A safe workplace is more easily achieved when employers and employees talk to each other about potential problems, and work together to find solutions.

That’s why the law requires employers to consult employees and their representatives on health and safety matters.

This handbook will help you understand how to consult about health and safety in your workplace.
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Introduction

One of the key objectives of the Occupational Health and Safety Act 2004 (the Act) is to promote greater involvement and co-operation between employers and employees on workplace health and safety issues.

The Act includes principles that help everyone understand how the Act should be applied. Two principles recognise the benefits of employee involvement in OHS matters:

• employers and employees should exchange information and ideas about risks to health and safety, and measures that can be taken to eliminate or reduce those risks, and
• employees are entitled, and should be encouraged, to be represented in relation to health and safety issues.

Giving effect to these principles, the Act and Occupational Health and Safety Regulations 2007 provide a clear framework for workplace consultation and employee representation, and set out the mechanisms for resolving workplace health and safety issues.

This handbook provides information about consulting on health and safety, while WorkSafe’s Employee Representation publication provides more information about employee representation and issue resolution.

Why consult about health and safety?

The Act requires employers to consult about health and safety.

Consultation about health and safety can result in:

• healthier and safer workplaces – because employee input is valuable in identifying hazards, assessing risks and developing ways to control or remove risks
• better decisions about health and safety – because decisions are based on the input and experience of a range of people in the organisation, including employees who have extensive knowledge of their own job and the business
• stronger commitment to implementing decisions or actions – because employees have been actively involved in reaching these decisions
• greater co-operation and trust – because employers and employees talk to each other, listen to each other and gain a better understanding of each other’s views.

Consulting about health and safety is easy and can be done in a number of ways, depending on the type of workplace. This publication provides practical information on:

• what matters employers must consult about
• who needs to be consulted
• what consultation involves
• different ways that consultation can occur, and
• developing procedures for consulting on health and safety and on other health and safety procedures.

Template consultation procedures that could be used by workplaces and case study examples of consultation in different types of workplaces are also included.
Many organisational decisions or actions have health and safety consequences for employees. For example, introducing new equipment into the workplace may affect the tasks that employees undertake, the steps involved in doing the work, the timeframes for doing work, how employees interact with each other and the environment in which they work. Employees may also be exposed to new or different health and safety hazards or risks, such as manual handling or fatigue.

This is why employers must consult employees when:

- identifying or assessing hazards or risks
- making decisions on how to control risks
- making decisions about the adequacy of facilities for employee welfare (such as dining facilities, change rooms, toilets or first aid)
- making decisions about procedures to:
  - resolve health and safety issues
  - consult with employees on health and safety
  - monitor employees’ health and workplace conditions
  - provide information and training
- determining the membership of any health and safety committee in the workplace
- proposing changes that may affect employees’ health and safety, such as changes to:
  - the workplace
  - plant, substances or other things used in the workplace
  - the work performed at the workplace
- doing any other thing prescribed by the Regulations.

Employers must consult on these health and safety matters so far as is reasonably practicable with employees who are (or are likely to be) directly affected. This includes independent contractors and their employees in relation to matters over which the principal employer has control or should have control.

‘Reasonably practicable’ means that employers must consult with employees to the extent that is reasonable in all the circumstances. What is reasonably practicable will depend on factors such as:

- the size and structure of the business
- the nature of the work that is carried out
- the nature of the particular decision or action, including the urgency of the need to make a decision or take action
- the work arrangements, such as shift work and remote work
- the characteristics of employees, including languages spoken and literacy levels.

In most situations it would be reasonably practicable to consult with employees who are:

- working in the workplace
- regularly working outside the workplace (e.g. drivers on the road or employees working from home)
- on short-term leave (such as sick leave or annual leave).

Employers are not expected to do the impossible, but are required to take a proactive and sensible approach to consultation. For example, it may not be reasonably practicable to consult with employees who are on extended leave. However, it would be appropriate to ensure that these employees are kept informed about any matters that will directly affect or are likely to directly affect their health and safety when they return to work.

Where a simple change in work instructions does not directly, or is not likely to directly affect employees’ health and safety, such as instructing employees to use new stationery, consultation will not be required.
Who must be consulted?

Employees

Employers must consult with any employees so far as reasonably practicable who are, or who are likely to be, directly affected by the health and safety matters specified on page 4.

Health and Safety Representatives (HSRs)

Employees have the right to be represented in health and safety matters in their workplace. HSRs are elected by employees in their Designated Work Group (DWG) to represent them in relation to health and safety. A DWG is a grouping of employees who share similar workplace health and safety concerns and conditions.

Where employees are represented by HSRs, employers must involve the HSRs in consultation, with or without the involvement of the employees directly. This consultative approach to workplace health and safety is not new, and has been an essential element of Victoria’s OHS legislation for a long time.

WorkSafe’s Employee Representation publication provides more information about DWGs and the role of HSRs.

Independent contractors and employees of labour hire companies

Consultation must also include independent contractors and any employees of the independent contractor/s, including labour hire employees – provided that the action or decision involved is one that the principal employer has, or should have, control over. The independent contractor, sub-contractor or labour hire firm, as direct employers, also have a duty to consult with their employees.

When negotiating DWGs, a principal employer and its employees may agree that an HSR for a DWG can represent independent contractors on health and safety matters in the workplace. Independent contractors and their employees should be consulted before it is agreed that they will be represented by the principal employer’s HSRs while working in the principal employer’s workplace. If it has been agreed that the HSRs of the principal employer are to represent independent contractors and their employees, OHS consultation must involve these HSRs. Should this not be the case, then the principal employer must consult with the independent contractors and their employees directly in relation to matters over which the principal employer has, or should have, control.

Volunteers

Many community service organisations are assisted by volunteers. As volunteers are not employees or independent contractors, the duty to consult does not apply. However, the employer must ensure so far as reasonably practicable that volunteers are not exposed to risks to their health and safety. Consultation with volunteers may therefore be valuable in assisting the employer to meet this duty.
Consultation does not mean telling employees about a decision or action on a health and safety matter after it has been taken. Consultation means giving employees an opportunity to shape that decision or action. Therefore consultation must involve:
• sharing information with employees about the matter
• giving employees a reasonable opportunity to express views about the matter, and
• taking those views into account.
Where employees are represented by an HSR, the consultation must involve the HSR (with or without the direct involvement of the employees).

Sharing information
For consultation to be meaningful, employers must share all information with employees and HSRs about matters that are relevant to employees’ health and safety. This information should be provided in a timely way so that the employees and HSRs have adequate time to consider the matters, discuss them and then provide feedback to their employer.
If it is reasonably practicable, the information must be provided to HSRs a reasonable time before it is provided to the employees, to give the HSRs time to consider the material and discuss it with employees in their DWG.
The information that is provided should be in a form that can be easily understood by employees and HSRs. Employees and their HSRs may need to have access to information such as technical guidance about workplace hazards and risks (plant, equipment and substances), and information about work organisation (such as systems, data reports, procedures and guidance material). Information should not be withheld just because it is technical or may be difficult to understand. Information may need to be simplified and presented in different ways to make it easier for employees and HSRs to understand.
Employers should ensure that there are arrangements in place to consult with employees from culturally or linguistically diverse backgrounds. If employees do not have strong English language skills or have low literacy levels, translation of material into languages other than English may be appropriate. Diagrams or pictures could also be used to convey the health and safety issues involved.
Bilingual employees from the same language group may also be able to assist those with limited English, if they are willing and able to do so. However, employers need to ensure that these employees are able to translate information accurately.

Giving employees and HSRs a reasonable opportunity to express views
For consultation to be meaningful, opportunities must be provided for employees and HSRs to express their views about health and safety matters.
Where there are HSRs, the employer must invite and meet with the HSRs or meet with the HSRs at their request. A number of meetings may be required depending on the matters involved.
Employees and HSRs should be encouraged to ask questions, raise concerns, propose options, make recommendations and be part of the problem-solving process.
For meaningful consultation to occur, face to face meetings may be the best option; however, there may be circumstances where this is not possible or preferable. For example, if one HSR cannot attend a meeting with other HSRs and management, or where the OHS Manager is based in Melbourne but the Manager and HSRs of an affected DWG are in a regional workplace, a phone conference may be required.

Taking views into account
The views of employees and HSRs must be taken into account by employers before a final decision is made. Employers should respond to concerns and questions raised by employees and HSRs, and give feedback to employees and HSRs about options that they have proposed. They should explain to employees and HSRs the final decision or course of action and why it has been taken.
While employers, HSRs and employees should aim to reach agreement as a result of consultation, agreement is not a required outcome of the Act. An employer is still ultimately responsible for making decisions about health and safety, and controlling risk so far as is reasonably practicable.
Through Health and Safety Representatives

Where DWGs are established and HSRs have been elected, HSRs **must always** be involved in any consultation that affects, or is likely to affect, the health and safety of members of their DWG.

This must be done by:
- providing HSRs with all the information about the matter that the employer provides, or intends to provide, to employees. If it is reasonably practicable, the information must be provided to the HSRs a reasonable time before it is provided to the employees
- inviting the HSRs to meet with the employer to consult on the matter or meet with the HSRs at their request, and
- giving the HSRs a reasonable opportunity to express their views on the matter and taking those views into account.

Health and Safety Committees

While HSRs serve to ensure effective communication between the employer and the members of DWGs, a Health and Safety Committee (HSC) may also be established which addresses broader health and safety issues affecting all employees at the workplace. An HSC must be established by an employer within three months after being requested to do so by an HSR.

HSCs are involved in providing a planned and structured mechanism to discuss broad health and safety matters. HSCs bring together a group of HSRs, employees and employer representatives to discuss and develop ways to improve health and safety across the organisation. They also improve and spread health and safety knowledge through discussions, the development of policies and procedures, and the distribution of meeting minutes and reports.

For example, an employer may have an HSC, including a number of HSRs, for its 40 office-based employees and regular direct discussions about health and safety with five employees working at remote locations via team meetings. Alternatively, the remote employees may elect an HSR to represent them, and consultation must involve the HSR.

WorkSafe’s *Employee Representation* publication contains further information on HSCs.

Additional ways to consult

There are further ways to consult in the workplace, in addition to consultation involving HSRs and HSCs.

Regularly scheduled meetings, such as tool box talks, production meetings, DWG meetings, team meetings and face-to-face discussions, may also be used for consultation. One or a mix of the arrangements may be appropriate, depending on the type of workplace.

Employers with very small workplaces, where there are no HSRs may find face to face discussions or regular meetings with employees to be the most appropriate way for consulting about health and safety.
Consulting about procedures

Employers must consult with affected employees when making decisions about procedures for:
• resolving health and safety issues
• consulting with employees on health and safety
• monitoring employees' health and workplace conditions
• providing information and training.

A procedure sets out the steps to be followed in a workplace for the above activities.

An employer must consult with all employees when developing procedures, and if HSRs have been elected, they must be involved.

Procedures should be in writing (to provide clarity and certainty at the workplace and assist in demonstrating compliance), and should clearly address the role of HSRs, HSCs and any other participants in the consultation process. Procedures should be made available to all employees. They may, for example, be posted on noticeboards in the workplace or be placed on an intranet site. In culturally and linguistically diverse workplaces, procedures should be translated into relevant languages.

Agreed procedures for consulting about health and safety

Many workplaces will already have ways to consult on health and safety that suit their needs. Existing health and safety consultation procedures should be reviewed in consultation with HSRs and employees to ensure that consultation occurs as required by the Act and Regulations.

Although agreed procedures for consultation are not required by the Act, if procedures for consultation have been agreed, they must be followed.

Agreed procedures can be useful as they may:
• save time and confusion by setting out established procedures
• clarify key responsibilities of people in the organisation
• clearly state when consultation is necessary, and
• encourage a greater awareness of OHS issues among employees.

Agreed procedures for consultation must:
• be consistent with the Act (i.e. must enable the employer to meet their consultation obligations and cannot remove the powers of an HSR or functions of an HSC)
• be the subject of consultation with employees before they are implemented (if there are HSRs, they must be involved in this consultation)
• be agreed. This means that there has been genuine consultation and agreement about the procedures between the employer, the HSRs and employees, and it has not been imposed by one party or the other, or arisen out of a flawed process for reaching agreement. A flawed process for reaching agreement may be one:
  – where only a select group of employees participated and agreed with the employer, or
  – where agreement is reached through an unrepresentative process; for example, not all HSRs or all HSC members or all relevant employee representatives, as the case may be, were able to participate in the agreement process.

Agreed consultation procedures should include:
• the matters an employer must consult about
• who will be consulted
• the ways consultation will occur, e.g. through HSRs, the HSC, regular meetings, tool box talks
• how information will be shared with employees and HSRs
• what opportunities will be provided for employees and HSRs to give their views on proposed matters, as well as how feedback will be given to HSRs and employees
• how consultation will occur with any employees who have special language and literacy needs, and
• timelines for reviewing the procedure.

The procedure could also include what practical assistance will be provided to HSRs and employees to facilitate the consultation process. For example, opportunities may be made available for affected employees and their HSRs to come together to consider the information that has been provided, to discuss the issues and form their views.

Consultation procedures should be recorded and communicated to employees, and should be monitored and reviewed to ensure they continue to be effective. The employer should consult with the employees and HSRs on the nature and timing of these reviews.

Pages 13-15 provide template consultation procedures that may be used by different types of workplaces, depending on whether they have HSRs or not.

1 Employers are required to provide necessary facilities and assistance to enable HSRs to exercise their powers under the OHS Act. WorkSafe’s Employee Representation publication provides information on the type of facilities and assistance to be provided to HSRs for this purpose.
Procedure for issue resolution
The Act requires employers to consult when making decisions about procedures for issue resolution at the workplace.
If, after doing this, agreement on a procedure for issue resolution cannot be achieved, then the procedure prescribed in the ‘Issue Resolution’ part of the Occupational Health and Safety Regulations 2007 must be used (outlined below).
If a health and safety issue arises in the workplace, the employer or their representative and the employees who are affected by the issue or, if the issue relates to a DWG, their HSRs, must attempt to resolve the issue in accordance with the issue resolution procedure.

Identifying parties to be involved in issue resolution
• The employer must tell employees, any HSR and any HSC (in the appropriate manner and languages) who is to be responsible on behalf of the company/organisation for attempting to resolve the issue in the workplace:
  – this could be the employer or a representative who can act on their behalf
  – the name and position description of this representative must also be provided
  – the person cannot be an HSR, and must have an appropriate level of authority and be sufficiently competent to act as the employer’s representative in resolving issues on behalf of the employer.
• If an issue arises before the employer has chosen a representative and the employer is not available, the senior manager in that part of the workplace where the issue has arisen will be the employer’s representative for the purpose of trying to resolve the issue.
• If there is an HSR, only they can act for the employees affected by an issue. If there is no HSR, employees affected by the issue can nominate another employee to act for them.
• At any stage, the parties may seek the assistance of a union or employer organisation in resolving the issue.

Procedure for reporting issues
• If an employee wants to report a workplace health and safety issue, they must report it to their HSR, if there is one. If there is no HSR, the employee must report the issue to the employer or the employer’s representative.
• An employee may take all reasonable steps to report an issue, including leaving their part of the workplace if need be. An employee may also report the issue to the employer or any other person, e.g. fellow employees, in addition to the HSR.

Procedure for resolving issues
• As soon as possible after the issue is reported, the relevant parties must meet to try and resolve it, taking into account:
  – the number and location of employees affected by the issue
  – whether appropriate temporary measures are possible or desirable
  – the time that may pass before the issue is permanently resolved, and
  – who, on behalf of the employer, must make sure that the actions agreed are performed.
• A party involved in the resolution of an issue may request that the details of the issue and how it was resolved be set out in writing. The employer must do this to the satisfaction of all parties, if a request is made.
• Once an issue has been resolved, the written or verbal agreement about the resolution must be reported to the employees affected by the issue and to the HSC, if the workplace has one.
• The agreement must be in a form approved by all parties and communicated in a manner and language agreed by the parties to be appropriate. The agreement can also be forwarded to a union or an employer association.

WorkSafe’s Employee Representation publication provides information on the essential elements of an ‘agreed issue resolution procedure’ and a flow chart of the steps to be followed.
Information relating to procedures for monitoring employees’ health and workplace conditions and providing information and training can be found in Appendix 1 of this handbook.
Frequently asked questions about consultation

What issues must be considered when consulting about facilities for the welfare of employees?

The Act requires employers to provide, so far as is reasonably practicable, adequate facilities for the welfare of employees. 'Welfare facilities' are those that are necessary for the well-being of employees, e.g. washing facilities, toilets, rest and changing facilities, lighting, ventilation, space, heating, availability of drinking water, uncluttered and slip resistant floors.

Issues that may be relevant might include:
- the number of employees at the site at any one time
- the needs of employees with disabilities
- the needs of pregnant women
- provision of facilities for both women and men
- the condition and adequacy of the facilities, e.g. cleanliness, and
- the ongoing maintenance of the facilities.

For example, the number and location of ‘portaloos’ and hand-washing facilities are relevant to the welfare of employees. Consultation with employees and their HSRs is therefore required when these facilities are being planned, altered or upgraded in any way.

Refer to the Code of Practice – (No. 03) – Workplaces for further information.

What does consulting in relation to determining the membership of any health and safety committee (HSC) mean?

Employers must establish an HSC within three months after being requested to do so by an HSR, irrespective of the existence of other consultation arrangements at the workplace.

Employers must consult with employees on determining the membership of any HSC. However, employees must make up at least half the membership of an HSC, and, as far as practicable, these employee members must be HSRs or deputy HSRs. For example, if the number of employee positions on an HSC is less than the number of willing and available HSRs, then all the employee positions must be HSRs. The HSRs should decide which of them will join the HSC.

Employer representatives on the HSC should be persons involved at senior management levels in the organisation who are able to make decisions about health and safety. Employer representatives should be drawn from senior managers, line managers, supervisors, safety officers, technical experts and human resources officers. This ensures that the committee has the necessary knowledge and expertise regarding company policy, production needs and technical matters concerning premises, processes, plant, machinery and equipment, and systems of work.

Where specialist health and safety employees are not members of the committee, the HSC may consider inviting them to attend meetings in an advisory capacity. In other words, the employer representation on the committee should be such that the committee has all the information, experience and skills it needs to deal with health and safety issues in the workplace.

WorkSafe's Employee Representation publication provides further information on HSCs.

What kinds of workplace changes are likely to affect the health and safety of employees – and require consultation?

Employers must consult employees when proposing changes to the workplace, plant, substances or other things used in the workplace, or the work performed at the workplace that affect, or are likely to affect, the health and safety of employees.

- **Workplace** means a place, whether or not in a building or structure, where employees or self-employed persons work.
- **Plant** includes any machinery, equipment, appliance, implement and tool – any component of any of those things – and anything fitted, connected or related to any of those things.
- **Substance** means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour.
- **Other things used in the workplace** includes lighting, building features such as doors, windows or walls.
- **Work performed at the workplace** includes the nature of the work performed and work arrangements such as work schedules, hours of work, telecommuting and working from home.

This includes consultation with employees and HSRs prior to the purchase of new plant and substances to be used for work, or when planning for new premises or a renovation of the existing workplace.

Refer to the Case Study Consultation in a large transport company – with HSRs on page 16 for a practical example.
I’m a manager about to introduce a new system of work which has health and safety implications for employees in the workplace. What do I need to do to consult?

• Identify employees and their HSRs, as well as independent contractors and their employees who are, or are likely to be, directly affected.
• Undertake consultation in accordance with any agreed consultation procedure at the workplace.
• Consult on all relevant matters.
• Share all information (in appropriate languages) about the changes relevant to health and safety as soon as possible.
• If it is reasonably practicable, provide the information to HSRs a reasonable time before the employees.
• Invite HSRs to meetings to discuss the matters or meet with the HSR at their request.
• Give HSRs and employees a reasonable opportunity to form and express their views.
• Keep records of meetings, issues discussed and actions to be taken.
• Take HSR and employee views into account before making a final decision.
• Give feedback on final decisions to HSRs and employees.

Do we have to consult if there’s an immediate risk in the workplace?

If a health or safety issue arises at the workplace:
• that involves an immediate threat to anyone’s health or safety, and
• where it is not appropriate to implement issue resolution procedures under Section 73 of the OHS Act given the nature of the threat and degree of risk,
a direction to cease work may be made by an employer, its representative or the HSR following consultation between them.

WorkSafe’s Employee Representation publication provides further information in relation to immediate risks.

How often do we need to consult?

There is no specified frequency for employers to consult with employees and HSRs. Consultation must occur whenever necessary – it is activities and matters that trigger the requirement for consultation, identified on page 4.

Can I use my regular meetings for OHS consultation?

Where DWGs are established and HSRs have been elected, HSRs must always be involved in any consultation that affects, or is likely to affect, the members of their DWG.

In addition, consultation in relation to OHS can be discussed at regular meetings, such as tool box talks, production meetings and team meetings. For example, in setting the agenda for a meeting, the employer can:
• include items relating to any of the matters an employer is required to consult about
• encourage employees and HSRs to contribute to the agenda before the meeting, and
• provide employees and HSRs with an opportunity to add items or prepare for the meeting by distributing the agenda prior to the meeting.

When reporting/discussing an item on the agenda with implications for health and safety, the employer can:
• identify the OHS issues that the item might raise
• provide relevant information to the employees and HSRs
• seek from the affected employees and HSRs any information they may have relevant to the OHS issues, and
• discuss these issues with the affected employees and HSRs, and take their views into account before a final decision is made.

When a course of action is decided, the employer should document the action, who is responsible for implementing the action and the anticipated completion date.

If the employer’s final decision differs from the views of the employees and HSRs (i.e. agreement has not been possible), the employer should provide feedback and explain the reasons for the decision.
**Must consultation be documented?**

Although consultation does not have to be documented, WorkSafe encourages that records be kept in order to:
- facilitate dialogue between the workplace parties
- make disputes less likely, and
- document compliance with the consultation requirements.

In small workplaces with few employees, effective informal agreed procedures that are understood by the employer and employees should be sufficient, though these should be discussed and reinforced regularly. In larger workplaces, documented procedures are appropriate.

Keeping records might be as simple as including discussions of OHS issues in regular team meetings and then ensuring that actions arising from these discussions are recorded. The records can be brief and simple, and cover who is involved, what the safety matter is, what decision has been made, who is to take action and by when, and when the action has been completed.

**If an inspector comes out to my workplace, how will I demonstrate that I have complied with my consultation obligations?**

An inspector, when making enquiries in a workplace in relation to compliance with the consultation obligations, will meet with the employer or their representative, HSRs, employees and other relevant parties to consider:
- if any discussions have been held with HSRs and employees to decide on a procedure for consultation
- whether a procedure for consultation has been agreed, and if this procedure complies with the requirements of the Act and Regulations, and is being followed
- if there is no agreed procedure for consultation, what mechanisms the employer is using to consult
- if HSRs and employees have been consulted in accordance with the Act and Regulations, as described previously in this handbook
- if there are any relevant records of meetings with HSRs, HSCs or other consultative groups operating in the workplace, and
- if there is other evidence of consultation with HSRs and employees, such as emails, presentations or mechanisms for collecting and collating employee/HSR feedback.
Template procedures for consulting on health and safety

Subject to consultation with employees and HSRs, the following template procedures for consulting about health and safety could be used by organisations, depending on the type of workplace involved and whether there are HSRs in the workplace. The templates could be further modified to suit individual workplace requirements and include details about HSCs and additional consultation mechanisms such as toolbox talks, etc.

Procedure for consulting with employees through Health and Safety Representatives (HSRs) at a single employer site

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<th>Procedure for consulting on Health and Safety in</th>
<th>Insert Company Name</th>
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Employees will be consulted in relation to the matters listed below where these directly affect, or are likely to directly affect, employees’ health and safety. This includes contractors and their employees in relation to matters over which the employer has, or should have, control. This consultation will occur through, and with the assistance of, the elected HSRs.

1. Consultation will occur in relation to the following matters:
   - identifying or assessing hazards or risks
   - making decisions on how to control risks
   - making decisions about the adequacy of facilities for employee welfare
   - making decisions about procedures to:
     - resolve health and safety issues
     - consult with employees on health and safety
     - monitor employees’ health and workplace conditions
     - provide information and training
   - determining the membership of any Health and Safety Committee (HSC) in the organisation
   - proposing changes that may affect employees’ health and safety, such as changes to:
     - the workplace
     - plant, substances or other things used in the workplace
     - the work performed at the workplace
   - doing any other thing prescribed by the OHS Regulations relevant to this workplace

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<th>Details to be inserted where relevant</th>
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2. Parties to be involved:

| Insert relevant OHS Manager, HR Manager, OHS Coordinator, Risk Manager as appropriate |
| is designated as the management representative (MR) for OHS covering the whole company. |

| Insert local manager as relevant |
| Insert specific Designated Work Groups (DWGs) |

<table>
<thead>
<tr>
<th>HSR</th>
<th>DWG</th>
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<table>
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<tr>
<th>HSR</th>
<th>DWG</th>
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</table>

Insert names of all HSRs and DWGs

1 In DWG negotiations, DWG members agreed for HSRs to be authorised to represent independent contractors and their employees. Should this not be the case, then employers must consult with contractors and their employees directly in relation to matters over which the employer has or should have control. Refer to the Employee Representation publication for further information on establishing and negotiating DWGs.

2 List all locally designated MRs and their areas of responsibility.
Template procedures for consulting on health and safety continued

Procedure for consulting on Health and Safety continued

3. The steps for consultation are:

- HSRs will be invited to meet and receive relevant information about any health and safety matter specified in section 1 of this procedure.
- HSRs will be provided with all relevant information of the matter, such as an explanation of what the matter involves, what action is being proposed and why, before it is provided to the employees.
- HSRs will be provided with this information in a timely manner. Timeframes for ongoing meetings will be agreed on a case-by-case basis, and will give HSRs and affected employees adequate time to consider the information provided, meet and form their views, prepare feedback to management and provide their views to management.
- Management will set up additional meetings at the request of the HSRs.
- HSRs will provide employee views back to management in a timely manner.
- Comments and suggestions received from HSRs and employees will be taken into account before a final decision is made by management.
- HSRs and employees will be informed of final decisions and the reasons for them as soon as possible. This information will be discussed with HSRs, posted on noticeboards and sent via email where appropriate.
- Other support, as agreed to on a case by case basis, will be provided to HSRs to facilitate consultation, e.g. opportunities for meeting with employees, access to meeting rooms, email.
- Minutes will be taken of meetings between management and HSRs, including who was in attendance, agreed actions, timeframes, and will be posted on noticeboards and the intranet.
- This procedure will be widely distributed throughout the organisation, e.g. noticeboards, email, OHS newsletter.

4. Life of this procedure

This procedure will be reviewed after one year of it being in operation. The purpose of this review will be to determine whether this procedure is still appropriate and how it may be improved. In carrying out the review, employees will be consulted through their HSRs. The review will occur in [Insert month/year].
Procedure for consulting with employees in a small business where there are no Health and Safety Representatives (HSRs)

1. Consultation will occur in relation to the following matters:
   • identifying or assessing hazards or risks
   • determining the membership of any Health and Safety Committee (HSC) in the organisation
   • proposing changes that may affect employees’ health and safety, such as changes to:
     - the workplace
     - plant, substances or other things used in the workplace
     - the work performed at the workplace
   • making decisions about the adequacy of facilities for employee welfare
   • making decisions about procedures to:
     – resolve health and safety issues
     – consult with employees on health and safety
     – monitor employees’ health and workplace conditions
     – provide information and training
   • doing any other thing prescribed by the OHS Regulations relevant to this workplace

Details to be inserted where relevant

Employees will be consulted in relation to the matters below where these directly affect, or are likely to directly affect, employees’ health and safety. This includes contractors and their employees in relation to matters over which the employer has, or should have, control.

2. Parties to be involved:

   Insert relevant employer representative

   is responsible for OHS covering the organisation.

3. The steps for consultation are:

   • All comments and suggestions received from affected employees will be taken into account, and feedback will be provided to affected employees by management.
   • Affected employees will be informed of final decisions and the reasons for them as soon as possible. This information will also be posted on noticeboards and sent via email where appropriate.
   • Minutes will be taken to record matters that employees are consulted on, who was in attendance, agreed timetables and actions, etc.
   • This procedure will be placed on the noticeboard and sent via email to employees.

   • The regular weekly meeting attended by the manager and all employees will have health and safety as an ongoing agenda item.
   • Additional staff/employee meetings and/or one-to-one discussions will be held where required on particular issues.
   • Affected employees will be provided with all relevant information, such as an explanation of what the matter involves, what action is being proposed and why, in relevant languages.
   • Employees will be given adequate time to consider the information, provide their views and give feedback to management.

4. Life of this procedure

   This procedure will be reviewed after one year of it being in operation. The purpose of this review will be to determine whether this procedure is still appropriate and how it may be improved. In carrying out the review, employees will be consulted. The review will occur in

   Insert month/year
Case study examples of consultation in action

Consultation in a large transport company – with HSRs

Overview
This company operates around the clock and has over 500 employees. Designated Work Groups (DWGs) have been established covering all employees working across three shifts, each of which is represented by a Health and Safety Representative (HSR). A Health and Safety Committee (HSC) has been set up and is made up of all HSRs and five management representatives (MRs) who hold senior positions in the organisation.

When the company identified the need to move to new premises, it recognised this had the potential to affect all employees. The HSC provided an effective way to consult with employees and HSRs about the move. The HSC played a major role in obtaining employee and HSR input about warehouse layout, ergonomics, selection of new equipment and machinery, traffic management, access/egress and emergency procedures. HSC members were also encouraged to undertake regular visits to the new premises to view progress and where necessary provide ongoing advice.

WHEN to consult
Consultation was required for:
• the identification and assessment of hazards and risks
• making decisions about risk controls
• proposing changes to the workplace
• determining the membership of the HSC, and
• making decisions about procedures for consulting with employees.

The design and fit-out of the new premises included consideration of layout, equipment selection, new work systems, lighting installation, design and commissioning of a sorting table, and warehouse airflow.

WHO to consult
The move to new premises affected all employees and they were all consulted via their respective DWG HSRs. The HSC acted as a centralised conduit for information flow in this process. It was also agreed that contractors would be represented by HSRs during relevant health and safety discussions.

HOW to consult
The organisation consulted via HSRs and the HSC.

HSRs
HSRs acted as a communication channel between management and employees. HSRs chaired the health and safety sections of weekly toolbox meetings, using these as an open forum for communicating information from the HSC and providing employee feedback to the HSC.

HSC
Consultation procedures were developed and agreed and the membership of the HSC was determined via extensive consultation between HSRs and all employees. The HSC takes ongoing responsibility for ensuring that all relevant OHS information is posted on employee noticeboards, e.g. meeting agendas, minutes, alerts, newsletters. The HSC also sets timelines and frameworks for evaluating systems and processes, e.g. warehouse airflow to be assessed by external consultant every three months.

OHS Manager
The OHS Manager rotates his attendance between the shifts to ensure he is available to discuss any OHS matters with as many employees as possible.

Examples of consultation:
The HSC conducted a survey of employees in relation to the design of a purpose-built sortation table. A table was designed that catered for all needs, and was only ordered after all employees agreed on the final design.

The HSC provided affected employees with a video of the proposed machinery/equipment, an engineers’ noise level assessment, and the suppliers/manufacturers attended the workplace to explain the operation and safety features of the proposed equipment. The HSC then consulted extensively with affected employees who were given the opportunity to provide input into the selection of machinery/equipment. This information was then taken by the HSC to senior management and informed the final selection and purchase of equipment.

With 200 vehicles constantly moving in and out of the warehouse there were concerns for employees’ health in relation to the quality of air in the workplace. Management hired a hygienist to assess the problem and to work with the HSC in consultation with employees on seeking a solution during the design phase of the new premises.
### Consultation in a medium sized hospital – with HSRs

#### Overview
Following a review of injury trends by the HSC, hospital management conducted an employee survey to help determine known and potential risks in the catering department, which employed 55 employees. Manual handling was identified as a critical issue, as well as slips, trips and falls. After extensive employee consultation, a multifaceted approach was adopted to manage these risks. Changes made included:

- fitting tea and meal trolleys with larger wheels and installing small speed controlled motors, and doors were widened to allow ease of entry
- installing a fully automated dishwasher, an air-conditioning system and a new non-slip floor in the dishwashing room, and
- enrolling a number of employees in a three-day manual handling course on strategies designed to eliminate or reduce lifting, to understand the impact of lifting and reduce the likelihood of injuries caused by lifting.

#### WHEN to consult
Consultation was required for:

- identifying current risks to health and safety
- making decisions about risk controls, e.g. development of a suitable motorised tea trolley, development and training of employees for a manual handling training program, including the creation of visual Safe Operating Procedures (SOPs), and
- proposing changes to the workplace, e.g. dishwashing room, doorways.

#### WHO to consult
Consultation occurred with HSRs, all affected employees, and all employees and managers from the catering, cleaning and maintenance departments.

#### HOW to consult
Consultation principally occurred through HSRs, the HSC and the OHS manager. The HSC had a central role to play, and monitored and approved all aspects of the program. The HSRs provided a communication channel between the HSC, employees and management. The consultation process entailed:

- initial consultation via an employee survey to identify risky manual handling tasks and other known and potential risks
- further consultation, asking employees to prioritise the risks
- employee ‘coaches’ assisting in developing, modelling and training other employees on the new visual SOPs
- employees involved in trialling the operating procedures and modified trolleys until all employees expressed satisfaction
- all facility employees being kept up-to-date with current issues and project development by their HSRs (all members of the HSC) and the OHS newsletter. All employees were actively encouraged to be involved and provide input, and
- the OHS Manager closely supervised all aspects of the consultation process to ensure that all HSRs and employees were consulted and that their views were taken into consideration.
### Consultation in a medium sized distribution centre – with HSRs

**Overview**
This medium sized company decided to buy more modern forklifts. After consultation and feedback from employees, the company recognised that it also needed to redesign the layout of the warehouse to completely separate forklift and truck traffic from pedestrian activity, and to construct a new loading dock to allow trucks to be loaded at tray level.

**WHEN to consult**
Consultation was required when:
- making decisions about the procedures for consulting with employees
- the company proposed changes to plant (i.e. purchasing a new forklift, the workplace traffic management system and the new loading dock), and
- identifying or assessing risks and making decisions about risk controls (i.e. designing the layout of the warehouse to incorporate the new traffic management system, and developing and constructing a new loading dock).

**WHO to consult**
Management consulted extensively with all HSRs and affected employees. This included all employees who were required to access the warehouse or loading bays – forklift drivers, dispatch employees, supervisors and maintenance employees. As the consultation requirements extend to independent contractors, the truck drivers who were employed by the wholesaler on a contractual basis were also consulted.

**HOW to consult**
The company consulted extensively with employees through their HSRs. Initially, the operations manager met with the HSRs representing affected employees to discuss the issues involved and the consultation process to be followed. After seeking feedback from the employees, the HSRs and management agreed on a consultation procedure. It was agreed that the HSRs would have adequate time to meet with their DWGs to discuss the issues. As a lot of information had to be considered, it was agreed that employees would have four weeks to consider the information and provide feedback. The operations manager provided relevant information to the HSRs to be shared with their DWG members, including safety reviews of potential forklifts. Employees raised a number of very practical issues, which the operations manager took into consideration when making decisions, and a response to employee concerns and suggestions was provided to the HSRs and a copy placed on noticeboards prior to any action actually being taken.

### Consultation in a small workplace – with no HSRs

**Overview**
This small business employs eight employees and supplies parts to business.

**WHEN to consult**
Consultation was required when:
- making decisions about the procedures for consulting with employees
- the business wanted to purchase new computer equipment.
This provided a greater level of acceptance when changes were introduced.

**WHO to consult**
As there are no HSRs in the workplace, the company consulted with all employees directly.

**HOW to consult**
It was agreed that the consultation procedures for the workplace would be:
- the regular weekly meeting with employees where health and safety is always an item on the agenda
- additional meetings on particular issues where required or one to one discussions
Employees were encouraged to raise safety concerns and provide feedback either one-on-one or as a group – adequate time was provided for this to occur.
The business kept records of significant safety issues that were discussed, actions to be taken and timelines for taking action. The records were displayed on the noticeboard in the workplace and were sent via email to employees as well.
Appendix 1

Information on developing procedures for monitoring employee health and workplace conditions

The Act requires employers to monitor the health of employees and to monitor the conditions at the workplace. When making decisions about procedures for monitoring the health of employees and the conditions at the workplace, employees and HSRs must be consulted.

Procedures for monitoring the health of employees and conditions at the workplace should include the following:

- the range of monitoring mechanisms that will be employed
- the emphasis and scope of each monitoring mechanism
- how they are to be implemented
- how and when to use ‘experts’
- how often the monitoring practices are to be carried out. The frequency will depend on the nature and circumstances of each workplace. For example, in workplaces that do not change much, inspections may be organised less frequently than in those where change is part of the daily operations. In cases where employees work with lead, asbestos, noise or certain other hazardous substances, employers are legally required to arrange regular health checks for exposed employees and to keep a record of these checks. Refer to the Occupational Health and Safety Regulations 2007 for further information.

- who will be involved
- who is responsible for ensuring that suggested improvements are taken into account
- what checks should be carried out to ensure that corrective action has been taken
- how the monitoring outcomes/records are to be documented and stored, and
- who is entitled to have access to OHS records.

Various Acts and Regulations specify requirements for collecting, keeping and providing certain types of occupational health and safety information and records. For example, under the Act an employer is required to keep information and records relating to the health and safety of employees. The Act also requires an employer to provide information to employees (in appropriate languages) concerning health and safety at the workplace, including the names of persons to whom an employee may make an enquiry or complaint about health and safety. An employer must also allow an HSR to have access to information on actual or potential workplace hazards, and the health and safety of DWG members and, if authorised to represent them, independent contractors and their employees (medical information cannot be made available unless it is with the consent of the person or does not identify the person). A number of the OHS Regulations also require the provision or recording of health and safety information, e.g. the Noise and Hazardous Substances Parts.
Information on developing procedures for providing information and training

The Act requires employers to:
- provide information, instruction, training or supervision to enable employees to perform their work safely and without risks to their health, and
- provide information to employees (in other languages as appropriate) concerning health and safety at the workplace, including the names of persons to whom an employee may make an enquiry or complaint about health and safety.

When making decisions about procedures for providing information and training to employees, employees and HSRs must be consulted.

In identifying training and information needs, a range of factors are relevant, including:
- the nature of the task
- the age, experience, language skills, literacy levels and disabilities of affected employees
- the plant and substances used, and
- the implications of proposed changes to the systems or methods of work, plant or substances used for work.

Procedures for information and training should include the following:
- an identification of individuals with key responsibilities for providing information and organising/delivering employees’ training
- how training providers will be selected
- an outline of specific organisational training needs
  - HSR training
  - OHS training for management representatives
  - induction training for new employees
  - red ticket training (construction industry)
  - certification training for specific jobs, e.g. forklifts, cranes
- how to submit a training request
- a description of the training approval mechanism, and
- how to access training records.

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1 For information on HSR training entitlements, see WorkSafe’s Employee Representation publication.
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Small businesses with 50 or less employees can access WorkSafe’s Small Business Assistance Program. For more information, go to www.worksafe.vic.gov.au/smallbusassist