

**Policy Document**

**Work Health Safety & Return to Work**

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<b>References and related Policies &amp; Procedures:</b> <i>Return to Work Act 2014</i> <i>Work Health and Safety Act 2012</i> <i>Local Government Act, 1999</i> <i>Work Health and Safety Regulations 2012</i> <i>Return to Work Regulations 2015</i> <i>Code for Conduct of Self Insured Employees</i> <i>ISO45001: 2018 Occupational health and safety management systems</i>		

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# Work Health Safety and Return to Work Policy

## Overview

The Local Government Association of South Australia (LGA) is, for the purposes of the Return to Work Act 2014, the nominated Employer for a group of Self Insured Employers which includes all Local Government entities (Councils and Prescribed Bodies (Members)).

In conjunction with the LGA, LGA Mutual Services and its Members, the Local Government Association Workers Compensation Scheme (LGAWCS) administers the principles and commitments outlined within this policy. The above parties are committed to, within the appropriate scope of involvement and level of remit, to work towards the strategic plan mission to:

***“Provide unique cover and risk services that meet our Members’ needs”***

This Policy is designed to provide direction on the system structure that will be applied by Local Government to achieve the commitments as documented below.

## 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 Local Government Workplaces. This will be established by:

1. Management commitment to WHS and RTW in accordance with organisational objectives.
2. Development of a WHS and RTW System and Action Plans which support identified policy objectives and procedural requirements.
3. Implementation of individual elements as outlined in the WHS and RTW System and Action Plans.
4. Measurement and evaluation of the WHS and RTW System against defined objectives, targets and performance indicators.
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 Local Government 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 Local Government entities, relating to work in WHS and RTW.

## 3. References

1. Local Government Act, 1999
2. Work Health and Safety Act 2012
3. Work Health and Safety Regulations 2012
4. Return to Work Act 2014
5. Return to Work Regulations 2015
6. Code for the Conduct of Self Insured Employers under the Return to Work Scheme which includes the Performance Standards (Injury management standards for self-insured employers April 2019 and Work Health and Safety standards for self-insured employers August 2017)
7. ISO45001: 2018 Occupational health and safety management systems

## 4. Definitions

Management System	<p>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.</p> <p>[As defined within ISO45001:2018]</p>
PCBU	<p>A "<i>Person Conducting a Business or Undertaking</i>" as described in section 5 of the WHS Act is the entity with the primary duty of care.</p> <p>Councils "in terms of the organisation" and Prescribed Bodies are PCBUs for the purpose of the Act.</p>
Work Health and Safety Management System (WHSMS)	<p>An orderly arrangement of interdependent activities and related procedures that drives an organisation's WHS performance.</p> <p>[as defined by the RTWSA Work Health and Safety Guidelines August 2017]</p> <p>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.</p>
Worker <i>(for the purposes of the WHS Act 2012 - Section 7)</i>	<p>A person is a <i>worker</i> 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"> <li>(a) an employee; or</li> <li>(b) a contractor or subcontractor; or</li> <li>(c) an employee of a contractor or subcontractor; or</li> <li>(d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or</li> <li>(e) an outworker; or</li> <li>(f) an apprentice or trainee; or</li> <li>(g) a student gaining work experience; or</li> <li>(h) a volunteer; or</li> <li>(i) a person of a prescribed class.</li> </ul>
Worker <i>(for the purposes of the RTW Act 2014 - Section 4)</i>	<p>A <i>worker</i> means—</p> <ul style="list-style-type: none"> <li>(a) a person by whom work is done under a contract of service (whether or not as an employee);</li> <li>(b) a person who is a worker by virtue of Schedule 1;</li> <li>(c) a self-employed worker,</li> </ul> <p>and includes a former worker and the legal personal representative of a deceased worker.</p>
Return to Work (RTW)	<p>For the purposes of this policy RTW includes both Claims Management activities and Return to Work activities.</p>

## 5. Policy Objectives

Local Government is committed to and able to demonstrate application of the following objectives:

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;
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. 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;
4. Maintaining effective processes and procedures for consultation, coordination and cooperation in WHS and RTW matters;
5. Monitoring and reviewing WHS and RTW System Performance and Action Plans, objectives and measures;
6. Further, as well as the above Objectives, Local Government recognises and is able to demonstrate (at the pertinent system level within the Local Government 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;
7. This policy will be reviewed regularly and updated as required for continued suitability and effectiveness.

## 6. Responsibilities

1. The LGAWCS is accountable for conducting planning, monitoring and review activities and confirming that organisational and policy objectives are being met in relation to the self-insurance requirements.
2. The senior management teams at the various levels within the Local Government structure, are accountable for checking that the organisation at that level meets their duties as a PCBU and Scheme



Member and has available for use, and uses, appropriate resources and processes to enact this policy and supporting policies and procedures effectively.

3. Supervisors/Managers are accountable for bringing this policy and supporting policies and procedures to the attention of relevant workers, applying implementation processes in their areas of responsibility and confirming, through supervisory activities, that this policy and supporting policies and procedures are adhered to.
4. 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.
5. 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.
6. Further specific responsibilities and accountabilities are detailed within the supporting WHS and RTW management system policies and procedures.

## Review

This Work Health Safety & Return to Work Policy shall be reviewed by Local Government 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).

## Signed

Chief Executive Officer, LGA

Chairperson, LGASA Mutual Services

**Date:** 30 / 9 / 2020

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Non-English translations of this policy can be made available if required.

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	11/09/2017	Scheduled review of policy, minor amendments to terms.
4.0	09/09/2020	Scheduled review of policy, amendments to incorporate LGASA Mutual Services, changes to definitions & inclusion of PCBU responsibilities