

Sample WHS Consultation Procedures

1. Overview

Consultation is mandatory under the Work Health and Safety Act 2011 (WHS Act) for **[insert organisation name]**.

Consultation will take place on all work health and safety matters including:

- undertaking risk management activities
- proposing changes that may affect workers
- making decisions about any work health and safety procedures
- the adequacy of facilities for the welfare of workers.

Where **[insert organisation name]** has concurrent duties under the WHS Act with another PCBU, it will consult, cooperate and coordinate with the other PCBU and its workers, so far as is reasonably practicable.

This procedure should be read with the Work Health and Safety Policy.

2. Considerations

Meaningful consultation can lead to fewer workplace injuries and give everyone the opportunity to:

- discuss and share their health and safety concerns
- identify safety hazards and risks
- find and implement practical solutions
- contribute to the decision making process
- communicate outcomes in a timely manner.

3. Procedure Steps

[insert organisation name] consults, so far as is reasonably practicable, with workers who carry out work for **[insert organisation name]** who are (or are likely to be) directly affected by a work health and safety matter.

If the workers are represented by a health and safety representative, the consultation will involve that representative.

Consultation at **[insert organisation name]** involves sharing of information, giving workers a reasonable opportunity to express views, and taking those views into account before making decisions on health and safety matters.

[insert organisation name] consults, co-operates and co-ordinates activities with all other PCBUs who have a work health or safety duty in relation to the same matter, so far as is reasonably practicable.

3.1 **Health and safety representatives (HSRs)**

HSRs may be elected to represent various work groups and investigate health and safety issues.

3.2 **Health and Safety Committee (HSC)**

An HSC will be established:

- if requested by the HSR, or
- if requested by five or more workers, or
- on the initiative of **[insert organisation name]**.

The role of the HSC is to facilitate cooperation between **[insert organisation name]** and workers on health and safety matters as well as to develop work health and safety standards, rules and procedures.

3.3 **Other Agreed Arrangements**

Other agreed arrangements for consultation may be set up by **[insert organisation name]** provided the arrangement is agreed to by the workers and is likely to result in better consultation and improved decision making.

Once established, consultation must be in accordance with the procedures agreed to between **[insert organisation name]** and the workers.

Regardless of the arrangement, the obligation of **[insert organisation name]** to consult with all workers remains.

[insert organisation name] may need a mix of HSRs, HSCs and / or other agreed consultation arrangements tailored to suit the workers and **[insert organisation name]**'s work environment.

[It may be more effective and meaningful to have an alternative arrangement for consultation if workers travel frequently or the CMO is small].

Other agreed arrangements for consultation on health and safety matters used by **[insert organisation name]** may be through:

- regular scheduled meetings
- team meetings (where work health and safety is always an agenda item)
- one-off meetings
- tool box talks

- face to face discussions
- briefing sessions.

All consultation arrangements will be consistent with **[insert organisation name]**'s legal duties under the WHS Act.

[insert organisation name] will:

- consult with the workers on how consultation will occur and explain the various mechanisms that are available
- agree on how consultation will take place.

3.4 Nature of consultation about particular matters

[insert organisation name] will ensure:

- that relevant information about the matter is shared with workers, and
- that workers be given a reasonable opportunity:
 - to express their views and to raise work health or safety issues in relation to the matter, and
 - to contribute to the decision-making process relating to the matter, and
- that the views of workers are taken into account by **[insert organisation name]**, and
- that the workers consulted are advised of the outcome of the consultation in a timely manner.

If the workers are represented by a health and safety representative, the consultation must involve that representative.

3.5 When consultation occurs

[insert organisation name] sets up a plan to ensure that consultation occurs in relation to the following health and safety matters:

- when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by **[insert organisation name]**
- when making decisions about ways to eliminate or minimise those risks,
- when making decisions about the adequacy of facilities for the welfare of workers,
- when proposing changes that may affect the health or safety of workers,
- when making decisions about the procedures for:
 - consulting with workers, or
 - resolving work health or safety issues at the workplace, or
 - monitoring the health of workers, or
 - monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking, or
 - providing information and training for workers, or
 - when carrying out any other activity prescribed by the regulations for the purposes of this section.

3.6 Consultation Processes

[insert organisation name]:

- sets up consultation processes and
- ensures they are discussed and reinforced regularly and
- documents these processes
- regularly monitors and reviews the consultation procedures to ensure they are the most effective form of consultation.

[insert organisation name] consults with employees and the Board of Directors on a regular basis, involving them in decision making and informing them of decisions that may affect their health and safety.

Consultative mechanisms include:

- Annual audit of staff meeting minutes and agenda to review WHS items discussed and resolved - this audit will be presented to the Board
- Quarterly inspection of premises and a record of findings, with a roster to ensure all employees are involved in workplace inspection and hazard identification
- Where a new work practice is introduced, employees are consulted and potential and existing hazards reviewed - this information is disseminated to staff as required
- WHS is a standard agenda item Board and staff meetings.

Health and Safety Representative **[depends on size of CMO]**

At a minimum, organisations must have an employee with designated responsibility for WHS. Larger organisations may appoint a Health and Safety Representative and should ensure a HS committee remains active, with reporting and follow-up procedures in place. NB: A committee is only mandatory for organisations with over 20 FTE and if requested by staff.

Health and safety committees bring together workers and management to assist in the development and review of health and safety policies and procedures for the workplace.

The functions of the health and safety committee are:

- to facilitate co-operation **[insert organisation name]** and workers in instigating, developing and carrying out measures designed to ensure the health and safety of workers
- to assist in developing standards, rules and procedures relative to health and safety
- such other functions prescribed by the regulations or agreed between **[insert organisation name]** and the committee.

The effective operation of a health and safety committee is dependent upon everyone fulfilling their role.

Establishment of health and safety committees

[insert organisation name] must establish a health and safety committee within two months after being requested to do so by:

- a health and safety representative (HSR), or
- five or more workers at the workplace.

A health and safety committee may be established for workers who carry out work at one or more locations or for those who do not have a fixed place of work.

[insert organisation name] may also establish a health and safety committee on its own initiative.

The constitution of the health and safety committee may be agreed to between **[insert organisation name]**, HSR and workers. If agreement is not reached within a reasonable time, any party may ask WorkCover to appoint an inspector to decide the matter.

Health and safety committee membership

The makeup of the committee can be agreed to between the workers and **[insert organisation name]**.

[insert organisation name] can only nominate up to half of the members.

An HSR is a member of the committee if they consent. If there are two or more HSRs at **[insert organisation name]**, then they can choose one or more who consent to be members of the committee.

Calling for nominees

Calling for nominees is an important part of electing a health and safety representative (HSR) in the workplace. All workers can nominate including volunteers.

Once the work groups and number of HSRs required has been agreed, notices calling for nominations should be prominently displayed with a reasonable closing date. They will be in a form that all workers can understand.

Where the number of nominations equals the number of vacant HSR and deputy HSR positions, an election is not required and each candidate is taken to have been elected.

If there are more nominees than positions available then an election will need to be held.

The workers may determine how an election must be conducted (eg by secret ballot

or show of hands) however, it must comply with procedures in the draft work health and safety regulations.

If a majority of workers agree, the election may be conducted with the help of a union, other person or organisation.

Electing a health and safety representative

Workers elect the health and safety representative (HSR) from their work group. All workers in a work group are entitled to elect one or more HSRs and deputy HSRs for a three year term.

When agreement on the work groups has been reached, along with the number of work groups and HSRs (and deputy HSRs), **[insert organisation name]** will provide any reasonable resources, facilities and help to enable an election to be conducted.

After the nominations have been called, an election can be conducted. The members of the work group can determine the election procedure however, there are minimum requirements prescribed in the Work Health and Safety Regulations.

These procedures include that the person conducting the election ensures:

- each PCBU in which a worker in the work group works is informed of the election date as soon as practicable after the date is determined
- all workers in the work group being given an opportunity to:
- nominate for the position of HSR
- vote in the election
- all workers in the workgroup and all relevant PCBUs are informed of the outcome of the election.

Operation of health and safety committees

The **[insert organisation name]** health and safety committee (HSC) must meet at least every three months and at any reasonable time when requested by at least half the members of the committee.

[insert organisation name] supports members of the HSC by allowing them:

- reasonable time to attend meetings and carry out their functions as a committee member, and be paid at their normal rate of pay when doing so
- access to information about hazards and risks at the workplace as well as information relating to the health and safety of workers at the workplace (excluding workers' personal medical information without the workers' consent)
- opportunities to develop skills relevant to their role on the HSC.

The role of workers on HSCs is to ensure genuine worker representation in health and safety matters that affect them.

Work groups

Work groups are workers represented by a health and safety representative (HSR). Usually these workers perform similar types of work and have similar health and safety concerns and conditions within the workplace.

Work groups allow workers' interests to be represented effectively and conveniently.

The purpose of workers belonging to a work group is to facilitate representation on work health and safety matters by an HSR.

Once an election for an HSR has been requested **[insert organisation name]** must start negotiations with workers within 14 days to establish work groups.

This process will also help **[insert organisation name]** and workers in a work group negotiate the number of HSRs and work groups required.

Determining work groups

In determining work groups, **[insert organisation name]** considers:

- the number of workers
- the views of workers in relation to the determination and variation of work groups
- the nature of each type of work carried out by the workers
- the number and grouping of workers who carry out the same or similar types of work
- the areas or places where each type of work is carried out
- the extent to which any worker must move from place to place while at work
- the diversity of workers and their work
- the nature of any hazards at the workplace or workplaces
- the nature of any risks to health and safety at the workplace or workplaces
- the nature of the engagement of each worker, for example as an employee or as a contractor
- the pattern of work carried out by workers, for example whether the work is full-time, part-time, casual or short-term
- the times at which work is carried out
- any arrangements at the workplace or workplaces relating to overtime or shiftwork.

Decisions about establishing work groups must be made by consultation and agreement between **[insert organisation name]** and the relevant workers. A worker's representative can be appointed by the workers to negotiate on their behalf.

A work group may involve multiple CMOs (&/or other PCBUs) at one or more workplaces and these are called multiple business work groups. The aim is to identify the most workable arrangement for the workplace. When agreement on the work groups has been reached, **[insert organisation name]** must notify the workers of the outcome of the negotiation.

Multiple business work groups

Multiple business work groups may be agreed with workers carrying out work for two or more CMOs (&/or other PCBUs) at one or more workplaces. The work group arrangement must be agreed to by the workers.

The aim is to identify the most workable arrangement for the workplace/s.

Determination of work groups of multiple businesses

Multiple business work groups must be determined by negotiation and agreement between each of the CMOs (&/or other PCBUs) and the workers

The determination of multiple business work groups need not affect pre existing work groups or prevent the formation of additional work groups.

Negotiations will be focused on:

- the business or undertaking to which the work groups will apply
- the workplace location/s of work groups
- the number and composition of work groups
- the number of HSRs and deputy HSRs.

Adapted from Workcover NSW, 2012. [Consultation](#).
[Work Health and Safety Regulation 2011](#) Chapter 2.

[Work health and safety consultation, cooperation and coordination: Code of practice](#)