



SERVICE STANDARD 7.1.8

WORK HEALTH AND SAFETY

CONSULTATION AND ISSUE RESOLUTION

ITEM	DESCRIPTION
Title	Work Health and Safety Consultation and Issue Resolution
Number	7.1.8
Version Number	Consultation Draft 1.0
SOPs	<ul style="list-style-type: none">➤ SOP 7.1.8-1 Workgroups➤ SOP 7.1.8-2 Health and Safety Representatives➤ SOP 7.1.8-3 Health and Safety Matters➤ SOP 7.1.8-4 Health and Safety Issue Resolution➤ SOP 7.1.8-5 Peak Work Health and Safety Committee
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1 Purpose

1.1 This service standard seeks to ensure effective health and safety consultation with all NSW Rural Fire Service (NSW RFS) workers (see definition 2.1 j), and compliance with the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* in relation to consultation, representation and participation.

2 Definitions

2.1 For the purpose of this service standard the following definitions apply:

- a. **Consultation:** a legal requirement under WHS laws and an essential part of managing health and safety risks. Part of consultation is the cooperation between the people who manage or control the work and those who carry out the work or who are affected by the work. It is a two-way process between people who manage or control the work and the workers.
- b. **Health and Safety Matter:** any concern regarding health and safety. A Health and Safety Matter may be raised by either the NSW RFS or its members or other workers, for discussion and resolution as necessary.

- c. **Health and Safety Issue:** any Health and Safety Matter that cannot be resolved by discussion between the NSW RFS and its members or other workers or their representatives, which then enters into a formal issue resolution process.
- d. **HSR:** a Health and Safety Representative, who plays a role in representing members of their workgroup and bringing health and safety matters to the attention of the NSW RFS, through the Peak Work Health and Safety Committee.
- e. **Peak Work Health and Safety Committee:** the highest level WHS Committee made up of representatives including HSRs, NSW RFS management and applicable worker associations with key functions including, but not limited to:
 - i. Facilitating co-operation between the NSW RFS and its members in instigating, developing and carrying out measures designed to ensure the health and safety of members or other workers while working for the NSW RFS;
 - ii. Assisting in developing standards, rules and procedures relating to health and safety;
 - iii. Considering Health and Safety Issues raised to its attention from other consultative committees or forums or by other PCBUs;
 - iv. Providing assistance in the consultation and communication of decisions relating to health and safety matters or issues.
- f. **PCBU:** a Person Conducting a Business or Undertaking as defined in Part 1 of the WHS Act 2011, and is the principal duty holder under the WHS Act. The NSW RFS is a PCBU.
- g. **Relevant Manager:** the supervisor or manager of a worker. The Relevant Manager is always a member of the staff of the NSW RFS. This person varies depending on the local organisational structure.
Examples include:
 - i. District Manager;
 - ii. Director;
 - iii. Business Unit Manager;
 - iv. Direct Supervisor; or
 - v. Regional Manager.
- h. **WHS Act:** *Work Health and Safety Act 2011* of New South Wales
- i. **WHS Regulation:** *Work Health and Safety Regulation 2011* of New South Wales
- j. **Worker:** any person who carries out work for the NSW RFS in any capacity, such as an employee, volunteer, cadet, contractor or subcontractor and their employees, a labour hire employee, an outworker, an apprentice or trainee or a student gaining work experience.
- k. **Workgroup:** a group of NSW RFS workers who share similar WHS concerns and conditions within the workplace.
- l. **Workplace:** is a place where work is carried out for the NSW RFS and includes any place where a worker goes, or is likely to be, while at work.

3 Policy

Responsibilities

- 3.1 The Commissioner has the responsibility to ensure that there is a consultation process to deal with risks to health and safety arising from NSW RFS activities so that these are eliminated where possible, or otherwise controlled so far as is reasonably practicable.
- 3.2 Executive Directors, Directors and Managers will support the Commissioner in discharging this duty within their area of responsibility using a risk management approach for the identification and control of all hazards within their area. This includes but is not limited to the budgeting and allocation of resources and the development of controls sufficient to mitigate risks to health and safety.

- 3.3 Managers will consult to take positive action to identify all hazards within their area of responsibility, and apply controls in line with policy and procedures to mitigate risks.
- 3.4 Any NSW RFS worker may raise a Health and Safety Matter and have such matters afforded due consideration. Health and Safety consultation does not replace the right and obligation of workers to follow their chain of command and raise Health and Safety Matters with their immediate supervisor.

Consultation

- 3.5 NSW RFS will consult with NSW RFS members and other workers when:
- a. Identifying hazards and assessing risks to health and safety;
 - b. Deciding ways to eliminate or minimise those risks;
 - c. Determining the adequacy of facilities for the welfare of workers;
 - d. Proposing changes which may affect the health or safety of workers;
 - e. Making decisions about the procedures for:
 - i. Consulting with workers;
 - ii. Resolving work Health and Safety Issues;
 - iii. Monitoring the workers' health;
 - iv. Monitoring conditions at any workplace under the management or control of the NSW RFS;
 - v. Providing information and training for workers; and
 - vi. Other activities as described under the regulations.
- 3.6 Health and Safety consultation with professional service providers will be via the manager responsible for engaging the service provider.
- 3.7 For Health and Safety Matters that cannot be resolved within the agreed consultative framework, NSW RFS will ensure there is an issue resolution process in line with the requirements of the WHS Act 2011 and WHS Regulation 2011.
- 3.8 Where contractors are engaged on a project, consultation will be via the arrangements established for that project.
- 3.9 Where contractors are engaged under labour hire arrangements, they will be covered by the health and safety consultation arrangements for the work in which they are placed.

Health and Safety Representatives

- 3.10 A HSR acts as the local mechanism for consultation on WHS matters as well as monitoring the implementation of the Health and Safety Management System in their area of responsibility.
- 3.11 HSRs will be established for defined workgroups as applicable. Defined workgroups are detailed in SOP 7.1.8-1 Workgroups.
- 3.12 A HSR serves as an identifiable point of contact for individual workers wishing to provide input about WHS matters within their workgroup.
- 3.13 The powers, functions and method of electing HSRs are detailed in SOP 7.1.8-2: Health and Safety Representatives.

Health and Safety Matters

- 3.14 Health and Safety Matters will be raised and, if necessary, resolved through the chain of command, e.g. within a Brigade or District.
- 3.15 Procedures are detailed in SOP 7.1.8-3 Health and Safety Matters.

Health and Safety Issue Resolution

- 3.16 Where a Health and Safety Matter is unable to be resolved at a local level the applicable HSR will forward the matter in the form of a Health and Safety Issue to the Peak Work Health and Safety Committee for consideration.
- 3.17 Procedures are detailed in SOP 7.1.8-4: Health and Safety Issue Resolution.

Peak Work Health and Safety Committee

- 3.18 Issues raised with other NSW RFS committees or workgroups are to be escalated to the Peak Work Health and Safety Committee.
- 3.19 The arrangements and functions of this Committee are detailed in SOP 7.1.8-5: Peak Work Health and Safety Committee.

4 Related documents

- > *Work Health and Safety Act 2011*
- > *Work Health and Safety Regulation 2011*
- > Code of Practice: Work Health and Safety Consultation, Co-operation and Co-ordination
- > Service Standard 1.4.1 Organisational Communication
- > NSW RFS Work Health and Safety Statement
- > P5.1.2 Acceptable Use of Information Communications and Technology (ICT)
- > Policy 3.1.1 Communications

5 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
[date]	1.0	<ul style="list-style-type: none">> Repeals SS 1.1.4 Health, Safety and Welfare Consultative Committees v3.0> Complete review to align with legislation and current organisational structure and processes

SOP 7.1.8-1

WORKGROUPS

1 Purpose

- 1.1 This SOP outlines the NSW RFS model for workgroups with reference of the requirements of the WHS Act and Regulation, within the NSW RFS.

2 Procedures

- 2.1 In accordance with section 50 of the *Work Health and Safety Act 2011*, a worker may request the election of a HSR to represent a group of workers (i.e. workgroup).
- 2.2 The NSW RFS will use existing NSW RFS structure to define a total of 49 workgroups.
- 2.3 The existing NSW RFS districts and the geographical boundaries of each of these districts will form the basis for 47 of the workgroups.
- 2.4 Due to the nature of work undertaken, two further workgroups will also be established, one for NSW RFS Headquarters and one for Glendenning.
- 2.5 The Glendenning workgroup will incorporate State Mitigation Services and Environment and Planning state-wide operations.
- 2.6 Each of the 49 workgroups across the NSW RFS will have the option of electing one Health and Safety Representative (HSR).
- 2.7 In accordance with SOP 7.1.8-2 Health and Safety Representative, the NSW RFS will facilitate the democratic election of a HSR for a workgroup on a request by a NSW RFS member within that workgroup.
- 2.8 Each HSR will represent all members, both staff and volunteers in their workgroup.

3 Related forms

- > None

SOP 7.1.8-2

HEALTH AND SAFETY REPRESENTATIVES (HSRs)

1 Purpose

- 1.1 This SOP outlines the process to be followed for the nomination and election of Health and Safety Representatives (HSRs), their powers and functions.

2 Procedures

Role of Health and Safety Representatives (HSRs)

- 2.1 A HSR represents workers on Health and Safety Matters through ongoing consultation between workers of a workgroup and the NSW RFS.
- 2.2 The term of office is three (3) years. A HSR can be re-elected, with no limit on the number of times they can be re-elected.
- 2.3 In order to undertake the responsibilities of the position, a HSR needs to have a good working relationship with relevant managers within their workgroup. Some suggestions for establishing and maintaining these relationships are as follows:
 - a. Regular verbal contact with relevant managers for the workgroup the HSR represents, to provide updates on health and safety matters;
 - b. Ensuring relevant managers are aware of health and safety issues that their HSR is dealing with; and
 - c. Establishing a regular (at least quarterly) formal reporting mechanism with relevant managers.

Powers and Functions of Health and Safety Representatives

- 2.4 The powers and functions of a HSR are limited to the workgroup they represent except where:
 - a. there is a serious risk to health or safety emanating from an immediate or imminent exposure to a hazard that affects or may affect a member of another workgroup; **or**
 - b. a member of another workgroup asks for the representative's assistance; **and** the HSR for that other workgroup is found, after reasonable inquiry, to be unavailable.
- 2.5 The powers and functions of a HSR for a workgroup are to:
 - a. Represent the workers in the workgroup in matters relating to work health and safety;
 - b. Monitor the measures taken by NSW RFS to comply with WHS legislation;
 - c. Investigate complaints from workers of the workgroup relating to health and safety; and
 - d. Inquire into anything that appears to be a risk to the health or safety of workers and others, arising from NSW RFS authorised activities.
- 2.6 In exercising a power, or performing a function, a HSR may (in accordance with section 68 of the WHS Act 2011):
 - a. Inspect the workplace or any part of the workplace at which a worker in his/her workgroup works:
 - i. At any time after giving reasonable notice to NSW RFS.
 - ii. At any time, without notice, in the event of an incident, or any situation involving a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.
 - b. Accompany a SafeWork NSW Inspector during an inspection of the workplace;
 - c. With the consent of a worker that the HSR represents, be present at an interview concerning work health and safety between the worker or group of workers and a SafeWork NSW Inspector, or NSW RFS;

- d. Request the establishment of a Health and Safety Committee;
 - e. Receive information concerning the health and safety of workers in the workgroup; and
 - f. Whenever necessary, request the assistance of any person.
- 2.7 In accordance with section 85 of the WHS Act (and subject to compliance with any requirements contained therein), a trained HSR (i.e. an HSR who has completed a SafeWork NSW approved course in accordance with clause 2.15 of this SOP) may direct a worker to cease work if they have a reasonable concern that the work would expose the worker to a serious risk to the worker's health or safety.
- 2.8 In accordance with section 90 of the WHS Act, a trained HSR (i.e. an HSR who has completed a SafeWork NSW approved course in accordance with 2.15 of this SOP) may issue a Provisional Improvement Notice (PIN). However a PIN can only be issued following consultation with the responsible person/manager regarding the health and safety matter or if the person is contravening the provision in the WHS Act.
- 2.9 A HSR is not entitled to have access to any personal or medical information concerning a worker without the worker's consent unless the information is in a form that:
- a. Does not identify the worker; and
 - b. Could not reasonably be expected to lead to the identification of the worker.

Resources for Health and Safety Representatives

- 2.10 In accordance with section 70 of the WHS Act, resources, facilities and assistance will be provided to the HSR that are reasonably necessary to undertake the duties of their role. The provision of resources may include:
- a. Stationery;
 - b. computer access (in accordance with NSW RFS policy P5.1.2 Acceptable Use of Information Communications and Technology (ICT));
 - c. mobile phone (for use in accordance with NSW RFS policy 3.1.1 Communications);
 - d. access to a photocopier;
 - e. filing cabinet (or something similar) to store WHS information;
 - f. reimbursement of travel expenses (as per government travel rates); and
 - g. use of NSW RFS vehicles (when available and approved).
- 2.11 Resources, facilities and assistance will be approved by the relevant regional manager or Director and costs associated will be attributed to the region or section.

Election and Removal of Health and Safety Representatives

- 2.12 NSW RFS will conduct nomination and elections for HSRs in accordance with legislation, and in a manner to ensure all members access, as provided in the NSW RFS Health and Safety Representative Guidelines.
- 2.13 A HSR ceases to hold office if the HSR:
- a. resigns as a HSR by giving written notice to the Health, Safety and Welfare section of the NSW RFS;
 - b. no longer works in the workgroup (e.g. transferred, or dismissed);
 - c. is disqualified from acting as a HSR (see clause 2.14);
 - d. is removed as the HSR by majority (half the number plus one) of the workgroup deciding that the person should no longer represent the workgroup.
- 2.14 Disqualification of a HSR by the Industrial Relations Commission may result from:
- a. using a power for an improper purpose; or
 - b. using or disclosing information other than as required in the role of HSR.

Training for Health and Safety Representatives

- 2.15 It is not mandatory for HSRs to be trained. However, HSRs are encouraged to undertake the initial five day HSR training course approved by SafeWork NSW to provide them with the skills and knowledge to perform their role effectively. A one-day refresher training course can be arranged after the initial training if requested or required.
- 2.16 A further one day training course must be attended by a HSR after election to ensure that their functions and powers are understood within the context of the business activities of the NSW RFS.
- 2.17 Any training as per clauses 2.15 and 2.16 of this SOP will be arranged by the Health, Safety and Welfare section of the NSW RFS and will be in accordance with the requirements as specified in the WHS Act and WHS Regulation.
- 2.18 Travel, accommodation and reasonable costs will be paid as necessary to undertake applicable training.

3 Related forms

- NSW RFS Health and Safety Issue Record
- NSW RFS Health and Safety Representative Guidelines

SOP 7.1.8-3

HEALTH AND SAFETY MATTERS

1 Purpose

- 1.1 This SOP outlines the process to be followed in consulting with NSW RFS members or other workers on matters that impact their health and safety.

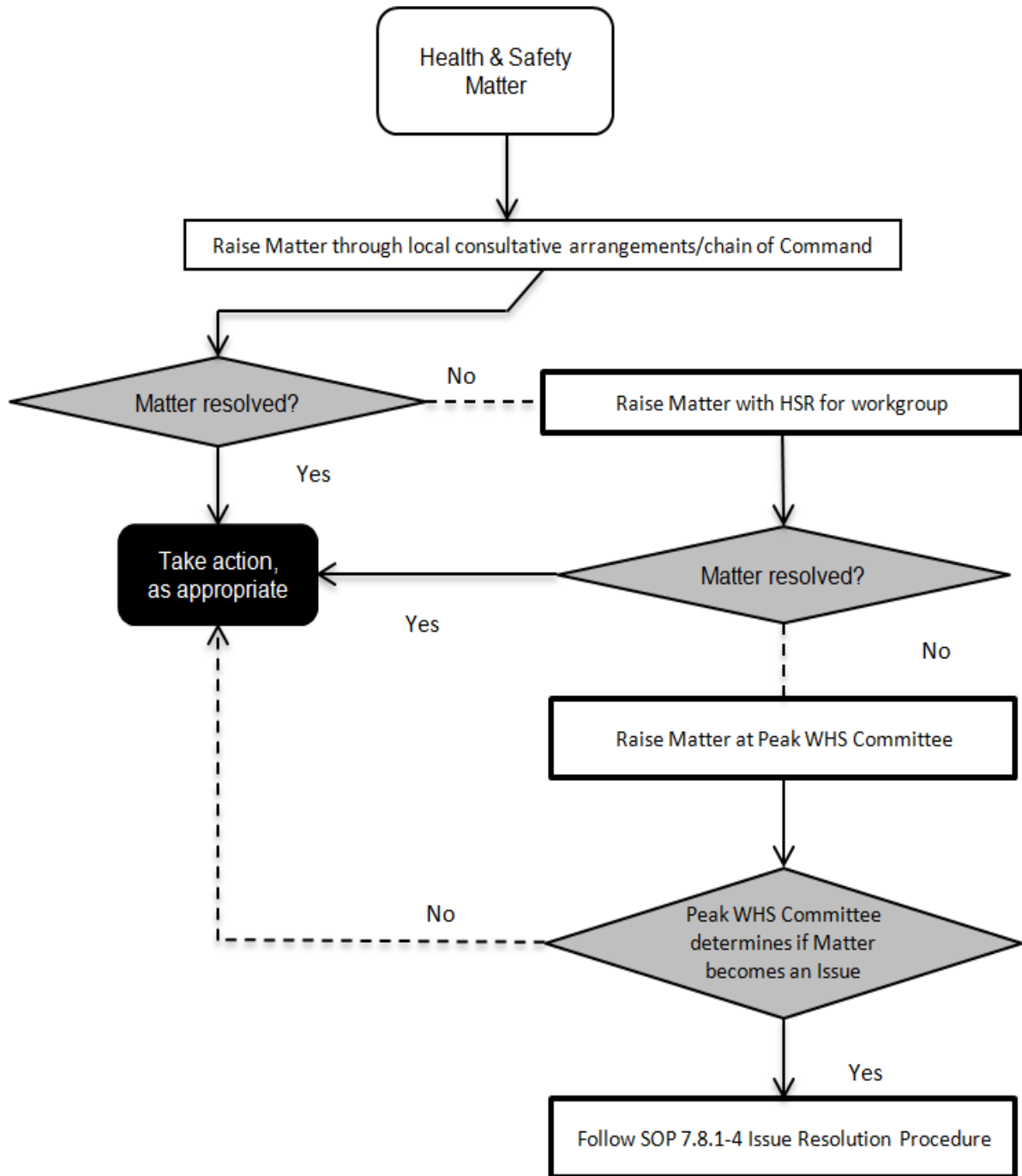
2 Procedures

- 2.1 NSW RFS has a tiered approach to consultation with workers in relation to health and safety. The structure and functioning of health and safety consultation mechanisms is set out as follows:
 - a. Peak Work Health and Safety Committee for the entire NSW RFS (SOP 7.8.1-5)
 - b. HSRs for designated workgroups (SOP 7.8.2- Health and Safety Representatives)
 - c. Local WHS consultation arrangements (e.g. Brigade Meetings, Section Meetings, Captains Meetings)
 - d. Consultation on the NSW RFS Health and Safety Management System (HSMS) is via the process set out in Service Standard 1.1.1 Management of Service Standards, Policies and Related Documents.
- 2.2 Health and safety is an agenda item at a number of consultative committees within NSW RFS, these include, but are not limited to, the Workplace Advisory Committee, Membership Services Consultative Committee, and Joint Consultative Committee.
- 2.3 NSW RFS members, other workers or their representatives and/or the relevant manager may request assistance in the consultation process from the Health, Safety and Welfare section.
- 2.4 Procedure for raising a Health and Safety Matter is shown in Figure 1.
- 2.5 NSW RFS uses the Australasian Inter-Service Incident Management System (AIIMS) for the management of all incidents, imminent or actual, occurring in the natural or built environment; or for the many other activities that emergency management agencies, and those that support them may have to deal with. Consultation in these instances follows AIIMS.

3 Related forms

- > None

FIGURE 1: Raising a Health and Safety Matter



SOP 7.1.8-4

HEALTH AND SAFETY ISSUE RESOLUTION

1 Purpose

- 1.1 This SOP outlines the process to be followed in consulting with NSW RFS workers on those matters which have been forwarded to the Peak Work Health and Safety Committee and determined to be treated as an issue.

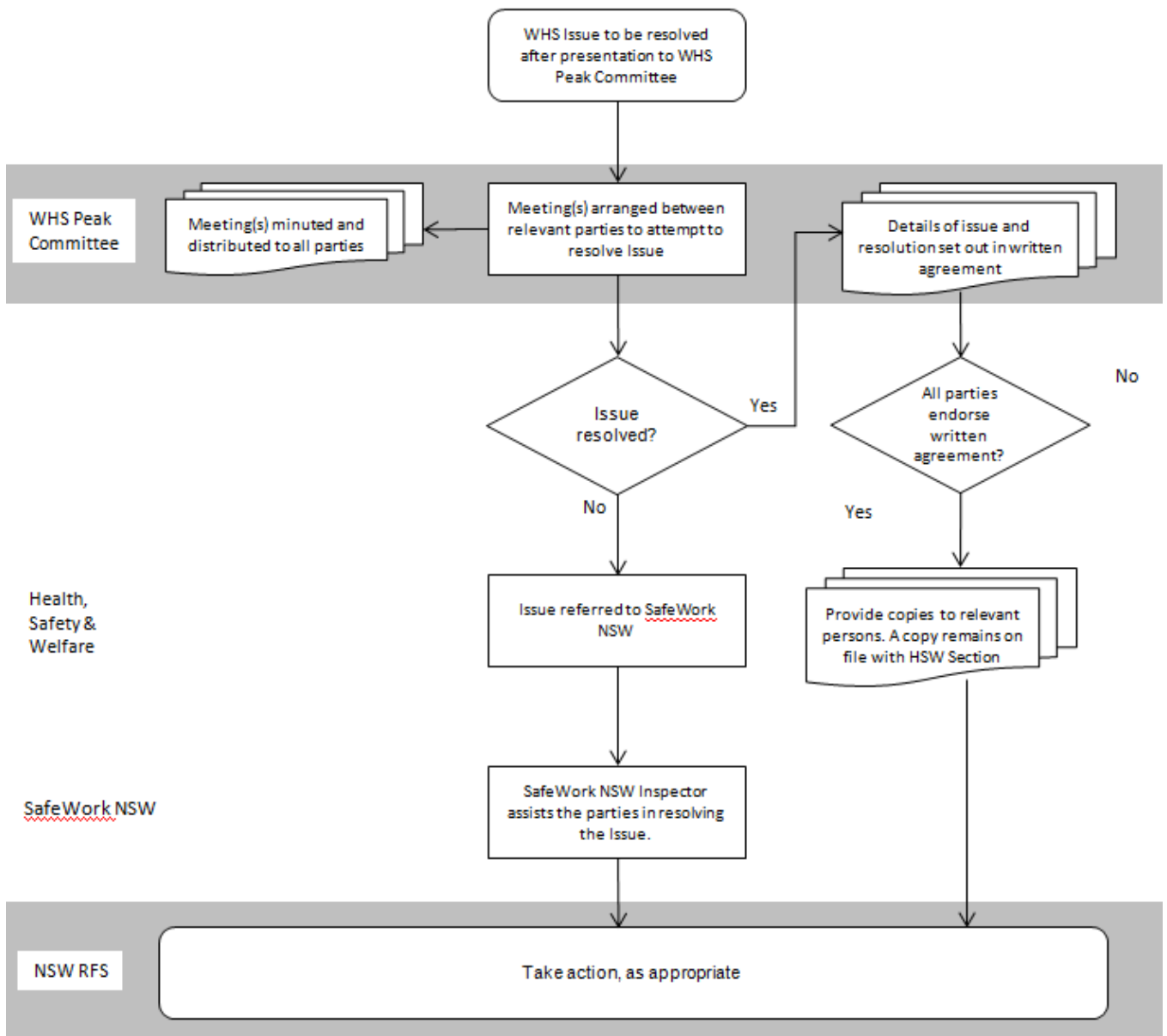
2 Procedures

- 2.1 The resolution procedure will include the minimum requirements under the WHS Act and Regulation.
- 2.2 The Peak Work Health and Safety Committee will ensure that relevant parties to the issue will be involved in resolving the issue. The Peak Work Health and Safety Committee remains the coordinator of the issue resolution process until it is finalised.
- 2.3 A representative of a party (e.g. a worker association) may, if requested by the party, enter the workplace to attend discussions with a view to resolving the issue.
- 2.4 The parties must make reasonable efforts to achieve a timely, final and effective resolution of the issue.
- 2.5 In attempting to resolve the issue, the procedure requires the parties to have regard to relevant matters, including:
 - a. The degree and immediacy of the risk to workers or other persons;
 - 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; and
 - d. Who will be responsible for implementing the resolution measures.
- 2.6 When the issue is resolved, details of the issue and the resolution must be set out in a written agreement, if any party to the issue requests this.
- 2.7 If reasonable efforts have been made to resolve an issue and it remains unresolved, any party to the issue may ask the regulator SafeWork NSW to appoint a SafeWork NSW inspector to assist at the workplace. There does not have to be agreement about whether reasonable efforts have been made to resolve the issue in order for an inspector to be requested. As long as one party considers that reasonable efforts have been made, an inspector may be requested.
- 2.8 The SafeWork NSW inspector's role is to assist in resolving the issue. An inspector could exercise any of their compliance powers under the WHS Act, including providing advice, investigating contraventions or issuing an improvement notice.
- 2.9 At any time during the process or if a request to the regulator is made, a worker is still entitled to exercise their right to cease work, or a trained HSR can issue a Provisional Improvement Notice (PIN) or a direction to cease work.
- 2.10 Procedure for raising a Health and Safety Issue is shown in Figure 2.

3 Related forms

- NSW RFS Health and Safety Issue Record

FIGURE 2: Health and Safety Issue Resolution



SOP 7.1.8-5

PEAK WORK HEALTH AND SAFETY COMMITTEE

1 Purpose

- 1.1 This SOP outlines the process to be followed in consulting with NSW RFS workers and the establishment of the Peak Work Health and Safety Committee.

2 Procedures

- 2.1 Terms of reference will be developed and agreed with regard to the establishment of the Peak Work Health and Safety Committee giving due consideration to WHS legislative requirements and the applicable Code of Practice.
- 2.2 Membership of the Peak Work Health and Safety Committee will be made up of HSRs (the number applicable to the size of the committee), management representatives, and applicable worker association representatives, with at least half of the committee being workers who are not nominated by NSW RFS management.
- 2.3 The Peak Work Health and Safety Committee must meet at least every three (3) months or at the request of at least half of the committee members.
- 2.4 The Peak Work Health and Safety Committee is the forum for consultation on the management of health and safety across the NSW RFS. It should be included as a major stakeholder in the development, implementation and review of the policies and procedures associated with the NSW RFS's Health and Safety Management System.
- 2.5 The Peak Work Health and Safety Committee will facilitate the resolution of health and safety issues.
- 2.6 The Peak Work Health and Safety Committee will have its purpose, objectives, roles and responsibilities specific to the NSW RFS described in the committee's Terms of Reference.

3 Related forms

- > None