



How to Increase the Benefits of WHS Consultation – Part 2

Our WHS article last week, *How to Increase the Benefits of WHS Consultation*, suggested an easy way to review the state of consultation in your workplace. It can reveal areas of consultation that do not match up to your expectations or requirements - areas that can be improved to provide you with more benefits.

Our article this week suggests another way to easily identify the state of the benefits and effectiveness of the consultation processes in your workplace. This approach focuses on the detail in the mandatory consultation requirements of the NSW WHS Act, Sections 46 to 49.

Have a look at the points in the checklist below and see what you think.

You may like to mark a score out of 10 in each box in the checklist. That will identify any compliance shortfall and help indicate the action you need to take to improve the situation. When the shortfalls are handled the benefits of WHS consultation will flow freely.

Checklist for WHS Consultation Compliance

Work Health and Safety Consultation, Co-operation and Co-ordination
Code of Practice page 7

In your workplace is consultation a 2 way process between the PCBU and workers where they:

- talk to each other about health and safety matters?
- listen to concerns and raise their concerns?
- seek and share views and information?

Are all workers encouraged to:

- ask questions about health and safety?
- raise concerns and report problems?
- make safety recommendations?
- be part of the problem solving process?

Section 48 WHS Act – Nature of Consultation

Are all workers given:

- relevant work health & safety information?
- a reasonable opportunity to express their views and to raise health or safety issues?
- a reasonable opportunity to contribute to the decision-making process about the health & safety matter?
- the outcome of any consultation in a timely manner?
- and, are the health and safety views of workers taken into account?
- and, if the workers are represented by a health and safety representative, is the representative involved in the consultation?

Section 49 WHS Act – When Consultation is Required

Are workers consulted when:

- identifying hazards and assessing risks to health and safety?
- making decisions about ways to eliminate or minimise those risks?
- proposing changes that may affect the health and safety of workers?
- making decisions about the adequacy of facilities for the welfare of workers?
- when making decisions about procedures for:
 - consulting with workers?
 - resolving workplace health and safety issues?
 - monitoring the health of workers?
 - monitoring workplace conditions?
 - providing information and training for workers?

Section 47 WHS Act – Duty to Consult Workers

- Does the PCBU consult so far as reasonably practicable, with workers who are, or are likely to be, directly affected by a matter relating to work health or safety?
- If the workers and the PCBU have agreed to procedures for consultation, is consultation carried out in accordance with those procedures?

Section 46 WHS Act – Duty to Consult with Other Duty Holders

If more than one person has a duty in relation to the same health & safety matter does each person:

- so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to that health and safety matter?



Use Both Methods

You may find you obtain valuable insights by using and comparing the benefits method (given in the first article) with the compliance method (given in this article).

Note

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