



## WHS CONSULTATION

Manual: WHS

Document ID: G.03

### 1. PURPOSE

The purpose of this procedure is to clearly outline the process by which Mercy Services will inform and seek the advice from its personnel on WHS issues.

### 2. WHO DOES THIS POLICY APPLY TO

This policy will apply to leaders, employees and volunteers within Mercy Services

### 3. POLICY

- Mercy Services acknowledges its duty to consult under the WHS Act 2011
- The organisation shall attempt to consult with and involve workers/contractors in decisions affecting health and safety, and shall develop arrangements to facilitate consultation
- Employees and other relevant workers will be given the opportunity to express their views, raise WHS issues and to contribute to the WHS decision making process for their workplace in a structured format. The views of workers is considered valuable and taken into account in decision making.
- A Health and Safety Committee will address site specific issues. Committee members will be provided with training to allow them to perform their duties and provided with the appropriate resources.
- Mercy Services recognises the right of workers freely to elect HSRs
- Employees and other relevant workers will be advised of the outcome of WHS decisions in a timely manner.
- Singleton Residential Aged Care will have its own independent HSC however will adhere to the principles and guidelines outlined in this policy.

### 4. PROCEDURE

4.1. Mercy Services WHS Consultation processes are outlined in Appendix 1

4.2. Health and Safety Committee

- a. The HSC is a consultative forum where all elected workers discuss WHS issues. Management does not have to follow the advice of the HSC on Mercy Services policy, sites, equipment, actions, etc.
- b. Management will provide time, without the loss of pay, for HSC members to attend meetings, consult with the workers and if required to conduct workplace safety inspections. Mercy Services management will provide appropriate resources to allow the HSC and/or worker representatives to fulfil their role.
- c. The Chairperson of the HSC (following consultation with the CEO), may invite others to participate in meetings if s/he deems appropriate.

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- d. The number of management representatives cannot exceed the number of worker representatives on the HSC. All HSC members will be provided with appropriate training if requested at Mercy Services expense.
- e. The HSC will meet every 2 months (6 times per year) on the second Wednesday of the month.
- f. The HSC will be comprised of representatives of each workgroup, and the QHS Coordinator. The number of workgroups and their membership will be determined by negotiation between management and workers. As a general principle a work group will be established if a group of workers have a site or tasks that are significantly different from existing workgroups.

The current workgroups for community is:

- Community Care Assistants/Nursing staff
- Transport
- Kitchen/Day Centres
- Maintenance
- Coordination
- Volunteers

The current Workgroups for residential is

- Nurses/ AINS
- Maintenance
- Leadership
- Support

- g. Election of Workgroup Representative  
The QHS Coordinator must ensure that the election of a Workgroup Representative is a fair process that builds understanding/support for the role and where all people are encouraged to nominate and participate.

The standard election process is:

1. The QHS Coordinator (or delegate) advises all members of the workgroup the date of the meeting to elect a Workgroup. At least 2 weeks' notice is to be given.
2. The QHS Coordinator (or delegate) attends the meeting and facilitates the election either by a secret ballot or a show of hands. An election is not required if there is only one candidate. Where it is not practical for all workgroup members to meet at the same time multiple meetings or a postal ballot may be required. If the workgroup requests a secret ballot an employee not from that workgroup must count the ballots;
3. The QHS Coordinator (or delegate) will declare the winner (first past the post); and
4. The workgroup may decide to elect a Deputy Workgroup Representative to fill-in during the Workgroup Representatives absence.

Workgroup Representatives remain in force for a period of three years after that time new elections must be held. The incumbent Workgroup Representative can

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be re-elected. Mercy Services prefers that the Workgroup Representative not serve in this role for more than six continuous years.

A Committee member may be discharged from their role if they:

1. Are no longer employed at Mercy Services; or
2. Are no longer an elected member of Mercy Services; or
3. Resign from the Committee; or
4. Fail to attend 3 consecutive meetings without providing apologies to the Chairperson; or
5. Breach confidentiality on topics discussed at Committee

### 4.3 The WHS Chairperson

The WHS Committee must be chaired by one of the elected worker representatives (not by management).

The role of the Chairperson is to:

- open the meeting;
- check for quorum (minimum of five people);
- keep the discussion focussed on the agenda of the meeting – if it looks like there will not be enough time - make sure that the important things get discussed first and other things are held over;
- ensure that everyone is clear on what action will result from discussion and who is responsible for this action and by what date;
- allow free and relevant discussion;
- give all those wishing to speak an opportunity to do so;
- say who is to speak, if two people try to speak at the same time - the Chairperson's decision on who is to speak is final;
- clarify points that have been made and sum up discussions to bring them to a close e.g., when discussion on an issue has been extensive or complex;
- sensitively deal with any differences of opinion that arise and try to resolve these;
- close the meeting when all matters are attended to or time has run out;
- nurture the dynamics of the group by ensuring that people are recognised and thanked for their contributions; and
- act as a representative of the committee, if this is needed, making sure to express only the views of the committee - not solely personal views.

### 4.4 THE WHS Secretary

The QHS Coordinator will act as Secretary for the WHS Committee and ensure the agenda and minutes are accurately collated and distributed.

A meeting agenda will be prepared and sent to members and will list the matters to be discussed, time, date and location of the meeting and have attached any documents to be reviewed prior to the meeting where possible.

### 4.5 MEETING MINUTES:

Minutes of each meeting will be taken and distributed to all Health and Safety Committee members and to each area within 2 weeks of the meeting. The Secretary shall arrange for the minutes to be recorded and distributed. Minutes must be displayed on the WHS noticeboard and communicated to all staff via staff toolbox/team meetings. The minutes should be signed by the Chairperson

### 4.6 WHS Communication integrated in all meetings

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All staff and management meetings have WHS on their agenda and the meeting chair will ensure that staff are informed of WHS developments and that staff WHS issues are recorded.

### 5. KEY PERFORMANCE INDICATORS

Compliance with this policy is being measured by:

- a) Every two years at least one HSC member will complete the SafeWork NSW approved 5 day HSR training
- b) The HSC reviews the WHS Policy and WHS Consultation Policy annually
- c) There being at least six HSC meetings each year
- d) WHS being an agenda item addressed by all regular meetings of the Board, Management Team, Coordinators, program staff
- e) Discussion of incidents and other safety issues at annual program planning

### 6. EXPECTED OUTCOME

Mercy Services adequately consults with appropriate personnel and committees in relation to matters of Health and Safety

### 7. DEFINITIONS

Health & Safety Representatives (HSR) - A person elected by the members of a designated work group to represent them in health and safety matters

A Health and Safety Committee (HSC) - Enables a Person Conducting a Business or Undertaking (PCBU) and worker representatives to meet regularly and work co-operatively to develop policies and procedures to improve work health and safety outcomes.

### 8. REFERENCES

Work Health and Safety Act, 2011 (NSW)  
Work Health and Safety Regulations, 2011 (NSW)  
Safe Work Australia (2011) Code of Practice: Work Health and Safety Consultation, Cooperation and Coordination

### 9. OTHER RELATED POLICIES OR PROCEDURES

G.01 WHS Policy

### 10. VERSION CONTROL AND CHANGE HISTORY

Version	Date Reviewed	Amendments
2.0	27.2.18	Version created following corporate restructure.

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### G.03 WHS Consultation Policy Appendix 1.

When to Consult	Who might conduct the consultation	Who might be consulted	How might consultation occur
<p>When identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by Mercy Services</p> <p>e.g.</p> <ul style="list-style-type: none"> <li>✓ changed client situation</li> <li>✓ new client</li> <li>✓ new task</li> <li>✓ new equipment</li> </ul>	<ul style="list-style-type: none"> <li>➤ Site Manager</li> <li>➤ Applicable Coordinator</li> <li>➤ QHS Coordinator (if applicable)</li> <li>➤ HSC members (consulting their work group members) (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Mercy Services employees, volunteers, clients, contractors and others who have familiarity with the area/task /equipment or who will be significantly affected by a proposed change to area/task/equipment, etc.</li> <li>➤ Other businesses with shared responsibility for the site, task, etc.</li> <li>➤ Unions or other employee advocate (if applicable)</li> <li>➤ Other Coordinators / Supervisors (if the risk also applies)</li> <li>➤ HSC (if a complex issue and if time allows)</li> </ul>	<ol style="list-style-type: none"> <li>1. Paper or email memo</li> <li>2. Discussion with individual or group to plan a change in area/task/equipment, etc.</li> <li>3. Discussion with individual or group for their comments and observations of a risk that arises during their work</li> <li>4. Individual or group will be asked their opinion when a critical incident is being investigated</li> <li>5. Individual or group will be asked their opinion of a risk assessment completed as part of a Safe Work Practice (SWP)</li> <li>6. HSC members will be asked their opinion of the risk assessment section of a SWP</li> <li>7. Hazard Forms</li> </ol>
<p>When proposing changes that may affect the health or safety of workers,</p>	<ul style="list-style-type: none"> <li>➤ Site Manager</li> <li>➤ Applicable Coordinator QHS Coordinator (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Mercy Services employees, volunteers, clients, contractors and others who have familiarity with the area/task /equipment or who will be significantly affected by a proposed change to area/task/equipment, etc.</li> <li>➤ Other businesses with shared responsibility for the site, task, etc.</li> <li>➤ Unions or other employee advocate (if applicable)</li> </ul>	<ol style="list-style-type: none"> <li>1. Paper or email memo</li> <li>2. Discussion with individual or group to plan a change in area/task/equipment, etc.</li> <li>3. Demonstration/inspection of equipment, practice or venue / risk assessments</li> </ol>
<p>When making decisions about the adequacy of facilities for the welfare of workers</p>	<ul style="list-style-type: none"> <li>➤ Site Manager</li> <li>➤ Applicable Coordinator</li> <li>➤ QHS Coordinator (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Mercy Services employees, volunteers, clients, contractors and others who have familiarity with the area/task /equipment or who will be significantly affected by a proposed change to area/task/equipment, etc.</li> <li>➤ Other businesses with shared responsibility for the site, task, etc.</li> <li>➤ HSC (if a complex issue and if time allows)</li> <li>➤ Unions or other employee advocate (if applicable)</li> </ul>	<ol style="list-style-type: none"> <li>1. Written instruction or memo or email</li> <li>2. Discussion with individual or group</li> <li>3. Demonstration/inspection of equipment, practice or venue / risk assessments</li> </ol>

When to Consult	Who might conduct the consultation	Who might be consulted	How might consultation occur
<p>When making decisions about ways to eliminate or minimise those risks, e.g.,</p> <ul style="list-style-type: none"> <li>✓ Care Plan</li> <li>✓ SWP</li> <li>✓ WHS Policy</li> </ul>	<ul style="list-style-type: none"> <li>➤ Site Manager</li> <li>➤ Applicable Coordinator</li> <li>➤ Director of Care</li> <li>➤ QHS Coordinator (if applicable)</li> <li>➤ HSC members (consulting their work group members) (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Mercy Services employees, volunteers, clients, contractors and others who have familiarity with the area/task /equipment or who will be significantly affected by a proposed change to area/task/equipment, etc.</li> <li>➤ Other businesses with shared responsibility for the site, task, etc.</li> <li>➤ Unions or other employee advocate (if applicable)</li> <li>➤ Other Coordinators (if the risk also applies)</li> <li>➤ WHSC (if a complex issue and if time allows)</li> </ul>	<ol style="list-style-type: none"> <li>1. Hazard Forms</li> <li>2. Written instruction or memo</li> <li>3. Draft document circulated for discussion</li> <li>4. Demonstration/inspection of equipment, practice or venue / risk assessments</li> </ol>
<p>When making decisions about the procedures for:</p> <ol style="list-style-type: none"> <li>(i) consultation;</li> <li>(ii) resolving WHS issues;</li> <li>(iii) monitoring the health of workers;</li> <li>(iv) monitoring workplace conditions, or</li> <li>(v) providing training information</li> </ol>	<ul style="list-style-type: none"> <li>➤ Site Manager</li> <li>➤ Applicable Coordinator</li> <li>➤ Director of Care</li> <li>➤ QHS Coordinator (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Mercy Services employees, contractors, volunteers, clients and others who will be significantly affected by a proposed change to procedures</li> <li>➤ Other businesses with shared responsibility for the site, task, etc.</li> <li>➤ HSC (if a complex issue and if time allows)</li> <li>➤ Unions or other employee advocate (if applicable)</li> </ul>	<ol style="list-style-type: none"> <li>1. HSC notified of draft changes to WHS Policy/SWP for them to discuss with workgroup and report back to HSC/WHSC Coordinator</li> <li>2. WHS Coordinator to discuss/inform changes to QHS Policy/SWP with relevant Coordinators</li> <li>3. WHS minutes available to all on the Mercy Services server and posted on noticeboards (where relevant)</li> <li>4. Workgroup to be given a verbal summary of the HSC meeting/minutes</li> </ol>
<p>When carrying out any other activity prescribed by the WHS regulations</p>	<ul style="list-style-type: none"> <li>➤ Site Manager</li> <li>➤ Applicable Coordinator</li> <li>➤ Director of Care</li> <li>➤ QHS Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>➤ Any Mercy Services employees, contractors, volunteers, clients and others who will be significantly affected by a proposed change to procedures</li> <li>➤ Other businesses with shared responsibility for the site, task, etc.</li> <li>➤ WHSC (if a complex issue and if time allows)</li> <li>➤ Unions or other employee advocate (if applicable)</li> </ul>	<p>a) Written or verbal communication as appropriate</p>