

Appendix B

Health and safety committee templates

Note: these templates should be considered in conjunction with the information contained in Worker Representation and Participation Guide.

These templates are intended to provide a starting point for health and safety committees and should be adapted by the committee to suit its needs.

Refer to the [Work Health and Safety Act 2011](#) (Part 5, Division 4) for specific requirements for health and safety committees.

PCBU name

Health and Safety Committee (HSC) – Constitution

Responsible Officer:

Insert name/ position title

Responsible area:

Insert unit title

Approved by:

Insert position title

Approved and commenced (DD/MM/YYYY):

Review by: (DD/MM/YYYY):

1. Purpose of the HSC

2. Function of the HSC

Requirements under the WHS laws: The basic functions of an HSC are set out in the WHS Act (s 77). This is reflected in the basic text below.

Notes: The PCBU and the HSC can agree to additional functions for the HSC.

The HSC reports to the (insert position/team title):

The HSC is a consultative committee not a management committee. It will not consider matters which can be and should be decided by management or by the individual(s) closest to the source of the issue or grievance.

The HSC reports to the (insert position/team title):

3. Membership

Requirements under the WHS laws: The requirements for membership are set out in the WHS Act (s 76). The membership may be agreed between the PCBU and the workers, as long as:

- at least half of the members are workers who are not nominated by the PCBU, and
- any health and safety representatives are members (if they consent).

If there is more than one HSR at the workplace, the HSRs may agree who will be on the HSC. They may agree to have more than one HSR on the HSC.

Notes: The WHS laws do not specify who should represent the PCBU on an HSC. However, representatives of the PCBU should provide the necessary level of authority to make decisions, and knowledge and expertise regarding company policy, production needs and technical matters.

At least half of the members of the committee must be workers and not personnel nominated by (insert PCBU):

The HSC can request personnel with specific expertise to join the committee from time to time.

The HSC may agree to form sub-committees to complete specific work arising from the HSC.

The list of HSC members will be made available to all workers via (insert any or all of the mechanisms you will use to communicate the list of HSC members e.g. email, intranet, noticeboard etc):

Observers or guests may also be invited to sit in at meetings.

4. Appointment process

Requirements under the WHS laws: There are no specific requirements in the WHS laws for how members join the committee or the term of membership.

(insert PCBU)-nominated members are appointed by (insert PCBU):

HSRs are automatically members of the HSC if they consent.

(If needed, e.g. no HSRs) The election for worker representatives is called as soon as practicable after a position becomes vacant and are held at least every years.

HSRs whose term is still current will be permitted to renew membership in line with their elected period.

Elections may be required more frequently if a member resigns, ceases to be a worker in the work group for which they were elected or is removed by a majority of the members of the work group.

5. Decision making procedure

Requirements under the WHS laws: There are no specific requirements in the WHS laws for how the HSC is to make decisions.

Notes: In performing its functions, it is likely that the HSC will need to come to agreement on some matters (e.g. what recommendations it will make or advice it will provide). The HSC may agree that it will make decisions by consensus. In this case, the HSC will need to decide how matters will be dealt with when consensus cannot be reached.

It is important to note the WHS Act encourages PCBUs to agree on issue resolution procedures with their workers. While the HSC may provide advice on issues, resolving individual matters may not be a role for the HSC. For example, the HSC may not include the parties to a particular issue. For more information on issue resolution, refer to the Chapter 7 of the Worker Representation and Participation Guide.

6. Meetings and minutes

Requirements under the WHS laws: The WHS Act (s 78) requires HSCs to meet at least once every 3 months and at any reasonable time at the request of at least half of the members. There are no specific requirements for how the HSC should run or record meetings.

To meet the requirement in the WHS Act (s 76) for at least half of the members to be workers who are not nominated by the PCBU, it is important to consider the appropriate quorum for a meeting.

The draft minutes will be circulated to members for comment as soon as possible after the meeting. The minutes will be amended/accepted by members at the following meeting.

7. Responsibilities of the PCBU

Requirements under the WHS laws: The WHS Act (s 79) sets out the duties of the PCBU in relation to HSCs. These duties are reflected in the sample text below.

Notes: Additional items may be included if decided by the HSC. This may reflect the items needed for the HSC to meet its agreed functions. The more detailed sample text below includes examples of additional items that may be necessary.

Any information provided to the HSC should be de-identified to the extent it does not reasonably lead to identification of personal or health information of any worker. Members of the HSC will not be permitted access to personal or medical information of any worker without their expressed consent.

8. Review or amendment of Constitution

Requirements under the WHS laws: There are no requirements in the WHS laws about when a constitution should be reviewed or amended.

Notes: It is good practice to outline the process for amending and reviewing a constitution. The HSC may also decide to consult with workers more broadly on the constitution and potential amendments.

This constitution may be amended by the members of the HSC.

It will be reviewed every by the HSC every (insert number e.g. 3) years. An HSC member may make a request to the Chair that the constitution be reviewed at an earlier time.

Attachment to Constitution - Roles and Responsibilities

Requirements under the WHS laws: There are no requirements in the WHS laws about the specific roles and responsibilities of HSC committee members.

Notes: It is good practice to outline the roles and responsibilities of the various positions on the HSC. However, not all HSCs will have all these positions.

Refer to sections 3 and 4 for information on HSC membership and the appointment process.

Chair

The Chair is responsible for making sure that each meeting is planned effectively, conducted according to the constitution and that matters are dealt with in an orderly, efficient manner.

Before each meeting, the Chair will:

- review the draft minutes of the previous meeting
- work with (insert PCBU) representatives to ensure that tasks / action items from the previous meetings are completed or on track for completion, and
- settle the agenda for each meeting, in consultation with (insert PCBU) representatives and Secretary, after calling for agenda items from HSC members.

At the meeting, the Chair will:

- open the meeting
- check whether there is a quorum
- note the apologies
- invite members to comment on any corrections to the minutes (previously circulated) and, once agreed by the meeting, endorse them as the final version of the minutes
- conduct the business of the meeting in order of the agenda paper, unless it is altered with the consent of the meeting
- confine discussion to the current agenda item, ensuring it is dealt with before passing on to the next item, and
- close the meeting when all matters are attended to.

In the Chair's absence, the Deputy Chair will assume the responsibilities of the Chair. In the absence of both, the meeting will choose a member to act as Chair for that meeting.

Secretariat

Before each meeting, the Secretariat will:

- ensure that all arrangements are made for the HSC meetings (book meeting rooms, set up teleconference and videoconference facilities for the meetings, etc.)
- provide the _____ representative and Chair, with any reports or other papers to be issued for review before distributing to the HSC members
- at least one week before the meeting (and after the agenda is settled), distribute to all HSC members a copy of:
 - a) the agenda for the meeting
 - b) any reports or papers to be considered at the meeting, and
 - c) the list of corrections requested to the draft minutes of the previous meeting.
- ensure appropriate records management of all meeting papers, and
- ensure a copy of all papers requested for the meeting are available and accessible at the meeting.

At the Committee meeting, the Secretariat will:

- record the names of all apologies and those present
- check with the Chair that a quorum is present before any business is done
- note any amendments to the draft Minutes of the previous meeting and the meeting's agreement of the Minutes
- take notes of the business of the meeting (discussion, decisions, action items) for the minutes
- assist the Chair with any information required, and
- record any action items and the dates they are due to be completed.

After the meeting, the Secretariat will:

- draft the Minutes and provide them to the Chair and (insert PCBU) representative(s) for review, prior to distribution, within one week of the meeting
- circulate the draft Minutes to HSC members seeking comments on proposed corrections, within two weeks of the meeting, and
- ensure that (insert PCBU) _____ distributes the draft Minutes to the workplace (intranet/notice boards etc) noting their 'Draft' status, within two weeks of the meeting.

All members

Members will:

- respect the views of others and will encourage other members to participate in discussions
- ensure that a speaker has a chance to complete what they want to say without interruption, and
- provide advance notice, wherever possible, of matters to be raised at the meeting by placing them on the agenda. This will ensure time allowed is adequate to discuss all items on the agenda.

PCBU name

Health and Safety Committee – Agenda

Meeting number:

Meeting to be held:

In:

Location

Attendees:

Apologies:

1. Welcome to Country or Acknowledgement of Country

Refer to advice provided by the National Indigenous Australians Agency

2. Attendees and apologies

3. Conflicts of interest

4. Agree minutes of previous meeting

Circulated for comment prior to meeting

5. Progress updates from:

- Management update, PCBU representative(s)
- Worker representative(s) / health and safety representative(s)

6. Items for discussion

Items should be aligned to the agreed functions of the HSC.

7. Outstanding issues from previous meetings

- Refer to action items still to be completed

8. Other business

9. Meeting close and confirm date of next meeting

Next meeting: [Insert time, date and location]

PCBU name

Health and Safety Committee – Minutes

Meeting number:
Number

Meeting held (date):
Location

Attendees:

Apologies:

Key discussion points and outcomes:

- For each agenda item, provide a summary of the main points of discussion and outcomes

Action items:

Date	Agenda item	Action to be taken	Person responsible for action	Priority level	Timeframe	Date action completed

Minutes circulated to all workers and other relevant stakeholders.

- Notice board
- Lunchroom
- Toolbox talks
- Board meetings
- Emails
- Other

Appendix C

Examples of an issue resolution process

Example 1

Overview

A large building company (the Person Conducting a Business or Undertaking – PCBU), decides to introduce a new uniform policy for its workers. The policy includes the introduction of a requirement for workers to wear a broad-brimmed hat, sunglasses, and long-sleeved shirt at all times when working outdoors. Workers are issued with new long-sleeved shirts as part of the changes, and these are made from a heavy material.

WHS issue

Some workers, are upset as they do not feel they were consulted properly prior to the introduction of the new policy, and are concerned the new shirts could increase their risk of experiencing heat stress during summer. The workers raise their concerns with their health and safety representative (HSR), who then informs the PCBU.

The PCBU responds that they believe their consultation processes were adequate. They explain the new shirts were chosen because they offered better protection against solar ultraviolet radiation (UVR) exposure for outdoor workers.

After further discussion, the HSR and affected workers are unable to come to an agreement with the PCBU about how to address the matter. The HSR requests assistance from the relevant union, and one of the union officials agrees to attend the workplace to hear the concerns of the workers directly. At this meeting, the union representative suggests the issue resolution process would be the appropriate next step.

Issue resolution process

As the matter remains unresolved, the HSR, on behalf of the workers, notifies the PCBU (via email) that they wish to commence the formal issue resolution procedure and outlines the nature and scope of the issue they wish to discuss. The HSR also notifies the PCBU that they have asked a representative from the relevant union to participate in the process, to provide advice to the workers and assist discussions with the other parties.

The PCBU notifies the HSR they will be represented by the regional manager who supervises the workers who have raised the issue, as well as a senior manager from the Head Office. The Senior Manager has been chosen because she has the authority to make decisions on behalf of the PCBU, as well as a sufficient understanding of WHS laws and duties.

The PCBU has an agreed issues resolution process in place, so that is followed. All parties agree that the nature of the issue means it would be appropriate for the discussion(s) to take place through teleconference.

Following discussion between the parties, amendments to the uniform policy are agreed that allow for differences in the climate and conditions of the worker's location. This resolves the issue to the satisfaction of all parties. The parties undertake to review the agreed consultation procedures to ensure they support effective consultation with workers.

The HSR requests that the details of the issue and the resolution are set out in writing, and a copy is given to all parties involved, including the union representative.

Example 2

Overview

A small but busy restaurant in the heart of the city is housed in a former industrial building, and the owner, Jason (the PCBU), has designed its interior to embrace the 'warehouse' feel with unpainted walls, hard surfaces and exposed beams and pipes.

WHS issue

Carmen, a young worker from a non-English speaking background, has been employed as a waitress by the PCBU for close to 12 months. She is increasingly concerned about the long-term impact the noisy restaurant environment is having on her hearing. At the end of one of her shifts, she mentions her concerns to Jason, who says 'you get used to it after a while, it's really just part of the job'.

A few weeks later, during a staff meeting at which Jason is present, Carmen again voices her concerns about the noise level in the restaurant. Jason agrees it is a noisy venue, but explains it is part of the overall 'vibe' of the restaurant, and he doesn't think much can be done about it. He suggests she wear ear plugs during her shift to dampen the noise.

Carmen tries using ear plugs during a few shifts, but finds they are impractical as it makes it more difficult to take orders from customers.

Unsure what to do next, Carmen takes a look at the online guidance provided by the WHS regulator in her State. She reads a fact sheet on issue resolution and decides she would like to start such a process to try and resolve the matter.

Issue resolution process

Carmen calls Jason to let him know she would like to have further discussions about the noise level and would like to commence an issue resolution process. Jason agrees to come to the restaurant at the end of her next shift so they can discuss the issue.

A day before their meeting, Carmen is a bit nervous about the discussion and decides she would like her sister to accompany her. While Carmen's English-language skills are good, she finds she sometimes has trouble understanding more technical language, especially when she is feeling nervous. Her sister, who has been in Australia longer, will be able to help translate and provide general support. Carmen calls Jason to let him know her sister will be participating in the discussion.

As the PCBU does not have a written, agreed procedure for issue resolution, the parties follow the default procedure set out in the WHS Regulation.

At the meeting, Jason agrees to look into whether they could add some sort of treatment to several hard surfaces in the restaurant to dampen the noise. A few days later, Jason calls Carmen to let her know he has arranged for a company who specialise in acoustics to come and inspect the restaurant. They will be installing some acoustic panels the following week.

Jason undertakes to let the rest of the staff know what is happening at the next staff meeting so that they have an opportunity to provide feedback and ask questions too. Once the work is complete, Carmen and the other staff notice a significant difference in the noise level. When Carmen sees Jason during her next shift, she lets him know she is happy with the outcome and considers the issue resolved.

Example 3

Overview

Roy has recently taken ownership of a fruit and vegetable shop, which is located within a small shopping complex. The shop is located next to a health food store, owned and managed by Katrina. Staff from both businesses regularly access a shared service area that includes staff amenities, storage and rubbish bins. The service area is accessed via a wide walkway that runs at the back of both stores.

WHS issue

Over time, Roy notes the shared walkway is being used to store an increasing number of boxes and other supplies. He can tell from the contents of the boxes that they belong to the health food store next door. Roy is concerned about the hazard an obstructed walkway could pose to himself, his workers and others who use it. Satisfied the boxes are not posing an immediate risk to health and safety, Roy decides to speak with Katrina about his concerns.

The next day, Roy calls into the health food store to speak with Katrina. He shares his concerns about the storage of boxes in the walkway, and suggests they be moved to the storage cages allocated to the health food store as part of their tenancy agreement. Katrina says she thinks the walkway is wide enough to be used safely and notes she has stored boxes there without issue for the past 12 months. She tells Roy she has no choice as she has used all her available storage.

Roy speaks to Katrina again the following day, but they fail to resolve the matter.

Issue resolution process

Roy decides it would be appropriate to commence an issue resolution process at this point. He knows that to do this he must inform Katrina there is an issue to be resolved; he decides the best way to do this is to send her an email explaining what the issue is, and outlining his concerns. He suggests they meet 'on site' where they can view the walkway and storage boxes. He also informs Katrina he has asked the building owner to attend the meeting.

Katrina responds to Roy's email, agreeing to meet at the time he has suggested. They use the default issue resolution process set out in the WHS Regulation.

During the meeting, Roy is able to clearly demonstrate the hazard posed by having boxes stored in the walkway. Angela, the building owner, circulates copies of the shopping complex's WHS policy, which includes the requirement for access areas like walkways and stairs to be clear of obstructions at all times.

By the end of the discussion, Katrina accepts she must store the boxes elsewhere, and Angela agrees to look into whether additional storage can be provided for her to use. Roy wants a record of their discussion, so he summarises it in an email to Katrina and Angela, noting Katrina's agreement to clear the walkway. Both respond to Roy's email, acknowledging its accuracy.

Despite this, within a few months, Katrina and her staff start storing boxes in the walkway again. Roy is frustrated by this, as well as Angela's failure to ensure compliance with the requirement to keep the walkway clear of obstruction. Believing he has made reasonable efforts to resolve the issue, Roy decides to contact the WHS regulator and request the assistance of an inspector.