



Consultation and Communication

Effective Date:	August 2021
Last Reviewed:	August 2021
Next Review Date:	August 2026
Division/Department:	Corporate Performance
Responsible Officer:	Manager PS&P
HPE CM Record Number:	22/14826

1 Associated Policy

Work Health and Safety Policy.

2 Application

To facilitate meaningful consultation and communication across the organization.

Purpose

Consultation is a legal requirement and is an essential part of managing risks to health and safety. Effective consultation ensures that workers have the opportunity to contribute to decisions affecting their health and safety at work. By drawing upon the knowledge and experience of workers, more informed decisions can be made about how the work can be undertaken with reduced risk to health and safety. This procedure establishes the processes for sharing health and safety information with workers, visitors and members of the public.

Scope

Every person within Council, irrespective of position, has a responsibility to participate in the agreed consultation process with the objective of eliminating hazards or controlling risks to health and safety where elimination is not reasonably practicable.

All personnel are responsible for sharing health and safety related information and to use this information to make informed decisions regarding health and safety matters.

Overview

To underpin strategies for continuous improvement in WHS&IM.

3 Definitions

Term	Meaning
WHS&IM	Work Health Safety and Injury Management – Councils safety management system.
HS&IM Coordinator	Health Safety & Injury Management Coordinator responsible for these activities at Council

4 Relevant Legislation

WHS Act.

- Part 5, Section 46, Duty to consult other duty holders
- Part 5, Section 47, Duty to consult workers
- Part 5, Section 48, Nature of consultation
- Part 5, Section 49, When consultation is required
- Part 5, Section 50, Request for election of health and safety representative
- Part 5, Section 51, Determination of work groups
- Part 5, Section 61, Procedure for election of health and safety representatives
- Part 5, Section 68, Powers and functions of health and safety representatives
- Part 5, Section 70, General obligations of person conducting business or undertaking
- Part 5, Section 74, List of Health and Safety Representatives
- Part 5, Section 75, Health and Safety Committees
- Part 5, Section 76, Constitution of Committee
- Part 5, Section 77, Functions of Committee
- Part 5, Section 78, Meetings of Committee
- Part 5, Section 79, Duties of person conducting business or undertaking
- Part 5, Section 81, Resolution of health and safety issues
- Part 5, Section 82, Referral of issue to regulator for resolution by inspector

WHS Regulation.

- Chapter 2, Part 2.1, Clause 16, Negotiations for and determination of work groups
- Chapter 2, Part 2.1, Clause 18, procedures for election of health and safety representatives
- Chapter 2, Part 2.1, Clause 20, Removal of health and safety representatives
- Chapter 2, Part 2.1, Training for health and safety representatives
- Chapter 2, Part 2.2, Clause 22, Agreed procedure – minimum requirements

5 Procedure

5.1 Identify Items Requiring Consultation

Consultation will occur whenever changes or decisions are made that have the potential to impact on the health and safety of workers in accordance with the requirements of the NSW Work Health and Safety Legislation.

Consultation will occur in the following circumstances:

- a) During hazard identification, risk assessment and the development of risk control measures.
- b) When reviewing risk assessments and control measures.
- c) When developing or changing procedures for controlling and monitoring risks.
- d) When developing methodologies and procedures for the identification of hazards, assessment of risk, and the implementation of control measures.
- e) When designing or reviewing facilities and amenities provided for the welfare of workers.
- f) When assessing accountabilities and identifying training needs.
- g) When changes to premises, systems of work, methods of work, plant, equipment or substances are proposed.
- h) Where activities, processes or workplaces have potential to impact on work health and safety.
- i) When resolving health and safety issues.
- j) When developing procedures for and appointing medical practitioners for health surveillance.
- k) When changes to procedures for managing work health and safety are made.
- l) When changes to consultation arrangements are made.

All consultation includes consideration of relevant legal requirements when establishing communication processes see WHS&IM procedure [Legal Compliance](#).

What information will be communicated?

All relevant safety information that could negatively impact on workers or others health, safety & wellbeing will be communicated to relevant staff, contractors, visitors volunteers and other external bodies who may be affected. Additionally, general safety information such as audit reports, continuous improvement strategies, KPIs, contractor safety information and WC statistics will also be provided. This information may be communicated via Toolbox Talks, WHS Committee Minutes, email, contract documents, inductions and scheduled reporting to the WHS Committee and ELT. All information provided will include consideration of legal requirements.

When this information will be communicated.

All safety related information will be communicated as soon as is reasonably practicable and in the case of contract documents as part of the specification or at induction prior to commencing works.

5.2 Consultation Arrangements.

Consultation using the Work Health and Safety Committee [WHS Committee Constitution](#)

Where a WHS Committee is the desired consultation arrangement, Council shall consult workers on the structure and composition of the Committee, that is the workgroups to be represented and the number of representatives for each workgroup. Council will ensure consultation occurs and will provide the necessary physical, human and financial resources to ensure effective consultation.

The WHS Committee is the primary consultative mechanism at Council on matters concerning safety. All information relating to the scope and running of the Committee can be found in the WHS Committee Constitution.

WHS Committee Constitution documents the following:

- a) The operation of the Committee.
- b) The workgroups represented.
- c) The number of representatives from each workgroup.
- d) The number of management representatives
- e) The arrangements for and frequency of any meetings.
- f) Election process as well as the normal operating functions and powers of the Committee.

Sharing Consultation Arrangements with other Duty Holders.

Council engages contractors and labour-hire workers and recognises the shared duty of care and consultation duties with the businesses that provide them. Council shall consult with the relevant contracting or labour-hire firm at the time of engagement regarding shared consultation arrangements. Typically consultation arrangements with contractors and labour-hire workers shall consist of worker attendance at toolbox talks conducted by Council, or Council’s contract manager contributing to toolbox talks conducted by the contractor or labour-hire firm.

Consultation and Communication.

In addition to consultation through the WHS Committee, communication and consultation will occur via the following methods:

- a) WHS noticeboards.
- b) Distribution via email.
- c) Information available on HPE
- d) Toolbox talks and team meetings.
- e) Performance appraisals.
- f) Training and information sessions.

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- g) WHS newsletters and safety alerts.
- h) Information from the Executive Leadership Team (ELT)
- i) Health & Wellbeing Group minutes

Any Council employee or authorised person that does not have computer access to the electronic HPE System can gain access from their supervisor or the WHS Committee Representative. Hardcopy documents displayed on WHS noticeboards will contain as a minimum the documents listed below.

- a) WHS Policy.
- b) HS Committee members.
- c) HS Committee Minutes of the latest meeting (depots)
- d) SafeWork NSW poster – If You Get Injured at Work
<https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/workers-compensation-policies/lf-you-get-injured-at-work-poster.pdf>
- e) Employee Assistance Program (EAP).
- f) First Aid Officers.
- g) Resolving WHS Issues flowchart.

The presence and currency of these documents is checked during workplace inspections.

It is important that information regarding incidents and non-conformity is communicated to relevant workers, workers’ safety representatives and other relevant interested parties. This is achieved via Toolbox Talks, WHS Committee meetings/Minutes and staff training and information sessions including inductions.

All decisions made include consideration of the determination and removal of obstacles or barriers to effective consultation on safety matters. An emphasis for decision making procedures includes but is not limited to;

- determining the mechanisms for their consultation and participation;
- identifying hazards and assessing risks and opportunities;
- determining actions to eliminate hazards and reduce WHS risks;
- determining competence requirements, training needs, training and evaluating training;
- determining what needs to be communicated and how this will be done;
- determining control measures and their effective implementation and use;
- investigating incidents and nonconformities and determining corrective actions.

Consultation with Non-Managerial Workers.

In support of effective consultation Non-Managerial Workers will be consulted on;

- determining the needs and expectations of interested parties;
- establishing the WHS Policy;
- assigning organisational roles, responsibilities and authorities;
- determining how to fulfil legal requirements and other requirements;
- establishing WHS objectives and planning to achieve them;
- determining applicable controls for outsourcing, procurement and contractors;
- determining what needs to be monitored, measured and evaluated;
- planning, establishing, implementing and maintaining a safety audit program;
- ensuring continual improvement.

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Notice Boards

WHS noticeboards are provided at the following locations within Council;

WHS Noticeboards	
Administration Building (Redleaf)	Staff lunch room - ground floor
The Annex	Tea station top floor
Gallery	Ground floor lunchroom
Double Bay Library	Staff administration area top floor
Paddington Library	Staff area
Watsons Bay Library	In library
Alexandria Integrated Facility (AIF)	Near mechanics office ground floor
Fletcher Street Depot	On internal wall near entry to office
Quarry Street Depot	In staff lunchroom
Hugh Latimer Building – Child Care	General staff area
Hugh Latimer Building – Rangers	General staff area

Toolbox Talks

Toolbox talks involving WHS issues should be held on a regular basis to ensure that workers are kept up to date on current WHS issues and be given a forum to ask any questions they may have. When to hold toolbox talks is at the discretion of the supervisors and/or the manager, and the frequency that they are held may relate to a number of different issues. For instance, the nature of work and level of risk involved the size of the work group and the geographical separation or times worked by the workgroup.

The following is a list of times when toolbox talks should be carried out:

- a) Following an incident to ensure workers are aware of any short term corrective actions to control any hazards.
- b) Following a hazard report or risk assessment to ensure all workers are aware of any new hazards identified and/or controls defined.
- c) Following any changes to procedures, work instruction, work practices or work places which may impact on WHS, this may include but is not limited to the following:
 - Changes to plant or equipment i.e. new items, modification to existing plant.
 - Changes to hazardous chemicals i.e. purchasing new chemicals.
 - Changes to buildings or sites, including changes or amendments to evacuation provisions.
 - Any new activities, tasks or major changes to existing tasks undertaken which may impact on WHS.
- d) As part of the corrective action process to help ensure all workers are kept informed.

Toolbox Talks should be undertaken using the TBT form available on the WHS section of The Hub [Toolbox Talk Template \(21/201926\)](#)

Minuted Executive Leadership Team Meeting Notes

Minutes from ELT meetings relating to WHS issues will be accepted as toolbox talks as long as they include the date, time and location of the meeting, who was in attendance, WHS issues discussed and resolutions decided upon.

Other arrangements

Where employees request other consultation arrangements be made, the Manager PS&P will table the proposed changes to consultation arrangements at the WHS Committee. The WHS Committee and PS&P will further investigate the need for changes to consultation arrangements.

In addition to requests made by employees, management may establish committees to ensure effective consultation with key stakeholders. This includes the development of contractor safety groups or committees, public safety committees or project committees. Where additional committees are proposed, members of the WHS Committee may be approved to participate in the committee and if so will provide a mechanism for reporting information to the WHS Committee.

5.3 Management System

The WHS Committee will be consulted during the development of the WHS Policy and System procedures, tools and forms. Final review of documents will occur during the approval phase. Communication of WHS performance, including the results of audits, will be communicated to the WHS Committee, ELT and personnel in the area audited or affected.

Risk Management

Personnel will be consulted during the identification of hazards, assessment of risk and formulation of control measures. Consultation will extend to the development, review and amendment of Work instructions. Management will identify the workgroups affected by changes to risk control measures effectiveness, changes to Work Instructions and will consult with individuals to obtain feedback. Where not practicable to consult with all personnel, the WHS Committee will be utilised to consult with workgroups and provide feedback to management. Consultation will take place during the development of all WHS&IM procedures.

Design Control

During the concept and design process, consultation will take place with those who are required to construct, use, operate and maintain facilities. Designers of premises, workplaces, plant or equipment are to address any issues identified through the consultation processes.

Purchasing Goods & Services

Consultation will occur during the approval of any product considered to be high risk, or for chemicals, plant and equipment. Where contractors or labour-hire personnel are engaged, consultation arrangements will be formalised prior to the start of the contract or engagement. Consultation will occur through assessment of risk and development of controls associated with purchases.

Corrective Actions

Personnel affected by a non-conformance will be consulted during the development of corrective actions. Consultation will include the conduct of risk assessments and development of control measures, modification to work instruction and processes. Where it is not practicable to consult with all personnel, the WHS Committee will be utilised to assist in the development of corrective actions to address the cause of the non-conformance. Results will be communicated to those affected by the non-conformance and subsequent corrective actions by toolbox talks and team meetings.

Management Review

WHS reports prepared from time to time will be submitted to the WHS Committee for comment.

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Notifiable incidents

Incidents will be notified to SafeWork NSW and the Police where required, in accordance with Part 3 of the WHS Act – Incident Notification.

It is the responsibility of the Coordinator HS&IM to report all such incidents in consultation with the Manager PS&P.

Accountability and Training

During the annual performance appraisal process WHS will be raised as a discussion point with any issues recorded by the supervisor/manager and acted upon. WHS&IM training requirements are identified as part of the review.

5.4 Language and literacy

WHS consultation, information and communication will take place considering differences in language, learning modes, literacy and numeracy skills. This consideration will include the use of electronic systems and development of strategies required to overcome limited access to on-line systems.

Council will when requested, source interpreter services to translate System procedures, tools and forms. Managers are responsible for arranging interpreter services as required

5.5 External Communications

Council’s WHS Policy and significant system documents will be available on the internet for public view. Council exchanges WHS information with external parties including:

- Other Councils
- Police and Emergency Services
- Ratepayers and the public
- Service providers
- Other tiers of government
- Contractors
- Community groups and Volunteers
- SafeWork NSW, SIRA and ICare
- Industry groups.
- Insurance and legal representatives.

5.6 Media

Staff will not contact or make comment to the media on any issue unless explicitly approved to do so by the General Manager. Statements to the media or on their personal devices must comply with all requirements of Councils Media Policy.

5.7 Professional Conduct.

Staff are expected at all times to act in a professional manner when consulting or communicating information. All communication will reflect Councils values and meet the standards imposed by EEO and Bullying and Harassment and include step-by-step information required for people to understand:

- What must be done
- Why it must be done
- Who will do it
- When it is done
- How it is done, and
- Where it is done.

6 Flow Chart

There is no flow chart associated with this Procedure.

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7 Documentation/References

	HPECM Reference
Code of Practice Consultation, Cooperation and Coordination	SafeWork NSW
Worker Representation and Participation Guide	SafeWork NSW

8 Related Policies and Procedures

	HPECM Reference
WHS&IM procedure - Legal Compliance	See WHS section of The Hub
WHS&IM procedure - Management Responsibilities	See WHS section of The Hub
WHS&IM procedure - Records	See WHS section of The Hub
WHS&IM procedure - Health & Wellbeing Procedure	See WHS section of The Hub
WHS&IM procedure - Incident Reporting and hazard identification	See WHS section of The Hub
WHS&IM procedure - Inductions	See WHS section of The Hub
WHS&IM procedure - Purchasing Goods & Services	See WHS section of The Hub
WHS&IM procedure - Risk Management	See WHS section of The Hub
WHS&IM procedure - Training	See WHS section of The Hub
WHS&IM procedure - WHS Committee Constitution	See WHS section of The Hub
WHS&IM procedure - Workplace Inspections	See WHS section of The Hub
WHS&IM procedure - Auditing	See WHS section of The Hub
WHS&IM procedure - WHS&IM Reporting	See WHS section of The Hub
WHS&IM procedure - Injury Management & RTW Procedure	See WHS section of The Hub

Procedure Amendments

Date	Responsible Officer	Description
August	Manager PS&P	New procedure.
May 2022	HS&IM Coordinator	Updated legislation, changed font size and formatting changes
July 2022	HS&IM Coordinator	New structure & doc control
August 2022	HS&IM Coordinator	Responded to audit report
August 2022	HS&IM Coordinator	Responded to item 9, 5.4.2, item 10, 5.4.2, item 11, 5.4.2, item 28, 7.4.1.1, item 29, 7.4.1.1 & 7.4.3 of AS 45001 audit report.
Sept 2023	HS&IM Coordinator	Hyperlinked associated doc in the body of the text and at table 8.