WHS Consultation Methods

What is WHS Consultation?

Part 5 of the WHS Act 2011 (the Act) requires PCBUs to consult with workers about WHS matters that affect their workplace health or safety. As workers now includes all people completing work for the PCBU this includes consultation with employees, contractors, sub-contractors, volunteers, labour-hire workers and any other person completing work for the PCBU.

The WHS fact sheet on Workers has more information about who is a worker.

When is consultation required?

The Act specifies that the views of workers must be considered before making a decision on any health and safety issue and that consultation is required when:

- Identifying hazards, assessing risks and making decisions about eliminating or minimising those risks
- Making decisions about the adequacy of facilities for workers welfare
- When changes are proposed that may affect the health or safety of workers. *These include changes to work practices or systems.*
- When making decisions about procedures for;
  - Consultation with workers,
  - Resolving WHS issues,
  - Monitoring workers’ health,
  - Monitoring workplace conditions,
  - Providing information and training to workers and
  - Where the regulations prescribe.
- The formation of work groups

The PCBU may also choose to consult with workers about WHS matters in other situations, for example where a “near miss” is investigated.

What does consultation involve?

The nature of consultation under the Act includes;

- Sharing of relevant information about WHS matters with workers,
- Workers are given a reasonable opportunity to express their views, raise issues and contribute to decision making processes on WHS matters,
- The views of workers are taken into account, and
- Workers are advised of the outcomes of consultation in a timely manner.
- Workers may be represented by their union
- If workers are represented by an HSR, consultation must involve that HSR
What methods can be used to consult?

Prior to consulting with workers, PCBUs and workers must initially determine “work groups”. A “work group” is a group of workers with similar WHS concerns and work conditions. A work group may cover multiple locations but include similar job activities or a work group may cover a range of job types in a single location. In establishing work groups the following should be considered:

- The hours and patterns of work, such as part-time, shift work, or seasonal work,
- The number and grouping of workers,
- The geographical location of the work including any remote or isolated workers,
- The different types of work performed and levels of responsibility
- The nature of the hazards and risks associated with the different types of work
- The interaction of worker with workers from other PCBUs, such as contractors or labour-hire workers
- Workers can be represented in the negotiation and determination of a workgroup by their union

Once work groups are determined then each work group can determine the best method for WHS consultation. The options for WHS consultation include;

- Health and Safety Representatives (HSRs)
- Health and Safety Committees (HSCs)
- Other agreed arrangements

A work group may select one or a combination of any of the above options for their WHS consultation.

What is a HSR?

HSRs are an elected representative selected by a work group to represent them in resolving specific WHS matters for their workgroup. HSRs have a range of functions and if they have received the appropriate training are able to issue improvement notices and cease work where it is unsafe to continue.

Where workers are represented by a HSR, the consultation must include that HSR.

The Fact Sheet on HSRs can provide further information the functions and requirements of HSRs.

What is a HSC?

HSCs consist or a group of workers and managers who meet to develop and review WHS policies and procedures for a work group. A HSC is created at the request of a HSR or where 5 or more members of the work group request it. If there is a HSR for the work group, the HSR may choose to be a member of the HSC.

The Fact Sheet on HSCs can provide further information about the functions and requirements of HSCs.

What are Other Agreed Arrangements?

A work group may choose to have other arrangements for consultation agreed between the work group and the PCBU. These are often more direct methods of consultation.

Examples of agreed arrangements may include;

- WHS issues are a regular meeting agenda item
- Toolbox talks or topic presentations provided on a regular basis
- An agreed arrangement about raising and providing feedback on WHS concerns is developed for the work group.
Consultation with Multiple PCBUs

The PCBU is required, as far as is reasonably practicable, to consult with workers who work for the business or undertaking or who are likely to be directly affected by a work health or safety matter. Workers include contractors, sub-contractors, labour-hire and volunteers.

In many workplaces more than one PCBU will be located at the workplace. Many University campuses have multiple PCBUs located on them such as Western Sydney University, Western Sydney University College, Connect, childcare centres, contractors, sub-contractors etc.

Just as each of these PBCUs is required to consult with workers about WHS, similarly each PCBU is now also required to consult, cooperate and coordination their activities with other duty holders/PCBUs where there is an overlap in their WHS duties. The aim of these requirements is to ensure there are no gaps or inconsistencies in WHS.

Consultation arrangements may therefore need to consider other PCBUs, to ensure that comprehensive consultation, cooperation and coordination is achieved.

Where can I go for more information?

- The following websites provide detailed information about the new WHS Act and the changes in legislation.

- You can also contact WHS if you have would like further information.

Related WHS Fact Sheets

- Health and Safety Committees
- Health and Safety Representatives
- WHS Duties for Workers