

WHS&W FORMAL CONSULTATION STRUCTURE

BACKGROUND

This Structure is put forward in line with the *Work Health and Safety Act 2011*, *WHS Regulation 2017*, and the *WHS Consultation, Coordination and Cooperation: Code of Practice 2022*.

Staff representatives have been provided with an opportunity to give input into the health and safety consultation framework at Western Sydney University.

The University encourages all workers to discuss health and safety matters directly with their supervisor in the first instance. Workers or supervisors may choose to escalate a health and safety matter using formal consultation arrangements.

1. WORK GROUP NEGOTIATIONS

- 1.1. Work group agreements may be renegotiated at any time, with the following triggers:
 - 1.1.1. Parties to the existing Work Group (WG) agreement (which includes WG members and management representatives) may request the Director, Work Health Safety and Wellbeing to negotiate a variation of the agreement; or
 - 1.1.2. Review of the agreement will commence every two years in readiness for consultation on structure and HSR elections every three years.
- 1.2. The Director, Work Health & Safety and Wellbeing, will commence negotiations with the employees and consult the management representative(s) within 14 days of being notified of such a request.
- 1.3. Any other management representative receiving such a request must immediately notify the Director WHS&W.
- 1.4. Notwithstanding the above, the University may initiate negotiations with employees to establish or vary WGs at any time.

2. WHO CAN NEGOTIATE ON BEHALF OF STAFF?

- 2.1. Employees may be represented in the negotiations by any person nominated by the staff.
- 2.2. Suitable representatives include the staff representatives on the local health and safety committee.

3. WHO CAN NEGOTIATE ON BEHALF OF THE UNIVERSITY?

- 3.1. The Director WHS&W is authorised to negotiate on behalf of the University in the establishment or variation of WG agreements.
- 3.2. If an impasse in negotiations occurs then either party involved can ask the regulator to appoint an inspector to assist negotiations (*Section 52-53 of the Work Health and Safety Act 2011*; further explained in the *WHS Consultation, Co-operation and Co-ordination: Code of Practice*, February 2022).

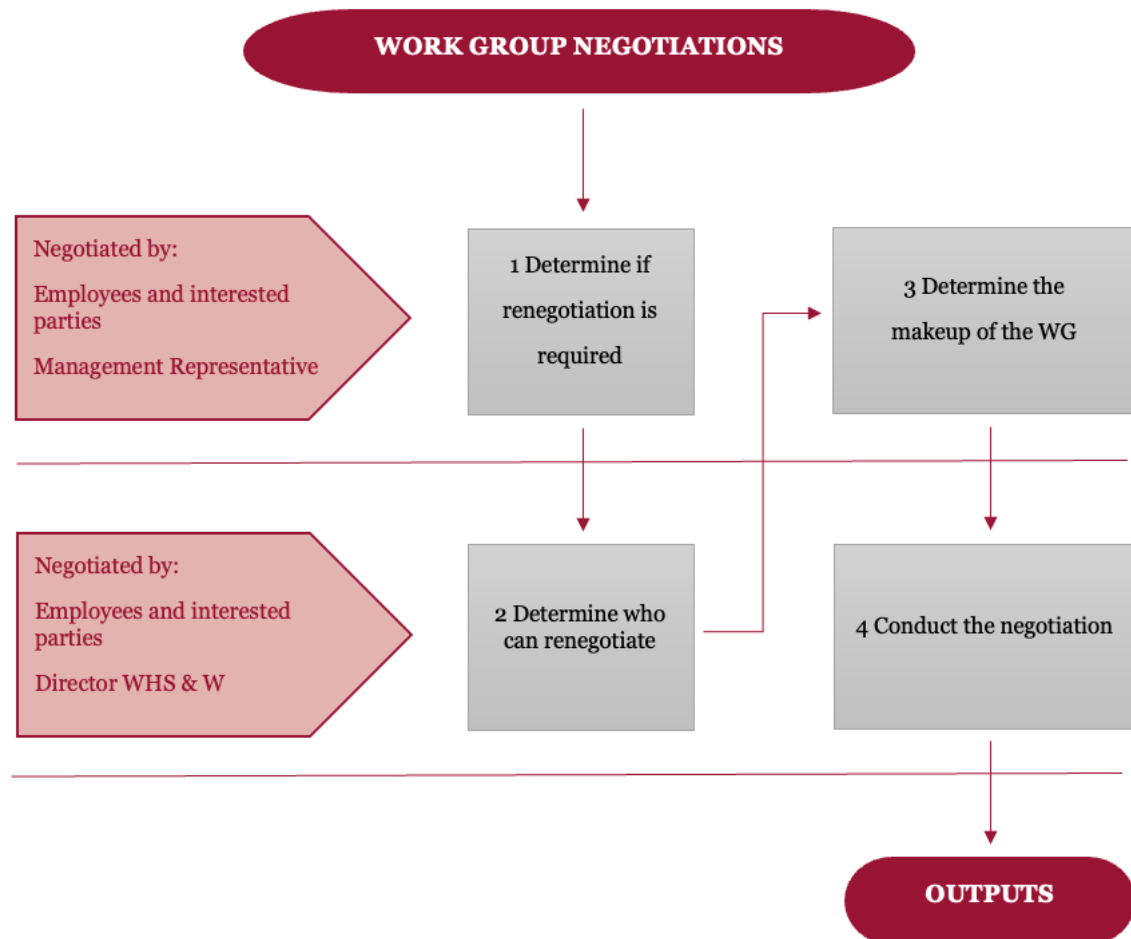
4. WHO APPROVES THE NEGOTIATION OUTCOME?

- 4.1. Employee Representatives and the Vice Chancellor or their delegated representative approve the negotiated outcome.

5. FLOW CHART REPRESENTING WORK GROUP NEGOTIATIONS

5.1. In case of conflict, sections 1-4 prevail over the diagram at 5.2.

5.2.



6. WHS&W CONSULTATION STRUCTURE

6.1. The Central WHS&W, Health and Safety Representative Committee (Central Committee) meets every quarter to discuss health and safety matters at the University.

6.2. Membership of the Central Committee comprises:

- 6.2.1. Three (3) x HSRs Professional staff (may include administration, Technical Services and research staff);
- 6.2.2. Three (3) x HSRs Academic staff;
- 6.2.3. Two (2) x management representatives as nominated by the Vice-Chancellor; and

6.2.4. One (1) representative from each of the following entities:

6.2.4.1. The College; and

6.2.4.2. WSU Early Learning Ltd.

6.3. The HSRs on the Central Committee will be nominated by Campus-based HSRs.

6.4. The Central Committee will have the following regular attendees:

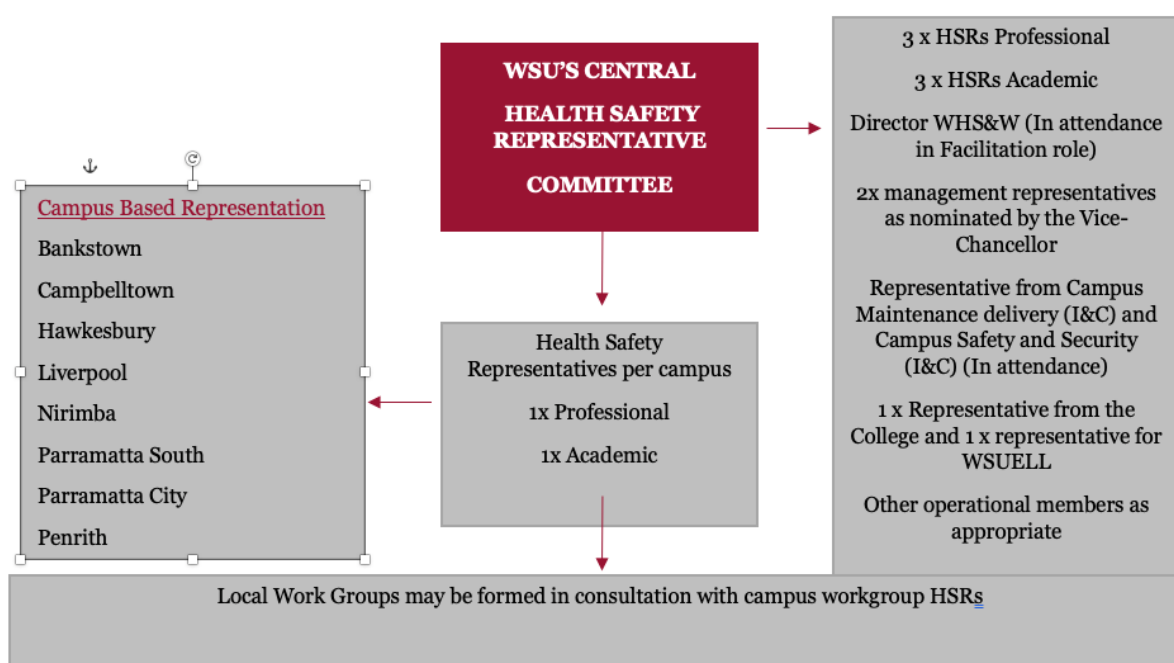
6.4.1. Director WHS&W in a facilitation role; and

6.4.2. Representation from campus maintenance services (Infrastructure & Commercial) and Campus Safety and Security (Infrastructure & Commercial).

6.5. All HSRs will refer any unresolved issue to the Central Committee for resolution or escalation, as per the WHS Issue Resolution Flow Chart.

6.6. Local Work Groups may be formed in consultation with the relevant Campus-based HSR.

7. FLOWCHART REPRESENTING WSU'S WORK HEALTH AND SAFETY COMMUNICATION CONSULTATION STRUCTURE GOVERNANCE



8. WESTERN SYDNEY UNIVERSITY WHS GRIEVANCE RESOLUTION PROCESS (GRP)

- 8.1. The GRP should be used where resolution of a WHS issue at a local level has failed or is considered unsatisfactory.
- 8.2. The aim of the GRP is to achieve resolution of a WHS issue without further disputes, incidents, or the involvement of SafeWork NSW.
- 8.3. The Western Sydney University WHS&W Unit must be informed of an intention to use the GRP.
- 8.4. The parties involved in the resolution process may include:
 - 8.4.1. Representative/s of the University worker or workers affected by the matter;
 - 8.4.2. Other PCBU/s if the matter involves more than one PCBU; or
 - 8.4.3. Any of the above involved parties can nominate to request assistance or representation in order to resolve the WHS matter.
- 8.5. Any party may commence the GRP by informing the other parties in writing:
 - 8.5.1. That there is a WHS matter to resolve; and
 - 8.5.2. The nature and scope of the WHS matter to be resolved.
- 8.6. Once informed of the WHS matter, all parties involved must meet or communicate in an effort to resolve the WHS matter.
 - 8.6.1. All parties must make reasonable efforts to reach a timely, effective and final resolution to the WHS matter.
- 8.7. In resolving the WHS matter, consideration of the following is required:
 - 8.7.1. The degree and immediacy of risk to workers or others affected by the WHS matter;
 - 8.7.2. The number and location of workers or others affected by the WHS matter;
 - 8.7.3. The measures (temporary and permanent) required to be implemented to resolve the WHS matter; and
 - 8.7.4. Responsibilities for the implementation of resolution measure/s.
- 8.8. Following discussions, any of the involved parties can request that a written agreement is provided setting out the WHS matter and the agreed resolution/s.
- 8.9. This written agreement should be distributed to all involved parties and all parties should be satisfied that the written agreement reflects the agreed resolution to the WHS matter.
- 8.10. If a resolution to a WHS matter cannot be achieved, then any of the involved parties can request assistance from a SafeWork NSW Inspector.

8.10.1. A request for SafeWork NSW assistance does not prevent workers from exercising their right to cease unsafe work, in a given location, if workers reasonably believe they are exposed to serious risk to their health and safety.

8.10.2. A request for SafeWork NSW assistance should only be made if:

8.10.2.1. the issue has not been resolved by consultation after a reasonable amount of time and effort; or

8.10.2.2. the risk is so serious and imminent that it is unreasonable to consult first.

8.11. A trained HSR may issue a provisional improvement notice (PIN) if they have, acting in their role as HSR, undertaken genuine consultation with all parties (management and workers) as required under the *WHS Act*.

9. WHS ISSUE RESOLUTION FLOWCHART

9.1. In case of conflict, section 8 prevails over the diagram at 9.

WORKER IDENTIFIES WHS&W ISSUE

Worker raises issue with the Line Manager/Supervisor. Line Manager/Supervisor consults with the worker and implements a plan, process, or procedure for resolving the issue.

RESOLVED?

Yes

No

Assistance sought from Health & Safety Rep (HSR) discusses issue with worker and management, WHS&W notified of action management and recording

Plan, process, or procedure identified and agreed upon

No

RESOLVED?

Yes

No

Issue escalated to Central WHS Committee for discussion

RESOLVED?

Yes

No

WHS& W Grievance Resolution Process
(Instigated by any party involved)

Worker Notified of Resolution

WHS&W Unit Notified

ISSUE IS RESOLVED

The WHS&W Unit can be contacted for assistance at any stage during this process

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ydney.edu.au