



**THE MOST  
IMPORTANT PIECE  
OF WORKPLACE  
SAFETY EQUIPMENT:  
A USER'S GUIDE.**



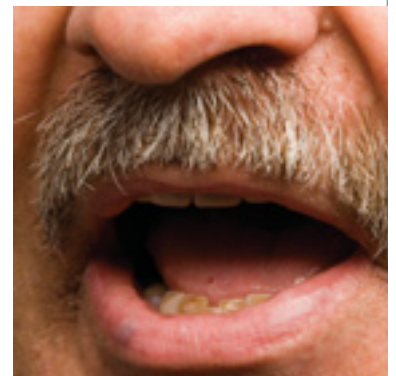
**“WORKPLACE SAFETY  
IS A TWO-WAY  
CONVERSATION.”**



**MORE AND MORE EMPLOYERS** are talking with their employees about safety and reaping the benefits that come from improved decision-making and healthier, safer and more productive workplaces. This process of 'Consultation' has become an everyday part of how they work.

In recognition of the benefits that consultation can bring, from January 1, 2006, all employers must consult their employees on matters that may directly affect their health, safety or welfare.

This duty is not meant to be onerous or time-consuming. Employers should take a sensible, pro-active approach and must consult so far as is 'reasonably practicable,' which simply means doing what is reasonable given the circumstances.





# WHAT IS CONSULTATION?

Consultation is a two-way conversation between employers and employees that involves:

- Sharing information (information must be made available in a timely way and in a form that can be understood by employees)
- Giving employees a reasonable opportunity to express their views (they should be encouraged to play a part in the problem-solving process)
- Taking those views into account (employees should help to shape decisions, not hear about them after they have been made).



# **CONSULTATION: GOOD FOR SAFETY, GOOD FOR BUSINESS.**

Employers that get the consultation process right will enjoy many benefits:

- Healthier and safer work environments
- Improved OHS decision-making because it's based on the experience of both employees and employers in the workplace
- Stronger commitment to decisions because everyone was involved in reaching them
- A tried-and-tested way of dealing with future health and safety matters
- More openness, respect and trust because employers and employees have a better understanding of each other's points of view. It might also help when talking about other, non-OHS workplace matters.



# WHEN TO CONSULT?

Employers must consult with their employees when...

- Deciding on the procedures to:
  - Consult with employees on health and safety
  - Resolve health and safety issues
  - Monitor employees' health and workplace conditions
  - Provide information and training
- Identifying or assessing hazards or risks and making decisions on how to control them
- Deciding about facilities for employee welfare (eg. dining facilities, change rooms, toilets, first aid, etc.)
- Determining the membership of any health and safety committee
- Proposing physical changes to the workplace, things used in the workplace, or even changes to the work itself, that may affect health and safety.

Employers must consult with employees so far as is 'reasonably practicable' considering the circumstances. Circumstances may include the:

- Size and structure of the business
- Nature of the work
- Nature and urgency of the particular decision or action
- Work arrangements, eg. shift work and remote workers
- Characteristics of employees including languages, literacy or disabilities.



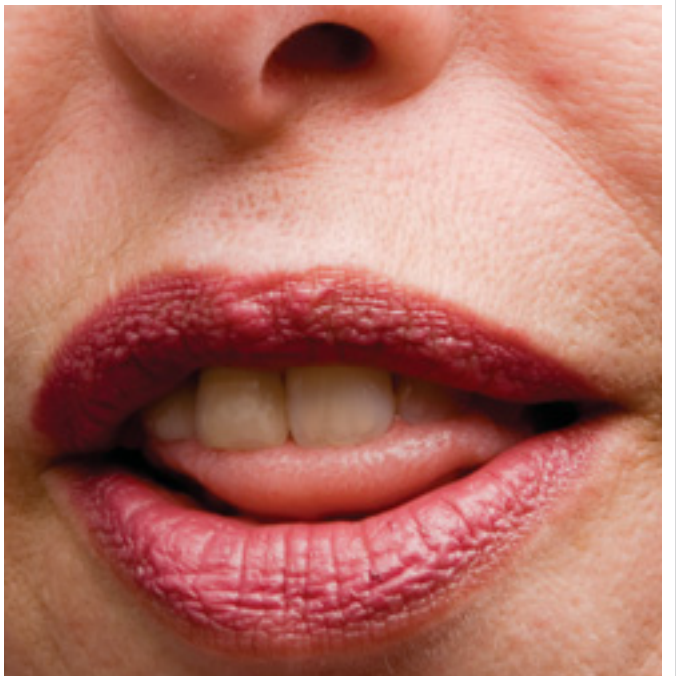
# WHO TO CONSULT?

Employers have to consult with employees who are, or are likely to be, directly affected by any matter which may impact their health, safety and welfare.

'Employees' includes independent contractors engaged by an employer, and any employees of independent contractors including labour-hire staff.

If employees are represented by a health and safety representative (HSR), the HSR must be involved in all consultation, with or without the direct involvement of the employees.

The employer's duty to consult does not apply to volunteers.





# WAYS TO CONSULT?

The first things an employer needs to discuss with their employees are the procedures for consultation that will best suit the needs of their workplace.

Many workplaces will already have ways to consult that suit their needs. These should be reviewed to ensure they comply with the *Occupational Health & Safety Act 2004* (OHS Act).

Possible ways to consult include:

## **Health and Safety Representatives**

Employees have the right to elect HSRs. If they have done so, the HSRs must be involved in all consultation, with or without the involvement of the employees directly.

## **Health and Safety Committees**

These are a way for employers and employees to meet regularly and work co-operatively to plan and develop policies and procedures that improve health and safety.

## **Agreed Procedures for Consultation**

These must be consistent with the OHS Act, be the subject of consultation with employees and should be the result of genuine agreement. Once in place, the procedures must be followed, although either party may request a review at any time.

The above options are not necessarily alternatives – a combination of them may be appropriate for many workplaces.



# EFFECTIVE VS INEFFECTIVE CONSULTATION.

Use the following table to assess whether your workplace consultation is effective. Ineffective consultation may lead to non-compliance with the OHS Act.

	<b>EFFECTIVE CONSULTATION</b>	<b>INEFFECTIVE CONSULTATION</b>
<b>Timing of consultation</b>	Conducted early, before agenda is set and decisions are made	Conducted after the employer has made decisions
<b>Employer's role</b>	Interested in and values employees' perspectives	No recognition or appreciation of employee viewpoints
<b>Employees' role</b>	Proactive about suggesting ideas	Reactive at best, or no opportunity to input
<b>Interaction style</b>	Planned, genuine, collaborative sense of ownership	Directionless, token, sporadic, uninvolved
<b>Attitude toward each other</b>	Trust, mutual respect	Mistrust, alternative viewpoints not valued
<b>Process</b>	Allows for employee participation	Restricts employee participation
<b>Communication</b>	Opportunities for one-to-one communication with employees; clear and regular feedback	No direct communication with employees; no feedback
<b>Safety outcomes</b>	Improvements to systems, procedures, etc.	No improvement or change

**For more detailed information  
on consultation, worker representation,  
issue resolution and the OHS Act,  
please visit [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)  
or phone 1800 136 089**

**WORKPLACE SAFETY:  
GET THE CONVERSATION STARTED.**



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