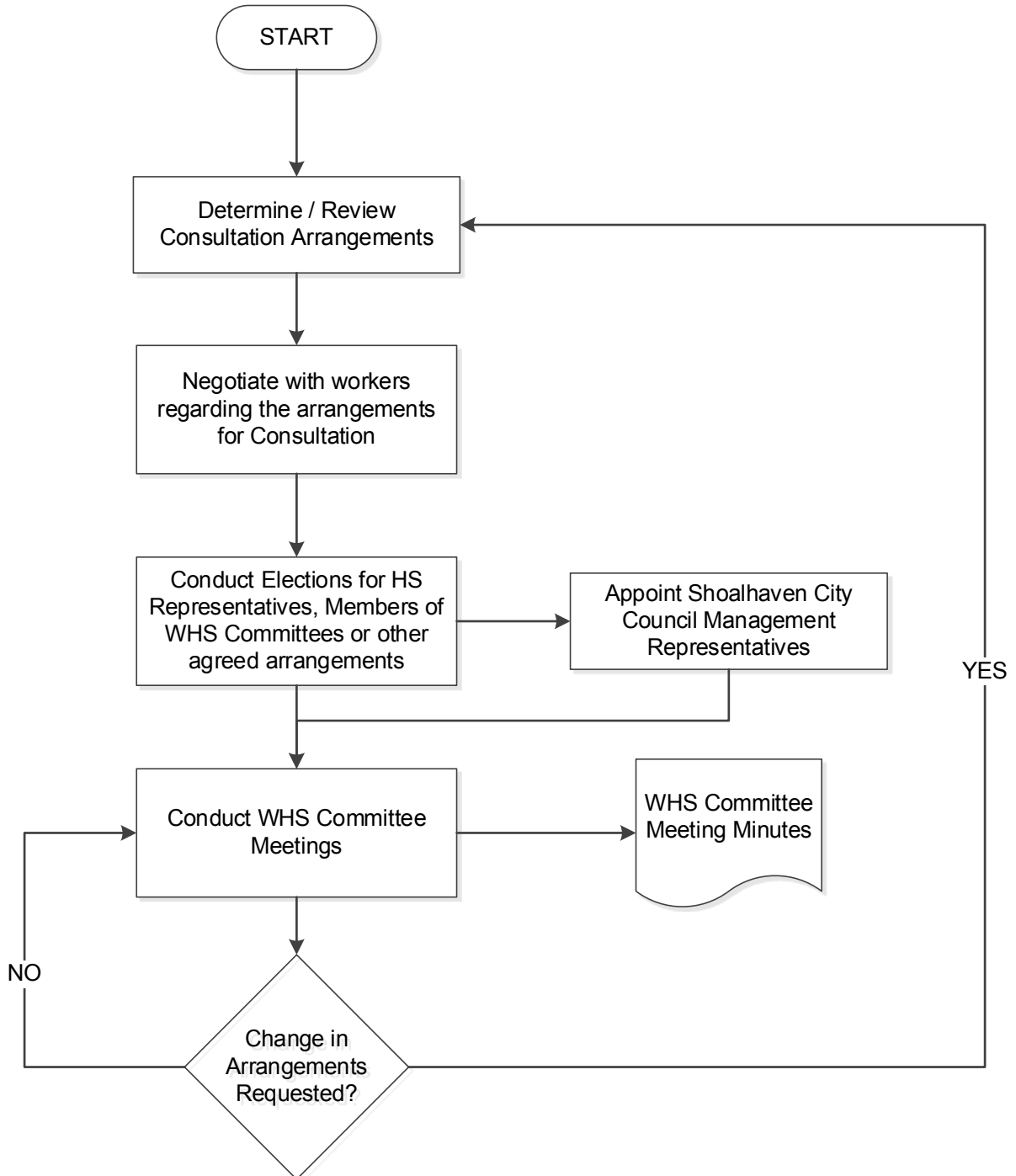


# CONSULTATION AND COMMUNICATION

## 1.0 SUMMARY / FLOWCHART



**2.0 RESPONSIBILITIES**

<b>Organisational Level</b>	<b>Health and Safety Responsibilities</b>
<b>Level 1</b> ( <i>General Manager, Group Directors</i> )	Provide adequate resources to ensure effective consultation and communication to occur.
	Ensure the nomination of management representatives to participate in consultation arrangements.
	Communicate and consult on matters that may affect workplace safety.
<b>Level 2</b> ( <i>Section Manager, Unit Manager / Unit Co-ordinator, Project Manager</i> )	Support resourcing decisions made to enable or enhance consultation on WHS matters and the communication of WHS information.
	Communicate and consult on matters that may affect workplace safety.
	Support the activities of WHS Committee members or representative(s) in meeting their allocated responsibilities.
	Communicate WHS information, when required, by conducting team meetings, participating in toolbox talks, displaying information on noticeboards.
	Implement processes to ensure that any elections conducted for WHS Committee members or representative(s) are conducted in a manner prescribed in the NSW WHS Regulations.
	Provide support and facilities to allow the effective function of any meetings of the WHS Committee or held with Health Safety Representative(s).
<b>Level 3</b> ( <i>Coordinator within a Unit, Team Leader, Supervisor, Ganger or Leading Hand or Operator</i> )	Communicate and consult on matters that may affect workplace health and safety.
	Provide support and facilities to allow the effective function of any meetings of the Work Health & Safety Committee or held with Health Safety Representative(s).
	Communicate WHS information, when required, by conducting team meetings, participating in toolbox talks, displaying information on noticeboards.
<b>Level 4</b> ( <i>Team Member, Operator Attendant, Trainee, Apprentice</i> )	Participate in processes implemented to enable consultation with workers and the communication of health and safety information.
<b>Level 5</b> ( <i>Volunteer, Contractor, Other</i> )	Participate in processes implemented to enable consultation with workers and the communication of health and safety information.

<b>WHS Committee Members or Representative(s)</b>	Consult with the workers represented prior to and after WHS Committee or Representative(s) meetings.
	Participate in workplace inspections when required.
	Attend WHS Committee or Representative(s) meetings.
	Provide minutes of WHS Committee or Representative(s) meetings to workers.

### 3.0 PURPOSE & SCOPE

#### 3.1 PURPOSE

- 3.1.1 This procedure documents the processes implemented within Shoalhaven City Council (SCC) for the identification and establishment of agreed arrangements for the joint Work Health and Safety (WHS) consultation between SCC’s Management, Workers, and other Persons Conducting a Business or Undertaking (PCBU).
- 3.1.2 Workers are encouraged to contribute to the making of decisions affecting their health and safety at work, through the following:
  - 3.1.2.1 the sharing of relevant information about work health and safety with other PCBUs and with Workers affected by the business or undertaking
  - 3.1.2.2 by giving Workers the opportunity to express their views and to contribute to the resolution of work health and safety issues, and
  - 3.1.2.3 by valuing and taking into account the views of SCC’s Workers.
- 3.1.3 This procedure also documents SCC’s procedures for the sharing of health and safety information with workers, visitors to SCC’s workplaces, and external parties including the general public, customers, suppliers, volunteers and government agencies.

#### 3.2 SCOPE

- 3.2.1 This procedure applies to all workers within SCC and requires the sharing of information, the participation and involvement in making decisions affecting health and safety.
- 3.2.2 Consultation is required in the following circumstances:
- 3.2.3 when risks to health and safety arising from work are identified and assessed, or when the assessment of those risks is reviewed
- 3.2.4 when decisions are made about the measures to be taken to eliminate or minimise risks
- 3.2.5 when introducing or altering the procedures for monitoring those risks (including health monitoring procedures)
- 3.2.6 when making decisions about the adequacy of facilities for the welfare of Workers

- 3.2.7 when changes are proposed to the environment and structures where persons work; to the systems, processes, practices or methods of work; or to the plant or chemicals used for work that may affect health and safety
- 3.2.8 when changes are proposed to purchasing decisions that may impact on Workers' health and safety
- 3.2.9 when decisions are made about the procedures for:
  - 3.2.9.1 consulting with Workers, or
  - 3.2.9.2 resolving work health or safety issues at the workplace, or
  - 3.2.9.3 monitoring the health of Workers, or
  - 3.2.9.4 monitoring the conditions at any workplace under the management or control of the PCBU, or
  - 3.2.9.5 providing information and training for Workers, or
  - 3.2.9.6 when carrying out any other activity prescribed by the Regulations.
- 3.2.10 Consultation will be undertaken between SCC, other PCBUs, and the WHS Committees or Health and Safety Representative(s).
- 3.2.11 SCC's WHS Committees act in advisory capacity only, making recommendations about Work Health and Safety issues. It remains SCC's responsibility to make decisions about WHS issues.
- 3.2.12 The "Exchanging Information with External Parties" sections of this procedure applies to the provision, receipt and response of health and safety information between SCC and external parties, including customers, suppliers, emergency services, and public authorities.
- 3.2.13 SCC will allow HSRs and/or each member of a WHS committee the resources and reasonable necessary time to attend meetings of the committee or to carry out functions as a member of the committee.

## 4.0 PROCEDURE

### 4.1 DETERMINATION OF CONSULTATION ARRANGEMENTS

- 4.1.1 Arrangements made for the consultation of Workers will be agreed to by SCC's Management and the Workers.
- 4.1.2 Aspects of consultation to be agreed include the following:
  - 4.1.2.1 the composition of workgroups
  - 4.1.2.2 the nature of the consultation arrangements.

### 4.2 DETERMINATION OF THE NATURE OF CONSULTATION

- 4.2.1 Negotiations, between SCC's Management and Workers, for the determination of the nature of consultation or the variation of the nature of consultation will be directed towards ensuring the following:

- 4.2.1.1 all relevant information regarding a health and safety matter is shared with Workers, and
- 4.2.1.2 Workers will be given reasonable opportunity:
- 4.2.2 to express their views and to raise work health and safety issues in relation to the matter, and
- 4.2.3 to contribute to the decision-making process relating to the matter, and
  - 4.2.3.1 the views of Workers are taken into account by the PCBU, and
  - 4.2.3.2 the Workers consulted are advised of the outcome of the consultation in a timely manner.
- 4.2.4 Prior to the establishment and / or review of arrangements for consultation, the WHS and Risk unit Manager will communicate to SCC Workers, the following:
  - 4.2.4.1 the current consultation arrangements
  - 4.2.4.2 an assessment of the effectiveness or otherwise of these current arrangements
  - 4.2.4.3 a description of alternative consultation arrangements for consideration, including those provided under the WHS legislation and the matters that require consultation. The description of alternative consultation arrangements will outline the following:
    - a) Types of Arrangements for Consultation, the groups of workers to be consulted under the arrangements (different groups of workers – SCC employees, contractors and their employees, sub-contractors and their employees, volunteers and visitors) may require different consultation arrangements
    - b) the methods to be implemented for the sharing of information
    - c) the processes for ensuring effective consultation and communication with workers who have special language or literacy needs
    - d) the methods by which responses will be collected and the processes to be applied to determine the desired consultation arrangements.

#### **4.3 METHODS OF CONSULTATION**

- 4.3.1 SCC will facilitate the process in determining the mechanism(s) to be used to enable consultation between management and Workers, options are:
- 4.3.2 Work Health & Safety Committees
- 4.3.3 Health and Safety Representatives (HSRs)
- 4.3.4 Combination of Health and Safety Representatives and WHS Committees.
- 4.3.5 Other Arrangements i.e. toolbox, team meetings.

#### **4.4 WHS COMMITTEES**

- 4.4.1 WHS Committees will be established within 2 months after a request by:
- 4.4.2 a HSR for a workgroup, or
- 4.4.3 5 or more Workers at the workplace.
- 4.4.4 At least half of the members of a WHS Committee must be Workers not nominated by Supervisors or Managers.

#### **4.5 ELECTIONS OF WHS COMMITTEE MEMBERS**

- 4.5.1 With agreement of SCC's Management and the Workers, elections for WHS Committee members will be held at the same time, once every three years.
- 4.5.2 The WHS and Risk Unit Manager will notify all workers of the election and call for nominations giving Workers the opportunity to nominate either themselves or some other person.
- 4.5.3 Where more nominations are received than the number of available positions, a ballot will be held allowing all members of the relevant work group the opportunity to vote.
- 4.5.4 Where a WHS Committee position becomes vacant during their 3 year term of office, the Committee will communicate to the relevant work group and the Committee membership an election will be conducted in relation to the vacant position/s.
- 4.5.5 At least one representative from management that has knowledge of the work undertaken by the relevant work area is to be appointed by the Group Director to each WHS Committee.
- 4.5.6 Elections will be conducted in a manner consistent with the requirements of NSW WHS Legislation and will be monitored by the Committee of Safety Review. A list of elected members and final to be forwarded onto the General Manager.

#### **4.6 COMMUNICATION OF WHS COMMITTEE MEMBERS**

- 4.6.1 The WHS and Risk Unit will produce, maintain and distribute a list of WHS Committee Members Managers will ensure that a copy of the current WHS Committee Members list is accessible to Workers.
- 4.6.2 The list of WHS Committee Members will be made accessible by the following methods:
  - 4.6.2.1 Intranet
  - 4.6.2.2 displayed on each WHS Noticeboards
  - 4.6.2.3 included in the WHS inductions for Workers and Volunteers.

#### **4.7 FUNCTIONS OF WHS COMMITTEES**

- 4.7.1 Work Health & Safety Committees will:
- 4.7.2 Facilitate co-operation between SCC and Workers in instigating, developing and carrying out measures designed to ensure the Workers' health and safety at work.
- 4.7.3 Assist in developing standards, instructions and procedures relating to health and safety that are followed or complied with at the workplace.
- 4.7.4 Meet at least once every 3 months or at any reasonable time at the request of at least half of the members of the Committee
- 4.7.5 Any other functions prescribed by the legislation or agreed between SCC and the Committee(s).
- 4.7.6 Draw to the attention of the WHS and Risk Unit and the Committee of Safety Review any unresolved WHS issues or those with the potential to have serious consequences, before requesting intervention by SafeWork.
- 4.7.7 Document any WHS issues raised by a member of their work area.
- 4.7.8 Participate in Workplace Inspections.
- 4.7.9 Be available during SafeWork inspections.
- 4.7.10 Assist management to ensure that all Workers comply with relevant WHS legislation.
- 4.7.11 Discuss WHS issues raised at WHS Committee meetings at team briefs and encourage fellow Workers to discuss workplace safety issues, opportunities and concerns.
- 4.7.12 Report back to Worker/s who raise WHS issues on the outcome or progress of the issue.

#### **4.8 HEALTH AND SAFETY REPRESENTATIVES (HSR)**

- 4.8.1 A worker who carries out work for SCC may ask SCC to facilitate the conduct of an election for one or more health and safety representatives to represent workers who carry out work for the SCC.
- 4.8.2 The number and composition of work groups is to be determined by negotiation and agreement between SCC's Management and Workers in accordance with Section 52 of NSW WHS Act 2011, including the number of deputy health and safety representative(s) (if any) to be elected.
- 4.8.3 The workers in a work group may determine how an election of a health and safety representative for the work group is to be conducted in accordance with Section 61 of NSW WHS Act 2011.
- 4.8.4 A health and safety representative for a work group is to be elected by members of that work group. All workers in a work group are entitled to vote.
- 4.8.5 Election is not required if the number of candidates for election as a health and safety representative for a work group equals the number of vacancies. Thereafter each candidate is to be taken to have been elected as a health and safety representative for the work group.
- 4.8.6 Term of office of health and safety representative is 3 years unless the person resigns as a health and safety representative for the work group by written notice to SCC's Management. A health and safety representative is eligible for re-election.
- 4.8.7 A health and safety representative is entitled to attend an approved, initial 5 day work health and safety training course. Thereafter a 1 day's refresher training course each year.
- 4.8.8 The WHS and Risk Unit will produce, maintain and distribute a list health and safety representative to workers. Also forward onto the Regulator a list of all newly elected health and safety representative(s).

#### **4.9 COMMITTEE OF SAFETY REVIEW (CSR)**

- 4.9.1 The role of the CSR is to:
  - 4.9.1.1 Assist in the strategic direction and implementation of WHS initiatives.
  - 4.9.1.2 Assist in the development, implementation and evaluation of the WHS Management System.
  - 4.9.1.3 Assist in the review of Corporate WHS policies, procedures and tools and make recommendations where required.
  - 4.9.1.4 Assist in the integration of WHS into work practices.



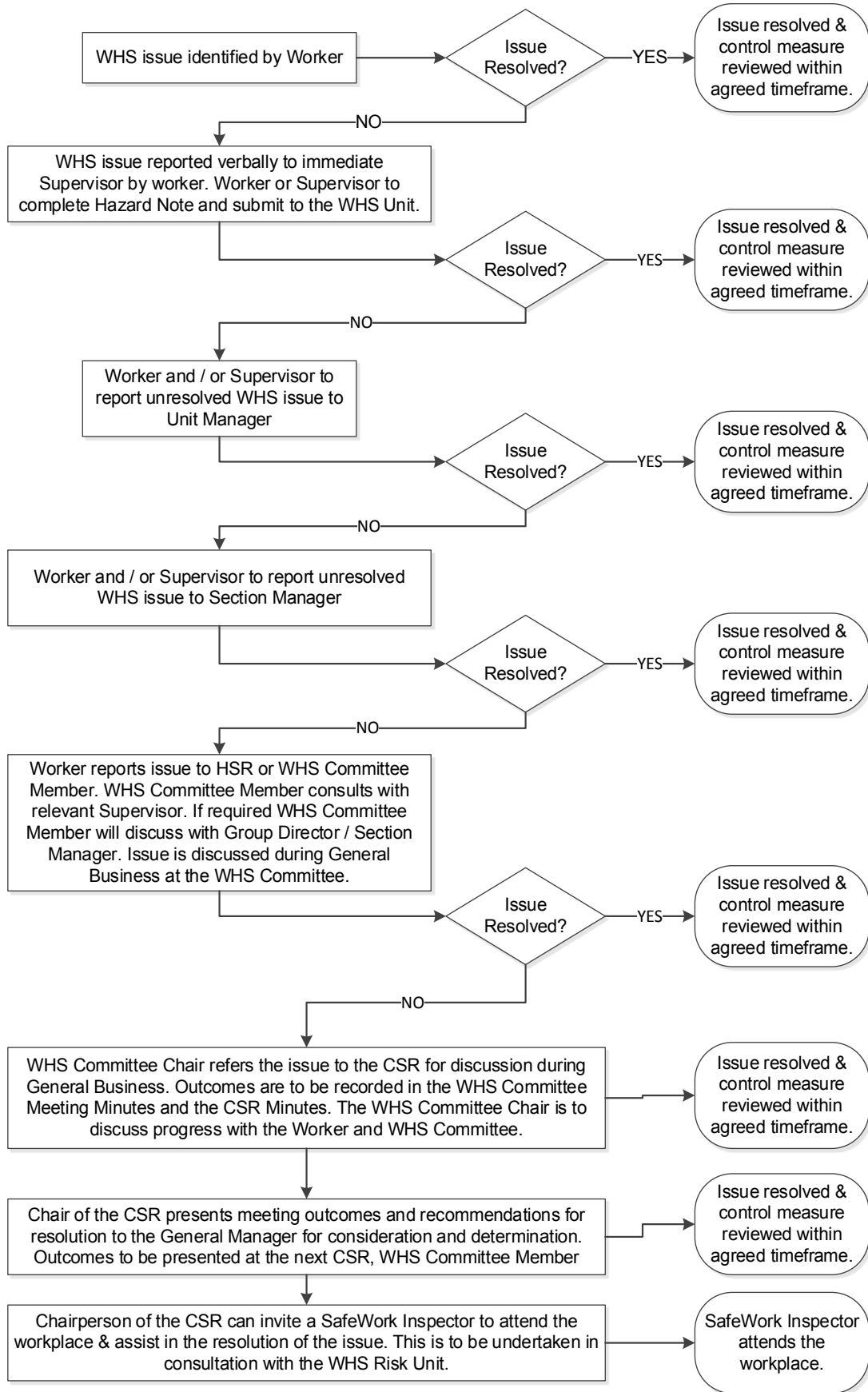
- 4.9.1.5 Monitor and review WHS statistics, including incident and injury trends, and evaluate SCC's WHS performance.
- 4.9.1.6 Promote WHS throughout SCC.
- 4.9.1.7 Assist in resolving outstanding WHS issues through recommendations to the General Manager for final resolution.
- 4.9.1.8 Report back to the Worker or work group, through the relevant WHS Committee Chair or Health and Safety Representative(s), the outcome or progress of any WHS issue that has been brought to the attention of the General Manager.
- 4.9.1.9 The CSR will meet monthly.
- 4.9.1.10 The membership of the CSR will include one management representative and one Worker representative, typically the Committee Chair drawn from each WHS Committee or Health and Safety Representative and the WHS and Risk Unit.
- 4.9.1.11 The General Manager may also nominate additional management members to the CSR.
- 4.9.1.12 The General Manager will nominate the CSR Chairperson.

#### **4.10 ISSUE RESOLUTION**

- 4.10.1 WHS issues should be resolved at the workplace by the worker/s who identify the problem, in consultation with their respective supervisor. If the issue cannot be resolved, the worker/s and the Supervisor will report the issue through the hazard reporting systems documented within the Incident Reporting and Investigation Procedure.
- 4.10.2 A worker may report a WHS issue to a WHS Committee Member for their work group or Health and Safety Representative, who will raise the issue at the next WHS Committee meeting, unless the risk related to the issue, requires an immediate response.
- 4.10.3 The `parties` must have regard to all relevant matters, including the degree and immediacy of risk to workers or other persons affected by the issue, the number and location of workers and other persons affected by the issue, the measures (both temporary and permanent) that must be implemented to resolve the issue and who will be responsible for implementing the resolution measures.
- 4.10.4 If the issue is resolved, details of the issue and its resolution must be set out in a written agreement if any party to the issue requests this, also if requested a copy must be given to all parties to the issue including the relevant health and safety committee for the workplace.

- 4.10.5 If the safety issue cannot be resolved after the worker has discussed the safety issue with their supervisor, the worker should consult their Unit/Section Manager for resolution.
- 4.10.6 If the WHS issue cannot be resolved after informing the relevant manager, the issue is to be brought to the attention of the CSR for consideration and recommendation/s to the General Manager.
- 4.10.7 The timeframe to address any identified WHS issue needs to be appropriate to the risk involved.
- 4.10.8 The WHS and Risk Unit may be consulted at any time for advice and assistance.
- 4.10.9 The worker raising the WHS issue is to be kept informed of the progress and outcome of the issue.
- 4.10.10 Attempts should be made to resolve identified WHS issues prior to SafeWork being notified.
- 4.10.11 External written complaints will be considered as formal complaints. Formal complaints will be received by the Governance Manager and reviewed by the WHS Risk Unit Manager. The outcome of the complaint will be confirmed in writing if appropriate.
- 4.10.12 External verbal complaints will be considered as informal complaints. Informal complaints will be received by the WHS Risk Unit Manager and reviewed by the WHS Risk Unit. The outcome of the complaint will be confirmed verbally and documented within a hazard and incident note.

**WHS Issue Resolution Flowchart**



#### **4.11 COMMUNICATION OF HEALTH AND SAFETY INFORMATION**

- 4.11.1 SCC's Management will communicate relevant, targeted and concise health and safety information to Workers.
- 4.11.2 WHS information to be communicated includes, but is not limited to, proposed workplace changes, WHS related decisions, and details of the resolution of WHS issues.
- 4.11.3 The mechanism/s utilised for the communication of WHS information will be determined considering the nature of the information to be communicated, the minimisation of any disruption to operations, and the audience receiving the information.
- 4.11.4 Mechanisms for the communication of WHS information to Workers include, but are not limited to, the following:
  - 4.11.4.1 Information delivered during Toolbox Talks
  - 4.11.4.2 Information displayed on WHS Noticeboards
  - 4.11.4.3 Internal communications, emails and memos, providing WHS information
  - 4.11.4.4 Team meetings
  - 4.11.4.5 Individual discussions, if required.
- 4.11.5 Records of the communication of WHS information will be made and maintained by the responsible SCC Manager, Supervisor, or WHS Committee Member. These records include minutes of meetings, minutes of toolbox talks, and copies of memos and emails.
- 4.11.6 Minutes of meetings are to be made available to all workers. Distribution shall be either via email or a hard copy placed on site WHS noticeboards.

#### **4.12 EXCHANGING INFORMATION WITH EXTERNAL PARTIES**

- 4.12.1 SCC's management will determine the nature of the WHS information to be exchanged and the relevant external party or parties to provide, receive or respond to the information.
- 4.12.2 WHS information will be exchanged between SCC and relevant external parties in the following circumstances:
  - 4.12.2.1 the planning, arrangement, and conduct of public events
  - 4.12.2.2 the preparation of contractual arrangements and the engagement of Contractors
  - 4.12.2.3 the hire or lease of SCC services or facilities
  - 4.12.2.4 the planning and conduct of construction, demolition or excavation activities
  - 4.12.2.5 the conduct of activities, projects or works which may impact the safety of the public, the environment, and suppliers
  - 4.12.2.6 the removal, handling and disposal of asbestos or asbestos containing materials

- 4.12.2.7 the planning for emergency situations and during emergencies involving SCC Workers, members of the public, or the environment
- 4.12.2.8 any other circumstances considered relevant by SCC's Management.

## **5.0 REFERENCES & ASSOCIATED DOCUMENTS**

- 5.1** WHS Act 2011
- 5.2** WHS Regulation 2017
- 5.3** Work Health and Safety Consultation, Co-operation and Co-ordination – Code of Practice 2011

**APPENDIX 1 - DEFINITIONS**

<b>Chairperson</b>	A Committee Member elected by the Committee Members to chair and co-ordinate Committee activities.
<b>Consultation</b>	The sharing of information and the exchange of views between duty holders and the persons that must be consulted and the genuine opportunity for them to contribute effectively to any decision-making process that impacts on health and safety.
<b>Management Representative</b>	The members of the WHS Committee appointed by the Group Directors.
<b>Inspector</b>	A SafeWork NSW Inspector appointed under the WHS Act 2011.
<b>Person Conducting a Business or Undertaking (PCBU)</b>	Person conducting a business or undertaking such as a self-employed person or corporation.
<b>Worker</b>	<p>A person is a Worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none"> <li>• an employee</li> <li>• a contractor or sub-contractor</li> <li>• an employee of a sub-contractor</li> <li>• an employee of a labour-hire company who has been assigned to work in the organisation</li> <li>• an outworker</li> <li>• an apprentice or trainee</li> <li>• a student gaining work experience</li> <li>• a volunteer</li> <li>• a person of a prescribed class.</li> </ul>
<b>Work area</b>	The group of Workers represented by a particular WHS Committee Member or Health and Safety Representative.
<b>HSR</b>	The Health and Safety Representative elected for the workgroup of which the Worker is a member.