

Councillor Occupational Health & Safety Policy

Purpose

The Darebin City Council (Council) 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 all 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 Councillor Code of Conduct adopted by Council recognises the provisions of the *Occupational Health and Safety Act 2004 (the Act)* apply to Councillors.

Councillors have a role in:

- Protecting the health and safety of themselves
- Protecting the health and safety of other workers, including their fellow Councillors, the CEO and staff
- Ensuring that Council, as an organisation, provides a safe workplace.

Further, Councillors are 'officers' for the purpose of the Act, which means that the Councillors need to take reasonable care to ensure that Council (through the CEO) complies with its health and safety duties. This will involve Councillors working with the CEO to ensure Council's compliance with the Act.

The purpose of this policy is to:

- Outline Councillor's responsibilities under the Occupational Health and Safety Act 2004 and Occupational Health and Safety Regulations 2017.
- Set out Councillor's 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, and
 - Council in terms of how it will support Councillors with matters that may arise in a work setting.

Under the Councillor Code of Conduct, Councillors have committed to adhering to Council's OHS Policies. This Policy is to be read as part of the Council's overall OHS framework, and in recognition of a Councillor's obligation under the Standards of Conduct to do everything reasonably necessary to ensure that the Councilor performs the role of a Councillor effectively and responsibly.

<p>Scope</p>	<p>This policy applies to all Councillors at all times when undertaking their roles as elected officers of Darebin City Council. Councillors within this context includes the Mayor and Deputy Mayor.</p> <p>This policy also interacts with Council’s OHS policy and other key policies which support the health and safety of Council employees including the Chief Executive Officer.</p>
<p>Definitions and Abbreviations</p>	<p>OHS – Occupational Health & Safety</p> <p>Council – Darebin City Council, referred to as Council throughout this document.</p> <p>Employee - Full-time, part-time, casual, contracted and volunteer staff employed or engaged by Council, including the CEO.</p> <p>CEO - The person appointed by Council under the Local Government Act 2020 to be its Chief Executive Officer or any person acting in that position.</p> <p>Councillor - a person who holds the office of Councillor as defined by the Local Government Act 2020</p> <p>Councillor Conduct Officer- a person appointed by the CEO to assist Council in implementing its internal arbitration process.</p> <p>Support Officer- means a member of the CEO’s office or a member of the Executive Management team.</p> <p>EMT - The person appointed by Council to be a member of its Executive Management Team or any person acting in that position.</p> <p>Incident- an event or sequence of events resulting in loss of control over a hazard.</p> <p>Hazard- means a condition or situation which has the potential to cause injury or harm (physical or psychological).</p> <p>Near miss- means an incident/event which had the potential to cause personal injury or damage to equipment/machinery, property or facilities.</p> <p>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.</p> <p>Psychologically Safe Workplace- A workplace where people feel safe and supported to speak up with ideas, questions, concerns or mistakes, without fear of any adverse consequences such as being humiliated, embarrassed or punished.</p> <p>Councillor Code of Conduct- Provides information on the standards of conduct expected to be observed by Councillors as required under the Local Government Act 2020.</p> <p>Governance Rules- Section 60 of the Local Government Act 2020 requires each council to adopt and apply governance rules that describe the way they will conduct council meetings.</p> <p>Bullying- is any behaviour in which:</p> <ul style="list-style-type: none"> • a person or a group of people repeatedly behaves unreasonably towards another • person or a group of persons, and • the behaviour creates a risk to health and safety. <p>Bullying may involve, but is not limited to, any of the following types of behaviour:</p> <ul style="list-style-type: none"> • aggressive, threatening or intimidating conduct • belittling or humiliating comments • spreading malicious rumours • teasing, practical jokes or ‘initiation ceremonies’ • displaying offensive material

- pressure to behave in an inappropriate manner.

Examples of what is not bullying may involve but is not limited to, any of the following types of behaviour:

- Reasonable management action carried out in a reasonable and lawful way
- Differences of opinion and interpersonal disputes
- Light hearted exchanges and mutually acceptable jokes
- Assertively expressing opinions that are different from colleagues in regard to Councillor related matters

Sexual harassment- is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Examples of sexually harassing behaviour include:

- unwelcome touching;
- staring or leering;
- suggestive comments or jokes;
- sexually explicit pictures or posters;
- unwanted invitations to go out on dates;
- requests for sex;
- intrusive questions about a person's private life or body;
- unnecessary familiarity, such as deliberately brushing up against a person;
- sexually explicit physical contact; and
- sexually explicit emails or SMS text messages.

Harassment on the grounds of sex occurs where a person, by reason of the sex of the harassed person, engages in unwelcome conduct of a seriously demeaning nature in circumstances in which a reasonable person, having regard to all of the circumstances, would have anticipated the possibility that the person harassed would have been offended, humiliated or intimidated.

Harassment on the ground of sex differs from sexual harassment as the conduct does not need to be of a sexual nature.

Examples include:

- asking intrusive personal questions based on a person's sex;
- making inappropriate comments or jokes to a person based on their sex;
- displaying images which are sexist, misogynistic or misandrist.

Indirect discrimination- where a policy applies in the same way to everybody but disadvantages a person with a protected attribute and that policy is not reasonable.

Direct Discrimination- when you are treated less favourably than another person or other people because:

- you have a protected characteristic
- someone thinks you have that protected characteristic (known as discrimination by perception)
- you are connected to someone with that protected characteristic (known as discrimination by association)

	<p>High job demands- means high levels of physical, mental or emotional effort are needed to do the job above what an objective assessment would indicate is reasonable in the context of the role.</p> <p>Workplace violence and aggression- when a person is abused, threatened or assaulted at work.</p> <p>The Act – Occupational Health and Safety Act 2004</p>
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<p>Policy Statement(s)</p>	<p>Statement</p> <p>Council recognises our moral and legal responsibilities to provide and maintain a safe and healthy work environment for all individuals within the scope of this policy.</p> <p>Council acknowledges that a safe working environment extends beyond physical and psychological safety to creating a culturally safe workplace which respects difference.</p> <p>This Policy sets out how Council will ensure, so far as is reasonably practicable, a safe working environment for all Councillors and sets out the accountabilities for all Councillors in accordance with current occupational health and safety legislation and other relevant legislation as well as within Council’s safety and wellbeing management system.</p> <p>Council will continuously work towards creating a culture where safety is a part of the way we work with all Councillors within the scope of this policy. Council will do this by focusing on three key areas:</p> <ul style="list-style-type: none"> • Leadership – provide clear guidance and support to Councillors in the pursuit of improved workplace health and safety, and environment standards. • Good Governance – a clear and systematic approach to managing OHS, centered around people, compliance as well as robust reporting and communication practices. • Active Safety Culture- a culture where Councillors understand and are accountable for their OHS responsibilities and are committed to continuous improvement. <p>Managing Risk</p> <p>Through the implementation of our Safety management system, Council will work to meet all legislative and policy requirements as well as promote, encourage and facilitate actions toward minimizing risks. These risks may include but are not limited to, any of the following:</p> <ul style="list-style-type: none"> • Gendered violence, • Sexual harassment, • Harassment on the grounds of sex • Bullying and harassment • Direct or indirect discrimination • Exposure to traumatic content or events; • High job demands; • Poor workplace relationships • Physical or psychological injury • Workplace violence and aggression • Hazards which arise as a result of incidents, <p>To manage the above risks, Council will, in consultation with Councillors, identify, assess, control, evaluate and monitor hazards and risks so that they are eliminated or reduced to a level that is as low as reasonably practicable.</p>
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The strategies Council may implement to manage any risks to Councillors and employees may involve but is not limited to the following actions:

- Direct interventions and support during the handling of complaints or other interpersonal issues to ensure the health and safety of all individuals involved.
- Access to a mediator, conflict coach or other specialist upon request during complicated decision-making processes.
- Create processes or procedures in consultation with affected parties which manage the above risks.
- Provide advice and support to individuals around understanding their responsibilities during complicated processes.
- Workshops, training and other proactive measures to increase the capacity of Councillors to safely perform their roles.
- Any other action as deemed appropriate to manage the risk to the safety of individuals outlined in the scope of this policy or within other key Council policies which concern the safety and wellbeing of Council employees.

Incident and Hazard Reporting

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 an officer within the CEO's office. The Officer will complete an online hazard/incident report in accordance with Council's Incident Reporting and Investigation Procedures.

Once an incident has been logged the nominated Council officer responsible for investigating the incident will then conduct an incident investigation and document any actions to be taken to control the risk.

If the issue relates to potential psychological injury arising from alleged conduct that is in breach of the Councillor's Code of Conduct, it may be more appropriate to report the matter to the Mayor, Councillor Conduct Officer or CEO.

Occupational Health and Safety Investigations

In order to fulfill its obligations under the Act, Council will have in place a process for investigating OHS matters which arise within the workplace and poses a risk to health and safety. These matters may involve but are not limited to the following items:

- Incidents reported
- Serious OHS Risks
- Alleged breaches of this policy

Once a matter is brought to the attention of the CEO or the Mayor, the matter will then be delegated to the General Manager Governance and Engagement to assess the matter to determine the level of actual or potential risk. All matters will be assessed against Council's risk rating matrix with consideration of the information available at the time of assessment.

	<p>Upon completion of the assessment, the CEO will determine the appropriate course of action to ensure that Council complies with its OHS obligations. Such action may include:</p> <ul style="list-style-type: none"> • Initiating an investigation or review process; • Referring the matter to Councillors to be managed in line with the Councillor Code of Conduct under clause 4.2 and as set out in the Local Government Act 2020; or • Implementing immediate interventions to ensure the safety and wellbeing of those involved, so far as is reasonably practicable. <p>If an investigation is initiated, the investigator will adopt a fair process and conduct a thorough and impartial investigation in accordance with the principles of natural justice.</p> <p>Councillors will be briefed on the outcome of the investigation with recommended next steps.</p> <p>If a finding is made that this policy has been breached, then the next steps will be informed by the Local Government Act 2020 and Councillor Code of Conduct.</p> <p>If no breach is found then the outcomes and next steps of the matter may be referred to relevant employees to review and implement any actions which arise to support the creation of a safe working environment.</p>
<p>Responsibilities</p>	<p>All individuals within the scope of this policy need to consider their outlined responsibilities in conjunction with the Act, the Councillor Code of Conduct and the Local Government Act 2020.</p> <p>Councillors role under this policy</p> <ul style="list-style-type: none"> • Comply with this policy as well as all other applicable policies or procedures. • Make themselves familiar with the provisions of this policy and procedure, raise any concerns or questions about the policy's coverage or application. • Take reasonable care to protect their own health and safety, as well as the health and safety of others in the workplace. • Refrain from behaving in a manner that exposes employees to a psychosocial risk, physical risk or any other risk which could compromise the health and safety of employees. • Attend and participate in all required training, to maintain understanding of the duties and obligations imposed by the Act and their application to the broad range of activities undertaken by Council. • Participate where required in the resolution of safety issues or complaints relating to OHS issues. • Report all hazards, near misses and incidents that occur as a result of Councillors conducting the business of Council, or acting as a representative of Council. • Support any reasonable intervention which is implemented by Council to ensure the safety and wellbeing of Councillors or those within the scope of Council's staff OHS Policy. • Provide support and assistance to the CEO to ensure Council's compliance with the OHS Act. • Adhere to their duty under the OHS Act to ensure, so far as is reasonably practicable, the health and safety of the CEO (including psychological safety). • Ensure there the Council has appropriate oversight of OHS compliance within the organisation, including reporting systems for serious incidents • Ensure that there are systems in place by which Council as a group identifies and has regard to OHS issues in the performance of its functions, including decision making.

The Mayor's role under this policy

In addition to the Mayor's responsibility as a Councillor, the Mayor has a significant leadership role to:

- Monitor and manage the wellbeing of Councillors and employees present when chairing meetings and briefings.
- Monitor the wellbeing of Councillors through pro-active leadership and individual check-ins with Councillors.

How can the Chief Executive Officer support this policy?

- Take reasonable care of their own health and safety and the health and safety of others.
- Observe and comply with Council outlined health and safety procedures and associated systems.
- Where appropriate, provide advice to Councillors and the Mayor in relation to managing OHS risks and any other interventions required to support the safety of Councillors and employees.
- Work collaboratively with Councillors to comply with OHS legislative requirements and ensure so far as is reasonably practicable that Councillors understand their obligations under the OHS Act as well as other relevant legislation.
- Report observed health and safety incidents and hazards.
- Where appropriate, participate and provide OHS training, programs and initiatives.
- Support the minimisation of the risk of psychological or physical injury to a Councillor which may arise from interactions with a community member, customer, employee or colleague at Council.

People and Culture's role under this policy

- Develop a safety management system that supports cultural, physical and psychological safety.
- Seek to prevent as far as reasonably practicable any physical or psychological injury to Councillors and employees through the adoption of policies, processes and mechanisms that reduce the risk of injury.
- Ensure that all systems and processes are accessible and where possible tailored to meet the needs of Councillors.
- Ensure all Councillors have access to proper training, instruction and support to work in a safe and healthy manner.
- Comply with relevant laws and regulations, licenses and registrations.
- Promote initiatives to improve the health, safety and wellbeing of our Councillors.
- Ensure that we meet all safety obligations to our Councillors and ensure they understand their obligations under the OHS Act.
- Ensure through Council's incident reporting system that Councillors can report all hazards and incidents promptly.
- Analyse trends to recognise and respond to early warning signals to prevent incidents from occurring.
- Following an injury, place importance on returning our Councillors to safe and sustainable work as soon as possible.

	<ul style="list-style-type: none"> Adhere to all principles and lawful requirements of the Workplace Injury Rehabilitation and Compensation Act 2013 following any work related injury. <p>Corporate Governance's role under this policy</p> <ul style="list-style-type: none"> Support an environment where robust debate can be conducted in a psychologically safe manner. Ensure through Council's incident reporting system that Councillors can report all hazards and incidents promptly.
Breach of Policy	Alleged breaches of this Policy will be referred to Councillors to be managed in line with the Councillor Code of Conduct under clause 4.2 and as set out in the Local Government Act.

GOVERNANCE

Parent Strategy/ Plan	Councillor Code of Conduct
Related Documents	<p>This policy should be read in conjunction with Council's:</p> <ul style="list-style-type: none"> Equal Opportunity Policy Sexual Harassment Policy Staff Covid-19 Vaccination Policy Gender Equality Action Plan Staff OHS Policy
Supporting Procedures and Guidelines	<ul style="list-style-type: none"> Equal Opportunity Policy Sexual Harassment Policy Staff Covid-19 Vaccination Policy Staff OHS Policy Occupational Health and Safety Act 2004 Occupational Health and Safety Regulations 2017 Workplace Injury Rehabilitation and Compensation Act 2013 Occupational Health and Safety compliance codes – Victoria Charter of Human Rights & Responsibilities <p>This Policy should be read in context with the relevant framework, procedures, systems and processes</p>
Legislation/ Regulation	<p>Occupational Health and Safety Act 2004 and successor legislation</p> <p>Occupational Health and Safety Regulations 2017 and successor legislation</p> <p>Workplace Injury Rehabilitation and Compensation Act 2013 and successor legislation</p> <p>Occupational Health and Safety compliance codes – Victoria</p> <p>Equal Opportunity Act 2010 and successor legislation</p> <p>Local Government Act 2020 and successor legislation</p> <p>Local Government Act 1989 and successor legislation</p> <p>Charter of Human Rights & Responsibilities</p>

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! All Darebin policies and procedures must be developed through the lens of key Darebin strategies, plans and related considerations. See the **Darebin Policy Review Lens** to inform and guide policy development and review.