

WHS: Consultation and representation

Workplace health and safety is everybody's business, and we all have a role to play in keeping our workplaces healthy and safe.

Although a person conducting a business or undertaking also known as the PCBU, is responsible for making decisions regarding health and safety in the workplace, they may not understand the finer details of the work or working conditions.

This is why there is a duty of care in the WHS Act for PCBUs to consult with workers and their representatives when they are or are likely to be directly affected by matters relating to work, health or safety.

There should be agreed upon procedures between workers and PCBUs, so that workers and their representatives can actively provide input on health and safety matters in the workplace. This helps PCBUs to make informed decisions about identifying and managing health and safety risks.

Consultation and Representation are Collaborative Processes and both are important when building and maintaining a healthy and safe workplace.

Let's talk about these processes.

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The WHS act requires PCBUs to consult with workers so far as is reasonably practicable, consultation is a collaborative process between PCBUs and their workers. It involves the sharing of information on work, health and safety matters and ensuring the workers have reasonable opportunities to have their views heard and continue to be part of the decision making process.

The best way to consult would depend on the size of the business and how it is structured, the way work is arranged and where workers are located.

The complexity, frequency and urgency of the issues that require consultation and what suits workers. For example, taking into account different shifts, staggering meeting times and consulting at pre start meetings. In addition to considering those working offsite or remotely.

Workers are more likely to engage in consultation when they're ideas and concerns about health and safety are considered.

You should encourage your workers to:

- ask questions about health and safety
- raise concerns and report problems
- share their knowledge and experience
- make health and safety recommendations
- and be part of the problem solving process.

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A PCBU must consult with workers and their representatives and take their views into account when:

- identifying hazards and assessing risks arising from work.
- making decisions to eliminate or minimize risks
- or proposing changes that might affect the health and safety of workers.

PCBUs must also consult with workers about:

- the adequacy of facilities for workers
- consultation procedures
- procedures for resolving work Health and safety issues
- procedures for monitoring the health of workers and workplace conditions.
- and providing information and training about health and safety.

--NEXT PART--

There are often situations where more than one business or undertaking operates in a workplace.

This means the PCBUs share responsibility for work, health and safety.

Some examples of shared working environments are:

- shopping centres
- construction projects
- mine sites
- labour hire
- and multi-tenanted office buildings.

In these situations, each person with a work health and safety duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a work, health or safety duty in relation to the same matter.

You must take the views of your workers and health and safety representatives into account before making a decision.

The best consultation processes involve:

- the PCBU agreeing to respond to concerns and questions raised by workers within a certain time frame
- and seeking and providing feedback about options.

You must inform your workers of your final decision or course of action as soon as possible.

You should provide information to help them understand the reasons for your decision.

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In some cases, workers may choose to be represented by an elected health and safety representative. Any worker can ask the PCBU to facilitate the election of one or more representatives for their work group. Health and Safety Representatives are people who are elected by a workgroup to represent its health and safety interests.

To learn more about the role of health and safety representatives, we have a video in this series called "Health and Safety Representatives."

Health and Safety Committees bring together workers and management for the development and review of health and safety policies and procedures for the workplace.

They enable a business and its worker representatives to meet regularly and work cooperatively to improve work health and safety.

This may include developing standards, rules and procedures for the workplace.

Health and Safety committees are particularly effective in workplaces, with multiple PCBUs to help manage the requirement to consult, co-operate and co-ordinate activities.

A PCBU must establish a Health and Safety Committee if requested by a Health and Safety Representative or five or more workers. A PCBU may also choose to establish a Health and Safety Committee on their own initiative.

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PCBUs have a duty of care to consult with workers and their representatives regarding health and safety matters in the workplace.

Effective consultation can improve decision making and problem solving processes and outcomes.

Health and safety representatives are a valuable resource representing workgroups.

A Health and Safety Committee facilitates cooperation to improve health and safety at work, particularly where there are multiple PCBUs.

There is a range of WHS guidance on our website, including other videos in this series, so you can learn more about how you can help to keep WA's workplaces healthy and safe.

For more information on work, health and safety, visit the DMIRS web site at dmirs.wa.gov.au/whs.

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