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## WHS Committee and Health and Safety Representatives

### Purpose

This policy defines the purpose and functions of Sydney Living Museums' (SLM) WHS Committee and Health and Safety Representatives (HSRs): the two primary means through which workers are consulted about health and safety and risks are managed.

### Background

Under the NSW *Work Health and Safety Act 2011* (WHS Act) SLM has a duty to ensure the health and safety of its workers and other people and to effectively consult with workers and duty holders about health and safety matters.

SLM's primary mechanisms for WHS consultation are the WHS Committee and the HSRs which each constitute an effective and efficient arrangement for sharing and engaging with workers on work health and safety matters. The WHS Committee and HSRs are also central to SLM's management of health and safety risks. The rules relating to WHS Committees and HSRs are set out in the WHS Act and Regulation.

This policy has been developed through a consultation process with the WHS Committee, Team Management as well as key staff with specific responsibilities in building and facilities, gardens and exhibitions, programs and frontline customer service. It has also been endorsed by the Public Service Association Joint Consultative Committee (JCC). WorkCover NSW's Consultation, Cooperation and Coordination Code of Practice has also been considered in the drafting of this policy.

### Scope

This policy applies to all employees, contractors, students, volunteers, interns and visitors ('workers'), in particular Health and Safety Representatives and Members of the WHS Committee.

## POLICY

### 1. WHS Committee

SLM's primary method of consultation with workers is through the WHS Committee. The WHS Committee is a consultative committee that brings employee and management representatives from across SLM to identify, discuss and make recommendations about health and safety in SLM.

The following constitutes the WHS Committee Terms of Reference.

#### 1.1 Functions of the WHS Committee

The functions of the WHS Committee are as follows:

- Provide the primary point of worker consultation on matters which could affect the health and safety of workers and visitors, including proposed changes to the work environment, systems of work and equipment used;
- Assist in developing and reviewing WHS policies, procedures, standards and other processes;
- Assist in the preparation for external or internal audits, including action plan development and progress review;
- As an advisory committee alert management to and/or investigate any situation that a worker believes is unsafe, where the relevant manager has not, after being notified of the safety concern, successfully taken action to remedy or mitigate it;

- Schedule, monitor and review the site inspection process, through which each SLM property will be undergo a WHS assessment every 6 months (see the WHS Risk Management Policy for further information);
- Monitor trends in accidents/incidents and recommend actions to prevent or minimise recurrence;
- Promote WHS at SLM and recommend WHS training for staff;
- Assist in conducting inspections or investigations as part of a team following an incident or accident if requested by management or Work Cover; and
- Other functions may be undertaken by the WHS Committee providing there is agreement between the SLM and the Committee Members.

## **1.2 Membership**

There are 2 types of members of a WHS Committee: Employee Members who have been elected as an HSR by a work group and represent that work group; and Management Members who represent SLM Management. Management Members must not outnumber the Employee Members on the Committee.

The Committee consists of:

- The Employee Member(s) from each of the following work groups:
  - House Museums Portfolio x 2
  - City Portfolio
  - Macquarie Street Portfolio
  - Programs
  - Exhibitions
  - Horticulture
  - Venues
- Up to 4 Management Members that are nominated by the Executive and which must include:
  - the Head of Human Resources, and
  - a member of the Executive.

## **1.3 Qualifications**

All Committee members must complete a Work Cover accredited WHS Consultation training within 6 months of becoming members, if they have not already done so.

## **1.4 Frequency of Meetings**

The Committee meets every second month at a date and time that is agreed in advance.

A Committee Member may request that the Chair call an extraordinary meeting if he/she considers that a matter needs attention prior to the next scheduled meeting. The Chair may call an extraordinary meeting if he/she agrees that it is warranted in the circumstances.

SLM will allow Members reasonable time to attend meetings and complete their functions.

## **1.5 Quorum, Decisions and Apologies**

A quorum consists of at least 50% of the Members provided there is one Management Member present and that the number of Management Members present does not to exceed the number of Employee Members present.

Decisions are made by majority agreement of the Committee members present, providing a quorum is established.

Committee Members are to notify the Chair in advance if they are unable to attend a meeting, so that it can be determined if there will be a quorum and that their completed actions can be reported to the meeting. The Chair may cancel a meeting after waiting 10 minutes, if a quorum is not achieved. 'No shows' will be recorded on the minutes as 'Absences'.

An Employee Member who fails to attend 3 consecutive meetings without apology will be deemed to have resigned and a Management Representative who fails to attend 3 consecutive meetings without apology will be reported to the Executive by the Chair.

## **1.6 Chair**

The Chair is responsible for leadership of the Committee and for the efficient organisation and conduct of the Committee.

The Chair will be the WHS Coordinator, or, if the position is not filled, will be chosen from amongst the Employee Members by the Committee on an annual basis.

The Chair's responsibilities include:

- notifying Committee members of upcoming meetings and calling for agenda items 2 weeks prior to the meeting date;
- distributing the meeting agenda and any related documents 1 week prior to the meeting date;
- cancelling meetings if a quorum is not achieved;
- inviting any guests or visitors to the meeting;
- receiving any apologies prior to the meeting;
- guiding the meeting according to the agenda and time scheduled;
- ensuring each discussion point end with a decision or outcome and responsibilities are assigned for these decisions/outcomes;
- following-up on allocated tasks;
- ensuring Minutes are promptly posted to the SLM intranet after a meeting; and
- ensuring that a list of current Committee Members is posted on the intranet.

#### **1.7 Attendance of non-members**

The Chair may approve requests from non-members to attend the meeting to assist in achieving specific objectives and /or to increase their awareness of WHS matters, non-members cannot vote.

#### **1.8 Minutes**

The minutes may be taken by a Management Member or another SLM employee (i.e. non-member). The responsibilities include:

- recording minutes of all committee meetings to provide a record of those attending, any apologies, the issues discussed, outcomes/decisions agreed and person/s responsible for action and timeframes; and
- providing the minutes to the Chair within 1 week of the meeting.

#### **1.9 Resignations and replacement Members**

Resignations from the Committee are to be submitted to the Chair in writing and tabled at the next meeting. Employee Members will be replaced by an HSR from the same work group. Management Members will be chosen by the Executive Director in accordance with section 1.2.

#### **1.10 Changes to the WHS Committee & HSR Policy**

If a Committee Member proposes an amendment to this Policy, the Chair is to include the proposed change(s) as an agenda item that is distributed to all Committee Members prior to the meeting. An amendment to this Policy may be endorsed and recommended for approval by the Executive Director by majority agreement of the Committee members present, providing a quorum is established.

#### **1.11 Confidentiality**

Confidential information discussed or exchanged at committee meetings should not be discussed outside the meeting room. Committee Members should refrain from discussing incidents of injuries by the injured person's name.

## **2. Health and Safety Representatives (HSRs)**

HSRs are elected positions for representing workers in defined work groups. At least one HSR will be elected from each work group.

### **2.1 Becoming a HSR**

Election of HSRs will follow the process in the WHS Act (s.61). All work group members will be informed of nomination and election processes being held for HSRs. Workers can nominate and/or vote for HSRs in their work group only. All work group members are eligible to nominate for a HSR position.

Voting for HSRs is only required where more nominations are received than the available HSR positions at a work group.

## 2.2 HSR term of office

HSRs are elected for a 3 year term however this term ends if the HSR:

- resigns as a HSR, in writing, to the WHS Coordinator;
- ceases to be a worker in the work group;
- is disqualified by the Industrial Relations Commission under section 65 of the WHS Act; or
- is removed from their position by a majority of members of the work group.

## 2.3 HSR role and responsibilities

The role of a HSR is defined by the WHS Act and includes:

- regularly liaising with workers in the work group about WHS (e.g. discuss WHS at team or Portfolio meetings);
- representing the work group in relation to WHS (e.g. as an Employee Member on the WHS Committee);
- monitoring SLM's compliance with the WHS Act in relation to the work group they represent;
- investigating complaints from work group members relating to WHS, including following the SLM's 'WHS Issue Resolution' in the WHS Consultation Policy; and
- inquiring into anything that appears to be a WHS risk to the work group.

In order to complete this role a HSR may:

- inspect all or part of the workplace, after giving SLM reasonable notice, or immediately, if there has been an incident involving a serious WHS risk. This can include completing regular inspections of the workplace to identify WHS hazards and risks.
- accompany an inspector during an inspection of the workplace, including being present at interviews, with the consent of workers;
- represent work group members in relation to WHS matters, including being present at interviews with SLM, with the consent of involved workers;
- receive information about the health of workers from the work group. Where this information is of a personal or medical nature, the information must not allow identification of workers without their prior consent.

After completing an appropriate WorkCover accredited training course a HSR may:

- direct a work group member to cease unsafe work if the HSR has reasonable concern that workers will be exposed to serious health and safety risks. Consultation with SLM is required before the HSR directs unsafe work to cease, unless the risk is so serious and immediate that consultation is not reasonable. Consultation with SLM includes consulting the Manager for the work group. Where this occurs, the HSR must consult with the Manager as soon as possible.
- Issue a Provisional Improvement Notice (PIN) where the HSR believes the WHS Act has been or is being contravened. This should occur in accordance with the legislative requirements detailed in the WHS Act.
- The HSR must consult with SLM about the WHS issue or contravention prior to issuing any PIN, to ensure that SLM is aware of the concern. Again consultation with SLM includes consulting the Manager for the work group. The HSR cannot issue a PIN on any matter where an inspector is already involved.

## 2.4 SLM responsibilities to an HSR

Where a work group has elected a HSR SLM will:

- consult with the HSR about WHS matters affecting the work group;
- allow the HSR access to information about hazards or health and safety matters affecting the work group. Where this information is of a personal or medical nature, the information must not allow identification of workers without their prior consent;
- provide the HSR with resources, assistance and time to enable them to complete their functions;
- allow the HSR to attend approved training courses to complete their functions effectively. This includes paying for course costs and time to attend the training. The training should occur within 3 months of the formal request from the HSR;

- maintain a list of all HSRs and display it in the workplace or through the SLM's website so that all members of the work group can be aware of their HSRs and how to contact their HSRs;
- where there is a dispute about a WHS matter that cannot be resolved, the Issue Resolution process outlined in the WHS Consultation Policy will be applied by the involved parties.

### **Roles and responsibilities**

- Chair of the WHS Committee: see section 1.6
- Executive Director: Responsible for nominating the Management Members for the WHS Committee and approving the policy.
- Executive: As 'officers' under the WHS Act the Executive must ensure that SLM has appropriate processes to consider, respond to and mitigate WHS risks, and has processes for complying with WHS duties. This includes SLM's duty to consult, cooperate and coordinate with workers and other duty holders. The Executive are therefore responsible for overseeing the operation of the policy to ensure that the HSRs and WHS Committee continue to perform their roles as required. The Executive are also responsible for considering recommendations and reports that have been drafted or forwarded by the WHS Committee. One member of the Executive will be a Member of the WHS Committee.
- Health and Safety Representatives (HSRs): see section 2.3

### **Delegations**

- None.

### **Legislation**

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulation 2011](#)

### **Related policies**

- Disaster Preparedness Policy (in development), Property Disaster Preparedness Plans and Property Emergency Response Procedures
- Employee Tenancy Policy
- First Aid Officers: designated positions, training and allowances
- Injury Management and Return to Work Policy (in development)
- Privacy Management Plan
- WHS Consultation Policy
- Work Health & Safety Framework
- WHS Risk Management Policy (to be developed)

### **Other related documents**

- WHS & Injury Management Action Plan 2015-17
- Form - Report of Accident, Injury or Near Miss
- Form - Safety Observation
- Form – TMF Fire Safety Protocol & Fire Impairment Notification
- Procedure: Contractor Induction: Site Conditions and Safety, including Information Sheet, Checklist and notification templates.
- Procedure - Dealing with Unreasonable Behaviour
- Safe Work Australia National Code of Practice for Work Health and Safety Consultation, Cooperation and Coordination – December 2011
- SLM Visitor Care during Extreme Weather
- Work Cover Safe Work Procedures
- Standard operating Procedures for items, machinery etc
- Registers: e.g. Plant, Chemicals, property WHS risks and hazards
- WHS property inspection template
- SLM Staff induction
- SLM Program/Event risk assessment template

- SLM Risk Assessment for Employee Tenancies Form

### **Definitions**

- Defined in WHS Framework

### **Superseded documents**

This policy replaces:

- OHS Committee Terms of Reference – December 2011

### **Revision history**

<b>Version</b>	<b>Date issued</b>	<b>Notes</b>	<b>By</b>
1	29/07/2015	Consultation Policy Drafted	Policy and Compliance Officer

### **Review date**

This policy will be reviewed every three years. The next review date is 28/07/2018

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