

HOW TO CONSULT WITH WORKERS EFFECTIVELY

An industry perspective



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Work Health and Safety Professional



Today's discussion

Meet the team

What is consultation?

The power of effective consultation

The effect of consultation on WHS

When is consultation required?

What does good consultation look like?

Common consultation strategies within businesses

The role of HSRs

Legislation – keeping up to date

Support services and resources

Final tips & takeaways



Meet the team



James – Health and
Safety Representative



Barry – Safety Professional



What is consultation?

- Consultation is a **collaborative** process between Persons Conducting a Business or Undertaking (PCBUs), workers and worker representatives.
- It involves **engaging** in collaborative relationships to enable sharing information about health and safety.
- As a safety professional, consultation is an avenue of **confirming** what we are doing is having a positive impact for the health and safety of workers.
- Consultation is a **legal requirement** and an essential part of managing work health and safety risks.



Work health and safety consultation, cooperation and coordination

Code of Practice

2021



What does consultation mean to me?

Team perspectives





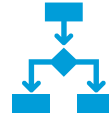
A consultative approach leads to **active participation** from workers, resulting in an **engaged, committed and capable team**.



Having a **two-way communication** with your workers lets you gain **first-hand knowledge and experience** that will help make your business safer and healthier.



Workplaces are safer when **everyone involved in work communicates** with each other to identify hazards and risks, talk about WHS concerns and **work together to find solutions**.



Allows for **multiple perspectives** (and generation of solutions) for WHS issues which ultimately results in **alignment**.



Workers who feel **engaged in the process** of managing WHS risk are more likely to **comply with and actively adopt safe work practices**.



Worker input and participation improves decision-making about WHS matters and assists in **reducing work-related injuries and diseases**.



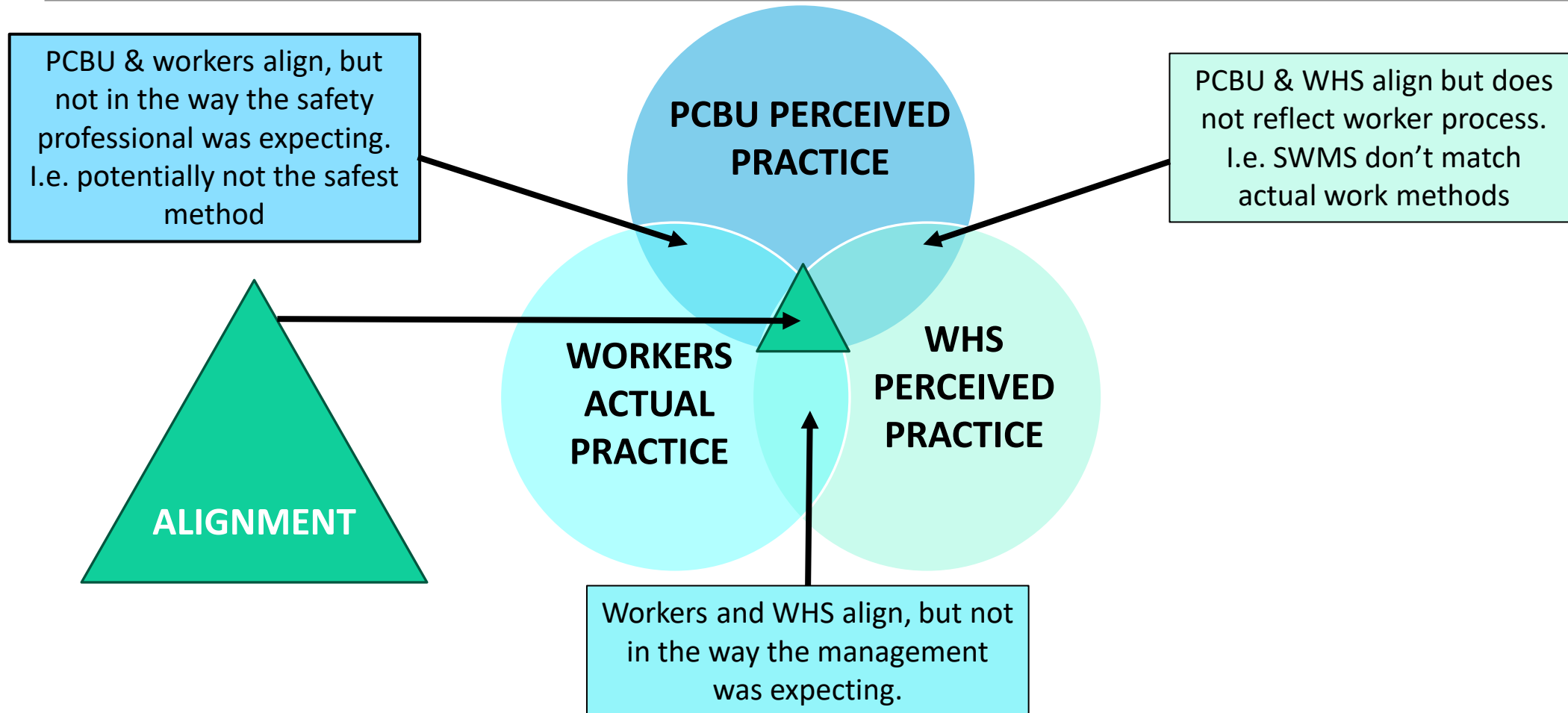
Under the WHS Act 2011, as an employer or PCBU, **you must consult with workers** who are likely to be directly affected by a WHS issues at your workplace.

The power of effective consultation

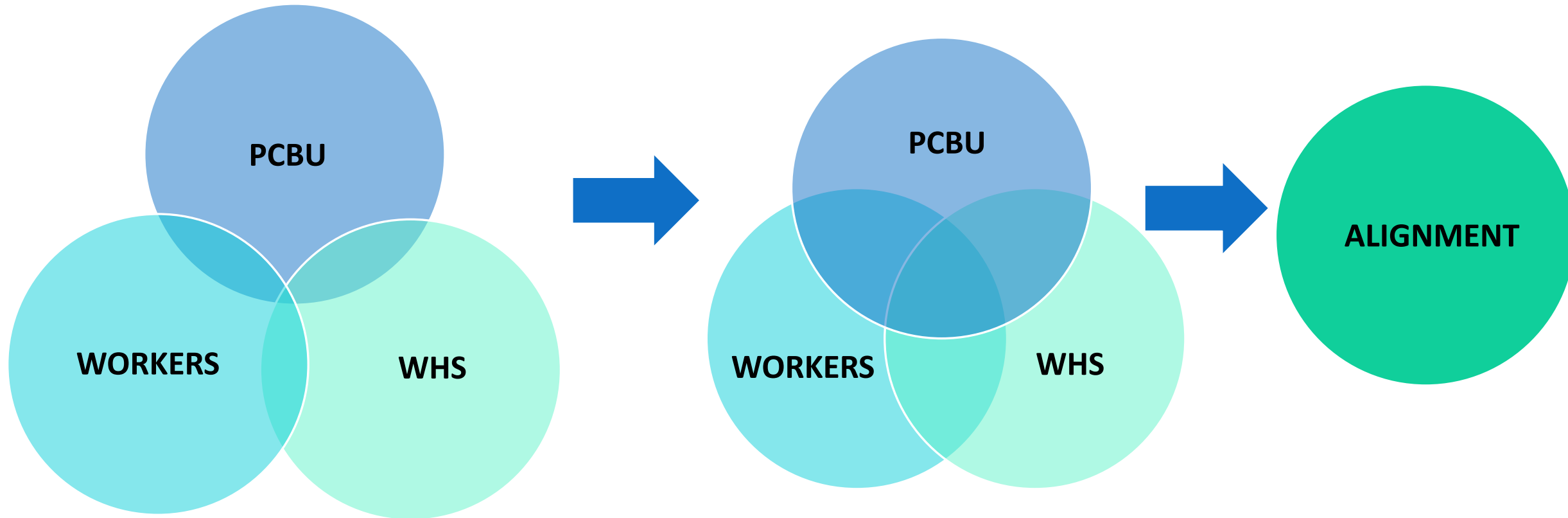
The effect of consultation on WHS

Can be applied to:

- Processes
- Problems



When we apply effective worker consultation.....





During hazard identification and risk assessment processes for the work carried out or to be carried out by the business or undertaking



During decision making about ways to eliminate or minimise WHS risks



During decision making about the adequacy of facilities for the welfare of workers



When proposing changes that may affect the WHS of workers

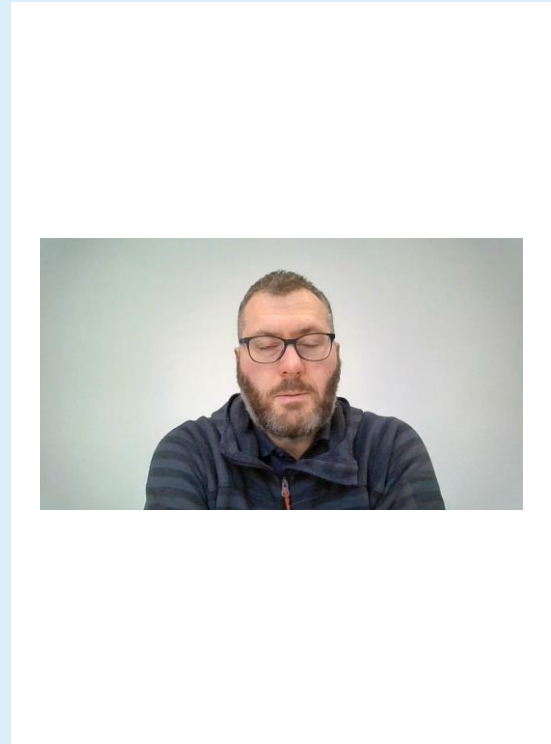


When consulting, resolving WHS issues, monitoring workers' health or condition of workplace, or the provision of information and training for workers



When carrying out any other activity prescribed under a regulation for this section

When is consultation required?



What does good
consultation look like?

What does good consultation look like?

- PCBUs give workers a reasonable opportunity to express their views, raise WHS issues and contribute to the decision-making process.
- Workers are consulted prior to making changes that could impact their WHS.
- There are regular, honest conversations between workers and duty holders about the consultation process and how it can be improved.
- There is a good representation of workers within the consultation process. I.e. across different shifts, diversity in age, language, literacy etc.
- Workers suggest and support timely improvements to their work environment.
- Consulted workers are advised the outcome of the consultation in a timely way.
- If there are multiple PCBUs within a work environment; there is consultation, co-operation, and co-ordination of WHS activities.



Common consultation strategies within businesses





Represent the WHS interests of their workgroup and raise their WHS concerns with the PCBU.



Give workers a voice in WHS matters at the workplace and involve workers through participation and consultation.



HSRs don't need to be professional safety officers or WHS experts. They do not manage WHS and are not a substitute for the PCBU hiring a safety officer.

The role of HSRs

Work Health and Safety and Other Legislation Amendment Act (WHSOLA) 2024

Changes in effect and upcoming (*indicative only, and subject to change*)

28 MARCH 2024

- [Prohibition on insurance for fines](#)
- Rail Safety National Law (Queensland) clarification

20 MAY 2024

- Worker representation and consultation
- Entry permit holders
- Regulator information sharing and disclosure of information
- Inspector powers
- Timeframe to request prosecutions
- Code of practice reviews
- Process to establish industry sector standing committees
- Name change of consultative committee

29 JULY 2024

- Election of health and safety representatives
- Power of health and safety representatives
- Health and safety representatives' choice of training provider
- Health and safety representatives' choice of training provider and new training timeframes
- Employer obligations to health and safety representatives
- Cease work notices
- Worker representation and consultation
- Establishing health and safety committees
- Accompanying entry permit holders on site

Building safer workplaces together

Work Health and Safety and Other Legislation Amendment Act 2024

Stay informed:

Keep updated with the changed provisions.

- Visit the [WorkSafe Qld website](#)
- Check out the [timeline of changes](#) (PDF, 348 KB)
- Download the [Stakeholder communication kit](#) (PDF, 5.65MB)

WHSOLA SUMMARY

Changes made by the *Work Health and Safety and Other Legislation Amendment Act 2024* (WHSOLA Act), are now in effect, and are designed to strengthen the role of HSRs. **Some** of the changes relating to HSRs include:

- allowing HSRs the ability to choose their own **training provider**
- clarifying who is eligible to **represent** workers and HSRs
- adding a requirement for PCBUs to inform **workers** about their right to **request the election of HSRs** and establish work groups
- making changes to the **timeframes** for HSRs to undergo **training**
- clarifying where a HSR must be notified of incidents
- clarifying the presence of a HSR when an inspector or entry permit holder (EPH) is on site
- clarifying the HSR's right to access requested information
- clarifying dispute resolution processes
- reducing timeframes for compliance with a provisional improvement notice (PIN) or requesting that the regulator appoint an inspector to review a PIN

HOW WHSOLA WORKS WITH THE WHS ACT

Example: Part 3, Division 3 Amendment 27 relates to S72 of the WHS ACT 2011

Division 3 Amendments commencing by proclamation

26 Amendment of s 71 (Exceptions from obligations under s 70(1))

27 Amendment of s 72 (Obligation to train health and safety representatives)

28 Amendment of s 75 (Health and safety committees)

Work Health and Safety Act 2011

72 Obligation to train health and safety representatives

- (1) The person conducting a business or undertaking must ensure, so far as is reasonably practicable, a health and safety representative for a work group for that business or undertaking has completed the training prescribed by regulation.

Maximum penalty—100 penalty units.

- (2) The person conducting a business or undertaking must—

(aa) allow a health and safety representative to choose the training; and

(a) allow a health and safety representative to attend the training; and

(b) pay the training fees and any other reasonable costs associated with the health and safety representative's attendance at the training.

Maximum penalty—100 penalty units.

27 Amendment of s 72 (Obligation to train health and safety representatives)

(1) Section 72(2), before paragraph (a)—
insert—

(aa) allow a health and safety representative to choose the training; and

(2) Section 72(2)(a), 'time off work'—
omit.

(3) Section 72(4)—
omit, insert—

WorkSafe.qld.gov.au

HSR direct

Free and confidential advisory service for elected and trained HSRs

Phone: 1300 633 419.

Email: whstraining@oir.qld.gov.au

Make a complaint about WHS or electrical safety issues

Free and confidential complaint lodgement about WHS or electrical safety issues.

Phone: 1300 362 128

Lodge a complaint online: <https://fswqap.worksafe.qld.gov.au/whsc/index>

Injury Prevention and Management (IPaM) program

Free advisory program helping Queensland businesses develop and implement sustainable WHS and injury management systems.

Web page: [Injury Prevention and Management program | WorkSafe.qld.gov.au](https://www.worksafe.qld.gov.au/injury-prevention-and-management-program)

Queensland Council of Unions – HSR Support Service

Free and confidential PCBU and worker representative support

Phone: (07) 3010 2555.

Web page: <https://hsrsupport.org.au/>

Email: info@hsrsupport.org.au



Resources

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety and Other Legislation Amendment Act 2024](#)
- [WorkSafe Qld | Work health and safety consultation cooperation and coordination Code of Practice 2021](#)
- [WorkSafe Qld | Worker Consultation, Representation and Participation Strategy 2024-2027](#)
- [WorkSafe Qld | Consultation, representation and participation homepage](#)
- [WorkSafe Qld | Work health and safety laws - Consultation, representation and participation](#)
- [Work Safe Qld | Work Health and Safety and Other Legislation Amendment Act 2024](#)
- [WorkSafe Qld | Safety fundamentals - Consultation](#)



Final tips & takeaways

As spoken by James and Barry

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