

# 3.01V OCCUPATIONAL HEALTH AND SAFETY



QUALITY AREA 3 | VERSION 1.23

## PURPOSE

This policy provides a clear set of guidelines to ensure that:

- all people who attend the premises of LEVNT EC Services, including employees, children, parents/guardians, students, volunteers, contractors and visitors, are provided with a safe and healthy environment
- all reasonable steps are taken by the Approved Provider, as the employer of staff, to ensure the health, safety and wellbeing of employees at the service

## POLICY STATEMENT

### VALUES

LEVNT EC Services have a moral and legal responsibility to provide a safe and healthy environment for employees, children, parents/guardians, students, volunteers, contractors and visitors. This policy reflects the importance LEVNT EC Services place on the wellbeing of employees, children, parents/guardians, students, volunteers, contractors and visitors, by endeavouring to protect their health, safety and welfare, and integrating this commitment into all of their activities.

LEVNT EC Services are committed to ensuring that:

- the management group, staff and volunteers are aware of their health and safety responsibilities as employers, employees and volunteers
- systematic identification, assessment and control of hazards is undertaken at the service
- effective communication and consultation form a fundamental part of the management process to encourage innovative ways of reducing risk in the service environment
- training is provided to assist staff to identify health and safety hazards which, when addressed, will lead to safer work practices at the service
- it fulfils its obligations under current and future laws (in particular, the Occupational Health and Safety Act 2004), and that all relevant codes of practice are adopted and accepted as a minimum standard.

## SCOPE

This policy applies to the Approved Provider, persons with management or control, nominated supervisor, persons in day-to-day charge, parents/guardians, student educators, volunteers and contractors attending LEVNT EC Services.

## BACKGROUND

Everyone involved in an early childhood education and care service has a role to play in ensuring the service's operations are safe and without risk to the health and safety of all parties. In Victoria, health and safety in the workplace is governed by a system of laws, regulations and compliance codes that set out the responsibilities of employers and employees to ensure safety is maintained at work.

The Occupational Health and Safety Act 2004 (OHS Act) sets out the key principles, duties and rights in relation to workplace health and safety. The Occupational Health and Safety Regulations 2017 specifies the ways duties imposed by the OHS Act must be undertaken and prescribes procedural/administrative matters to support the OHS Act, such as requiring licenses for specific activities, or the need to keep records or notify authorities on certain matters.

The legal duties of an employer under the OHS Act are:

- to provide and maintain a workplace that is safe and without risk to the health of employees. This responsibility extends to contractors for routine tasks over which the employer has management. For contractors completing non-routine tasks, the employer must ensure that the service's daily operations and layout do not pose unreasonable risks
- to ensure other individuals, such as families and visitors, are not exposed to health and safety risks arising from the organisation's activities
- to consult with employees about OHS matters that will, or will likely, affect employees directly, including identifying hazards and assessing risks, and making decisions about risk control measures.

The OHS Act places the responsibility on employees for:

- taking care of their own safety and the safety of others who may be affected by their actions
- co-operating with reasonable OHS actions taken by the employer, including following guidelines, attending OHS-related training, reporting incidents, co-operating with OHS investigations, encouraging good OHS practice with fellow employees and others at the service, and assisting the employer with conducting OHS inspections during operating hours
- not interfering with safety equipment provided at the service, such as fire extinguishers

## DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms refer to the Definitions file of each LEVNT EC policy folder.

**Duty of care:** A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility of education and care services to provide children, educators, staff, students, volunteers, contractors and anyone visiting the service with an adequate level of care and protection against reasonably foreseeable harm and injury.

**Hazard:** An element with the potential to cause death, injury, illness or disease.

**Hazard identification:** A process that involves identifying all foreseeable hazards in the workplace and understanding the possible harm that each hazard may cause.

**Hazard management:** A structured process of hazard identification, risk assessment and control, aimed at providing safe and healthy conditions for employees, contractors and visitors while on the premises of the LEVNT EC Service or while engaged in activities endorsed by the LEVNT EC Service

**Harm:** Includes death, or injury, illness (physical or psychological) or disease that may be suffered by a person as a consequence of exposure to a hazard.

**Material safety data sheet:** Provides employees and emergency personnel with safety procedures for working with toxic or dangerous materials. The data sheet includes all relevant information about the material such as physical properties (e.g. melting/boiling point, toxicity and reactivity), health effects, first aid requirements and safe handling procedures (e.g. personal protective equipment, safe storage/disposal and management of spills).

**OHS committee:** A committee that facilitates co-operation between an employer and employees in instigating, developing and carrying out measures designed to ensure the health and safety of employees in the workplace.

**Risk:** The chance (likelihood) that a hazard will cause harm to individuals.

**Risk assessment:** A process for developing knowledge/understanding about hazards and risks so that sound decisions can be made about the control of hazards. Risk assessments assist in determining:

- what levels of harm can occur
- how harm can occur
- the likelihood that harm will occur.

**Risk control:** A measure, work process or system that eliminates an OHS hazard or risk, or if this is not possible, reduces the risk so far as is reasonably practicable.



## RESPONSIBILITIES

In addition to the table below, the Approved Provider, persons with management and control, nominated supervisor and/persons in day-to-day charge are responsible for meeting legislated requirements of the ECEC sector which are indicated with **LR**.

	Approved Provider and/or persons with	Nominated supervisor and persons in day-to-day	Early childhood teachers, educators and all other	Parents, guardians and carers	Contractors, volunteers and those on student
<p>Providing and maintaining a work environment that is safe and without risks to health (OHS Act: Section 21). This includes ensuring that:</p> <ul style="list-style-type: none"> <li>• there are safe systems of work</li> <li>• all plant and equipment provided for use by staff, including machinery, appliances and tools etc., are safe and meet relevant safety standards</li> <li>• substances, and plant and equipment, are used, handled, and stored safely</li> <li>• material safety data sheets are supplied for all chemicals kept and/or used at the service</li> <li>• there are adequate welfare facilities e.g. first aid and dining facilities etc.</li> <li>• there is appropriate information, instruction, training and supervision for employees</li> </ul> <p>Note: this duty of care is owed to all employees, children, parents/guardians, volunteers, students, contractors and any members of the public who are at the workplace at any time</p>	<b>LR</b>	✓			
<p>Ensuring there is a systematic risk management approach to the management of workplace hazards. This includes ensuring that:</p> <ul style="list-style-type: none"> <li>• hazards and risks to health and safety are identified, assessed and eliminated or, if it is not possible to remove the hazard/risk completely, effectively controlled</li> <li>• measures employed to eliminate/control hazards and risks to health and safety are monitored and evaluated regularly</li> </ul> <p>Organising/facilitating regular safety audits of the following:</p> <ul style="list-style-type: none"> <li>• indoor and outdoor environments</li> <li>• all equipment, including emergency equipment</li> <li>• playgrounds and fixed equipment in outdoor environments</li> <li>• cleaning services</li> <li>• horticultural maintenance</li> <li>• pest control</li> </ul>	<b>LR</b>	✓			
Ensuring the nominated supervisor, educators, staff, contractors, volunteers and students are kept informed of any relevant changes in legislation and practices in relation to this policy	<b>LR</b>				
Ensuring that all cupboards/rooms are labelled accordingly, including those that contain chemicals and first aid kits, and that child-proof locks are installed on doors and cupboards where contents may be harmful	<b>LR</b>	✓			
Ensuring the physical environment at the service is safe, secure and free from hazards for everyone at the service (refer to Child Safe Environment and Wellbeing Policy)	<b>LR</b>	✓	✓		✓

	Approved Provider and/or persons with	Nominated supervisor and persons in day-to-day	Early childhood teachers, educators and all other	Parents, guardians and carers	Contractors, volunteers and those on student
Ensuring that all equipment and materials used at the service meet relevant safety standards	LR	✓	✓		✓
Ensuring that all plant, equipment and furniture are maintained in a safe condition (Regulation 103)	LR	✓	✓		✓
Maintaining a clean environment daily, and removing tripping/slipping hazards as soon as these become apparent	LR	✓	✓		✓
Ensuring the service is up to date with current legislation on child restraints in vehicles if transporting children (refer to Road Safety and Safe Transport Policy)	LR	✓			
Monitoring the conditions of the workplace and the health of employees (OHS Act: Section 22)	LR	✓	✓		✓
Taking care of their own safety and the safety of others who may be affected by their actions	LR	✓	✓		✓
Involving children in conversations regarding OHS and incorporating OHS into the curriculum		✓	✓		✓
Protecting other individuals from risks arising from the service's activities, including holding a fete or a working bee etc., or any activity that is ancillary to the operation of the service e.g. contractors cleaning the premises after hours (OHS Act: Section 23)	LR	✓	✓		✓
Providing adequate instruction to staff in safe working procedures, and informing them of known hazards to their health and wellbeing that are associated with the work that they perform at the service	LR	✓	✓		
Developing procedures to guide the safe use of harmful substances, such as chemicals, in the workplace	LR	✓			
Ensuring that OHS accountability is included in all position descriptions	LR	✓			
Ensuring this policy is available to employees, parents/guardian, students, volunteers, contractors and displayed in a prominent location	LR	✓			
Allocating adequate resources to implement this policy	LR	✓			
Implementing/practising emergency and evacuation procedures (refer to Emergency and Evacuation Policy)	LR	✓	✓		✓
Implementing and reviewing this policy in consultation with the nominated supervisor, educators, staff, contractors and parents/guardians	LR	✓	✓	✓	✓
Identifying and providing appropriate resources, induction and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy	LR	✓			

	Approved Provider and/or persons with	Nominated supervisor and persons in day-to-day	Early childhood teachers, educators and all other	Parents, guardians and carers	Contractors, volunteers and those on student
Consulting appropriately with employees on OHS matters including: <ul style="list-style-type: none"> <li>identification of hazards</li> <li>making decisions on how to manage and control health and safety risks</li> <li>making decisions on health and safety procedures</li> <li>the need for establishing an OHS committee and determining membership of the committee</li> <li>proposed changes at the service that may impact on health and safety</li> <li>establishing health and safety committees</li> </ul>	LR	✓			
Notifying WorkSafe Victoria about serious workplace incidents, and preserving the site of an incident (OHS Act: Sections 38-39)	LR	✓			
Holding appropriate licenses, registrations and permits, where required by the OHS Act	LR	✓			
Attempting to resolve OHS issues with employees or their representatives within a reasonable time frame	LR	✓			
Not discriminating against employees who are involved in health and safety negotiations	LR	✓			
Allowing access to an authorised representative of a staff member who is acting within their powers under the OHS Act	LR	✓			
Producing OHS documentation as required by inspectors and answering any questions that an inspector asks	LR	✓			
Not obstructing, misleading or intimidating an inspector who is performing their duties	LR	✓			
Ensuring that all educators/staff are aware of this policy, and are supported to implement it at the service	LR	✓			
Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy	LR	✓	✓		✓

## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of a policy review cycle, or as required
- notify all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk

## AUTHORISATION & REVIEW

This policy was adopted by Lutheran Education VIC, NSW, TAS and ACT Ltd as Approved Provider for this service on 20 April 2023.

**REVIEW DATE** May 2025 or earlier as required.

## REFERENCES

### LEGISLATION & STANDARDS

- Accident Compensation Act 1985 (Vic)
- AS/NZS 4804:2001 and 4801:2001 Occupational health and safety systems
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard, Quality Area 2: Children's Health and Safety
- National Quality Standard, Quality Area 3: Physical Environment
- National Quality Standard, Quality Area 7: Governance and Leadership
- Occupational Health and Safety Act 2004
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The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)
- Commonwealth Legislation – Federal Register of Legislation: [www.legislation.gov.au](http://www.legislation.gov.au)

Occupational Health and Safety Regulations 2017

### SOURCES

- Early Childhood Management Manual, ELAA
- Risk Assessment and Management Tool, ACECQA: [www.acecqa.gov.au](http://www.acecqa.gov.au)
- WorkSafe Victoria: [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

### RELATED POLICIES

- 2.06V Incident, Injury, Trauma and Illness
- 2.09V Emergency and Evacuation
- 2.11V Child Safe Environment and Wellbeing
- 2.13V Road Safety and Safe Transport
- 4.01V Code of Conduct
- 4.03V Volunteers and Student Educators
- 4.04V Staffing
- 7.02V Privacy and Confidentiality