

**INTERNAL ONLY**  
**ISLHD PROCEDURE**  
**COVER SHEET**



**Health**  
Illawarra Shoalhaven  
Local Health District

<b>NAME OF DOCUMENT</b>	Work Health Safety - Issue Resolution
<b>TYPE OF DOCUMENT</b>	Procedure
<b>DOCUMENT NUMBER</b>	ISLHD CORP PROC 89
<b>DATE OF PUBLICATION</b>	August 2019
<b>RISK RATING</b>	Low
<b>REVIEW DATE</b>	August 2024
<b>FORMER REFERENCE(S)</b>	ISLHD OPS PROC 89
<b>EXECUTIVE SPONSOR or EXECUTIVE CLINICAL SPONSOR</b>	Executive Director Strategic Improvement Programs
<b>AUTHOR</b>	ISLHD Work Health and Safety Co-ordinator
<b>KEY TERMS</b>	Work Health and Safety, worker, Health and Safety Representative (HSR), Provisional Improvement Notice (PIN), Improvement Notice
<b>FUNCTIONAL GROUP OR HUB</b>	District Wide
<b>NSQHS STANDARD</b>	Standard 1
<b>SUMMARY</b>	The purpose of this procedure is to provide guidance on communication and consultation regarding the escalation/resolution of Work Health and Safety issues.

**COMPLIANCE WITH THIS DOCUMENT IS MANDATORY**

Feedback about this document can be sent to [ISLHD-CorporateGovernance@health.nsw.gov.au](mailto:ISLHD-CorporateGovernance@health.nsw.gov.au)

## **1 POLICY STATEMENT**

Illawarra Shoalhaven Local Health District is committed to maintaining a safe and healthy working environment for workers and visitors in accordance with Work Health and Safety legislation, Codes of Practice and Australian Standards. Our WHS obligations extend to workers including workers, volunteers, contractors (including visiting practitioners), subcontractors, the workers of contractors and subcontractors, students, trainees and apprentices.

The purpose of this procedure is to provide guidance on communication and consultation regarding the escalation/resolution of Work Health and Safety issues.

## **2 BACKGROUND**

In accordance with our legislative obligations, this procedure establishes the process for the resolution of WHS disputes, and defines the process for escalating unresolved issues to more senior managers within Illawarra Shoalhaven Local Health District (ISLHD) or regulatory authorities.

This procedure outlines the requirements for the communication of WHS information and workplace issue escalation/resolution responsibilities.

## **3 RESPONSIBILITIES**

### **3.1 Workers must:**

- Raise any health and safety dispute or grievance in accordance with this procedure.
- Inform their line manager immediately in the event of a Provisional Improvement Notice (PIN) being issued by a Health and Safety Representative (HSR) or an Improvement Notice (IN) issued by a SafeWork NSW Inspector.

### **3.2 Line Managers must:**

- Make reasonable efforts to resolve WHS issues brought to their attention.
- Escalate issues and/or disputes to Senior Management if they are unable to resolve the issue.
- Communicate to staff the outcomes and/or steps to be taken to resolve issues, where applicable.
- Immediately report to Workforce Support – Safety Advisor and Senior Management any PIN or IN issued.
- Coordinate any investigations that are required as a result of the PIN or IN

**3.3 General Managers/ Service Directors must:**

- Ensure that all persons affected by a PIN or IN are made aware that a notice has been issued.
- Comply with the requirements stated in the Notice and refer the matter to the Workforce Support – Safety Advisor.
- Engage (through the Workforce Support – Safety Advisor) a SafeWork NSW Inspector in the event they wish to dispute the PIN issued by a Health and Safety Representative.
- Comply with any direction issued by a SafeWork NSW Inspector.
- Ensure managers are aware of this procedure and understand their role(s) in the issue resolution process.
- Ensure that PIN, IN or other regulated notices are prominently displayed in the workplace where the notice has been issued.
- Participate in the investigation of the WHS Issues.

**3.4 Health and Safety Representatives (HSR):**

- Represent workers in a work group on work health and safety (WHS) matters.
- Monitor WHS actions taken by ISLHD.
- Investigate WHS complaints from workers of their work group.
- Look into anything that might be a risk to the health and safety of the workers they represent.
- Raise any health and safety dispute or grievance in accordance with this procedure.
- Work cooperatively with employer representatives to resolve WHS issues.
- Direct unsafe work to stop when they have a reasonable concern that carrying out the work would expose a worker of their work group to a serious risk.
- Issue a PIN when they reasonably believe there is a contravention of the Work Health and Safety Act 2011 (WHS Act). This can only be done if the HSR has completed the formal training for the HSR role.

**3.5 Workforce Support – Safety Advisor must:**

- Advise Senior Manager, Workforce Health and Safety of any PIN or IN being issued.
- Support and advise Senior Managers on resolution of PINs and INs.

**3.6 Senior Manager, Workforce Health and Safety:**

- Ensure that Executives are informed of the issuance of PINs, INs or other notices from regulatory bodies (EPA, etc.).

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- Ensure that PINs, INs or other notices are prominently displayed in the workplace where the notice has been issued.

## **4 PROCEDURE**

### **4.1 WHS Incident Reporting and Immediate Response**

If a worker identifies a hazard to the health and safety of staff, they are required to immediately take all appropriate steps to eliminate or reduce the hazard. Once completed or if not possible to rectify the hazard, they are to report it to their manager immediately, or as soon as reasonably practicable. If there is a Health and Safety Representative (HSR) in the associated workgroup, they should also be advised of the hazard.

Any action(s) taken to remedy the hazard should also be communicated to the relevant manager for that workplace.

Upon being notified of an existing hazard, the manager working with the HSR (if attached to a workgroup) is to determine the extent of the immediate threat to personnel, assess any steps that have already been taken, and take any reasonable action necessary to contain any immediate threat to health and safety. If the hazard is identified as a serious matter and cannot be resolved locally, it must be escalated to Senior Management.

The manager is to undertake an investigation to identify all root causes that contributed to the hazard being present or incident occurring. Assistance is to be provided by the relevant Workforce Support – Safety Advisor as required. The manager should then also identify what further actions need to be taken to control the health and safety risk in the future.

All WHS incidents and injuries should be reported in accordance with the [WHS Incident Reporting and Investigation Procedure](#) (ISLHD OPS PROC 81) and SafeWork NSW contacted if there has been a Notifiable Incident (refer to [Internal Reporting of Notifiable Incidents – ISLHD CORP GL 02](#)).

### **4.2 WHS Issue Resolution**

In the event that the hazard, and its associated risks, is considered not to have been resolved within a reasonable time frame, the manager, the reporting worker and/or their HSR can commence the issue resolution process formally. Senior Management and the Workforce Support – Safety Advisor should be advised that this process has begun.

The manager, worker and/or HSR must enter into discussions to attempt to resolve the issue within a reasonable time frame. To facilitate the resolution of a health and safety issue as quickly and effectively as possible, all parties should consider:

- The number and location of workers affected.
- Whether appropriate temporary measures are possible.
- The time that may elapse before the issue is permanently resolved.

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- Who, on behalf of the employer, is responsible for performing and overseeing any action agreed necessary to resolve the issue.

Where the issue is not able to be resolved immediately, the progress of the issue should be regularly reported back to the affected workers ([ISLHD CORP F77 Health and Safety Escalation Report](#)).

When a resolution is reached, the manager shall arrange for a communication of the outcomes to stakeholders and advise the relevant H&S Committee and/or HSR that the WHS issue has been resolved ([ISLHD CORP F457 Record of Health and Safety Issue](#)).

If, however, the manager, worker and/or HSR cannot satisfactorily resolve the issue at the local level and the worker and/or HSR believes that the issue should be pursued, the manager, worker and/or HSR should refer the issue involved to the Workforce Support – Safety Advisor. Escalation to Senior Managers of the Facility/Service may need to occur.

Where previous consultation has not produced a satisfactory resolution to the issue, one or all parties may call in a SafeWork NSW Inspector (13 10 50) as per the WHS Issue Resolution Procedure flowchart.

Any party who requests SafeWork NSW to mediate on an issue are required to notify the other parties, the Workforce Support – Safety Advisor and senior managers of the facility/service of their intention either in person or in writing prior to doing so. The Senior Manager, Workforce Health and Safety is also to be notified.

The SafeWork NSW Inspector can exercise any of his or her powers under the WHS Act 2011. All parties will be bound by any directions handed down by the SafeWork NSW Authority.

### 4.3 Cessation of work

In the event of an immediate safety hazard, the worker identifying the risk will inform their manager, and/or the manager of the area concerned, and/or their Health and Safety Representative (HSR) who should direct all works to cease whilst the issue is investigated.

If an agreement cannot be reached amongst the stakeholders (e.g. HSR, manager, Workforce Support – Safety Advisor etc.) engaged to assess the level of risk associated with the identified hazard, the HSR or manager may instruct all affected persons to cease work activities associated with, or within the vicinity of, the perceived hazard.

The manager or HSR must immediately notify the Workforce Support - Safety Advisor and senior managers of the facility/service, of the cessation of work and other actions taken.

Work should not recommence until such time as it has been agreed amongst all stakeholders that the hazard has been controlled and no longer presents an unacceptable level of risk to the health and safety of workers.

If no satisfactory resolution can be reached, the HSR may exercise their judgement to issue a Provisional Improvement Notice (PIN) if they have completed the required formal training for this role.

#### **4.4 Provisional Improvement Notice (PIN) and Other Notices**

If a WHS issue is not able to be resolved within a reasonable time frame, or the WHS issue is the subject to a direction to cease work, either party may ask SafeWork NSW to arrange for a SafeWork NSW Inspector to attend the work place.

HSRs must not issue a provisional improvement notice to a person unless he or she has first consulted the person. The HSR must outline the reasons for issuing the PIN, and must specify which part (or parts) of the Act, or its Regulations, has been or is likely to be contravened.

Any employer representative (i.e. worker of managerial capacity) or person to whom a PIN is issued must provide the Workforce Support – Safety Advisor with a copy of the PIN immediately.

If a HSR issues a PIN to a person other than an employer representative, the HSR must also provide the Workforce Support – Safety Advisor with a copy of the PIN immediately.

Senior Management must ensure that the PIN Notice or any other Notice is prominently displayed in the area where the contravention has occurred as per the WHS Act 2011.

Where a SafeWork NSW Inspector affirms (or affirms with modification) a PIN, Senior Management will comply with the Inspector's decision.

#### **4.5 Investigation**

Investigations are to be undertaken as per ISLHD OPS PROC 81 WHS Incident Reporting and Investigation.

#### **4.6 Communication of Outcomes**

Upon resolution of a health and safety issue, a record detailing the WHS issue ([ISLHD CORP F457 Record of Health and Safety Issue](#)), nature of hazards, discussions held and what actions were taken, will be compiled by the relevant manager in consultation with the Workforce Support – Safety Advisor. This should be communicated to the affected workers and the details forwarded to the relevant Health and Safety Committee, Senior Management, and Workforce Support – Safety Advisor as soon as reasonably possible. All documentations are to be TRIMMED.

## 5. DOCUMENTATION

- [ISLHD CORP F77 Health and Safety Escalation Report](#)
- [ISLHD CORP F457 Record of Health and Safety Issue](#)
- [Template for Provisional Improvement Notices](#)

## 6. AUDIT

Compliance with this procedure will be audited as per Ministry of Health Work Health and Safety Audit Tool within the 2year auditing cycle.

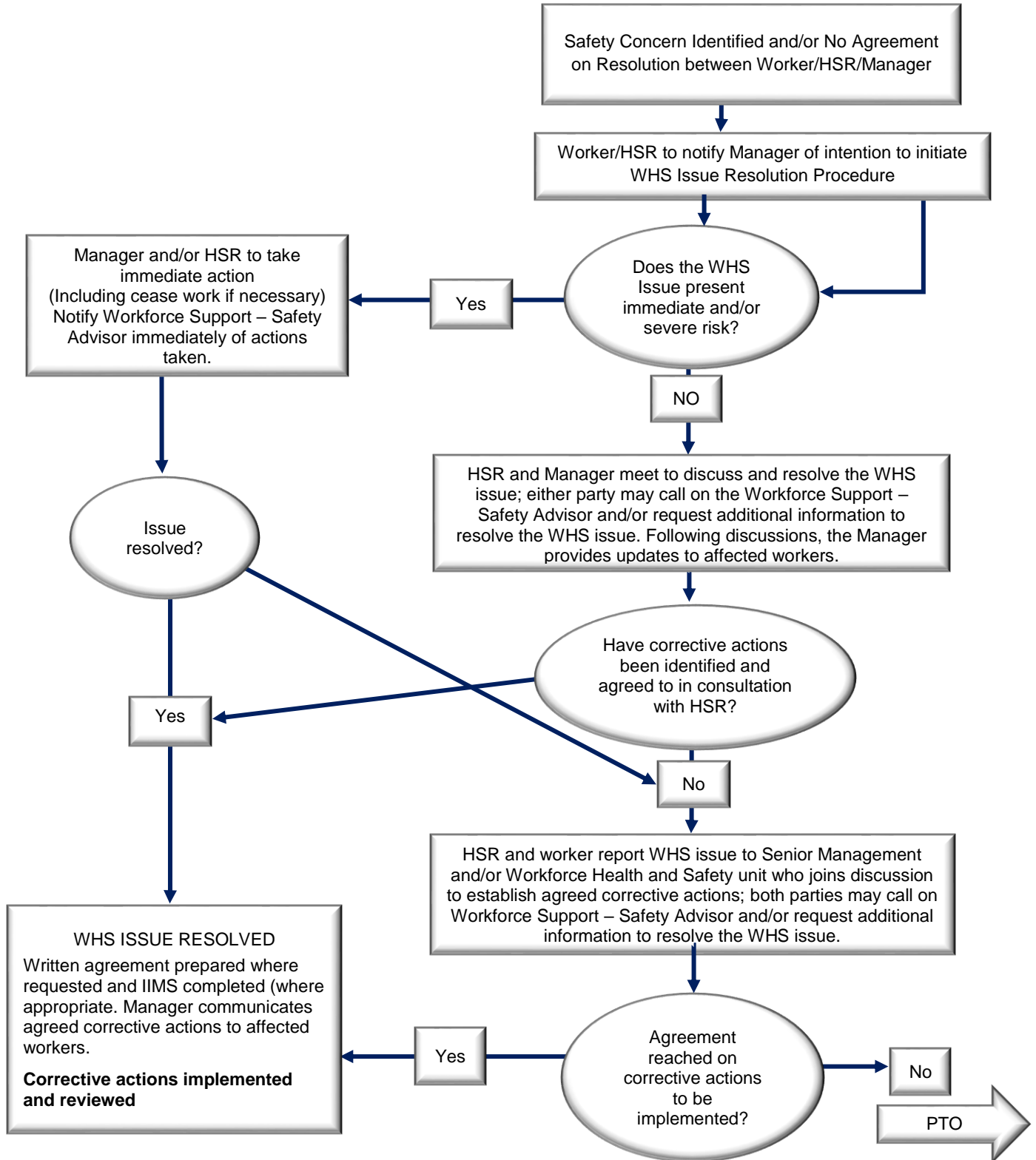
## 7. REFERENCES

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulations 2017](#)
- [ISLHD OPS PROC 44 - Work Health and Safety Consultation](#)
- [ISLHD CORP PROC 48- Work Health and Safety Risk Management](#)
- [ISLHD OPS PROC 76 – Contractor Management](#)
- [NSW Health Policy Directive – Work Health and Safety: Better Practice Guidelines PD2018\\_013](#)

## 8. REVISION & APPROVAL HISTORY

Date	Revision No.	Author and Approval
27 June 2014	0	WHS Advisor ISLHD Workforce Health and Safety (WHS) Approved by Executive Management Committee April 2015
May 2019	1	WHS Safety Coordinator Review of WHS Safety Management System
August 2019	1	Approval/Date: Policy Recommendation Committee – August 2019
August 2019	1	Approval/Date: Executive Director Strategic Improvement Programs – August 2019

9. APPENDIX 1 -





**Work Health Safety Issue Resolution**

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