

Consultation Checklist

Attachment 1

Here is what a SafeWork NSW Inspector may look for, to see if you are meeting your duty to consult workers.

This list does not represent a comprehensive statement of the law in relation to your obligations as it applies to particular problems, individuals or as a substitute for legal advice.

You should consider your individual business needs when consulting with workers. For example, a heavy machinery plant will have different requirements to a pharmacy. You should also seek independent legal advice if you need assistance on the application of the law to your situation.

Can you demonstrate that:	Yes	Not sure	No
Workers are provided with adequate information on risks and hazards that may affect them, and how to manage these. <i>For example, supervisors check that workers understand safety information and instructions, and train workers if they need to.</i>			
Workers are provided opportunities to express their views on work health and safety issues that affect them. <i>For example, at staff meetings, toolbox talks, via health and safety representatives, surveys or suggestion boxes.</i>			
People who make decisions about how work is done consult all affected workers. <i>For example, managers consult workers in other business areas before making decisions about HR and recruitment processes, contracts, delivery schedules, relocations, refurbishments, or buying new information technology (IT) systems or plant.</i>			
Workers' views are considered when deciding the risks to work health and safety, and how to prevent harm. <i>For example, managers ask workers for their views, and ask them to participate in reviewing procedures and policies.</i>			
Workers are told about the outcomes of work health and safety consultations in a timely and appropriate way. <i>For example, via staff meeting or all-staff emails. This includes telling workers about critical work health and safety risks and how the organisation will manage them.</i>			
Workers know what they need to do to stay safe at work. <i>For example, they know how to report psychosocial and other work health and safety issues, and what to do in an emergency.</i>			
Workers feel safe to discuss work adjustments with a manager when personal issues are impacting their work. <i>For example, they feel able to ask for changed working hours so they can go to counselling appointments.</i>			

If you answered 'not sure' or 'no' to any item, take action now to address the issue.

What records can you show an inspector?

Written records can be useful to demonstrate how you have consulted. If you do not have these, an Inspector may ask workers and managers if and how you consulted them. The Inspector may ask what actions you took as a result of those consultations.

Make sure you can show how you consulted with any workers who are casual, on a temporary contract, working remotely, or on night shift.