

Health and Safety - OHS Consultation and Participation Procedure

Section 1 - Summary

- (1) Victoria University (VU) recognises that effective consultation with employees about health and safety is an important part of its commitment to providing a safe place to work and study.
- (2) The Universities legislated Occupational Health and Safety (OHS) obligation includes:
- a. Establishing Consultative mechanisms which enable communication with VU employees, employee representatives and contractors on OHS matters and changes in their workplace that may affect their health and safety so far as reasonably practicable.
 - b. Consultation with other people including students, visitors, the local community and others conducting businesses or undertakings that may be affected by the University's activities.

Section 2 - TEQSA/ASQA/ESOS Alignment

- (3) HESF: Standard 2.3 Wellbeing and Safety

Section 3 - Scope

- (4) This Procedure applies to all staff, students, contractors and others who may be impacted by VU activities at workplaces under the management or control of VU.
- (5) Note: Contractors have a responsibility to ensure that consultative arrangements are in place for their employees and their workers.

Section 4 - Definitions

- (6) Designated Work Group — (DWG) is a group of employees who share similar workplace health and safety concerns and conditions. The employees can be from one or more workplaces operated by single or multiple employers.
- (7) Employee Health and Safety Representatives — (HSRs) elected by the membership of their designated work group to represent them. Elections and eligibility will be in direct compliance with the [Occupational Health and Safety Act 2004 \(Vic\)](#), Division 4 — Sections 54 to 57. All rights and powers of the Health and Safety Representative/ Deputy Health and Safety Representative are detailed in the [Occupational Health and Safety Act 2004 \(Vic\)](#), Division 5 — Sections 58 to 66.

Section 5 - Policy/Regulation

(8) [Health and Safety Policy](#)

Section 6 - Procedures

Part A - Summary of Roles and Responsibilities

Roles	Responsibility
(Management) Directors, Managers, Supervisors and Heads of Units	<p>Ensure compliance with this Procedure and the requirements for consultation with all affected parties when planning changes to facilities, plant and equipment, work procedures etc.</p> <p>Make OHS information available and disseminate it to employees and employee representatives to facilitate compliance and improve safety standards within their relevant business units.</p> <p>Ensure staff, students, contractors and visitors are adequately provided with OHS information that takes into account their communication requirements; and provide an opportunity for cooperative and enhanced decision making.</p> <p>Ensuring elected HSRs are trained and have adequate time and resources allocated to fulfil their role.</p> <p>Share OHS information with other interested parties, in consultation with the OHS Team.</p>
Employees	<p>To be proactive and contribute to discussions about health and safety in their workplace. This can include the identification of hazards and reducing risks.</p> <p>Follow requirements as communicated to them, for example, requirements contained in VU Health Safety and Wellbeing procedures, safe work procedures and workplace signage.</p> <p>Provide feedback to the University on the effectiveness of consultation and communication arrangements.</p> <p>Report to their supervisor instances where they or other persons, for example, employees/visitors, have difficulty understanding health and safety information.</p>
HSW Team	<p>Promote and support the consultative framework, maintenance of DWG, Committees and the election process for HSRs.</p> <p>Assist the University to comply with the legislation.</p> <p>Engage with external stakeholders including Safety Regulators as required to facilitate communication, consultation and cooperation.</p>

Part B - Representation

Management Representatives

(9) The Vice-Chancellor, Vice-Principals, Deputy Vice-Chancellors, Executive Deans, Head of University Services, Executive Directors, Directors, Associate Directors, Heads of divisions, Managers and Supervisors are management representatives.

(10) Once elected as an HSR, a person cannot concurrently be a management representative.

(11) The functions and actions resulting from management representative responsibilities may be delegated, but

ultimate accountability cannot be delegated to others.

Designated Work Groups (DWGs)

(12) Through existing agreements between staff and the University, DWGs are in effect throughout the University.

(13) Negotiations, agreements and/or determinations to establish or alter a DWG may establish if an HSR will represent independent contractors, employees and/or their workers.

(14) The HSW Unit will publish on the Safety website a current register of DWGs. This list will include:

- a. Scope of the DWG (Division and DWG description);
- b. HSR(s) name;
- c. Deputy HSR(s) name; and
- d. Term of office.

(15) Staff may request that the HSW Unit establish or vary DWGs in accordance with the [Occupational Health and Safety Act 2004 \(Vic\)](#).

(16) The University may initiate negotiations with staff to establish or vary DWGs, in accordance with the [Occupational Health and Safety Act 2004 \(Vic\)](#).

(17) The Director, Workplace Relations and Safety, or nominee is the only management representative of the University authorised to negotiate the establishment or variation of DWGs.

(18) Within 14 days of being notified of a request to establish or vary a DWG, the Director, Workplace Relations and Safety or nominee will commence negotiations with the staff member(s) and consult the management representative(s) about the establishment of or variation to the DWG.

(19) Negotiations concerning a DWG, staff may be represented by any person authorised by the staff member(s).

(20) The HSW Unit will update the University's register of DWGs upon any agreement to alter the DWG, including the number of HSRs or DHSRs.

Employee health and safety representatives

(21) Members of DWGs elect an HSR to represent them. Members of each DWG may determine how an election is to be conducted in their DWG.

(22) Any member of a DWG may request advice on the conduct of an election from their Health and Safety Business Partner, WorkSafe or another representative.

(23) If the members of the DWG do not reach an agreement within a reasonable time (two weeks in most cases) any member of the DWG may request the assistance of their Health and Safety Business Partner, or a WorkSafe inspector.

(24) At the conclusion of an election, the returning officer for the election must notify the Director, Workplace Relations and Safety or their nominee of the result of the election.

(25) HSRs and DHSRs cease to hold office if:

- a. they leave the DWG;
- b. they are disqualified;
- c. they resign by providing written notice to the Director, Workplace Relations and Safety;
- d. a majority of the DWG members resolve in writing that the HSR should no longer represent the DWG (the HSR

must have held office for at least 12 months); and

- e. the DWG is varied by agreement (or by determination by a WorkSafe inspector) and the variation includes a spill of the existing position(s).

(26) The role of the HSR is to:

- a. represent the DWG members on health and safety matters;
- b. monitor measures are taken by the University to comply with the [Occupational Health and Safety Act 2004 \(Vic\)](#);
- c. enquire into matters that may pose a risk to the health and safety of any member of the DWG;
- d. attempt to resolve health and safety issues concerning members of the DWG; and
- e. other roles as determined by the [Occupational Health and Safety Act 2004 \(Vic\)](#).

(27) Within their DWG, the employee HSR has the power to:

- a. inspect the workplace, after giving notice to the management representative or after an incident involving an immediate risk to health or safety;
- b. accompany a WorkSafe inspector during an inspection;
- c. be present at an interview regarding health and safety between a DWG member and a WorkSafe inspector or a management representative, if the DWG member agrees; (If the HSR also represents independent contractors or their workers, the HSR may be present at an interview about health and safety between the contractor or contractor's employee and a WorkSafe inspector or a management representative, if the contractor or staff member agrees.)
- d. when necessary, seek the assistance of any person; (A supervisor or manager may refuse access to a University workplace to a person assisting an HSR, if that person has insufficient knowledge of health and safety. The HSR may appeal the refusal in the Magistrates Court.) and,
- e. after consultation (which may include using the University's agreed health and safety issue resolution process) with the management representative about remedying an alleged breach of the [Occupational Health and Safety Act 2004 \(Vic\)](#), issue a provisional improvement notice (PIN) requiring the University to take specific actions;
- f. after consultation with the local supervisor, direct work to cease where the nature and degree of the health and safety risk result in an immediate and serious threat to the health and safety of any person.

(28) All VU workplaces must have systems in place to ensure that employees (in particular Health and Safety Representatives) are consulted when decisions are being made that may affect health and safety.

Part C - Consultation

What is Consultation?

(29) Consultation - a two-way exchange between employers and employees that involves:

- a. sharing information about health and safety;
- b. giving employees a reasonable opportunity to express their views and provide feedback to the decision-makers; and
- c. decision-makers taking those views into account.

Please note: Consultation does not necessarily result in an agreement between the participants and the decision-makers.

When is Consultation required?

(30) Consultation is required when:

- a. identifying or assessing hazards or risks;
- b. making decisions on how to control risks at the workplace;
- c. making decisions about the adequacy of facilities for employee welfare;
- d. making decisions about procedures to resolve OHS issues, consulting, monitoring employee's health and safety and the provision of training and information;
- e. determining membership of OHS Committees; and
- f. proposing changes, that may affect the health and safety of employees, to any of the following; the workplace, plant, substances, processes and other equipment in use in the workplace and the work performed that may affect the health and safety of employees. Refer to Section 35 of the [Occupational Health and Safety Act 2004 \(Vic\)](#) for more detail if required.

(31) There should be trust and mutual respect in the approach between people involved in the consultation of OHS concerns and conditions.

Consultation with staff members

(32) The University will consult with staff members including HSRs through the following arrangements:

- a. establishment of DWGs;
- b. staff representation (elected HSRs and elected DHSRs);
- c. University Occupational Health and Safety Committee;
- d. local health and safety committees;
- e. staff meetings; and
- f. local consultation (facilitated by managers and supervisors).

(33) Consultation with staff must involve:

- a. sharing information about the health and safety matter;
- b. providing a reasonable opportunity for these parties to express their views about the health and safety matters; and
- c. taking into account those views prior to making a decision.

Consultation with independent contractors, contractor's employees and workers

(34) The University will facilitate consultation with independent contractors, contractor's employees and workers. This may be achieved by:

- a. requiring contractors to have consultative arrangements with their employees or workers;
- b. sharing health and safety information with contractors;
- c. exchanging health and safety information with contractors;
- d. meeting with contractors and/or their employees or workers to discuss health and safety matters; and
- e. providing a reasonable opportunity for contractors and/or their employees/workers to express their views about the health and safety matters.

Involving the HSR in consultation

(35) Where staff members are represented by an HSR, the HSR must be involved in the consultation, with or without

the involvement of the others. Involving the HSR (or another representative) in consultation includes:

- a. providing the HSR with all of the information about the matter that the supervisor provides, or intends to provide, to the other staff;
- b. unless it is not reasonably practicable to do so, providing that information to the HSR at a reasonable time before providing the information to the other staff;
- c. inviting the HSR to meet with the supervisor to consult about the matter;
- d. if the invitation is accepted, or if otherwise requested by the HSR, meeting with the HSR to consult about the matter;
- e. giving the HSR a reasonable opportunity to express his or her views about the matter; and
- f. taking into account the HSRs views about the matter.

Managers and supervisors in consultation

(36) Managers and supervisors are not obliged to agree with the views of the HSR or others; however, the manager or supervisor must take their views into account.

(37) Managers and supervisors may maintain a written record of the local consultation with staff or others in their work area. Where managers and supervisors maintain a written record it should include:

- a. date of consultation;
- b. name of those consulted; and
- c. record of matters raised.

(38) VU wide implementation guidance material and OHS procedures will be maintained by the HSW team. Procedures will be reviewed at least every 3 years and involve consultation with affected employees and HSRs. The consultation will occur via email to the HSR email distribution list, OHS Committees, other specific working groups and the VU Policy Bulletin Board. Where employees and HSRs are consulted about policies and procedures via the Bulletin Board, any feedback must be provided via the Bulletin Board system to ensure a record is kept of the consultation and feedback.

(39) The OHS team will provide information on the OHS management system via OHS committees and the VU intranet site.

Status and Details

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Accountable Officer	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
Responsible Officer	Simone Wright Chief Human Resources Officer +61 3 9919 5447
Enquiries Contact	Muhammad Nofal Senior Health and Safety Advisor +61 3 9919 5593