OCCUPATIONAL HEALTH & SAFETY

QUALITY AREA 3 & 7 | ELAA version 1.4

Working in partnership with Cancer Council Victoria, ELAA has aligned this policy to the key policies and guidelines of the Healthy Early Childhood Services Achievement Program

PURPOSE

This policy will provide guidelines and procedures to ensure that:

all people who attend the premises of Middle Park Kindergarten, including employees, children, parents/guardians, 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 of staff, to ensure the health, safety and wellbeing of employees at the service

POLICY STATEMENT

The safety, health, wellbeing, rights and best interests of every child are the paramount consideration and must guide all decisions, actions and practices of educators within the education and care service.

VALUES

Middle Park Kindergarten has a moral and legal responsibility to provide a safe and healthy environment for employees, children, parents/guardians, students, volunteers, contractors and visitors. This policy reflects the importance Middle Park Kindergarten places on the wellbeing of employees, children, parents/guardians, students, volunteers, contractors and visitors, by endeavouring to protect their health, safety and welfare, and integrating this commitment into all of its activities.

Middle Park Kindergarten is committed to ensuring that:

- the management group, staff and volunteers are aware of their health, safety and wellbeing responsibilities as employers, employees and volunteers
- systematic identification, assessment and control of hazards, including psychological health is undertaken at the service
- 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 to identify health, safety and wellbeing hazards which, when addressed, will lead to safer work practices at the service
- it fulfils its obligations under current and future laws (in particular, the *Occupational Health and Safety Act 2004*), and that all relevant codes of practice are adopted and accepted as a minimum standard.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Middle Park Kindergarten, including during offsite excursions and activities.

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RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
R indicates legislation requirement, and should not be deleted					
1. Providing and maintaining a work environment that is safe and without risks to health, safety and wellbeing *(OHS Act: Section 21)*. This includes ensuring that: • 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 and tools etc., are safe and meet relevant safety standards • substances, and plant and equipment, are used, handled, and stored safely • material safety data sheets are supplied for all chemicals kept and/or used at the service • there are adequate welfare facilities e.g. first aid and dining facilities etc. • there is appropriate information, instruction, training and supervision for employees • there are processes in place to identify and respond to psychosocial hazards *(refer to Definitions)* **Note:** This duty of care is owed to all employees, children, parents/guardians, volunteers, students, contractors and any members of the public who are at the workplace at any time	**R**	√			
2. Ensuring staff are consulted during the development and review of this policy and evidence of this consultation process is documented.	**R**	√	√		√
3. Ensuring safe work schedules through: • providing suitable rest breaks • designing shifts to minimise fatigue • providing for appropriate fatigue recovery • providing sufficient notice of schedule or shift changes • in accordance with their employment agreement	**R**	R			
4. Implementing policies and procedures for responding to workplace bullying, harassment, stress, and occupational violence *(refer to Prevention of Harassment and Bullying and Occupational Violence and Aggression policy)*					

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5. Ensuring there is a systematic risk management approach to the management of workplace hazards. This includes ensuring that: • Hazards, including psychosocial hazards and risks to health, safety and wellbeing are identified, assessed and eliminated or, if it is not possible to remove the hazard/risk completely, effectively controlled • measures employed to eliminate/control hazards and risks to health, safety and wellbeing are monitored and evaluated regularly Organising/facilitating regular safety audits of the following: • indoor and outdoor environments • all equipment, including emergency equipment • playgrounds and fixed equipment in outdoor environments • cleaning services • horticultural maintenance • pest control • chemical management plan	**R**	√			
6. Ensuring that all cupboards/rooms are labelled accordingly, including those that contain chemicals and first aid kits, and that child-proof locks are installed on doors and cupboards where contents may be harmful	**R**	√			
7. Ensuring the physical environment at the service is safe, secure and free from hazards for everyone at the service *(refer to Child Safe Environment and Wellbeing Policy)*	**R**	√	√		√
8. Providing systems of work that support psychological health, including clear roles, manageable workloads, appropriate staffing levels, and effective supervision	**R**	√			
9. Ensuring that all equipment and materials used at the service meet relevant safety standards and are fit and safe for purpose.	**R**	√	√		√
10. Ensuring that all plant, equipment and furniture are maintained in a safe condition *(Regulation 103)*	**R**	√	√		√
11. Ensuring a risk assessment is completed for all new and donated plants, equipment and furniture to identify potential occupational health and safety risks associated with the purchase, hire, lease or receipt of donated goods	**R**	√	√		√
12. Maintaining a clean environment daily, and removing tripping/slipping hazards as soon as these become apparent	**R**	√	√		√
13. Identifying any work involving hazardous manual handling *(refer to Definitions, Sources)* and eliminating the risk, as far as reasonably practicable.	**R**	√	√		√
14. Ensuring the service is up to date with current legislation and best practice on child restraints in vehicles if transporting children *(refer to Road Safety and Safe Transport Policy)*	**R**	√			
15. Monitoring the conditions of the workplace and the health, safety and wellbeing of employees *(OHS Act: Section 22)*	**R**	√	√		√
16. Monitoring psychological health risks through incident reports, absenteeism, staff feedback, and consultation	**R**	√	√		√

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17. Taking care of their own safety and wellbeing the safety and wellbeing of others who may be affected by their actions	**R**	√	√		√
18. Involving children in conversations regarding OHS and incorporating OHS into the curriculum.		√	√		√
19. Protecting other individuals 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 *(OHS Act: Section 23)*	**R**	√	√		√
20. Providing adequate instruction to staff in safe working procedures, and informing them of known hazards to their health and wellbeing that are associated with the work that they perform at the service	**R**	√	√		
21. Developing procedures to guide the safe use of harmful substances, such as chemicals, in the workplace	**R**	√			
22. Ensuring that OHS accountability is included in all position descriptions	**R**	√			
23. Ensuring this policy is available to employees, parents/guardian, students, volunteers, contractors and displayed in a prominent location.	**R**	√			
24. Allocating adequate resources to implement this policy	**R**	√			
25. Implementing/practising emergency and evacuation procedures *(refer to Emergency and Evacuation Policy)*	**R**	√	√		√
26. Implementing and reviewing this policy in consultation with the nominated supervisor, educators, staff, contractors and parents/guardians	**R**	√	√	√	√
27. Identifying and providing appropriate resources, induction and training to assist educators, staff, contractors, visitors, volunteers and students to implement this policy	**R**	√			
28. 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**				
29. Consulting appropriately with employees on OHS matters including: • identification of hazards, including psychosocial hazards • making decisions on how to manage and control health, safety and wellbeing risks • making decisions on health, safety and wellbeing procedures • the need for establishing an OHS committee and determining membership of the committee • proposed changes at the service that may impact on health and safety • establishing health, safety and wellbeing committees	**R**	√			
30. Notifying WorkSafe Victoria about serious workplace notifiable incidents *(refer to Definitions)*, and preserving the site of an incident *(OHS Act: Sections 38–39)*	**R**	√			

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31. Ensuring reporting requirements under the *Occupational Health and Safety (OHS) Act 2004* are made to WorkSafe immediately by phone and within writing by 48 hours *(refer to Sources)*	**R**				
32. Holding appropriate licenses, registrations and permits, where required by the OHS Act	**R**	√			
33. Attempting to resolve OHS issues with employees or their representatives within a reasonable time frame	**R**	√			
34. Not discriminating against employees who are involved in health and safety negotiations	**R**	√			
35. Allowing access to an authorised representative of a staff member who is acting within their powers under the OHS Act	**R**	√			
36. Producing OHS documentation as required by inspectors and answering any questions that an inspector asks	**R**	√			
37. Not obstructing, misleading or intimidating an inspector who is performing their duties.	**R**	√			
38. Ensuring that all educators/staff are aware of this policy, and are supported to implement it at the service	**R**	√			
39. 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 to play 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 key principles, duties and rights in relation to workplace health and safety. The *Occupational Health and Safety Regulations 2017* specifies the ways 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 certain matters.

The *WorkSafe Victoria Compliance Code, Psychological Health* provides practical guidance on how employers can meet their duties under the *Occupational Health and Safety Act 2004* in relation to psychological health. Compliance with the code supports the prevention of psychological injury through effective risk management.

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 duty includes:
    - providing and maintaining safe systems of work
    - providing information, instruction, training and supervision so employees can perform their work safely and without risks to health
- monitor the conditions of workplaces under the employer's management and control monitor employee health
- consult with employees and any health and safety representatives (HSRs) *(refer to Definitions)* when doing certain things, for example, identifying or assessing hazards or risks and making decisions

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about measures to control those risks
- 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)

In order 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 the risk or implement measures to control it so far as is reasonably practicable
- following a report/injury/incident involving stress, need to investigate whether work-related factors contributed
- need to 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 for their own health and safety, and to take reasonable care for 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. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to the Definitions file of the PolicyWorks catalogue.

An Authorised Representatives 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 enquire into a suspected breach of the OHS Act. Immediately on entry, the ARREO must take reasonable steps to provide the employer or their representative with:

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- a notice which describes the suspected breach
- 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 an adequate level of care and protection against reasonable foreseeable harm and injury.

Hazard: An element 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 premises of Middle Park Kindergarten or while engaged in activities endorsed by Middle Park Kindergarten

Hazardous manual handling: Work which 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. 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 who are elected to represent the health and safety interests of their work group.

Harm: Includes death, or injury, illness (physical or psychological) or disease that may be suffered by a person as a consequence of exposure to a hazard.

Material safety data sheet: Provides employees and emergency personnel with 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 management of spills).

Notifiable Incidents: Employers must notify WorkSafe immediately after becoming aware a notifiable incident has occurred. Failure to report an incident to WorkSafe is an offence and may result in prosecution.

OHS committee: A committee that facilitates co-operation between an employer and employees in instigating, 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:

(a) the work design; or

(b) the systems of work; or

(c) the management of work; or

(d) the carrying out of the work; or

(e) 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 chance (likelihood) that a hazard will cause harm to individuals.

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Risk assessment: A process for developing knowledge/understanding about hazards and risks so that sound decisions can be made about the control of hazards. Risk assessments assist in determining:

- what levels of harm can occur
- how harm can occur
- 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 refers to the overall state of physical, mental, and emotional health of individuals 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
- WorkSafe Victoria. Compliance Code, Psychological Health: www.worksafe.vic.gov.au
- WorkSafe Victoria: Guide to Incident Notification: www.worksafe.vic.gov.au
- WorkSafe, Report an incident: www.worksafe.vic.gov.au/report-incident

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 Education and Safe Transport
- Safe Use of Digital Technologies and Online Environments
- Staffing
- Tabacco, E-Cigarettes, Alcohol and other Drugs

EVALUATION

In order 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

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- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy 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 Middle Park Kindergarten on 19th May 2026.

REVIEW DATE: May 2028

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