



Work Health and Safety Policy

Version	2.0	Approved by	Board of Directors
		Approved date	23 July 2019
Responsible person	Executive Officer	Review date	30 July 2020

We Care Connect (WCC) is an Incorporated Association. The workforce of We Care Connect is made up entirely of unpaid workers we call volunteers.

Statement of Intent

While WCC and our volunteers *do not* have obligations under the Work Health and Safety Act (2011) and Work Health and Safety Regulations NSW 2017, WCC commits to the principle that everyone has a right to be safe at work, including volunteers.

WCC commits to sound health and safety standards and practices that are in line with the legislation.

WCC expects that all volunteers will work safely and all volunteers will look out for the safety of others potentially affected by WCC activities.

This policy outlines work health and safety expectations for WCC.

Commitment

WCC will ensure, so far as is **reasonably practicable**, the health and safety of all of its workers, including volunteers. WCC does not guarantee that no harm will occur, but must do what is reasonably able to be done to ensure health and safety

Consultation

WCC will consult our volunteers about safety matters, inform volunteers about potential hazards, safety measures and what is expected of volunteers.

Volunteers will have regular opportunities to provide health and safety ideas through volunteer meetings, and short 'toolbox talks' at the beginning of each workday.

WHS will be an agenda item for all Board and Volunteer meetings.

Volunteers may also consult their WCC WHS Representative on health and safety matters.

If a work health and safety matter cannot be resolved by talking about it with all involved parties then will follow the issue resolution process set up in the work health and safety laws.

Responsibilities

1. Board

The Board will:

- ensure WCC's Work Health and Safety Policy is implemented.
- ensure WCC has appropriate systems of work in place; suitable resources to manage health and safety, and suitable systems for consultation, communication and reporting of safety matters.
- actively monitor and evaluate health and safety management within WCC through reading Operations Report and through discussions at Board Meetings
- follow an issue resolution process aligned with work health and safety laws, where health and safety issues cannot be resolved within the organisation.

Board Directors will

- continuously learn about and keep up to date with work health and safety matters.
- have an understanding of the nature of the work the organisation
- stay aware of the risks volunteers may face when working for WCC

2. Executive Officer

The Executive Officer is responsible to oversee the implementation of WCC Work Health and Safety Policy at an operational level.

The Executive Officer will report urgent safety matters to the Board, directly through the Chairperson, as well as through the Operational Report to the Board.

The Executive Officer is responsible to investigate all incidents and injuries and report these to the Board.

3. Work Health and Safety (WHS) Representative

The WHS Representative will fairly represent WCC volunteers. The WHS Representative will liaise with the Executive Officer on safety matters, including those raised by volunteers.

The WHS Representative, the Executive Officer and the volunteer/s should work together to find effective solutions.

4. All Volunteers, including the Executive Officer and all Board Directors are responsible to:

- take reasonable care for their own health and safety
- take reasonable care to ensure they don't affect the health and safety of others
- carry out tasks in a safe way
- follow the reasonable work health and safety instructions provided by WCC
- co-operate with all WCC policies and procedures

Essentially, what is reasonable care would be what a reasonable person would do in the circumstances considering things like:

- knowledge/information available
- their role and responsibility
- their skills/qualifications
- resources available
- the consequences to health and safety of a failure to act in the circumstances.

Volunteers will:

- only carry out activities that are within their role
- read, understand and cooperate with the policies and procedures provided by WCC
- contribute ideas about how to do the work safely
- report all hazards, near misses, illnesses, incidents, and injuries to the Executive Officer
- **not** carry out activities they do not have the skills to undertake
- **not** do anything that would seem to be unsafe, including driving while tired.
- **not** discriminate against any person because of a person's race, gender, age, disability, religious belief, political belief, parental status or trade union activity as well as other attributes.

Training, Information and Instructions

All volunteers will be provided appropriate training, information and instructions prior to commencing work with WCC, including how to raise health and safety concerns.

Ongoing training, information and instructions will be provided to volunteers as required, at the discretion of the Executive Officer, or where requested by volunteers.

Manual Handling

Volunteers will be provided Safe Work Instructions relating to Manual Handling as a part of their Induction.

Driver Safety

WCC will check that volunteers who drive on behalf of WCC have a current drivers licence, and record this in a Register of Drivers Licenses. Drivers will drive their own registered vehicle. The driver is responsible for ensuring the vehicle is properly maintained, currently insured and registered.

Volunteer work carried out in the Volunteer's Home

WCC does not own, control or manage the place that volunteers working from, when volunteers are working at home (eg sewing). WCC has limited ability to ensure the health and safety of these volunteers. What is reasonably practicable for WCC to do will be different in a workplace that only the volunteer has control over.

Volunteers working at their own home must:

- take reasonable care of their own health and safety
- ensure that what they are doing for WCC does not negatively affect others
- follow the reasonable instructions and policies and procedures of WCC
- make sure their home is safe for other volunteers to work in, where applicable

Personal Protective Equipment

Personal protective equipment will be provided as required, at the discretion of the Executive Officer

First Aid

There will be one volunteer with current First Aid Certificate on-site at all times when work is being carried out. First Aid equipment will be available and kept fully stocked. Injuries will be recorded on the Register of Injuries.

Workplace Inspections

The Executive Officer will ensure regular Workplace Inspections are conducted, and that any hazards identified are documented using the Hazard/Incident Report, and are appropriately managed.

Emergency Procedures

Volunteers will be advised at their Induction of WCC Emergency and Lockdown Procedures.

Evacuation diagrams will be on display.

Fire Control Equipment

Fire control equipment will be available and regularly inspected.

Hazard Reporting

All hazards and near misses will be reported to the Executive Officer. A Hazard/Incident Report form will be documented.

Incident Reporting

All incidents, accidents and illnesses will be reported to the Executive Officer. A Hazard/Incident Report form will be documented. Injuries will be recorded on the Register of Injuries.

Volunteers and Prosecution

Safework Australia website, accessed 22/06/2019, states that volunteers cannot be fined or prosecuted under the Work Health and Safety (WHS) Act.

A volunteer officer (eg Board Director) cannot be prosecuted for failing to comply with their officer duties under work health and safety (WHS) law. This immunity for volunteer officers is designed to ensure that voluntary participation at the officer level is not discouraged. A volunteer officer can however be prosecuted in their capacity as a worker if they do not take reasonable care as a worker.

Prosecutions against paid workers in the past have been rare and only in relation to serious incidents where there was a high degree of recklessness or negligence.

It is expected that regulators will take the same approach under the new WHS laws in relation to paid workers and volunteers and prosecutions will be as rare as they have been in the past.

Insurance cover

Generally, volunteers are not covered by workers' compensation laws.

WCC has insurance cover as follows for volunteers and Directors:

- General Liability
- Product Liability
- Personal Accident
- Contents
- Protector/Association Liability

Protection from personal civil liability but not criminal liability

Across Australia there are laws that protect volunteers from incurring personal civil liability if anything they do, or fail to do, when volunteering results in loss or damage.

However, these laws will not protect a volunteer from personal liability for any damage or loss that results from anything they do, or fail to do, while under the influence of drugs or alcohol or were acting outside the scope of activities authorised by the organisation or contrary to the organisations activities.

These laws will also not protect a volunteer from criminal liability.

For instance, if a volunteer is involved in a car accident when driving as part of their volunteer work these laws will generally place any civil liability resulting from damage on the organisation they volunteer for. But, if the volunteer was engaging in criminal conduct, such as speeding, drink driving or dangerous driving the volunteer will be personally liable for the damage.

There are exceptions to this rule for some volunteers, for instance, emergency service volunteers will not face criminal liability for things done in good faith, like damaging property that was necessary to aid in responding to an emergency.

There are some differences between the volunteer protection laws in each jurisdiction. For instance, in some states and territories a volunteer is not protected by these laws if insurance laws apply to any liability that the volunteer may face, such as compulsory third-party motor vehicle insurance.

DEFINITIONS

Person conducting a business or undertaking (PCBU)

A person conducting a business or undertaking (PCBU) is the main duty holder under the Work Health and Safety (WHS) Act 2011, and Work Health and Safety Regulation NSW 2017. A PCBU is usually the employer and may be a partnership, company, unincorporated body or association, a sole trader, a government department or statutory authority.

A volunteer organisation is a PCBU if it employs one or more paid workers. At the time of incorporation We Care Connect have no paid staff.

Most organisations that carry out work have duties under the work health and safety (WHS) laws but volunteer associations—groups that are made up entirely of volunteers and do not employ any paid workers—do not have those duties. If you volunteer for a group like this then you also do not have duties under the WHS laws.

The WHS laws require organisations that employ any paid workers to ensure, so far as is reasonably practicable, the physical and mental health and safety of all of its workers, including volunteers. This means that volunteers are owed the same duties as all other workers and you get the highest level of protection wherever you volunteer.



Activities that may be considered work include:

maintenance of the things needed to enable an organisation to carry out its work, for example maintenance work on a hall where a volunteer group meets, or

activities that people are ordinarily paid to do but are carried out for your organisation by a volunteer, for instance, driving clients to appointments.

This policy will need to be reviewed at the time We Care Connect begin to pay staff.

Reasonable Care

This term describes the standard of care that workers, including volunteers must meet. It means doing what a reasonable person would do in the circumstance having regard to things like:

- your knowledge
- your role
- your skills and the resources available to you
- your qualifications
- the information you have, and
- the consequences to health and safety of a failure to act in the circumstances.

Reasonably Practicable

This term is used to qualify or limit some work health and safety duties. With work health and safety if something is reasonably practicable it means it is, or was at a particular time, reasonably able to be done, taking into account:

- the likelihood of the hazard or the risk concerned occurring
- the degree of harm that might result from the hazard or the risk
- what the person concerned knows, or ought reasonably to know, about the hazard or risk, and ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk, and
- the cost of eliminating or minimising the risk.

Volunteer

A person working without payment or reward

Volunteer Association

A group of people working together for one or more community purposes that do not employ any paid workers. Volunteer associations are not covered by the WHS Act.

References

Safe Work Australia, Volunteers : <https://www.safeworkaustralia.gov.au/topic/volunteers>, accessed 22/6/2019