

## ADVICE SHEET 2

# Consultation

### Why do you need to consult?

...because many decisions you make can have health and safety consequences for your workers.

Your workers are affected by your decisions and can often see things that you may overlook. They can provide suggestions about solving health and safety problems and reducing injuries, which can lead to increased savings and improved productivity for your business.

Introducing a new chemical or changing work tasks, for example, can create safety risks – and your workers can help you identify these risks and decide what to do to minimise them. It will save you unnecessary expense and downtime.

As well as being a good idea, consultation about safety issues is required under the *Work Health and Safety Act 2011*.

#### Consultation

Share work health and safety information and get workers to contribute to the decision making process. Be alert to things that can cause harm. Through consultation, you will become more aware of hazards and work health and safety issues experienced by your workers. Involve them in addressing potential problems and advise them of the outcome before they escalate and affect your business.

When working with other businesses, you must consult, cooperate and coordinate work activities to manage work health and safety.

#### WHERE YOU TICKED IN THE RED ZONE...

...you are unlikely to be effectively consulting your workers and involving them in safety matters.

Ticks in the RED zone indicate that you must take immediate action to implement formal consultation arrangements and ensure that your workers have the opportunity to express their views and contribute to health and safety issues.

#### Ensure that the consultation arrangements include all your workers and capture all work health and safety issues and views.

##### Determine your consultation arrangements

There is some flexibility in establishing consultation arrangements. You can:

- have your workers elect a health and safety representative (HSR) to represent various work groups and investigate health and safety issues
- establish a health and safety committee (HSC)
- make other arrangements that are acceptable to your workers – you need not organise special safety meetings, simply discuss safety issues during your regular workplace meetings or toolbox talks.

Ensure your consultation captures all work health and safety issues and views – eg consider shiftwork and remote workers, trainees and apprentices, volunteers, people with disabilities, and other issues, such as language, literacy, gender and age.

#### Ensure your workers know about health and safety so they can comment on matters that affect them.

##### Record your consultation arrangements

Agreed consultation arrangements can be recorded and displayed in the workplace to demonstrate your commitment to safety. You should display a list of HSRs, any deputy HSRs, and their related work groups. Let them know they may be contacted to discuss any work health and safety issues.

<p><b>Consultation does not mean handing out papers or simply getting the views of your workers, it means valuing and acting upon your workers' ideas.</b></p>	<p><b>Ensure you consult effectively</b></p> <p>During workplace meetings, tell your workers about any plans that could affect their health and safety – eg purchasing new equipment, changing work tasks, re-modelling the workplace. Before making a decision, seek their views on potential safety issues.</p> <p>Encourage workers to raise their safety concerns. Make an extra effort to include young workers, those with a disability and those from culturally and linguistically diverse backgrounds.</p> <p>When talking about safety issues with workers, try to reach an agreement – but responsibility ultimately rests with you.</p> <p>If a HSR has been elected, consult with them about any safety issues or proposed decisions that may affect the safety of their work group and the workplace as a whole. Before making any decisions, allow them time to inform other workers and provide feedback.</p> <p><b>Recording safety decisions</b></p> <p>Keep records of significant safety decisions to demonstrate your commitment to safety. It reinforces the actions that must be taken, outlines who is responsible for undertaking them, and indicates when they need to be completed.</p> <p>Provide an agenda before workplace meetings. Ask workers to contribute any matters of interest. Discuss their suggestions for solutions to problems.</p>
<p><b>Consult with other businesses where duties are shared.</b></p>	<p>If there are multiple businesses at the workplace, or if your workers work at or with other businesses, you should discuss the need to consult with the other businesses about health and safety matters. Cooperate with the other businesses – eg share facilities – and coordinate activities to ensure safety.</p>
<p><b>WHERE YOU TICKED IN THE ORANGE ZONE...</b></p>	<p><b>...you have consultation arrangements in place but they may not be working effectively or capturing your workers' input.</b></p> <p>Ticks in the ORANGE zone indicate that you have undertaken some consultation but the arrangements may not be consistent or appropriate to the needs of your workers, or your business.</p>
	<p><b>Are your consultation arrangements suitable for your workplace?</b></p> <p>Your consultation arrangements may need to be changed to better suit the size, structure and nature of your workplace. Perhaps you require flexible arrangements in order to involve all your workers, such as those on different shifts and sites, or those who may not be able to attend regular workplace meetings. Introduce regular discussions with these workers about their health and safety concerns, otherwise vital information may be overlooked.</p>
<p><b>Encourage your workers to become involved.</b></p>	<p><b>Are your workers interested in consulting?</b></p> <p>Most workers are keen to foster a productive and safe workplace, but may be discouraged by the consultation process rather than consultation itself.</p>
<p><b>Give positive feedback to your workers. Let them know why their suggestions are important, how they are helpful and when they will be acted upon.</b></p>	<p>Encourage workers to participate in health and safety by:</p> <ul style="list-style-type: none"> <li>• Discussing safety issues at the beginning of workplace meetings, when your workers are fresh and alert, rather than at the end of a shift.</li> <li>• Showing you value your workers' views by acting upon their concerns. Don't make safety decisions without regard to your workers' feedback and, when your decisions are contrary to their views, explain why.</li> <li>• Training all your workers, particularly supervisors and HSRs, in work health and safety consultation procedures. Workers from culturally and linguistically diverse backgrounds and those with special needs should be consulted individually to ensure their concerns are addressed.</li> </ul>

<p><b>The <i>Code of practice for work health and safety consultation, cooperation and coordination</i> (catalogue no. WC03568) outlines how to consult with workers about health and safety.</b></p>	<p><b>Does consultation make any difference?</b></p> <p>To be effective, consultation must be consistent and inclusive, and safety issues must be addressed promptly.</p> <p>Conducting ad hoc safety meetings sends the message that consultation and safety issues are relatively unimportant. Workers will not be motivated to participate and the opportunity to identify safety issues and possible solutions will be lost.</p> <p>Discuss consultation arrangements with all your workers and ensure their safety concerns are addressed at regular workplace meetings.</p> <p>Sometimes, workers have different opinions about the best safety solutions – it is your responsibility to determine the most appropriate solution.</p> <p>Keep accurate safety records and complete recommended actions within the required timeframes.</p>
<p><b>WHERE YOU TICKED IN THE GREEN ZONE...</b></p>	<p><b>...your regular consultation arrangements are effective and workers are involved in decisions regarding safety.</b></p> <p>Ticks in the GREEN zone indicate consultation arrangements that suit your workplace, encourage your workers' participation and value their views. When consultation arrangements are working well, potential hazards and risks are readily identified, and workers will support timely improvements that benefit your business.</p>
<p><b>WorkCover has a range of products and services to assist small business.</b></p> <p><b>Phone 13 10 50.</b></p> <p><b>Industry groups also provide products and training that may assist you.</b></p>	<p><b>Review your consultation arrangements periodically with your workers and ensure the arrangements continue to work effectively.</b></p> <p>Given your consultation process is working so well, encourage your workers to contribute to broader issues, such as workplace design, organisation of work, future trends and the like.</p> <p>Ensure your vulnerable workers – eg young workers, those with a disability or language difficulties – are properly represented in the consultation process and understand safe work procedures, reporting measures, training systems and the like.</p>

## Documentation of consultation arrangements

### Consultation arrangements

The staff meeting conducted every Friday morning is the agreed arrangement for discussing health and safety issues.

At this meeting, any proposals that may affect health and safety will be discussed. These include:

- purchasing of new equipment or substances
- changing the work premises
- developing or changing job tasks or safety procedures.

Staff is also encouraged to raise any health and safety concerns they may have for discussion at the meeting or through their health and safety representative (HSR) (name) on (phone number).

Signed:

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Workers

## Typical workplace responsibilities

Owner/manager responsibilities	Worker responsibilities
<ul style="list-style-type: none"><li>• Have agreed consultation arrangements with workers in place.</li></ul>	<ul style="list-style-type: none"><li>• Participate in consultation.</li></ul>
<ul style="list-style-type: none"><li>• Consult workers prior to making any decision that affects them.</li></ul>	<ul style="list-style-type: none"><li>• Raise health and safety concerns with managers, supervisors or HSR.</li></ul>
<ul style="list-style-type: none"><li>• Give workers reasonable opportunity to express their views and contribute to health and safety decisions.</li></ul>	<ul style="list-style-type: none"><li>• Participate in developing safety policies and procedures.</li></ul>
<ul style="list-style-type: none"><li>• Consult workers when developing procedures or changing a job task/work system.</li></ul>	
<ul style="list-style-type: none"><li>• Establish work groups and facilitate the election of a HSR if requested.</li></ul>	
<ul style="list-style-type: none"><li>• Advise workers outcomes of consultation and decisions.</li></ul>	
<ul style="list-style-type: none"><li>• Consult, cooperate and coordinate activities with other businesses.</li></ul>	

## Record of work health and safety consultation

*(Work Health and Safety Act 2011)*

Consulting with your workers and other businesses that you work with is not only good management; it's required under the legislation and is a great way to improve and maintain health and safety in your workplace.

Keep a record of consultation with your workers and other businesses.

### Disclaimer

This publication may contain work health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website [legislation.nsw.gov.au](https://legislation.nsw.gov.au)

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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