

# CONSULTATION PROCEDURE (5) V3

## PURPOSE

This procedure is a guideline to assist sites in the management of safety related matters through a consultative, co-operative and co-ordinated process.

## RESPONSIBILITIES

**Person Conducting a Business or Undertaking (PCBU) must as far as reasonably practicable:**

- share relevant information about Work Health and Safety (WHS) matters with workers and others undertaking the work
- provide workers and others undertaking the work with a reasonable opportunity to express their views, raise health and safety matters and contribute to the decision making process relating to the risk or hazard
- take the views of workers and others undertaking work into account
- advise workers and others undertaking the work of the outcome of any consultation in a timely manner
- resolve issues in a timely manner
- if a worker is represented by a health and safety representative (HSR), consultation must involve that representative.

**Officers must:**

- Exercise due diligence to ensure that the PCBU meets their responsibilities as above.

**Workers must:**

- take reasonable care for his or her own health and safety
- take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons
- comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking
- co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

## DEFINITIONS

Definitions of terms can be found on the Catholic Safety website or via this link [here](#).

### SELF-INSURED GOVERNING COUNCIL (SIGC)

SIGC provides a level of consultation and is represented by each Industry Sector. The responsibilities are listed in the Work Health & Safety and Injury Management Policy (WHS & IM Policy).

## ACTIONS

### HAZARD IDENTIFICATION

**Sector Forums –  
Education, Health, Social  
Services, Parish**

Sector forums provide an opportunity for workers to raise any WHS matters or issues at an Industry level. Members of all Sector Forum can be identified by your worksite WHS co-ordinator or the CSH&WSA office. Contact number (08) 8215 6850.

<b>CONTROLS</b>	
<b>When is it necessary to Consult</b>	<p>Consultation on work health and safety matters is required:</p> <ul style="list-style-type: none"> <li>• when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out</li> <li>• when making decisions about ways to eliminate or minimise those risks</li> <li>• when making decisions about the adequacy of facilities for the welfare of the workers</li> <li>• when proposing changes that may affect the health and safety of workers</li> <li>• when making decisions about the procedures for               <ul style="list-style-type: none"> <li>○ consulting with workers</li> <li>○ resolving work health and safety issues at the workplace</li> <li>○ monitoring the health of workers</li> <li>○ monitoring the conditions at any workplace under the management or control of the PCBU</li> <li>○ providing information and training for workers</li> </ul> </li> </ul> <p>Consultation should also include anyone else at the workplace who is, or is likely to be, directly affected with health and safety matters. This includes other duty holders including but not limited to contractors, subcontractors, labour hire workers, apprentices, work experience workers and volunteers.</p>
<b>Consultative Process</b>	<p>Consultation is a two way process between management and workers where you:</p> <ul style="list-style-type: none"> <li>• <i>talk</i> to each other about health and safety matters</li> <li>• <i>listen</i> to the concerns and raise concerns</li> <li>• <i>seek and share</i> views and information; and</li> <li>• <i>consider</i> what the workers say before decisions are made.</li> </ul> <p>Information should be made available to workers and their health and safety representatives relating to health and safety matters that may affect their health and safety to enable informed and constructive decisions.</p> <p>Information may include:</p> <ul style="list-style-type: none"> <li>• health and safety policies and procedures</li> <li>• technical guidance about hazards, risks and risk control measures</li> <li>• hazard reports and risk assessments</li> <li>• proposed changes to the workplace, systems of work, plant or substances</li> <li>• data on incidents, illness or injuries (in a way that protects the confidentiality of personal information).</li> </ul>
<b>Communication Process</b>	<p>To assist with the communication process, some suggestions to involve all workers could include but not limited to:</p> <ul style="list-style-type: none"> <li>• Meeting face to face</li> <li>• Toolbox talks</li> <li>• Notice Boards</li> <li>• Staff meetings</li> <li>• Telephone call/ Emails</li> <li>• Regular inspections (walking around the site)</li> <li>• Surveys</li> <li>• Suggestion Box\Intranet</li> <li>• CSH&amp;WSA Safety Bulletins</li> </ul>

<p><b>Establishing Health &amp; Safety Committee</b></p>	<p>A WHS committee is established if requested to do so by 5 or more workers or by a health and safety representative. A committee must be established within 2 months of request.</p> <p>Health and Safety Committees must meet at least once every 3 months.</p>
<p><b>WHS Committee Membership</b></p>	<p>Membership of a Committee is to be agreed between management and workers, and should include:</p> <ul style="list-style-type: none"> <li>• at least 50% worker participation, not nominated by management</li> <li>• employer representatives from senior management with the necessary level of decision making and expertise</li> <li>• be reflective of the different areas of the workplace</li> <li>• automatically include Health &amp; Safety Representative, unless they do not wish to participate.</li> </ul>
<p><b>WHS Terms of Reference</b></p>	<p>Where a formal WHS Committee exists or a Committee is to be implemented <a href="#">WHS Committee Terms of Reference</a> can be developed. Terms of Reference can be used to solve a dispute or otherwise control the meeting. Terms of Reference must be reviewed annually.</p>
<p><b>Health &amp; Safety Committee Meeting Agendas</b></p>	<p>Committee Meeting Agendas should be forwarded to members of the WHS Committee prior to the meeting (reasonable time to be determined by the committee) to enable members to review upcoming items for discussion. Sample <a href="#">WHS Meeting Agenda</a>.</p>
<p><b>Health &amp; Safety Committee Minutes</b></p>	<p>Minutes of meetings will be taken by designated worker. Once endorsed minutes to be available to all workers. Minutes to be placed on site's intranet or WHS Notice Board. Confidentiality must be considered at all times e.g. incident reports, RTW matters names cannot be displayed.</p>
<p><b>Records of Consultation</b></p>	<p>Records of consultation may assist in the risk management process and make disputes less likely. The records should include any outcomes of discussions. The records can be brief and simple, and cover:</p> <ul style="list-style-type: none"> <li>• who is involved</li> <li>• what the safety matter is</li> <li>• what decision has been made</li> <li>• who is to take action and by when</li> <li>• when the action has been completed.</li> </ul>
<p><b>Health &amp; Safety Representative(s) (HSR's) Refer Appendix 1</b></p>	<p>A worker may ask for the election of a HSR to represent them on health and safety matters. If a worker makes this request, work groups must be established to facilitate the election. HSRs are involved with the specific health and safety issues relevant to the work group they represent. HSRs have legal rights and functions to assist them to carry out their role effectively. HSRs are entitled to attend training.</p> <p>Refer Appendix 1 – Electing Health and Safety Representatives flow chart. <a href="#">HSR Election Forms</a> can assist with the process.</p>
<p><b>Health &amp; Safety Representative Training</b></p>	<p>Where HSRs have been appointed and request training, they must undertake SafeWork SA approved training as per the following:</p> <ul style="list-style-type: none"> <li>• First year, 5 days training</li> <li>• Second year, 3 days training</li> <li>• Third year, 2 days training</li> </ul>
<p><b>Documentation</b></p>	<p>All WHS documentation is to be kept by the Prescribed Retention Schedule outline in Procedure 24.</p>





**VERSION CONTROL AND CHANGE HISTORY**

Version	Approved By	Approved Date	Reason for Development of Review	Review Date
5	Sector Forums	2013	Legislation – New WHS Act	2016
<b>April 2015 – Document consolidated across CCES sectors</b>				
V1	Executive Manager CSHW	20/04/2015	Procedure consolidation	2016
V2	Executive Manager CSHW	07/11/2016	Review	2019
V3	Executive Manager CSHW	06/03/2018	Licence Level Audit	2021

Approved for Publication:

Kathy Grieve

Date:

06/03/2018

## APPENDIX 1 – Electing Health and Safety Representatives

### ***Step one: request for a HSR***

Any worker may ask a person conducting the business or undertaking for whom they carry out work to facilitate elections for one or more HSRs.

### ***Step two: a Person conducting the business or undertaking must commence negotiations for work groups within 14 days***

HSRs represent work groups, therefore work groups must be determined before a HSR can be elected.

Within 14 days of receiving a request from a worker, the person conducting a business or undertaking must commence negotiations with workers about the number and composition of work groups that should be formed. If a worker requests that their representative, for example a union official, be involved in these negotiations, they must be included in the negotiations.

The negotiations must take into account a number of matters including:

- the number of workers within the business or undertaking
- the number and grouping of workers who carry out the same or similar types of work, and
- the diversity of workers and their work.

If negotiations fail, including that the person conducting a business or undertaking has not commenced negotiations within 14 days of a request from a worker, anyone who is or would be a party to the negotiations may request that an inspector be called in to determine work groups.

### ***Step three: workers must be notified***

As soon as reasonably practicable after the negotiations are completed, the person conducting a business or undertaking must advise workers of the outcome of negotiations and of the work groups determined.

### ***Step four: election of HSRs***

The workers within each work group can determine the procedure by which a HSR will be elected, but must comply with any requirements set out in the regulations.

The person conducting a business or undertaking must provide resources, facilities and assistance that are reasonably necessary to enable the election to be conducted.

The election may be conducted by the work group or, if a majority of members agree, with the assistance of another person or organisation such as a union.

Each work group member is entitled to one vote in the election. However, if the number of candidates is equal to the number of vacancies, each candidate is taken to be elected as a HSR for the work group without an election.

### ***Step five: work group notified of election outcome***

As soon as reasonably practicable after the election, the person who conducted it must advise the members of the work group and the person conducting a business or undertaking of the results.