



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

WORK, HEALTH AND SAFETY AND EMPLOYEE WELLBEING

Originated Date: Adopted 19 October 2015 – Min. No. 293/15
(Replacing Policy 12 – Occupational Health & Safety Policy)

Amended Date/s: **Review:** 19 August 2024 – Min. No. 24/0278
Incorporating the following policies:
1) Council Policy - Work Health and Safety Policy
2) Human Resources Policy – Work Health & Safety Policy,
3) Human Resources Policy – Health & Wellbeing Policy
4) Human Resources Policy – Employee Assistance

Council Policy:

Amended: 20 February 2017 – Min. Ref 35/17

Reviewed: May 2018

Amended: 15 March 2021 – Min. Ref. 095/21

Amended: 20 October 2025 -Min. Ref. 25/318

Human Resources Policies:

January 2017

May 2018

August 2019

Applicable Legislation: *As Listed*

Objective Council recognises its duty of care and will provide a fair and flexible approach to work, health and safety activities that takes into consideration the individual, operational and environmental circumstances.

Administration: Governance and Corporate Services

Review Cycle/Date: This Policy is to be reviewed every four (4) years or as required by legislation changes

1. PURPOSE

The aims of this Policy are to:

- a) recognise Council's commitment to its primary duty of care under the *Work Health & Safety Act 2012 (TAS)*;
- b) recognise Council's commitment to, and promotion of, providing a safe, healthy and supportive workplace for Workers and Other Persons at the Workplace whose health or safety could be at risk through our work;
- c) recognise Council's commitment to identifying and effectively managing Psychosocial Hazards and Psychosocial Risks to Workers and Other Persons at the Workplace;
- d) recognise Council's commitment to providing a supportive workplace culture where healthy lifestyle choices are valued and encouraged;
- e) offer professional and confidential counselling assistance to employees who may need support to manage issues affecting their wellbeing, both personally and work related;
- f) direct and guide Workers and Other Persons at the Workplace regarding action considered reasonably practicable to protect health and safety;
- g) provide a fair and flexible approach to work health and safety activities which take into consideration the individual,



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operational and environmental circumstances;

- h) ensure Council, its Workers and Other Persons at the Workplace operate with any Applicable Laws or policies and procedures;
- i) comply with Applicable Laws through implementing:
- i. appropriate plans, policies, procedures and programs to support and implement this Policy;
 - ii. measurable safety performance objectives and targets;
 - iii. training on health and safety matters relevant to Council work;
 - iv. induction programs;
 - v. consultation, cooperation and coordination processes;
 - vi. adequate resources;
 - vii. monitoring, reviewing and verification of Council systems; and
 - viii. corrective action where it is identified that the acts or omissions of persons are putting themselves or others at risk.

2. DEFINITIONS & INTERPRETATION

2.1 Definitions

- i. **Applicable Laws** means all laws in connection with the carrying out of work or the Workplace including:
- *Age Discrimination Act 2004* (Cth)
 - *Anti-Discrimination Act 1998* (Tas)
 - *Asbestos Related Diseases (Occupational Exposure) Compensation Act 2011* (Tas)
 - *Australian Human Rights Commission Act 1986* (Cth)
 - *Child and Youth Safe Organisations Act 2023* (Tas)
 - *Disability Discrimination Act 1992* (Cth)
 - *Fair Work Act 2009* (Cth)
 - *Local Government Act 1993* (Tas)
 - *Long Service Leave Act 1976* (Tas)
 - *Racial Discrimination Act 1975* (Cth)
 - *Sex Discrimination Act 1984* (Cth)
 - *Work Health & Safety Act 2012* (Tas)
 - *Work Health & Safety Regulations 2022* (Tas)
 - *Workers (Occupational Diseases) Relief Fund Act 1954* (Tas)
 - *Workers Rehabilitation & Compensation Act 1988* (Tas)
- ii. **Control Measure** in relation to risk to health and safety, means a measure to eliminate or minimise the risk.
- iii. **Council** Northern Midlands Council.
- iv. **Councillor** An elected member of Council known as Councillor or Alderman or otherwise meeting the definition of Councillor as defined under section 3 of the *Local Government Act 1993* (Tas).
- v. **Employee** A person who carries out work for the Council as an employee of the Council.
- vi. **Employee Assistance Program ("EAP")** A confidential and free counselling service offered to Employees who may require help with personal or work-related problems.
- vii. **General Manager** The General Manager of Council as appointed under section 61 of the *Local Government Act 1993* (Tas).



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- viii. **Infringing Workplace Behaviour** Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
- ix. **Manager/Supervisor** A person at the Workplace who is appointed to a position that has management/supervisory responsibility for others or their appropriately nominated or authorised delegate.
- x. **Officer** Means:
(a) An officer within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth other than a partner in a partnership; or
(b) An officer of the Crown within the meaning of section 247 of the *Work Health and Safety Act 2012* (Tas); or
(c) An officer of a public authority within the meaning of section 252 of the *Work Health and Safety Act 2012* (Tas) –
Other than a Councillor/elected member of a local authority acting in that capacity.
- xi. **Other Persons at the Workplace** Any person at the Workplace who is not a Worker, including visitors, Councillors, and ratepayers.
- xii. **Policy** This Policy including the 'Authority and Application'.
- xiii. **Psychosocial Hazard** A hazard within the meaning of regulation 55A of the *Work Health and Safety Regulations 2022* (Tas), being one that:
a) Arises from, or relates to –
i) The design or management of work; or
ii) A work environment; or
iii) Plant at a work environment; or
iv) Workplace interactions or behaviours; and
b) May cause psychological harm (whether or not it may also cause physical harm).
- xiv. **Psychosocial Risk** A risk to the health and/or safety of a Worker or Other Person at the Workplace arising from a Psychosocial Hazard.
- xv. **Worker** A person who carries out work in any capacity for the Council, including work as:
a) An Employee;
b) A contractor or subcontractor;
c) An employee of a contractor or subcontractor;
d) An employee of a labour hire company who has been assigned to work at Council;
e) An outworker;
f) An apprentice or trainee;
g) A student gaining work experience; or
h) A volunteer.
- xvi. **Workplace** A place where work is carried out for, or by, Council.

2.2 Interpretation

- a) The singular includes the plural and vice versa.
- b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.
- c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated.
- d) "Including" and similar expressions are not words of limitation.



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- e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.
- f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that work or expression have a corresponding meaning.
- g) Examples used in the Policy are for illustrative purposes only and are not intended to be exhaustive and depending on the circumstances, may or may not amount to Infringing Workplace Behaviour.
- h) Unless expressly provided for, this Policy is not in any way incorporated as part of any Enterprise Agreement and does not form part of any Employee's contract of employment and any applicable Enterprise Agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.
- i) It is not intended that this Policy impose any obligations on Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.
- j) Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor, Work, Health & Safety Officer or the People & Culture Business Partner.

3. COVERAGE

With the exception of clause 6 (Employee Health and Wellbeing Benefits), this Policy covers and applies to all Workers and Other Persons at the Workplace in relation to all work, health and safety matters.

4. OBLIGATIONS

4.1 General

- a) Workers and Other Persons at the Workplace must comply with this Policy and all Applicable Laws, and must not directly or indirectly engage in, or encourage, behaviour in breach of this Policy or Applicable Laws.
- b) Workers and Other Persons at the Workplace are required to meet their duty of care obligations and to be accountable for their own safety and the safety of others at the Workplace.
- c) Workers and Other Persons at the Workplace (unless otherwise notified in writing) are required to adhere to lawful and reasonable directions, policies and procedures regarding compliance with this Policy and health and safety generally.
- d) Managers/Supervisors are required to:
 - i. Promote this Policy within their area of responsibility;
 - ii. Take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately; and
 - iii. Where applicable, if and as Officers, meet their due diligence obligations.

4.2 Psychosocial Hazards and Risks

- a) Without limiting the generality of clause 4.1, Council, Workers and Other Persons at the Workplace have a duty to ensure that discrimination, harassment, bullying, sexual harassment, victimisation, and inappropriate workplace behaviour does not occur.
- b) Managers/Supervisors must take reasonable steps to:
 - i. Identify reasonably foreseeable Psychosocial Hazards;



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- ii. Implement appropriate Control Measures to, so far as is reasonably practicable, eliminate Psychosocial Risks in the Workplace or, where elimination is not reasonably practicable, minimise Psychosocial Risks so far as is reasonably practicable.
 - iii. Effectively maintain implemented Control Measures by ensuring that the Control Measures remain:
 - (a) fit for purpose; and,
 - (b) suitable for the nature and duration of the work; and,
 - (c) installed, set up and used correctly.
 - iv. Regularly review, and where necessary revise, Control Measures to ensure they remain sufficient to maintain, so far as reasonably practicable, a Workplace that is without Psychosocial Risk.
- c) Prior to implementing Control Measures in accordance with clause 4.2(b)(ii), Managers/ Supervisors are to have regard to all relevant matters, including those in regulation 55D of the *Work Health and Safety Regulations 2022* (Tas) and consult with Workers.
- d) Workers and Other Persons at the Workplace are required to:
- i. Take reasonable care for their own psychological health and safety, and health and safety of others in the Workplace who may be affected by their actions or omissions.
 - ii. Report known Psychosocial Hazards to their Manager/Supervisor, the Work Health & Safety Officer or the People & Culture Business Partner.

4.3 Training and Resources

- a) Council will ensure that Managers/Supervisors have adequate and appropriate resources to eliminate or minimise risks in the Workplace.
- b) Council will provide all persons covered by this Policy with appropriate information, instruction and/or training so they are made aware of their responsibilities and obligations under the Policy.

4.4 Breach of Policy

- a) Persons covered under clause 3 (Coverage) who engage in Infringing Workplace Behaviour in relation to this Policy may (as is appropriate and as applicable) be subject to:
 - i. Disciplinary action in accordance with Council's Disciplinary Policy and Disciplinary Procedure (Employees).
 - ii. Termination of services (Workers, other than Employees).
 - iii. Removal from the Workplace (Workers and Other Persons at the Workplace, including Councillors).
 - iv. A complaint, and subsequent investigation pursuant to Division 3A Subdivision 3 of the *Local Government Act 1993* (Tas) (Councillors) including any sanctions considered necessary by the relevant authority under that Act including:
 - (a) a caution;
 - (b) a reprimand;
 - (c) a requirement to make an apology;
 - (d) a requirement to attend counselling or training;
 - (e) a suspension from performing and exercising the functions and powers of their office as a councillor for a period not exceeding 3 months.
 - v. A referral to WorkSafe Tasmania for failure to comply with a health and safety duty (Workers, Employees, and Other Persons at the Workplace, including Councillors)
- b) Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:
 - i. Exposing individuals to (including Councillors) legal proceedings;
 - ii. Exposing individuals (including Councillors) to criminal charges (including, but not limited to, charges in relation to using communication services such as internet and telephone to make abusive, harassing, threatening and menacing communications); and



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- iii. Making Council vicariously liable for the conduct of others.

4.5 Reporting

- a) Persons covered under clause 3 (Coverage) must reasonably report Infringing Workplace Behaviour or reasonably suspected Infringing Workplace Behaviour in accordance with this clause 4.5.
- b) Where a person who has engaged in Infringing Workplace Behaviour, or is reasonably suspected of having engaged in Infringing Workplace Behaviour, is:
 - i. A Worker (other than the General Manager) or Other Person at the Workplace (excluding a Councillor) – a report is to be made to the reporter’s Manager/Supervisor and/or as otherwise required or permitted by Applicable Laws.
 - ii. The General Manager – a report is to be made to the Mayor (or if the Mayor is unavailable, the next appropriately delegated Councillor) and/or as otherwise required or permitted by Applicable Laws.
 - iii. A Councillor – a report is to be made to the General Manager, or a complaint may be made pursuant to Division 3A Subdivision 3 of the *Local Government Act 1993* (Tas).
- c) Where the Infringing Workplace Behaviour is considered to constitute a criminal offence (i.e using a carriage service to menace, harass, cause offence, or to make a threat):
 - i. the General Manager (or Mayor where the General Manager has engaged in the relevant Infringing Workplace Behaviour) may report the Infringing Workplace Behaviour to Police as necessary if they believe that the circumstances warrant it.
 - ii. in circumstances where such conduct has been carried out against a person, that person may report the Infringing Workplace Behaviour to Police if they believe that the circumstances warrant it.

4.6 Amendment

- a) Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and provide appropriate information, instruction and/or training to those persons who the amendments apply to.

5. EMPLOYEE ASSISTANCE PROGRAM

- a) Council extends an offer of the confidential Employee Assistance Program (EAP) to any Employee or Councillor, who may be affected by personal or work-related problems, or who feel as though they are struggling.
- b) Council has engaged an independent company, Newport and Wildman, to provide confidential EAP services. Employees can access this service by contacting the service provider directly on 1800 650 204.
- c) The service provider is an independent company who employs counsellors and/or psychologists who provide support and advice on a wide range of personal and/or work-related issues, including the following:
 - i. relationship and family problems;
 - ii. stress and anxiety;
 - iii. harassment and discrimination;
 - iv. financial and legal concerns;
 - v. victims of crime and abuse;
 - vi. domestic/family violence;
 - vii. interpersonal conflicts;
 - viii. alcohol and other drug related problems;
 - ix. grief or loss; and
 - x. concerns over work related matters.



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- d) The EAP may also be used to provide immediate assistance in the event of a traumatic or threatening incident occurring during work time.
- e) All personal information provided to the EAP remains confidential and with the EAP service provider. The service provider will not talk with anyone else regarding an Employee's details unless the Employee authorises them to do so in writing.
- f) This service is funded by Council, so there is no expense to the Employee or Councillor.
- g) The counsellors may be able to assist Employees who feel as though they are struggling, and this EAP service can be by a face-to-face appointment or over the telephone.
- h) Employees are entitled to take time off work to attend an EAP appointment if it is not practicable for the appointment to be made outside work hours. Where an EAP appointment is taken during work hours, the Employee may access accrued flextime/RDO hours, paid leave entitlements or take leave without pay to attend the appointment.
- i) Where an Employee makes a request to their Manager/Supervisor to attend an EAP appointment during normal working hours, the Manager/Supervisor must not ask the Employee to explain the reason for their appointment.
- j) Sub-clauses (h) and (i) do not apply to Councillors.
- k) Council encourages all Employees to assist one another directly by discreetly and respectfully reminding their work colleagues that they can access the EAP service where in circumstances a reasonable person would consider that EAP might be able to assist another Employee.
- l) Managers/Supervisors and the People and Culture Business Partner may refer Employees to the EAP service where, for example:
 - i) the employee's work performance or behaviour is being affected by a personal problem; or
 - ii) support may assist an employee as they move through a performance management, disciplinary or fitness for work process.

6. EMPLOYEE HEALTH AND WELLBEING BENEFITS

- a) This clause 6 applies to Employees of Council. For the avoidance of doubt, it does not apply to Councillors.
- b) To support the health and wellbeing of Employees, subject to clause 6(c), Employees will have access to the benefits listed in **Schedule 1**.
- c) The Council may in its absolute discretion replace, terminate or otherwise vary the benefits listed in **Schedule 1**. Where benefits are replaced, terminated or otherwise varied, Council will advise Employees as soon as practicable.

7. RELATED DOCUMENTS

This Policy should be read in conjunction with the new Workplace Behaviour and Employee Code of Conduct Policy.



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SCHEDULE 1 – EMPLOYEE BENEFITS

(A) PHYSICAL HEALTH AND WELLBEING

1. Subsidised Gym Membership

- a) Council will subsidise the cost of an Employee's gym membership at Longford Sports Centre for any employee who want to join the gym.
- b) The subsidy will be fifty percent of the amount paid up front to a maximum of \$60.00 per quarter (maximum annual subsidy \$240.00 per financial year).
 - i) Employees who pay the cost of the gym membership upfront will, pay the cost upfront and must submit an invoice to Council for reimbursement directly to the Employee from Council.
 - ii) Employees paying via the direct debit system will be reimbursed by Council directly on intervals of no less than three months of an amount equivalent to fifty percent of the total cost paid to a maximum of \$60.00 per quarter upon proof of payment being provided by the Employee.
- c) This offer does not extend to family members or friends of the Employee.
- d) The gym membership subsidy is not related to the business owners of the gym and is a direct employee benefit offered by Council.

2. Pool Membership

- a) Council will subsidise the cost of an Employee's pool membership to any of the three Northern Midlands Council owned swimming pools (being those located at Campbell Town, Cressy and Ross).
- b) The subsidy will be fifty percent of the cost of:
 - i) an individual season pass in the Employee's name; or
 - ii) a family season pass taken out in the Employee's name.
- c) For the Ross swimming pool, Council will reimburse fifty percent of the season pass cost directly to the Employee upon proof of payment being provided by the Employee.
- d) For the Campbell Town and Cressy swimming pools, Employees will be able to purchase a season pass at a discounted rate equal to fifty percent of the full rate.

3. Health Assessments

- a) Once every two years, Council will provide Employees with the opportunity to receive:
 - i) A free general medical/health assessment to assess their general health.
 - ii) A free skin screening assessment to assess the early detection of skin cancer.
- b) Council will arrange the appointments and be responsible for the costs of the Health Assessments.

4. Sun Protection

- a) Council will provide Employees who are exposed to the elements of ultraviolet radiation from sunlight whilst at work with the appropriate personal protective equipment (PPE) and training to minimise the risk of skin cancer.

5. Immunisations

- a) Council will arrange and be responsible for the cost for Employees to be provided with an annual influenza immunisation for those who wish to receive such immunisation.



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- b) Council will pay for the cost associated with Hepatitis A and B vaccinations for Employees who are at risk and/or require such vaccinations for the position they hold at Council.

6. Massage

- a) Council will subsidize the cost to an Employee of a one-hour remedial massage per quarter at a registered provider within the municipality.
- b) The subsidy will be fifty percent of the cost of the massage, up to a maximum of \$30.00 per quarter (maximum annual subsidy \$120.00 per financial year), which will be reimbursed to the Employee upon presentation of sufficient evidence of payment.
- c) This offer does not extend to family members or friends of the Employee.

7. Annual Childcare Enrolment Fee

- a) Council will waive the cost to an Employee of the Annual Enrolment Fee for children of Employees who are enrolled at a Council childcare service.
- b) This offer does not extend to family members or friends of the Employee.