

# Spirometry Learning Australia

## **Work Health Safety Policy**

### Document History

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<b>Policy Owner:</b>	Dr Kerry Hancock, SLA Business Manager
<b>Approved by:</b>	Spirometry Learning Australia Executive & Advisory Council
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<b>Familiarisation Frequency:</b>	Annual

### Record of Review

Review Date	Lead by	People consulted
1/7/2020	Richard Parsons; Program Manager	Kerry Hancock; Business Manager

### Legislation

- Work Health and Safety Act 2011 (Cth)
- Work Health and Safety Regulations 2011 (Cth)

### Reference Documents

- Mental Health Coordinating Council (MHCC). MHCC Organisation Builder (MOB) – Policy Resource 2012
- Safe Work Australia [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

### Policy Statement

Workplace Health and Safety (WHS) is a joint responsibility for both employers and workers.

Spirometry Learning Australia (SLA) for its part is committed to providing a healthy and safe work environment and will take all practicable actions to identify, evaluate and control those factors in the workplace which cause or have the potential to cause injury or ill health.

This will be carried out through a consultative process involving all workers. Workers also have obligations under the Workplace Health and Safety Act (WHS) 2012.

Workers have to take reasonable care for their own safety and the safety of others in the workplace and consult regarding WHS matters.

## Definitions

**As far as reasonably practicable** - that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters, including:

- The likelihood of the hazard or risk occurring
- The degree of harm that might result from the hazard or risk
- What the person concerned knows, or ought to reasonably know, about the hazard and risk and ways of eliminating or minimising those risks

**Risk management** - is the 'coordinated activities to direct and control an organisation with regard to risk' (Australian/New Zealand Standard AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines).

## Delegations

Roles	Responsibilities
Executive & Advisory Council	<ul style="list-style-type: none"> <li>• Endorse, comply and ensure compliance with WHS Policy and Procedure</li> <li>• Monitor WHS risk management strategies, incidents and injuries</li> </ul>
Business Manager	<ul style="list-style-type: none"> <li>• Lead and implement WHS Framework including this policy</li> <li>• Manage and monitor compliance with WHS policy</li> <li>• Ensure staff are provided with relevant training in WHS</li> <li>• Receive and respond to WHS reports</li> <li>• Operational decision making relating to WHS management, including expenditure</li> <li>• Refer serious WHS issues to the Advisory Council and relevant authorities</li> </ul>
Program Manager	<ul style="list-style-type: none"> <li>• Adheres to and takes all practical measures to make the workplace in their area of control safe and without risks to health</li> </ul>
Staff & contractors	<ul style="list-style-type: none"> <li>• Comply with WHS Policy and Procedure</li> </ul>

## Principles

- **SLA** establishes and maintains safe working premises, equipment and culture
- WHS systems are implemented and reviewed in consultation with workers
- **SLA** workers receive WHS orientation and training relevant to their position and responsibilities
- Workplace injuries are managed to meet the needs of workers and SLA

## Procedures

### Work health and safety obligations

SLA is deemed by the Act as a 'Person Conducting a Business or Undertaking (PCBU)', on whom the duty of care is applied, if you control, influence or direct work. The SLA Business Manager is committed to providing workers with a safe and healthy workplace and will take all practicable actions to identify, evaluate and eliminate or control those factors in the workplace through a consultative process involving staff. The Program Manager is trained in risk assessment and management including hazard identification and control.

Strategies include orientation to the workplace and WHS for workers, WHS training, consultation with workers and regular workplace audits.

### Staff

SLA workers have the responsibility to:

- Take reasonable health and safety care of themselves and others in the workplace
- Avoid reckless behaviour that may place others at risk of death, serious injury or illness
- Use premises, equipment and resources responsibly to support the health and safety of themselves and other workers
- Comply with <insert organisation name> and legislative WHS requirements
- Cooperate with other workers, the Business and Program Managers and Advisory Council on work health and safety matters, and
- Contribute to the development and review of WHS systems and practices.

### Health and Safety Representative (HSR)

SLA has a nominated health and safety representative (HSR) rather than a formal work health and safety committee. The SLA Program Manager acts in the capacity of HSR

The following procedures guide the role and how it operates:

#### ***Training of health and safety representative***

SLA will, if requested, allow the HSR representative to attend an initial course in work, health and safety after their election and a refresher course at least annually. The HSR will be given paid time off work to attend the course and SLA will cover the course costs.

### **Duties of health and safety representative**

The Act does not impose any functions or duties on the representative. The SLA HSR, however, has the following responsibilities:

- Inspects any part of the workplace with a member of their work group, on reasonable notice, or without delay if there is an incident or immediate risk to health and safety
- Accompanies an inspector during a workplace inspection
- Seeks the assistance of any person when necessary.

### **Monitoring and consultation**

SLA monitors WHS systems and consults with workers who are (or are likely to be) directly affected by a work health and safety matter. Monitoring and consultation provides opportunity for information sharing and discussion about strategies to manage health and safety.

Monitoring and consultation mechanisms include:

- Having WHS as a standard agenda item at staff meetings
- Having WHS as a standard agenda item at Board meetings
- Electing, supporting and training members of the WHS Committee
- Management and staff undertaking environment audits
- Management, staff and Board members reviewing WHS incidents
- Involving staff and Board in the development and review of WHS policies and procedures, and
- Review of WHS policies and procedures every three years at a minimum.

### **Worker orientation**

All SLA workers are provided with WHS information and instructions on commencement of employment. Workers are directed to, or provided a copy of, SLA WHS Policy and supporting documents, and informed of their responsibility to understand and comply with them.

New employees, contractors and students are provided with instruction on:

- Emergency procedures
- First aid
- Amenity facilities
- Reporting and responding to hazards or other safety issues
- Reporting WHS incidents
- How work health and safety is managed in the workplace, and
- Specific health and safety procedures related to their tasks, such as workstation set-up.

### **WHS training**

Employees acting on WHS Committee or as HSR, First Aid Officers or Fire Safety Officers are required and supported to undertake accredited training as part of the WHS role. SLA provides financial resources to cover costs of training and releases employees from their usual duties to undertake initial and ongoing training.

### **Records**

All forms and records for WHS are filed by the SLA.

## **WORKPLACE DISCRIMINATION AND HARASSMENT POLICY**

### **Aims**

- Spirometry Learning Australia is committed to providing a safe, flexible and respectful environment for staff and clients free from all forms of discrimination, bullying and sexual harassment.
- All Spirometry Learning Australia staff are required to treat others with dignity, courtesy and respect.
- By effectively implementing our Workplace discrimination and harassment policy we will attract and retain talented staff and create a positive environment for staff.

### **Staff rights and responsibilities**

All staff are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All staff must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

### **Additional responsibilities of managers and supervisors**

Managers and supervisors must also:

- model appropriate standards of behaviour
- take steps to educate and make staff aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help staff resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure staff who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements.

### **Unacceptable workplace conduct**

Discrimination, bullying and sexual harassment are unacceptable at Spirometry Learning Australia and are unlawful under the following legislation:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth).

Staff (including managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

### **Discrimination**

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

- Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).  
For example, a worker is harassed and humiliated because of their race or a worker is refused promotion because they are 'too old'.

- Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

**Protected personal characteristics under Federal discrimination law include:**

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.
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It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

### **Bullying**

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.



Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable within Spirometry Learning Australia and may also be against occupational health and safety law.

### **Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text message
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Spirometry Learning Australia recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

### **Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Spirometry Learning Australia has a zero-tolerance approach to victimisation.

### **Gossip**

It is unacceptable for staff at Spirometry Learning Australia to talk with other staff members, clients or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

### **Merit at Spirometry Learning Australia**

All recruitment and job selection decisions at Spirometry Learning Australia will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

### **Resolving issues at Spirometry Learning Australia**

Spirometry Learning Australia strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate and immediate action by contacting the SLA Business Manager directly by mobile phone.

Staff who do not feel safe or confident to take such action may seek assistance and advice from the SLA Program Officer who may provide support or action on their behalf.

### **More information**

If you have a query about this policy or need more information, please contact the SLA Business Manager.

### **Review details**

This policy was adopted by Spirometry Learning Australia on 1<sup>st</sup> July 2020 and is due to be reviewed on the 1<sup>st</sup> July 2021.