

WorkSafe ACT

Work Safety Committees

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OVERVIEW

A Health and Safety Committee (HSC) is a useful forum for consultation on work health and safety issues. A committee enables PCBUs and worker representatives to meet regularly and work co-operatively to develop policies and procedures to improve work health and safety outcomes. As such, they are particularly useful for effective consultation in workplaces where there are several persons conducting businesses and undertakings.

ESTABLISHING A HSC

A PCBU must establish a HSC within two months after being requested to do so by a HSR or five or more workers at the workplace. However, a PCBU can also decide on their own initiative to establish a HSC for their workplace.

WHO SHOULD BE ON A HSC?

The membership of a HSC may be agreed between a PCBU and the workers at the workplace.

At least half of the members of the HSC must be workers who have not been nominated by the PCBU.

Unless they do not wish to participate, HSRs are automatically a member of the relevant HSC. If there is more than one HSR at the workplace, the HSRs may agree among themselves as to who will be on the HSC. They may agree to have more than one HSR join the HSC.

Representatives of the PCBU on the HSC should be persons involved at senior management levels in the organisation who are able to make decisions about health and safety.

Representatives of the PCBU should be drawn from senior managers, managers, supervisors, safety officers, technical experts and personnel officers. This ensures that the committee is provided with the necessary level of decision making, knowledge and expertise regarding company policy, production needs and technical matters concerning premises, processes, plant, machinery and equipment, and systems of work.

Where specialist health and safety personnel are not members of the committee, the HSC may consider co-opting them in an advisory capacity.

WHAT HAPPENS IF WE CAN'T AGREE TO ESTABLISH A HSC?

If workers and a PCBU cannot agree on the constitution of a HSC within a reasonable time, any party may ask the regulator to appoint an inspector to decide the matter.

The inspector can decide the constitution of the HSC or that the committee should not be established. Before making this decision, the inspector should have regard to the high priority the WHS Act places upon consultation and representation.

The inspector's decision is taken to be an agreement between the workers and the PCBU. However, if an affected worker, a PCBU or HSR does not agree with the inspector's decision, they can request the regulator to review the decision.

HSC FUNCTIONS

The functions HSCs can perform are broad. HSCs can consider the management of health and safety across the whole workforce. In this way, the activities of the HSC can complement the role of the HSRs, whose powers are usually limited to issues affecting their particular work group.

HSC functions include:

- facilitating co-operation between the PCBU and workers to instigate, develop and carry out measures to secure the work health and safety of workers
- assisting in developing health and safety standards, rules and procedures that will be followed or complied with at the workplace
- other functions agreed by the PCBU and members of the HSC. For example, a HSC can be involved with:
 - the formulation of agreed procedures, such as issue resolution procedures and the committee's own procedures
 - analysing reports of hazards, work-related incidents and statistical trends, so that reports can be made to management
 - making recommendations for corrective action
 - examining health and safety audit or monitoring reports
 - considering reports and information provided by inspectors
 - considering reports that HSRs may wish to submit
 - developing procedures for selecting new plant for the workplace
 - assistance in the development of safe working procedures
 - linking with workers' compensation and return to work programs the selection of consultants.

HOW OFTEN MUST A HSC MEET?

HSCs must meet at least once every three months and also at any reasonable time when at least half of the HSC members makes a request.

The HSC members may decide to meet more than once every three months. Members may want consider

the following issues when deciding how often the committee should meet:

- the expected volume of work to be handled by the HSC
- the size and location of the workplace
- the number of workers and composition of the workers at the workplace
- the nature of the work being carried out
- the nature of the hazards at the workplace.

Reasonable time should be allowed during each meeting to ensure discussion of all business. Importantly, the PCBU should ensure that work arrangements are such that all worker members of the HSC are able to attend during paid time.

SHOULD A PCBU ALLOW HSC MEMBERS TO ATTEND HSC MEETINGS AND CARRY OUT THEIR FUNCTIONS?

Yes.

PCBUs must allow each member of the HSC to spend the time that is reasonably necessary to attend HSC meetings or to carry out functions as a member of the HSC.

There may be times when a HSC is busier than usual and will require more time to carry out the functions of a HSC. For example, when an organisation merges with another, the committee may require time to revise health and safety standards, rules and procedures.

SHOULD HSC MEMBERS BE PAID AS NORMAL WHEN THEY PERFORM THEIR FUNCTIONS?

Yes.

Any time that a member of a HSC spends attending committee meetings or carrying out HSC functions must be with the same pay that they are entitled to if they were to perform their normal duties during that period.

WHAT INFORMATION CAN A HSC MEMBER ACCESS?

The PCBU must allow the HSC to access any information they have relating to:

- hazards (including associated risks) at the workplace
- the work health and safety of the workers at the workplace.

However, the PCBU must not allow the HSC to have access to any personal or medical information concerning a worker without their consent, unless the information:

- does not identify the worker
- could not reasonably be expected to lead to the identification of the worker.

CAN A HSC DETERMINE ITS OWN PROCEDURES?

A HSC may choose to determine its own procedures for organising and conducting meetings.

It is recommended that the dates of the meetings be arranged well in advance, even to the extent of planning a program six months or a year ahead. In these circumstances, all members of the committee and all HSRs and deputies in the workplace (not all may be members of the HSC) should be given a personal copy of the program listing the dates of the meetings. Notices of the dates of meetings should also be published where all workers can see them.

HSC members should get a copy of the agenda and accompanying papers at least one week before each meeting. Every effort should be made to ensure scheduled meetings take place. Where postponement cannot be avoided, an agreed date for an alternative meeting should be made and announced as soon as possible.

The HSC may need to develop procedures and rules for the planning and conduct of meetings. Issues the committee should consider include:

- who will chair the meeting
- whether there will be a quorum for meetings
- who will take the notes or minutes of the meetings
- who will issue the notes or minutes
- who will draw up and issue the agenda
- how long items will remain on the agenda
- processes by which decisions will be made.

In certain workplaces, it might be useful for the HSC to appoint subcommittees to study and report on particular health and safety issues. The HSC should decide whether to record full and detailed minutes of meetings or simply to keep summary notes. Where notes are preferred to minutes, these should include details of decisions made, who is responsible for carrying out these decisions and the timetable for action.

A copy of agreed minutes or notes of each meeting should be supplied as soon as possible after the meeting to each member of the HSC and a copy sent to each HSR for the work groups covered by the committee. A copy of the minutes or notes should also be sent to the most senior executive responsible for work health and safety matters, and arrangements should be made to ensure that senior management is kept informed generally of the work of the committee. Copies of the notes or minutes should be displayed or made available by other means for the information of workers.

DOES MEMBERSHIP OF A HSC IMPOSE LEGAL DUTIES ON WORKER MEMBERS?

There are no additional duties imposed by the WHS Act on worker members (including HSRs) of the HSC, other than their duties as workers.

HOW LARGE SHOULD A HSC BE?

The overall aim, while keeping the size manageable, should be to ensure that the HSC is representative of the workplace. In large workplaces, a single committee may be too large or too small to adequately reflect the needs of the workplace. In these circumstances, it may be necessary to set up several committees with

communication links for co-ordination between them. Criteria that may be relevant when determining whether more than one committee needs to be established include:

- the size and complexity of the workplace
- the nature and degree of risk involved in the workplace
- the structure of the work group
- the optimum size of committees.

SHOULD SMALL WORKPLACES HAVE A HSC?

Although there is nothing to prevent a small business from establishing a HSC, such committees are more common to medium to large workplaces. Because large workplaces tend to involve more complex management structures, HSCs are often an effective means of co-ordinating a systematic approach to health and safety across the organisation.

However, small workplaces that do not have an HSC should nevertheless involve staff in developing policies and procedures and in periodically reviewing their effectiveness in line with the PCBU's duty to consult with workers on health and safety matters. In workplaces with HSRs, this must involve the HSR.

SHOULD A HSC BE USED FOR RESOLVING HEALTH AND SAFETY DISPUTES?

Health and safety dispute resolution is not an appropriate function for HSCs. Dispute resolution requires specific procedures and the nature of committees makes them unsuitable for resolving issues.

HOW CAN MANAGERS EFFECTIVELY SUPPORT HSCS?

The effectiveness of a HSC will depend on a number of factors. Significant among these will be the degree of co-operation the committee has been able to develop and the respect with which the workplace parties, especially the chief executive officer and management team, view the committee's work. The following activities could assist in maintaining the drive of a committee's work:

- regular meetings with effective publicity of the committee's discussions and recommendations
- speedy decisions by management on the HSC's recommendations and, where necessary and appropriate, prompt action with effective publicity
- mechanisms for ensuring all workers are informed about and support the committee
- setting priorities and monitoring results.

Good communication between the committee, management and workers will also contribute to the effectiveness of the HSC. For example, outcomes of the meetings might be placed on prominent notice boards and verbal briefings or emails organised by the HSRs to update workers. If appropriate, the committee will need to determine what languages are spoken in the workplace to ensure that information is provided in multilingual form where necessary.

In addition, there should be a genuine desire on the part of management to draw on the knowledge and experience of workers and to improve the standards of health and safety at the workplace.

Worker representatives and/or HSRs should be given time during work hours to prepare for and attend

committee meetings and for reporting the outcomes to other HSRs and workers in the workplace.