Health and Safety Consultative Mechanisms Procedure

Section 1 - Purpose and Scope

(1) Consultation on health and safety matters is an important component of an effective health and safety management system. This Procedure outlines the requirements for health and safety consultation at The University of Queensland (UQ). Formal health and safety consultation at UQ is facilitated through:

a. Health and Safety Committees; and
b. Elected Health and Safety Representatives (HSRs).

(2) This Procedure supports the Health, Safety and Wellness Policy, which outlines UQ's commitment to:

a. the continuous improvement in the prevention of injuries, illness, incidents and hazards;
b. maintain an occupational health and safety management system in accordance with relevant legislative obligations; and
c. encourage open consultation, collaboration and dissemination of safety information.

Context

(3) UQ is obligated under the Work Health and Safety Act 2011 (WHS Act) and the Work Health and Safety Regulation 2011 (WHS Regulation) to comply with duties to provide, as far as reasonably practicable, a workplace without risks to the health and safety of any persons. The WHS Act requires UQ to consult with workers who carry out work for UQ. In addition, the WHS Act requires UQ to consult, cooperate and coordinate activities with others who have a duty in relation to the same matter.

(4) This Procedure applies to all UQ workers, undergraduate students and visitors across all UQ campuses and sites, including Controlled Entities. For the purposes of this Procedure, the definition of UQ workers is broad – including staff, postgraduate students, volunteers and contractors – and is intended to ensure UQ meets its responsibilities under the WHS Act. The term 'workers' in this Procedure has the same meaning as UQ workers as defined in the Appendix, 'Definitions'.

Section 2 - Process and Key Controls

(5) Effective worker consultation and participation is important in reducing work-related harm. The health and safety matters where consultation is required to occur are outlined in section 49 of the WHS Act.

(6) Health and Safety Representatives (HSRs) are elected members of designated work groups that have training in health and safety and can provide advice and input into the consultation process. It is expected that HSRs are invited to discussions where health and safety of UQ workers may be impacted.

(7) Consultation processes with Organisational Units should be documented to provide rationale behind the decision-making process.

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Section 3 - Key Requirements

Health and Safety Committees

(8) Each UQ Faculty, Institute and Controlled Entity must establish and maintain a Health and Safety Committee (committees) that works in consultation with local health and safety staff and UQ's Health, Safety and Wellness Division (HSW Division) to support UQ to meet the health and safety needs of workers and others. A committee for UQ Central Support Services (CSS) areas must also be established.

(9) Committees at UQ must develop and adopt terms of reference specific to the risks and needs of the Faculty, Institute or CSS area (Terms of Reference (ToR) template).

(10) The primary functions of committees are to:

a. promote and facilitate consultation and cooperation between staff, students and management in instigating, developing and carrying out measures designed to support health and safety at work; and
b. assist in developing and implementing Health, Safety and Wellness policies, procedures, guidelines and programs at UQ.

(11) Committees may also assist management with health and safety matters in their area of responsibility.

(12) Individual Schools, Centres, Divisions and other organisational units must assess their need for a committee to meet the health and safety needs of their workers and others. This assessment must consider the risk profile of the area and the ability to manage these risks effectively at the organisational unit level committee. Where a School, Centre or Division (etc.) committee is established it must meet the requirements outlined in this Procedure.

Committee Membership

(13) Committee membership should be determined by agreement between the Organisational Unit's Senior Management and the workers to be represented by the committee. In total, at least half of the members of the committee must be workers who are not nominated by management.

(14) Membership should include an elected HSR and a nominated or appointed Work Health and Safety Coordinator (or HSW Manager or equivalent) if they are in place.

(15) A member of the HSW Division is an ex-officio member of each Faculty, Institute and CSS Committee to provide oversight on enterprise issues and processes and be the conduit for information between the committee and the HSW Division.

(16) Membership should comprise of a diverse representation of workers within the work area to ensure decisions consider the needs and views of all workers, and are responsive to the diversity of UQ's teaching, research and support activities. UQ supports the inclusion of student representation on the committee membership where practicable.

(17) Workers should contact their local HSR, WHSC, HSW Manager, or the HSW Division for advice on committee membership requirements. Also see section 76 of the WHS Act.

Committee Chair

(18) The Committee Chair is responsible for providing leadership and direction to the committee. UQ has an expectation that the role of chair shall be filled by a senior member of the work area, e.g., the Executive Dean or Institute Director (or suitable senior nominee). Senior management participation is critical to ensuring the effective functioning of the committee, a demonstration of the implementation of any "Officer" due diligence duties (where

applicable), and the enhancement of the safety culture across the work area.

Conduct of Committee Meetings

(19) Committees must:

a. meet at least every three months (s78 of the Act) and at any other reasonable time at the request of at least half of the members of the committee; and
b. follow an agenda that includes, as a minimum, the items listed in the UQ Health and Safety Committee Agenda Template.

(20) Minutes of meetings must be recorded (written) and copies provided to members of the executive management group of the Faculty, Institute, CSS or Controlled Entity, and made available to the workers within these Organisational Units.

(21) Copies of minutes must also be provided to the HSW Division via hsw@uq.edu.au or via the HSW Division committee representative.

Committee Administrative Support

(22) To assist with the conduct of committee meetings, the chair may appoint the following roles:

a. Committee Executive Officer – This position should be held by the HSW Manager or Safety Lead of the area or the representative from the HSW Division for CSS. The key functions of this role are to provide the committee with information and guidance, prepare briefings for the chair, provide updates on plans, reports or actions and ensure that there is the appropriate level of communication between the committee and workers within the Faculty, Institute or CSS.
b. Committee Secretary – The key functions of this role are to prepare and distribute meeting agendas to committee members, and record minutes of meetings and actions arising from meetings. The secretary is responsible for ensuring the chair has approved meeting agendas and meeting minutes prior to distribution. For further information on secretariat duties, see Committee support and secretariat guide - meetings and the role of the secretary.

Consultation

(23) UQ must give workers who are, or are likely to be, directly affected by a matter relating to health and safety, a reasonable opportunity to express their views or raise issues. The Faculty/Institute/CSS/Controlled Entity (etc.) health and safety committees are ideally placed for consultation on UQ health and safety matters. UQ will consult with workers through committees to:

a. provide relevant health and safety information;
b. raise health and safety matters; and
c. seek input on health and safety issues such as, identifying hazards and assessing risks, making decisions about ways to eliminate risks, proposed changes that may affect health and safety, decisions on health and safety procedures.

(24) Where a HSR has been appointed, consultation must involve them.

(25) Health and Safety Committees also have an advisory function to management, and report to the senior manager who is responsible for health and safety within the area of coverage of the committee.

(26) The HSW Division will work with local health and safety staff and local management to assist and provide advice

on resolving complex and/or contentious issues. Significant matters and enterprise-level issues may be escalated to the University Senior Executive Team (USET), usually through the HSW Division (refer to the Health, Safety and Wellness Governance Procedure or submit an enquiry to hsw@uq.edu.au).

(27) The formation of Health and Safety Committees and appointment of HSW Managers and/or Work Health and Safety Coordinators (WHSCs) or HSRs does not relinquish the responsibilities of senior staff under the WHS Act. Rather, the health and safety consultative structures are part of the strategy to assist all parties in meeting their legislative obligations.

(28) It is the responsibility of Senior Management to ensure that health and safety is an agenda item on relevant Faculty, Institute, Division and Controlled Entity senior management meetings, to facilitate the integration of health and safety responsibilities into the local management structure.

(29) Consultation processes are also in place for the development and review of specific health and safety related policies and procedures. In addition, on some occasions, consultation processes may be put in place for specific matters that may impact worker health and safety (e.g., significant change processes).

Health and Safety Representatives

(30) The primary role of a Health and Safety Representative (HSR) is to represent the health and safety interests for the work group they were elected to represent and to raise any issues with their management. There can be as many HSRs and deputy HSRs as needed, after consultation, negotiation and agreement between workers and the employer. The request from a worker or workers to have a HSR begins a formal process where a work group or work groups must be determined according to sections 51 to 54 of the WHS Act, and where an election is required. The 'Election of Health and Safety Representatives (HSRs)' provisions of this Procedure outlines this process.

(31) The powers and functions of a HSR are set out in section 68, 85 and 90 of the WHS Act and the obligations of UQ toward a HSR are set out in section 70-73 of the WHS Act.

(32) The role of a HSR is generally limited to their own work group unless:

a. there is a serious risk to health or safety (created by an immediate hazard) affecting workers from another work group; or
b. a worker in another work group asks for the HSR's assistance, and the elected HSR for that other work group is unavailable.

(33) HSRs are entitled to access information held by the employer that relates to:

a. hazards (including associated risks) at the workplace affecting workers in the work group; or
b. the health and safety of workers in the work group.

(34) Under the WHS Act, a HSR is not entitled to:

a. personal or medical information concerning a worker without the worker's consent (s 71(2)); or
b. information that is confidential commercial information (s 71(7)).

(35) A HSR is not personally liable for anything done, or not done, in good faith while carrying out their role. However, any person adversely affected by a decision or action of a HSR can apply to the Queensland Industrial Relations Commission to have them disqualified.

(36) All HSRs must undertake the relevant approved training course within 28 days of their election. If the training is not reasonably available to the HSR, then training must be completed as soon as reasonably practicable. If a worker

chooses not to undertake the training within the time period, they will no longer be eligible to fulfil the role of HSR.

(37) HSRs must also complete refresher training once every 12 months of their term.

(38) The position is held for a three-year period.

(39) The summarised process for the election of HSRs is provided in the 'Election of Health and Safety Representatives (HSRs)' provisions of this Procedure. Refer to the WHS Act and WHS Regulation for the full requirements of HSRs.

Dispute Resolution Process

(40) Most work health and safety items raised are usually resolved by mutual negotiation and agreement between workers and management.

(41) Where a work health and safety dispute between workers and management cannot be resolved at the operational level, it may be brought to their health and safety committee for consideration and discussion. The process is outlined in the 'Health and Safety Dispute Resolution Process' provisions.

(42) If, after working through the dispute resolution process and there is no resolution, parties should then refer to section 23 (Issue resolution) of the WHS Regulation.

(43) Further information can be found on the Health and Safety Complaints and Issue Resolution website.

Section 4 - Roles, Responsibilities and Accountabilities

Health, Safety and Wellness Division (HSW Division)

(44) The HSW Division is responsible for facilitating communication and consultation across UQ to promote the highest practicable standard for health, safety and wellness, supporting a positive HSW culture and to be compliant with legislation. The HSW Division develops documentation to assist UQ Organisational Units meet their obligations for health and safety requirements and provides high level advice and guidance, in conjunction with any local HSW staff, for all health, safety and wellness activities.

(45) The HSW Division will keep a current list of all HSRs (and deputy HSRs), and notify the regulator of current HSRs at UQ (section 74 of the WHS Act). The Division will display this information on the Local Safety Network Contacts and Support website.

Executive Deans, Institute Directors, CSS Directors and Controlled Entities' Chief Executive Officers

(46) Executive Deans, Institute Directors, CSS Directors and Controlled Entities' Chief Executive Officers (CEOs) are responsible for:

a. ensuring that UQ's general obligations to HSRs under section 70 of the WHS Act occur,
b. ensuring consultation occurs on matters that may affect workers' (and others) health and safety, and any significant changes to the workplace including work processes are communicated to workers and relevant others;
c. ensuring that health and safety committees are established to promote and facilitate consultation and advice on health and safety matters;
d. actively participating in and supporting health and safety committees;

e. raising relevant items from health and safety committee meetings and from consultation processes at Organisational Unit meetings for discussion and resolution;
f. facilitating the elections of HSRs if asked by a workgroup to do so; and
g. ensuring health and safety roles are appointed and supported in the workplace.

Heads of Organisational Units

(47) Heads of Organisational Units are responsible for ensuring effective health and safety measures are in place within their Organisational Unit that comply with legislative requirements and the requirements of the Faculty, Institute or the CSS Division. These requirements include, but are not limited to:

a. ensuring consultation with workers occurs and any matters requiring further consideration are brought to management and/or the health and safety committee for discussion;
b. consulting on health and safety matters with any HSRs for the work group;
c. providing the HSW Division with outcomes from HSR elections;
d. paying reasonable costs for HSR training;
e. allowing a HSR to exercise their entitlements and functions during their ordinary working hours;
f. providing information to workers on outcomes from health and safety committees;
g. ensuring workers have access to minutes of health and safety committee meetings;
h. inform and give a copy of a notice issued by a WHS entry permit holder, or by an inspector and relevant to the work group, to the HSR; and
i. ensuring HSRs have the resources, facilities and assistance to enable them to perform their functions.

Committee Chair

(48) The role of the Committee Chair is to ensure that:

a. the committee fulfills its responsibilities as detailed in its terms of reference;
b. action items are followed through and completed;
c. decisions are made when required;
d. outstanding items are raised at Faculty or Institute executive meetings, or Senior Management portfolio meetings in Central Support Services for discussion and resolution; and
e. HSW management plans are completed at the beginning of each year and reviewed at every meeting.

Health and Safety Representative (HSR)

(49) HSRs may perform certain tasks under section 68 of the WHS Act and the 'Health and Safety Representatives' provisions in this Procedure. An elected HSR is entitled to perform the following tasks for the work group:

a. undertake workplace inspections;
b. review the circumstances of workplace incidents;
c. accompany an inspector from the WHS regulator during an inspection;
d. represent the work group in health and safety matters;
e. attend an interview about health and safety matters with a worker from the work group (with the consent of the worker);
f. request that a health and safety committee be established;
g. participate in a health and safety committee;
h. monitor compliance measures;
i. investigate work health and safety complaints from work group members;

j. enquire into any risk to the health and safety of workers in the work group;
k. issue Provisional Improvement Notices (PINs) and direct a worker to cease unsafe work (where the HSR has completed the approved training);
l. accompany a WHS entry permit holder (under certain circumstances); and
m. request the assistance of a suitable entity.

(50) On occasions where HSRs are conducting their function to investigate a work health and safety complaint or matter, in order to promote a holistic and balanced outcome, they are encouraged to ensure information from all relevant parties are considered prior to making determinations and conclusions. These parties may include the complainant, other workers of the work group, local management, health and safety staff, human resources staff, etc.

(51) HSRs are to notify the HSW Division of their appointment and the workgroup they represent as soon as their appointment has been confirmed, and provide evidence of their completed training as per sections 36 and 37 of this Procedure.

UQ Workers

(52) All UQ workers have a responsibility to actively participate in promoting a positive HSW culture in the Organisational Unit. This can be achieved through consultation, providing feedback that aids in reporting about and improving health and safety practices, and participating and contributing to UQ's health and safety committees. Following advice from committees or working through actions as provided by committees is essential in promoting and building this culture.

Section 5 - Monitoring, Review and Assurance

(53) The Director, Health, Safety and Wellness is responsible for the implementation and communication of this Procedure, including ensuring that Faculties, Institutes, CSS and Controlled Entities are informed of their obligations in relation to health and safety committees and HSRs.

(54) The HSW Division will:

a. review this Procedure as required to ensure that it remains accurate and relevant to the management of health, safety and wellness consultation and representation at UQ; and
b. monitor Faculty, Institute, CSS and Controlled Entity compliance with the requirements of this Procedure.

Section 6 - Recording and Reporting

(55) A member of the HSW Division will sit on HSW committees across UQ and will have copies of each HSW committee's meeting minutes.

(56) HSRs are recorded and notified to the regulator by the HSW Division as required by the WHS Act. All other safety roles are recorded on the HSW website.

(57) Committee meeting minutes must be kept as per the Queensland State Archives - General Retention and Disposal Schedule (GRDS) under the Public Records Act 2023.

Section 7 - Appendix

Definitions

Term	Definition
Central Support Services (CSS)	Organisational Units outside of a Faculty or Institute. This includes Organisational Units from the portfolios of the Chief Operating Officer, Deputy Vice-Chancellor (Academic), Provost, Deputy Vice-Chancellor (Global Engagement), and the Office of the Vice-Chancellor and President.
Consultation	Under section 48 of the WHS Act requires: (a) that relevant information about the matter is shared with workers; and (b) that workers be given a reasonable opportunity: (i) to express their views and to raise work health or safety issues in relation to the matter; and (ii) to contribute to the decision-making process relating to the matter; and (c) that the views of workers are taken into account by UQ; and (d) that the workers consulted are advised of the outcome of the consultation in a timely way. If the workers are represented by a Health and Safety Representative, the consultation must involve that representative.
Organisational Units	UQ faculties, schools, institutes, directorates, administrative and management divisions.
Suitable entity	For representing or assisting a worker or the health and safety representative for a worker, means: (a) a relevant union for the worker; or (b) another entity that— (i) is authorised by the worker or representative to represent or assist the worker or representative; but (ii) is not an excluded entity for representing or assisting the worker or representative.
UQ Workers	For the purposes of this Procedure includes: - staff - continuing, fixed-term, research (contingent funded) and casual staff; - contractors, subcontractors and consultants; - visiting academics and researchers; - affiliates - academic title holders, visiting academics, Emeritus Professors, adjunct and honorary title-holders, Industry Fellows and conjoint appointments; - Higher Degree by Research students; and - volunteers and students undertaking work experience.
WHS entry permit holder	Means a person who holds a WHS entry permit issued under Part 7 of the WHS Act.
Work Group	Determined by negotiation between managers and workers who will form that work group. It is fully defined in section 52 of the WHS Act.

Election of Health and Safety Representative (HSR)

(58) Elections are required when the number of candidates exceeds the number of vacancies.

(59) The Head of School or Organisational Unit in which the nominated HSR works must inform the work group of the election date as soon as practicable after the date is determined.

(60) All workers in the work group are given an opportunity to:

a. nominate for the position of Health and Safety Representative; and
b. vote in the election.

(61) All workers in the work group and all relevant Managers and Supervisors are informed of the outcome of the

election.

(62) Local health and safety staff, and the HSW Division can provide advice on this matter.

Health and Safety Dispute Resolution Process

(63) See linked Health and Safety Dispute Resolution Process Diagram.

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