

G.25 Issue Resolution Policy

1.0 INTRODUCTION/BACKGROUND

While Mercy Services has a policy for client/carer issues (E.08 Complaints Handling) and a policy for staff/volunteer issues (F.08 Staff Grievance) this policy is needed to better comply with the NSW Work Health and Safety (WHS) Act. The Act (2011:81) requires all Persons Conducting a Business or Undertaking (PCBU) to: (1) make reasonable efforts to resolve issues quickly and fairly; (2) have a written procedure for the resolution of WHS issues that is communicated to workers; (3) follow the resolution procedure set out in the Regulations; and (4) cooperate if a party to the issue requests the intervention of SafeWork NSW.

The default procedure as set out in the WHS Regulation (2011:23) is:

- (1) this clause sets out the default procedure for issue resolution for the purposes of section 81 (2) of the Act.
- (2) any party to the issue may commence the procedure by informing each other party:
 - (a) that there is an issue to be resolved, and
 - (b) the nature and scope of the issue.
- (3) as soon as parties are informed of the issue, all parties must meet or communicate with each other to attempt to resolve the issue.
- (4) the parties must have regard to all relevant matters, including the following:
 - (a) the degree and immediacy of risk to workers or other persons affected by the issue,
 - (b) the number and location of workers and other persons affected by the issue,
 - (c) the measures (both temporary and permanent) that must be implemented to resolve the issue,
 - (d) who will be responsible for implementing the resolution measures.
- (5) a party may, in resolving the issue, be assisted or represented by a person nominated by the party.
- (6) if the issue is resolved, details of the issue and its resolution must be set out in a written agreement if any party to the issue requests this.

Note. Under the Act, parties to an issue include not only a person conducting a business or undertaking, a worker and a health and safety representative, but also representatives of these persons (see section 80 of the Act).
- (7) if a written agreement is prepared all parties to the issue must be satisfied that the agreement reflects the resolution of the issue.
- (8) a copy of the written agreement must be given to:
 - (a) all parties to the issue, and
 - (b) if requested, to the health and safety committee for the workplace.
- (9) to avoid doubt, nothing in this procedure prevents a worker from bringing a work health and safety issue to the attention of the worker's health and safety representative.

2.0 SCOPE

The aim of this issue resolution procedure is to outline the minimum standards to achieve fast and effective resolution of issues that may occur at Mercy Services' sites and activities.

3.0 POLICY STATEMENT

Mercy Services is committed to resolving WHS issues quickly and fairly by effective and meaningful consultation with staff, volunteers, relevant contractors and other workers.

Issues will be dealt with as soon as possible after being reported. If it cannot be rectified immediately then a solution will be implemented as soon as practicable. As a minimum, interim measures will be put in place to prevent any adverse consequences until such time that the issue can be satisfactorily resolved.

4.0 PROCEDURE

4.01 The resolution process

1. When a contractor or other worker identifies a workplace issue, the issue should be reported and actioned using the hazard report form and processes outlined in the Risk Management section of the policies and procedures;
2. if the issue is not a hazard, the person reporting the issue should notify their Coordinator of the issue (in writing if possible);
3. the Coordinator or Management Team, in consultation with the person reporting the issue and other workers, will resolve the issue or refer the matter to the Chief Executive Officer;
4. effective consultation is the key component of effective issue resolution;
5. specialist advisors / outsourced resources will be engaged for advice, if the issue cannot be resolved internally;
6. in seeking resolution of the issue, Mercy Services will consider:
 - the number and location of workers affected by the issue;
 - any Code of Practice or relevant accepted industry practice or standard;
 - our commitment to eliminating risks, or if not reasonably practicable to eliminate risks, to minimise risk;
 - Mercy Services will implement temporary measures to protect health and safety;
 - information from external sources such as specialists, consultants, hygienists etc; and
 - whether any other persons may reasonably be required to assist the early resolution of the issue.

7. Mercy Services is committed to resolving issues in the shortest possible timeline, using effective methods to ensure resolution of the issue;
8. once the issue is resolved, the details of the issue and its resolution will be documented in a agreement. The person reporting the issue and the Chief Executive Officer will sign the agreement to indicate that the issue has been resolved to the satisfaction of all the parties;
9. as soon as is reasonably practicable after the resolution of an issue, the Chief Executive Officer will ensure that:
 - An extraordinary staff meeting will be called, and
 - a copy of the signed issue resolution agreement will be tabled and discussed.

Any of the parties to the resolution of an issue may forward a copy of the agreement to any union or employer organisation that represents the party.

4.02 Communicating the issue resolution procedure

Mercy Services will make this policy and procedure publicly available via the Mercy Services website and a paper copy provided upon request.

4.03 Compliance

Compliance with this Policy is being measured by

- a) No complaints made which show a failure to follow this Policy.

4.04 Evaluation

The performance indicator for the evaluation of this Policy is:

- a) At least 90% of Mercy Services staff giving a positive rating on how well Mercy Services is committed to safety.

5.0 REFERENCES

1. Current issues	a) None identified
2. Australian Standards	a) AS/NZS 4360:2004 - Risk Management
3. Legislation	a) Work Health and Safety Act 2011 (NSW) b) Work Health and Safety Regulations 2011 (NSW)
4. Professional guidelines	a) nil
5. Codes of Practice	a) Workcover NSW (2012) Work Health And Safety Consultation, Co-operation And Co-ordination. Code of Practice. Catalogue No. WC03568 http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0010/15202/whs-consultation-cooperation-coordination-code-of-practice-3568.pdf
6. Codes of Ethics	a) Australian Association of Social Workers Code of Ethics 2010 http://www.aasw.asn.au/document/item/1201 b) Australian Psychological Association Code of Ethics http://www.psychology.org.au/Assets/Files/APS-Code-of-Ethics.pdf

	c) Code of Ethics for Nurses in Australia 2008 http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines.aspx#codesofethics d) Integrity in the Service of the Church https://www.catholic.org.au/media-centre/media-releases/cat_view/10-organisations/38-national-committee-for-professional-standards e) Mercy Services Code of Conduct
7. Evidence	a) None identified
8. Mercy Services Values	a) Justice, Respect, Care, Unity, Service

6.0 OTHER RELATED Mercy Services POLICIES

- All Values Policies
- C.01 Management Roles and Responsibilities
- C.03 Operational Planning
- C.05 Quality Improvement
- C.06 Risk Management
- E.08 Complaints Handling
- E.15 Privacy
- F.3 Learning and development
- F.08 Staff Grievances
- F.10 Volunteers
- All WHS Policies

7.0 RELATIONSHIP WITH STANDARDS

<i>Aged Care Accreditation Standards</i>	<i>Home Care Standards</i>	<i>Disability Standards</i>	<i>EqUP Standards</i>
1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 4.1, 4.2, 4.3, 4.4, 4.5	1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.3, 3.4, 3.5	1.1, 1.2, 1.3, 3.2, 3.5, 4.4, 5.1, 5.4, 6.3, 6.4	1.1.2, 1.1.3, 1.1.7, 1.6.1, 1.6.2, 1.6.3,

8.0 DOCUMENT CHANGES RECORD

<i>Dates of change</i>	<i>Section altered</i>	<i>Natures of changes made</i>
12/09/2012	all	First record of policy creation
27/11/2012	All Sections	Organisation name updated
07/10/2015	a) All sections b) 5.0 references c) 7.0 Relationship to Standards	a) Replace GM with CEO b) Update: Codes of Practice and Evidence c) Added Aged Care and updated Disability Standards
Review due 07/10/2018		

Appendix One: Issue Resolution Flowchart

