

WHS Management System Consultation and Communication Procedures

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1. Governing Policy

[Work Health and Safety Policy \(WHS Policy\)](#)

[Work Health and Safety Management System](#)

2. Purpose

These procedures outline the University's Work Health and Safety (WHS) consultation and communication arrangements.

3. Scope

- a. These procedures apply to all Flinders University workers and others, who are undertaking activities for Flinders University.
- b. It also outlines the need to consult, co-operate and co-ordinate with other Persons Conducting a Business or Undertaking (PCBUs) where there is a shared duty in relation to health and safety matters.

4. Definitions

Consultation

- Sharing of relevant health and safety information between the University (as a PCBU) and workers, and the University and other PCBUs.

	Includes giving workers the opportunity to express their views, valuing these views and allowing them to contribute to the resolution of health and safety issues.
Health and safety issue	- Any concern about health and safety at the workplace that remains unresolved after consultation with the affected workers and others and the University. - Includes injury management general systems issues but not individual worker or student cases.
Health and Safety Representative / Deputy Health and Safety Representative (HSR)	A staff member who has been elected for a term of 3 years by the workers in a designated WHS workgroup and who has the authority under the WHS Act 2012 (SA) to raise health and safety issues with management on behalf of their colleagues.
Person Conducting a Business or Undertaking (PCBU)	A person conducting a business or undertaking (PCBU) covers a broad range of modern work relationships and business structures. These include someone operating a business or undertaking for-profit or not-for-profit, whether alone or with others. The definition of a PCBU focuses on work arrangements and the relationships involved in carrying out that work. In the context of the University working with other PCBUs this may include University controlled entities, landlords, tenants, co-tenants and host organisations of students undertaking work integrated learning placements and other collaborators.
Reasonably Practicable	What is or was at the time, reasonable as an action to ensure health and safety, weighing up matters such as: - Likelihood of the hazard or risk occurring, - The degree of harm that might result from the hazard or risk, - What the person concerned already knows or ought to have known at the time regarding the hazard or risk and ways to eliminate or minimise the risk, - The availability and suitability of the ways to eliminate or minimise risk, After assessing the extent of risk and available ways to eliminate or minimise risk, the cost associated with the available ways and whether the cost is disproportionate to the risk.
Workers	A person who carries out work in any capacity for the University including all academic and professional staff, contractors and sub-contractors and their employees, labour hire company employees, trainees, persons gaining work experience and volunteers.
WHS Work Group	Is a group established by each College / Portfolio area and determined based on factors such as group size, work type and hazards, and decided through negotiation and agreement between an employer and workers.

5. Requirement to Consult

Under WHS legislation, the University must consult, as far as is reasonably practicable with:

- a. Workers and others who carry out work for the University and who are, or are likely to be, directly affected by a work health and safety matter.
- b. With Health and Safety Representatives (HSR), where elected.
- c. Other PCBUs, who have a shared duty in relation to health and safety matters, including University controlled entities, contractors, labour hire, landlords, tenants, co-tenants and host organisations of students.

6. When to Consult

Consultation is required when:

- a. When managing health and safety risks throughout the risk management process, including when identifying hazards, assessing risks, looking at ways to eliminate or implement measures to control risks and reviewing their effectiveness.
- b. When developing or reviewing Work Health and Safety policies and procedures.
- c. When investigating [accident, incidents and hazards reported](#).
- d. When making decisions about:
 - i. resolving health and safety matters
 - ii. monitoring the health of workers
 - iii. monitoring the conditions at the workplace
 - iv. providing work health and safety information and training.
- e. The adequacy of facilities for the welfare of workers and others in the workplace is being considered.
- f. Changes that are made that have the potential to affect the health and safety of workers or others, such as:
 - i. work systems such as shifts/rosters, procedures, environment, or organisational structure.
 - ii. changes to the physical workplace e.g., new buildings, alterations to existing buildings, renovations, maintenance, repairs, and modifications.
 - iii. hazards are introduced or changed e.g., changes to plant/equipment, hazardous chemicals or processes.
 - iv. new or modified work/study/research activities that may introduce new risks that may impact on health or safety.

7. Effective Consultation

- a. The aim of consultation is to ensure managers/supervisors have sufficient information to make well informed decisions about health and safety issues.
- b. Workers and others must be given a reasonable opportunity to:
 - i. have access to and shared with them relevant work health and safety information
 - ii. express their views and contribute to decision-making process around activities that may impact directly on their health and safety

- iii. be provided with information in a timely manner regarding the outcomes of any consultation and why decisions are made are provided.

8. Consultation Mechanisms

The University will consult on health and safety matters so far as is reasonably practicable by taking a proactive and sensible approach via several mechanisms, informal and formal.

Note - The law prohibits discriminatory behaviour directed at anyone who raises work health and safety issues or carries out legitimate safety-related functions or activities.

8.1. Consultation with Workers

- a. The primary and most effective mechanism for consultation on health and safety matters is by informal direct dialogue between managers/ supervisors and the workers and others who are under their supervision.
- b. Workers should be given a genuine opportunity to:
 - i. ask questions about health and safety
 - ii. raise concerns and report problems
 - iii. make safety recommendations
 - iv. be part of the problem-solving process.

8.2. Consultation via Health and Safety Committees

- a. Health and Safety Committees provide a formal process for facilitating consultation and cooperation on health and safety matters between management and worker representatives.
- b. Matters discussed may include policy and procedures, risk management, accidents/ incidents and associated corrective/ preventative actions, injury management and any other health and safety issues agreed between the University and Committee members.
- c. Each College/Portfolio will have a Health and Safety Committee to allow consultation on local issues.
- d. The University Health and Safety Committee is the principal forum for consultation on the management of health and safety across the whole University.
- e. Health and Safety Representatives (HSR's) may choose to be members of the relevant health and safety committee. Regardless of their participation, in total, at least half of the members of the committee must be staff who are not nominated by management.
- f. To facilitate communication and consultation on health and safety matters each committee will be provided a quarterly report with health and safety information including data on [accident/ incidents and hazards](#) and other WHS information as outlined in the [WHS Performance and Reporting Procedure](#).
- g. The role and membership of Health and Safety Committees is described in the [Health and Safety Committees Procedures](#).
- h. A list of Health and Safety Committees and membership is available on the [University WHS website](#).

8.3. Consultation with Health and Safety Representatives

- a. Health and Safety Representatives (HSR and Deputy HSR's) play an important role in the consultative process for the workgroup they represent. Where HSR's have been elected, they must be given the opportunity to be included in any consultation that affects or is likely to affect, the health and safety of members of their workgroup.

- b. Where accident/ incidents and hazards are reported, subject to the consent of the worker concerned, the HSR for the workgroup will be notified and consulted with during the investigation and implementation of corrective actions.

8.4. Other mechanisms for communication and information sharing

- a. Wider communication of health and safety issues and information can be via a range of mechanisms including:
 - i. local work area meetings
 - ii. circulation via email, newsletters or posted on the University website, including for:
 - new or reviewed Work Health and Safety policies, procedures, and programmes
 - alerting the University community to specific health and safety hazards
- b. Health and safety information that is posted on the University WHS website must be approved by the Associate Director, WHS or nominee.

9. Consulting, cooperating, and coordinating with other PCBU's

- a. The WHS Act requires that where more than one person has a duty for the same health and safety issue, each person retains responsibility for their duty in relation to the matter and they must discharge that duty to the extent to which they can influence and control that matter.
- b. The University must, therefore, as far as reasonably practicable, consult, co-operate and co-ordinate activities with all other PCBU's who have this shared duty for health and safety issues to ensure health and safety is managed effectively.
- c. This may involve consultation and cooperation with one or several parties, including controlled entities, contractors, labour hire, tenants, co-tenants, and landlords.¹
- d. The consultation process requires all involved PCBU's to provide health and safety information on hazards and risks that is required for effective risk management.
- e. The method(s) of consultation used by the University with other PCBU's may vary depending on the circumstances and should be agreed to by the parties involved. This may include, but is not limited to:
 - i. raising the issue directly with the relevant PCBU nominated responsible person.
 - ii. periodic performance review meetings which include WHS items.
 - iii. toolbox talks or similar forums.
 - iv. focus or steering groups.
- f. For construction projects, the principal contractor must include formal arrangements for consultation, cooperation and coordination of all PCBU's at the work site.
- g. Where staff and students are to undertake work, including student placements, at workplaces under the control or management of another PCBU, the University has a duty to consult to ensure:
 - i. as far as is reasonably practicable, it is a safe workplace for workers and students, and
 - ii. workers, students and the other PCBU's are aware and have process to meet WHS legislative safety requirements.

¹ The WHS Regulations in addition have specific requirements for some duty holders to consult, for example: manufactures, authorising energised electrical equipment and commissioning construction work.

10. Health and Safety Representatives

10.1. Health and Safety Representatives (HSRs) Role

- a. The HSR and the Deputy HSR is a voluntary role with prescribed powers and functions under the Work Health and Safety Act 2012.
- b. In respect to their elected workgroup, they can:
 - i. represent the workers in matters relating to health and safety via the University consultation mechanisms.
 - ii. monitor the measures taken by the University with respect to compliance with the WHS legislation.
 - iii. investigate work health and safety complaints.
 - iv. enquire into anything that might be a risk to the work health or safety of workers they represent.
- c. HSRs are to be provided any resources, facilities and assistance that is reasonably necessary to enable them to exercise their powers or functions under the WHS legislation.
- d. Elected HSRs in consultation with their supervisors are entitled to attend their [prescribed training](#) and must be trained to be able to exercise their powers under the WHS legislation.

10.2. Resolving Health and Safety Issues

- a. Safety issues should in the first instance be raised by HSRs with the relevant supervisor/ manager for consideration and response. Where this does not provide a resolution the HSR should follow the [health and safety resolution flow chart](#).
- b. Trained HSRs can exercise their powers and functions under the WHS legislation at any time, including contacting SafeWork SA to seek advice and guidance on a matter. They may also in line with their functions:
 - i. issue a Provisional Improvement Notices (PIN)²
 - ii. direct the cessation of unsafe work when they believe there is an imminent risk to health or safety to members of their workgroup.
- c. Exercising these powers requires the HSRs to consult (unless there is an imminent risk) with the University in the first instance.

10.3. Workgroups

- a. The workgroups and number of HSR's for each area will be established in consultation with the relevant areas College/Portfolio Health and Safety Committee.
- b. Once agreed, work groups can be reviewed and altered upon request from workers or by the College/Portfolio Health & Safety Committee.

10.4. Election Process

Where a HSR position is created or falls vacant, the WHS Unit will:

- a. ensure the nomination and election process is run as per the [election process](#).
- b. advise the members of the work group of the outcome of elections.
- c. register the newly elected HSR with the SafeWork SA/NT HSR portal.
- d. ensure an up to date [list of HSRs](#) is available on the University WHS web site.

² As defined under the WHS Act SA 2012

10.5. Returning Officer

The Associate Director, Work Health and Safety (or nominee) will act as Returning Officer for all elections of Health and Safety Representatives and Deputy Health and Safety Representatives.

11. Responsibilities

Vice-Presidents and Executive Deans of College, Portfolio Heads	Ensure: a. effective methods of communication and consultation are established and used in their College/Portfolio b. appropriate processes for complying with the duty to consult workers and others as well as the duty to consult, cooperate and coordinate with other duty holders is undertaken.
Managers and supervisors	Ensure: c. implementation of these procedures in their area of responsibility and accountability d. workers and others are aware of consultation and communication arrangements e. provision of genuine opportunities for workers and others to engage in consultation in relation to Work Health and Safety matters that may impact on them or their work area.
WHS Unit	Ensure: f. elections of HSR's are managed and run as per the election process. g. regular WHS reporting is provided to the Health and Safety Committees to facilitate consultation and communication on health and safety matters.

12. Related Documents and Forms

[Work Health & Safety Act SA 2012 \(SA\)](#)

[Work Health & Safety Regulations 2012 \(SA\)](#)

[Work Health and Safety \(National Uniform Legislation\) Act 2011 \(NT\)](#)

[Code of Practice - Work health and safety consultation, cooperation and coordination](#)

[Health and Safety Committees](#)

[WHS Risk Management Procedure](#)

[Contractor Safety Management Procedure](#)

[Accident, Incident and Hazard Reporting and Investigation Procedure](#)

Forms:

[Health and Safety Resolution Flow Chart](#)

[HSR Election Process](#)

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