Work, Health and Safety Policy

Section 1 - About the policy

(1) The University of Newcastle (the University) is committed to ensure, so far as reasonably practicable, a physically and psychosocially safe and healthy work environment. The Work Health Safety (WHS) Policy (Policy) enables the University to meet its responsibilities and accountabilities for work health and safety by ensuring compliance with the New South Wales Work Health and Safety Act 2011 (WHS Act), associated regulations, standards, and codes of practice.

(2) In pursuit of the University's strategic objectives of the Looking Ahead Strategic Plan (2020 – 2025) and within the strategic priority of Inspiring People, the Wellbeing, Health and Safety Strategy (2020-2025) defines the University's key priorities to build and maintain an environment where our people are valued, empowered, safe, healthy, and well. The Wellbeing, Health and Safety Charter (2020-2025) describes our commitment to a culture of care and continuous safety improvement.

(3) This Policy should be read as the governing Policy of the University's Health and Safety Management System (HSMS) Framework.

(4) This Policy applies to all workers as defined by the WHS Act and Clause (18) of this Policy.

(5) Controlled entities must adopt this Policy and the HSMS Framework where no equivalent standard exists to address work health and safety compliance.

(6) All members of the University community have a collective and individual responsibility to work safely and engage in activities to help prevent and report physical and psychological injuries and illness. This includes all activities conducted by or on behalf of the University of Newcastle, on and outside of the University's campuses.

(7) This Policy is reviewed every 2 years in consultation with stakeholders.

Section 2 - Principles

(8) The University's Student Code of Conduct and Staff Code of Conduct principles are honesty, fairness, trust, accountability, and respect. The University community must apply the Code of Conduct principles in conjunction with the following principles:

a. a. Leadership:
    i. leadership, accountability, and governance oversight;
    ii. allocation of resources, both financial and physical, to enable our workers to work safely and in accordance with legislation. Management is accountable for driving and demonstrating health, safety and wellness in the workplace and leading a safety culture;

b. Consultation and communication:
    i. to consult, where reasonably practicable, on matters relating to health and safety;
    ii. ensure mechanisms for meaningful consultation with active support of the Health and Safety Committees

and discipline specific sub-committees in the development, maintenance and improvement of a safe work environment;

iii. effectively communicate our health, safety and wellness expectations to all visitors, partners, contractors, volunteers and other relevant parties.

c. Safe systems of work:
   i. apply and maintain work health and safety (WHS) risk management processes that are reasonably practicable, evidence informed and aligned with the Risk Management Policy and Risk Management Framework, including the identification and control of WHS risks, applying actions to reduce the likelihood and consequence of identified WHS risks;
   ii. apply proactive and reactive controls to comply with the risk appetite statement as established through the Risk Management Framework for health and safety as determined by the Risk Committee of University Council;
   iii. maintenance of safe systems of work to ensure continuous improvement in safety;
   iv. audit and review of health and safety management systems;
   v. ensuring adequate reporting mechanisms are implemented and maintained at all levels.
d. Training, instruction and supervision:
   i. ensure people are trained and competent through provision of appropriate information, training, instruction, and supervision including Officers, workers (including those with specific and specialised duties), students, contractors, and visitors to our campuses;
e. Safe environments:
   i. application of safe work design principles to the University operating structure, physical and online work environments such that they minimise and where possible eliminate the risk of physical and psychological harm;
f. Support and recovery:
   i. mechanisms for early intervention to minimise harm;
   ii. appropriate response to incidents;
   iii. ensure compensation and support in the event of workplace injury;
g. Wellbeing:
   i. a healthy workplace culture where the improvement of safety and the support of individual wellbeing is promoted and embraced.

(9) The University cares about the health, safety, and wellbeing of all workers, students and visitors who engage with us and attend our campuses, as well as our workers and students engaging in off campus research, teaching and service related activities. It is unacceptable for people to be harmed in the course of their endeavours at the University.

(10) We aim to prevent ill health and injury and promote and support our people. The statement to move “beyond zero” describes intention to create and maintain an environment where open communication and trust fosters a culture of care and positive health and safety outcomes.

Section 3 - Health and Safety Management System Framework

(11) The University's Health and Safety Management System (HSMS) Framework is multi-layered and consists of this Policy, Return to Work Program and other framework documents associated with the Health safety Management System, to provide direction and supporting materials to enable people to carry out their work safely.

(12) The HSMS Framework is compliant with the relevant WHS legislation and Codes of Practice and, where appropriate, consistent with Australian and International standards, and compliant with other relevant regulatory requirements.

(13) Our Colleges and Divisions must align their relevant safety processes and procedures to ensure consistency with the University HSMS Framework.

(14) Implementation of our HSMS Framework provides a consistent centralised approach to achieving continuous improvement in safety.

(15) The HSMS Framework itself is maintained and continuously monitored for effectiveness and compliance by the Health Safety and Wellbeing Team.

Section 4 - Roles and Responsibilities

(16) The University recognises that every person has the right to a safe and healthy working environment and all persons share a responsibility to co-operate in the maintenance and improvement of work health and safety across all University activities.

(17) The University has a primary duty of care under the WHS Act. Those defined as officers and workers, also have duties under the WHS Act and must carry out those duties.

(18) Further detail of the roles and responsibilities as they relate to work health and safety can be found in the HSMS, specifically HSG 1.2 Roles and Responsibilities.

Workers

(19) A person is a worker by definition of the WHS Act, if they carry out work in any capacity for the University. This includes an employee, a contractor or subcontractor (including their employees), an employee of a labour hire company, an apprentice or trainee, a student gaining work experience or a volunteer.

(20) So far as reasonably practicable, the University will involve workers, through agreed consultation arrangements, in the decisions that affect worker health and safety.

(21) In the interest of health and safety, all workers must:

a. take reasonable steps to ensure their own health and safety;
b. comply and cooperate with reasonable instruction, policy, procedures, and guidelines of the University in relation to health and safety;
c. promptly report work related hazards, injuries and incidents, including near misses;
d. co-operate with the University emergency policy and procedures; and
e. take reasonable care such that their acts or omissions do not adversely affect the health and safety of another.

Students, affiliates and visitors

(22) Students in our workplaces must comply with this Policy specifically with Clause (21).

(23) Affiliates and visitors must also comply with Clause (21).

Officers

(24) An Officer is defined by the WHS Act as a person who makes decisions, or participates in making decisions that

affect the whole, or a substantial part, of the University operations. Roles deemed to be WHS Officers of the University are described in HSG 1.3 Due Diligence.

(25) An Officer must exercise due diligence to ensure the University complies with its duty of care and any obligations defined by the WHS legislation. They must take reasonable steps to:

a. maintain up-to-date knowledge of the WHS legislation and its application;
b. understand the general nature of the University and the hazards and WHS risks associated with its operations;
c. ensure that the University applies appropriate resources and processes to eliminate or minimise risks to health and safety from work;
d. ensure they receive and consider information regarding incidents, hazards and WHS risks and respond in a timely way to that information;
e. ensure there are processes for complying with any duty or obligation; and
f. verify the provision and use of the resources and processes described above.

Health and Safety Committees

(26) The University Health and Safety Committees (HSC) are our primary arrangement for consultation on health and safety. They are responsible for:

a. discussing, setting, and monitoring health and safety goals, hazards and incidents;
b. implementing health and safety initiatives to control health and safety risks within their work areas;
c. resolving systemic health and safety issues within their work area (note: individual injuries are not discussed by these committees); and
d. providing feedback to leaders in the relevant work areas on matters relating to health and safety processes and systems.

Health and Safety Representatives

(27) Health and Safety Representatives (HSRs) are workers elected to represent a work area on matters of health and safety and defined by the WHS Act.

(28) The University's worker representation and participation is defined in the respective HSC Terms of Reference.

(29) Further HSR determination and election may be requested and facilitated consistently with the Safework NSW Guide.

Section 5 - Non-compliance with this Policy

(30) Concerns regarding application of this Policy can be raised with a Supervisor and involve the Health Safety and Wellbeing Team (healthandsafety@newcastle.edu.au)

(31) Escalation of concerns can be managed through Health and Safety Committees. If unresolved, matters may be referred to dispute resolution as described by the University Enterprise Agreements and the Student Code of Conduct.

(32) Failure to comply with this Policy may lead to disciplinary action, including the possibility of suspension or termination of employment in accordance with the University Enterprise Agreements, management of students through application of the Student Code of Conduct and contract management processes for contractors and sub-contractors.

(33) Unlawful conduct as it relates to work health and safety could result in regulatory prosecution (Safework NSW,

State Insurance Regulatory Authority, NSW Environmental Protect Authority and Office of Gene Technology Regulatory) and criminal proceedings as determined by a regulator's investigation.

Section 6 - Definitions Specific to this Policy

(34) WHS Risk means the likelihood that a hazard will cause harm and the consequence (severity/impact) of that harm.

(35) Workers means a person who performs work for or on behalf of the University. Examples include:

a. an employee;
b. a contractor;
c. a higher degree research student conducting work on behalf of the University;
d. a student participating in work integrated learning;
e. an undergraduate student undertaking research for the purposes of their honours year;
f. a volunteer;
g. an affiliate may, in some circumstances, also be a worker.

(36) Reasonably practicable 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 weight up all relevant matters including:

a. the likelihood of the hazard or the WHS risk concerned occuring; and
b. the degree of harm that might result from the hazard or the WHS risk; and
c. what the person concerned knows, or ought reasonably to know, about:
    i. the hazard or the WHS risk; and
    ii. ways of eliminating or minimising the WHS risk; and
d. the availability and suitability of ways to eliminate or minimise the WHS risk; and
e. after assessing the extent of the WHS risk and the available ways of eliminating or minimising the WHS risk, the cost associated with available ways of eliminating or minimising the WHS risk, including whether the cost is grossly disproportionate to the WHS risk.

Status and Details

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Responsible Executive	Martin Sainsbury Chief People and Culture Officer martin.sainsbury@newcastle.edu.au
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Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Risk appetite" - Risk appetite is the amount and type of risk that an organisation (or individual) is willing to accept or pursue in order to achieve its objectives.

"Campus" - means any place or premises owned or controlled by the University, but may also specifically refer to a designated operating location such as the Callaghan Campus.

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Disciplinary action" - When used in relation to staff of the University, this is as defined in the applicable and current Enterprise Bargaining Agreement, or the staff member's employment contract. When used in relation to students of the University, this refers to the range of penalties that may be applied under the Student Conduct Rule.

"Research" - As defined in the Australian Code for the Responsible Conduct of Research, or any replacing Code or document.

"Undergraduate" - Refers to any qualification up to and including the level of a Bachelor Honours degree.

"Affiliate" - A person or organisation legally obligated to, or informally associated with the University. Categories of affiliates are outlined on the University website.

"College" - An organisational unit established within the University by the Council.

"Work integrated learning" - In the context of the Higher Education Standards Framework (Threshold Standards) 2021 (HES Framework), work-integrated learning (WIL) encompasses any arrangement where students undertake learning in a work context as part of their course requirements. WIL can be undertaken as part of coursework or

research training.