

## ADVICE SHEET 2

# Consultation

### Why consult about the prevention of bullying?

Consultation is required under work health and safety legislation and it gives everyone in the workplace the opportunity to express their views on health and safety issues before decisions are made. Through consultation, not only does everyone become more aware of health and safety issues, but they're also able to address problems before they escalate and affect the PCBU. This can translate into increased savings and improved productivity for the PCBU.

<p><b>Where the red zone is ticked...</b></p>	<p><b>It is unlikely that effective consultation with workers is occurring.</b></p> <p>Ticks in the <b>red</b> zone indicate that there is a need to take immediate action to implement consultation arrangements and ensure that all workers can express their views on health and safety issues, including bullying issues.</p>
<p><b>Ensure that the consultation arrangements represent and involve all workers, and capture all health and safety issues.</b></p>	<p><b>Consultation arrangements.</b></p> <p>There are no effective consultation arrangements in place when HSRs and workers are not consulted:</p> <ul style="list-style-type: none"> <li>• during the identification, assessment and control of bullying risks</li> <li>• when developing a workplace policy and procedures for preventing bullying</li> <li>• when reviewing the bullying prevention policy and procedures</li> <li>• when developing bullying resolution procedures</li> <li>• when making decisions about providing information and training on preventing bullying.</li> </ul> <p>There is no need to organise special safety meetings. Simply discuss bullying issues during regular workplace meetings. Ensure that consultation captures all health and safety issues – eg consider how those outside your workplace, such as people with disabilities and language difficulties will be included in your discussion.</p>
<p><b>Ensure that all workers know about health and safety so they can comment on matters that affect them.</b></p>	<p><b>Record consultation arrangements.</b></p> <p>The workplace agreed consultation arrangements should be recorded and displayed in the workplace. It is a good idea to include the names, roles and contact details of the elected HSRs and others with specific health and safety responsibilities – let them know they may be contacted to discuss any health and safety issues including bullying.</p>

Consultation does not mean handing out papers or simply getting the views of workers, it means valuing and acting upon workers' ideas.

#### Ensure effective consultation.

At regular workplace meetings, tell workers about any plans that could affect their health and safety – eg introducing significant technological change, restructuring the workplace or changing work tasks. Such plans can create bullying risks. Before making a decision, seek their views on how any bullying risks might be addressed.

Encourage workers to raise their concerns. Make an extra effort to include young workers, those with a disability and those from a non-English speaking background.

When consulting with workers on the prevention of bullying, try to reach an agreement. Ultimately, however, responsibility for safety rests with the employer.

Ensure HSRs and HSCs are consulted about any health and safety issues – including bullying issues – or any proposed decisions that may affect safety. Before making any decisions, allow them time to inform other workers and provide feedback.

#### Recording safety decisions.

Keep records of significant safety decisions to demonstrate that bullying issues are taken seriously and are promptly addressed. It reinforces the actions that need to be taken, outlines who is responsible for undertaking them and indicates when they need to be completed.

Provide an agenda before regular workplace meetings to inform workers about the health and safety issues – including bullying issues to be discussed. It allows them to consider possible suggestions and solutions and gives them an opportunity to discuss other topics.

Where the orange zone is ticked...

#### Consultation arrangements are in place but they may not be working effectively or capturing workers' input.

Ticks in the **orange** zone indicate that some consultation has been undertaken but the arrangements may not be consistent or appropriate to the needs of workers or the PCBU.

#### Consultation arrangements.

Consultation arrangements are not working well when HSRs and workers are:

- sometimes consulted during identification, assessment and control of bullying risks
- sometimes consulted when developing and reviewing the workplace policy and procedures for bullying prevention
- sometimes consulted when reviewing the bullying prevention policy and procedures
- sometimes consulted when developing bullying resolution procedures
- sometimes consulted when making decisions about providing information and training on preventing bullying.

#### Are the consultation arrangements suitable for the workplace?

The consultation arrangements may have to be changed to better suit the size, structure and nature of the workplace. Perhaps flexible arrangements are required to involve all workers – eg those on different shifts and sites, part-time and casual workers may not be able to attend regular workplace meetings. Because of inflexible arrangements, the PCBU and workers may be missing vital health and safety information about the workers' work tasks and work areas. To counter this, introduce regular discussions with these workers about any health and safety issues, including bullying issues.

<p>Encourage workers to become involved.</p>	<p><b>Are workers interested in consulting?</b></p> <p>Most workers are keen to foster a productive and safe workplace, but they may be discouraged by the consultation process rather than consultation itself.</p>
<p>Give positive feedback to workers – let them know why their suggestions are important (relevance), how they are helpful (benefits) and when they will be acted upon (schedule).</p>	<p><b>Encourage worker participation by doing the following.</b></p> <ul style="list-style-type: none"> <li>• Schedule bullying issues as a priority discussion at safety meetings. Safety meetings held at the end of a shift will often run out of time and workers will feel rushed and too tired to contribute. Because of this, discuss bullying issues and any other related issues at the beginning of regular workplace meetings when workers are fresh and alert.</li> <li>• Value workers' views – develop an action plan and a schedule to demonstrate to workers that the PCBU is acting upon their concerns. Sometimes, workers are informed about issues but are not consulted. If workers think their concerns are being summarily dismissed instead of being properly considered, they will be reluctant to participate in the consultation process. Don't make safety decisions without considering workers' feedback and, when decisions are contrary to workers' views, clearly outline the reasons for the decisions.</li> <li>• Some workers may be unaware of their role and responsibility for preventing bullying at work. Train all workers, particularly supervisors and HSRs, on appropriate workplace behaviour and the PCBU's policy and procedures for preventing and responding to bullying. Workers from non-English speaking backgrounds and those with special needs should be consulted individually to ensure their concerns are addressed.</li> </ul>
<p>The code of practice on Work Health and Safety Consultation Cooperation and Coordination is a guide to achieving the standards of health and safety that are required under the legislation. Download a copy from <a href="http://safeworkaustralia.gov.au">safeworkaustralia.gov.au</a></p>	<p><b>Does consultation make any difference?</b></p> <p>To be effective, consultation needs to be consistent and inclusive, and safety issues – including bullying issues need to be addressed in a timely way.</p> <p>Conducting ad hoc safety meetings sends a strong message to workers that consultation and bullying issues are relatively unimportant. They will not feel encouraged to participate and the opportunity to identify bullying issues and possible solutions will be lost.</p> <p>Discuss consultation arrangements with all workers and ensure that their safety concerns are addressed at regular workplace meetings.</p> <p>Sometimes workers may have varying opinions about the best possible solution to an issue – it is the PCBU's responsibility to determine the most appropriate action to be taken.</p> <p>Also, ensure that accurate safety records about bullying issues are kept and that recommended actions are completed within the required time frames.</p>

<p><b>Where the green zone is ticked...</b></p>	<p><b>Regular consultation arrangements are effective and workers are involved in decisions regarding safety.</b></p> <p>Ticks in the <b>green</b> zone indicate that regular consultation arrangements that suit the workplace have been implemented, and that workers are encouraged to participate and their views are valued. If consultation arrangements are working well, potential bullying risks will be readily identified and workers will suggest and support timely improvements that will benefit the PCBU.</p>
<p>WorkCover has a range of products and services to assist PCBUs. Phone <b>13 10 50</b>. Industry groups also provide products and training that can help.</p>	<p><b>Consultation arrangements.</b></p> <p>Consultation arrangements are working effectively all the time as HSRs and workers are:</p> <ul style="list-style-type: none"> <li>• always consulted during the identification, assessment and control of bullying risks</li> <li>• always consulted when developing and reviewing the bullying prevention policy and procedures</li> <li>• HSRs and workers are always consulted when making decisions about providing information and training on preventing bullying.</li> </ul> <p>Review consultation arrangements with workers periodically and ensure that the arrangements continue to work effectively.</p> <p>During the consultation process, encourage HSRs and workers to contribute to broader issues, such as workplace design, organisation of work, future trends and the like.</p> <p>Ensure that vulnerable workers, such as – young workers, those with a disability and those with language or literacy difficulties, are adequately represented in the consultation process and that they understand the PCBU’s bullying prevention policy and procedures and its reporting and resolution procedures.</p>

**Disclaimer**

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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