

# Occupational Health and Safety Consultation Procedure

## POLICY 1.3.2



### 1. PURPOSE

The purpose of this procedure is to describe the OHS Consultation process that operates within Apex.

### 2. SCOPE

This procedure applies to management, employees and contractors within Apex and requires the full cooperation and assistance of all personnel.

### 3. REFERENCES

- Occupational Health and Safety Act (Victoria) 2004
- Information for Employers – OHS Act 2004 – Information Sheet, WorkSafe Victoria
- Information for Employees – OHS Act 2004 – Information Sheet, WorkSafe Victoria
- Consulting with Employees on Health and Safety - Guidance Note, WorkSafe Victoria
- Getting Started with Workplace Health and Safety - An Introduction to Workplace Consultation -
- Victorian WorkCover Authority, June 2001
- Consultation Policy 1.3.1
- Form F1.3.2 OHS Committee Agenda

### 4. DEFINITIONS

<b>OHS Consultation Arrangements:</b>	The requirements imposed by Section 72 of the Occupational Health and Safety Act 2004 with respect to the election and establishment of an OHS Committee.
<b>Consultation:</b>	Requires that employers seek and consider the views of their employees on Occupational Health and Safety issues. It gives employees an opportunity to have input into the final decisions that are made by management.
<b>Communication:</b>	Provides for the two-way flow of Occupational Health and Safety information between parties.
<b>Management OHS Representatives:</b>	Management OHS Representatives are nominated by management to be responsible for following up of health and safety issues in Apex. All managers within the Apex have authority to make decisions in consultation with their staff.
<b>Employee OHS Representative:</b>	An Employee OHS Representative is an employee elected by other employees (a workgroup) to gather input from fellow employees on how health and safety problems can be controlled. Their role is also to report concerns to Management or the Occupational Health and Safety Committee.
<b>OHS Committee:</b>	Is a form of OHS consultation where management and employee representatives discuss OHS issues and action controls. An employee representative is elected as the Chairperson and another person as a minute taker.
<b>Designated Workgroup:</b>	A designated workgroup is a group of employees that shares similar workplace health and safety concerns and face similar workplace health and safety conditions, and is represented by a particular OHS Representative or OHS Committee member.

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### 5 PROCEDURE

#### 5.1 General Responsibilities

Section 35 of the Occupational Health and Safety Act 2004 states that employers **must** consult with their employees to enable the employees to contribute to the making of decisions affecting their health, safety and welfare at work. According to the OHS Act 2004, effective consultation requires management to share relevant occupational health and safety information with employees.

In accordance with this, Apex employees will be given the opportunity to express their views and to contribute in a timely fashion to the resolution of occupational health, safety and welfare issues at their place of work. The views of employees will be valued and taken into account by management.

#### 5.2 Importance of Consultation

Consultation is an important risk management tool. It helps to identify Hazards in the workplace so that controls can be put in place to manage the risk posed by the hazard.

In consultation:



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### 5.3 When to Consult

As required by the Occupational Health and Safety Act 2004, Apex will consult with its employees when any of the following are undertaken:

- When consultation procedures are being devised, specifically:
  - The employees' preferred method of consultation
  - The number and make-up of workgroups
  - The membership of any health and safety committee
- When risks to health and safety arise from work or the assessments of these risks are reviewed
- When decisions are undertaken to eliminate or control risks
- When introducing or altering procedures for monitoring risks
- When decisions are made about the adequacy of facilities for the welfare of employees
- When there are proposed changes to the:
  - Work premises
  - Systems or work methods
  - Substances or plant used at work
- When making decisions about the procedures for
  - resolving health or safety issues
  - consulting with employees
  - monitoring of the health of employees
  - providing information and training to employees which may affect health and safety.

### 5.4 Establishing consultative structures

Apex shall, if requested by employees, allow the following steps to occur to establish consultative structures in accordance with the Victorian OHS Act 1985:

1. The establishment of designated workgroups (DWGs)
2. The election of health and safety representatives by members of each DWG
3. If requested, the establishment of a health and safety committee.

An up to date list of Designated Work Groups, OHS representatives and OHS Committee members shall be displayed in a prominent place at the company's three office locations at Richmond, Altona and Ringwood.

### 5.5 Designated Work Groups

Employees in a Designated Work Group share similar workplace health and safety concerns and face similar workplace health and safety conditions. When establishing DWGs, the following factors shall be considered,

- the number of employees at the workplace
- Any overtime or shift arrangements at the workplace
- The number and grouping of employees who perform the same or similar types of work
- The areas at the workplace where each type of work is performed
- The type of work performed at the workplace
- The nature of any hazards at the workplace

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### 5.6 Health and Safety Representatives

One health and safety representative shall be elected for each DWG by the members within that group. The members shall decide how to conduct the election, and shall define the terms of the appointment (e.g. duration). The primary role of the health and safety representative is to represent the health and safety interests of the workers in their DWGs.

Key roles of health and safety representatives include:

- Act as a link between employees and management and negotiate on health and safety issues
- Assist with identifying and designing solutions to health and safety problems
- Apply their knowledge of health and safety legislation, standards and codes of practice
- Involve other employees in resolving health and safety issues
- Communicate, negotiate and listen effectively
- Learn new skills and put them into practice

Key functions of health and safety representatives may include:

- Inspecting the workplace
- Accompanying an Inspector
- Being present at any interview between an employee and an inspector
- Requesting the establishment of a health and safety committee
- Issuing Provisional Improvement Notices
- Bringing outside assistance into the workplace

Apex shall allow health and safety representatives time off work with pay to attend an approved training course to allow them to represent their workgroup effectively, if this is required. The company shall pay for the training.

Apex shall undertake the following commitments to health and safety representatives:

- Provide information (e.g. chemical data)
- Consult on change, where practicable
- Allow relevant training
- Provide facilities (e.g. photocopying)

### 5.7 OHS Committee

Apex shall support the formation of an OHS Committee. The company shall consult with the health and safety representatives on the composition and functions of the committee, while ensuring that at least half of the Committee members are employees. The optimum size of the Committee shall be between six and twelve members. Senior management, with decision-making authority, shall be represented on the Committee.

The Committee should support Apex's OHS Program by exploring broad workplace health and safety issues and developing policies, procedures and programs that contribute to workplace health and safety. The Committee also has a role in monitoring steps taken to solve health and safety problems, and overseeing the implementation of risk control measures.

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Section 37 (4) of the OHS Act 1985 sets out two broad functions for the Committee:

- a) to facilitate cooperation between an employer and the employees of the employer in instigating, developing and carrying out measures designed to ensure the health and safety of employees while they are at work, and
- b) to formulate, review and disseminate to the employees (in appropriate languages) the standards, rules and procedures relating to health and safety which are to be complied with at the workplace.

Where the Committee employee members and the health and safety representatives are different people, the roles will be distinguished to avoid duplicating functions.

The Committee will develop a charter which sets out the following specific information:

- Composition of the Committee
- Specific functions to be undertaken
- Frequency of meetings
- Principles of operation
- Practical arrangements
- Role of the Chairperson
- Role of the Secretary
- Agenda items
- Minutes
- Any other relevant information

Management of Apex will support the operation of the Committee by:

- Being active members of the Committee
- Providing information about the workplace and its processes
- Providing time and facilities for Committee meetings
- Encouraging Committee members to attend health and safety training
- Providing statistics, reports and necessary reference material
- Endorsing the activities of the Committee
- Providing recognition of the Committee's activities and achievements at appropriate times

The company will respond to OHS Committee recommendations within a timeframe agreed by the Committee, set according to the particular issue.

Committee members will be provided with relevant training where necessary to effectively fulfil their role. Guidance is also contained in the Information for Employees - Information Sheet from WorkSafe.

### 5.8 How the Consultation Process works

When an OHS issue is raised by the company, an employee or the OHS Committee, health and safety representatives will consult members of their particular workgroup. They will also feed back information to their workgroup the outcomes of OHS committee meetings.

In the first instance, employees should draw to the attention of their supervisor any health and safety concerns that they have about the workplace so the issue can be promptly addressed. Should this not occur, the issue should be referred to either the health and safety representative or an OHS Committee member.

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### 5.9 Effective Consultation

In order for consultation to be effective, management must acknowledge the views of employees and inform them of any changes that have been made in the workplace due to issues raised during consultation. There are key areas that should be addressed in every OHS Committee meeting to ensure effective communication. The standard Agenda on Form F1.3.2.

### 5.10 Record Keeping

It is important to document what is agreed to at each OHS Committee meeting. The minutes shall reflect the Agenda items, taking care to include:

- Date, time, persons attending meeting
- Issues raised
- Topics discussed
- Actions to be taken, by whom and by when
- Any workplace inspections (that have occurred or are to occur)
- Planned changes discussed
- OHS consultation feedback
- Information required to be obtained for next meeting
- Unresolved issues
- Actions previously taken

**6. EFFECTIVE (date)**

**7. ATTACHMENTS**

WRITTEN BY: \_\_\_\_\_  
(Position – Name)

APPROVED BY: \_\_\_\_\_