Committee

Under the WHS Act and the *Work Health and Safety Regulation 2017*, a health and safety committee (HSC) brings together workers and management to assist in the development and review of health and safety policies and procedures for the workplace. The LECC has an established HSC of 10 members.

The functions of the HSC are:

- ensure that the health and safety of workers and others is not put at risk;
- consult with other duty holders if they have a duty to the same matter under the WHS Act;
- consult with workers who carry out work for the LECC or whose health and safety are likely to be directly affected by work carried out by LECC;
- undertake consultation in accordance with Part 5 of the WHS Act.

HSC members are entitled to:

- spend reasonably necessary paid work time attending meetings and carrying out their functions as committee members;
- have access to information that the LECC has in relation to hazards, risk assessments and the health and safety of workers at the workplace.

For further information on the nature and responsibilities of the LECC HSC, please refer to the Health and Safety Committee Terms of Reference.

6. Resources

- LECC Code of Ethics and Conduct
- Medical Emergency Procedure - Annexure A
- Complaint Handling Policy and Procedure
- Critical Incident Debrief Welfare Policy and Procedure
- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulation 2017](#)
- [Workers Compensation Act 1987](#)
- [Workplace Injury Management and Workers Compensation Act 1998](#)
- [Workers Compensation Regulation 2010](#)
- [Codes of practice](#) (various subject titles accessible through SafeWork NSW)

Employees are expected to be aware of the policies, procedures and guidelines that apply to their work. This Policy does not stand alone and must be read in conjunction with all Commission policy, procedures and guidelines.

7. Advice and further information

Contact your manager or the Manager Human Resources for further clarification and information.

8. Monitoring and review

The Policy will be reviewed in accordance with the policy review schedule specified in the document control metadata and at other times if new information or organisational change warrants an amendment. Scheduled and other revisions of the Policy will be completed in consultation with interested parties to ensure relevance and effectiveness.

Feedback, comments and suggestions about this Policy can be directed to Manger Human Resources.

Medical Emergency Procedure

- Call '000' and advise of the medical emergency, following any instructions provided. **Anyone** can call emergency services if the situation warrants – no approval is required under these circumstances.
- Provide the address of the Commission (Level 3, 111 Elizabeth St [the St James Building], Sydney) and a contact number (i.e., the number of the staff member who is making the call).
- Contact a First Aid Officer for assistance. A list of First Aid Officers is available in the common areas of each floor. Any member of staff who is trained in providing first aid can commence first aid until the First Aid Officer or first responder arrives.
- Depending on the nature of the medical emergency instruct someone to get an AED (defibrillator) and have it in close proximity.
- Advise the Risk and Security Team. Under normal circumstances, the Risk and Security Team will facilitate the Ambulance or any other emergency services personnel entry to the building and will attend the scene to assist with the provision of first aid. If the Risk and Security Team is unavailable, arrange for another staff member to meet the Ambulance at the front of building on Elizabeth St.
- The staff member who is waiting for the ambulance should advise base building security, via the main entrance concierge, as they may be able to lock a lift for our use.
- There is no requirement to re-enter the Commission via Level 3, emergency services can directly attend the required level.
- If the Risk and Security Team is not present, make sure that you obtain the responding emergency services call-sign/operating number and the name of the hospital where the staff member will be transported.
- Complete Part A of the Incident/Near Miss Form which is available on the LECC intranet page.