



OHSW Consultation

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Purpose

This procedure outlines the arrangements for Occupational Health, Safety Welfare and Injury Management (OHSW&IM) consultation and staff participation in the implementation of OHSW&IM programs the election of health and safety representatives and resolution of OHSW&IM issues.

Consultation must occur when there is a change to a workplace, a work process, a policy or procedure which may affect the health, safety or welfare of staff at work.

Definitions

Consultation – involves the sharing of information and the exchange of views between employers and the persons or bodies that provide them with a genuine opportunity to contribute effectively to any decision-making process to eliminate or effectively control any potential risks to health or safety.

University OHSW&IM Committee – is the representative body comprising equal representation of management and staff which assists the University in developing appropriate strategic (OHSW&IM) systems, procedures, initiatives and facilitates consultation with staff and assists with the dissemination of information relating to OHSW&IM.

Local OHSW&IM Workgroup – is a group established by local area management to assist in the development and implementation of the OHSW&IM program in a collaborative manner and to provide a consultative forum where local OHSW&IM matters can be addressed and resolved.

Health and Safety Representative – is a staff member elected to represent a designated workgroup and who has the authority under the OHSW Act to raise OHSW issues with management on behalf of their workgroup.

Default Notice – is an official declaration by the health and safety representative that in their opinion, provisions of the OHSW Act or associated Regulations are being breached or it is not possible to resolve the problem by consultation

SafeWork SA Inspector – a person appointed under the OHSW Act 1986 to administer and enforce the provisions of the legislation.

Returning Officer – a person selected by agreement of at least half of the members of the workgroup to conduct the election of a health and safety representative.



Roles and Responsibilities

Pro Vice Chancellors and Executive Directors are responsible for representing University management on the OHSW&IM Committee.

Line Managers are responsible for:

- consulting with staff and/or health and safety representatives on OHSW related matters
- the implementation of procedures in their area of responsibility and accountability
- participating in established OHSW consultative forums designed to contribute to the improvement of OHSW&IM in the workplace
- rectifying OHSW issues for which they have authority to rectify
- consulting with staff, Health and Safety Representatives, OHSW Committees
- supporting the election of health and safety representatives
- supporting and facilitating the election process
- ensuring that notice of the election result has been sent to SafeWork SA.

Staff are responsible for:

- not placing themselves or others at risk of injury
- participating in consultative processes
- following this procedure in relation to the resolution of OHSW issues
- reporting OHSW issues to their Line Manager and assisting with the resolution of the issues
- ensuring any nomination for health and safety representative complies with the procedure
- participating in election processes in accordance with the procedure

Nominated staff representatives on the University OHSW&IM Committee are responsible for:

- representing Academic Division and Coordinating Portfolios in relation to committee functions.

Returning Officer(s) are responsible for:

- ensuring that elections of health and safety representative elections are conducted in accordance with the OHSW regulations and this procedure

Health and Safety Representatives are to:

- exercise their powers and functions as outlined under section 31 of the OHSW Act, 1986.
- consult with line managers in relation to workplace health and safety issues that affect the workgroup they represent.
- assist in the resolution of OHSW issues in accordance with the process outlined in the procedure.
- consult with workplace OHSW Committee in relation to health and safety issues that affect the workgroup they represent.

Procedure for Consultation

Each workplace shall ensure that processes are in place to facilitate effective consultation with staff regarding all aspects of OHSW&IM. This process is represented in the [OHSW & IM Consultative Structure Flowchart](#).

The University OHSW&IM Committee is a strategic planning committee and has oversight of the implementation of OHSW&IM strategies and recommends OHSW&IM initiatives and improvements on behalf of the University.

To ensure consultation occurs across the University, OHSW&IM matters may be considered by the University OHSW&IM Committee, any local area OHSW Workgroup or any other established OHSW&IM consultative arrangement.

Committee meetings will be held under the specific terms of reference. All designated persons are to attend these meetings and are responsible to designate deputies who will attend committee meetings in their absence.



If required, guests may be invited to participate in meetings to provide expert opinion; guests have no voting rights in committee meetings.

The OHSW&IM Committee may establish sub committees with the powers of delegation to investigate and/or develop of specific programs/issues.

University OHSW&IM Committee

The University Occupational Health, Safety and Welfare Committee is the peak forum for consultation and strategic OHSW&IM planning in relation to OHSW&IM. The terms of reference for this Committee is available at [University OHSW&IM Committee - Terms of Reference](#). The functions of the committee is outlined in section 31 of the Occupational Health, Safety & Welfare Act 1986.

Minutes of all committee meetings are to be posted on the internal website and be accessible to all staff within 10 business days from the date of the meeting. Refer to [OHSW&IM Committee Minutes](#).

Local OHSW&IM Workgroups

Workplaces may elect to establish local OHSW&IM Workgroups to provide a forum for staff consultation, resolution of OHSW&IM issues and implementation and monitoring of local area OHSW&IM action plans.

If a local OHSW&IM Workgroup is established the terms of reference for the functions of the workgroup are to be developed by using [OHSW&IM Working Group - Terms of Reference](#) as a guidance document. These terms of reference are to be developed taking into account specific needs.

Local action plans are to be developed, discussed and actioned as part of the direction of the group. Minutes/notes of meetings are to be posted on internal websites and/or on notice boards to ensure all members of staff represented by the group have access to these within 10 business days from the date of the meeting.

Health and Safety Representatives

Health and Safety Representatives are elected to represent designated workgroups on OHSW&IM matters and should discuss any local OHSW&IM issues with Line Managers/Supervisors in the first instance. Where an issue is not able to be resolved, the matter can then be referred to the local OHSW&IM Workgroup for resolution.

The election of health and safety representatives and the involvement of them in improving occupational health, safety welfare and injury management is encouraged by the University. Deputy health and safety representatives may be elected by workgroups. The election must be carried out in a manner agreed amongst the members of the particular workgroup or, in default of agreement, in the manner prescribed below

1. Election of Health and Safety Representatives

The following are the requirements and practices for the election of Health and Safety Representatives under Part 7, Division 1 of the OHSW Regulations 2010 at all University workplaces:

A **returning officer** must be selected by agreement between at least one half of the recognised members of the workgroup. OHSW Services are to be contacted for advice if agreement cannot be reached on the selection of a returning officer.

The returning officer cannot be a candidate for election as a health and safety representative.

The returning officer must:

- Fix the day of election and call for nominations from the recognised members of the workgroup for a health and safety representative, taking into account the convenience of the recognised members of the workgroup when fixing a day, time and place for the election.
- Prominently display a Health and Safety Representatives Election Notice, for at least eight (8) business days before the election using form [OHSW18](#).
- Receive written nominations on form [OHSW19](#) from candidates at least three (3) business days before the election being held.



- Issue ballot papers if a secret ballot is requested on form [OHSW20](#), one (1) per workgroup member, if more than one (1) candidate is nominated. Ballot papers are to list the names of the candidates in alphabetical order of their surnames. If ballot papers are not to be used, the election may take place by a show of hands.
- In the event of a tied vote, the successful candidate is determined by a drawing of lots.
- Ensure the SafeWork SA Form "Health and Safety Representatives Notification of Election" is completed by successful candidates and forwarded to the SafeWork SA Corporation within fourteen (14) days of the election.
- Notify the relevant Line Manager and OHSW&IM Services on form [OHSW21](#) of the election outcome.
- Retain voting material for a period of six (6) months after an election.
- If there is only one candidate for election a ballot need not be held and the candidate is taken to be duly elected.

The candidate who receives the most votes is elected as the health and safety representative for the particular workgroup.

A notice on form [OHSW21](#) shall be prominently displayed in the particular workplace indicating the successful candidate.

The successful candidate shall complete and forward SafeWork SA Form "Health and Safety Representatives Notification of Election" within fourteen (14) days of the election.

2. Term of Office

Subject to Section 30 of the Act, a Health and Safety Representative shall hold office for a period of three years.

3. Workgroup Representation

An elected Health and Safety Representative has legal powers and functions under the OHSW Act 1986. They can only perform the function of a Health and Safety Representative concerning health, safety and welfare issues that affect staff in the workgroup that they are elected to represent.

Steps for the Resolution of OHSW Issues

The procedure relates to all University staff and contractors.

Where staff have an OHSW issue or problem that needs to be resolved the following steps shall be taken:

- The staff member shall report the matter to the relevant Line Manager for resolution.
- If the issue is not resolved, where there is a Health and Safety Representative at a workplace, the Line Manager shall advise and consult with the Health and Safety Representative in relation to the issue with a view to agreeing a strategy for resolving the issue and implementing appropriate risk controls.
- If the issue remains unresolved, then the Health and Safety Representative or, if there is no representative, the staff member shall refer the issue to the OHSW Committee at the workplace or if such a committee is not set up to the University OHSW committee.
- If the issue remains unresolved the Health and Safety Representative who represents the workgroup may issue a Default Notice and advise OHSW&IM Services.
- Should the issue still be unresolved, OHSW&IM Services or the Health and Safety Representative or, if there is no representative, the staff member may invite a SafeWorkSA Inspector to attend the workplace and assist with the resolution of the issue.

The above steps are illustrated on the attached flow charts which also show further steps that may be initiated by the Safework SA Inspector.

Performance Measures

- All OHSW&IM Committee minutes are displayed within 10 business days from the date of the meeting.
- All meetings of local workgroups where OHSW&IM matters are discussed are held at a minimum of three monthly intervals and include progress against the local area OHSW&IM action plan.



- All OHSW&IM meetings are to be quorate.
- No default, improvement or prohibition notices have been issued by SafeWorkSA.
- All health and safety representatives have been trained within three months of their appointment.

Documents/Forms

- [OHSW Consultation Flowchart](#)
- [Resolution of issues flowchart \(where there is a health and safety representative\)](#)
- [Resolution of issues flowchart \(where there is not a health and safety representative\)](#)
- [SafeWorkSA – Health and Safety Representatives Notification of Election](#)
- [OHSW18 – Call for Nominations – Health and Safety Representative](#)
- [OHSW19 – Health and Safety Representative Nomination](#)
- [OHSW20 – Ballot Paper](#)
- [OHSW21 – Notice of Election Result](#)

References

[University OHSW&IM Policy](#)

[University OHSW Strategic Plan 2009 - 2011 \(PDF 158kb\)](#)

[University Injury Management Strategic Plan 2009 - 2011 \(PDF 85kb\)](#)

[OHSW & Injury Management System \(PDF 128kb\)](#)

[Occupational Health Safety and Welfare Act 1986](#)

[Occupational Health, Safety & Welfare Regulations, 2010](#)