



# PARTICIPATING IN EFFECTIVE HEALTH AND SAFETY COMMITTEES

A guide for committee members



**Australian Government**

**Comcare**

## Disclaimer

This guide provides a basic and general overview of its subject matter only. It is not a substitute for independent legal or other professional advice and cannot be relied on as a comprehensive statement of the law relating to the *Work Health and Safety Act 2011* (Cth). Comcare recommends duty-holders obtain appropriate independent legal and/or other professional advice relevant to their particular needs and circumstances.

This guide should be read in conjunction with the relevant legislation as it is not a substitute for such legislation.

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ISBN 1 921160 14 4 hard copy

First Published July 1999

Second edition September 2001

Third edition March 2007

Fourth edition April 2008

Rewritten January 2012

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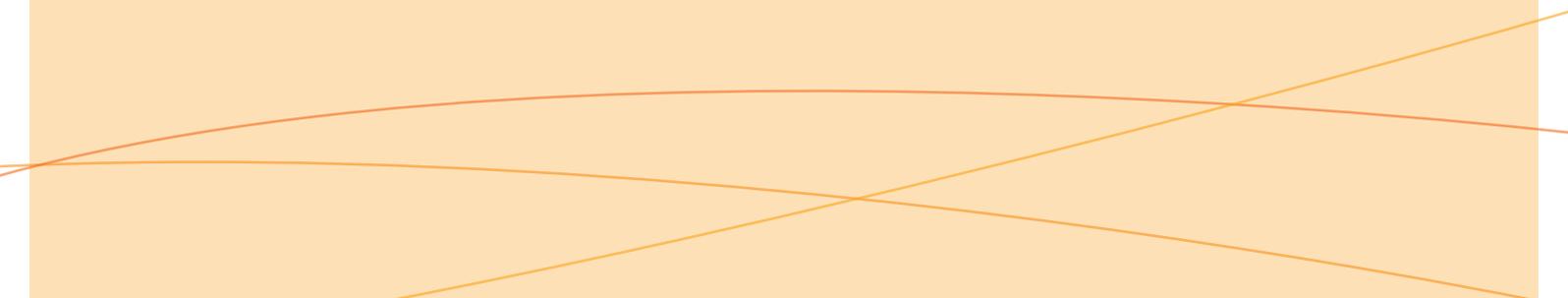
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# 4

## HEALTH AND SAFETY COMMITTEES

Under the *Work Health and Safety Act 2011* (WHS Act) a health and safety committee (HSC) brings together workers and management to assist in the development and review of health and safety policies and procedures for the workplace. Division 4 of Part 5 of the WHS Act, sections 75-79 deals with duties, obligations, constitution and functions of HSCs

### HOW IS A HEALTH AND SAFETY COMMITTEE ESTABLISHED?

Where a relevant Health and Safety Representative (HSR), or five or more workers, at a workplace request the creation of a HSC, the person conducting a business or undertaking (PCBU) at that workplace must establish a HSC within two months of the request.

A PCBU may establish a HSC at any time on their own initiative.

### HEALTH AND SAFETY COMMITTEES WILL USUALLY REPRESENT ONE WORKPLACE

A HSCs is established for workers who carry out work at one or more locations, or for those who do not have a fixed place of work.

### WHO CAN BE A HEALTH AND SAFETY COMMITTEE MEMBER?

To ensure worker representation, at least half of the members of a HSC must be workers of the PCBU—but not nominated by their PCBU. If there is one HSR at the workplace (a workplace may include a number of work locations), that HSR is automatically a member of the relevant HSC where one is in place (if they choose to be). If there is more than one HSR at a workplace, the WHS Act allows more than one HSR to be a member of an HSC. It is up to the HSRs (and not the PCBU) to determine who will fill the available positions. Alternatively, a HSR does not have to participate but they may find it beneficial to do so.

The PCBU and the workers at the workplace then agree on the remaining membership.

If the HSC is not agreed upon within a reasonable timeframe, either party can ask Comcare to appoint an inspector to decide on the make up of the HSC, or whether to establish it at all.

### FUNCTIONS OF A HEALTH AND SAFETY COMMITTEE

The functions of an HSC are:

- > to facilitate cooperation between the PCBU and workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work
- > to assist in developing standards, rules and/or procedures relating to health and safety to improve and ensure workers health and safety at the workplace
- > to comply with functions prescribed by regulations
- > to carry out any other functions agreed between the PCBU and the HSC.

HSC members are entitled to:

- > spend reasonably necessary paid work time attending meetings and carrying out their functions as committee members
- > have access to information that the PCBU has in relation to hazards, risk assessments and the health and safety of workers at the workplace.

The entitlement to access information in relation to health and safety of workers does not extend to personal or medical information of a worker unless the worker consents. However, consent is not required if the information does not identify the worker and could not reasonably be expected to identify the worker.

### MEETINGS OF HEALTH AND SAFETY COMMITTEE

A HSC must meet at least once every three months, and at any reasonable time at the request of at least half of its members.

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## THE ROLE OF HEALTH AND SAFETY COMMITTEE MEMBERS

While PCBUs are primarily responsible for ensuring the workplace is safe and healthy, you can play a key role in helping to achieve this outcome. As a HSC member you can help develop, implement and review policies and procedures in your workplace. You can also identify the need to update these policies and procedures, particularly when new hazards in the workplace become apparent.

PCBU representatives ideally include senior or line managers who have the authority to make decisions about improvements to health and safety and have a good knowledge of the organisation. Workers choose their members to represent workers interests on the HSC. They may be HSRs but are not required to be under the WHS Act.

As a HSC member, you should:

- > ensure you attend meetings—if you are not committed to the principle of health and safety do not become a member, because you will waste your time and others
- > actively participate in meetings
- > represent the views of workers
- > keep up-to-date with health and safety developments.

The WHS Act does not impose any specific obligations on a HSC member and a HSC member cannot be held liable in criminal or civil proceedings because of any acts, or omissions, done honest and reasonably, pursuant to their role as a HSC member.

## HSR'S AND THEIR LINK WITH HEALTH AND SAFETY COMMITTEES

The roles of the workplace HSC and the HSR differ but should complement each other.

To distinguish between their roles, HSCs tend to address broad organisational issues in accordance with their terms of reference. HSRs tend to concentrate their efforts on addressing more specific work group issues. If a HSC exists, all members, including HSRs, can examine the records of the HSC. Where HSRs are not members of the HSC, it is important that members of the HSC who represent PCBU interests communicate with HSRs to ensure they are aware of workplace issues affecting workers.

If there is no HSC, HSRs have the power to perform some of the duties of a HSC for the members of their respective work group, for example representing members of a work group in health and safety consultations with the PCBU and assisting the PCBU with the development and implementation of workplace health and safety standards and procedures.

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## ENSURING YOUR HEALTH AND SAFETY COMMITTEE IS EFFECTIVE

HSCs can lose effectiveness for several reasons. The impact of an ineffective HSC on the health and safety of a workplace can be significant. For example, issues of concern may not be dealt with, or adequately addressed. This puts workers safety in jeopardy. Some suggestions on how to make HSCs function more effectively.

### SENIOR MANAGEMENT REPRESENTATION

Have appropriate senior management representatives on your HSC, so that decisions can be approved and actioned without needing to refer them for further approval.

Approving decisions 'on-the-spot' encourages HSC members because they can see their recommendations immediately implemented. This gives a clear sign their work is helping to improve and protect health and safety in the workplace.

### FREQUENCY OF MEETINGS

A HSC must meet once every three months, but hold meetings as often as needed to deal with WHS issues as soon as possible.

### MEMBER COMMITMENT

All HSC members should understand and be firmly committed to the aims and objectives of the HSC. If a HSC member is disinterested or frequently misses meetings, discuss with the member why. If no remedy is found, the member can be asked to consider being replaced.

### HEALTH AND SAFETY COMMITTEE SIZE

Although largely driven by the size of a workplace, keep the membership of a HSC to a minimum. Six to 12 members is a good size. Larger HSCs will be less effective. Consider splitting up a large HSC into several smaller HSCs and ensure a hierarchy still exists to action decisions. You might consider sub-committees to address a specific task. This can mean a quick resolution to problems.

### MEMBER TRAINING

Sometimes members of the HSC will have had training in health and safety from their role as a WHS adviser/manager or as a HSR. Work Health and Safety training is not compulsory, but members must have information and skills to deal with issues in a proper manner. HSC members need enough training to feel comfortable in undertaking their role.

### INFORMATION DISSEMINATION

The flow of information between HSC members and workers should be regular and timely. This shows staff the organisation is improving health and safety by addressing problems, which encourages workers to take an interest in their own health and safety and that of their work colleagues. Distribute minutes of HSC meetings to all HSC members and make them available to staff. Arrange for feedback meetings with workers affected by HSC decisions.

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## EFFECTIVE MEETING PRACTICES

Effective HSCs have sound meeting practices and processes. Outlined below are some of these practices and processes.

### **Health and safety committee objectives:**

- > should be clear and concise
- > help to keep the HSC focused and on track.

### **Chairpersons need:**

- > good communication and negotiation skills
- > to be able to control the meeting
- > to ensure the HSC resolves all the issues raised
- > to keep the meeting to time
- > to ensure the minutes are formally recorded and made available to all staff.

### **Health and safety committee members need to:**

- > try and make their attendance at HSC meetings on time and a priority
- > ensure they comment on agenda items where they believe they can add to the discussion
- > actively participate in the business of the HSC
- > encourage open and frank discussion within the HSC to deal with the different interests and issues of members
- > nominate a proxy if unable to attend a meeting.



**An agenda should be:**

- > distributed to all members prior to the meeting
- > manageable in size—if it is too long, increase the number of meetings accordingly
- > focused on work health and safety issues.

**The minutes of the meetings should:**

- > be clear and concise
- > identify the issues raised and who has responsibility for follow up
- > ensure problems are resolved by a specified date.

**The venue should:**

- > be organised well in advance of meetings
- > have adequate space and seating
- > have the necessary equipment for the meeting.

**YOUR WHS COMMITTEE CONTACT DETAILS**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

Location: \_\_\_\_\_

Postal address: \_\_\_\_\_

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Phone number: \_\_\_\_\_

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Organisation: \_\_\_\_\_

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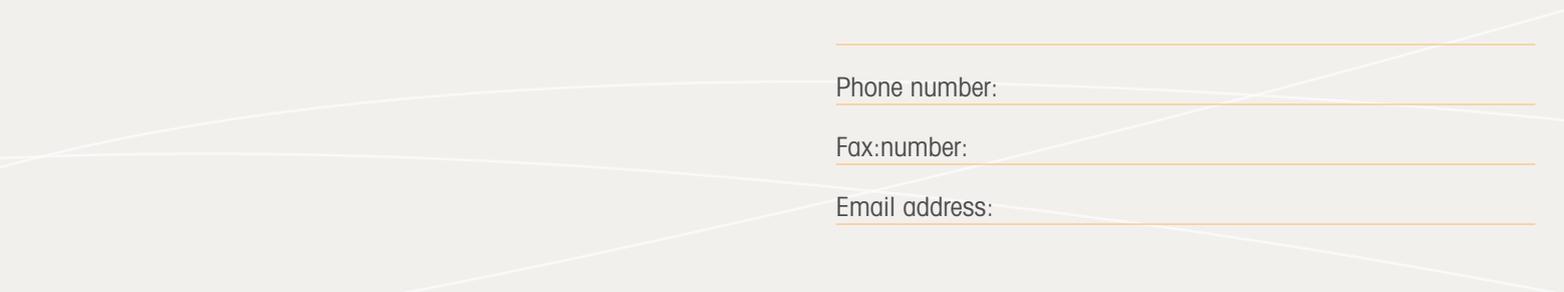
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WHS 050 August 2014

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