Note that the various definitions of the Work Health and Safety (WHS) Act are applied throughout this document, thus Education Centre of Australia Pty Ltd is considered a ‘Person Conducting a Business or Undertaking’ (PCBU) and ‘worker’ will define any person who carries out tasks associated with the inputs, processes and outputs of Education Centre of Australia Pty Ltd, thus including all Education Centre of Australia Pty Ltd employees (including casuals, part-time, work-experience and volunteers), as well as on-hire labour, contractors and employees of contractors. (The legislative background for this process is contained in the WHS Act 2011 and the WHS Regulation 2011)

Purpose

Education Centre of Australia Pty Ltd recognises the value of communication and consultation in WHS matters. Safe workplaces depend on the observations and feedback of all personnel and Education Centre of Australia Pty Ltd is committed to consulting on WHS matters with all workers, visitors and any other personnel who may be affected by the inputs, processes and outputs arising from Education Centre of Australia Pty Ltd operations. The procedures in this document describe the various options available to Education Centre of Australia Pty Ltd in arranging consultative mechanisms so far as is practicable that achieve the aim of ensuring all workers have the opportunity to discuss WHS matters and resolve these matters to the satisfaction of all.

Scope

This document is designed to ensure all Education Centre of Australia Pty Ltd business operations are considered in the WHS consultative process. This includes the inputs of goods and services from suppliers and contractors, the processing and engineering of Education Centre of Australia Pty Ltd.’s own goods and services, as well as the various outputs of these finished goods and services. As required by WHS Legislation, workers are included in the scope, as well as visitors to the Education Centre of Australia Pty Ltd worksites and any other person who is likely to be impacted upon by Education Centre of Australia Pty Ltd.’s business operations.

Responsibilities

Management

Managers are responsible for WHS in their areas of responsibility and will so far as is reasonably practicable:

- listen to and value the views and opinions of all workers and their representatives;
- analyse such views and opinions and address relevant WHS issues in a timely and effective manner; and
• provide information, instruction, supervision and feedback on WHS matters that are likely to arise in the Manager’s areas of responsibility.

Workers

Workers and their representatives have the responsibility to reasonably participate in the WHS consultative process and will:
• report WHS matters of concern to their direct supervisor as a first step in the consultative process;
• if the worker cannot comply with the above, the worker shall report the matters to the relevant person in the WHS consultative mechanism in place at Education Centre of Australia Pty Ltd;
• accept the outcomes of any consultative decisions arising from the consultative mechanism; and
• if a WHS issue cannot be resolved through initial discussions, Education Centre of Australia Pty Ltd.’s issues resolution procedure will be followed.

Procedure

1. When a WHS issue is identified, resolution should be achieved between the worker and the worker’s immediate supervisor.
2. If the issue cannot be resolved, the worker can raise the issue through Education Centre of Australia Pty Ltd.’s agreed consultation arrangement.

The WHS Act allows for the following mechanisms for consultation with workers:
 a) a Health and Safety Representative (HSR) and/or
 b) a Health and Safety Committee and/or
 c) other agreed arrangements.

A combination of these mechanisms can be used across Education Centre of Australia Pty Ltd.’s workplace. The first step is to consider where these consultative mechanisms will operate and whom they will represent. Education Centre of Australia Pty Ltd and its workers have agreed on the following arrangements for consultation (amend/delete from options a, b or c. Note: a combination can be used)’

The first of the consultative mechanisms (the HSR) where requested by a worker, will require the establishment of one or more Designated Work Groups (DWGs). (This is recommended for the second and third options also, but is not a legal requirement).

Designated Work Groups

A DWG may be considered as a collection of workers with something or things, in common such as being on the same shift, or being in the same trade. It can include such things as geographic location (e.g. same floor of an office) or dealing with the same group of Clients.
A DWG can also involve workers from other workplaces (e.g. a transport company may interact regularly with the loading dock personnel at another company and this group could decide to form a DWG).

The DWG process must — so far as is reasonably practicable — ensure a WHS issue is brought to the attention of management in a timely manner.

**Consultative mechanisms**

Once the DWG is established through an election process, the consultative mechanism between the PCBU and HSR of the DWG will be agreed to. (Note that only workers in the DWG can vote in this process, unless a representative of the workers is authorised by the relevant Regulator to represent — usually anonymously and confidentially — one or more of the workers.)

1. **The ‘Health and Safety Representative’ (HSR)**

   - A DWG may have one or more HSRs.
   - Any worker in the DWG may request Education Centre of Australia Pty Ltd to allow an election to take place to elect one or more HSRs to assist in maintaining effective WHS.
   - A list of each HSR current for the DWG must be kept by Education Centre of Australia Pty Ltd and notified online to the Regulator and a copy displayed as appropriate at the workplace.
   - A HSR cannot use any of the powers of the Act (e.g. issuing a ‘provisional Improvement Notice’ — PIN) unless the HSR has completed HSR training (as approved by the relevant Regulator).
   - The term of office for a HSR is 3 years (unless disqualified for abuse of the HSR powers).
   - If the HSR chooses to stand again, the HSR is eligible to nominate for the re-election.
   - The HSR is not liable for anything done or omitted in good faith (a HSR does not have to apply any of the powers outlined for the HSR’s use).

HSRs general duties are to:

- provide a conduit of information between workers of the DWG and Management on matters concerning WHS. (this usually relates to the DWG for whom the HSR is a representative, but — in specific circumstances — may include any other DWG);
- attempt to represent, in good faith, the WHS interests of workers to management of Education Centre of Australia Pty Ltd; and
- attempt to resolve in good faith, any WHS conflicts, in conjunction with workers and management of Education Centre of Australia Pty Ltd. This may include any other company whose DWGs may overlap in business operations, as well as the Regulator.
(Note the full powers of a HSR, once trained and as defined by the WHS Act, are appended to this document.)

2. **The Health and Safety Committee**

A Health and Safety committee is a mixture of management and workers from the workplace whose primary role is to work together to provide reasonably practicable solutions to any identified WHS matters.

A Health and Safety Committee:

- must be formed if requested by a HSR for a DWG or by five or more workers from the workplace (note there is no minimum size of the workplace);
- is expected to comprise a forum for the open and good-faith discussion on matters linked to the workplace’s WHS issues and to provide a meaningful platform for the management and workers of Education Centre of Australia Pty Ltd to resolve any WHS issues;
- will consist of sufficient members as to be able to address WHS issues likely to arise in any part of the workplace, including associated DWGs if representing workers from those DWGs;
- must meet at least every three months, or upon a request by fifty per cent or more of the committee members; and
- must be provided sufficient resources so as to be able to carry out its function in a reasonably practicable manner. Resources may include adequate time and equipment to complete an inspection, information as may be needed to complete an inspection, information as may be needed to complete an assessment of a hazard or hazardous situation etc.

3. **Other agreed arrangements**

Education Centre of Australia Pty Ltd in consultation with its workers has identified that the consultative needs of all the workers can be achieved through other agreed arrangements as agreed to between the PCBU and its workers.

It has been decided that consultation will firstly be undertaken by the following means:

Face to face consultation: [AMEND AS REQUIRED]

- Workers should raise any WHS issues or concerns directly with their Supervisor or Manager.
- Health and safety issues can also be raised at weekly/fortnightly/regular team meetings.
- A safety concern box has been made available on the intranet which is reviewed daily.
- *(insert any other communication measures applicable to the workplace)*
Consultation with other duty holders
Where Education Centre of Australia Pty Ltd engages other PCBU’s (duty holders) such as contractors, sub-contractors, self-employed or on-hire workers, Education Centre of Australia Pty Ltd will consult, co-operate and co-ordinate activities with these duty holders to ensure their health and safety.
Consultation with these workers will involve a review of the following:
- how they will be consulted utilising Education Centre of Australia Pty Ltd.’s chosen consultation arrangement
- type of activities to be carried out and what health and safety risks they pose
- overlapping WHS duties and who will be responsible
- how health and safety issues will resolved.

Education Centre of Australia Pty Ltd.’s chosen consultation mechanism/s will be documented in a Consultation Policy which will be made available to all workers, visitors and other PCBU’s affected by Education Centre of Australia Pty Ltd.’s operations.

Issue resolution
For any health and safety issues that cannot be resolved by any worker of the PCBU or any other affected duty holder using the agreed consultation arrangement, then Education Centre of Australia Pty Ltd.’s issue resolution procedure will be referred to and implemented.
The parties to an issue resolution procedure include the PCBU and its Management, plus any other involved PCBU’s and their Management as well as:
- any HSRs/Deputies related to the workplace WHS issue;
- any workers related to the workplace WHS issue who are not represented by a HSR/Deputy;
- any authorised representative(s) of workers involved in the workplace WHS issue.

The aim of the resolution procedure is as above and is to achieve, as far as is reasonably practicable, a timely, final, and effective resolution to the issue. As a last resort, the Regulator may be asked to supply an Inspector to resolve the matter. (Note the HSR/Deputy and/or the workers may refuse to carry out such work as they feel is dangerous and unsafe, regardless of the above.)

Requirements for an issue resolution procedure are outlined in the WHS Regulation.

Training
Education Centre of Australia Pty Ltd recognises the need to provide information, instruction and training in Education Centre of Australia Pty Ltd workplaces. Various levels of training will be resourced and made available to workers where requested to enable them to carry out their tasks in a safe manner.
The following can be provided as agreed to with Education Centre of Australia Pty Ltd workers:
- HSRs/Deputies
- attendance at an approved HSR course
- annual refresher training

b) H&S Committees
- attendance at a WHS course that has been developed to give committee members an understanding of their role and responsibilities

c) Other arrangements
- any other WHS training necessary to allow a reasonable understanding of the elements of assisting in managing WHS risk in Education Centre of Australia Pty Ltd workplace/s.
When Consultation is Required

WHS Act 2011
Part 5: Division 2 Consultation with Workers
s.49 When consultation is required
Consultation under this Division is required in relation to the following health and safety matters:

a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking
b) when making decisions about ways to eliminate or minimise those risks
c) when making decisions about the adequacy of facilities for the welfare of workers
d) when proposing changes that may affect the health or safety of workers
e) when making decisions about the procedures for:
   i. consulting with workers, or
   ii. resolving work health or safety issues at the work place, or
   iii. monitoring the health of workers, or
   iv. monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking, or
   v. providing information and training for worker, or
   vi. carrying out any other activity prescribed by the regulations for the purposes of this section

Powers of the HSR (and the Deputy should the HSR not be present)
(Note these powers are only applicable once the HSR has completed an approved HSR course)

WHS Act 2011
Subdivision 5: Powers and functions of health and safety representatives
s.68 Powers and functions of health and safety representatives

1) The powers and functions of a health and safety representative for a work group are:
   a) to represent the workers in the work group in matters relating to work health and safety, and
   b) to monitor the measures taken by the person conducting the relevant business or undertaking or that person’s representative in compliance with this Act in relation to workers in the work group, and
   c) to investigate complaints from members of the work group relating to work health and safety, and
   d) to inquire into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the business or undertaking.

2) In exercising a power or performing a function, the health and safety representative may:
a) inspect the workplace or any part of the workplace at which a worker in the work group works:
   i. at any time after giving reasonable notice to the person conducting the business or undertaking at that workplace, and
   ii. at any time, without notice, in the event of an incident, or any situation involving a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard, and

b) accompany an inspector during an inspection of the workplace or part of the workplace at which a worker in the work group works, and

c) with the consent of a worker that the health and safety representative represents, be present at an interview concerning work health and safety between the worker and:
   i. an inspector, or
   ii. the person conducting the business or under taking at that workplace or the person’s representative, and

d) with the consent of one or more workers that the health and safety representative represents, be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:
   i. an inspector, or
   ii. the person conducting the business or undertaking at that workplace or the person’s representative, and

e) request the establishment of a health and safety committee, and

f) receive information concerning the work health and safety of workers in the work group, and

g) whenever necessary, request the assistance of any person.

Note. A health and safety representative also has a power under Division 6 of this Part to direct work to cease in certain circumstances and under Division 7 of this Part to issue provisional improvement notices

3) Despite subsection (2) (f), a health and safety representative is not entitled to have access to any personal or medical information concerning a worker without the worker’s consent unless the information is in a form that:
   a) does not identify the worker, and
   b) could not reasonably be expected to lead to the identification of the worker

4) Nothing in this Act imposes or is taken to impose a duty on a health and safety representative in that capacity.

s.69 Powers and functions generally limited to the particular work group
1) A health and safety representative for a work group may exercise powers and perform functions under this Act only in relation to matters that affect, or may affect, workers in that group.

2) Subsection (1) does not apply if:

3) there is a serious risk to health or safety emanating from an immediate or imminent exposure to a hazard that affects or may affect a member of another work group, or

4) a member of another work group asks for the representative’s assistance, and the health and safety representative (and any deputy health and safety representative) for that other work group is found, after reasonable inquiry, to be unavailable.

5) In this section, another work group means another work group of workers carrying out work for a business or undertaking to which the work group that the health and safety representative represents relates.

(Note Subdivision 6 or Part 5 of the Act outlines the obligations of the PCBU to the HSR, and may need to be considered along with the above powers.)

**Powers and Function of the Health and Safety Committee**

WHS Act 2011 Part 5 Division 4
Section 77 Functions of committee

The functions of a health and safety committee are:

a) to facilitate co-operation between the person conducting a business or undertaking and workers in instigating, developing and carrying out measures designed to ensure the workers’ health and safety at work, and

b) to assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace, and

c) any other functions prescribed by the regulations or agreed between the person conducting the business or undertaking and the committee.