WHS Representation and Consultation Policy Guideline
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WHS Representation and Consultation Policy Guideline

1. Objective

SA Health, as a Responsible Agency for the “Crown”, takes reasonably practicable steps to ensure that Local Health Networks/ Health Services/Business units have mechanisms and processes in place for effective health and safety consultative and communication, participation and representation, and issue resolution as defined in the Work Health and Safety Act 2012 (SA), its regulation, the code of practice Work Health and Safety Consultation, Co-operation and co-ordination and the Work Health and Safety Worker Representation and Participation Guide. These steps contribute to the acquisition of knowledge and information enabling decisions to be made in the management of work health and safety hazards, risks and issues at the workplace.

2. Scope

The policy guideline applies to all SA Health workers including occupiers, contractors, subcontractors, volunteers, labour hire personnel, students and workers who carry out work for SA Health Local Health Networks, Health Services and Business Units, and who are (or likely to be) directly affected by health and safety matters and decisions which SA Health LHN/HS/BU influence or control.

This policy guideline should be read and administered in conjunction with the following SA Health WHSIM documentation:
- Corporate Framework – Governance, Accountability and Consultation
- Policy Directive - Roles Responsibilities and Governance

3. Principles

The SA Health WHSIM Management system supports all SA Health LHN/HS/BU and its workers by enabling workplaces to intergrade WHS in everyday business. The key principles for effective consultative and communication, participation and representation, and issue resolution are:
- Ensuring that all workers are encouraged to communicate with each other, managers/supervisors, HSRs and consultative committees in efforts to discuss WHS information and find solutions to WHS issues.
- Health and Safety Representatives, if relevant, effectively establishing greater awareness and commitment of WHS matters amongst workers, foster positive working relationships with cooperation and trust
- WHS Consultative Committees being established, as relevant, with regular, planned and structured meetings, encouraging a co-operative approach and collaborative discussions to improve systems for WHS, and to encourage the development and retention of knowledge on health and safety matters at the LHN/HS/BU.
- Understanding and implementing the The Work health and Safety Act 2012 (SA), its regulations and code of practice entitled – Work Health and Safety Consultation, Co-operation and Co-ordination which defines legislative requirements for consultation when:
  - Identifying hazards and assessing risk
  - Making decisions about ways to eliminate or minimise those risk
  - Making decisions about the adequacy of facilities
  - Proposing changes or other decisions that may affect health and safety
- Ensuring that effective two way consultative conversations take place, enabling a greater awareness and commitment to WHS, in creating a positive working relationship amongst all. This is achieved when workers, managers/supervisors, HSRs, WHS defined Officers, members of WHSIM Governance, LHN/HS/BU consultative committees and local consultative committees:
  - Talk to each other about WHS matters
  - Listen to concerns and raise concerns
  - Seek and share views, and information
• Consider what all workers, managers/supervisors, HSRs and other PCBU's on SA Health worksites say before making decisions
• Advise all workers of respective workplaces the outcome of any consultation process in a timely effective manner.

• Implementing a minimum standard and process to guide the prompt and timely resolution of any WHS concern that may have arisen in the workplace which has not been resolved through consultative mechanisms.
4. **Detail**

### 4.1 WHS Consultation and Communication

This model process guides and supports SA Health LHN/HS/BU in meeting the WHS duty to consult. It recognises worker input and participation which contributes and improves the decision making capabilities of health and safety in reducing work related injuries, illnesses and disease.

**WHEN TO CONSULT:**
- During WHS documentation development and implementation
- When planning/implementing workplace change
- When identifying hazards and assessing risk
- When making decisions about ways to eliminate or minimise risk
- When making decisions about the work environment i.e. facilities
- When proposing changes or other decisions that may affect health and safety

**CONSULTATIVE AND COMMUNICATION MECHANISMS:**
- Health and Safety Representatives (HSR)
- Workforce Health/ HSR Bulletins
- SA Health Intranet Page – Workforce Health: Suggestion Box
- Workforce Health communications email: Healthwhcommunications@sa.gov.au
- Informal arrangements (as an agenda item at weekly meetings at the local level)
- WHSIM Annual/Quarterly Due Diligence Reports
- LHN /HS/BU or Local WHS Consultative Committees (or equivalent)
- Unit / Team/ Executive / Senior Management meetings
- Health and Safety Representative Forums
- Individual meetings (Manager/ Supervisor, with HSR and/or worker)
- Work Health Safety Bulletins – SA Health, LHN/HS/BU
- Local notice boards
- Distribution of meeting minutes
- E-mails/ Worksite briefings
- Evaluations/audits/surveys
- Training

**CONSULTATIVE STRUCTURES:**
- Designated Work groups
- Work Health and Safety Representatives (HSR)
- Local WHS Consultative Committees (or equivalent)
- LHN /HS/BU WHS Consultative Committees (or equivalent)
- LHN/HS/BU WHSIM Governance Committee (or equivalent)

**CONSULTATIVE PROCESS**

**DOCUMENTATION REQUIREMENTS**
- What is the Work Health and Safety issue i.e. hazard, current risk control measures
- Who is involved and who needs to be consulted (consider other duty holders)
- What actions and decisions have been made i.e. future control measures (treatments)
- Who is to take action and by when i.e. risk treatment plan
- What action has been completed and by who i.e. risk treatment plan showing outcome, residual actions, any escalation requirements

Reference may be made to the:
- SA Health LHN/HS/BU must develop a LHN/HS/BU and/or local procedure to reflect the consultation and communication process
4.1.1 WHS documentation development and Implementation

SA Health planning, development, implementation and evaluation of WHS documentation related procedures must clearly define consultation mechanisms ensuring that all workers have the opportunity to contribute to WHS documentation and be informed.

SA Health Work Health and Safety business units must develop internal business procedures which reflect their consultative process.

Consultative mechanisms that may be used to achieve an effective consultation and communication process during the development of SA Health polices, policy guidelines and documentation and/or LHN/HS/BU local WHS procedures, i.e. safe work procedures (or similar) may include correspondence, as relevant, to:

- LHN/HS/BU Work Health and Safety Business units and all team members directing distribution of SA Health draft documentations across the LHN/HS/BU
- Other identified SA Health business units that may have a vested interest in the draft WHS documentation requesting feedback
- LHN/HS/BU Health and Safety Representatives (HSR) to consult with their respective work groups and local WHS consultative committees
- Union Groups, who may distribute to their members
- SA Health, LHN/HS./BU WHSIM Governance Committees (or similar), ensuring that WHS defined Officers have received information

The use of WHS Quarterly Due Diligence reports may also be utilised to notify WHS defined Officers of upcoming SA Health WHSIM documentation. This mechanism may also be used at the LHN/HS/BU level by WHS Professionals to introduce local WHS procedures which align to the corporate SA Health WHSIM Management System.

4.1.2 Workplace change

SA Health LHN/HS/BU must consult with workers when planning changes that may directly or indirectly affect their WHS, examples of change may include:

- Changing work system such as shift work rosters, work procedures or the work environment
- Planning a new project
- Purchasing new or used equipment or new chemicals / substances

SA Health Work Health and Safety business units must support and provide guidance to their respective LHN/HS/BU when workplace change is occurring.

The WHS defined Officer or the person with delegated authority of the workplace change must consider the following consultative measures:

- Identify the workgroup which may be affected and the representing HSR (if elected)
- Provide information to the identified workers, HSR, WHS Consultative Committee (or similar)
- Allow opportunity for workers to express their views and raise health and safety issues
- Enable workers to contribute to the decision making process
- Ensure workers views are considered and taken into account
- Advise workers of the consultative outcome.

4.1.3 Developing local procedures

SA Health LHN/HS/BU workplaces may develop local procedures for work activities to ensure clarity and certainty at the workplace. These written procedures also demonstrate compliance requirements during internal and external audits, evaluations and accreditation processes. WHS defined Officers with the delegated authority of the workplace must ensure that consultation takes place with workers when developing procedures for:

- Resolving WHS issues
- Consulting with workers on WHS
• Monitoring workers health and workplace conditions
• Providing information and training

4.1.4 Sharing information

Information sharing is required when matters affect the health and safety of workers, it must be easily understood, and take into account the literacy, cultural, and lingual diversity of workers. WHS defined Officers or person with delegated authority for the workplace must provide information to all workers, examples of information which may be provided may relate to:
• The SA Health WHSIM Management system i.e. policies, policy guidelines
• Technical guidance about hazards, risk and their risk control measures or treatments
• Hazard reports and risk assessments
• Proposed changes to the workplace, system of work, plant or substances
• WHS Due Diligence reports containing data on incidents, illnesses or injuries

4.1.5 Other Duty Holders

SA Health LHN/HS/BU premises may have circumstances where more than one business or undertaking operates at the workplace. In these situations each business may share a work health and safety duty. Each business, WHS defined Officer and worker must take reasonably practicable steps to consult, co-operate and co–ordinate to the extent to which they have influence and control on the matter.

It must not be assumed that another business on the premises has taken action for a work health and safety matter. The WHS defined Officer, or person with delegated authority of the workplace must ensure that the requirements are met even if it is others who have the duty to do so.

SA Health WHS defined Officers, or person with delegated authority, must ensure that their consultative process includes other duty holders which may be providing a service at their delegated workplace.

The WHS defined Officer or the person with delegated authority of the workplace must:
• Identify and consult with other duty holders i.e. contractors and their workers, at the workplace
• Identify and consult with other WHS defined Officers at the workplace
• Consult with tenants at the workplace ( for example in relation to emergency and evacuation plans
• As a tenant , consult with other duty holders at the premises

4.2 Health and Safety Representatives

SA Health workers may request the election of a health and safety representative to represent them on work health and safety matters. When a worker makes this request, the WHS defined Officer or person with delegated authority for the workplace is legally required to establish a work group to facilitate the election process.

WHS defined Officers and workers may contact their LHN/HS/BU WHS Consultant who will be able to provide guidance in the election process and determining work groups.

4.2.1 Electing Health and Safety Representatives

The election of a HSR must be held when requested by a worker for representation (Work Health and Safety Act 2012(SA), S5). In other circumstances the election of a HSR should be held when:
• A new workgroup is established
• The HSR resigns from the position or leaves the workgroup
• The term of office of the existing HSR expires (i.e. 3 years after the election date)
• The composition of the workgroup significantly changes
• Two thirds of the workgroup are unhappy with the current HSR’s performance and decide to elect a new representative.

4.2.2 Deputy Health and Safety Representatives
Workers can elect a Deputy HSR to represent them when the HSR is away from the workplace. Members of a workgroup can decide how a deputy representative is elected. Some possible options include:

- Using the same procedure used to elect the HSR
- Declaring the runner-up in the election as the Deputy
- Jointly running the election for the representative and the Deputy

### 4.2.3 Returning Officer

- Before an election can be held, the workgroup must appoint a Returning Officer who is responsible for coordinating the election process and conducting the ballot
- The Returning Officer should be someone who has the trust and confidence of the workgroup, and does not wish to nominate for the position. At least half of the voting workgroup members must agree to the person nominated as the Returning Officer. A LHN/HS/BU WHS Professional could be selected for this role.

### 4.2.4 Nominations

- Any worker in a workgroup can nominate or be nominated as a HSR. Reference may be made to the SA Health WHSIM Form – HSR Nomination.
- All workgroup members, including the nominees are eligible to vote and should receive a ballot paper. Reference may be made to the SA Health WHSIM Form – HSR Ballot Paper.
- Nominations must be in writing and received by the Returning Officer at least three business days before the ballot is to take place.
- The time allowed between calling an election and closing nominations will not be less than two weeks.

### 4.2.5 Voting

- If only one person nominates for the position the person can be appointed as the elected HSR or Deputy HSR for the workgroup
- If more than one nomination has been received then the Returning Officer must organise a ballot (vote)
- The Returning Officer distributes voting information by mail and/or electronically with the surname of all candidates listed in alphabetical order. Reference may be made to the SA Health WHSIM Form – HSR Ballot Paper.
- All recognised members of the workgroup are entitled to vote, including each nominee
- Where practicable, voting should take place at the same time and place
- The Returning Officer will count the votes in the presence of the workgroup manager and one other employee of the workgroup who is not a nominee for the election
- The candidate who receives the most number of votes is elected as the HSR for a three year term
- Records of voting material must be forwarded to the LHN / HS /BU WHS Business Unit and maintained for a 5 year period in accordance with the requirements of the Work Health and Safety Act 2012 (SA) and SA Health WHSIM Policy Guideline - System Documentation.

### 4.2.6 Notification after Election

- The Returning Officer will notify the successful candidate, workgroup manager and designated LHN/HS/BU WHS Consultant of the appointment using the SA Health WHSIM Form - HSR Notice of Election Results.
After the election, the HSR must complete the SA Health WHSIM Form - HSR Notice of Election and Resignation and provide it to the designated LHN/HS/BU WHS Consultant. This will ensure that the HSR is registered with SafeWork SA through the HSR portal.

The designated WHS Consultant will provide an induction package, containing information sourced from the Safe Work SA website and the documented SA Health WHSIM Policy Guideline – WHS Representation and Consultation to the newly elected HSR.

4.2.7 Safe Work SA HSR Online Registration Portal
The SafeWork SA HSR Online Registration Portal maintains records of all elected HSR. This secure online network is designed to allow SA Health HSR Portal Administrators and elected HSRs to view and update their contact information.

Each SA Health HSR Portal Administrator and elected HSR will be able to access the Safe Work SA HSR Portal via their unique username and password.

As an elected HSR, if you are not certain if you are registered with SafeWork SA or you are having difficulty accessing the site please contact your LHN/HS/BU WHS Consultant.

Further reference may be made to the SafeWork SA Publications entitled:

- HSR Online Registration Portal – Information Guide for HSRs
- HSR Online Registration Portal – Information Guide for PCBUs

SA Health LHN/HS/BU SafeWork SA Portal Administrators have the delegated authority to maintain their respective LHN/HS/BU HSR Portal records. Features of the Safe Work SA HSR Portal include the ability to:

- view listings of current HSRs by LHN/HS/BU
- add new HSRs and amend HSR election information
- produce reports on current HSRs using export feature compatible with Excel.

SA Health Workforce Health, Strategy Policy and Performance coordinate the accessibility to the SafeWork SA HSR Portal for all LHN/HS/BU HSR Portal Administrators.

As a designated LHN/HS/BU HSR Portal Administrator, should you experience any difficulty in accessing the site please contact Workforce Health at whcommunications@health.sa.gov.au.

4.2.8 HSR Training
SA Health LHN/HS/BU must allow elected HSRs or deputy HSRs attend a Safe Work SA approved training course, within 3 months of their election.

HSRs and deputy HSRs are entitled to attend an initial training course of five days, three days for the second year of the term of office and two days for the third year of office.

The course of training must be approved by SafeWork SA and be chosen by the HSR in consultation with the SA Health LHN./HS/BU WHS defined Officer who has delegated authority of the workgroup. It is desirable for HSRs and the SA Health WHS defined Officer agree on which course the HSR should attend. Issues that may be considered include:

- timing and cost of attendance including travel and accommodation expenses
- costs of courses
- the relevance of the any hazard-specific course to the work group
- the total number of workers requiring training.

Further reference may be made to the SafeWork SA Website - HRS Training approved Safe Work SA training providers and scheduled training calendar for guidance.

4.2.9 Forming Workgroups
A single health and safety representative is able to represent more than one workgroup if the work of each workgroup is similar in nature. The group of workers represented is called a work group. Any worker, including Managers/Supervisors and/or WHS defined Officers may request that a workgroup be established for their workplace. If a request is made, the WHS defined Officers or
their delegated persons, i.e. Managers/Supervisors, must commence consulting with workers on the establishment of a workgroup (within 14 days of the request). All SA Health LHN / HS/ BU workgroups must be registered on the relevant LHN/HS/BU Workgroup Register (or similar).

Further guidance in establishing and defining a workgroup may be sought from the Safe Work Australia Worker Representation and Participation guide, or the relevant SA Health LHN/HS/BU WHS Business Unit.

4.2.10 Establishing and managing Workgroups

When establishing designated Work Groups, the following factors will be considered:

- The number of workers at the workplace
- Any overtime or shift arrangements at the workplace
- The number and grouping of workers who perform the same or similar types of work
- The areas at the workplace where each type of work is performed
- The type of work performed at the workplace
- The nature of any hazards at the workplace

When workers agree on the designated workgroup the workgroup will be identified by a workgroup name. SA Health LHN/HS/BU WHS defined Officers or the person with delegated authority will maintain a list of their workgroups and ensure they are prominently displayed at the workplace.

Revising and changes to an existing workgroup should be considered if:

- WHS defined Officers and their delegated Managers/Supervisors and/or members of the workgroup are dissatisfied with the practical workings of the group
- The organisational structure changes and the changes affect the workgroup
- One or more members of the workgroup are not happy with the workgroup composition.

If there is a substantial change in the workgroup during the term of office of a HSR, and it is agreed by at least half of the workgroup members, a new HSR election should occur.

4.3 Resolving Health and Safety Issues

SA Health supports the assistance of workers in ensuring that SA Health workplaces are safe and a caring environment for all. Each worker has a duty of care to raise work health and safety concerns that may affect the health, safety and wellbeing of persons in the workplace; this may include hazards and risks to other workers, volunteers, consumers or visitors. HSRs have the authority to raise safe work issues with management, either themselves, or on behalf of workers.

Workers may approach their line managers directly with their concerns, their workgroup Health and Safety Representative for assistance or may report the hazard or concern via the SA Health Safety Learning System – WHS module.

All work health and safety issues must be brought to the attention of the Line Manager/Supervisor in the first instance to enable resolution of the issue at the workplace level. If the WHS matter is reported via the SA Health Safety Learning System, an automated email is generated notifying the direct line manager and HSR unless discretion regarding the circumstances is selected.

In the event that an issue cannot be resolved to the satisfaction of workers and managers, formal escalation procedures may be initiated.

Reference may be made to the following flowchart which provides a visual step by step representation of Steps for the resolution of Health and Safety Issues or Immediate Threat to Safety.
4.4 Work Health and Safety Legislative Non Compliance (breaches)

Should a work health and safety matter raised by a worker or Health and Safety Representative be a breach of the Work Health and Safety Act 2012(SA) or its regulations the following process (or similar) must be followed:

- The worker must report the issue to the Line Manager and/or workgroup Health and Safety Representative directly or via the SA Health Safety Learning System- WHS Module
- The workgroup Health and Safety Representative (if elected) must inform the line manager about the non compliance and provide relevant information
Consultation must take place with the HSR, workers and management to jointly find a solution and resolve the matter. Should the issue not be resolved the matter must be escalated to the Local WHS Consultative Committee. The Local WHS Consultative Committee will work together with the HSR and management to resolve the issue. Should the issue not be resolved then the matter must be escalated to the WHS defined Officer, with delegated authority of the workplace, for further resolution. If the HSR considers that the non compliance has not been satisfactorily resolved, then the HSR may issue a Provisional Improvement Notice to the WHS defined Officer, with the delegated authority of the workplace, requiring a remedy to the legislative breach. In the event that there is an immediate threat to health or safety, a HSR has the right to cease or direct a cessation of unsafe work without first consulting with the supervisor/line manager or Local WHS Consultative Committee.

Reference may be made by elected and trained, (completion of a SafeWork SA approved HSR training course), Health and Safety Representatives to the SafeWork SA website - Provisional Improvement Notices (PIN) for further guidance. It must be noted that only elected and trained Health and Safety Representatives have the ability to issue a PIN to the workplace delegated WHS defined Officer after all internal consultative and resolution processes have been conducted and the matter has not been resolved.

4.4.1  Provisional Improvement Notice (PIN)
A PIN may be issued by an elected and trained Health and Safety Representative to the workplace designated WHS defined Officer, if they reasonably believe that a person is contravening or has contravened a provision of the Work Health and Safety Act 2012 that makes it likely that the contravention will be continued or be repeated.

The Health and Safety Representative may issue the PIN to:
- Remedy the contravention
- Prevent a likely contravention from occurring
- Remedy the work practices or work environment causing the contravention or likely contravention

When issuing a PIN, Health and Safety Representative must complete the SafeWork SA – Provisional Improvement Form as follows:

Section 1: Health and Safety Representative (HSR) details

Section 2: The Duty Holder details – This is the Chief Executive /Deputy Chief Executive of SA Health, The Chief Executive Officer of the relevant Local Health Network or Health Service

Section 3: HSRs must provide the PIN to the “WHS defined Officer” with delegated authority for the workgroup (for example, a Director, Executive Director).

Section 4: Acknowledge that all internal consultative and resolution processes have been followed

Section 5: Complete the details of the contravention

Section 6: Complete compliance details

4.4.2  Receiving a Provisional Improvement Notice (PIN)
The “WHS defined Officer” who receives the Provisional Improvement Notice must ensure that:
- The notice is displayed in a prominent place at or near the workplace affected
- Workers who may be affected by the PIN are advised
- All reasonable steps to resolve the matter are taken by the “date compliance with PIN required” timeframe as specified in the notice
- The PIN remains on display and in force until the issue is resolved
- A copy of the PIN is maintained for 5 years.
• If there is disagreement with the PIN or the date of compliance, communication takes place with the HSR who issued the PIN. If the matter is unresolved a SafeWork SA Inspector may be requested to attend.

4.4.3 Disputing the Provisional Improvement Notice

Should the “WHS defined Officer” receiving the Provisional Improvement Notice wish to dispute the notice, the “WHS defined Officer” or person with delegated authority, must contact the LHN/HS/BU WHSIM business unit for assistance, who will contact SafeWork SA (1300 365 255) and request that an inspector be appointed to review the PIN. This must be done within 7 days of the PIN being issued.

The decision made by the SafeWork SA Inspector is a reviewable decision, as listed in the Work Health and Safety Act 2012 (SA). Guidance must be sought from the LHN/HS/BU WHS business unit should you wish to have the inspector’s decision reviewed.

4.4.4 Cancellation of a Provisional Improvement Notice

A PIN remains effective until the matter is resolved unless

• The HSR issuing the PIN cancels the notice
• A SafeWork SA Inspector is appointed to review the PIN and cancels the notice.

4.4.5 Actions of a SafeWork Inspector on a Provisional Improvement Notice

The Inspector will attempt to resolve any work health and safety matter that remains unresolved and may confirm, modify or cancel the PIN, in addition to taking other appropriate action to resolve the issue.

If the Inspector confirms or modifies the PIN, the WHS defined Officer, with delegated authority for the workplace must comply with the instructions within the date of compliance specified by the Inspector. It is a legislative offence not to comply with the Inspector’s direction.

At the time of attendance an inspector may also

• Provide advice on compliance and seeking voluntary compliance
• Resolve or assist parties resolve certain work health and safety disputes
• Issue a prohibition notice
• Issue an improvement notice
• Issue an infringement notice

The Inspector is also obliged to provide the WHS defined Officer with a written report about the inspection.

5. Roles and Responsibilities

The following Roles and Responsibilities are specific to this policy guideline should be read in conjunction with SA Health Policy Directive - Roles, Responsibilities and Governance (WHS):

5.1 Chief Executive / Deputy Chief Executives

Will take reasonably practicable steps to:

• Exercise due diligence to ensure compliance with the intent of this policy guideline;
• Establish awareness and accountability for the implementation of this policy guideline
• Ensure effective consultation on WHS issues occurs across all levels of SA Health LHN/HS/BU
• Ensure that consultation mechanisms are embedded in:
  o the development, planning, implementation, evaluation and monitoring of work health and safety documentation, activities, return to work and claims management initiatives
o SA Health WHSIM corporate frameworks which supports participation and involvement of workers through the implementation of SA Health WHSIM management system

o WHS Governance Committees (or similar) Terms of Reference

- Ensure SA Health has effective mechanisms in place to consult with workers throughout the development of WHS documentation
- Ensure SA Health has effective mechanisms in place to consult with workers throughout the planning and implementing of workplace change
- Ensure that consultation mechanisms include other duty holders and/or PCBUs who may provide a service to SA Health/LHN/HS/BU

- Ensure SA Health has effective mechanisms in place to guide LHN/HS/BU in the election of HSRs and establishment of working groups
- Resolve and address WHS disputes if unable to be resolved by Executive Directors / Directors, LHN/HS/BU

Hold Chief Executive Officers / DHA Executive Directors accountable for the effective consultation, communication and dissemination of decisions made on work health and safety matters inclusive of matters related to HSR elections and workgroup establishment, and of other duty holders and/or PCBUs who may provide a service to SA Health LHN/HS/BU

- Ensure establishment of WHS Consultative Committee (or equivalent) across the LHN/HS/BU
- Ensure effective consultation on WHS issues occurs across all levels of the LHN/HS/BU
- Resolve and address WHS disputes if unable to be resolved by Executive Directors / Directors, LHN/HS/BU

### 5.2 Chief Executive Officers / Chief Operating Officers (LHN / HS / BU)

Will take reasonably practicable steps to:

- Exercise due diligence to ensure compliance with the intent of this policy guideline
- Provide financial and physical resources required for the implementation and support of this policy guideline;
- Ensure that consultation mechanisms are embedded in:
  - the development, planning, implementation, evaluation and monitoring of work health and safety documentation, activities, return to work and claims management initiatives
  - LHN/HS/BU WHS consultative committees/ WHS Governance Committees (or similar) Terms of Reference ensuring consultation takes place with workgroups/workers on work health and safety issues
- Ensure workers receive adequate information, direction and support in fulfilling their responsibilities
- Ensure that consultation mechanisms include other duty holders and/or PCBUs who may provide a service to SA Health/LHN/HS/BU
- Ensure effective consultation with workers, and communication and dissemination of decisions made on work health and safety matters across the Local Health Network/ Health Service/Business Units
- Ensure that WHS consultative processes are reviewed with workers and their representatives
- Ensure respective LHN/HS/BU have effective mechanisms in place to guide WHS defined Officers and/or their delegated Managers/Supervisors in the election of HSRs and establishment of working groups
- Hold respective LHN/HS/BU WHS defined Officers accountable for the effective consultation, communication and dissemination of decisions made on work health and safety matters related to HSR elections and workgroup establishment, inclusive of other duty holders and/or PCBUs who may provide a service to their respective workplace.
- Ensure effective consultation mechanism and processes are in place for WHS issues occurs across all levels of the LHN/HS/BU
- Resolve and address WHS disputes if unable to be resolved at the local level
5.3 Executive Directors / Directors (LHN / HS / BU)

Will take reasonably practicable steps to:

- Exercise due diligence to ensure compliance with the intent of this policy guideline
- Provide financial and physical resources required for the implementation and support of this policy guideline;
- Ensure that consultation mechanisms are embedded in:
  - the development, planning, implementation, evaluation and monitoring of work health and safety documentation, activities, return to work and claims management initiatives
  - local WHS consultative committees (or similar) Terms of Reference ensuring consultation takes place with workgroups/workers on work health and safety issues
  - The election process of health and safety representatives, including establishment of designated workgroups to represent workers in the workplace
- Ensure that consultation mechanisms include other duty holders and/or PCBUs who may provide a service to SA Health/LHN/HS/BU
- Ensure that WHSIM consultative processes are reviewed with workers and their representatives
- Ensure workers receive adequate information, direction and support in fulfilling their responsibilities
- Ensure effective consultation with, and communication and dissemination of decisions made on work health and safety matters across the Local Health Network / Health Service/Business Units
- Ensure their respective HS/BU has effective mechanisms in place to guide their delegated Managers/Supervisors in the election of HSRs and establishment of working groups
- Hold Managers/Supervisors accountable for the effective consultation, communication and dissemination of decisions made on work health and safety matters related to HSR elections and workgroup establishment, inclusive of other duty holders and/or PCBUs who may provide a service to their respective workplace.
- Ensure workers receive adequate information and support in the HSR and workgroup nomination and election process
- Ensure effective consultation on WHS issues occur at the workplace with delegated authority
- Resolve and address WHS disputes if unable to be resolved at workplace /worksites level
- Ensure HSRs are provided with information about WHS including immediate notification of an incident or immediate risk to health, safety or welfare in the workplace

5.4 Site Managers / Line Managers / Supervisors / Team Leaders

Will take reasonable practicable steps to:

- Exercise due diligence (where relevant) to ensure compliance with the intent of this policy guideline.
- Ensure that consultation mechanisms are embedded in:
  - the development, planning, implementation, evaluation and monitoring of work health and safety documentation, activities, return to work and claims management initiatives
  - Local WHS consultative committees (or similar) Terms of Reference ensuring consultation takes place with workgroups/workers on work health and safety issues
  - The election process of health and safety representatives, including establishment of designated workgroups to represent workers in the workplace
- Ensure that consultation mechanisms include other duty holders and/or PCBUs who may provide a service to SA Health/LHN/HS/BU
- Ensure that WHSIM consultative processes are reviewed with workers and their representatives
- Ensure that consultation mechanisms are embedded in local WHS consultative committees (or similar) Terms of Reference ensuring consultation takes place with workgroups/workers on work health and safety issues
- Ensure workers receive adequate information, direction and support in fulfilling their responsibilities
Ensure effective consultation with, and communication and dissemination of decisions made on work health and safety matters across the respective workplace.

Ensure the effective consultation, communication and dissemination of decisions made on work health and safety matters related to HSR elections and workgroup establishment, inclusive of other duty holders and/or PCBUs who may provide a service to their respective workplace.

Ensure workers receive adequate information and support in the HSR and workgroup nomination and election process

Respond to worker requests to form or alter workgroups within 14 days of request

Consult with workers regarding the composition of workgroups

Notify changes to workgroup structures to the LHN/HS/BU WHS Business Unit

Notify the LHN/HS/BU Work Health and Safety Professional of HSR vacancies and election results

Support the workgroup designated Returning Officer for HSR elections

Consult with workers on any work health and safety issue that may impact on their health, safety or welfare

Support formation of designated work groups and election of HSRs

Establish a workplace / worksite WHS Consultative Committee if requested by workers or a HSR

Provide HSRs and WHS Consultative Committee members appropriate support, including training, to fulfil their role and function

Ensure WHS issues raised are documented and actioned within required timelines

Resolve and address WHS issues

5.5 Workers
Will take reasonable care to:

Take an active role and cooperate, contribute and participate in consultation processes and issue resolution arrangements at the workplace

Take an active role and cooperate, contribute and participate in consultation processes and arrangements at the workplace, including assistance with decision making regarding the composition of a workgroup

Assist in the selection of a Returning Officer for HSR elections and participate in the election process

Maintain an awareness of the principles of this policy guideline

Notify, liaise and consult with the elected HSR and line managers/ supervisors when hazards, risks and work health and safety issues are identified at the workplace

5.6 Health and Safety Representatives (and deputy) (HSRs)
Will take reasonable care to:

Actively communicate with workgroup members providing information as required on work health and safety matters, inclusive of workgroup establishment processes

Utilise WHS Consultative Committee meetings (or similar) to communicate work health and safety information and to raise any issues that have not been able to be resolved through the normal reporting processes

Liaise with management when a hazard has been identified by the workgroup

Encourage all workers to report hazards and incidents

Actively communicate with workgroup members and raise any issues affecting the health, safety and welfare of workgroup members with the relevant workplace / worksite manager / supervisor

When requested, represent workgroup members at any discussions between management and workers that relate to work health and safety

Upon identification of a WHS issue, ensure compliance with the principles outlined in this policy guideline

5.7 Workforce Professionals (including LHN/HS/BU WHSIM Managers)
Will take reasonable care to:

- Ensure that consultation mechanisms are embedded in the development, planning, implementation, evaluation and monitoring of work health and safety documentation, activities, return to work and claims management initiatives
- Establish and maintain effective business partnerships with LHN / HS /BU for consultation with and communication of information and decisions made on work health and safety matters
- Provide advice to the respective Executive Director, People and Culture (or similar) regarding work health and safety information
- Provide advice, and where relevant, assist in the establishment of mechanisms to achieve effective consultation, cooperation, and coordination of Work Health and Safety matters across the delegated IHN/HS/BU
- Provide advice and information, and where relevant, assist HSRs in fulfilling their role and function at the workplace
- Provide specialist advice, guidance and recommendations to the WHS defined Officer of a workplace in assistance to meet their elements of due diligence.
- Establish and maintain effective business partnerships with LHN / HS /BU for consultation with and communication of information and decisions made on WHS matters, inclusive of HSR election processes and workgroup establishment
- Provide advice to the respective Executive Director, People and Culture (or similar) regarding WHS information, inclusive of HSR election processes and workgroup establishment
- Maintain up to date listing of workgroups and HSR Registers
- Provide a Returning Officer and election packages for HSR elections, if requested
- Monitor systems for reviewing workgroups and election of HSRs at their respective LHN/HS/BU
- Ensure all LHN / HS/ BU HSRs are registered on the SafeWork SA Portal and their respective HSR Register (if relevant)
- Provide advice, and where relevant, assist management in the resolution of WHS disputes
- Consult with line management in a timely manner to facilitate intervention to control workplace hazards and risks, and to assist in resolving WHS matters raised by workers and/or HSRs
- Provide HSR Induction packs to newly elected HSRs, advice, and where relevant, assist HSRs in fulfilling their role and function at the workplace
- Provide specialist advice, guidance and recommendations to the WHS defined Officer of a workplace when a Safe Work SA Inspector is in attendance

5.8 Chairperson, WHS Consultative Committees (or similar)

Will take reasonable care to:

- Make recommendations to relevant workplace WHS defined Officers on the resolution of WHS issues if the issue has not been resolved by designated Managers / Supervisors

5.9 Executive Director, People and Culture (or similar)

Will take reasonable practicable steps to:

- Exercise due diligence to ensure compliance with the intent of this policy guideline;
- Ensure that consultation mechanisms are embedded in the development, planning, implementation, evaluation and monitoring of WHS documentation, activities, return to work and claims management initiatives
- Ensure effective consultation with, and communication and dissemination of decisions made on WHS matters
- Ensure workers receive adequate information, direction and support in fulfilling their responsibilities
- Establish and maintain effective business partnerships with Local Health Network / Health Service Work Health and Safety Professionals for consultation with and, communication of and dissemination of decisions made on work health and safety matters and performance
6. Reporting

6.1 SA Health WHSIM Corporate Documentation - Key Performance Indicators

This policy guideline may be subject to KPI reporting as per the SA Health WHSIM Performance Review and Continuous Improvement Framework.

6.2 Incidents reporting and the safety learning system

In accordance with SA Health Policy Directive – Work Health Safety Reporting and Investigation, efficient and timely hazard and incident reporting, investigation and resolution is an integral component of a successful and compliant safe work system.

All WHS hazard, incidents with injury and/or no harm must be reported on the SA Health Safety Learning System (SLS). Refer to SA Health WHSIM Procedure – Reporting and Investigating WHS Hazards and Incidents and SA Health WHSIM Flowchart – Work Health Safety Incident Reporting and Investigation for the step by step process.

All incidents that affect a client/patient (or other persons) must be reported as a patient incident in the SA Health Safety Learning System (SLS) to ensure the correct investigation is conducted.

Where an injury has been sustained by a worker, the injury must also be reported to WHS Injury Management on 1800 702 264. All SAAS workers must report the injury to the SAAS State Duty Manager on 1300 886 268.

6.3 Reporting Extreme and High risk

All extreme or high rated hazards and associated risk categories must be actioned, escalated and reported as per the timelines for corrective actions; this may also include reporting by WHSIM Managers to LHN/HS/BU Governance Committees (or equivalent) via Due Diligence Reporting mechanisms.

7. EPAS

N/A

8. National Safety and Quality Health Service Standards

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10. Risk Management

Work Health and Safety risk management guidance and considerations defined in this policy guideline align in principle with the SA Health Risk Management Framework 2014 and ISO 31000 Risk Management – Principles and Guidelines.

11. Evaluation

In accordance with SA Health Policy Directive – Performance Review and Continuous Improvement, implementation of this policy directive will be monitored via the SA Health WHS Internal Audit Program against the following criteria:

- There are effective mechanisms in place for communication of WHS information and consultation which takes other duty holders into consideration.
- An effective WHS committee structure has been established in accordance with the SA Health WHSIM Governance, Accountability and Consultation Framework.
- An appropriate HSR workgroup structure is in place.
- LHN / HS procedures are developed which outline consultative arrangements for WHS.
- Workers and their representatives are consulted in relation to development and review of WHS system documentation, all stages of the WHS risk management process and any changes to the workplace which impact on WHS.
- Documentation relating consultation activities is retained for required time frames.
- Evidence of local procedure which informs nomination and election of Health and Safety Representatives
- Evidence of consultation with interested workers on formation of new workgroups
- Evidence of completed records for nomination and election of Health and Safety Representatives
- There are effective consultative structures and mechanisms in place which includes WHS committees, designated workgroups and elected HSRs.
- Staff are informed of arrangements for resolving WHS issues at induction/orientation and through ongoing training as required.
- WHS committee members and HSRs are provided with adequate support, information and training to enable their effective functioning.
- There are appropriate escalation processes in place for resolution of WHS issues which includes WHS consultative committees, WHS defined officers and the WHSIM governance committee.
- Extreme and high risk rated hazards and issues are actioned, escalated and reported in accordance with designated timelines.
- PINs are issued and managed appropriately in accordance with legislative requirements.
- Documentation relating to resolution of WHS issues is retained for required time frames.

12. Definitions

Reference may be made to the SA Health Work Health Safety Injury Management System – Glossary and Terms for clarification of any general terms used throughout this procedure.

13. Associated Policy Directives / Policy Guidelines

SA Health Policy Directive – Roles, Responsibilities and Governance (WHS)
SA Health Policy Directive – Work Health, Safety and Injury Management (WHSIM)
SA Health Policy Guideline - System Documentation Management (WHSIM)
SA Health Policy Guideline – Health and Safety Representatives
SA Health Policy Directive – Work Health Safety Reporting and Investigation
SA Health Policy Guideline - System Documentation Management (WHSIM)
14. References, Resources and Related Documents


SafeWork Australia Guideline - Worker Representation and Participation Guide

Work Health and Safety Act 2012 (SA)

Work Health and Safety Regulations 2012 (SA)