

WORK HEALTH AND SAFETY CONSULTATION, CO-OPERATION AND CO-ORDINATION – TOOL BOX TALK

[notes only]

This Code of Practice on how to meet the requirements for consultation, co-operation and co-ordination on work health and safety matters is an approved code of practice under section 274 of the *Work Health and Safety Act* (the WHS Act).

An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and the Work Health and Safety Regulations (the WHS Regulations).

This Code of Practice provides practical guidance to persons conducting a business or undertaking on how to effectively consult with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter.

Consultation is a legal requirement and an essential part of managing health and safety risks.

It is believed that a safe workplace is more easily achieved when everyone involved in the work communicates with each other to identify hazards and risks, talks about any health and safety concerns and works together to find solutions.

The WHS Act identifies matters that trigger the requirement for consultation – these are;

1. identifying hazards and assessing risks arising from the work carried out or to be carried out
2. making decisions about ways to eliminate or minimise those risks
3. making decisions about the adequacy of facilities for the welfare of workers
4. proposing changes that may affect the health or safety of your workers, and

Facilities are things provided for the welfare of workers, such as toilets, drinking water, washing facilities, dining areas, change rooms, personal storage and first aid.

You must consult your workers when making decisions about what facilities are needed (for example, the number and location of toilets), taking into consideration the number and composition of your workforce, the type of work your workers do and the size and location of your workplace. The consultation should also cover things such as access, cleaning and maintenance of the facilities.

Agreeing on consultation procedures

The WHS Act does not require a person conducting a business or undertaking to reach agreement with their workers on how consultation will occur, but doing so will help to make the consultation more effective. Agreed consultation procedures are likely to be most effective if they include:

- the matters that require consultation
- who will be consulted
- the ways consultation will occur, for example, through regular meetings, tool-box talks or health and safety representatives
- how information will be shared with workers and health and safety representatives
- what opportunities will be provided for workers and health and safety representatives to give their views on proposed matters
- how feedback will be given to workers and health and safety representatives
- how consultation will occur with any workers who have special language and literacy needs
- timeframes for reviewing the procedures.

Health and safety committees

- A health and safety committee brings together workers and management to assist in the development and review of health and safety policies and procedures for the workplace.
- A person conducting a business or undertaking must establish a health and safety committee within two months after being requested to do so by 5 or more workers, or by a health and safety representative, at the workplace.
- Health and safety representatives may choose to be members of the health and safety committee. In total, at least half of the members of the committee must be workers who are not nominated by management.
- Health and safety committees must meet at least every 3 months.
- You can also initiate establishing a committee yourself if you consider it will help you meet your duty to consult and assist your workforce to participate in making health and safety decisions.

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and co-operate with any reasonable health and safety policy or procedure

Developing procedures

A procedure sets out the steps to be followed for work activities. You must consult with affected workers when developing procedures for:

- resolving work health and safety issues
- consulting with workers on work health and safety
- monitoring workers' health and workplace conditions
- providing information and training.

Procedures should be in writing to provide clarity and certainty at the workplace and assist in demonstrating compliance. They should clearly set out the role of health and safety representatives, and any other parties involved in the activity. The procedures should be easily accessible, for example by placing them on noticeboards and intranet sites.

Consultation requires that:

- relevant work health and safety information is shared with workers
- workers are given a reasonable opportunity to express their views and to raise health or safety issues
- workers are given a reasonable opportunity to contribute to the decision-making process relating to the health and safety matter
- the views of workers are taken into account, and
- workers are advised of the outcome of any consultation in a timely manner.
- Giving your workers a reasonable opportunity to express their views and contribute to health and safety decisions may involve:
 - providing a suitable time during work hours for consultation with workers
 - allowing opinions about health and safety to be regularly discussed and considered during workplace meetings
 - providing workers with different ways to provide feedback, for example using email, setting up an intranet health and safety page or a suggestion box.

How long the consultation process takes will depend on the complexity of the health and safety matter, how many people are being consulted, the accessibility of workers and the methods of consultation

You must consult on health and safety matters so far as is reasonably practicable with workers who carry out work for you and who are (or are likely to be) directly affected

Consultation that is 'reasonably practicable' is both possible and reasonable in the particular circumstances. What is reasonably practicable will depend on factors for example the size and structure of the business or the nature of the work that is carried out or work arrangements, such as shift work and remote work

The aim of consultation should be to ensure that you have sufficient information to make well-informed decisions and that the workers who may be affected are given a reasonable opportunity to provide their views and understand the reasons for the decisions.

Consultation with workers and with other duty holders does not have to be documented unless specifically required under the WHS Regulations. However, it is recommended that you keep records to demonstrate compliance with consultation requirements.

Below is an appendix to assist you assess whether you are complying with this code of Practice.

1. Do I have one or more consultation arrangements in place after consultation with my workers?
2. Do the consultation arrangements include workers other than my employees such as contractors or labour hire workers who are part of my workforce?
3. Do I use my consultation mechanism when I:
 4. identify hazards and assess risks?
 5. make decisions to control risks?
 6. make decisions about welfare facilities?
 7. propose changes to the work, including purchasing new or used plant or new substances or materials?
 8. develop and review safety policies and procedures?
9. When I consult with my workers on these issues do I:
 10. Inform them of what I intend to do (eg purchase a new piece of equipment)?
 11. Share relevant information about the issue with them?
 12. Give them a reasonable opportunity to respond?
 13. Discuss any of their safety concerns?
 14. Take into account the views they express?
 15. Advise them of my decision and the reasons for it?
16. If workers are represented by a health and safety representative, do I:
 17. Include the representative in all health and safety consultations?
 18. Make myself available for the representative to raise and discuss health and safety matters with me?
19. Do I consult other duty holders who share responsibility for a health and safety matter with me?
20. Do I co-operate and co-ordinate activities with them?

IF YOU HAVE ANSWERED NO TO ANY OF THE QUESTIONS ABOVE – YOU MAY NOT BE COMPLYING WITH THE CODE OF PRACTICE

