

OCCUPATIONAL HEALTH & SAFETY

QUALITY AREA 3 & 7 | ELAA version 1.1



PURPOSE

This policy will provide guidelines and procedures to ensure that:

- all people who attend Denzil Don Kindergarten, including employees, children, parents/carers, students, volunteers, contractors, and visitors, are provided with a safe and healthy environment.
- all reasonable steps are taken by the approved provider, as the employer, to ensure employees' health, safety, and wellbeing at the service.



POLICY STATEMENT

VALUES

[Denzil Don Kindergarten](#) has a duty of care and legal responsibility to provide a safe and healthy environment for employees, children, parents/carers, students, volunteers, contractors, and visitors. This policy reflects the importance [Denzil Don Kindergarten](#) places on the wellbeing of employees, children, parents/carers, students, volunteers, contractors, and visitors by protecting their health, safety and welfare and integrating this commitment into all its activities.

[Denzil Don Kindergarten](#) is committed to ensuring that:

- management, staff, and volunteers know their health, safety and wellbeing responsibilities as employers, employees, and volunteers.
- systematic identification, assessment and control of hazards is performed.
- effective communication and consultation form a fundamental part of the management process to encourage innovative ways of reducing risk in the service environment.
- training is provided to assist staff in identifying health, safety, and wellbeing hazards that lead to safer work practices when addressed.
- its obligations under current and future laws (in particular, the [Occupational Health and Safety Act 2004](#)) are fulfilled, and all relevant codes of practice are adopted as a minimum standard.

SCOPE

This policy applies to staff, students, volunteers, visitors, parents/carers, children, and others attending programs and activities at Denzil Don Kindergarten, including offsite excursions.

RESPONSIBILITIES

| | | | | | |
|--|--|---|--|----------------|---------------------------------------|
| | Approved provider and persons with management or control | Nominated supervisor and persons in day-to-day charge | Early childhood teachers, educators, and other staff | Parents/carers | Contractors, volunteers, and students |
|--|--|---|--|----------------|---------------------------------------|

| R indicates legislation requirement, and should not be deleted | | | | |
|--|---|---|---|---|
| <p>Providing and maintaining a safe work environment without risks to health, safety, and wellbeing (<i>OHS Act: Section 21</i>). This includes ensuring:</p> <ul style="list-style-type: none"> • there are safe systems of work. • the design of work enables employees to be engaged in work that is healthy, safe, and productive. • all plant and equipment provided for use by staff, including machinery, appliances, tools, etc., are safe and meet relevant safety standards. • substances, plant, and equipment are used, handled, and stored safely. • the availability of material safety data sheets for chemicals stored and/or used at the service. • there are adequate welfare facilities, ie: first aid, eating. • appropriate information, instruction, training, and supervision for employees. • there are processes to identify and respond to psychosocial hazards (<i>refer to Definitions</i>). | R | √ | | |
| <p>Ensuring safe work schedules by:</p> <ul style="list-style-type: none"> • offering suitable rest breaks. • designing shifts to minimise fatigue. • enabling appropriate fatigue recovery. • providing sufficient notice of schedule or shift changes in accordance with their employment agreement. | R | R | | |
| <p>Implementing policies and procedures for responding to workplace bullying, harassment, stress, and occupational violence (<i>refer to Prevention of Harassment and Bullying and Occupational Violence and Aggression policy</i>)</p> | | | | |
| <p>Ensuring there is a systematic risk management approach to managing workplace hazards. This includes ensuring that:</p> <ul style="list-style-type: none"> • hazards and risks to health, safety, and wellbeing are identified, assessed, and eliminated, or if it is not possible, the hazard/risk is removed and effectively controlled. • measures employed to eliminate/control hazards and risks to health, safety and wellbeing are monitored and evaluated regularly. <p>Organising/facilitating regular safety audits of the following:</p> <ul style="list-style-type: none"> • indoor and outdoor environments • all equipment, including emergency equipment. • equipment in outdoor environments (including play) • cleaning services • pest control • chemical management plan | R | √ | | |
| <p>Ensuring all cupboards are labelled, including those that contain chemicals and first aid kits, and that child-proof locks are installed on doors/cupboards where contents may be harmful.</p> | R | √ | | |
| <p>Ensuring the service environment is safe, secure, and free from hazards (<i>refer to Child Safe Environment and Wellbeing Policy</i>)</p> | R | √ | √ | √ |

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| Ensuring all equipment and materials used at the service meet relevant safety standards and are fit and safe for purpose. | R | √ | √ | | √ |
| Ensuring all plant, equipment, and furniture are maintained in a safe condition (<i>Regulation 103</i>) | R | √ | √ | | √ |
| Ensuring a risk assessment is completed for all equipment and furniture to identify potential occupational health and safety risks. | R | √ | √ | | √ |
| Always maintaining a clean environment and removing tripping/slipping hazards as soon as they are identified. | R | √ | √ | | √ |
| Identifying any work involving hazardous manual handling (<i>refer to Definitions, Sources</i>) and eliminating the risk, as far as reasonably practicable. | R | √ | | | |
| Ensuring the service is up to date with current legislation and best practice on child restraints in vehicles if transporting children (<i>refer to Road Safety and Safe Transport Policy</i>) | R | √ | | | |
| Monitoring the conditions of the workplace and the health, safety, and wellbeing of employees (<i>OHS Act: Section 22</i>) | R | √ | √ | | √ |
| Taking care of their safety and wellbeing and the safety and wellbeing of others who may be affected by their actions | R | √ | √ | | √ |
| Protecting others from risks arising from the service's activities, including holding a fete or a working bee, etc., or any activity that is ancillary to the operation of the service, e.g. contractors cleaning the premises after hours (<i>OHS Act: Section 23</i>) | R | √ | √ | | √ |
| Providing adequate safe working processes instruction to staff and informing them of known hazards to their health and wellbeing associated with the work they perform at the service | R | √ | √ | | |
| Developing procedures to guide the safe use of harmful substances, such as chemicals, in the workplace | R | √ | | | |
| Ensuring that OHS accountability is included in position descriptions | R | √ | | | |
| Ensuring this policy is accessible to employees, parents/carers, students, volunteers, and contractors. | R | √ | | | |
| Allocating adequate resources to implement this policy | R | √ | | | |
| Implementing/practicing emergency and evacuation procedures (<i>refer to Emergency and Evacuation Policy</i>) | R | √ | √ | | √ |
| Implementing and reviewing this policy in consultation with all staff, contractors, and parents/carers | R | √ | √ | √ | √ |
| Identifying and providing appropriate resources, induction, and training to assist educators, staff, contractors, visitors, volunteers, and students in implementing this policy | R | √ | | | |
| Ensuring the nominated supervisor, educators, staff, contractors, volunteers, and students are kept informed of any relevant changes in legislation and practices in relation to this policy | R | | | | |
| Consulting with employees on OHS matters, including: <ul style="list-style-type: none"> identification of hazards | R | √ | | | |

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| <ul style="list-style-type: none"> • making decisions on how to manage and control health, safety, and wellbeing risks. • making decisions on health, safety, and wellbeing processes. • establishing an OHS committee and determining membership of the committee. • proposed changes at the service that may impact health and safety. • establishing health, safety, and wellbeing committees | | | | | |
| Notifying WorkSafe Victoria about serious workplace incidents and preserving the site of an incident (<i>OHS Act: Sections 38–39</i>) | R | √ | | | |
| Holding appropriate licenses, registrations and permits, as required by the OHS Act | R | √ | | | |
| Attempting to resolve OHS issues with employees or their representatives within a reasonable time frame | R | √ | | | |
| Not discriminating against employees who are involved in health and safety negotiations. | R | √ | | | |
| Allowing access to an authorised representative of a staff member who is acting within their powers under the OHS Act | R | √ | | | |
| Producing OHS documentation as required by inspectors and answering any questions that an inspector asks | R | √ | | | |
| Not obstructing, misleading, or intimidating an inspector performing their duties. | R | √ | | | |
| Ensuring that all staff are aware of this policy and are supported in implementing it. | R | √ | | | |
| Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy. | R | √ | √ | | √ |

BACKGROUND AND LEGISLATION



BACKGROUND

Everyone involved in an early childhood education and care service has a role in ensuring the service’s operations are safe and without risk to the health and safety of all parties. In Victoria, health and safety in the workplace is governed by a system of laws, regulations and compliance codes that set out the responsibilities of employers and employees to ensure safety is maintained at work.

The *Occupational Health and Safety Act 2004 (OHS Act)* sets out the fundamental principles, duties, and rights in relation to workplace health and safety. The *Occupational Health and Safety Regulations 2017* specifies how duties imposed by the *OHS Act* must be undertaken and prescribes procedural/administrative matters to support the *OHS Act*, such as requiring licenses for specific activities or the need to keep records or notify authorities on specific issues.

The legal duties of an employer under the *OHS Act* are:

- provide and maintain a working environment for employees that is safe and without risks to their health, including psychological health. This includes providing and maintaining safe work systems and providing information, instruction, training, and supervision so employees can perform their job safely and without health risks.
- monitor workplace conditions under the employer's management and control and monitor employee health.

- consult with employees and any health and safety representatives (HSRs) (*refer to Definitions*) when doing certain things, such as identifying/assessing hazards or risks and making decisions about measures to control them.
- attempt to resolve health and safety issues in line with any relevant agreed procedure or the relevant procedure prescribed by the Occupational Health and Safety Regulations 2017 (OHS Regulations)

To comply with their duties, employers:

- must consult with employees and HSRs (*refer to Definitions*) to identify or assess hazards or risks to health and safety at a workplace under the employer's management and control, including work-related factors that can cause or contribute to stress.
- where a risk has been identified, either eliminate it or implement measures to control it so far as reasonably practicable.
- following a report/injury/incident involving stress, investigate whether work-related factors contributed.
- review and revise risk control measures.

The definition of 'health' under the *OHS Act* includes 'psychological health'; therefore, any reference to OHS obligations in relation to the health of employees extends to their psychological health.

Employees have a duty, while at work, to take reasonable care of their health and safety and to take reasonable care of the health and safety of people who might be affected by their acts or omissions in the workplace. Employees also have a duty to cooperate with their employer's actions to comply with requirements under the *OHS Act* and *OHS Regulations*.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Accident Compensation Act 1985 (Vic)
- AS/NZS 4804:2001 and 4801:2001 Occupational health and safety systems
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard, Quality Area 2: Children's Health and Safety
- National Quality Standard, Quality Area 3: Physical Environment
- National Quality Standard, Quality Area 7: Governance and Leadership
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2017

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS



The terms defined in this section relate specifically to this policy. Refer to the definitions file on the kindergarten website for regularly used terms.

An Authorised Representative of Registered Employee Organisations (ARREO): a permanent employee or officer of a registered employee organisation who has satisfactorily completed a WorkSafe-approved course and holds an entry permit issued by the Magistrate's Court.

An ARREO may enter a workplace during working hours to inquire about a suspected OHS Act breach. Immediately upon entry, the ARREO must take reasonable steps to provide the employer or their representative with a notice that describes the alleged breach and their entry permit for inspection.

Duty of care: a common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility of education and care services to provide children, educators, staff, students, volunteers, contractors, and anyone visiting the service with adequate care and protection against reasonable foreseeable harm and injury.

Hazard: something with the potential to cause death, injury, illness, or disease.

Hazard identification: a process that involves identifying all foreseeable hazards in the workplace and understanding the possible harm that each hazard may cause.

Hazard management: a structured process of hazard identification, risk assessment and control aimed at providing safe and healthy conditions for employees, contractors, and visitors while on the service premises or while engaged in activities endorsed by the service.

Hazardous manual handling: Work that requires a person to use force to lift, lower, push, pull, carry, move, hold, or restrain something. It's hazardous manual handling if it involves:

- repeated or sustained application of force
- sustained awkward posture.
- repeated movements

Single or repeated use of high force, where it would be reasonable that the person may have difficulty undertaking it and, for example, lifting a heavy object.

- exposure to sustained vibration
- handling live people (including children) or animals
- handling loads that are unstable, unbalanced, or hard to hold or grasp.

Health and safety representatives (HSR): workers elected to represent their work group's health and safety interests.

Harm: includes death, injury, illness (physical or psychological) or disease that a person may suffer from exposure to a hazard.

Material safety data sheet: details safety procedures for working with toxic or dangerous materials. The data sheet includes all relevant information about the material, such as physical properties (e.g. melting/boiling point, toxicity, and reactivity), health effects, first aid requirements and safe handling procedures (e.g. personal protective equipment, safe storage/disposal, and spill management).

OHS committee: a committee that facilitates cooperation between employer and employees in developing and carrying out measures designed to ensure the health and safety of employees in the workplace.

Psychological Hazards: means any factor or factors in the work design, the systems of work, the management of work, the carrying out of the work, or personal or work-related interactions that may arise in the working environment and may cause an employee to experience one or more negative psychological responses that create a risk to their health and safety.

Risk: the likelihood that a hazard will cause harm to individuals.

Risk assessment: a process for identifying hazards and risks so that sound decisions can be made about controlling hazards. Risk assessments assist in determining what levels of harm can occur, how it can happen and the likelihood that harm will occur.

Risk control: a measure, work process or system that eliminates an OHS hazard or risk, or if this is not possible, reduces the risk so far as is reasonably practicable.

Wellbeing: (in the context of occupational health and safety) the overall state of individuals' physical, mental, and emotional health within the workplace environment. It encompasses various factors such as job satisfaction, work-life balance, physical health, mental health, and social interactions within the workplace.



SOURCES AND RELATED POLICIES

SOURCES

- Compliance code: Hazardous manual handling: www.worksafe.vic.gov.au
- Early Childhood Management Manual, ELAA
- WorkSafe Victoria, Early Childhood Education and Care: Safety basics: www.worksafe.vic.gov.au
- Risk Assessment and Management Tool, ACECQA: www.acecqa.gov.au
- WorkSafe Victoria: www.worksafe.vic.gov.au

RELATED POLICIES

- Child Safe Environment and Wellbeing
- Code of Conduct
- Emergency and Evacuation
- eSafety for Children
- Incident, Injury, Trauma and Illness
- Information and Communication Technology
- Mental Health and Wellbeing
- Occupational Violence and Aggression
- Participation of Volunteers and Students
- Prevention of Harassment and Bullying
- Privacy and Confidentiality
- Road Safety and Safe Transport
- Staffing
- Tobacco, E-Cigarettes, Alcohol and other Drugs

EVALUATION



To assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to occupational health and safety issues
- monitor the implementation, compliance, complaints, and incidents in relation to this policy.
- keep the policy up to date with current legislation, research, policy, and best practice.
- revise the policy and procedures as part of the service's policy review cycle or as required.
- notifying all stakeholders impacted by this policy at least 14 days before making any significant changes to it or its procedures unless a lesser period is necessary due to risk (*Regulation 172 (2)*).



ATTACHMENTS

- Nil



AUTHORISATION

This policy was adopted by the approved provider of [Denzil Don Kindergarten](#) on 22/05/2024.

REVIEW DATE: 22 / MAY / 2026
