

WORKPLACE HEALTH & SAFETY POLICY

- 1 Policy Statement** CNLC will ensure that CNLC is a safe workplace and learning environment. CNLC will ensure that the occupational health and safety procedures are clear to all and are followed on a regular basis.

Carlton Neighbourhood Learning Centre (CNLC) has a legal and moral obligation to ensure that the working and learning environment is healthy and safe for all people who attend CNLC. This duty of care encompasses paid staff, unpaid volunteers, Committee of Governance (CoG) members, students, all other program participants, and members of the general public.

Occupational health and safety, in this context, includes physical and mental health and wellbeing, and personal safety and security. It includes prevention of injury and illness, physical or mental, and optimal response to incidents of injury and illness.

This policy is applicable to CNLC in all its operations and functions including those situations where employees, teachers, students, participants, and volunteers are required to work off site.

CNLC will use a structured risk management program to minimise reasonably foreseeable disruption to operations, harm to people, the organisation or its reputation, and damage to the environment or property.

- 2 Responsible Persons** This policy applies to the entire organisation, contractors, and visitors to CNLC; to the extent it is relevant to them.

Who	What
Committee of Governance	Endorse reviewed or new policies; Be committed to the provision and maintenance of a healthy and safe workplace; Be aware of the provisions of the OHS legislation relating to OHS Duties and liabilities of CoG members; Ensure that concerns relating to OHS are addressed as a priority.
Delegated Sub-Committees	Review delegated Policies
Executive Officer	Maintain Policy Register Accountable for coordinating CNLC's management of health and safety;

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	<p>Be committed to the provision and maintenance of a healthy and safe workplace; Inform and train all persons to whom this procedure applies in relevant policies, procedures and health and safety obligations; Monitor and advise on legislative and technical changes relating to health and safety; Report on OHS matters in each report provided to the Board and the Operations Sub- Committee; Ensure that all staff meetings include an item on OHS, to discuss OHS matters, including staff concerns.</p>
Staff	<p>Participate in health and safety training, actions and activities and support CNLC in its efforts to reach its health and safety objectives; Follow reasonable health and safety instructions from managers or supervisors; Report any serious incidents, accidents, injuries or hazards in the workplace to supervisors or designated representatives; Aim to work in a way that does not endanger the health or safety of themselves or others; Properly use and maintain safety equipment; Make sure visitors follow safety rules in the workplace; Participate in CNLC's OHS exercises and induction programs and implement all detailed safety procedures.</p>
Contractors and visitors providing services to CNLC will:	<p>Assess risks to their health and safety arising from the provision of their services; Have control measures in place to address those risks, including complying with any relevant CNLC policies and practices.</p>

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3. Guiding Principles

CNLC recognises that the health and safety of all Committee of Governance (CoG) members, students, all other program participants, unpaid volunteers, and members of the general public within the organisation is a shared responsibility of all individuals.

As the employer and occupier, CNLC's obligations in the area of health and safety include the provision of:

- a working environment that is safe and without risks to health
- adequate resources, information, training and supervision
- effective arrangements for consultation with staff in the development of health and safety procedures
- an effective system for identifying hazards, and for assessing and controlling risks to health and safety
- a practice of continuous improvement to minimise or eliminate any hazards in the workplace.

Occupational health and safety statutory requirements, including regulations and codes of practice, are minimum standards but the aim is for them to be improved upon, where practicable.

Discrimination, harassment, occupational violence and bullying

Carlton Neighbourhood Learning Centre has a policy of zero tolerance for any discriminatory, harassing, occupational violence or bullying behaviour.

Discrimination, harassment, occupational violence and bullying are not only unacceptable they are also unlawful. Both State and Federal legislation prohibit discrimination, harassment and bullying in the workplace.

Liabilities may also arise under the various occupational health and safety regulations. CNLC has a legal obligation to prevent discrimination,

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harassment, occupational violence and bullying. If it does not, it will be held liable for the behaviour of employees, volunteers or clients.

CNLC is committed to providing a working environment that is free from discrimination, harassment, occupational violence and bullying. In accordance with our Code of Conduct we expect all employees, volunteers, clients, contractors, CoG members and visitors to be treated with dignity, courtesy and respect. Accordingly, all new employees, volunteers, CoG members and clients will be provided with a copy of this policy as part of their induction.

- 4 Breach of this Policy** Any breach of this policy may result in counselling and/or disciplinary action, which, in the case of employees, may lead to dismissal, or, in the case of volunteers, may lead to the cessation of their engagement. Any breach of this policy by a contractor may result in cancellation by CNLC of the services provided by that contractor.
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- 5 Key Definitions**
- **Workplace Health and Safety (WHS):** is the discipline concerned with protecting the **health and safety** of all stakeholders in the **workplace** from exposure to hazards and risks resulting from **work** activities.
 - **Workplace:** includes working on site or off-site, attendance at a work-related conference or function, and attendance at a client or other work-related event, including retreats and social events
 - **Hazard:** Any situation with the potential to cause injury or illness
 - **Risk:** The likelihood that exposure to a hazard will result in injury or disease
 - **Incidents:** Occurrences that result in major upset, death, injury or illness.
 - **Risk assessment:** Once a hazard is identified, an examination of the risks associated with it is done to determine the likelihood of injury or illness being caused by the hazard
 - **Risk control measure:** Taking action to eliminate or reduce the likelihood that exposure to a hazard will result in injury or disease
 - **Staff:** Paid workers at the Centre
 - **Students:** People enrolled in Pre-accredited and accredited training
 - **Participants:** Other community members or CD class attendees
 - **Volunteer:** a person who freely offers their service to CNLC in an unpaid capacity
 - **Centre Users:** People using the Centre on an ad hoc or regular basis under the auspices of another group
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- **Discrimination:** Unlawful discrimination occurs when a person considers they have been treated less favourably owing to an attribute when compared with a person who does not have that attribute. Refer **Appendix 1** for all protected attributes in Victoria.
 - **Harassment:** is an unwanted behaviour and can take many forms. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence. Refer **Appendix 1** for further clarification.
 - **Sexual harassment:** Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature that makes a person feel humiliated, intimidated or offended. Sexual harassment can take many forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material, or other behaviour that creates a sexually hostile working environment. Refer **Appendix 1** for further clarification.
 - **Bullying:** is repeated, unreasonable behaviour directed toward a person, or a group of persons, that creates a risk to their health and safety. Refer **Appendix 1** for further clarification.
 - **Occupational violence:** refers to any incident where a person is physically attacked, abused, assaulted or threatened in the workplace.
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6 Relevant legislation, regulatory guidelines and rules

- Australian Charities and Not-for-profits Commission (ACNC) Governance Standards
 - Occupational Health & Safety Act 2004 (Vic)
 - Occupational Health & Safety Act Regulations 2017 (Vic)
 - Work Health and Safety (WHS) Act 2011
 - Workers Compensation Act 1987
 - Workplace Injury Management and Workers Compensation Act 1998;
 - The Privacy and Data Protection Act 2014
 - Disability Discrimination Act 1992(Cth)
 - Disability Act 2006 (Vic)
 - Racial Discrimination Act 1975 (Cth).
 - Equal Opportunity Act 2010 (Vic);
 - Racial and Religious Tolerance Act 2001 (Vic);
 - Sex Discrimination Act 1984 (Cth);
 - Human Rights and Equal Opportunity Commission Act 1986 (Cth).
 - Age Discrimination Act 2004 (Cth)
 - Fairwork Act 2009 (Cth)
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7 Related policies & procedures & documents

- CNLC Policy Register
 - Work, Health and Safety (WH&S) Procedures
 - WH&S - Staff training
 - WH&S - First Aid
 - WH&S - Systems for Students
 - WH&S - Student health issues
 - WH&S – Falls
 - WH&S - Fire Drills
 - WH&S – Food Safety
 - WH&S Incident Procedures – Incident Reporting Form
 - Risk Management Plan
 - Employment Information Staff Handbook
 - Emergency Procedures
 - Critical Incident and Emergency Management Policy
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APPENDIX 1:

1.1 Discrimination

Unlawful discrimination occurs when a person considers they have been treated less favourably owing to an attribute when compared with a person who does not have that attribute.

Protected attributes in Victoria include:

- Age
- Disability/impairment
- Industrial activity/inactivity
- Lawful sexual activity
- Gender identity
- Marital status, including de-facto
- Physical features
- Political belief or activity
- Pregnancy/breastfeeding
- Race
- Religious belief or activity
- Sex
- Status as a parent or carer
- Personal association with someone of the above attributes
- Irrelevant criminal conviction

1.2 Harassment

Harassment is an unwanted behaviour and can take many forms. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence. Unlawful harassment may relate to any of the attributes protected under the equal opportunity legislation mentioned above.

It is important to note that it is irrelevant at law as to whether or not the inappropriate behaviour was intended. It is also important to understand that it is the person being subjected to the behaviour who determines whether the behaviour is welcome or unwelcome. In Victoria, co-workers can be named sole respondents in cases of alleged sexual harassment.

Harassment may be seen to have occurred if the behaviour makes the victim feel:

- Offended and humiliated
- Intimidated and/or
- Uncomfortable at work

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1.2.1 Sexual Harassment

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature that makes a person feel humiliated, intimidated or offended. Sexual harassment can take many forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material, or other behaviour that creates a sexually hostile working environment.

Sexual harassment may occur among peers and co-workers, between staff, volunteers, students and members of the public including service providers and clients. While both men and women can be sexually harassed, the majority of victims are women. Sexual harassment is unlawful in any work-related context – not just during working hours or in the workplace itself. It is against the law to sexually harass a person at any work-related setting including at conferences, work functions, office social functions and business or field trips.

Mutual friendships in the workplace are not sexual harassment. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

Sexual harassment may consist of:

- Offensive staring, leering or gesturing
- Persistently telling sexually explicit or suggestive jokes to someone who finds them offensive
- Taunting a person with constant talk about sex and sexual innuendoes
- Sexually oriented verbal suggestions
- Display of offensive or erotic pictures and publications, etc.
- Offensive phone calls or correspondence (including via email and social media)
- Interrogation about personal life or sexual activities, demeaning comments about physical appearance or private life
- Touching, pinching or brushing up against someone's body unnecessarily
- Offensive gestures
- Kissing or embracing someone against their will
- Requesting sexual favours in exchange for a job, promotion, transfer, training or good working conditions
- Sexual propositions or persistent requests for dates
- Defining a person in terms of their sex or sexuality, and on this basis devaluing their worth or contributions
- Offensive computer screen savers

The above list is not exhaustive. Sexual harassment can take many forms, including a single action, or a series of actions. It includes behavior that may be considered an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking, or obscene communications. A staff member or volunteer need not be directly disadvantaged for a sexual harassment complaint to be taken seriously; the person need only consider the behaviour to

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be unwelcome and of an offensive nature. The examples listed are different from welcome compliments, common courtesies, or genuine expressions of friendship.

Sexual harassment is a form of sex discrimination. Both the Victorian Equal Opportunity Act (2010) and the Commonwealth Sex Discrimination Act (1984) make sexual harassment unlawful in the workplace, and place responsibility not only with the perpetrator, but also with the employer, managers and supervisors. Carlton Neighbourhood Learning Centre, through its management, can be jointly and separately found liable for knowingly, or through negligence, allowing sexual harassment to occur in their work area. As such, managers and teachers have a responsibility to monitor the working environment to ensure that acceptable standards of conduct are observed at all times.

All employees, volunteers and clients have a responsibility to comply with this policy and provide assistance and support to anyone who is being harassed.

1.2.2 General Harassment

General harassment may take the form of:

- Favouritism
- Victimisation
- Coercion
- Threats
- Torment, intimidation, abuse or assault
- Demeaning comments
- Racist jokes
- Demeaning comments on sexuality or gender identity
- Exclusion from activities, information, decision making or tasks consistent with position description, role and responsibility.

General harassment may occur between peers and co-workers, between staff and volunteers, amongst students or between Carlton Neighbourhood Learning Centre staff or volunteers and students, or other members of the public.

1.3 Bullying

Workplace bullying is repeated, unreasonable behaviour directed toward an employee or volunteer, or group of employees or volunteers, that creates a risk to health and safety. It can include, but is not limited to, behaviours such as:

- Deliberately changing work rosters to victimise or deliberately inconvenience particular employees or volunteers
- Verbal abusive, insulting or offensive language
- Making threats and/or instilling fear

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- Initiation practices
- Sabotaging someone's work and/or setting unrealistic standards and/or timelines for completion of duties
- Making fun of someone or ridiculing someone's opinion
- Deliberately excluding someone from workplace activities.

Bullying is not an acceptable part of our work culture. Furthermore, bullying is a significant occupational health and safety consideration, if it occurs in the workplace or a working environment, as it can cause harm to a person's health and wellbeing, both physical and psychological.

Bullying does not cover situations where an employee or volunteer is subject to legitimate and reasonable:

- Performance management processes
- Disciplinary action
- Allocation of work in compliance with systems or staffing requirements.

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