

INTERNAL ONLY
ISLHD PROCEDURE
COVER SHEET



Health
Illawarra Shoalhaven
Local Health District

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TYPE OF DOCUMENT	Procedure
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EXECUTIVE SPONSOR or EXECUTIVE CLINICAL SPONSOR	Executive Director Strategic Improvement Programs
AUTHOR	ISLHD Safety Coordinator
KEY TERMS	Consultation, Health and Safety Representatives (HSRs), Health and Safety Committees (HSC's)
FUNCTIONAL GROUP OR HUB	District Wide
NSQHS STANDARD	Standard One
SUMMARY	The procedure has been developed to establish the foundation for consultation arrangements, which are intended to provide a clear framework for consultation across Illawarra Shoalhaven Local Health District

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

Feedback about this document can be sent to ISLHD-CorporateGovernance@health.nsw.gov.au

1. POLICY STATEMENT

Consultation is a legal requirement and an essential part of managing Work Health and Safety risks.

A safe workplace is more achievable when everyone involved communicates with each other to identify hazards and risks, and works together in consultation to find solutions. This includes cooperation between the people who manage or control the work and those who carry out the work or who are affected by the work.

A more informed decision can be made on how to undertake tasks safely by drawing on the knowledge and experience of workers.

2. BACKGROUND

Consultation is mandatory under the [Work Health and Safety Act 2011](#) (WHS Act) and provides an opportunity to share relevant information and participate in meaningful discussion on work health and safety matters.

Worker representation provides a means for facilitating consultation, involving workers and giving them a voice in health and safety matters. The WHS Act recognises that workplaces have better health and safety outcomes when workers have input before decisions are made about health and safety matters that affect them.

Consultation provides an opportunity for workers 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.

Consultation must take place on all Work Health and Safety (WHS) 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.

3. RESPONSIBILITIES

3.1 Workers must:

- Comply with WHS procedures and any measures put in place to protect their own health and safety.
- Ensure that they do not adversely affect the health and safety of others.
- Participate in work health and safety consultation processes.

3.2 Line Managers must:

- Implement and comply with work health and safety consultation procedures and consult with workers so far as reasonably practicable.
- Meet regularly with workers and/or health and safety representatives (HSR).
- Take all workers concerns into consideration and document feedback.
- Provide HSRs with access to information that relates to work health and safety (HSRs are not to be given worker's personal information).
- Source and enable a Health and Safety Representative (HSR) to attend RTO approved training, if the HSR requests this.

3.3 General Managers/ Service Directors must:

- Establish and maintain work health and safety procedures to achieve WHS objectives.
- Ensure three yearly review of the consultation arrangements to ensure that they are effective and appropriate to the consultation needs of the workplace.

3.4 Chief Executive must:

- Ensure appropriate information, training and education is provided to ensure safe systems of work are developed and maintained.
- Ensure that Illawarra Shoalhaven Local Health District (ISLHD) consultation procedures are current and revised according to changes in legislation, NSW Health Policy Directives or as a result of internal and external audits and continuous improvement activities.

3.5 Workforce Support – Safety Advisors must:

- Support the site/service to establish and maintain consultation arrangements
- Coordinate the election process for HSR (if applicable).
- Report to SafeWork the names of any HSR's in their area of responsibility, as well as providing this information to the WHS Central Unit, ISLHD.

4. PROCEDURE

There is a duty to consult, as far as reasonably practicable, with workers who carry out work for ISLHD and who are (or are likely to be) directly affected by a WHS matter. This procedure outlines the requirements to achieve compliance.

4.1 When to consult with workers

Consultation with workers is required when:

- Identifying hazards and assessing risk arising from work and making decisions about ways to eliminate or minimise those risks.
- Making decisions about the adequacy of facilities for the welfare of workers.
- Proposing changes that may affect the health or safety of workers.
- Making decisions about the procedures, including those for:
 - Consultation with workers.
 - Resolving work health or safety issues.
 - Monitoring the health and safety issues.
 - Monitoring workplace conditions.
 - Providing information and training to workers.
 - Carrying out any other activities prescribed by the Regulations.

ISLHD may choose to consult with workers about WHS matters in other instances, for example when conducting investigations into incidents or 'near misses'.

4.2 What is involved with effective consultation with workers

A framework for effective consultation will include:

- Sharing relevant information about the WHS matter
- Workers being provided with a reasonable opportunity to express their views, raise issues and contribute to the decision making process regarding the management of WHS matters.
- The views of workers being taken into account.
- Workers advised of the outcome of the consultation in a timely manner.

Consultation involves taking the views of workers and HSRs into account before making a decision. Consultation does not require consensus or agreement but it does entitle workers to contribute to any decisions made.

4.3 How to consult with workers

Under the [Work Health and Safety Act 2011](#), workers have several methods of consultation available to them:

- **Health and Safety Committees (HSCs)** - establish a Health & Safety Committee as a method of consultation. A Health and Safety Committee brings together management and workers, to assist in the development and review of WHS policies and procedures for the workplace.

- **Health and Safety Representatives (HSRs)** – workers can choose to elect HSRs within their workgroups. A worker may ask for a HSR to be elected to represent them on work health and safety matters. If a worker makes this request, work groups need to be established to facilitate the election. Where HSRs have been elected, ISLHD must consult with them.
- **Other agreed arrangements** – choose to have both Health and Safety Representatives (HSRs) and Health and Safety Committees (HSCs). Other agreed arrangements may also include discussing WHS at staff meetings or tool box talks, etc.

Each facility/service must determine through consultation with workers the most appropriate method of consultation.

4.4 Documenting Consultation Arrangements:

Documents of the consultation process for the workgroup must be registered in HPE Content Manager for audit purposes. Examples of documents to be kept include team/ward meeting minutes, survey results, etc. Summary of the consultation arrangements is to be documented on [ISLHD CORP F04 WHS Consultation Arrangements](#) and displayed on Work Health and Safety noticeboards.

4.5 Review of Consultation Arrangements

Consultation arrangements should be reviewed:

- when there is a change of workgroups in the work area,
- when staff in the workgroup request the arrangements to be reviewed, or
- every three years to ensure that arrangements are still appropriate.

4.6 Role of a Health and Safety Committee (HSC)

Health and Safety Committees meet regularly to discuss workplace health and safety issues. A HSC facilitates co-operation between the workplace and workers in addressing issues that affect the organisation as a whole; for example, the development and review of organisational standards and procedures relating to health and safety.

4.7 Establishing a HSC

The workplace must establish a HSC if requested by five or more workers or a HSR requests a committee be formed. ISLHD must do so within two months of the request being made. ISLHD can also independently establish one if they decide that one is necessary. The composition of the HSC is determined by agreement between ISLHD and the workers at the workplace to be represented by the Committee.

4.8 Training for HSC members

There is no obligation to train HSC members under the [Work Health and Safety Act 2011](#).

4.9 Meeting frequency

A HSC must meet at least every 3 months, or earlier if at least half of the committee request it.

Further information can be found via the fact sheet: [Information Sheet - Health and Safety Representatives and Committees](#)

4.10 Role of Health and Safety Representative (HSR) and Deputy HSRs

The WHS Act sets out specific powers and functions that a HSR can perform to enable them to represent the interests of the members of their work group (ward/department/service) and to contribute to work health and safety matters.

Although a HSR has the ability to exercise certain powers and functions, a HSR can also choose not to exercise them.

The powers and functions of a health and safety representative for a work group are:

- to represent the workers in the work group in matters relating to work health and safety, and
- to monitor the measures taken by the person conducting the relevant business or undertaking or that person's representative in compliance with this Act in relation to workers in the work group, and
- to investigate complaints from members of the work group relating to work health and safety, and
- to inquire into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the business or undertaking.

The HSR may also be involved in:

- reviewing de-identified incident reports
- discussions with other HSRs and HSC members
- discussions with workers and management to gather information on WHS matters including actions taken to mitigate risks
- checking that the consultation procedures are being appropriately followed by workers

4.11 Training for a HSR to obtain full power of the role:

A HSR can request to attend an accredited five (5) day SafeWork NSW approved training. This training must be provided to the HSR if requested. For further information, please contact your Workforce Support – Safety Advisor.

Trained HSRs are entitled to attend an annual one day HSR refresher course.

4.12 Nomination and Election of a Health and Safety Representative:

Nomination and Election of a Health and Safety Representative must follow legislative requirements. For assistance in the nomination process, please contact your Workforce Support – Safety Advisor.

4.13 How to consult, co-operate and co-ordinate activities with other duty holders:

Each facility or service must consult, cooperate and coordinate activities with other duty holders (e.g. other services on the site or contractors) for any issue that arises that may affect the work or workplace of the workers.

In consultation with other duty holders a consultation agreement must be made. This could include a shared health and safety committee meeting or other agreed arrangements.

5. DOCUMENTATION

- [ISLHD CORP F 04 - WHS Consultation Arrangements](#)
- [ISLHD Information Sheet: Health and Safety Representatives and committees](#)

6. AUDIT

This procedure and the implementation of this procedure will be audited 2 yearly as part of the Ministry of Health WHS Audit Tool.

7. REFERENCES

[WHS Act 2011 – NSW](#)

[WHS Regulations 2017 - NSW](#)

[Work Health Safety – Better Practice Procedures PD2018_13](#)

[Consultation co-operation and co-ordination Code of Practice](#)

8. REVISION & APPROVAL HISTORY

Date	Revision No.	Author and Approval
October 2012	0	Work Safety and Injury Management Service.
December 2012	1	Acting Manager ISLHD Work Safety and Injury Management Service.
September 2015	2	Safety Well-Being Manager ISLHD Safety Management System Review and Implementation Approved by Executive Management
August 2019	3	ISLHD Safety Coordinator

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WHS Consultation

ISLHD CORP PROC 44

		Safety Management System Review Approval/Date: Corporate Policy Recommendation Committee/ October 2019 Approval/Date: Executive Director Strategic Improvement Programs/ November 2019
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