



▲ WORK HEALTH AND SAFETY NEW SOUTH WALES (NSW)

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▲ PURPOSE

It is the purpose of this policy to ensure that all workers of FROEBEL as well as other people who may be affected by our operations including our children and their families are given the highest level of health and safety protection from hazards arising from work, so far as is reasonably practicable.

POLICY SCOPE

This policy applies to the FROEBEL Head Office and all FROEBEL Children's services New South Wales (NSW)

TERMS AND DEFINITIONS

FROEBEL Australia Ltd is the person conducting a business or undertaking according to the Work Health and Safety Act 2011 (hereinafter: WHS Act).

The Managing Director, the Centre Directors and the Nominated Supervisors are officers according to the WHS Act.

Any person who carries out work for FROEBEL including but not limited to all educators, trainees and volunteers are workers according to the WHS Act.

WorkCover NSW is the regulator according to the WHS Act.

▲ HEALTH AND SAFETY DUTIES

DUTIES OF FROEBEL

FROEBEL will ensure health and safety, of:

- workers engaged, or caused to be engaged at FROEBEL, and
- workers whose activities in carrying out work are influenced or directed by FROEBEL,
- while working at FROEBEL, so far as is reasonably practicable, by eliminating risks to health and safety, or, if this is not reasonably practicable, to minimise risks so far as is reasonably practicable.

FROEBEL will also ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of FROEBEL.

FROEBEL will ensure, so far as is reasonably practicable:

- the provision and maintenance of a work environment without risks to health ([physical](#) and [psychological](#)) and safety, and
- the provision and maintenance of safe plant and structures, and
- the provision and maintenance of safe systems of work, and
- the safe use, handling, and storage of plant, structures and substances, and
- the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and
- the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health (physical and psychological) and safety arising from work carried out as part of the conduct of the business or undertaking, and
- that the health (physical and psychological) of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

FROEBEL will ensure that the workplace risks, the means of entering and exiting the workplace and anything arising from the workplace are minimised to ensure the health and safety of any person.

To fulfil the above-mentioned duties FROEBEL will implement the measures named in the Appendix 1 as well as carry out regular workplace inspections.

▲ **DUTIES OF FROEBEL'S OFFICERS**

FROEBEL's officers will exercise due diligence to ensure FROEBEL complies with its work health and safety duties.

▲ **DUTY OF WORKERS**

While at work, workers must take reasonable care for their own health and safety and that of others who may be affected by their actions or omissions. They must also:

comply, so far as they are reasonably able, with any reasonable instruction given by FROEBEL to allow FROEBEL to comply with WHS laws, and

cooperate with any reasonable policy or procedure of FROEBEL relating to health or safety at the workplace that has been notified to workers.

▲ **DUTY OF OTHER PERSONS AT THE WORKPLACE**

Any person at a workplace, including customers and visitors, must take reasonable care of their own health and safety and that of others who may be affected by their actions or omissions. They must also comply, so far as they are reasonably able, with any reasonable instruction that is given by FROEBEL to comply with WHS laws.

▲ **INCIDENT NOTIFICATION**

FROEBEL will notify the regulator as soon as FROEBEL becomes aware of a death, serious injury or illness or dangerous incident that arises out of the conduct of its business.

A serious injury or illness means work related injury that results in:

- immediate hospital treatment as an in-patient
- immediate treatment for serious injuries (for example amputation, scalping, a spinal injury, loss of a bodily function or a serious laceration, burn, head injury or eye injury), or
- medical treatment within 48 hours of exposure to a substance.
- FROEBEL will immediately notify the regulator of any dangerous incident that exposes a person to a serious health or safety risk from immediate or imminent exposure to:
 - the uncontrolled escape, spillage or leakage of a substance
 - an uncontrolled implosion, explosion or fire
 - an uncontrolled escape of gas, steam or a pressurized substance

- an electric shock
- the fall or release from height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, plant that is required to be licensed or registered
- the collapse or partial collapse of a structure, including an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas into an underground excavation or tunnel
- the interruption of the main system of ventilation to an underground excavation or tunnel, or
- any other event prescribed by the regulations.

The notice of an incident will be given by the fastest possible means, by telephone or in writing (including electronic means, where available).

FROEBEL will keep a record of each notifiable incident for at least five years.

In case of a notifiable incident FROEBEL will ensure the site of the incident is not disturbed until an inspector arrives at the site or directs otherwise. This does not prevent any action required to protect a person's health or safety, help someone who is injured or make the site safe.

▲ **PANDEMIC PLANNING**

FROEBEL will implement practices to align with a pandemic outbreak. Issuing reviewed policies for managing health and hygiene and additional measures and precautions that will be followed during the time of a pandemic.

A risk assessment and management plan will be created and reviewed as required.

Employees and families will be notified of all precautionary measures and issued with all relevant updates as they arise from Regulatory authorities.

▲ **AUTHORISATIONS**

FROEBEL will not conduct a business or undertaking at a workplace or direct or allow a worker to carry out work at a workplace if the regulations require the workplace or workplaces in that class of workplace to be authorized and the workplace is not authorized in accordance with the regulations.

FROEBEL and their workers will not use plant or a substance at a workplace if the regulations require the plant or substance or its design to be authorised and the plant or substance or its design is not authorised in accordance with the regulations. FROEBEL will also not direct or allow a worker to use the plant or substance at a workplace if the regulations require the plant or substance or its design to be authorised and the plant or substance or its design is not authorised in accordance with the regulations.



A worker must not carry out work at a workplace if the regulations require the work, or class of work, to be carried out by, or on behalf of, a person who is authorised and the person is not authorised in accordance with the regulations.

FROEBEL will not direct or allow a worker to carry out work at a workplace if the regulations require the work, or class of work, to be carried out by, or on behalf of, a person who is authorised and the person, or the person on whose behalf the work is to be carried out, is not authorised in accordance with the regulations.

A worker must not carry out work at a workplace if the regulations require the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience and the person does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.

FROEBEL will not direct or allow a worker to carry out work at a workplace if the regulations require the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience and the worker does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.

▲ **CONSULTATION, REPRESENTATION AND PARTICIPATION**

CONSULTATION

If more than one person has a duty in relation to the same matter under this Act, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter.

FROEBEL will consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety including but not limited to

- identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking,
- making decisions about ways to eliminate or minimise those risks,
- making decisions about the adequacy of facilities for the welfare of workers,
- proposing changes that may affect the health or safety of workers,
- making decisions about the procedures for:
- consulting with workers, or
- resolving work health or safety issues at the workplace, or
- monitoring the health of workers, or
- monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking, or
- providing information and training for workers.
- If the workers are represented by a health and safety representative, the consultation must involve that representative.

FROEBEL will ensure that relevant information about the matter is shared with workers, and that workers be given a reasonable opportunity:

- to express their views and to raise work health or safety issues in relation to the matter, and



- to contribute to the decision-making process relating to the matter.

FROEBEL will take the views of workers into account and will advise the workers consulted of the outcome of the consultation in a timely manner.

In addition to this, FROEBEL strongly encourages all workers to address any work health and safety related issue at any time verbally or in writing to the Managing Director and/or the Centre Director.

▲ REPRESENTATION

HEALTH AND SAFETY REPRESENTATIVE

FROEBEL's workers may at any time request the election for one or more Health and Safety Representative(s) (hereinafter: HSR) to represent workers. If such a request is made FROEBEL will commence negotiations with the workers within 14 days after the request is made to determine and agree on the number and composition of work groups to be represented by HSRs, the workplace or workplaces to which the work groups will apply as well as the number of HSRs and deputy HSRs (if any) to be elected.

As soon as practicable after the negotiations are completed, FROEBEL will notify the workers of the outcome of the negotiations and of any work groups determined by agreement.

Any worker is eligible to be elected as an HSR for a work group only if he or she is a member of that work group unless he or she is disqualified from being an HSR according to section 65 of the Act.

An HSR for a work group is to be elected by members of that work group. The workers in a work group may determine how the election is to be conducted. All workers in a work group are entitled to vote for the election of an HSR for that work group. If the number of candidates for a work group equals the number of vacancies, no election needs to be conducted.

An HSR for a work group holds office for 3 years and is eligible for re-election. However, a person ceases to hold office as an HSR for a work group if:

- the person resigns as an HSR for the work group by written notice given to the person conducting the relevant business or undertaking, or
- the person ceases to be a worker in the work group for which he or she was elected as an HSR, or
- the person is disqualified from being an HSR according to section 65 of the Act
- the person is removed from that position by a majority of the members of the work group in accordance with the regulations.
- An HSR is not personally liable for anything done or omitted to be done in good faith performing their role under the Act.

The powers and functions of an HSR for a work group are:

- to represent the workers in the work group in matters relating to work health and safety, and

- to monitor the measures taken by the person conducting the relevant business or undertaking or that person's representative in compliance with this Act in relation to workers in the work group, and
- to investigate complaints from members of the work group relating to work health and safety, and
- to inquire into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the business or undertaking.

In exercising a power or performing a function, the HSR may:

- inspect the workplace or any part of the workplace at which a worker in the work group work at any time after giving reasonable notice to the person or at any time, without notice, in the event of an incident, or any situation involving a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard, and
- accompany an inspector during an inspection of the workplace or part of the workplace at which a worker in the work group works, and
- with the consent of a worker that the HSR represents, be present at an interview concerning work health and safety between the worker and an inspector, or FROEBEL with the consent of one or more workers that the HSR represents, be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and an inspector, or FROEBEL request the establishment of a Health and Safety Committee, and receive information concerning the work health and safety of workers in the work group (though a HSR is not entitled to have access to any personal or medical information concerning a worker without the worker's consent unless the information is in a form that does not identify the worker, and could not reasonably be expected to lead to the identification of the worker), and whenever necessary, request the assistance of any person, and may direct a worker who is in a work group represented by the representative to cease work if the representative has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard, and may issue a provisional improvement notice according to Section 90 of the WHS Act.
- FROEBEL will consult, so far as is reasonably practicable, on work health and safety matters with any HSR for a work group of workers carrying out work for the business or undertaking, and confer with a HSR for a work group, whenever reasonably requested by the representative, for the purpose of ensuring the health and safety of the workers in the work group, and allow any HSR for the work group to have access to information that the person has relating to hazards (including associated risks) at the workplace affecting workers in the work group, and the health and safety of the workers in the work group, and with the consent of a worker that the HSR represents, allow the HSR to be present at an interview concerning work health and safety between the worker and an inspector, or FROEBEL, and with the consent of one or more workers that the HSR represents, allow the HSR to be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and an inspector, or FROEBEL, and provide any resources, facilities and assistance to a HSR for the work group that are reasonably necessary or prescribed by the regulations to enable the representative to exercise his or her powers or perform



his or her functions under this Act, and allow a person assisting a HSR for the work group to have access to the workplace if that is necessary to enable the assistance to be provided, and permit a HSR for the work group to accompany an inspector during an inspection of any part of the workplace where a worker in the work group works, and provide any other assistance to the HSR for the work group that may be required by the regulations.

- FROEBEL will allow an HSR to spend such time as is reasonably necessary to exercise his or her powers and perform his or her functions under this Act. Any time that an HSR spends for the purposes of exercising his or her powers or performing his or her functions under the WHS Act must be with the pay that he or she would otherwise be entitled to receive for performing his or her normal duties during that period.
- FROEBEL will, if requested by a HSR, allow the HSR to attend a course of training in work health and safety that is:
 - approved by the regulator, and
 - a course that the HSR is entitled under the regulations to attend, and
 - chosen by the HSR, in consultation with FROEBEL.

▲ **FROEBEL will**

- as soon as practicable within the period of 3 months after the request is made, allow the HSR time off work to attend the course of training, and
- pay the course fees and any other reasonable costs associated with the HSR's attendance at the course of training.

If a health and safety representative represent a work group of the workers of more than 1 business or undertaking and the person conducting any of those businesses or undertakings has complied with this section in relation to the representative, each of the persons conducting those businesses or undertakings is to be taken to have complied with this section in relation to the representative. If a health and safety representative, or deputy health and safety representative, represents a work group of workers carrying out work for 2 or more persons conducting businesses or undertakings, the costs of the representative exercising powers and performing functions under this Act and the costs for which any of the persons conducting those businesses or undertakings are liable must be apportioned equally between each of those persons unless they agree otherwise.

Any time that a health and safety representative is given off work to attend the course of training must be with the pay that he or she would otherwise be entitled to receive for performing his or her normal duties during that period.

Any time that a HSR is given off work to attend the course of training will be with the pay that he or she would otherwise be entitled to receive for performing his or her normal duties during that period.

▲ **FROEBEL will ensure that:**



- a list of each health and safety representative(s) and deputy health and safety representative(s) (if any) is prepared and kept up to date, and
- a copy of the up-to-date list is displayed in FROEBEL head office and FROEBEL services.
- in a manner that is readily accessible for the workers.

FROEBEL will provide a copy of the up-to-date list prepared to the regulator as soon as practicable after it is prepared.

▲ **HEALTH AND SAFETY COMMITTEE**

The functions of a Health and Safety Committee (hereinafter: HSC) are:

- to facilitate co-operation between FROEBEL and workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work, and
- to assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace, and
- any other functions prescribed by the regulations or agreed between FROEBEL and the committee.

FROEBEL will establish an HSC within 2 months after being requested to do so by:

- a health and safety representative for a work group of workers carrying out work at that workplace, or
- 5 or more workers at that workplace, or
- if required by the regulations to do so, within the time prescribed by the regulations.
- The constitution will obey the requirements according to Division 4 No. 76 of the WHS Act.

If established an HSC must meet at least once every 3 months, and at any reasonable time at the request of at least half of the members of the committee.

FROEBEL will allow each member of the health and safety committee to spend the time that is reasonably necessary to attend meetings of the committee or to carry out functions as a member of the committee. Any time that a member of a health and safety committee spends to attend meetings of the committee or to carry out functions as a member of the committee will be with the pay that he or she would otherwise be entitled to receive for performing his or her normal duties during that period.

FROEBEL will allow the health and safety committee for a workplace to have access to information that the person has relating to hazards (including associated risks) at the workplace, and the health and safety of the workers at the workplace.



FREOBEL will not allow the health and safety committee to have access to any personal or medical information concerning a worker without the worker's consent, unless the information is in a form that does not identify the worker and could not reasonably be expected to lead to the identification of the worker.

▲ **ISSUE RESOLUTION**

If a matter about work health and safety arises and the matter is not resolved after discussion between the parties to the issue, the parties must make reasonable efforts to achieve a timely, final and effective resolution of the issue in accordance with the relevant agreed procedure, or if there is no agreed procedure, the default procedure prescribed in the regulations. A representative of a party to an issue may enter the workplace for the purpose of attending discussions with a view to resolving the issue.

If an issue has not been resolved after reasonable efforts have been made to achieve an effective resolution of the issue, a party to the issue may ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

▲ **RIGHT TO CEASE OR DIRECT CESSATION OF UNSAFE WORK**

A worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

A health and safety representative may direct a worker who is in a work group represented by the representative to cease work if the representative has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

However, the health and safety representative must not give a worker a direction to cease work unless the matter is not resolved after consulting about the matter with FREOBEL.

The health and safety representative must inform the person conducting the business or undertaking of any direction given by the health and safety representative to workers under this section.

A health and safety representative cannot give a direction under this section unless the representative has completed initial or previously completed that training when acting as a health and safety representative for another work group or completed training equivalent to that training under a corresponding WHS law.

A worker who ceases work under this Division must as soon as practicable, notify the person conducting the business or undertaking that the worker has ceased work under this Division unless the worker ceased work under a direction from a health and safety representative and remain available to carry out suitable alternative work (If a worker ceases work under this Division, the person conducting the business or undertaking may direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.)

If worker ceases work under this Division, that action does not affect the continuity of engagement of the worker for prescribed purposes if the worker has not unreasonably



failed to comply with a direction to carry out suitable alternative work at the same or another workplace and that was safe and appropriate for the worker to carry out.

The health and safety representative or the person conducting the business or undertaking, or the worker may ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

▲ **PROVISIONAL IMPROVEMENT NOTICES**

The health and safety representative may issue a provisional improvement notice (in writing) requiring the person to remedy the contravention or prevent a likely contravention from occurring; or remedy the things or operations causing the contravention or likely contravention.

A health and safety representative cannot issue a provisional improvement notice unless the representative has completed initial training or previously completed that training when acting as a health and safety representative for another work group; or completed training equivalent to that training under a corresponding WHS law.

A provisional improvement notice must state that the health and safety representative believe the person is contravening a provision of this Act, or has contravened a provision of this Act in circumstances that make it likely that the contravention will continue or be repeated and the provision the representative believes is being, or has been, contravened and briefly, how the provision is being, or has been contravened and the day, at least 8 days after the notice is issued, by which the person is required to remedy the contravention or likely contravention. The health and safety representative may at any time cancel a provisional improvement notice issued to a person by written notice given to that person.

A person to whom a provisional improvement notice is issued must as soon as practicable display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Within 7 days after a provisional improvement notice is issued to a person, the person to whom it was issued or if the person is a worker, the person conducting the business or undertaking at the workplace at which the worker carries out work, may ask the regulator to appoint an inspector to review the notice. If a request is made, the operation of the provisional improvement notice is stayed until the inspector makes a decision on the review.

The regulator must ensure that an inspector attends the workplace as soon as practicable after a request is made. The inspector must review the provisional improvement notice and inquire into the circumstances that are the subject of the provisional improvement notice.

After reviewing the provisional improvement notice, the inspector must confirm the provisional improvement notice or confirm the provisional improvement notice with changes or cancel the provisional improvement notice.

The inspector must also give a copy of his or her decision to the applicant for the review of the provisional improvement notice and the health and safety representative who issued the notice.

A provisional improvement notice that is confirmed (with or without changes) by an inspector is taken to be an improvement notice issued by the inspector under this Act.



▲ **DISCRIMINATORY, COERCIVE AND MISLEADING CONDUCT**

A person must not engage in discriminatory conduct for a prohibited reason.

A person engages in discriminatory conduct if:

- the person dismisses a worker, or terminates a contract for services with a worker, or puts a worker to his or her detriment in the engagement of the worker, or alters the position of a worker to the worker's detriment, or
- the person refuses or fails to offer to engage a prospective worker, or treats a prospective worker less favourably than another prospective worker would be treated in offering terms of engagement, or
- the person terminates a commercial arrangement with another person, or the person refuses or fails to enter into a commercial arrangement with another person.
- A person must not request, instruct, induce, encourage, authorize or assist another person to engage in discriminatory conduct.

A person must not organize or take, or threaten to organize or take, any action against another person with intent to coerce or induce the other person, or a third person to exercise or not to exercise a power, or to propose to exercise or not to exercise a power, under this Act; or to perform or not to perform a function, or to propose to perform or not to perform a function, under this Act; or to exercise or not to exercise a power or perform a function, or to propose to exercise or not to exercise a power or perform a function, in a particular way; or to refrain from seeking, or continuing to undertake, a role under this Act.

A person must not knowingly or recklessly make a false or misleading representation to another person about that other person's rights or obligations under this Act; or ability to initiate, or participate in, a process or proceedings under this Act; or ability to make a complaint or inquiry to a person or body empowered under this Act to seek compliance with this Act.

▲ **SOURCES AND FURTHER READING**

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Codes of Practice managing psychosocial hazards at work
<https://www.safework.nsw.gov.au/news/safework-media-releases/australia-first-framework-to-improve-mental-health-at-work>
- Safe work NSW
<https://www.safework.nsw.gov.au/your-industry/health-care-and-social-assistance/early-childhood-education-and-care>
- Education and Care Services National Regulations
<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653>
- National Quality Standard

▲ **ASSOCIATED POLICIES**

- Accidents and Incidents
- Accident Prevention
- Bullying Discrimination, Harassment, and Workplace Violence
- Chemicals and Dangerous Substances
- Emergency Management Plan



- Feedback and Grievance Management
- Hazardous Items and Substances
- Inclusion Statement
- Lifting and Carrying Children
- Lifting and Handling Equipment and Mopping, Sweeping Cleaning
- Professional Boundaries and Protective Practices
- Provision of Child Safe Environments
- Safety Checks and Maintenance of Buildings and Equipment
- Water Safety

▲ **POLICY REVIEW**

The Centre (together with educators/carers) will review this policy every 12 months. The Approved Provider and Centre Director ensure that at all times all educators maintain and implement this policy and its procedures. Families are encouraged to collaborate with the Centre to review the policy and procedures.

Last review: 14.11.2023

Next review 14.11.2024

▲ Appendix 1

When using and storing dangerous materials, equipment and chemicals the centre should:

Choose the least hazardous material for the job.

Choose bottles with child-proof lids.

Make sure all dangerous materials, equipment and chemicals are stored in their original bottles with intact labels. Do not transfer chemicals to another container and do not reuse containers once they're empty.

If original containers do not have child-proof lids store in a locked cupboard.

Storage areas that children cannot access need to be available for the following:

- Cleaning materials
- Poisonous substances
- Tools
- Toiletries
- Medicine
- First Aid Kit
- Sharp objects, e.g. knives, which could be hazardous to children.

Dangerous garden chemicals or heating oil's should not be kept on centre grounds unless there is a separate outdoor shed away from the children's play area with a locked door, bonded floor and shelving so if by some chance a child does get into the shed they cannot reach the substances.

Adequate storage facilities are needed for any piece of equipment that uses a motor or anything else that poses a safety threat to children or staff.

Any substances that need refrigeration are stored in a labelled child-proof container in a separate compartment or fridge that is not accessible by the children.

Follow the manufacturer's instructions for use, storage and first aid when possible.

Keep a checklist of what hazardous materials are used and check regularly.

When disposing of substances do so in accordance with manufacturer's guidelines, when possible along with WHS regulations and regulations of the local council.

Wear appropriate protective clothing when using dangerous substances.

Seek medical treatment immediately if poisoning, swallowing, inhaling, skin or eye exposure occurs.

Make sure that your machinery and equipment are always maintained to a high level and are used according to safety guidelines.

Properly train employees about hazards and in workplace safety practices.