

Policy Directive

Work Health and Safety (WHS) Consultation

Document No: PD_004

Functional Sub-Group:

Summary: Tropical Fruits Inc is committed to facilitating effective WHS Consultation mechanisms that will ensure workers and other WHS duty holders (as relevant) have an opportunity to express their views and to influence the health, safety and welfare of all persons at their place of work. Consultation between a person conducting a business or undertaking (for example directors and managers) and workers is a requirement of WHS Legislation and an essential component of managing work, health and safety.

The primary objective of consultation is to improve the way WHS is managed to achieve safer, healthier workplaces.

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Author:



Work Health and Safety (WHS) Consultation

CONTENTS

- 1 Introduction
- 2 Policy Statement
- 3 Principles / Guidelines
- 4 Procedures
- 5 Performance Measures
- 6 Definitions

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Work Health and Safety (WHS) Consultation

1. Introduction

(i) The Risks Addressed by this Policy

Work health and safety risks

(ii) The Aims / Expected Outcome of this Policy

To facilitate the consultation with workers in order to improve work safety. To comply with the NSW Work Health and Safety Act and Regulation 2011

Related Policy: Tropical Fruits Inc Work Health and Safety Policy

2. Policy Statement

Tropical Fruits is committed to facilitating effective WHS Consultation mechanisms that will ensure workers and other WHS duty holders (as relevant) have an opportunity to express their views and to influence the health, safety and welfare of all persons at their place of work. Consultation between a person conducting a business or undertaking (for example directors and managers) and workers is a requirement of WHS Legislation and an essential component of managing work, health and safety. The primary objective of consultation is to improve the way WHS is managed to achieve safer, healthier workplaces.

3. Principles / Guidelines

Consultation provides senior management the opportunity for the sharing of information about work health and safety with workers. It draws on the knowledge, experience and ideas of workers and encourages their participation and input to improve safety systems and contribute to the resolution of work health and safety issues in their workplace.

Consultation under WHS legislation is necessary when:

A person conducting a business or undertaking must consult with workers when:

- Identifying hazards and assessing risks arising from the work carried out or to be carried out.
- Making decisions about ways to eliminate or minimise those risks.
- Making decisions about the adequacy of facilities for the welfare of workers.
- Proposing and implementing changes that may affect the health or safety of workers.
- Making decisions about procedures for consulting with workers.
- Resolving health or safety issues.
- Monitoring health of workers.
- Monitoring the conditions at the workplace and
- Providing information and training for your workers.
- Investigating incidents.
- Determining training needs.
- Developing, implementing and evaluating WHS programs, policies, procedures and management systems.
- implementing processes for WHS communication and promotion across the organisation.
- Implement processes for planning WHS promotional activities.

Consultation requires that:

- Relevant work health and safety information is shared with workers.
- Workers are given a reasonable opportunity to express their views and to raise health or safety issues.
- Workers are given a reasonable opportunity to contribute to the decision-making process relating to the health and safety matter.
- The views of workers are taken into account, and
- Workers are advised of the outcome of any consultation in a timely manner.

Consultation with workers can be undertaken in various ways. It does not need to be a formal process and can be as simple as talking to them regularly and considering their views when making health and safety decisions.

Consultation can also be undertaken through health and safety representatives and health and safety committees. However, the WHS Act does not require the establishment of these consultation mechanisms, unless:

- in relation to a health and safety representative – a request is made by a worker
- in relation to a health and safety committee – a request is made by 5 or more workers or a health and safety representative.

Tropical Fruits must establish arrangements for consultation to suit its workers and workplace situations, including agreed consultation procedures, as long as those arrangements are consistent with the requirements of the WHS Act. These procedures should include consideration of communication with co located services, contractors, students.

4. **Procedures** (if required)

Could include (but not limited to): team meetings, policy committees, specialty committees, key contact persons between external stakeholders eg contractors, student groups.

5. **Performance Measures**

Consultation mechanisms should be monitored and reviewed on an ongoing basis. A sample checklist to assist with this is in Appendix 1.

6. **Definitions**

PCBU- 'person conducting a business or undertaking' (PCBU) may be an individual person or an organisation conducting a business or undertaking.

Worker- The definition of a 'worker' includes any person who carries out work for a 'person conducting a business or undertaking' (PCBU). This term 'worker' includes any person who works as an:-employee, trainee, volunteer, outworker, apprentice, work experience student, contractor or sub contractor, employees of a contractor or sub-contractor, employee of a labour hire company assigned to work for a PCBU.

7. **References and links**

NSW WHS Act 2011
NSW WHS Regulation 2011

Appendix 1 - Consultation Checklist (from the 'Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice', WorkCover NSW and Safe Work Australia)

Consultation compliance	Yes /No	Chapter in Code
Do I have one or more consultation arrangements in place after consultation with my workers?		4
Do the consultation arrangements include workers other than my employees such as contractors or labour hire workers who are part of my workforce?		4.5
Do I use my consultation mechanism when I:		2
• identify hazards and assess risks?		
• make decisions to control risks?		
• make decisions about welfare facilities?		
• propose changes to the work, including purchasing new or used plant or new substances or materials?		
• develop and review safety policies and procedures?		
When I consult with my workers on these issues do I:		3
• Inform them of what I intend to do (eg purchase a new piece of equipment)?		
• Share relevant information about the issue with them?		
• Give them a reasonable opportunity to respond?		
• Discuss any of their safety concerns?		
• Take into account the views they express?		
• Advise them of my decision and the reasons for it?		
If workers are represented by a health and safety representative, do I:		4
• Include the representative in all health and safety consultations?		
• Make myself available for the representative to raise and discuss health and safety matters with me?		
Do I consult other duty holders who share responsibility for a health and safety matter with me?		5
• Do I cooperate and coordinate activities with them?		