Title: OHS Consultation and Communication Procedure

1. Purpose:
The purpose of this procedure is to outline the consultative arrangements that are to be developed and implemented across all DEECD workplaces to ensure that necessary Occupational Health and Safety (OHS) matters are consulted on and OHS information is regularly communicated.

2. Scope:
This procedure applies to all Department of Education and Early Childhood Development (DEECD) workplaces including schools and central and regional offices.

3. References
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2007

4. Definitions:

**Deputy Health and Safety Representative (DHSR):** An elected employee responsible for representing employees within a Designated Work Group (DWG) on matters relating to OHS in the absence of the HSR.

**Designated Work Group (DWG):** A group of employees in the workplace who share similar workplace health and safety concerns and conditions.

**Health and Safety Committee:** A cooperative forum for employers and employees to work together on OHS issues.

**Health and Safety Representative (HSR):** An elected employee responsible for representing employees within a designated work group (DWG) on matters relating to occupational health and safety.

**Management OHS Nominee:** A position nominated by the Workplace Manager to oversee the operational aspects of implementing health, safety and wellbeing initiatives, policies and procedures.

**Provisional Improvement Notice (PIN):** A formal notice issued by a HSR to an employer if they believe the workplace is contravening a provision of the OHS Act 2004. A PIN may only be issued after consultation aimed at remedying the issue has occurred (refer to the DEECD OHS Issue Resolution Flowchart) and the issue remains unresolved.

**Workplace Manager:** The Manager or Principal responsible for the school, central office, regional office or other DEECD workplace.
5. Responsibility:

Workplace Managers and Management OHS Nominees are responsible for:

- Facilitating the establishment of Designated Work Groups (DWG) in the workplace in accordance with the *Occupational Health and Safety Act 2004*;
- Implementing the agreed procedure for the election of a HSR and DHSR in the workplace;
- Allowing the HSR and DHSR to attend WorkSafe approved training;
- Establishing a Health and Safety Committee as required and/or including OHS as a standing agenda item at staff meetings or other suitable forum;
- Consulting with the HSR and employees on health and safety matters as per the *Occupational Health and Safety Act 2004*; and
- Implementing an agreed issue resolution process for the workplace.

The functions of Health and Safety Representatives and Deputy Health and Safety Representatives can include:

- Consulting with the Workplace Manager or Management OHS Nominee in regards to health and safety matters of employees in their DWG; and
- Representing employees in the resolution of outstanding OHS matters.

Employees are responsible for:

- Participating in the consultation process;
- Cooperating with any agreed actions taken by the employer to comply with the *Occupational Health and Safety Act 2004*; and
- Following the agreed issue resolution process.

6. Procedure:

6.1 Establishment of Designated Work Groups

The Workplace Manager or Management OHS Nominee must do everything reasonable to ensure that negotiations to establish a Designated Work Group (DWG) start within 14 days of being requested to do so by an employee. The Workplace Manager or Management OHS Nominee may identify a need to establish a DWG for their workplace and can establish DWG even if a request has not been made by employees. However, this will require negotiations with employees of the workplace.

The number of DWG are to be determined by negotiations and must consider:

- The number of employees at the workplace;
- The nature of work performed;
- The number and grouping of employees who perform the same or similar role;
- The areas at the workplace where each type of work is performed; and
- The nature of hazards at the workplace.

In Victorian Government schools a DWG would usually be formed using the whole school as the work group. However in a multi campus secondary school, the DWG structure may be set up to
have a DWG for each campus.

6.2 Election of Health and Safety Representatives
Each DWG must have at least one HSR. Once DWG are negotiated the following election process can begin:

Display or distribute a notice in the workplace of the DWG for at least 2 weeks advising where nominations for HSR can be submitted.

This person will be duly elected.

Yes

The results should be displayed on the Notice Board in the DWG workplace and communicated via email. The names of all HSR and DHSR should also be provided to new employees during the induction process.

Only one nomination submitted.

No

Commence voting as per agreed local arrangements i.e. ballot, at staff meetings etc

Note: Voting is not compulsory.

The nominee with the majority of votes is elected as HSR. If two nominees have an equal number of votes a re-election is conducted between the two nominees. Note: The re-election may be to determine who is to be the HSR or the DWG may choose to make one nominee the HSR and the other the DHSR.

All documentation involved in the election process must be maintained and made available upon request (subject to confidentiality).

Note: Where it is not possible to reach an agreement on the election process any member of the DWG may contact WorkSafe Victoria for assistance with the election process.

6.2.1 Term of Office for HSR
The Workplace Manager or Management OHS Nominee is to instigate the above election process every three years. Existing HSR and DHSR may stand for re-election.

An election may be held prior to the three year period expiring if any of the following occurs:
- The current HSR transfers to another DWG or leaves employment;
- The HSR resigns from their position;
- After a minimum of 12 months the majority of the members of the DWG resolve in writing that the HSR no longer represent them;
- A variation or change to the composition of a DWG due to organisational change or restructure; or
- Disqualification of a HSR under s. 56 of the *Occupational Health and Safety Act 2004*.

### 6.2.2 Training

HSR and DHSR must be allowed time off work with pay to attend a WorkSafe approved five day OHS training course (within three months of being elected), an annual one-day refresher course thereafter and any other approved training.

### 6.3 Establishing a Health and Safety Committee

The *Workplace Manager* or *Management OHS Nominee* is to establish a Health and Safety Committee within three months of being requested to do so by a HSR or if required by the regulations.

The committee must meet the following requirements:

- At least half of the members of the committee must be employees, where practicable these are to include HSR or DHSR; and
- The committee must meet at least every three months and at any other time if half of its members require a meeting.

There should be only one Health and Safety Committee for each workplace i.e. school or DEECD office.

The *Workplace Manager* or *Management OHS Nominee* can decide to establish a Health and Safety Committee providing the above process for establishing such a committee is followed.

#### 6.3.1 Health and Safety Committee Meetings

The first meeting of the Committee, to be held within three months of the initial request to form a committee, should include the following tasks:

- Electing a Chairperson;
- Establishing the arrangements for Committee meetings (frequency, procedures, terms of reference etc);
- Discussing the purpose and functions of the Committee; and
- Clarifying the roles and responsibilities of Committee Members.

The *Workplace Manager* or *Management OHS Nominee* should include the timing of the Committee meetings on the *OHS Activities Calendar*.

Health and Safety Committees should minute proceedings from the meetings and display these in the workplace. Committee minutes should be captured using the *Health and Safety Committee Meeting Minutes* template.

### 6.4 Staff Meetings

If the workplace does not have a Health and Safety Committee and has not been requested to have one by a HSR the *Workplace Manager* or *Management OHS Nominee* is to make sure that OHS is a standing agenda item at staff meetings or other suitable forum. The *Staff Meeting Agenda* is to be used as a guide for determining the content of such discussion.
6.5 Consultation

DEECD will consult with internal and external stakeholders regarding matters affecting statewide health and safety policy on a regular basis as determined by arrangements established with the stakeholders and in accordance with the main objectives of DEECD’s OHS Consultation and Communication Policy and this procedure.

The Workplace Manager or Management OHS Nominee must consult with HSR and employees when making any decision or change in relation to their health and safety in the workplace including the following:

- Identification of workplace hazards;
- Assessment of the risks associated with workplace activities and hazards;
- Decisions made in relation to measures taken to eliminate or control workplace risks;
- Review of workplace risk assessments;
- Introduction of, or alteration to procedures for monitoring workplace risks;
- Decisions made in relation the adequacy of workplace facilities;
- Proposed changes to the work premises, systems of work, plant or substances used at the workplace;
- Decisions made in relation to changes in job role; and
- Decisions made in relation to consultation procedures and any legislative requirements.

Where the information required to be disclosed, as part of this consultation and communication process, is confidential (e.g. medical reports, personal records etc) the Workplace Manager or Management OHS Nominee should seek legal assistance before deciding to disclose the information.

6.6 Issue Resolution

The Workplace Manager or Management OHS Nominee is to implement an agreed OHS issue resolution process. The OHS Issue Resolution Flowchart must be used if an agreed process does not exist. The agreed process or OHS Issue Resolution Flowchart is to be communicated to all employees and displayed in a prominent position in the workplace.

6.6.1 Provisional Improvement Notices

A Provisional Improvement Notice (PIN) can only be issued by a HSR after consulting with the person responsible for a breach or likely breach of the legislation.

Breaches may include, but are not limited to:

- Excessive noise levels in the workplace;
- High levels of employee stress;
- A requirement to manually lift heavy objects;
- Exposure to chemicals used in the workplace;
- Unguarded machines; and
- Inadequate workplace amenities for and/or working environment.

The PIN must include:

- The HSR’s belief as to what the breach or likely breach is;
- The section of the Occupational Health and Safety Act 2004 or regulations that has or is
likely to be breached; and

- Date (at least eight days after the day the PIN is issued) by which the person is required to correct the breach or likely breach.

If issued, and not disputed, the PIN should be displayed in a prominent position in the workplace (see section 6.7 below). If a PIN is disputed the recipient of the notice (e.g. Workplace Manager, employee etc) has seven days to contact a WorkSafe Victoria Inspector.

The resolution of a PIN should follow the process outlined in the workplace’s OHS Issue Resolution Flowchart.

6.7 Communication of OHS Information

DEECD will communicate matters affecting state-wide OHS information to internal and external stakeholders. This may include health and safety newsletters, legislation changes, policy and procedure updates, annual reports and significant incident and injury trends and information relating to OHS training.

The Workplace Manager or Management OHS Nominee must communicate the following information to employees:

- The risk profile (OHS Risk Register) of the workplace;
- Policies and procedures specific to the workplace;
- Risk assessments; and
- Material Safety Data Sheets (MSDS) for chemicals.

Generally, consultation and communication with employees will be via the Health and Safety Committee and / or the HSR. To supplement this, the Workplace Manager or Management OHS Nominee should also assign designated areas (e.g. Notice Boards) where relevant health and safety information can be prominently displayed.

As a minimum this information is to include:

- OHS Policy
- OHS Consultation and Communication Policy
  - Names of Health and Safety Representatives, Deputy Health and Safety Representatives and Management OHS Nominee;
  - A current First Aid Summary Sheet;
  - DEECD "Returning To Work Following a Workplace Injury" Poster;
  - Emergency Plan;
  - WorkSafe “If You Are Injured” Poster;
  - Agreed Issue Resolution Process or Issue Resolution Flowchart;
  - Employee Assistance Program (EAP) Information; and
  - Minutes of health and safety committee meetings or staff meetings depending on which model the workplace uses.
6.8 Safety Signs
There are a number of signs that are used to communicate health and safety information in the workplace. Examples of hazard specific signs include:

- Requirement for Personal Protective Equipment (PPE) i.e. when working with plant or machinery;
- Location and direction of emergency exits;
- Location of fire extinguisher signs;
- Location of underground services;
- Emergency evacuation point(s);
- Restricted area(s) and visitor signage;
- Location of first aid equipment and names of first aid officers;
- Storage of flammable liquids and hazardous substances; and
- No smoking.

Signs are displayed to identify hazards in the workplace and to warn and instruct employees, visitors and contractors. However, signage by itself is not to be used as a substitute for more appropriate risk controls (see OHS Risk Management Procedure).

The Workplace Manager or Management OHS Nominee, in consultation with the HSR, is to determine the type and location of hazard specific warning signs. Signs displaying symbols and colours complying with AS1318 are preferred. Where this is not possible and written signage is required, it must comply with AS1319 and, if necessary, be provided in languages other than English.

The condition of signs should be checked on a regular basis by tailoring the Workplace Inspection Checklist to make sure it includes signage.

7. Related Documentation:

- OHS Activities Calendar
- Health and Safety Committee Meeting Minutes
- Staff Meeting Agenda
- OHS Consultation and Communication Policy
- OHS Issue Resolution Flowchart
- OHS Risk Register
- Occupational Health and Safety Policy
- OHS Responsibilities
- Health and Safety Committee Charter
- First Aid Summary Sheet
- OHS Risk Management Procedure
8. **Version Control**

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<td>6.7</td>
<td>Inclusion of EAP information and Risk Management and Occupational Rehabilitation Program statement to be displayed on health and safety noticeboards.</td>
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<td>Minor word changes and inclusion of references to OHS Committee Charter and DEECD &quot;Returning to Work Following a Workplace Injury&quot; Poster.</td>
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