

Contribute to implementing and maintaining WHS consultation and participation processes

Learner Guide



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1. Identify individuals and parties involved in WHS consultation and participation processes

1.1 - Apply knowledge of relevant parts of WHS Acts, regulations, codes of practice, policies and procedures to identify individuals and parties with roles, duties, rights and responsibilities regarding WHS consultation and participation

1.2 - Identify what these roles, duties, rights and responsibilities are and, in line with own job role and work area, communicate this information to individuals and parties

1.3 - Identify roles, duties, rights and responsibilities as they apply to own job role and work area

Harmonisation of the WHS process ensures that a participative approach is achieved through the consultation process. Participative approaches require workers actively participating in improving their workplace so that injuries are decreased and the level of productivity increases. By providing workers with information as a two way communication process, they are able to use their knowledge of the workplace and the problem to assist management in the risk assessment and control process.

The Work Health and Safety Consultation, Cooperation and Coordination Code of Practice provide you with information on your legal obligation, duties for consultation and training of employees, safety representatives and others. The Work Health and Safety Act aims to recognise that workers should provide input in regards to WHS issues as it improves the decision making process in regards to safety and assists in reducing risk in the workplace.

This means that you have a legal responsibility to consult with workers in the course of business who are directly affected by a work health and safety issue (**Section 47**). However, you can only consult with workers and others as far as reasonable practicable. For example, if you work the night shift and have a responsibility to make sure that you are at work every night, it may not be practical for you to consult with personnel working in the middle of the day.

Do not just consider workers, consider who else may be able to provide feedback and contribute to the consultation process. This may include sub-contractors, contractors and anyone else working in the workplace who may be at risk due to the hazard.



Section 46

Where there are two persons with the same responsibilities working, they should consult people as much as they can in relation to a similar matter. As part of the consultation, cooperation and coordination, those who conduct business will have responsibilities if they:

- Engage or direct workers who influence the work done
- May put other people at risk during the course of business
- Manage the control of fixtures and fittings at the workplace;
- Design, manufacture, import or supply substances for at the minimum of the workplace; and
- Install, conduct or commission plant or structures at a workplace.

In these instances, the persons directing or engaging others may have responsibilities that overlap should spend time consulting with each other as is practical.

If you are an officer, such as a Director of a Company you have a legal obligation to ensure that all workers comply with the WHS Act and Regulations including making sure that all workers and duty holders consult, co-operate and co-ordinate with others.

In turn, workers must take steps to ensure that they care for their own and others safety in the workplace. This means that workers should follow work processes and procedures in consultation with others.

In many instances the words, practicably reasonable, consultation, cooperation and coordination arise. Let us now look at these terms in more detail.

Practicably reasonable (3.6)

When the term reasonably practicable and practicably reasonable arises, an employer would consider the following, including:

- The type of work being carried out and the type of business operating
- The level and level of risk in regards to a hazard or risk
- The decision to be made and its prioritisation,
- Availability of resources
- Shifts of workers; and
- The characteristics of workers.



It is essential that when a decision is made, the employer ensures that the information being provided to decision makers and those who are being consulted is sufficient that all parties understand the

reasons for decisions made. Consultation should consider those personnel, whether internal or external to the organisation are going to be affected by the changes being considered.

Consultation (6.3)

It is essential that everyone is committed to the consultation process. Information should be shared so that informed decisions are made in regards to managing safety. Workers that are directly impacted by a safety issue should be consulted with.

Consultation is not only a legal requirement; it is also an essential part of running effective work health and safety processes. Drawing on the knowledge of your workers and their experiences, management will have the ability to make a more informed decision that can contribute to the continuous improvement of working safely in the workplace.

An important part of the consultation process is making sure that workers not only have the chance to receive information, but also have the ability to contribute to the consultation process. To have the ability to do this, you need to put in place the strategies and tools to give workers the ability to express their opinions and views and to contribute to the decision making process.

Consultation can involve:

- What each party will do, when, where and what resources that will be used
- How they will influence the work environment that they work in which they work
- How the duty holders will influence the work environment and affect what others do;
- Determine what each worker will do that will affect the activity they are involved in
- The workplace procedures that will impact on the way in which consultation is performed;
- The sharing of information between one duty holder and another;
- The impact of each activity in regards to the level of risk involved (whether it increases or decreases risk)
- How each duty holder will contribute in controlling risk; and
- The communication methods used to monitor WHS or identify changes to the workplace.

These steps will be used to determine how WHS is addressed in the workplace and, the steps must ensure that parties are co-ordinated and that each party works together to obtain the desired results.

Co-operation (6.4)

Co-operation in the consultation process refers to all parties working together to ensure that all agreed tasks are performed. Duty holders must consult with their workers about a health and safety issue. During this process, you must make sure that you follow your organisations communication procedures and follow any requests that are within your capacity to perform. This means that you should only perform tasks that you believe do not place you at risk. If you believe that you are at risk, you may say no, only if you justify why you will not perform a specified task.

Co-ordination (6.5)

To minimise risk in the workplace, supervision (duty holders) need to ensure that staff perform tasks to make sure that the workplace is safe. This will require the supervisor to plan and organise the way in which other work is performed. To minimise any gaps in risk, supervisors must work together to make sure they know what task or tasks each party is performing.



It is essential that all activities are controlled. If management or supervisors do not communicate and coordinate their actions, you could be placed at risk.

Training

One of the objectives of the WHS Act is to “promote the provision of advice, information, education and training in relation to work health and safety” (p.2). The aim of training is to ensure that personnel are protected from risk in the normal course of business. For example, if workers find a wet floor then they need to put out signs and mop the floor dry so no other personnel, either internal or external to the organisation are exposed to slips, trips and falls.

Other personnel, who will require training, will include health and safety representatives. **Section 72** of the WHS Act provides that an employer has a legal obligation to train their health and safety representatives who ask for training. This training must occur within three months of the health and safety representatives request and the employer must give the employee time off for training and pay the costs of the course that has been approved by a regulator (see 1.1). Until the health and safety representative completes training, previously completed training or completed a similar level training, they are not allowed to give workers instructions.

The consultation process should not be constrained to just the workers. It is essential to consider the employees, however you must also consult, co-operate and co-ordinate with others. The person or groups that need to be consulted will usually be clear when the consultation process is first

implemented. “This will usually be apparent from the circumstances, through contractual arrangements, presences on site or the need for others to be involved” (WHSCCC, p.18).

Within these groups there is a huge range of views and opinions. Their understanding of risks and benefits along with their reasoning will allow for an unbiased view that should be documented so that you can provide evidence that you considered all aspects of the hazard and its impact on the organisation and if necessary, surrounding environment.

Roles and responsibilities

Employees

Under the requirements set out in the Work Health and safety Consultation, Cooperation and Coordination code of practice, management should provide workers with information about an incident so that the worker can provide feedback to them. When a decision is made based on that feedback, they must be told about the decision. The aim of this process is to ensure that workers have a say about their work environment.

Workers are in a unique position of working on a specific change. If they are consulted on the change, they become empowered and will usually take ownership of the change, especially if they requested that the change was initiated by them. This level of confidence will only be attained if they are working in a supportive work environment.



Managers and supervisors

Consultation under Section 48 of the WHS Act requires that Managers and Supervisors:

- Share information with workers
- Give workers a chance to share their views and opinions
- Give workers a change to contribute to the decision making process;
- That workers views are considered when a decision is being made; and that
- Workers are provided with feedback on a decision in a timely manner.

Management support needs to be demonstrated through commitment and open communication by actively working with employees to resolve problems.

There is more than one way in which to consult with workers, including:

- Through a **health and safety representative** – when a worker make a request for a HSR to represent them or
- Through a **health and safety committee** when five or more workers request a committee to represent them.

Consultation can also be designed to suit the needs of the worker and workplace situation, including the way in which the consultation will take place as long as it aligns to WHS legislation.

As a part of a manager or supervisors legal duty to consult, it is essential that all workers are a part of the process.

This means that the HSR representative and committee can represent each worker when it is appropriate.

Under Section 47 (2) of the WHS Act, consultation procedures must be agreed upon and the consultation must be performed as agreed by the procedure. Again management needs to consult with staff and/or their representative so that an agreed procedure is implemented and all parties agree to the way in which they contribute to the consultation process.



Contractors

When a contractor, sub-contractor or their employees work on a work site, they should participate in an induction to the work site so that they are familiar with its operations. These personnel should especially be consulted with when a hazard or risk will impact on their activities. Their knowledge and experience can be added to the knowledge and experience of others, including workers to ensure that the most information can be received and utilised.

By their professions and unique experiences, they may be able to bring new experiences or knowledge to the consultation process.

Clients

The client is always interested in any one who can have an impact on their organisation. Your reputation may have a direct impact on their operations. If you are not meeting your obligations under the law, they may feel the impact by association, especially if there is a chance that the community is placed at risk due to their inaction.

If your client purchases hazardous substances or materials from you, it is important that they are aware of your obligation under law to provide them with the information that will assist them in controlling and maintaining the hazard so that the associated risks are minimised. They are able to learn from their experiences from you.

Visitors

Visitors should also be inducted into the work site. There are also times when Work Health and Safety Representatives can allow a person who is assisting them for their workgroup to have access to the workplace if it is necessary to enable the assistance to be provided Section 70 (1) (g). The Work Health and Safety Representative may invite Health and Safety Professionals, Industry Specialists and others onto the worksite so that they can provide them with advice when the advice given will provide them with the knowledge that is needed to make a work health and safety decision.



HS representatives

A WHS representative is elected when they are a member of the workgroup; and not eligible if they have been disqualified (Section 60) by the Magistrates Courts if they performed an act for an improper purpose; or disclosed information that they should not have provided outside their role health and safety representative (Section 65). When performing their duties, health and safety representatives are not personally liable for anything done or left out when performing their task and acted in the belief that they performed their tasks as per the Act (Section 66).

WHS committees

Work health and safety representatives represent workgroup members. They are elected and can provide you with information required to keep the workplace safe. This will assist you in maintaining control of WHS in the workplace. Your productivity will also increase as you will not necessarily need to consult with all personnel.

Community

There are over 350,000 volunteers who assist in emergencies and disasters across many emergency areas. Under the new WHS laws, a volunteer is one person who is protected at work as a worker performing workers duties. This means that not only will volunteers be owed a duty of care, they would also be obliged to:

- Take reasonable care of their health and safety and that they are as far as practicable do not take action that affects others;
- That they comply to the owners instructions; and that
- They cooperate as far as they can to the health and safety of others in the workplace.

This means that volunteers from the general community will be assured that they are treated equally across Australia due to standardised and harmonised legislation. However these changes lead to the potential of more liability, including personal liability.

Local community can also participate in the consultation process. They are familiar with the area and can provide valuable information that an organisation may not include when they are putting together a work health and safety plan.

Management and Responsibilities under WHS Legislation

As part of the WHS Consultation process, managers have a legal obligation to consult with stakeholders and key personnel. Stakeholders will be able to draw from their experience and skills to assist you in making an informed decision.

Your goal as a manager is to facilitate the participation of stakeholder in ensuring that WHS consultation in your work environment is a success. Facilitation is about motivating personnel and working with them to solve problems. In any consultation process, it is essential that management demonstrate support for WHS. The WHS Consultation, Coordination and Cooperation Code of Practice emphasises the need for management's commitment in ensuring the success of WHS in the workplace.

Be aware that as a manager, if you fail to ensure to facilitate personnel you will find that they will not be empowered to participate in WHS. Records kept will reflect your inability to support WHS and you may be found liable of not performing your duty of care.

As a Manager, your duty of care under the WHS Act is to ensure that workers are not placed at risk. (s.19) Failing to perform your roles and responsibilities under the WHS Act by ensuring that the workplace is safe and that you do not perform your duty to consult workers (s.48) which end with uninformed decisions, you can be held personally liable to pay fines of up to and including \$20,000.

In order to set a duty of care, you must be able to assist in the design and development of work health and safety participative arrangements as set up by your organisation. This means you must know how to perform these tasks within your scope of authority, your responsibilities and knowledge.

As a manager it is our responsibility to support and motivate workers in our work settings, as their participation is important and essential to the success of workplace health and safety (WHS) management.

Workers and Responsibilities under WHS Legislation

WHS Legislation provides workers with the duty to follow the instructions of their employer (S.19). This means that workers have a legal obligation to follow your instructions as long as they do not feel that they are being put at risk.

A safety culture

The culture within your organisation is made up of all the attitudes, actions, beliefs and expectations of everyone involved in safety. To develop a culture of safety in the workplace is a positive step towards workplace health and safety management.

As a manager, it is important to support and encourage teamwork, effective communication, cooperation, flexibility and providing encouragement to workers to express their ideas. A culture of safety should aim at:



- Decreasing the level of costs associated with injuries
- Decreased absenteeism due to injury or work related stress
- Decreased risk of injury to stakeholders
- Strengthening safety processes in the workplace

To develop a strong culture of safety, management should encourage and support:

- Commitment and consultation processes
- A systematic approach to improving documentation processes such as policies and procedures
- Evaluation and continuous improvement processes
- Open communication at all levels of the organisation; and
- Identify training when it is required

Participative arrangements are designed so that stakeholders are able to be involved in decision making that affects their health and safety. When talking about stakeholders, it is important that you do not only consider personnel employed by the organisation. WHS Legislation not only requires participation by immediate employees, it also requires the participation of contractors, volunteers and subcontractors and their employees.

2. Contribute to WHS consultation and participation processes

2.1 - Identify workplace WHS consultation and participation processes

2.2 - Contribute to setting up and running these processes, appropriate to own job role and work area

2.3 - Implement and communicate to individuals and parties what these processes are and promote and support the participation of individuals and parties, appropriate to own job role and work area

In the WHS consultative and participation process it is important to identify the most efficient and effective way to set up and run these processes. Firstly you need to consider the following:

The Work Health and Safety Consultation, Cooperation and Coordination Code states that agreed consultation procedures are likely to be most effective if they include:

- The matters that require consultation
- Who will be consulted

- The ways consultation will occur, for example, through regular meetings, tool-box talks or health and safety representatives
- How information will be shared with workers and health and safety representatives
- What opportunities will be provided for workers and health and safety representatives to give their views on proposed matters
- How feedback will be given to workers and health and safety representatives
- How consultation will occur with any workers who have special language and literacy needs
- Timeframes for reviewing the procedures.

Strategies and tools that may be used to implement the WHS consultation and participation process can include:

Employee meeting

To ensure that personnel obtain access to meetings, it is important to consider the time and date of the meeting. It is important to make sure that workers are given convenient times and dates to participate in an employee meeting.

Make sure that you are prepared for the meeting. Know exactly what issue is going to be discussed. Ensure that personnel have been given sufficient information to participate actively. This may mean that you should provide the information in sufficient time to ensure that they have time to reflect on the information and contribute actively to consultation process.

Hazard alerts

Hazard alerts provide personnel with information on areas where there is a higher chance that workers will be injured in the workplace. Hazard alerts may be found where hazardous materials are found and in areas where forklifts enter and exit the work place.

Informal discussions with team members

Make yourself accessible to staff. If you are walking through a work area and come into contact with workgroup members, discuss the latest concerns to them. Provide workgroup members with feedback and give them an opportunity to ask questions. These discussions, unlike employee meetings, are not planned and provide workers with an opportunity to speak to you about their concerns.



Even though workers have an open forum to discuss their concerns in employee meetings, you will find that shy employees lack the confidence to speak in front of a group of their peers.

Input to safety audits, hazard identification and risk assessment processes

Any worker or person who can contribute information to safety audits, hazard identifications and risk assessment processes may have a positive impact on the resolution of the risk. For example, Peter watched Carmela trip down the staircase. Lisa who was standing behind Carmela and Fiona watched Fiona push Carmela down the staircase.

If you were not provided with information from Lisa, you may have focused about finding out what caused Carmela to trip and finding a way in which to minimise the risk of her tripping down the stairwell.

Intranet or email systems

Information must be shared. Your organisation will have set communication methods that can be tracked to ensure that organisational and legislative requirements are met. The consultation process focuses on communication and feedback in regards to work health and safety issues. The communication process allows you to ensure that you contact the appropriate staff in a manner that workers will understand.

The intranet or email system will allow staff to access information at any time on within their level of authority. The email system will allow them to contact other personnel to ask for other information that may assist them in discussing their views and opinions.

Meetings with health and safety, and employee representatives

A Health and Safety committee is a way in which you can consult with your workers. A Health and Safety committee can be either developed due to the request of five or more workers or as a part of a business initiative. A committee is an effective way in which a large organisation can ensure that a large number of workplaces and work groups can have:

- Regular, planned and structured discussion on health and safety issues
- A cooperative approach to health and safety
- Work collaboratively to manage WHS and
- Ensure that the retention of organisational matters is retained in the workplace with the sharing of information.

Suggestion boxes and processes

Suggestion boxes can allow workers to make anonymous suggestions in regards to improving work health and safety in the workplace. Some workers prefer to remain anonymous because they may not want to be seen as being different if the work culture does not provide them with sufficient support.

Surveys

Surveys are used to collect information about the WHS process. They can be used to obtain feedback on performance and productivity and whether participants identify areas in which procedures and systems can be improved. Once opinions have been gathered, they can be reviewed and used to ensure that an organisation's legal obligations have been met.

Surveys should be standardised to ensure that they are valid and reliable. This makes sure that the feedback received is factual and reliable. Surveys will allow you to obtain a large amount of data over a short period of time. However, care should be taken to ensure that the choices offered will give you a true reflection of participant perceptions.

Checklists

Checklists should be used by personnel to ensure that a set of procedures or tasks are completed constantly. They will allow workers to check their progress to ensure that safety and performance standards are maintained. This is a way in which risk can be minimised in the workplace.



Toolbox meetings

Toolbox meetings are an excellent way in which to raise accidents or near misses in the workplace. Discuss what happened and the ways in which you can avoid the incident. Discuss unsafe acts and conditions that have risen in the workplace. Handouts, photos and diagrams can be used for employees to study so that they can contribute to the next meeting.

It is also important to note that at times workers may not have the ability to understand the information that they are provided with. When there are gaps in a workers learning, you should make sure that they are provided with the support that they need. This support may include training, mentoring or coaching.

Facilitation

Facilitation is about enabling workers to work together as a workgroup. When there is a workgroup with a culturally diverse group of people, interests and abilities, you may be put to the test in facilitating your group.

Remember, earlier in this Learner Guide, we discussed the consultation process. WHS procedures for consultation should be agreed upon between the worker and the representatives of the organisation. Workers contributions can save time and clarify confusion such as when and how consultation can occur. If consultation procedures are agreed upon they must be consistent with the requirements of the WHS Act and consultation must be done in alignment with organisational procedures (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice, p.13, 2011).

It is also important to note that when changes are made to procedures, the changes should be communicated and agreed to by the workers. Your skills as a facilitator are required here and are an important part of the consultation process.

A facilitator should be able to:

Lead by example

During the consultation process, demonstrate the behaviour that the WHS Act and your workplace procedures emphasise. Back up what you say with actions. When you promise something and do not deliver, workers will interpret this as acceptable behaviour.

Your duty of care is the same as the rest of the people you work with. You have a basic duty to ensure that the workplace is safe (S.28). If a worker reports a hazard to you and you fail to follow up, you are communicating that even though they are being trained, they also do not have to follow up.



Over the years, workers have been exposed to many management and supervision initiatives which are only a front. They have learnt that in most instances management will say to follow these practices, but in the end they were let down. If you work in such an environment you will have to ensure that you always follow procedure and follow through in everything that you promise.

Never say something unless you can. If you are delayed with a hazard, apologise and make sure short term controls are put in place to resolve the hazard and control exposure to risk.

Maintain an open environment

Encourage workers to provide you with feedback, even if it is negative. If a problem arises, do not point the finger, this will discourage worker participation and their contribution to the consultation process. To empower workers, work with them to find out the cause of the problem and come up with ways in which to correct the problem.

For example, one chemical is mixed with another and damages a surface. What is the cause of the problem? Yes, you may say the worker who mixed the chemicals. There are times when a worker requires more than one set of training. Another problem that training may not have been reinforced and workers may need to be trained again every so often.

In both instances, you have identified a problem and ways in which to improve processes as the requirements of Section 3 of the WHS Act.

Involve everyone

This means everyone who is impacted or influenced by the hazard. This does not mean that you have consulted with everyone. What it does mean is that you need to consult with every one you can reach. Some work groups work over several shifts. Consider the best times in which to consult with as many personnel as possible, including meetings, emails, feedback forms and other forms of consultation or communication.

Provide these individuals or groups with opportunities to express their views and contribute and to address their concerns. Provide them with feedback in regards to a decision and ensure that the feedback is ongoing.

Provide facilities

Demonstrate that you care by providing the workers with facilities for when they are attending not only work, but meetings. General facilities include toilets, and tea and coffee. Make sure that workers have room to sit and that they are not put at risk. For further information on facilities refer to the Managing the Work Environment and Facilities Code of Practice.



Providing a facility not only sends the message that you care, it demonstrates that they are important to the organisation and will provide the environment that is supportive and reinforces Management's commitment to work health and safety.

Listen, listen and oh yeah listen

Demonstrate the respect that you expect. When someone is addressing their concerns, expressing their views and contributing to the Work Health and Safety Process, take the time to stop and give them your full attention.

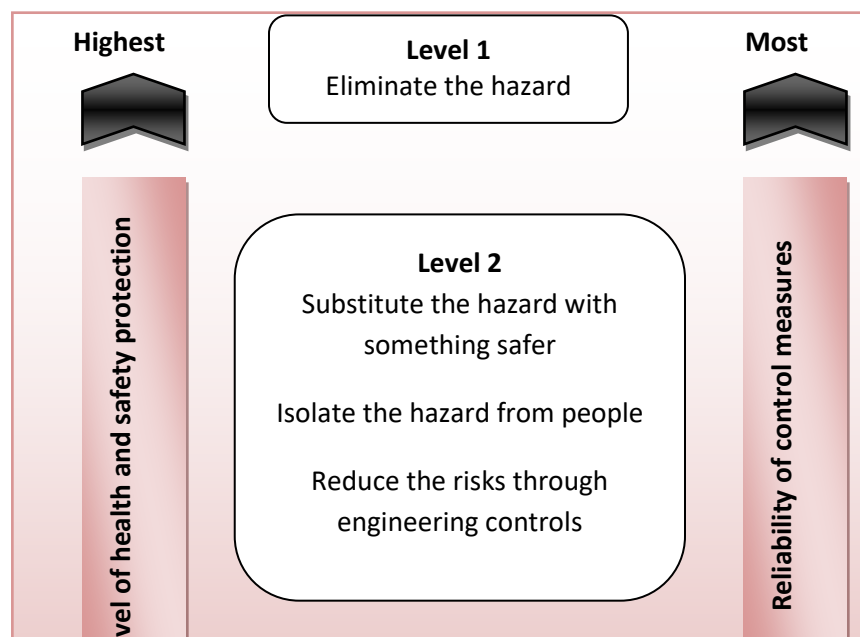
This means that you need to acknowledge their contributions and provide feedback in regards to the final decision made. It is important to explain the reason for your decision and why their recommendations were not followed up. Highlight that even though the contributions were not appropriate in this instance, in the future reviews their suggestions will be considered and may be found appropriate for your needs.

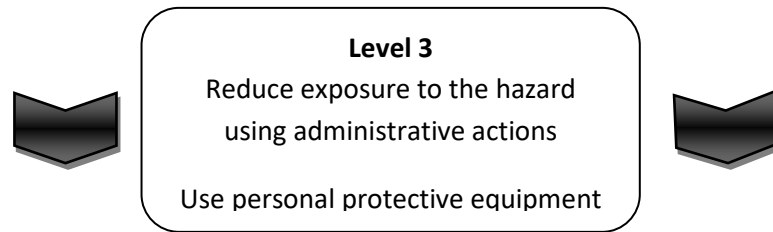
As a facilitator it is important that you consistently emphasise to workgroup why information is being exchanged and its importance to the decision making process. As a facilitator, and in alignment with the consultation process, you need to share information and clarify issues with workgroups and individuals impacted by the hazard and its associated risks.

You are required to offer advice and guidance so that workers will be empowered to make their own decisions. The role of the facilitator is to offer advice to help in the journey of information exchange, rather than the destination, except where your responsibility is to make the decision yourself.

Consensus is not required to make decisions. However you may not be the final party in the communication of ideas and information in the consultation process. You may be required to pass the feedback from your workgroup on to management.

Information must be communicated to management in an appropriate manner. The information and data provided to management should take into consideration the hierarchy of risk control. The **hierarchy of risk control** is a tool that is used to assist organisations in ranking the level of protection and reliability a hazard control technique has in regards to eliminating risk.





The most effective type of control is to eliminate the risk. Consultation is an essential part of the risk control process. Consulting with workers and/or their representatives draws on the experience of these personnel and will assist you in the decisions that you make. Their involvement will also assist you in accepting the changes that are implemented to ensure that they perform their job safely.

Hazard controls may include:

Level One Control Measures

Actions taken to eliminate hazards entirely

In most instances, eliminating a risk is more practical. However, elimination of a risk should occur when a process or procedure are developed during the planning stage. It will be cheaper to introduce elimination during the planning stage so that the control measures are aligned to the needs of the department. For example, a sound proof room will minimise a workers exposure to loud music if they work in a night club. This will minimise their exposure to risk while they are working for long periods of time.



Level Two Control Measures

When the elimination of a risk is not reasonably practicable, the second level of control measures should be considered.

What is reasonably practicable?

Section 18 of the WHS Act defines reasonably practicable as a “duty to ensure health and safety that in the performance of their work, which they assess:

- The chance of a hazard and risk happening

- The amount and level of harm that could arise from that risk.
- The amount of information a person may require in regards to the risk; and
- Whether there are suitable ways in which to minimise the risk based on the resources available and suitable in the control and minimisation of the risk.

For example, recent rains have caused pressure on the roof of your main entrance. Structurally the reception area is sound; however there are cracks in the walls that have allowed water to seep through. This water is seeping into the main entrance making the polished marble floors slippery. Severe cuts in budget due to the fluctuating interest rates have recently occurred in an effort to retain staff. This means that the amount of capital resources available to resolve WHS issues is low. Sealing the wall is expensive as the cracks in the roof have the potential of becoming bigger without further review.

The costs of replacing the roof to eliminate the risk may be too high. While you are attempting to resolve the risk you could ensure that the day cleaner would check the floor every hour when it was raining to mop up the floor. The amount of maintenance may vary according to the amount of rain. Signs have been strategically placed to let clients, the public and other workers know that

What should you do?

To ensure that you are 'reasonably practicable' you should consider whether you should:

- **Substitute another product or process to replace the hazard**

In this instance, you could review the processes in place and determine whether there is another way in which you can repair the roof without replacing the whole roof in the interim.

- **Isolate the hazard**

In what ways can you isolate the hazard? If there are any ways, what should/could you do? Isolation is separating the potential for harm against those exposed to the risk.

There is only so long that signs and regular maintenance will work before the hazard becomes a risk.

- **Use engineering controls**

Could you capture the water before it hits the marble floors? Consultation with appropriate qualified personnel should occur to ensure that you have the information



you require to make an informed decision. Re-diverting the water flow using engineering controls to make sure that the water flows away from the marble floors will minimise the risk. The resources available will influence the decision that you make. “Engineering controls are physical, meaning that they use a mechanical device or process” (How to Manage Work Health and Safety Risks Code of Practice).

Level Three Control Measures

Improve administrative controls such as changing policies, procedures or providing training

The hazards are not controlled at the source. Risk is minimised through the behaviour of staff and their supervisors. Even though these are the least effective way in which to minimise risk, staff should be trained on the procedures in place to control the risk. When a change process is implemented, it is important to make sure that staff are informed of the change, the type of change and when the change is officially implemented.

Using **PPE** (Personal protective equipment) may include:

- **Head protection** – such as a helmet should protect the head from falling debris in a work environment.
- **Face and eye protection** – includes a face mask to protect the worker from inhaling foreign fumes such as chemicals and pollution. Eye protection includes goggles and safety glasses that protect the eyes from falling debris and from chemicals and fumes.
- **Respiratory protection** should be worn in closed areas and may be worn to protect against inhaling foreign chemicals and fumes.
- **Hearing protection** such as ear muffs and ear plugs should be worn by workers who work in a noisy area or are using a noisy machine, especially if they are working in the area or using the equipment for a long period of time.
- **Hand protection** protects hands from germs or chemicals and other foreign matter.
- **Clothing and footwear** includes safety boots, high visibility clothes such as overalls and pants to ensure that workers are not protected from the elements or chemicals and from risk of falling or dropped items, including debris.

Administrative controls and PPE should only be used to protect workers from risk. They should only be used when:

- The control measures that could be used are not practical for the given situation



- It can be used as an interim measure until a more appropriate control measure can be used; and
- To back up another higher control measure.

Chapter Three, Part 3.2, Division 5, Sections 44 to 47 of the WHS Regulations provide strict instructions about the PPE that should be used at a workplace including:

- Ensuring that PPE is chosen to minimise risk to the health and safety of personnel in the workplace
- That the PPE is appropriate to the nature of the work and hazards associated with the work;
- That the PPE fits the person wearing it;
- That the worker wears the PPE as far as is practicable; and
- That sufficient PPE is available in the case that PPE should be replaced, repaired or maintained so that risk is minimised

PPE must be worn by workers as far as reasonably practicable in accordance with the instructions training and information they receive. This includes training during the coaching and mentoring process, during formal or informal training or when they are provided with procedures that require the use of PPE.

Depending on the procedures of the organisation and the severity of the hazard, information can be presented to managers in many ways. The main methods of presentation include:

- **Emails**

Emails are an excellent way in which to reach that hard to reach manager. There are some positions where it is hard to get a manager to commit to a time and place for a meeting or presentation, let alone two. The beauty of emails is that managers can receive the email and read it at their leisure.

As it was noted in Section 3.1, when someone receives information and data they should be given sufficient time to read it, disseminate it and make a decision (as in the case of the Manager) or voice a view (as in the case of a worker). A final decision on the correct procedure should not take too long to decide. You are only allowed a short period of time in which to maintain short term controls in an area.



➤ **Reports**

Most reports are usually standardised. For every recommendation that you make, you should use factual information to support your idea. Managers are usually not interested in long winded drivel. Give the facts and figures in percentages, graphs and tables that can give them a visual presentation of what you are trying to represent. If you put a visual aid in place you break up the report and make it easier to read.

➤ **Power point presentations**

You may be asked to put together a PowerPoint presentation. In most instances, if that is the case, you must decide:

- Keep short and succinct – explain terms and acronyms
- Avoid information overload – stick to the facts
- Practice makes perfect. Practice your delivery and pay attention to your body-language
- Don't tell jokes
- Use only the props you need, do not go to excess
- Use slides that draw attention by key emphasising key points and words
- Only talk about what is on the shown slide
- Use bullet points not paragraphs
- Think outside the slide to what you are presenting. If necessary write a script to help you present the PowerPoint smoothly
- Engage the audience, by asking questions
- Change the tone of your voice.



Provide support and advice to those involved in WHS consultation and participation

Before you can provide support and advice to those involved in WHS consultation and participation, you need to have the ability to identify Health and Safety Consultative arrangements. There are several health and safety consultative arrangements covered in the WHS Act, Regulations and Consultation, Cooperation and Coordination code of practice and they may include:

WHS and other consultative and planning committees

WHS committees must be established within two months of a request from a health and safety representative with a work group or five or more workers or as a part of the workplace's own initiative or if requested as per WHS Regulations (**Section 75 of WHS Act**). If the organisation does not require a committee, then **Section 46 and 47** of the WHS Act applies. Section 47 will be explained in more detail under the title of health and safety representatives on the following page.



The function of a health and safety committee is to:

- Facilitate co-operation between the workers and their employer's representative to ensure that worker health and safety is maintained at work;
- Assist in developing standards and procedures; and
- Any functions prescribed the regulations or agreed by the person conducting business or undertaking. For example, Regulation 23 requires that if there is a default in the Resolution of health and safety issues under Section 81(2) of the Act, a copy of a written agreement between all parties can be requested by the health and safety committee for the workplace.

Section 77 of WHS Act

Half of the members (workers) of the committee must be chosen by health and safety representatives. It is important to make sure that half of the workers chosen are not nominated by management. If there is an inability for an agreement between you and your workers on who to appoint for the health and safety committee, then a regulator should appoint an inspector to decide who will be on the committee and/or whether it should be established. The health and safety committee should meet at least once every three months.

The health and safety committee is a form where consultation for health and safety is managed across the whole workforce and considers the development, implementation and review of procedures across the organisation's health and safety system. (Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice)

Health and safety and other employee representatives such as deputy WHS representatives

Part 5, Division 3, sections 50 to 74 of the WHS Act will provide you with information in regards to the rights, powers and functions and obligations of a health and safety representative in regards to consultation within the workplace.

Section 47(1) of the WHS Act requires that a person who is conducting or undertaking a business must consult with workers who are going to be affected by a matter relating to work health and safety. When workers and the person conducting the business undertaking agree to consultation procedures, they must consult as per those procedures.

Employee and supervisor involvement in WHS activities such as inspections and audits

Section 48 requires that during the consultation process workers should:

- Be given relevant information to the hazard or risk
- Be given the chance to express their views and contribute to the decision-making process
- Have their views taken into account; and
- Are advised of the outcomes of the consultation in a timely manner.



Employers under **Section 49 of the WHS Act** should consult with workers when:

- Identifying hazards and assessing risks
- Making decisions to eliminate or minimise risk
- When make decisions about the adequacy of facilities for the welfare of workers

Proposing changes that may affect the health and safety of workers

- When making decisions about procedures for:
 - Consulting with workers
 - Resolving work health and safety issues
 - Monitoring the health of the worker
 - Monitoring the conditions at the workplace under the management or control of persons conducting or undertaking; or

- Providing information and training

Employees under **Section 49 of the WHS Act** are required to consult when:

Procedures for reporting hazards, raising awareness and addressing WHS issues

Consultation is required reporting hazards, when decisions are made about minimising or eliminating risk and when proposing change and making decisions.

Raising awareness and addressing WHS issues will vary due to the size and operations of the organisation. Your organisation must ensure that awareness of WHS issues are kept up to date by providing workgroups and individuals with opportunities to access up to date information or by providing them with training.

One of the most important steps within the consultation process is ensuring that workgroups have access to information. Without that access, they will not be able to provide feedback and support for WHS issues. Your final decisions in regards to resolving WHS issues and the control measures that you implement will be influenced by the information that workers provide you with.

If you do not provide them with up to date information, then the saliency of your decisions can be put into question. This means that when you make an informed decision it must be based on the most recent information. If this information is not up to date then you may be forming a decision based on incorrect information. This means that you may actually put your workgroup at risk, rather than minimising and controlling the risk or hazard.

Employee and workgroup meetings

Be aware that if a workgroup delegates a health and safety representative to represent them then you should consult with them. However, if they are required to provide the health and safety representative with feedback, then you still need to make sure that their information is up to date.

Employee and workgroup meetings are one way in which to provide up to date information. Meetings are an excellent way of ensuring that workers are provided consistently with the same information. When you have information to provide workers with WHS information, you should make sure

- That the meeting is planned.
- That worker's are aware of what the meeting is about.
- That contingencies are in place for face to face meetings when individuals are unable to attend workgroup meetings.



Do not automatically assume that workers will provide updates in information to their group members. Instead make that you arrange to meet any individual who is unable to attend a meeting with a one on one face to face meeting if this is part of your organisations procedures.

The formal and informal processes in place for the exchange of information and views on WHS hazards, risks and risk controls

Your organisations policies and procedures must provide you with information that allows you to participate in the consultation process as per Manage work health and safety consultation, cooperation and coordination code of practice. Formal processes that your organisation may have in place include:

- Team and employee meetings
- Updates in procedures
- Updates in the intranet

Informal processes may include providing workgroup members:

- Having access to the internet; or
- Access to employee associations or trade magazines.

Ideas and views may include information being passed on by word of mouth, newsletters, or updates placed on the bulletin board.

To participate in WHS arrangements means that you follow you duty of care in making sure that you work in a safe work environment. Participating in WHS arrangements requires that workers follow organisational procedures by reporting hazards, minimising or eliminating risk and resolving WHS issues.



The Work Health and Safety Consultation, Cooperation and Coordination Code of Practice and Section 48 of the WHS Act requires that Managers and Supervisors demonstrate four types of effective behaviour that supports effective behaviour in consultation processes:

Effective Behaviour	Types of Behaviours	Opportunities to provide advice and support during the Consultation Processes
Consulting with workers about the work processes	Asking workgroups for ideas and opinions	That workers views are considered when a decision is being made; and that Workers are provided with feedback on a decision in a timely manner.
	Acting on subordinates ideas and wishes	Give workers a chance to share their views and opinions Give workers a chance to contribute to the decision making process; That workers views are considered when a decision is being made
Providing socio emotional¹ support	Supporting team members (in stressful situations)	Share information with workers Give workers a chance to share their views and opinions Give workers a chance to contribute to the decision making process; That workers views are considered when a decision is being made Workers are provided with feedback on a decision in a timely manner.
	Addressing negative feelings	Give workers a chance to share their views and opinions Give workers a chance to contribute to the decision making process; That workers views are considered when a decision is being made Workers are provided with feedback on a decision in a timely manner.
	Demonstrating support for workgroup decisions	Share information with workers Give workers a chance to share their views and opinions Give workers a chance to contribute to the decision making process; That workers views are considered when a decision is being made Workers are provided with feedback on a decision in a timely manner.

¹ Socio-emotional is the process of supporting the variations in individual personality, emotions and relationships within the workgroup (Santrock, 2007).

	Socialising	<p>Share information with workers</p> <p>Give workers a chance to share their views and opinions</p> <p>Give workers a chance to contribute to the decision making process;</p> <p>That workers views are considered when a decision is being made; and that</p> <p>Workers are provided with feedback on a decision in a timely manner.</p>
Recognising good work practices both public and/or privately	Providing feedback	<p>Share information with workers</p> <p>Give workers a chance to share their views and opinions</p> <p>Give workers a chance to contribute to the decision making process;</p> <p>That workers views are considered when a decision is being made; and that</p> <p>Workers are provided with feedback on a decision in a timely manner.</p>
Monitoring work practices	Giving feedback in a timely manner	<p>Share information with workers</p> <p>Give workers a chance to share their views and opinions</p> <p>Give workers a chance to contribute to the decision making process;</p> <p>That workers views are considered when a decision is being made</p> <p>Workers are provided with feedback on a decision in a timely manner.</p>
	Providing support to resolve problems in a timely and helpful manner	<p>Share information with workers</p> <p>Give workers a chance to share their views and opinions</p> <p>Give workers a chance to contribute to the decision making process;</p> <p>That workers views are considered when a decision is being made</p> <p>Workers are provided with feedback on a decision in a timely manner.</p>

As can be seen by the above table, there are many opportunities to provide support to workers and workgroups. This is clearly an indication of two way feedback.



One of the aims of the harmonisation of Work Health and Safety is continuous improvement (Section 3). Using a cycle of feedback between worker and leader, you can improve not only the communication and consultation process, but also build upon the relationship to improve the organisations responsiveness to change.

Two way feedback:

- Assists leaders in identifying ways to improve
- Provides workers with the support and advice that they need to make informed decisions.

The more feedback leaders give workers, the more empowered they will become. The more empowered a work group is, the more confidence that a leader has to allocate more time to managerial responsibilities. This will increase the organisations productivity a clear indication that the organisation its meeting its legal obligations to improve Work Health and Safety.

3. Contribute to processes for communication and sharing WHS information and data

3.1 - Identify consultation and participation processes for communicating and sharing WHS information and data

3.2 - Contribute to and participate in these processes appropriate to own job role and work area

Information must be communicated to stakeholders. Creating awareness of the different work health and safety information and data is the first step in contributing to procedures for communicating work health and safety data.

Identify with stakeholders

To identify with the needs of the stakeholder, it is essential to understand their needs. Different stakeholders have different requirements and it is important that you are aware of not only your organisational procedures, but the needs that you can and you cannot address. For



example, you work in a small organisation. Two days ago a worker was injured. A stakeholder requested the name and file of the worker. The stakeholder was a health and safety representative from a different department. Are you allowed to provide these details to the stakeholder?

Under Section 271 of the WHS Act, Confidentiality of information must be maintained. As an employee you should not disclose information and the contents of the information to anyone else or use the information or document for any purpose. However, giving access to the document or the use of information about a person with their consent means that this does not apply. In this instance, your organisation may require that you ask the person who was injured whether they will allow the health and safety representative to access the file.

If the worker does not agree to allow the health and safety representative to have access to their file, personal and medical information (Section 68 (3)) without the consent of the worker is in a form:

- a. That does not identify the worker; and
- b. Could not reasonably be expected to lead to the identification of the worker.

This means that the health and safety representative may access the information but would not be provided with the name of the worker.

Stakeholders may also be persons impacted by work health and safety hazards in a workplace. When this occurs, they will usually be invited to participate and contribute to the consultation process in the workplace

Stakeholders may have two roles, one as a recipient or owner of the company who will invest in the work health and safety in the organisation or those who have an association with the organisation and can thus be impacted by the hazard.

When you provide information to stakeholders, it is essential that you consider:

Communication and consultation



Stakeholders may be a part of the consultation process as a part of providing stakeholders with information and data when they are impacted by a hazard. Communication can become a very complex issue in the consultation process. Many organisations develop communication plans to ensure that all parties that are part of the consultation process are reached.

Communication during the consultation process can become very complex as workers, work groups, key personnel and other stakeholders are contacted or input or feedback in regards to the hazards.

Communication plans will:

- Assist you in prioritising your day
- Providing a sense of order and control
- Prevent you from being overwhelmed especially if you are guiding the ship.

Communication plans can assist you in maintaining a systematic approach to managing work health and safety. If you do not already have a communication plan, then you may find it beneficial to develop one.

The basic steps in developing a communication plan include:

Evaluate the current status of communication.

Who will be part of the communication and consultation process? How they are current communicating and what are they trying to do? How effective are they at doing it?

To get answers to these questions, ask.

Define objectives

Define your objectives. In the case of the Consultation process, you should make sure that appropriate information is shared, that workgroups and other stakeholders are given opportunities to address their concerns, discuss their views and opinions and contribute to the decision making process.

Define audiences

List all of the audiences in the plan who you will contact, influence or serve including:

- a. Workers
- b. Stakeholders such as contractors, suppliers and other business
- c. Stakeholders such as employers and investors
- d. Community members

Identify tools

With the resources that you have, the objectives and personnel that you will be contacting, you need to determine the past channel of



communication will ensure that you communicate in a manner that will reach the stakeholders. The ways in which you communicate information through the consultation process may include posters, meeting which may or may not include brainstorming ideas, emails, reports or messages on pay sheets

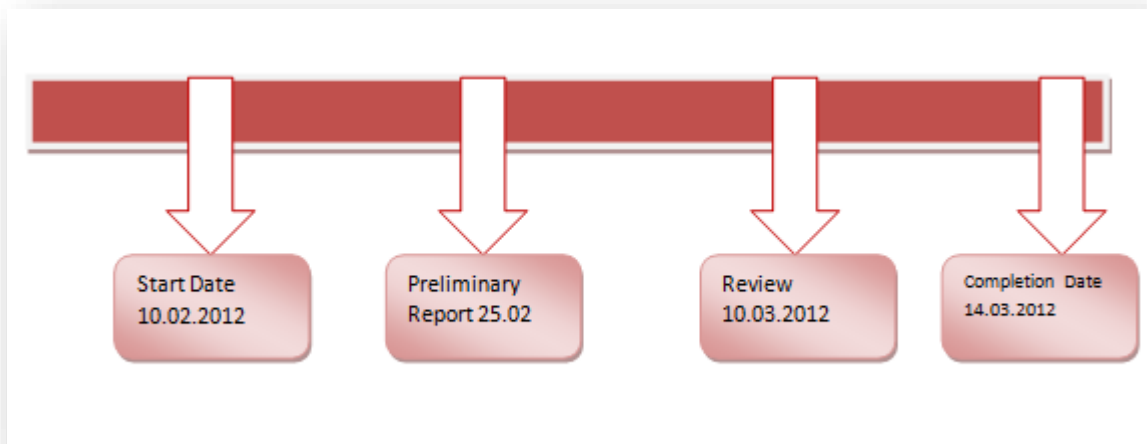
Establish time table

Organisational policy and procedures will provide you with timelines in which to complete tasks in the workplace. It is important to make sure that you plan your tasks in a sequential order so you do not lose track of your goals and tasks. Time management skills will give you the time to do what you need to do. Organisational skills require that you follow procedures.

Maintaining lists and records of the tasks you perform and then filing the final information away can assist personnel when they are faced with a similar task again. Check your organisations records to determine whether you are just repeating a task or whether information is available which you can improve upon.

Each time you performance organisational and time management skills, you should aim to continuously improve the way in which a task is performed. This can then become best practice.

A time line can be used to set up the tasks that you are required to perform.



To assist you in developing your time line, you can create lists. These are the basic rules that should be followed:

- a. Create a list of what tasks you need to perform
- b. Write down and follow-up items
- c. Carry forward any task that is not completed
- d. Keep track of any due dates
- e. Create a list of priorities
- f. Keep track of all of the tasks that are on-going
- g. Make sure that your work area is clean so you do not lose vital information
- h. Make sure that all of the current work is kept in the same location
- i. File information that is no longer required into a folder to be stored. Delete any information that is not required.
- j. Back up all files and folders as per your organisational requirements

Evaluate the results

Monitor and review your performance and identify ways in which you may be able to improve in the future. This means that you should build into your communication plan some way in which to monitor and measure results.

When you take into consideration this information and the consultation process, you will be able to design a communication plan. This may take several days and then time to smooth any problems with the process.

Effective communication is when:

- Someone sends a message
- Another receives it and understands it; and
- If necessary provides you with a response.

In a culturally diverse work environment, this is not so easy. When you communicate in a culturally appropriate manner, you need to find ways in which to communicate that accepts and respects the different cultures in a workplace.



Culture is a way in which to identify groups who share common characteristics such as social practices, attitudes and values. All personnel are faced with more than one culture. There are language, community and workplace cultures. Many personnel are not aware of different cultures until someone points out the differences, such as the way people act, their hand gestures, way of dressing and behaving.

Take the time to learn the cultures around you and understand the cultures so that you can be more open and sensitive to other cultures.

It is important to understand that communication is a two way process and you need to work as a workgroup to achieve culturally appropriate communication. When you speak to work group members:

- Do not make assumptions. Even when people come from a specific culture, it does not necessarily mean that you need to treat everyone in that culture in the same manner. People are individuals and should be treated as such. If you would like to know a worker's values, ask them.
- Be prepared to adapt. In the Australian culture if you do not look someone in the eye, it is assumed that the person is a liar. In the culture of the Middle East, this is a sign of respect. Be aware of the differences and be prepared to adjust your communication style to ensure that the receiver receives the message.
- Summarising or paraphrasing. If you have difficulty understanding a work group member summarise and paraphrase them to check your understanding of what is being said.
- Embrace the influences of the people from different cultures. Your way is not necessarily the best way. When a person contributes to a process, take their suggestion on board. You may find that they offer the best option.
- Speak clearly and concisely – speak at the correct speed for each person. Speaking slowly may be considered patronising and speaking too fast may mean that you are seen as making a mockery of them. Instead, break down the information that you are providing into smaller chunks and give them time to interpret the information.
 - You can also use posters, maps and other visual aides to communicate with them
- Consider non-verbal communication. Tone of voice, posture and gestures can be used to communication information. Be aware of the differences and take the time to learn and understand different non-verbal cues. Something that is in-offensive to you may have different meanings for others.



Consultation and communication

One way in which appropriate information may be communicated is through the Work Health and Safety Consultation, Cooperation and Coordination Code of Practice. When you consult with workers, you should take measures to work together to determine how consultation will occur. Section 47(2) of the WHS Act requires that “if a person conducting a business or undertaking and the workers have agreed to procedures for consultation, the consultation must be undertaken according to those procedures.”

This means that workers can assist in ensuring that communication of information in regards to the consultation process is appropriate for their needs. The method used should aim to save time and confusion as appropriate communication skills will be required to share information or to provide views and opinions on the topic being communicated.

An important part of the consultation process is the communication of information. To be effective, the agreed method of consultation between the employer representative and the worker needs to be addressed. This means that effective consultation should cover:

- Who needs to be consulted
- What the consultation is about
- How the consultation will occur (be communicated)
- How information is shared
- The opportunities given to workers to discuss concerns
- How feedback will be given
- How consultation will happen with workers with special language and literacy needs
- Timeframes for reviewing procedures

In some instances, workers and/or workgroups will apply for a health and safety representative to represent them in the consultation process. This is one way in which to overcome the communication and consultation problems that may arise from cultural difficulties.

Needs for work health and safety information and data

Where are the organisational policies and procedures stored in your work area?

If you do not know – then ask.

Part of the Consultation process requires that the organisation provides personnel with information so that the workgroup can take an active participation and contribution in sharing views and opinions about minimising or eliminating risk in the workplace. You should also take advantage of the time that management gives you to discuss your concerns about the processes that may be implemented.

Knowing this information can assist management in implementing a new process from the workers perspective and this can alleviate reservations that a worker may have. The information that the worker provides in the concerns they address can also influence the final decision in minimising or eliminating a hazard.

Workers job descriptions will provide workers with their job roles and responsibilities. From these roles and responsibilities, they will be able to identify the procedures that will impact on their safety and in turn ensure that they will be able to identify the procedures required to perform safely in the workplace.

By ensuring that processes are consistent, a clear path to managing work health and safety in the workplace will ensure that you consistently take the appropriate steps to ensure that the workplace is safe. The management of work health and safety will in turn assist in making sure that your legal and regulative requirements are met. The framework outlined in the codes of practice will reinforce the way in which health and safety is maintained.

Data collection is an important strategy when decisions for work health and safety issues need to be decided. It is important to make sure that you gather information in a timely manner. To do this, you need to know precisely what information you need to gather.

Before you can identify the cause of a problem, you need to collect as much information about the system and the symptoms that are being experienced so that you can raise questions that will identify more important information.

Including relevant legislative requirements

Not all legislative requirements will relate solely to work health and safety. Some industries have different legislation, regulations, codes of practice and standards. For instance, the Financial Services industry is one of the most legislative industries in Australia. When you provide information to your stakeholders, it is important to consider what impact this legislation will have on the following work health and safety legislation. Legislation to consider may include:

Freedom of information (FOI) legislation

The purpose of freedom of information (FOI) legislation is to allow the general public to access information in possession of governments. You are able to access information to make decisions about work health and safety findings and decisions.

The information that you have the right to request may be held by:

- Ministers
- State government departments
- Local councils
- Most semi-government agencies and statutory authorities



- Public hospitals
- Universities, TAFEs and colleges

The Act also gives you the right to request incorrect or misleading information that has been held as part of record.

The Act, however does not apply to businesses that are privately owned. Each State and/or Territory has its own legislation. There is also a Commonwealth Freedom of information Act.

Work Health and Safety Regulations

WHS Regulations provides employers with the steps to develop their work health and safety policies and procedures under the Act. They are a legislative requirement. Failure to follow a regulation is a breach of legislative requirements and you may be fined or jailed if found guilty of breaching them.

WHS Regulations in the majority are implemented on 1 January 2012. However as they are transitional; Sections of the Regulations will not apply until a later date. To find out more about the duties that are not imposed on persons in particular refer to Chapter 12.



Work Health and Safety Codes of practice

Under WHS Act and Work Health and Safety Regulations (the WHS Regulations), an approved code of practice is a practical guide to achieving the standards required. A COP applies to anyone who has a duty of care as in relation to the circumstances related in the code.

The aim of a code of practice is to ensure that industry both commercial and public is compliant. Even though a code of practice does not cover all hazards and risks in your workplace, you are still expected to consider all workplace risks.

The current codes of practice for work health and safety are:

- Confined Spaces
- Hazardous Manual Tasks
- How to Safely Remove Asbestos
- How to Manage and Control Asbestos in the Workplace
- How to Manage Work Health and Safety Risks
- Labelling of Workplace Hazardous Chemicals
- Managing Noise and Preventing Hearing Loss at Work

- Managing the risk of falls at Workplace
- Managing the Work Environment and Facilities
- Preparation of Safety Data Sheets for Hazardous Chemicals
- Work Health and Safety Consultation, Cooperation and Coordination

A COP aims to demonstrate to the Courts that your organisation is compliant with WHS Act and Regulations. The evidence gathered by the organisation can be used to show what is known about a hazard, risk or control and could rely on the code in determining what is *reasonably practicable* in the circumstances to which the code relates.

Note that organisations do not need to follow the code of practice. However, they are required to use another method, such as technical or an industry standard, if it provides the same or a higher level of work practices than the code of practice demonstrates.

Your organisation may also demonstrate their compliance with the WHS Act and Regulations through the use of industry or technical standards, as long as the organisation demonstrates that the technical or industry standard is equal to or better than the code of practice.

There are many standards that you can measure your compliance of WHS against. The aim of standards is to ensure that products, services and systems are safely guided by procedures and specifications. Tasks need to be performed reliably and safely, while aiming to ensure that safety and quality standards are maintained.



Workplace Equity Legislation

The Federal Government have passed a series of laws that aims to protect people from different types of discrimination in their public life and from breaches of their human rights. A list of these laws can be found at URL Address: <http://www.hreoc.gov.au/about/legislation/index.html> Access Date: 19.02.2012. The Australian Human Rights Commission has statutory obligation and the authority to investigate and act to conciliate complaints of alleged discrimination.

Discrimination arises out of the fact that one person is treated less favourably than another due to circumstances beyond their control, such as due to sexual orientation, gender or race, age or descent.

Indirect discrimination arises when a rule or condition impacts unfairly on another party. An organisation, for example may be indirect violation of impaired mobility legislation if the organisation arranges to provide a service on the second floor of a building when the only access available is by stairwell. Under access and equity, the organisation and provider should have considered other options that were more accessible to the client.

Part 6 of the WHS Act covers Discriminatory, coercive and misleading conduct. Discriminatory conduct occurs when a person dismisses a worker or terminates their contract, puts them in a worse position or alters the workers position to their detriment. When a worker is not engaged or treated less favourably than another in a similar position (S.104). If you believe that you have been discriminated against, you can take legal action.

Workplace Diversity Legislation

Diversity exists in a group or organisation when “its members differ from one another in respect of one or more important dimensions such as race, sex and ethnicity” (Davidson and Griffin, 2003, p.141)

There is no standard for diversity. Diversity does not refer to one major group, but refers to the differences and similarities with groups.

There are two dimensions to diversity. These dimensions are:

- First Level dimensions – those are seen by others and are difficult to change. (Age, race, gender)
- Second Level dimensions – where individuals can have a degree of control through choices (Geographic location).

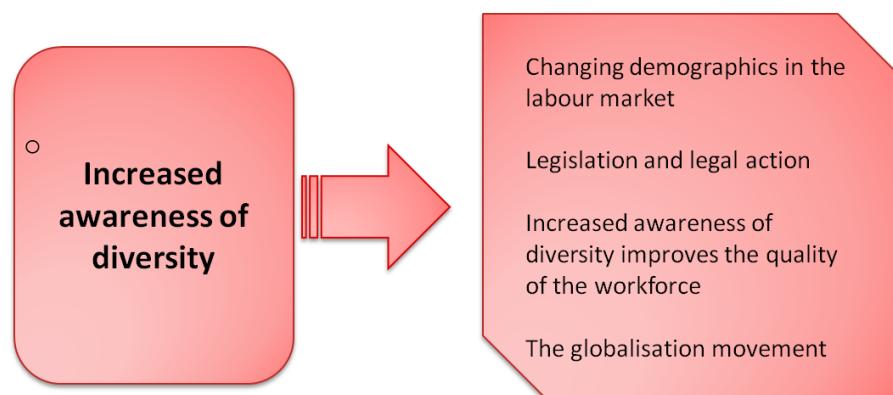
Causes of increasing diversity

The increase of diversity in Australia is a reflection of the social change that Australia is going through. These changes include:

- Increased access to education
- Higher levels of education
- Change in demands for meaningful work
- Career opportunities
- Changes in life style



The four major factors that have had an impact on diversity in Australia are:



Workplace Privacy Legislation

Privacy Legislation refers to:

Personal information - Information that helps identify you is personal information. This information may include medical records, photos, videos, bank account details, and information may include your opinions and where you work. This includes any information that can assist you in identifying who you are.

Privacy is not your personal information privacy is different to other concepts such as:

- Confidentiality
- Secrecy
- Freedom of information

From 1 November, 2010 the Office of the Privacy Commissioner was integrated with the Australian Information Commissioner (OAIC). At this time, the OAIC website, www.oaic.gov.au will provide you with information about Privacy Legislation.

The minimum standards that the Australian and ACT government and the public sector organisations have to meet in regards to the use and distribution of personal information is set out in the Privacy Act, 1988. The Privacy Act gives people reasonable control over their personal information, taking into account the rights and obligations of the Government and public sector.

Personal information under Section 6 of the Privacy Act is broadly defined as “information and opinion about an individual whose identity is apparent or can be reasonably ascertained from the information and opinion.” Personal information only refers to living persons and does not extend to other legal bodies, such as companies.

It is essential that you use the consultation process to support safety and communication in the workplace. This requires the skill of developing relationships between different stakeholders. Developing networks is a good way in which build relationships in which you can receive and provide information.

Networks can be used in helping to assist you in solving problems and developing ideas. Take advantage of any opportunity to overlap your networks to assist you in your channels of communication. There are four sorts of networks that you should try to establish

These networks include:

- People with common goals – Your team have a common goal which is to meet the organisations objectives. When members of a team aim to meet specific objectives, they all have a common frame of reference that allows them to work as a cohesive



team. Take note, however that your actions as a manager will impact on the teams efforts.

- People who have the same interests – The same interests can include work interests or personal interests. If a member of the team aims to increase productivity through honesty and respect and another team member has the same goal, then they are connected by shared values. As a frontline manager, it is important to make sure that these shared values are a part of the teams' effort.
- People think as a group because they share the same common goals and beliefs
- People who socialise – Members of different teams may come together in social situations. Use any opportunities to set up a network out of these relationships.

These networks can assist you in obtaining a competitive edge in the workplace. Make your networks work for you. By demonstrating your worth and credibility in the eyes of others, you will be able to join other networks. Make sure that you have common goals and show that you are prepared to conform, that you are trustworthy and are prepared to reciprocate information that others can use.

In return your network can work for you. Networks can provide you with the following information that:

- Is up to date
- Gives you the latest trends
- Supplies you with the latest marketplace developments
- Provides you with new innovations

Being aware of these factors will allow your organisation to make changes ahead of time to make plans for its future needs and developments. This means that you need to be proactive and respond to the marketplace. In turn, you will obtain credibility.

Business contacts and networks may include the following groups and individuals within them:

- Departments or branches of the organisation
- Other departments such as the purchasing department can keep different work sites up to date on new chemicals and equipment that have entered the market.
- Organisations with industry linkages

Industrial chemical suppliers and retailers of cleaning equipment and materials all have links to the cleaning industry, for example. These organisations are an excellent source of information. They will introduce new innovations and give you a competitive advantage by keeping your organisation up to date with changes and trends within the industry.



Provide information and data about WHS to key personnel on a regular basis, in a readily accessible manner and appropriate to the target group

A systematic approach to managing work health and safety requires that the organisation includes all of its legislative requirements when it develops its policies and procedures. These requirements can be found in the Work Health and Safety Act and Regulations. Addressing each of these issues can be guided by the codes of practice for relevant areas.

It is also important that you consider industry practice, standards and legislation as they will influence the choices made in regards to controlling, minimising or eliminating risk.

Information management skills require that you make sure that you are familiar with how to search for various types of data within the organisation and in the external environment. To assist in ensuring that you know how to contact your regulator, you are provided with lists of Regulators in your State/Territory. You can refer to SafeWork Australia to obtain updates on changes to work health and safety legislation, regulations and codes of practice. In turn, as part of your duty of care, you should communicate these changes to work groups and update organisational procedures.

Information and data collection

The skills that you need to manage an information management system include:

- Having the ability to identify the information that is available to you and accessing the appropriate sources as required
- Using catalogues, the internet, databases and other sources of information to research and communicate work health and safety issues in the workplace
- Sending emails and reports
- Using word processing, excel and power points to make the information easy to understand.
- Implementing a search strategy that ensures that you retrieve and interpret the search results in a quick and efficient manner so that you can provide key personnel with appropriate information.



Other skills that you should have or take steps to develop include:

- Locating and accessing the appropriate resources – If you do not know the appropriate protocols for accessing information in different departments within your organisation, then you should discuss the protocols with work group members or your supervisor. If you work in a large organisation and want to access another department's database, you will usually need to obtain permission to gain access to the database through management. If your computer network comes with a user name and password, you may also need to obtain signed authorisation to gain access for the administration department so that they can change the protocols on your account.
- Once you gain access to the databases, and any other information, make sure that you have the technological knowledge to search the databases to perform the required tasks. You may also be able to acquire assistance from appropriate personnel if required.
- The ability to interpret the information obtained.

Before you gather information, it is important to make sure that you know:

- The relevance of the information to the topic.
Do not waste your time gathering too much data because then you have to go through it to sort it out
- How the information fits with the knowledge that you already have. Make sure that the information comes from a reputable source. For example, many people use Wikipedia as a source of referencing. This is not always a good thing because someone may tamper and change the information just because they can. Instead, you should make sure that the source of the information you acquire is from a reliable source such as the regulators, industry and employer associations.
- Your intended audience – Your intended audience will influence the amount of information that you would gather. For example, management requires more information so that they can make decisions, such as how much budget do I have allocated to the resolution of the task. Management will provide you with viable alternatives to decide upon. You will not require the same scope of information as the manager, just enough information to make a decision.
- Timeliness – Make sure that you use the most recent information. For example, you can check whether information is the most recent information by checking the dates on



the forms you access. Is the document the correct document to use? Check the organisations version control register to determine if the document is the most recent.

- To provide both sides of an issue. This means that you are required to be objective. Workers need to make decisions based on facts. They need to know both the positive and negatives of an issue so that they can prioritise their decisions or compare the choices based on the organisations' policies and procedures that will influence the decisions made.

Once you have researched the information that you require then you should use the communication plan that the organisation has in place to ensure that you reach all stakeholders in a systematic manner. It is important that you make sure that the communication used is appropriate to all personnel.

Internal and external sources of information

Information is a tool that is used by an organisation to be competitive in the workplace. The amount of data generated and received by an organisation has increased with the onset of globalisation and technological innovation. Internal sources of information are data that is internal to the organisation. External sources of information are data and information that is external to the organisation.



Sources of WHS information and data may include:

Consultants

As a part of your legal responsibility, you are required to keep up to date with all of the changes that are happening within the work health and safety industry. Harmonisation of work health and safety aims at ensuring that all the laws across Australia are consistent. Before January 1, 2012 each state has its own legislation which gave rise to confusion.

As you are dealing with the health and safety of your workers and the people who work on your premises, it is essential that you keep up to date with changes that are made with in the work health and safety industry. As a part of the harmonisation process of work health and safety, there will be many updates to work health and safety in Australia in the next year.

Consultants can be utilised to keep you up-to-date. This means that when you hear a change in legislation you will be able to update your workplace policies and procedures as soon as possible.

Recordkeeping is important because it helps protect your organisation from legal action. Lack of records can cause you to be fined and to pay heavily in compensation. As part of the problem-solving process, it is important to know exactly what type of consultants that you need.

Employees

As Part of the Consultative Process, you are required to consult with all workers in regards to work health and safety issues. As workers operate the equipment and complete the records, it is important that they have an opportunity to provide feedback on the records that they complete. This feedback can improve your organisation's productivity.

For example, if a worker is required to complete a form in regards to work health and safety and the amount of time that it takes to fill in the form is long, then you lose productivity for when the worker is off the work floor. Workers will be able to identify ways in which to improve productivity by making small changes to the documents that they complete as part of the recordkeeping process.



Government departments/agencies including WHS authorities and organisations such as the Office of the Australian Safety and Compensation Council

The regulators of each State/Territory can not only provide you with information on changes to legislation and your legal obligations under the law, they can provide you with names of accepted WHS consultants and representatives. In most instances, these WHS government departments will not refer you to any consultant or representatives unless they have been authorised to do so. In this case you will find that these people will have the best reputation to ensuring that you meet your legal requirements under the law. This is

Industry networks and associations

Your industry networks and the employer associations that your employer is a member of can provide you with up-to-date information on changes made to recordkeeping and other processes within the work health and safety. Trends, preferred processes and the most efficient way in which to meet your legislative requirements within your industry can be obtained through your industry networks.

Employer associations can also provide you with up-to-date information of changes within your industry and with updates on how to implement the changes.

Internet sites

When using Internet websites as references it is important to make sure that the website is recognised. Sites such as Wikipedia are influenced by bias and unqualified personnel in most instances. To ensure that you are receiving credible advice it is important to make sure that you consult on credible Web sites. Websites that are usually acceptable are journal websites, government websites, industry websites such as industry experts and other industry suppliers and manufacturers.

Manufacturers' manuals and specifications

It is a legal responsibility of a manufacturer to provide instructions on how to put together and use their product safely. This information can be found in a manufacturer's manual or an owner's manual. Some equipment will also come with specifications about the product. This information may also include technical data. Technical data and manufacturer's specifications can be used to assist you in determining whether a product is appropriate for your work site and whether its specifications meet the specifications already established in your work site.

Newspapers and journals, trade/industry publications

Similar to websites, you should take care when you take advice from newspapers. Make sure that the source is credible. You will not have this problem with trade journals and publications or industry publications as the sources used from these publications must be from industry experts. A trade or industry publication will not use a source that is not credible as they will face a loss of reputation if something was to go wrong when an industry source followed the recommendation that they printed.

WHS and other relevant legislation

If none of the above cannot provide you with information you need, resort to legislation. The main free legal database in Australia is the Australasian Legal Information Institute database at URL address: <http://www.austlii.edu.au/> Access Date: 15.01.2012. This website will provide you with copies of all of the legislation in Australia for each State/Territory and the Commonwealth.

WHS specialists may be found from specific Societies within a specific industry. Some of these societies include:

- Human Factors and Ergonomics Society of Australia for Ergonomist Specialists
- <http://www.ergonomics.org.au/membership/cpe/cpes-ohs-specialists.aspx>
- Toxicology in Australia for Toxicologist Specialists
- http://healthengine.com.au/search_interest.php?q=Toxicology
- Audiological Society of Australia for Audiologists
- <http://www.audiology.asn.au/>

When you have a clear understanding of the information and sources of information that you require to solve a problem, it is essential that you work through the information systematically so that you will be able to apply the information to the application you are using.



Use formal and informal communication processes to provide information and data about WHS

Communication is either formal or informal. Informal communication usually refers to information that is passed through the use of casual conversation. Formal is usually used in a professional setting.

The differences between formal and informal communication includes:

Formal	Informal
Scheduled in advance	Unscheduled
Arranged with participants	Random participants
Participants are given a role	No set roles
Has an agenda	No arranged agenda
One way communication	Two way communication
Formal language	Informal language that may use slang

Consultation is an important part of any communication plan. If your established consultation processes are still consistent and are aligned with the new WHS Act and the workers have been consulted and approved, then you have met your requirements.

A practical example of occasions when you would use formal and informal communication processes includes:

- Reporting accidents and injuries in an accident/incident report
- Escalation of incident to the appropriate regulator in your State or Territory.

4. Contribute to identifying and meeting training requirements for effective WHS consultation and participation

4.1 - Identify training requirements for individuals and parties necessary for effective WHS consultation and participation

4.2 - Contribute to the delivery of required training, appropriate to own job role and work area

One way to identify any WHS training needs is to conduct a Training Needs Analysis.

This is done to find a training gap.

This is one of the first things that should be done to determine the actual training needs of the learner group they will be training.

This process should ideally cover a review of any previous training the learners have attended, what gaps the learners have in their current knowledge or skills, what training

options are available, as well as the budget and resources that are available to conduct the training.



A Training Needs Analysis is conducted in order to capture the training requirements that ensure the training that is conducted is effective and appropriate to the target learner group.

This process should form a bridge between the actual training and organisational objectives so that training is conducted in a manner that compliments the operational requirements of the organisation.

Some ways in which WHS training gaps can be identified include;

- Observation
- Incident report forms
- Accident report forms
- Statistics and figures on incidents and accidents
- Manager reports
- Feedback from colleagues
- Feedback from customers / clients
- Comparing current tasks with job performance
- During performance reviews

Training needs should be identified as part of the training requirements then determined as the best way to manage the requirements including cost effective and time effective ways of meeting these requirements.

Whenever new equipment or technology is introduced into an organisation, new staff members are appointed, there is a new development in policies and procedures, or any



other changes occur within the workplace, a Training Needs Analysis should be conducted.

Sometimes training will not be the solution to a problem, but in most cases, training is required in order to fix a situation that has come up, train staff in proper use of equipment or to assist in the minimisation of incidents in the workplace.

Training needs can also exist when there are reasons that employees and team members are feeling unsafe due to harassment or bullying for example.

A good way to conduct a Training Needs Analysis is by holding a Skills Audit in the workplace.

Skills Audits can be held in any number of the following ways

Interviews with staff members and team members

Observation

Supervisor reports

General Q & A session with team member

Suggestions

Formal assessments

Surveys

Employment and personnel files

It is important to identify what skills employees are expected and required to have in order to perform their job role safely. It is equally important to determine what other training needs exist such as harassment awareness or training around anti-discrimination etc that may need to be conducted in the workplace to ensure it is a safe and healthy working environment.

Once the Training Needs Analysis and Skills Audits have been conducted, it is time to make arrangements for the training of the relevant team members after consultation with appropriate stakeholders.

Team members may need training for any of the following numbers of reasons;

Lack of understanding of safe use of equipment

New equipment or technology has been introduced into the workplace

They have forgotten how to use equipment they do not use very often

New policies and procedures have been introduced into the company

There have been bullying or harassment issues that need to be resolved

There will be a number of Stakeholders that hold a vested interest in the training taking place. Stakeholders can include any of the following;

- The actual team members that require further training
- Managers and supervisors (and adequate coverage needs to be organised for staff undergoing training)
- Board members
- Clients
- Industry bodies
- Training organisations (if training is being conducted by external parties)



Once the training need has been identified, it is time to organise training for the relevant staff members or team members.

Training can be conducted in the following ways



The training that is conducted can include any of the following;

- WHS roles and job functions
- Presentations by industry experts
- Demonstrations on safe work practices
- Refresher or updated training
- Formal workshops
- Accredited courses
- Nationally Recognised Training leading to formal qualifications

Training records need to be kept on all training that is conducted relating to WHS legislation and practices.

Records are legally required to be kept by Registered Training Organisations for any Nationally Recognised Training that is conducted for a period of 30 years. Individual organisations will have guidelines and regulations to adhere to in relation to all other training conducted and attended.

There are therefore a number of individuals that need to get involved in the organisation of the training.

It is important to check the following prior to conducting or organising any training;

Availability of staff members that need training

Budget available for training

Regulatory requirements

What the training needs actually are

Whether or not training is the answer

Facilities and resources available for the training

5. Contribute to improving WHS consultation and participation processes

5.1 - Contribute to the identification and assessment of barriers to the implementation and effectiveness of WHS consultation and participation processes

5.2 - Contribute to the development, implementation and evaluation of measures to remove these barriers

One of the most important parts of the consultation process is the organisations ability to share information. It is essential that individuals and work groups are aware of the ways in which information and data can be gathered. However, it is important to be aware that specific data may not be accessible to all individuals and work groups.

The level of authority of individuals and workgroups will impact on the information that they are able to access. The variation in the level of authority can be found in the job description of personnel and the workgroup. Make sure that workgroup members and individuals are aware of the information that they are allowed to freely access and the information that they must obtain permission to access.

Work Health and Safety information and data may include:

Access to training information and data

Workers should be able to obtain access to their own training information and data. However, be aware that you are not allowed access to the training information and data of personnel for the following reasons. Take note of when you are not allowed to have access to this information and what the consequences of breaking the law is. Barriers to accessing training information and data may include:



- Under Section 271(2) of the WHS Act, the work group member should not disclose the contents of the information or give access or use the information or document for any purpose – A breach in the case of an individual can incur a fine up to and including \$10,000.
- Under Section 271 (3) of the WHS Act, the worker should not have access to or use of the information in the document without consent, except in the case that the information is required for the exercise of a power or function under this Act; or that it is made or given by the regulator or person authorised by the regulator such as an inspector.
- The worker has committed an offence Under Section 271 (4) of the WHS Act because they “intentionally disclosed to another person the name of an individual “. The individual must however, make a complaint. The individual can receive a maximum penalty of \$10,000.

Hazards that exist in the workplace

In most instances, hazards that exist in the workplace are readily accessible to individuals and workgroup members. These procedures will vary according to the policy and procedures of the organisation. The level of access and the type of access to hazards and the associated risks may include:

- Your level of authority
- The contractual obligations
- The type of information (See above in Section 271)
- Whether the hazard impacts on your role.

Due to privacy and confidentiality laws, an organisation will usually vary the amount of information that individuals and workgroup members can access. For example, if you are a manager, you will need to determine the budget for the hazard



and make a decision in regards to feedback and participation in the consultation process. If you are a worker, the level of access will not require that you access the budget and the final decision as you will contribute to the process and will be provided with feedback. However, as you will not be making a decision, you will not usually have access to the information needed to make the final decision.

Manufacturers' manuals and specifications

The aim of **manufacturer's manuals** is to ensure that you are aware of how to operate your equipment safely. Otherwise known as an owner's manual, this manual will provide you with instructions on installation of the equipment or plant, set up instructions, installation instructions, safety instructions, how to program the equipment and maintain it, as well as any regulatory codes that you will need to follow to operate the equipment safely and within the correct legislative requirements.

A **specification** sets out the minimum standards that your product must meet to be legal. Specifications allow you to know whether a product is appropriate for your needs and that it meets your requirements. Specifications will usually include a description of the product, its product code, who is responsible for maintaining a product, testing methods, acceptable performance testing levels and drawings of the product to ensure that you have the correct product.

Health and Safety consultation and participation processes

Consultation requires the participation of workers and others who are affected by the hazard and its associated risks. It is the responsibility of the organisation to communicate and share information with individuals and workgroup members to ensure their participation in work health and safety.

Health and Safety legislation, codes of practice and guidelines

Work Health and Safety Legislation - Work Health and Safety Legislation will assist you in determining the level of access that you are allowed in regards to specific information. Other legislation and laws, such as industry laws will vary the information you can have access to. You are able to access information on work health and safety with your State/Territory Regulator (See Appendix A)

Code of Practice - Under WHS Act and Work Health and Safety Regulations (the WHS Regulations), an approved code of practice is a practical guide to achieving the standards required. A COP applies to anyone who has a duty of care as in relation to the circumstances related in the code.

The aim of a code of practice is to ensure that industry both



commercial and public is compliant. Even though a code of practice does not cover all hazards and risks in your workplace, you are still expected to consider all workplace risks.

So why comply with a COP?

A COP aims to demonstrate to the Courts that your organisation is compliant with WHS Act and Regulations. The evidence gathered by the organisation can be used to show what is known about a hazard, risk or control and could rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

Note that organisations do not need to follow the code of practice. However, they are required to use another method, such as technical or an industry standard, if it provides the same or a higher level of work practices than the code of practice demonstrates.

- **Guidance notes** - If you ever require any help with legislation, regulations, standards and codes of practice, you should read the guidance notes relating to the topic. For a list of guidance notes for your State or Territory go to URL Address:
http://www.commerce.wa.gov.au/WorkSafe/Content/About_Us/Legislation/Guidance_notes.html Access Date: 24.01.2013

Rights and responsibilities

Workers should be provided with clear instruction, training or information of their rights and responsibilities under the Work Health and Safety Act. Information may be provided in their individual job description and supported in the Workplace policy and procedures of the organisation.

Some of their rights may vary according to the legislative requirements and their position within the organisation. For example, a Health and Safety Representative may access information and receive information concerning the work health and safety of workers in the work group (Section 68 (2)(f) of the WHS Act), they are not allowed to access “personal or medical information concerning a worker without the worker’s consent unless the information is in a form that-

- a. Does not identify the worker; and
- b. Could not reasonably be expected to lead to the identification of the worker (Section 68 (3)).

Risk assessments

Workers will be provided with information about the risk assessment process and they will be asked to contribute, not only options and ideas, but feedback that will contribute to the options that will be offered as part of the process to minimise or eliminate a hazard. Information about these risks and hazards are available through regulators, unions, technical specialists, and work health and safety consultant and industry associations.

Risk control strategies

Interventions are the different strategies that you will be exposed to that can be utilised to minimise hazards and the associated risks in the workplace. It is important that workers and other individuals and workgroups are consulted about each intervention that impacts on them. Their contributions to these strategies will assist management in minimising or eliminating risk in the workplace.

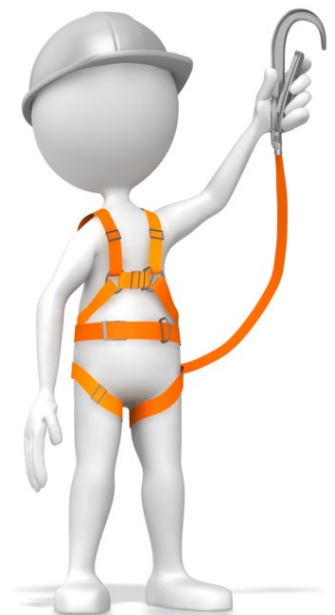
Safe work procedures

Job descriptions provide workers with their roles and responsibilities in regards to their position. Safe work procedures address the steps that should be followed to ensure that worker performs their individual tasks safely.

Safe work procedures need to be clear and concise to ensure that all personnel understand how to perform tasks safely and so that they can meet the set outcomes of their positions. These procedures must be readily accessible so that workers can easily obtain them when they are required.

Workplace Health and Safety policies and procedures

Work Health and Safety policies and procedures will guide workers on the processes that they should follow to ensure that their work area is safe.



Safe work procedures ensure that individual tasks are performed safely. Workplace health and safety policies and procedures ensure that they participate and actively contribute to not only meeting their legal obligations but also to their organisational requirements of making the workplace safe

No matter how well planned the consultation process is, no matter how coordinated the process is, there will always be times when workers will be impeded in accessing information. Some of the events are unforeseen, whereas others may be predicted. Your organisations policies and procedures should entail how you can overcome any barriers.

However, some barriers are unforeseen so you will need to look at the different ways in which to overcome these barriers. The following table will provide you with a list of possible barriers and suggestions on how to overcome the barriers.

Barriers may include	Impact	Possible corrective action
Contractual Arrangements	Contractual obligations may require that workers work in remote location or are contrary to changes to WHS legislation	<p>Reinforcing their legal requirements under the WHS Act</p> <p>Renewing or reviewing the contract to ensure new legislative and regulative requirements are met.</p>
Language	Lack of understanding due to English being a second language	<p>Provide support or training for language classes</p> <p>Use more pictures, signs and posters to demonstrate procedures that are easy to follow</p> <p>Use an interpreter and translator to communicate in their respective ways to ensure workers can participate in the process</p>
Literacy and numeracy	There are a high level of literacy and numeracy problems in Australia	<p>Provide support and training in regards to numeracy and literacy</p> <p>Use more pictures, signs and posters to demonstrate procedures that are easy to follow</p> <p>Have team meetings so that each intervention can be discussed and reviewed.</p>
Shift work and rostering arrangements	Needs to be re-scheduled to ensure that personnel can attend consultation process	<p>Ensure all workers can participate in consultation including any shift workers or mobile workers by working sessions into the time schedule</p> <p>Changing work systems such as shift work rosters, work procedures or the work outcomes to give the workers a chance to participate in the consultation process</p> <p>Work arrangements, such as shift work and remote work environment are streamlined to ensure that workers can be available when the</p>
Specific needs of employees	Disabilities	<p>Taking action to minimise their exposure to the risk</p> <p>Introduce processes that take into account the disabilities and provide safe work processes that will minimise their exposure to the risk</p>

Timing of information provision	Informed decisions can only be made with up to date information	<p>Provide workgroup with feedback that the information they have received is not up to date</p> <p>Identify why information is not up to date and work to find ways in which to ensure that information is up to date for the decision making process.</p> <p>Improve the timeline so that information arrives before it is required and can be reviewed.</p>
Workplace culture	The way in which the organisation operates, its mission and values	<p>related to WHS, including commitment by managers and supervisors, and compliance with procedures and training</p> <p>With management commitment, awareness is created and more people are prepared to take ownership</p>
Workplace organisational structures	Structure is the level of management	<p>Use satellite linkup to allow personnel to attend meetings.</p> <p>Hierarchical structures can be in conflict with the open consultation of WHS. Usually do not consult with personnel, however must now or will be in breach of the law. Implement the consultation process, but all final decisions still rest with the upper management of the organisation.</p> <p>Too many layers with too many political agendas that may impede the success of the consultation process. Flatten the organisation. The final decision should still fall on the upper hierarchy, but with consultation with personnel so that the organisations legal requirements are met.</p>

Barriers to communicating

When a leader cannot communicate with individuals or groups, then they will be unable to find information and data about work health and safety. Effective channels of communication are required to source the information required to not only meet their requirements under the law, but also to reinforce an organisational culture built on safety.

When you consider the barriers to gaining information and data to workplace health and safety are very much the same as the barriers to effective communication. If you overcome the barriers to effective communication you will have the path to overcoming the procedures to obtaining information and data.

We have already discussed the way to effective communication, but what can you do when things go wrong. The barriers to effective communication and ways to address these barriers may include.

Barriers to communicating	Address barriers
Physical barriers where parties are physically separated	Use the consultation process to give workers opportunities to work together. Work group meetings, chances for individuals and work groups to work together to participate in consultation and ensure that they are given opportunities to discuss their views and opinions with each other
Language	Use effective communication techniques such as signs with graphs and art to reinforce and if necessary ask for an interpreter or translator to assist in sharing information.
Emotions – your emotions can interfere with your listening and concentration skills	Put aside your emotions. Instead you should stop what you are doing and use body language to demonstrate that you are listening to them. Nod and paraphrase to confirm that you are listening to them.
Lack of knowledge	If you identify that workers do not have sufficient information or there is a lack of knowledge, then the information being shared with workers is not sufficient. Review your processes. Make sure workers understand the information. Provide support and training to the workers who need it.
Information overload	Some people provide too much information and data. This can lead to confusion and uncertainty as to what is required. Information overload occurs when organisations fail to identify the hazard correctly and does not provide sufficient information so that workers can provide informed recommendations and may address concerns inaccurately.

The communication process can also act to assist personnel as to whether or not workers and others impacted by the hazard are obtaining access to the correct information and data. Some workers may argue that they are not treated equally. All workgroups should have access to the same information and data. However it is important to note that not all information is shared openly. Some information barriers are intentional and usually relate to strategic, intentional or related to the internal culture of the organisation.

Some barriers however are not intentional. These barriers may include:

Barriers to accessing information and data	Explanation	Addressing barriers
User base knowledge	Lack of knowledge on how to access information	Provide training Review procedures and make the information and data more accessible to the workers Review if information and data is allowed to be released to workers and others
User base access	Access to the intranet or internet is restricted to specific levels of authority.	A workers level of authority is controlled by their user name and password To access information that is pertinent to a hazard, follow your organisations procedures in regards to obtaining that access.
Culture	Information and its importance is different from one country to another. The way you interpret the information may differ completely to another workers	Provide training on each culture Let personnel know that they must respect another person's ideas.
Lack of resources and time constraints	Resources, such as capital or human resources means that workers and others impacted by the hazard or risk may not have time to access the required information to make constructive recommendations	Provide time for workers to access required information Make information more accessible
Design	The design of the consultation process may no longer be appropriate. The agreed consultation process may prove inadequate as the environment impacts on the business, it grows or shrinks. What may be adequate previously, may no longer be.	Consistently review the design of the consultation process to ensure that it remains adequate to the changing needs of the organisation.

When there are deficiencies in information and data, then the organisation you are representing is not meeting its legal obligations under the WHS Act. Failure to meeting these obligations can cause the organisation to be fined. If you are aware that your legal obligations under a duty of care have not been met, you may also be found personally liable for negligence. Section 22 of the WHS Act states that “a person conducting a business or undertaking.....the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.”

Section 47 of the WHS Act requires you to ensure that you consult with workers about work health and safety. Failure to provide information means that workers will not be able to provide informed recommendations based on information and data that they have been provided with.

The intentional constraint of information is a barrier. However, it is important to note that this intentional restraint to not divulge information stems from Privacy laws as per the Privacy Act and Section 271 of the WHS Act in regards to ensuring that personal information is not released to the general populace of the organisation without the permission of the person who the file relates to. This is discussed in more detail in Section 2.1 of this Learner Guide.

Many organisations, restrain access to information for strategic and intentional purposes as per the culture of the organisation. It is a normal organisational procedure to allow only specific administrative and managerial workers to have access to specific records. The technical or administrative department can control this access by cutting worker access to these files through the use of a User Name or password.

For example, management may require the price of different work place health and safety controls so they can determine which options are viable for the workers. Once the “reasonably practicable” options are chosen, then workers will be able to choose the appropriate option for their work area.

Monitoring

Monitoring the effectiveness of any actions taken should take into consideration how the effectiveness of an option was before change is implemented. To measure any event, it is important to have a starting point for change.

Review the monitoring tool or design a monitoring tool

How did you become aware of the problem that individuals and groups were not obtaining appropriate access to data and information? In most instances, individuals and groups will complain about not obtaining access. In other instances, problems in workers addressing their concerns and being given opportunities to raise their views and opinions would highlight problems when their concerns, views and opinions do not sound right. For example, a worker provides you with a recommendation that completely ignores a problem with the recommendation that increases the worker workload.

Listen to what you are being told and consider whether their recommendation is demonstrating complete awareness of the information and data that the individual and groups have been provided with.

Of course, you should not automatically presume that they do not know about the information and data. They might choose that it is not relevant. Make sure that you follow up with questions to clarify whether or not the information and data was discussed.

Monitoring tools should help you answer the following questions:

- Are we doing what we said we going to?
- Have we achieved what we want to achieve?
- Have we overcome the barriers to accessing information and data?
- How can this be improved?
- What were the unintended consequences
- Have we caused observable changes?



Design a questionnaire:

1. Clearly identify what you need to know – Write down your goals to make sure the questions are covered in your questionnaire
2. Who is your audience? – This will influence the words that you use.
3. Make sure that you give clear instructions
 - a. Clearly state who you are
 - b. Make sure that answers are confidential and anonymous
 - c. What is the purpose of the questionnaire
 - d. Make sure that your instructions on how to answer the question are clear
 - e. When the questionnaire should be returned and how
4. What types of questions will you use?
 - a. Questions can be open ended (Worded to get a descriptive response) or closed ended (Worded to get a yes or no response) questions
 - b. When you write questions, make sure:
 - i. The question is not a leading question
 - ii. Avoid jargon
 - iii. Avoid double negatives – use positives so the question is clear
 - iv. Avoid double barrelled questions – Ask for only one bit of information at a time
 - v. Avoid bias
 - vi. Make sure options are mutually exclusive : i.e. 0-5,
5. Order of questions

- a. Important questions should be in the first half of the questionnaire
 - b. Avoid awkward and embarrassing questions
 - c. Go for facts
 - d. Go from open to closed questions
 - e. Leave demographic and personal questions to last
6. Layout
- a. Structure the layout so it is clear and easy to follow
 - b. Use clear headings and numbering
 - c. Do not use text smaller than 10 pt. The questions become too small to be read.
7. How will the questionnaire be sent?
- a. Your communication plan should provide you with the best way in which you can reach the respondent to the questionnaire



Focus Groups

A focus group can be used to develop feedback on the access and identification of information and data. They provide an opportunity to have group discussions to gain better feedback based on views and questions. A facilitator can ask open and closed questions, probe for more information and prompt personnel to direct the discussion and make sure that the group stay focused on the feedback required.

What is needed for a focus group?

- The appropriate facilities
- Video camera or recorder – Signed permission to use them and privacy waiver

To develop focus group questions includes:

- **Step One:** Set up the goals
- **Step Two:** Limit the number of questions
- **Step Three:** Start with open ended questions
- **Step Four:** Follow up with specific questions
- **Step Five:** Quantify – make sure the questions capture the whole workgroups opinions.



Follow the structure, use prompts and clarifying questions to keep work group members participating.

Review access

Check the monitoring form that is in place and identify ways in which you can improve the tool and the way in which to measure it.