



Health and Safety Consultation

Information Sheet – Health and Safety Consultation

Purpose

The purpose of this information sheet is to provide information and guidance on the University's consultation framework and the Work Health and Safety (WHS) legislative requirements for consultation to assist to meet the requirements of the University [Health, Safety and Wellbeing \(HSW\) Policy](#).

Q1 Why is consultation important?

Consultation is a WHS legal requirement and an essential part of managing health and safety risks. A safe workplace is better achieved when everyone involved in the work communicates with each other to identify hazards and risks, talks about health and safety concerns and works together to find solutions. By drawing on the knowledge and experience of our workers we can make more informed decisions about how the work can be carried out safely. Effective consultation also has other benefits:

- greater awareness and commitment, because workers who are actively involved in how health and safety decisions are made, will better understand the decision; and
- improved working relationships, because workers are sharing their views and understanding the views of others.

Q2 When is consultation required?

There is a legal requirement under the [WHS Act 2012](#), for the University and its managers and supervisors, to consult with workers when:

- identifying hazards and assessing risks to health and safety (e.g. when documenting a [risk assessment](#) for an activity);
- making decisions about ways to eliminate or minimise those risks;
- proposing changes that may affect health or safety (e.g. when proposing changes to work procedures or the work environment; or when purchasing new plant/equipment; or using a new chemical/substance);
- making decisions about the adequacy of facilities for the welfare of workers;
- making decisions about the local procedures for:
 - consulting with workers; or
 - resolving health and safety issues;
 - monitoring the health of workers; or
 - monitoring the conditions in the workplace; or
 - providing information and training for workers;
- requested by the elected Health and Safety Representative (HSR) for a workgroup; and
- drafting and reviewing processes for health and safety (e.g. the chapters of the [HSW Handbook](#)).

Q3 What is consultation?

Consultation under the [WHS Act 2012](#) means to:

- share relevant information about health and safety matters with workers;
- give workers a reasonable opportunity to express their views in relation to the matter and contribute to the decision-making process on the matter;
- take into account the views of workers; and
- advise on the outcome of the consultation in a timely manner.

If workers are represented by an elected Health and Safety Representative (HSR), the consultation must involve that representative.

Q4 How does the University consult with staff and who is responsible?

The University maintains a number of HSW consultation mechanisms including:

- inviting all staff to comment on new and updated HSW policies and procedures through Staff News (for example chapters of the [HSW Handbook](#));
- Heads of Faculties/Divisions maintaining HSW Committees comprising management and staff representatives;
- a [Health and Safety Representative Network](#);
- requiring supervisors/ persons in control of an area/activity to consult with workers they directly supervise on local health and safety matters.

Q5 How can the University supervisors and senior management demonstrate that adequate consultation occurs?

Examples include:

- the recording of the names of the workers involved in a risk assessment in the space provided on the risk assessment template;
- HSWOs including the names of the workers consulted during the investigation of an issue reported in the University's [HSW Online Reporting System](#);
- copies of email correspondence on a safety issue that includes affected workers;
- the inclusion of information on intranet sites, noticeboards or news stories;
- minutes of team meetings;
- minutes of HSW Committee meetings;
- maintaining records in the University's records management system for [HSW Handbook](#) chapter reviews.

Whatever the consultation system or methods used, it is important that:

- the methods are easily understood and accessible to all workers involved;
- the workers are provided with reasonable opportunity to express their view and to contribute to the decisions made;
- that the views of workers and elected Health and Safety Representatives are taken into account before making a decision.

Note: consultation does not require consensus or agreement but must allow contribution. It is recommended that feedback be offered about the options proposed to demonstrate that worker's views have been considered.

Q6 To what extent should consultation occur?

In accordance with the [WHS Act 2012](#), consultation is to occur so far as reasonably practicable, with workers who are (or are likely to be) directly affected by a HSW matter. This could include staff, students, contractors, titleholders and volunteers. The aim is to ensure that there is sufficient information collected from those affected, to make well-informed decisions.

Where it is not possible in certain circumstances to consult (e.g. an urgent response is required, limiting the extent of consultation), then it is appropriate to ensure these workers are kept informed about the issue raised and what action has been taken to rectify the issue.

Consultation should occur with other organisations when you become aware they are or will be involved in the work. This will usually be apparent from the circumstances e.g. through contractual arrangements or their presence on site. Additional information on the requirements for consultation with contractors is available in the [Contractor Safety Management](#) handbook chapter.

Other organisations may also approach your area/workers as part of their consultation arrangements. It is important that you respond to reasonable requests and co-operate with other organisations to ensure a safe working environment.

Q7 Does the University have Health and Safety Committees to facilitate consultation?

Yes. The University has an HSW Committee for every Faculty and Division. Some Faculty and Divisions also have School/Branch HSW Committees. Each Faculty/Division committee meets every quarter and has a planned and structured agenda to ensure that HSW issues, processes and data are reviewed and discussed. The committee members are representatives from both management and employees.

Elected Health and Safety Representatives may choose to be a member of the HSW Committee. If there isn't an elected Health and Safety Representative then staff member(s) can be nominated in accordance with the terms of reference for the committee. Additional information on the University's HSW Committees including the terms of reference is available on the HSW website, [HSW Committees](#).

Q8 As a worker – how do I seek consultation on HSW matters?

Talk first with your supervisor or the person in control of the area/activity to seek the information you are after or to discuss an issue. You can also utilise the [Health and Safety Representative Network](#) to assist you. Don't forget, you must report all hazards in the University's [HSW Online Reporting System](#). This will ensure the hazard is investigated by the supervisor or the person in control of the area/activity in consultation with you.

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Q9 What consultation will occur when I report a safety issue in the University's HSW Online Reporting System?

The safety concern will automatically generate an email notification to the [local HSW Team](#).

The relevant HSW staff will assess the details and determine the need to inform others within your School/Branch/area of the issue (including the Health and Safety Representative if applicable to your area). The HSW staff will generate notification email(s) from the system and/or make direct contact with the relevant Supervisor/Person in control of the activity/area and senior management based on the initial findings and the severity of the issue.

The issue will be investigated in consultation with the relevant workers in accordance with the HSW Handbook chapter [Incident Reporting and Investigation](#). The person reporting the issue will be contacted by the HSW Officer investigating the report.

Q10 What process is required to resolve an HSW issue?

As a minimum -

- The person raising the issue is to communicate the issue to the relevant person - Supervisor, Person in control of the area/activity;
- The stakeholders are to meet or communicate with each other to attempt to resolve the issues, having regard for:
 - the level of risk to workers;
 - the number of workers affected by the issue;
 - the measures (both temporary and permanent) that must be implemented to resolve the issue; and
 - who will be responsible for implementing the resolution measures.
- The person raising the issue may request the assistance of an elected [Health and Safety Representative](#) (HSR) to help resolve the issue.
- When the issue is resolved, a summary of the issue and what was agreed to resolve the issue is to be documented and provided to all stakeholders involved, to ensure the agreed outcome is satisfactory.

The issue must be recorded in the University's [HSW Online Reporting System](#) to ensure that the relevant people will automatically be notified and the issue appropriately investigated by the Supervisor/Person in control of the area/activity and the [local HSW Team](#). The issue resolution process will then be captured from the time of the report through to resolution and closure.

The [Dispute Avoidance and Settlement Procedure \(Appendix A\) in the Health & Safety Representatives and HSW Consultation Chapter](#) outlines the process to be followed to resolve an HSW issue that has not been resolved by discussion between the relevant parties. This process applies equally well to any party as to issues raised by an HSR.

Q11 How are HSW issues and information communicated, consulted and reported?

The University of Adelaide's HSW reporting process and cycle provides the mechanism for:

- safety issues (reported in the University's [HSW Online Reporting System](#));
- statistics and/or data (actions, audit, claims);
- outcomes of safety reviews; and
- trends/emerging issues;

to be regularly communicated and consulted through a number of forums at all levels of the University i.e. to the members of the HSW Committees. The minutes of the committees are also to be made available to the workers the committee represents (e.g. on the website).

This reporting process and cycle also provides a [Due Diligence Report](#) to convey to the Officers of the University, being both the senior management and the members of Council and its sub-committees, a range of information that the [VHSA Act 2012](#) requires them to consider from a due diligence perspective. Refer to Appendix A of this FAQ for a flowchart setting out the process.

Q12 How can elected Health and Safety Representatives (HSR) assist with consultation?

Although supervisors are the main point of contact for workers to discuss HSW matters, and are required to consult with workers on HSW matters, HSRs can assist by providing a vehicle for consultation and a mechanism for workers to raise, have input into and resolve HSW issues.

HSRs can assist as they:

- are likely to understand the views and concerns of the worker and/or workgroup;
- are likely to have a good understanding of the legislative requirements through their attendance at approved training courses;

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- have specific powers under the [WHS Act 2012](#) when elected in the role which enables them to:
 - monitor the measures taken by the Supervisor/Person in control of the area/activity to resolve an issue;
 - investigate complaints from members of the workgroup relating to work health and safety;
 - enquire into anything that appears to be a risk to the health or safety of workers (e.g. unsafe work practices) and to be involved in incident investigations.

Elected Health and Safety Representatives may also choose to be a member of the HSW Committee. Being a member of the committee will complement the role as it allows the HSR to be involved in the management of HSW across the whole Faculty/Division/School/Branch (as applicable), rather than just the workgroup.

Refer to the [Health and Safety Representatives Information Sheet](#) for further information.

Q13 Where can I find more information on HSW Consultation requirements?

Refer to the [Health & Safety Representatives and HSW Consultation Chapter](#) and the [Health and Safety Representatives Information Sheet](#) for further information.

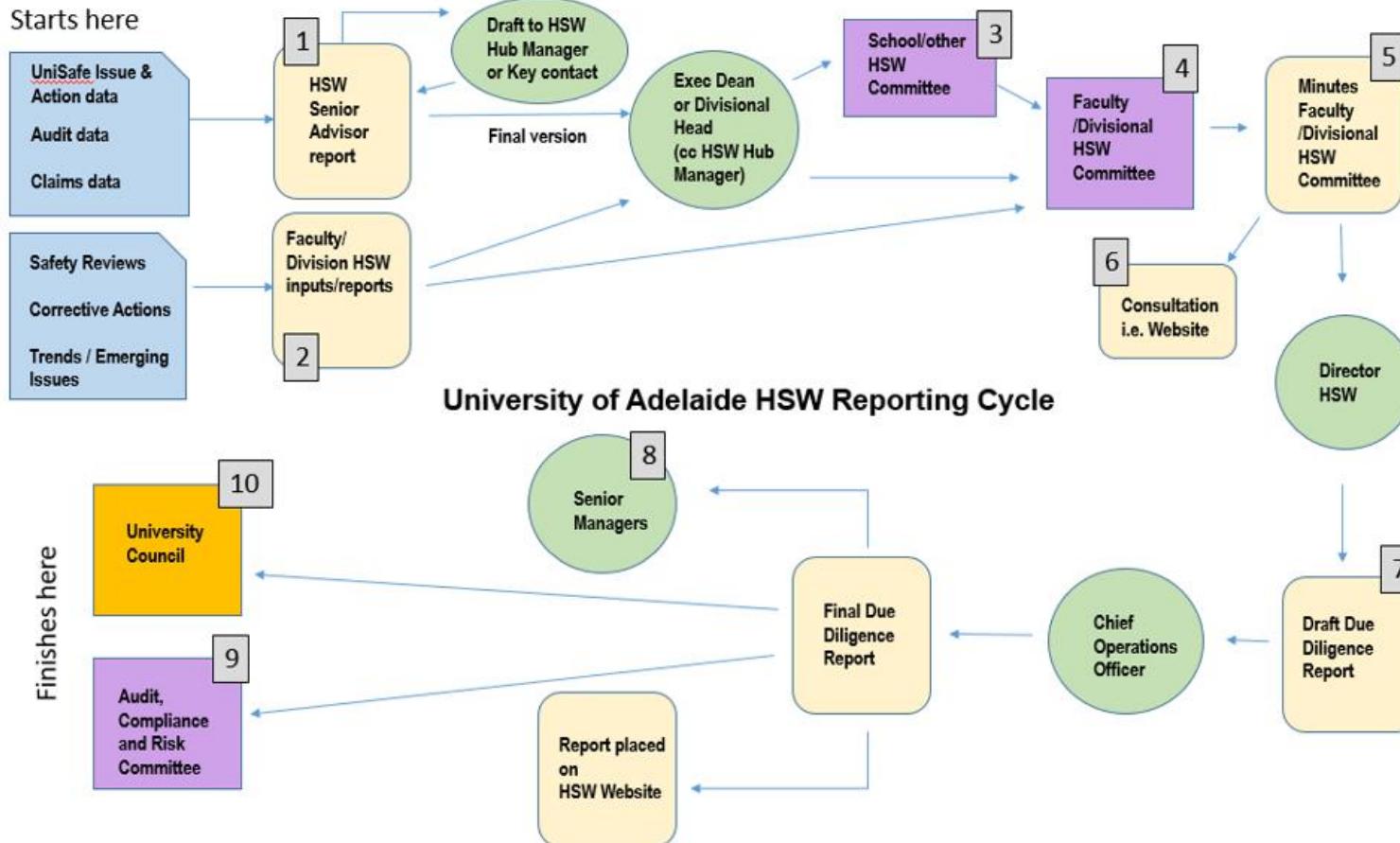
If you require further information, please contact a member of the [HSW Team](#)

Authorisation

Authorised by the Director HSW

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UNIVERSITY OF ADELAIDE HSW REPORTING CYCLE



See Appendix A, pages 2 and 3, for further explanation on each stage

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UNIVERSITY OF ADELAIDE HSW REPORTING CYCLE

1	HSW Senior Advisor Report The HSW Senior Advisor Report is drafted immediately following the end of a quarter. The report is based on the data in the University's HSW Online Reporting System , the HSW Audits and University Claims data. The report may also offer advice to the Faculty or Division regarding matters that they may wish/need to turn their attention to.
2	Faculty/Divisional HSW Reports The Faculty/Divisional HSW Hub Report is created by the Faculty/Division HSW Hub to provide the Executive Dean and the Faculty/Divisional HSW Committee with insights on the outcomes of safety reviews, the status of corrective actions and any trends or emerging issues within the Faculty/Division. The report may also provide information on the progress of Faculty/Divisional HSW Plans and other relevant information to assist the senior management to undertake their due diligence and to take action as required.
3	School/Branch HSW Committee Whilst there is no requirement for School/Branch Committees where these do exist they are either a consultation forum (in which case the Faculty/Divisional HSW Meeting does not need to also be a consultation forum) or a management meeting (in which case the Faculty/Divisional HSW Meeting must be a consultation forum). The role of a School/Branch HSW Committee, where they exist, is to allow the School/Branch Management to consider current safety issues and the available data/reports. This allows the senior School/Branch management to undertake their due diligence and to take action as required. School/Branch HSW Committees, where they exist, should be taking appropriate action to remediate any safety issues brought to their attention. There is no specific requirement for a report from a School/Branch Committee to the Faculty/Divisional Committee, however the <u>key</u> issues, trends and plans discussed at the School/Branch HSW Committee should be presented to the Faculty at least verbally.
4	Faculty/Divisional HSW Committee The Faculty/Divisional HSW Committee is the peak safety committee and its role is to both inform the Officer/s and to allow them to question the safety performance of the Faculty/Division. If the Faculty/Divisional HSW Committee is the consultative committee then it also has the role of consulting with the representatives of the workforce regarding their safety issues or concerns. The agenda for the Faculty/Divisional Meeting must include the Senior Advisor Report and the Faculty/Divisional HSW Report, along with any other information that the Faculty/Divisional Head believes is important for the Committee to receive. The reports and data form a lens through which the safety performance of the Faculty/Division can be viewed. The business of the Committee should be to focus on the safety performance of the Faculty/Division itself; to ask whether enough is being done to prevent injuries, and to consider what strategies or actions the Faculty/Division should undertake to improve safety processes and safety outcomes.
5	Minutes of Faculty/Divisional Committee The Minutes of the Faculty/Divisional HSW Committee are a record of the safety discussions that were held and the actions that were given to individuals. The minutes are very important documents that should, once confirmed, be placed on the University Records Management System.

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6	Consultation Consultation with workers and their representatives is a crucial part of the WHS legislation and the Performance Standards for Self-Insurers. It is therefore important that the final minutes of the committee meeting/s at which consultation occurs are available to workers – ideally this would be through being placed in the intranet. Remembering that the consultative forum may be at the School/Branch or at the Faculty Divisional level, but does not have to be both. It does however have to occur at one level or the other. Areas without School/Branch committees must use their Faculty/Divisional HSW Meeting as a consultative forum and make the minutes available to workers.
7	Due Diligence Report The Due Diligence Report is designed to convey to the Officers of the University – being both the senior management and the members of Council and its sub-committees – a range of information over which the WHS Act requires them to exercise due diligence. The Due Diligence Report is signed off by the Chief Operating Officer and then placed on the HSW website under reports, and is included in the next Audit, Compliance and Risk Committee and Council agendas.
8	Senior Managers The Senior Managers in this context refers to the Heads of Faculties and Divisions who are emailed a copy of the final report, copied to others in their area for information.
9	Audit, Compliance and Risk Committee The Audit, Compliance and Risk Committee is a sub-committee of Council that reviews audit outcomes, risk management and legislative (and other forms of) compliance. The Due Diligence Report is tabled at the Audit, Compliance and Risk Committee meeting.
10	Council The University Council is the peak governance body of the University Chaired by the Chancellor. Council usually receives the Due Diligence Report after the Audit, Compliance and Risk Committee has had an opportunity to discuss the report.

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