



Councillor Occupational Health and Safety Policy 2020

Adopted by Melbourne City Council on 15 December 2020

1. PURPOSE

The City of Melbourne is committed to providing and maintaining a safe and healthy environment for all persons associated with its operations, including Councillors, employees, contractors, residents and visitors. This applies to our work areas and our community spaces.

Our commitment is based on the principle that occupational health and safety is the most important of all our business objectives, the recognition that workplace injuries can be prevented, that everyone in the organisation should have clearly defined occupational health and safety responsibilities, and that meeting this commitment through the management of our stakeholder relationships is important.

The City of Melbourne Councillor Code of Conduct recognises the provisions of the *Occupational Health and Safety Act 2004* apply to Council and Councillors. Councillors have a role in

- protecting their own and others' health and safety in the workplace
- taking reasonable care through the Chief Executive to ensure a safe workplace.

The purpose of this policy is to

- outline Councillors' responsibilities under the *Occupational Health and Safety Act 2004* and *Occupational Health and Safety Regulations 2017*.
- set out Councillors' and the organisation's obligations in respect of occupational health and safety
- provide guidance to Councillors on how to respond in various scenarios with health and safety implications that may arise in a work setting.

The Chief Executive Officer from time to time, in consultation with Councillors, can make minor changes to this policy to reflect contemporary best practice.

2. SCOPE

This policy applies to all Councillors at all times when undertaking their roles as elected officers of Melbourne City Council. Councillors within this context include the Lord Mayor and Deputy Lord Mayor. This policy applies to Councillors as individuals in the workplace and as office holders with particular legal responsibilities for occupational health and safety. Health and safety matters include those relating to hazards, risks and incidents, and their physical and as well as psychological consequences on individuals or the community.

The CEO has specific responsibilities to create a safe workplace under the *Occupational Health and Safety Act 2004*, and is so empowered to take certain actions that may impact on the ability of Councillors to perform particular functions in a particular way, consistent with those responsibilities.

This policy is incorporated in the Councillor Code of Conduct. Nothing in this policy changes or detracts from the operation of other provisions in the Councillor Code of Conduct.

3. POLICY

Councillors have agreed, through their Code of Conduct, that Council is committed to providing and maintaining a safe workplace for all and recognises the provisions of the *Occupational Health and Safety Act 2004* apply to Council and Councillors.

4. DEFINITIONS

CEO means the Chief Executive Officer of City of Melbourne.

CoM means the City Of Melbourne.

Council means the Melbourne City Council.

Support Officer means a member of the Councillor Support Team or a member of the Lord Mayor's Office.

Executive Officer Councillor Support is the people leader for the Councillor Support Team.

First aid in the workplace is the provision of emergency treatment and life support for people suffering injury or illness at work.

Hazard means a condition or situation which has the potential to cause injury (physical or psychological).

Immediately notify means as soon as a person becomes involved or aware of the incident, near miss or hazard.

Incident means an event or sequence of events resulting in loss of control over a hazard. Such an incident may result in injury to an employee, Councillors, contractor, volunteer or visitor.

Medical treatment means is treatment required without delay after an incident is termed 'immediate medical treatment'. *The Medical Treatment Act 1988* defines medical treatment as the carrying out of:

- (a) an operation;
- (b) the administration of a drug or other like substance; or
- (c) any other medical procedure – but does not include palliative care.

Medical treatment does not include procedures carried out for diagnostic purposes only.

Near miss means an incident/event which had the potential to cause personal injury or damage to equipment/machinery, property or facilities.

OHS means Occupational Health and Safety

OHS Management System is a combination of the planning and review, the management organisational arrangements, the consultative arrangements, and the specific program elements that work together in an integrated way to improve health and safety.

Councillor Conduct Officer is a person appointed by the Chief Executive Officer to assist Council in implementing its internal arbitration process.

Workplace means any place where a person attends for the purpose of carrying out any functions in relation to his or her employment, occupation, business, trade or profession and need not be a person's principal place of business or employment.

5. RESPONSIBILITIES

Each Councillor has agreed that they understand that Occupational Health and Safety is a shared responsibility.

Responsibilities relating to this policy are as follows:

Councillors will:

- Make themselves familiar with the provisions of this policy and procedure, raise any concerns or questions about the policy's coverage or application and adhere to the policy.
- Take reasonable care to protect their own health and safety, as well as the health and safety of others in the workplace.
- Attend and participate in all CoM required training, to maintain understanding of the duties and obligations imposed by the *Occupational Health and Safety Act 2004* and their application to the broad range of activities undertaken by CoM.
- Comply with the Councillor Occupational Health and Safety Policy and associated reporting procedures.
- Participate where required in the resolution of safety issues.
- Consider any health and safety implications for Council decisions.

The City of Melbourne will:

- As far as reasonably practicable, provide a safe workplace that is without risks to the health of Councillors performing their civic duties, by ensuring appropriate systems and policies are in place to manage those risks.
- Proactively monitor the workplace to identify hazards, assess risks and implement control measures where it is reasonably practical to do so.
- Take all reasonable steps to ensure organisational compliance to the organisation's OHS Policy and the continuous improvement of the CoM OHS Management System.
- Provide training opportunities to assist Councillors to achieve and maintain understanding of the duties and obligations imposed by the *Occupational Health and Safety Act 2004* and their application to the broad range of activities undertaken by CoM.
- Adhere to all principles and lawful requirements of the *Workplace Injury Rehabilitation and Compensation Act 2013* following any work related injury.

6. INCIDENT AND HAZARD REPORTING PROCEDURES

All hazards, near misses and incidents that occur as a result of Councillors conducting the business of Council, acting as a representative of Council, including as part of attending Council related functions, during or outside normal Council hours must be reported.

In most cases where Councillors notice something unsafe, it will be appropriate for them to notify a Support Officer. The Support Officer will complete an online hazard/incident report in accordance with CoM's Incident/Hazard Reporting and Investigation Policy and Procedure.

The Executive Officer Councillor Support will then conduct an incident investigation and risk assessment and document any actions to be taken to control the risk. Alternatively, the Executive Officer Councillor Support may refer the matter to another City of Melbourne manager for investigation and action.

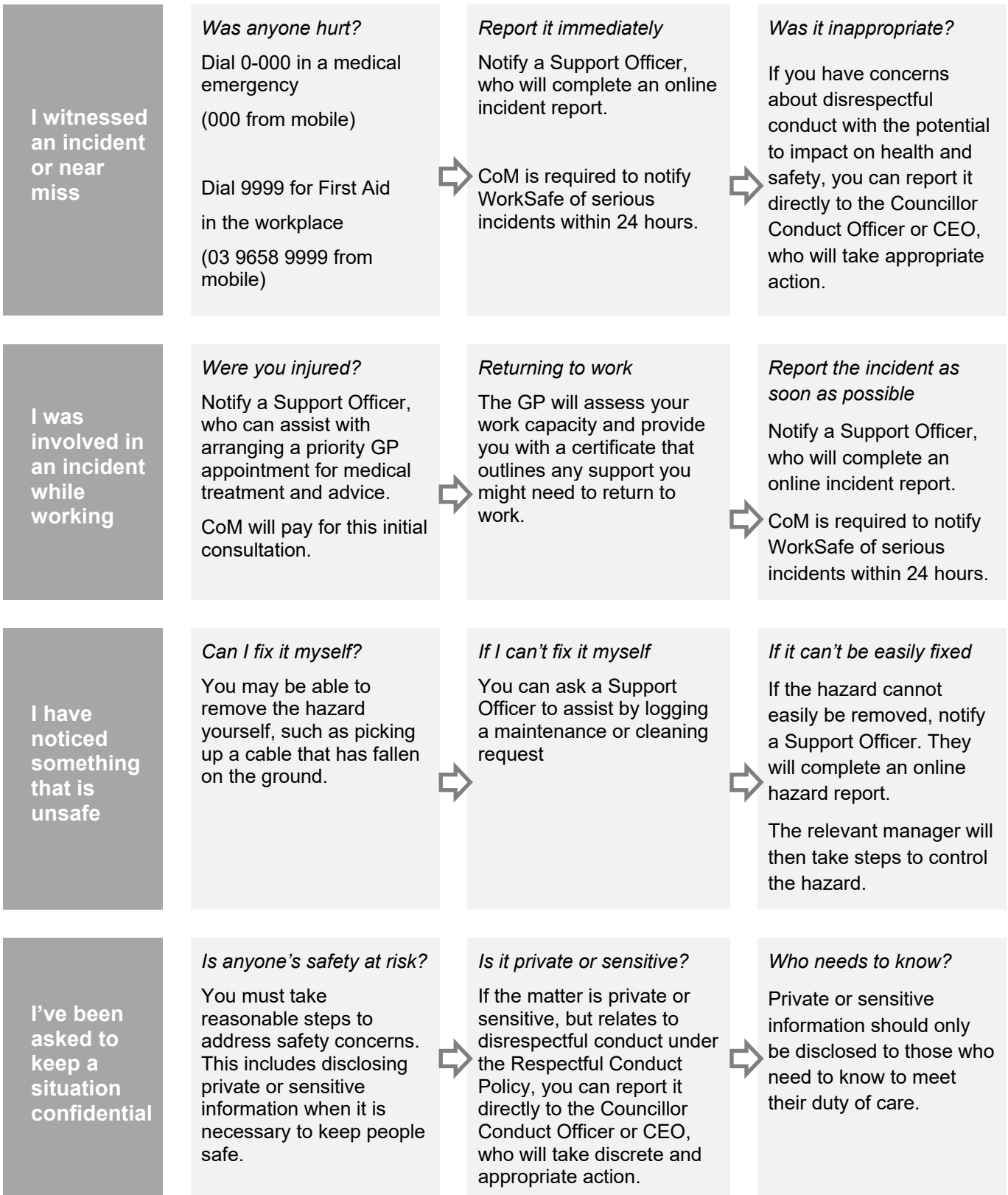
If the issue relates to potential psychological injury arising from disrespectful conduct under the Councillor's Respectful Conduct Policy, the issue must be reported, and it may be more appropriate to report the matter to the Councillor Conduct Officer or CEO. If the CEO has serious concerns about a risk to the health and safety of a Councillor, Councillors, Council staff or the community, the CEO has overall accountability to take appropriate action to ensure the safety of all.

6.1 Incident close-off and report-back

Depending on the issue, the Support Officer, Executive Officer Councillor Support, Councillor Conduct Officer or CEO will notify the Councillor of the outcome of hazard or incident once addressed.

7. POSSIBLE SCENARIOS

The following scenarios are provided as examples only in order to illustrate how this policy may operate in practice. Failure to follow the steps outlined in these scenarios **does not** necessarily constitute a breach of this policy.



8. RELATED POLICIES AND RESOURCES

- City of Melbourne Councillor Code of Conduct
- City of Melbourne Councillor Fitness to Carry Out Duty Policy
- City of Melbourne Respectful Conduct Policy
- *Occupational Health and Safety Act 2004*