

SESLHD PROCEDURE COVER SHEET



Health
South Eastern Sydney
Local Health District

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EXECUTIVE SPONSOR or EXECUTIVE CLINICAL SPONSOR	Director, People and Culture
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FUNCTIONAL GROUP(S)	Workplace Health and Safety
KEY TERMS	Work health and safety, WHS, consultation
SUMMARY	This procedure provides information on the consultation process with SESLHD workers for health and safety matters at the workplace that may affect their health and safety, including the resolution of health and safety issues through agreed consultation mechanisms.

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

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1. POLICY STATEMENT

[Division 2 of the NSW WHS Act 2011](#) states: *The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this Division and the regulations, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.*

[Division 2 NSW WHS Regulation 2017](#) gives guidance on Health and safety representatives for the workplace.

2. BACKGROUND

This procedure provides practical guidance for SESLHD managers on processes to effectively consult with workers, external persons conducting a business or undertaking (PCBU) and other key stakeholders who are or likely to be directly affected by health and safety matters. It also provides guidance to duty holders who share responsibility for the work health and safety (WHS) matters for consultation, co-operation and co-ordination of activities, including methods to facilitate worker participation and representation.

Consultation can be through a number of different ways, the focus of this document is on two consultation processes:

[Health and Safety Committees \(HSC\) – Section 6](#)
[Health and Safety Representatives \(HSR\) – Section 7](#)

For advice on other agreed arrangements, please contact the SESLHD [Health Safety and Wellbeing Services](#).

3. RESPONSIBILITIES

3.1. Workers will: comply with work health and safety procedures including agreed consultation procedures and any measures put in place to protect their own health and safety and do not adversely affect the health and safety of patients, visitor and others within SESLHD workplace. Workers are required to participate in work health and safety (WHS) consultation process to ensure they meet the organisational obligations under the WHS Act 2011 and Regulation 2017.

3.2. Line Managers will: follow SESLHD procedures for consultation. Managers are to consult ([Section 4.3 - When to consult](#)) with the department workers, HSR or HSC members on work health and safety matters in the workplace by:

- meeting regularly with workers and/or representatives (HSR or HSC) to discuss health and safety matters as outlined in the [Agenda - Consultation Meeting with the Team/Health and Safety Representative form](#)
- granting permission to attend a paid training course relative to the role, see HSC ([Section 6 – Role of the HSC](#)) or HSR ([Section 7 - Role of HSR](#)) training requirement
- taking all workers health and safety concerns into consideration, and document feedback responds to outline the course of action taken or the reason for action not being required
- providing department's HSR access to information that relates to the work and safety of workers and work place hazards (including associated risks) e.g. environmental

monitoring reports, exposure reports and test results (Note: HSRs must not be given worker personal information)

- enabling the HSR to attend interviews concerning work health and safety between one or more consenting workers and SafeWork NSW Inspector or another department or contractor at the workplace (or representative)
- providing HSR and HSC with resources, facilities and assistance that are reasonably necessary to enable the HSR and HSC to perform the required functions under SESLHD policy and the WHS Act
- providing HSR and HSC members sufficient time at normal pay, that is reasonably necessary to perform the required functions as specified in the WHS Act including: access to the Health Safety and Wellbeing Service
- permitting a HSR to accompany a SafeWork NSW Inspector during an inspection of department.

3.3. District Managers/ Service Managers will: ensure that their District/Service has an agreed consultation mechanism in place which facilitates consultation with workers.

3.4. Officers will: ensure work health and safety consultation procedures are in place to meet legislative requirements and achieve SESLHD work health and safety objectives. Officers are also required to exercise due diligence to understand health and safety matters arising from the nature of SESLHD business affecting workers, ensure compliance to the WHS Act and Regulations, including engaging in the consultation process where matters are escalated to them.

3.5. Health and Safety Committee (HSC) members will: focus on the health and safety matters across the service or facility and will facilitate cooperation between management and workers. Some of the activities will depend on level of the committee (facility or local department/service) including:

- consultation in the workplace and providing feedback to the work group
- workplace inspections
- involvement in investigations if required
- analysis of WHS statistics
- conducting meetings
- review policies and procedures
- actively promote and comply with WHS policy and procedures
- complete action items in a timely manner
- promoting WHS activities
- facility or department/service workplace changes for example: re-development that may change access or pose a risk to workers and others
- discuss and disseminate safety alert information to work groups
- discuss SafeWork NSW interaction with the work group

Please contact the SESLHD [Health Safety and Wellbeing Services](#) for further information or advice.

- 3.6 Health and Safety Representatives (HSR):** represent the interests of the members of their own work group (ward/department/service) and to contribute to work health and safety matters.
- The HSR must provide leadership and information to workers of the work group.
 - The HSR will deal directly with all stakeholders to resolve health and safety risks to the work group.
 - A HSR can also elect to join the site HSC, or can request the formation of a HSC where one does not exist at a SESLHD site.

For further information see [Section 7 - Role of HSR](#) contact the [Health Safety and Wellbeing Services](#).

- 3.7 Health Safety and Wellbeing Services:** will establish and maintain work health and safety consultation procedures to meet legislative requirements and achieve SESLHD work health and safety objectives.

4. PRINCIPLES OF CONSULTATION

4.1 What is consultation?

Consultation is a two-way process between the PCBU (Organisation - SESLHD) and workers where both parties undertake to:

- talk to each other about health and safety matters
- listen to each other's concerns
- seek and share views and information
- consider the other party's view before making decisions.

4.2. Consultation requires that SESLHD:

- share relevant work health and safety information with workers
- give workers a reasonable opportunity to express views and to raise health or safety concerns
- give workers a reasonable opportunity to contribute in the decision-making process relating to the health and safety matter
- take the view of workers into account
- advise workers of the outcome of any consultation in a timely manner.

4.3. When to consult:

SESLHD managers and workers must consult when:

- identifying hazards and assessing risks arising from the work carried out or to be carried out
- making decisions about ways to eliminate or minimise risks
- making decisions about the adequacy of welfare facilities in the workplace such as: toilets, drinking water, washing facilities, dining areas, change rooms and first aid
- proposing changes to the workplace that may affect the health or safety of workers such as: changing the system of work, new products or projects, purchasing new or used equipment, restructuring the department or service
- making a decision about required changes to procedures
- resolving health or safety matters
- monitoring health of workers

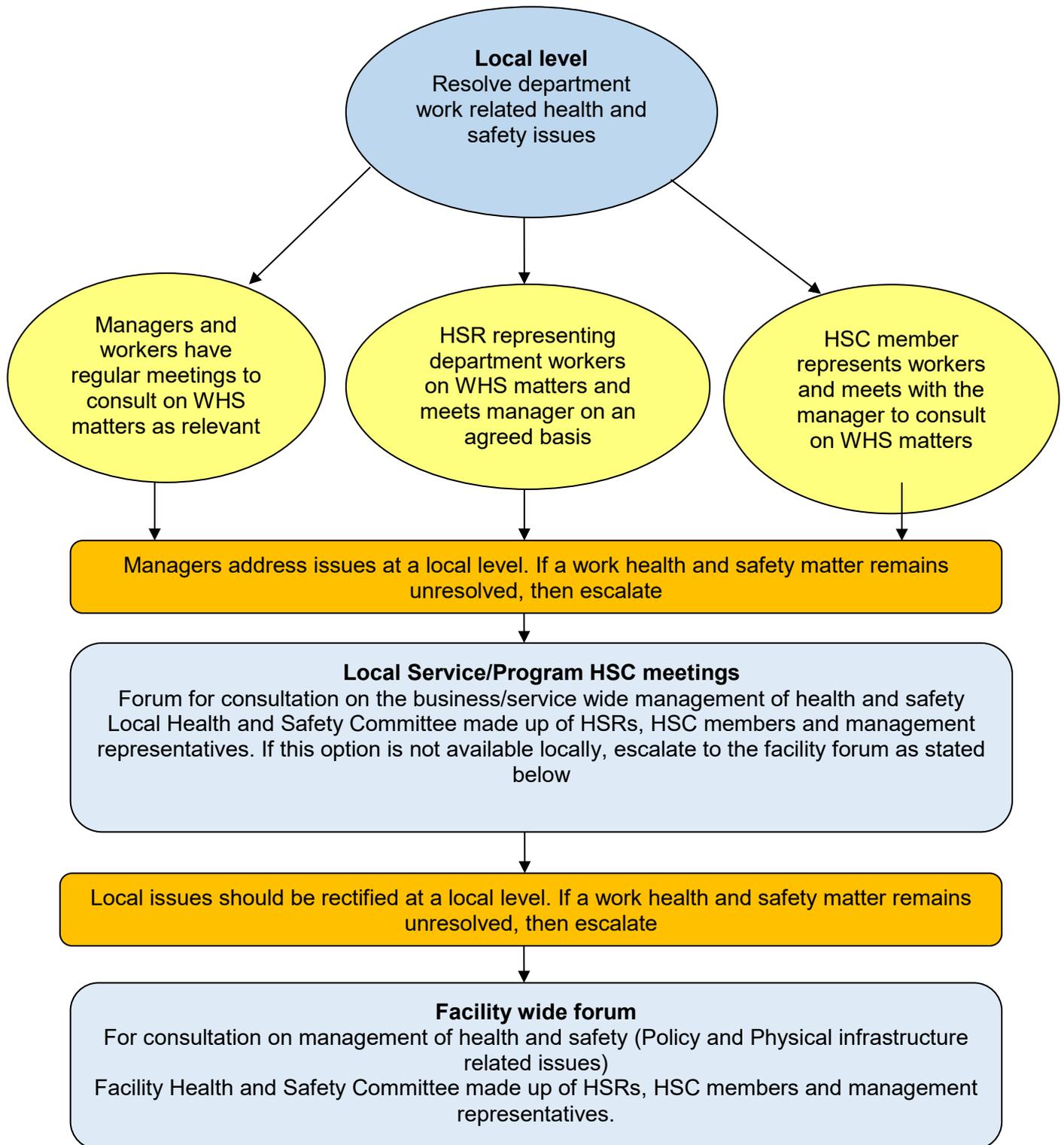
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- monitoring the conditions at the workplace
- providing information and training for workers
- conducting investigations into incidents or 'near misses'.

5. PROCEDURE

In SESLHD departments, services or facilities, the following consultation arrangements or a combination of the following are utilised:



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5.1. Processes for consultation in SESLHD

Health, Safety and Wellbeing Reporting and Consultation Management

Stage	Reporting responsibility	Consultation	Escalation
1	Worker identifies hazards, risks, issues, and reports into the iMS+ safety reporting system and to the department manager and/or HSR/HSC member.	In consultation, the decision is made to implement a code of practice or complete a risk assessment and implement internally developed controls as relevant to the matter	In consultation, it is identified that the matter is beyond the delegation of the manager or resources of the department. Issue reported via the escalation process.
2	The manager/supervisor reports the matter to: <ul style="list-style-type: none"> The department/service senior manager and if required through iMS+ Safety Reporting System, or ERMS for service issues The site maintenance department via Maximo/BEIMS/AFM service request or for maintenance and repair issues The line manager of another department via direct email for interdepartmental issues The HSR or HSC consult with workers and also has a responsibility to escalate unresolved issues to the Committee 	The senior manager of the service in consultation with the Manager and/or HSR/HSC member, investigates and resolves the problem.	In consultation it is identified that the matter is beyond the delegation of the senior manager or resources of the service. Issue is escalated.
		Maintenance undertakes service, repair or other remedial works.	In consultation it is identified that the matter is beyond the scope or resources of the maintenance department. Issue is escalated.
		The other department line manager in consultation with the Manager and/or HSR/HSC member and resolves the problem.	In consultation it is identified that the matter is beyond the delegation of the other line manager or the resources of the department. Issue is escalated.
3	The senior manager	Escalates the service related issue to their Director and if required, through iMS+ safety reporting system, or ERMS to seek advice on how it can be resolved.	Unresolved issues are tabled at the Executive Team meeting for mention and resolution and/or where required implement: <ul style="list-style-type: none"> interim control directive provide resource allocation escalation process to Ministry of Health and SafeWork NSW
	The maintenance department	Escalates the maintenance or repair issues to the Site Manager to notify them and seek advice on how it can be resolved.	
	The other department line manager		
			The manager/supervisor reports the matter to the line manager and if required, through iMS+ safety reporting system, or ERMS as an inter-service issue, reported up via normal systems as per stage 2

6. ROLE AND FUNCTIONS OF HEALTH AND SAFETY COMMITTEES (HSCS) IN SESLHD

6.1. The role

The HSC will focus on health, safety and wellbeing matters across the service or facility and will facilitate cooperation between management and workers. Some of the activities will depend on level of the committee (facility or local department/service) including:

- consultation in the workplace and providing feedback to the work group
- workplace inspections
- promotion and education to workers on the iMS+ safety reporting system
- involvement in investigations if required
- analysis of WHS and incident statistics
- reviewing policies and procedures
- actively promoting and complying with WHS policy and procedures
- completing action items in a timely manner
- promoting WHS activities
- participating in planning facility or department/service workplace changes for example: re-development that may change access or pose a risk to workers and others
- discussing and disseminating safety alert information to work groups
- discussing SafeWork NSW interactions with the work group.
- reviewing safety activities across the Facility.

6.2. Training for HSC members

A one day training course is provided to committee members. Please contact the [Health Safety and Wellbeing Services](#) for further information.

6.3. The functions of a Health and Safety Committee are to:

- facilitate co-operation in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work
- promotion and education to workers on the iMS+ safety reporting system
- assist in developing standards and safety rules to be followed or complied within the service or facility
- represent workers of departments who do not have a HSR or HSC member to resolve issues which cannot be resolved within a department due to the cost or broader nature of the matter
- address health and safety matters which involve service-related practices, procedures, equipment, safety rules and policies
- actively be involved in facility Health and Safety Committee meeting, this is the forum to consult on infrastructure, major developments or changes to the workplace and other facility managed safety matters
- provide a venue for 'horizontal' consultation between departments, services, facilities and other organisations in SESLHD
- Communicate the HSC's activities/discussions to their client groups.

Note: in the absence of a HSR, the Health and Safety Committee (local or facility) may take the role of the HSR in addressing specific issues regarding the health and safety of the workers from a specific workgroup.

6.4. Health and Safety Committee meetings:

A Health and Safety Committee must:

- Meet at least once every 3 months
- Meet at any reasonable time at the request of at least half of the members of the committee
- The make-up of the committee can be agreed to between the workers and the employer or business (or other PCBU)
- The PCBU can only nominate up to half of the members. The role of workers on HSCs is to ensure genuine worker representation regarding health and safety matters
- Worker representation must be greater than that of management. A quorum is 50% + 1 of the full committee membership
- Committee members are nominated for a period of twenty four (24) months and can be re-elected for consecutive terms
- The committee chair person must be elected by the committee members (this can be a management representative) for a period of twenty four (24) months and can be re-elected for consecutive terms
- A nominated committee member is required to attend 75% of meetings over a twelve (12) month period. See the Health and Safety committee Terms of Reference for further information
- A HSR is to be a member of the committee, if they consent. If there are two or more HSRs at a workplace, then they can choose one or more who consent to be members of the committee
- The facility Health and Safety Partner, infection control, maintenance, security and fire representatives may be requested to attend meetings regularly as advisors to committee members, although advisors attend committee meetings, they have no voting rights.

7. ROLE OF HEALTH AND SAFETY REPRESENTATIVES (HSRS) 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 own work group (ward/department/service) and to contribute to work health and safety matters.

Election process for HSR: [SESLHDPR/730 - Health and Safety Representatives.](#)

Although a HSR has the ability to exercise certain powers and functions, HSRs can choose not to exercise them. The WHS Act 2011 does not impose a duty on HSRs to carry out the powers and functions of a HSR.

7.1 The Role:

In order to represent the workgroup effectively, HSR activities must include:

- Assisting with the review and promotion of WHS policies, procedures and activities
- promotion and education to workers on the iMS+ safety reporting system
- Assisting management in making decisions on health and safety including WHS policies and procedures
- obtaining and facilitating the required WHS and safety alert information to work group
- demonstrating commitment and passion to improving health and safety in the workplace
- being an effective communicator
- assisting in consultation in the workplace and providing feedback to the work group
- being involved in investigations and workplace inspections, if required
- being involved with the analysis of WHS statistics
- assisting in conducting meetings with workers and managers

- in completing action items in a timely manner
- assisting in the consultations with worker and manager regarding facility or department/service workplace changes (for example, a re-development that may change access or pose a risk to workers and others)
- assisting with SafeWork NSW interactions with the work group.
- Assist in the identification, escalation, investigation and control of psychosocial risks in the work place (subject to confidentiality considerations).

The HSR may also be involved in:

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

7.2 Training for a HSR to obtain full power of the role

Training for HSRs is delivered by the Health Safety and Wellbeing team as requested by the HSR. HSRs can also request to attend an accredited five day [SafeWork NSW approved training](#) providing the HSR with the additional powers to fully exercise this role. On completion of the training, the HSR is registered on the SafeWork NSW database. This training is not mandatory and is only provided externally. For further information, please contact [Health Safety and Wellbeing team](#).

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

7.3 The powers and functions of HSRs include:

- representing the workers in discussion with manager to resolve WHS matters
- monitoring the departments compliance with the WHS Act and SESLHD safety-related policies and procedures in relation to the work group
- investigating complaints from work group about WHS matters
- inquiring into any department work that may pose a risk to the health, safety, wellbeing or psychosocial risk to workers
- inspecting the workplace in the event of an incident or any situation involving a serious risk to the health, safety and wellbeing
- accompanying a SafeWork NSW Inspector during a workplace inspection
- attending interviews with one or more workers, management and an inspector where required for example: interviews may be required after an incident has occurred, for return-to-work purposes or as part of issue resolution processes

Note: A HSR can only attend interviews with the consent of the worker and the interview must be about work health and safety matters

- receiving and disseminating information concerning the WHS and wellbeing of workers and where necessary, requesting the assistance from a WHS and Wellbeing consultant
- providing feedback to workers with the assistance of the manager
- if the issue remains unresolved, escalate by utilising the organisation's escalation and resolution procedure
- in some circumstances directing a worker to cease unsafe work and issuing a Provisional Improvement Notice (PIN), (only where the HSR has completed accredited Safework NSW training.

7.4 Circumstances that would result in a HSR no longer being able to represent the work group or hold office

A HSR ceases to hold office if:

- they leave the work group
- they are disqualified from being a HSR by SafeWork NSW
- any person adversely affected by a decision or action of a HSR can apply to SafeWork NSW to have them disqualified
- the HSR resigns, the HSR must advise the SESLHD in writing of the resignation and provide this letter to the workgroup manager
- the work group manager notifies the SESLHD Health and Safety Manager
- the SESLHD Health and Safety Manager notifies the General Manager / Director of the respective facility / services, of the resignation
- Health and Safety Manager contacts SafeWork NSW to remove the HSR from the register where required.

7.5 Process for removal of the HSR

The HSR is removed from the position of representation when:

- the majority of members of the group agree the person should no longer represent the work group
- the majority of work group members sign a written declaration that the HSR should no longer represent work group, the workgroup representative informs the HSR
- the workgroup notifies relevant manager of this decision and the Health and Safety Manager
- On confirmation, Manager Health and Safety advises the respective General Manager / Director of the facility or services and contacts SafeWork NSW to remove the HSR from the register where required.

8 DEFINITIONS

Health and Safety Committee (HSC) member	<p>a representative of a work group nominated for the period of two (2) years. This process can be formal or informal and should be documented.</p> <ul style="list-style-type: none"> • A one day training program is provided by SESLHD to HSC members. • Further information, see Section 6 – Role of the HSC of this document or please contact the Health Safety and Wellbeing Services.
Health and Safety Representative (HSR)	<p>a person elected by the work group using the formal and documented election process (SESLHDPR/730 – Health and Safety Representatives) to represent the workers on work health and safety matters for a term of three (3) years.</p> <ul style="list-style-type: none"> • The HSR can elect to attend an accredited five day SafeWork NSW approved training. On completion of the training, the HSR will be registered on the SafeWork NSW database. • For further information refer to Section 7 - Role of HSR of this document.
Health, Safety and Wellbeing (HSW)	<p>the strategic unit responsible for the SESLHD WHS Management System Contact details.</p>
Officer	<p>a person who can make decisions that significantly affect the organisation (such as Directors)</p>
Other agreed arrangements	<p>an alternative process for consultation on work health and safety matters agreed between the PCBU and its workers.</p> <ul style="list-style-type: none"> • Other agreed arrangements may include regular scheduled meetings or team meetings where work health and safety is an agenda item, shift start-up meetings, or briefing sessions. • These arrangements must be planned and developed in consultation with the workers. • Once agreed these arrangements must be followed as the method for work health and safety consultation. • For further information please contact the relevant Health and Safety Partner.
Person conducting a business or undertaking (PCBU)	<p>organisations and individuals conducting a business or undertaking. SESLHD is a PCBU.</p>
Resources, facilities and assistance	<p>include where/when available, access to:</p> <ul style="list-style-type: none"> • A private room for conducting interviews or HSR meetings • Equipment such as computers, telephones and photocopiers • WHS or other noticeboards • A place to securely store their safety records and confidential documentation • Email, internet and other SESLHD systems for safety related activities • Transport or travel expenses to commute between their workgroups places of work.

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	<ul style="list-style-type: none"> • HSR Facility Time, agreed regular paid time to for the purposes of exercising his or her powers or performing his or her functions under the Act. • HSC time to attend HSC Committees and to consult with the workers they represent.
Worker	<p>any person who carries out work for SESLHD.</p> <ul style="list-style-type: none"> • This can include any person who works as a: <ul style="list-style-type: none"> ○ employee ○ trainee/ apprentice ○ volunteer ○ clinical or work experience student ○ contractor or subcontractor ○ employees of a contractor or sub-contractor ○ employees of a labour hire company (agency) assigned to work for SESLHD.
Workgroup	<p>an identifiable group of workers, who perform similar types of work and have similar health and safety concerns and conditions within the workplace i.e.: department, unit or service.</p>

9. DOCUMENTATION

- [Health and Safety Committee \(HSC\) Terms of Reference \(Appendix A\)](#)

10. AUDIT

This procedure will be audited through the NSW Health WHS Audit program conducted every two years

11. REFERENCES

External

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulation 2017](#)
- [SafeWork NSW Code of Practice - Work health and safety consultation, coordination and cooperation](#)
- [NSW Health Policy Directive PD2018_013 - NSW Health - Work Health and Safety: Better Practice Procedures](#)

Internal

- [SESLHDPR/ 730 - Health and Safety Representatives](#)
- [SESLHDPR/271 - Work Health Safety and Wellbeing - Statement of Commitment Procedure](#)
- [F189 HSR Record of Health and Safety Issue](#)

12. REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
November 2012	1	Dieter Schultejoann, WHS Officer, Health, Safety and Wellbeing Service Approval: Director of Workforce Services
July 2015	2	Ron Taylor WHS Consultant – Health Safety and Wellbeing
August 2017	3	Desktop Revision and Links Update - John Parkinson, WHS Consultant
November 2017	3	Updates endorsed by Executive Sponsor
April 2018	4	Document title changed – Catherine Johnson, WHS Consultant
February 2022	5	Minor review commenced. Guideline SESLHDGL/019 changed to procedure. Document name changed, correction to links and updates by Senior Health and Safety Partner – Jen Hartley. Approved by Executive Sponsor. Draft for comments period.
March 2022	5	No further feedback received and published.

Appendix A: Terms of Reference

The Terms of Reference Guide has been developed for a site/facility level Health and Safety Committee. Such committees are recognised and defined in the Work Health and Safety Act 2011.

The confirmed committee terms of reference should be published and available to all workers on site via intranet pages, shared network drives, noticeboards, other relevant committees and workplaces.

Your local Work Health and Safety Coordinator can assist your committee with information and advice on legislative requirements and committee terms, please seek their assistance when completing your committee terms of reference.

Terms of Reference and other health and safety committee document templates are available through this link to the SESLHD intranet page:

http://seslhdweb.seslhd.health.nsw.gov.au/Forms_and_Templates/Templates/Committee.asp