

UWS OHS Consultation Committees

“An OHS Committee is a group of people, established by an employer and their employees, with the purpose of working cooperatively to improve systems for managing health and safety.”

OHS consultation committees at the University of Western Sydney are established at the Executive, Division and College level, then optionally at School or Department Level.

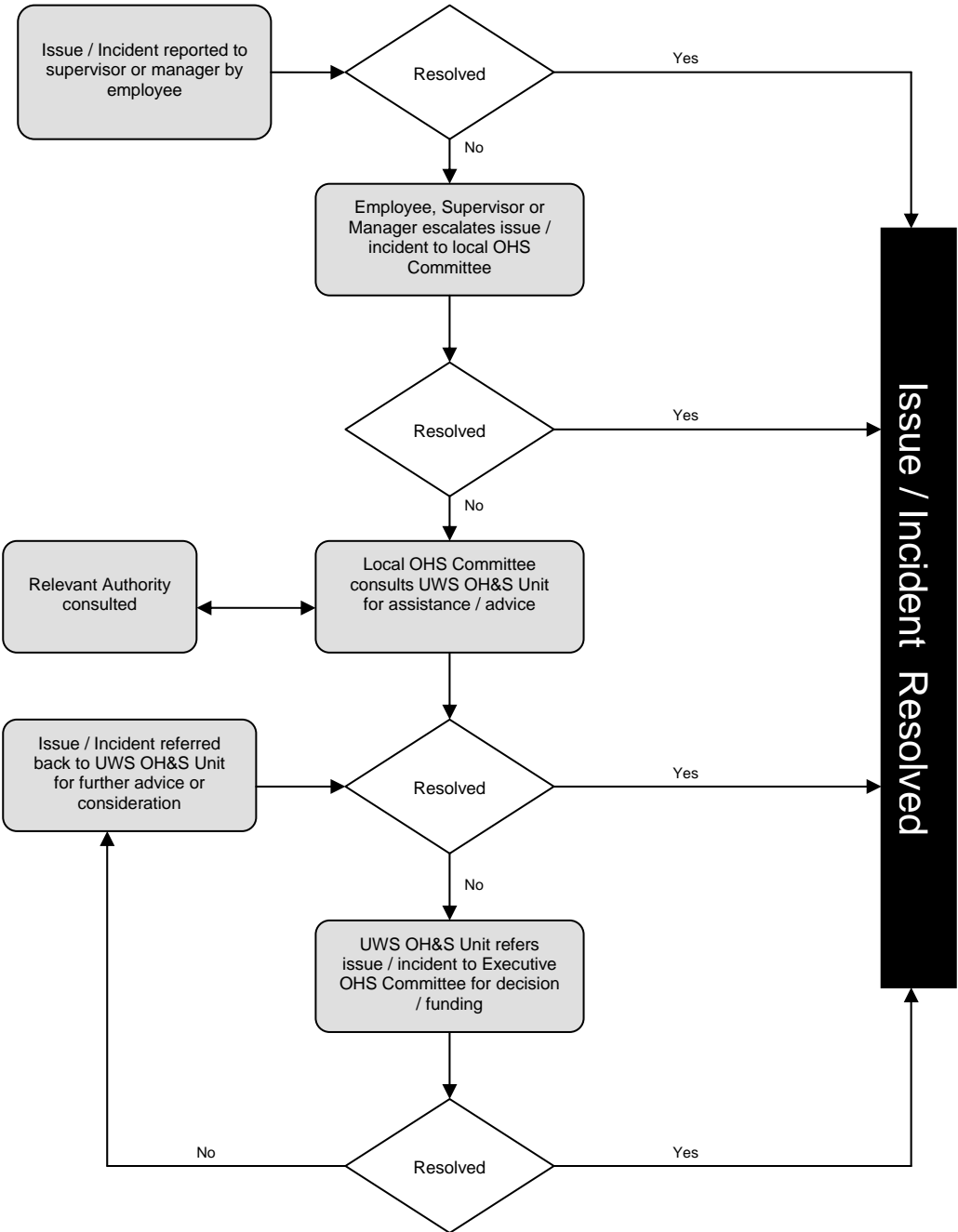
The UWS Executive OHS Committee functions as the peak advisory body to the Vice Chancellor and Board of Trustees on occupational health, safety and rehabilitation management within the University.

The Executive OHS Committee is ultimately responsible for ensuring that Divisions, Colleges, Schools and Departments have developed and implemented appropriate strategies and measures to meet the due diligence requirements of the New South Wales Occupational Health and Safety Act 2000 and the Workplace Injury Management and Workers Compensation Act 1998.

Whereas all OHS committees operate autonomously and deal with “local” matters, Division, College, School and Department Committees are able to refer OHS matters that are complex and/or are likely to impact the entire University, to the Executive OHS Committee for further discussion and resolution.

The workflow that is to be observed when an OHS problem arises is shown on the next page. The first point of contact when any problem arises is for the employee to notify their manager or supervisor.

OHS Problem Resolution Workflow



OHS Committee Functions

The functions of an OHS committee and an OHS Representative as set out in the OHS Act 2000 are:

1. to keep under review the measures taken to ensure the health, safety and welfare of persons at the place of work,
2. to investigate any matter that may be a risk to health and safety at the place of work,
3. to attempt to resolve the matter but, if unable to do so, to request an investigation by an inspector for that purpose,
4. such other functions as are prescribed by the regulations

An OHS Committee allows employees and management to come together in a non-adversarial cooperative effort to promote safety and health. An OHS committee is an advisory body only.

The OHS Regulation 2001 (clause 30) gives the following additional functions to OHS Committees and OHS representatives;

1. An OHS committee and an OHS representative have the following additional functions:
 - (a) to make a request to accompany an inspector as an observer on an inspection under section 69 (b) of the Act that affects the workgroup that the committee or representative represents,
 - (b) to be an observer during any formal report by an inspector to the employer in connection with any occupational health and safety matter concerning the workgroup that the committee or representative represents
 - (c) to accompany an employee of the workgroup that the committee or representative represents, at the request of the employee, during any interview by the employer on any occupational health and safety issue,
 - (d) to be an observer during any formal in-house investigation of an incident at the relevant place of work that is required to be notified to WorkCover under Division 4 of Part 5 of the Act,
 - (e) to assist in the development of arrangements for recording workplace hazards and accidents to promote improved workplace health and safety,
 - (f) to make recommendations on the training of members of OHS committees and of OHS representatives,
 - (g) to make recommendations on the training of employees in relation to occupational health and safety
2. An observer under subclause (1) (a), (b) or (d) must be an employee member of the OHS committee or the OHS representative and only one person may act as such an observer at any particular time.

Note. Section 18 of the Act provides that an OHS committee or OHS representative has the following functions:

- (a) to keep under review the measures taken to ensure the health, safety and welfare of persons at the place of work,
- (b) to investigate any matter that may be a risk to health and safety at the place of work

- (c) to attempt to resolve the matter but, if unable to do so, to request an investigation by an inspector for that purpose
- (d) the additional functions prescribed above

It remains the management's responsibility to make decision on OHS issues. However, management must value employee's views and take their views into account. By bringing together management and employee representatives in a structured format to specifically address measures for controlling risks, the OHS Committee is a mechanism for developing recommendations to continually improve OHS management.

OHS Committee Membership

In deciding on the number of management and employee representatives on the OHS committee, management should take into account the different types of employees in their area. Consideration should be given for including a cross section of general and academic staff, shift workers and workers from a non-English speaking background.

Membership of the committee must include at least one management representative. Management representatives are employees who have been nominated by management to sit on the committee. A person is not eligible to be a management representative on an OHS committee unless the person has authority to act on behalf of UWS in OHS matters at the place of work. Management must ensure that management representatives on OHS committees participate in the work of the committee on a regular basis. In addition, there must be at least one management representative present at every OHS committee meeting.

The number of management representative on an OHS committee must not exceed the number of employee elected representatives.

Whilst no formal qualifications are needed prior to becoming a member of an OHS committee, all committee members are required to complete WorkCover accredited OHS committee training. This training can be coordinated through the OHS&IS Unit, any costs associated with the training are borne by the staff members cost centre.

Once the committee has been formed (refer to the election procedure below) a chairperson must be elected at the first meeting of the committee. The chairperson must not be a management representative. A schedule of committee meeting should then be established along with a standing Agenda which must be able to accommodate some flexibility.

The OHS&IS unit can assist with the first meeting, if required to help set up the format.

OHS Consultation Election Procedure

Elections for OHS consultation arrangements should be conducted in accordance with procedures agreed by the majority of employees. An example election procedure has been included below.

The elections for employee members of an OHS Committee and OHS Representatives must be conducted in a manner that is consistent with recognised democratic principles. This includes ensuring that all employees, including part-timers, casuals and workers from non-English speaking backgrounds, have the opportunity to nominate and vote in any election.

Each term of office of an employee member of an OHS Committee or an OHS Representative should be no longer than two years. The term of office may be shortened in connection with a change in the OHS consultation arrangements

A person elected as an employee member of an OHS Committee or OHS Representative is eligible for re-election. Only employees in the relevant workgroup can be elected as members of an OHS Committee or OHS Representatives.

Only the particular workgroup that the OHS Committee or OHS Representative represents is allowed to vote in electing employee members of the OHS Committee or the OHS Representative.

The Committee should consult about new elections when:

- a) An employee member of an OHS Committee or an OHS Representative resigns.
- b) The composition of the workgroup materially changes.
- c) At least two-thirds of the workgroup request a new vote.

Alternate members of an OHS Committee or deputy OHS Representatives might also be elected to ensure employees are adequately represented when an employee member of the OHS Committee or the OHS Representative is absent from work.

The process for electing a deputy OHS Representative should be decided by the majority of employees in the relevant workgroup in consultation with the employer. This may involve:

- a) Using the same procedure for electing the employee member of the OHS Committee or the OHS Representative.
- b) Declaring the 'runner-up' in the election as the alternate or deputy.

Election Procedure

1. Agree on a Returning Officer.

The role of the Returning Officer is to conduct the election process. The Returning Officer should be an employee or a member of the OHS unit. At least 50 per cent of the workgroup should agree on the Returning Officer. The Returning Officer should not nominate for any position being elected, but may vote in the election.

2. Invite nominations.

The Returning Officer should display notices where staff are likely to see them inviting nominations. The notices should state:

- a) The purpose of the election (for example: "to elect an OHS Representative" or "to elect employee members of an OHS Committee").
- b) The day and time nominations close.
- c) How or where nominations can be lodged (e.g. by advice to the Returning Officer).
- d) The day, time and place the election is to be held.
- e) The name of the workgroup (for example: The College of Health and Science, or The School of Accounting).
- f) The name of the Returning Officer and their contact details.

The College/School and the Returning Officer should give consideration to ensuring that employees from non-English speaking backgrounds understand the election process to ensure their participation.

3. **Examine the nominations.** At the day, time and place nominations were advertised to have closed, the Returning Officer should examine the nominations received. Nominations need not be in writing, but could form an expression of interest from the person concerned made directly to the Returning Officer.

In the event that only one nomination is received, the Returning Officer should declare that person elected unopposed.

Where more than one nomination is received, a formal election should be held.

Ballot papers should be prepared that clearly list the name of all candidates in alphabetical order.

4. **Hold the election.**

During the advertised day, time and method/ place of the election, employees eligible to vote should receive a request to vote, be it in paper form or electronically.

Employees should be given the opportunity to vote in private.

The Returning Officer should declare the candidate who receives the most number of votes elected. In the event that the vote is tied, the result should be determined as agreed when establishing the election procedure. For example:

- a) By drawing a candidate's name out of a hat.
- b) By holding a new election.
- c) By electing both candidates.

UWS OHS Committee Framework

