

CLAN Work Health and Safety Policy

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1. Introduction

CLAN is committed to providing a safe and secure work environment that is consistent with NSW Work Health and Safety legislation. CLAN endeavours to ensure a safe and healthy workplace by removing or reducing the risks, as far as reasonably practicable, to the health, safety and welfare of all volunteers, contractors and visitors, and any other personnel apart from employees, associated with CLAN's operations.

CLAN acknowledges that where a person is employed this changes the status of CLAN to Person Conducting a Business or Undertaking and that the provisions of the Work Health & Safety Act 2011 (NSW) apply.

2. Purpose

The purpose of this policy is to ensure that all personnel associated with CLAN's activities or business operations are aware of both CLAN's and their responsibilities for compliance with work health and safety requirements.

3. Scope

This policy applies to all Committee members, staff, volunteers and partner organizations of CLAN whilst in the delivery of CLAN programs.

4. Definitions

Term	Definition
Person conducting a business or undertaking (PCBU)	<p>(1) For the purposes of this Act, a person conducts a business or undertaking:</p> <p>(a) whether the person conducts the business or undertaking alone or with others, and</p> <p>(b) whether or not the business or undertaking is conducted for profit or gain.</p> <p>(2) A business or undertaking conducted by a person includes a business or undertaking conducted by a partnership or an unincorporated association.</p> <p>(3) If a business or undertaking is conducted by a partnership (other than an incorporated partnership), a reference in this Act to a person conducting the business or undertaking is to be read as a reference to each partner in the partnership.</p> <p>(4) A person does not conduct a business or undertaking to the extent that the person is engaged solely as a worker in, or as an officer of, that business or undertaking.</p> <p>(5) An elected member of a local authority does not in that capacity conduct a business or undertaking.</p>

(6) The regulations may specify the circumstances in which a person may be taken not to be a person who conducts a business or undertaking for the purposes of this Act or any provision of this Act.

(7) A volunteer association does not conduct a business or undertaking for the purposes of this Act.

(8) In this section, volunteer association means a group of volunteers working together for one or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.

Reasonably practicable

In this Act, reasonably practicable, in relation to a duty to ensure health and safety, means 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:

(a) the likelihood of the hazard or the risk concerned occurring, and
(b) the degree of harm that might result from the hazard or the risk, and
(c) what the person concerned knows, or ought reasonably to know, about:

(i) the hazard or the risk, and

(ii) ways of eliminating or minimising the risk, and

(d) the availability and suitability of ways to eliminate or minimise the risk, and

(e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

Worker

(1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

(a) an employee, or

(b) a contractor or subcontractor, or

(c) an employee of a contractor or subcontractor, or

(d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or

(e) an outworker, or

(f) an apprentice or trainee, or

(g) a student gaining work experience, or

(h) a volunteer, or

(i) a person of a prescribed class.

(2) For the purposes of this Act, a police officer is:

(a) a worker, and

(b) at work throughout the time when the officer is on duty or lawfully performing the functions of a police officer, but not otherwise.

(3) The person conducting the business or undertaking is also a worker if the person is an individual who carries out work in that business or undertaking.

- Hierarchy of Controls
- (1) This clause (36) applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.
 - (2) A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this clause.
 - (3) The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following—
 - (a) substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk,
 - (b) isolating the hazard from any person exposed to it,
 - (c) implementing engineering controls.
 - (4) If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by implementing administrative controls.
 - (5) If a risk then remains, the duty holder must minimise the remaining risk, so far as is reasonably practicable, by ensuring the provision and use of suitable personal protective equipment.

5. Policy

CLAN is committed to providing an environment where all work can be carried out, as far as reasonably practicably, safely and with all possible measures taken to remove, or at least reduce the risks to the health, safety and welfare of workers, including volunteers, contractors, authorised visitors, and anyone else who may be involved in CLAN's operations.

When operating overseas, CLAN will continue to apply the guidance provided by the Work Health and Safety legislation to provide for the safety of workers. Where a person is employed by CLAN, the provisions of the Workplace Health and Safety Act and Regulations (NSW) apply.

6. Procedures

I CLAN Executive will provide and maintain as far as possible:

- I. A safe working environment
- II. Safe systems of work based on risk assessments and reviews
- III. Plant and substances in safe condition
- IV. Facilities for the welfare of workers
- V. Information, instruction, training and supervision that is reasonably necessary to ensure that each worker is safe from injury and risks to health
- VI. Commitment to consult and co-operate with workers in all matters relating to health and safety in the workplace
- VII. Commitment to continually improve our performance through effective safety management, monitoring and evaluations
- VIII. Comply with legislation where this applies to a worker.

2 CLAN workers will:

- I. Comply with safe work practices, with the intent of avoiding injury to themselves and others and damage to plant and equipment
- II. Take reasonable care of the health and safety of themselves and others
- III. Wear personal protective equipment and clothing where necessary
- IV. Comply with any direction given by management for health and safety
- V. Not misuse or interfere with anything provided for health and safety
- VI. Report all accidents and incidents on the job immediately, no matter how trivial
- VII. Report all known or observed hazards to their supervisor or manager.
- VIII. Comply with CLAN policies relevant to each situation

3. Focus for specific WHS situations

- I. Inductions for volunteers will focus on their responsibilities, rights and coverage under the Act
- II. Inductions for personnel involved in overseas programs will include but not limited to risk assessments including health risks, safety and security arrangements and emergency protocols. Risk assessments will also cover insurance arrangements, local care services, accidents and incidents, travel and accommodation as necessary
- III. Evacuation procedures for overseas programs/activities, staff will need to receive a health clearance and will be offered support both during and at the end of their contributions.

7. Management and review

CLAN will undertake a risk management process to identify potential or real risks that may be associated with each program, project, activity or fundraising event undertaken. CLAN will record all incidents, report to authorities where required and comply with legislation involving any return to work cases.

A regular review will be undertaken on the safety and security of personnel involved in every CLAN activity. Reports will be given regularly to the Committee on the safety of each project and activity undertaken.

Associated Policies

Risk Management Policy
Safety and Security Policy
Staff Training and Development Policy

Legislation

Work Health and Safety Act 2011 (NSW)
Work Health and Safety Regulation 2017 (NSW)
Work Health and Safety Act 2011 (Commonwealth)
Work Health and Safety Regulation 2011 (Commonwealth)

References

BNG Workplace health and safety: Checklist (www.ngoservicesonline.com.au)
Volunteers. The Essential Guide to Work Health and Safety for Volunteers, Safe Work Australia