



Department of **Energy, Mines,
Industry Regulation and Safety**



GUIDE

Involvement of workers

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Reference

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Foreword

Western Australia's work health and safety (WHS) legislation came into force in March, 2022. This resulted in the amendment of the various petroleum Acts and the repeal of the associated regulations so that all onshore and offshore petroleum, pipeline and geothermal energy operations are now subject to the requirements of the:

- *Work Health and Safety Act 2020* (the WHS Act)
- Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022 (WHS PAGEO Regulations).

A key responsibility for the WorkSafe Group (WorkSafe) of the Department of Energy, Mines, Industry Regulation and Safety continues to be the ongoing risk management and safety requirements for the onshore and offshore petroleum, pipeline and geothermal energy operations. To support these requirements the guides previously developed have been updated to provide support and assist operators to meet their commitments under the WHS Act and WHS PAGEO Regulations.

Application

This Guide is a non-statutory document provided by WorkSafe to assist persons subject to duties under the WHS Act and requirements to conduct audits of the safety management system as prescribed by the WHS PAGEO Regulations.

It has been developed to provide advice and guidance to operators to meet the WHS Act and the WHS PAGEO Regulations requirements administered by WorkSafe.

Who should use this Guide?

You should use this Guide if you are the operator of onshore or offshore petroleum, pipeline or geothermal energy operations under the WHS Act.

WHS legislation

Under the WHS Act, the WorkSafe Commissioner is responsible for performing the functions and exercising the powers of the regulator. Each safety document must be submitted for acceptance by the regulator.

WorkSafe assists the regulator in the administration of the WHS Act and the WHS PAGEO Regulations, including the provision of inspectors and other staff to oversee compliance with the legislation.

For facilities outside the Western Australian waters, the WHS Act does not apply and guidance should be sought from National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). If a vessel does not fall under the definition of “facility” in the Act, operators should contact the Australian Maritime Safety Authority and Department of Transport.

No petroleum or geothermal operations can be conducted on any onshore or offshore petroleum, pipeline or geothermal energy operations unless the facility has an operator registered in accordance with the requirements of WHS PAGEO Regulations.

The WHS PAGEO Regulations provided for transitional provisions in relation to facility operators and safety cases in place or submitted before the commencement of the WHS legislation.

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1 Introduction

WHS PAGEO Regulations r. 38

Involvement of workers

WHS PAGEO Regulations r. 87

Involvement of divers and workers in DSMS and diving project plan

This Guide provides operators with assistance to meet their obligations for effective involvement of workers under the requirements for:

- the duty to consult with workers on matters concerning health and safety
- consultation and involvement in the development of safety cases and diving safety management systems (DSMS) including areas of risk management, incident investigation, change management, etc. as detailed in this document.

For the purpose of this Guide, the term “safety case” is used to cover all of the safety documents referred to in the WHS PAGEO Regulations.

The objective of this guide is to provide clarity on areas of the legislation which may be ambiguous or open to interpretation.

1.1 Key success factors for worker involvement

There are four key requirements for successful worker involvement. These are:

- **Commitment.** There should be a genuine commitment from both management and workers to invest time and effort into workers involvement. Genuine involvement by management can enhance the impact of their authority by generating a consultative and cooperative environment. Worker commitment can result in decisions and outcomes that are more likely to be relevant, appropriate and useful to their work.
- **Competence.** Managers and leaders seeking to involve workers should ensure they are willing and competent to do so. Workers should have sufficient levels of knowledge and expertise in the areas under review. Where worker involvement includes activities such as risk management and incident investigations, consideration should be given to training in these areas with the tools and techniques used by the licensee or operator.
- **Cooperation.** Worker involvement only succeeds with the willingness of all parties to cooperate with each other. This will include operators and workers being willing to compromise and having the ability to modify their own opinions in light of new information. Teams established for the resolution of more complex issues and actions are more likely to be successful if all parties have a genuine commitment to cooperation as a means of achieving the desired improvements in work health and safety outcomes.
- **Human performance.** Worker involvement enables the human factor element to be considered in areas such as risk management, incident investigation, safety culture, change management and the analysis of critical tasks. Managers and leaders should ensure that workers are involved in these areas to provide input into identification of appropriate controls for risk management, especially those risks identified as a major accident event (MAE), incident investigation where worker input can identify root causes contributing to the incident, change management where workers can be used to identify key areas of change that may impact processes and procedures.

For further information, refer to the *Guide: Human factors fundamentals for petroleum and major hazard facility operators*, *Human factors self-assessment guide and tool for safety management systems at petroleum and major hazard facility operations* and the [Code of practice: Work health and safety consultation, cooperation and coordination](#).

2 Safety case requirements

2.1 Identifying the need for worker involvement

Worker involvement in the preparation and revision of safety cases, including hazard identification and risk assessment is essential.

A worker is classified as an individual who is working at the facility, or is likely to be working at the relevant facility.

The need for worker involvement is expanded in Section 3 Effective worker involvement.

The overall responsibility for the preparation of the safety case is with the registered operator. Worker involvement is important as it provides access to and understanding of the key work health and safety document for the facility.

Involvement of workers in preparation and revision of a safety case supports the key objectives of:

- providing an understanding of the hazards and risks identified and the decisions made concerning the control measures and safety management systems implemented to control those risks. This ultimately meets the objective that workers become more actively involved in implementing those controls and safety management systems and of their own responsibilities in relation to the hazards and risks identified
- informing workers about the risks to which they may be exposed and the control measures implemented for eliminating or reducing those risks. This can result in a more positive safety culture being promoted/encouraged throughout the organisation with a high level of worker involvement in major accident event (MAE) identification and controls as well as awareness of other safety issues
- effective consultation and participation of the workers in processes for the development and maintenance of the safety case including emergency response plans and associated drills and exercises, task-based hazard identification, risk management, management of change and permit to work systems.

Meeting the above objectives results in workers (who have an active role in implementing, managing and maintaining the technical controls and the supporting processes and procedures) becoming more aware of their own roles and responsibilities in relation to the controls in place for a facility.

2.2 Demonstration of worker involvement within the safety case

WHS PAGEO Regulations r. 38(1)

Involvement of workers

WHS PAGEO Regulations r. 87(2)

Involvement of divers and workers in DSMS and diving project plan

The safety case for a facility should demonstrate the methodology used to ensure that workers are not only involved in the preparation of safety case documentation, but are kept involved and updated on all safety issues.

Worker involvement can be demonstrated by a concise overview of the processes and systems used including:

- various meetings which have minutes available and distributed
- team briefings
- emails
- safety bulletins that may arise from incident/accident investigations
- notice boards.

In the case of risk or hazard assessments and incident and accident investigation workshops, evidence of worker involvement can be demonstrated by signed attendance registers (showing details of dates, times and location) supporting the final reports.

2.2.1 Involvement in the formal safety assessment

The formal safety assessment (FSA) section of a safety case includes processes of workshops, brainstorming and analysis of information, knowledge of the risk of MAEs and the processes and methods in place required for prevention or mitigation.

Active participation by workers involved in design, engineering, construction and decommissioning activities, as well as day-to-day operation of the facility, is critical. Detailed minutes should be taken and reviewed for each of the risk assessment workshops conducted and this should include a signed attendance register to support evidence of worker involvement.

Each of these workshops should be summarised in the safety case FSA stating that worker involvement has taken place and the final signed workshop minutes should be available for inspectors upon request.

2.2.2 Involvement in the operation description and safety management system

Worker involvement in the areas of the operation description and safety management system description can be achieved by the documented review and comment of the operation description to be included in the safety case by operations and engineering workers.

Worker involvement in the safety management system description can be achieved through their participation in the preparation, review and approval of the various procedures and work-related documents, such as job hazard analyses, safe work method statements and other procedures and work instructions that address risks and hazards associated with the tasks to be completed.

3 Effective worker involvement

Operators benefit from informed workers. This benefit is achieved with workers who cooperate and collaborate to develop and review the effectiveness of control measures described in the facility safety case to ensure the health and safety of persons working on the facility.

Planning for effective worker involvement in the preparation of a safety case can present a number of issues for the operator as the full complement is not usually available in the early stage of facility development.

It is suggested that operators endeavour to use workers who have experience from a similar facility to join with design, engineering and other relevant workers.

Contributions from workers should be considered on the basis of technical or working knowledge, and not on the seniority of the contributor. Workshops should not be dominated by individual persons or groups within the organisation excluding input from others.

Involvement in revision of safety cases should be planned to ensure that workers are provided with a copy of the revised safety case document with sufficient time to review and make their comments and also with allowance for responding to their comments prior to finalisation of the revision.

3.1 Why involve workers?

Apart from the legislative requirement to involve workers, it is also important and beneficial to the operator as:

- worksite planning and development of procedures and processes to be used around the workplace should result in better safety on site
- workers gain a better understanding of why those decisions have been made and obtains a sense of ownership over the outcomes
- participation can provide a better understanding of roles, responsibilities, interactions and duties in relation to work health and safety
- a collaborative safety culture and a commitment to safety at all levels of the organisation can be established
- workers have the most direct contact with work hazards. This information is fed into risk assessment workshops relating to hazard operability studies (HAZOP) and hazard identification studies (HAZID), incident investigations, lessons learned, safety alerts and industry best practice
- in situations where responsibility for work health and safety is shared, this can help address any gaps in managing work health and safety risks
- the identification of similar recurring accidents or incidents, can ensure appropriate preventative and mitigating controls and the corrective actions are assigned to the most appropriately qualified workers
- recognition of worker input and participation improves decision-making about work health and safety matters and assists in reducing work-related injuries and disease.

3.2 Who should be involved?

When selecting workers to take part in activities concerning the development of the safety case, the operators should ensure that representation from all sections of the operations relevant to a particular facility are involved, including administrative staff from off-site offices.

Operators should also take into account the representation of the health and safety representatives (HSRs), work health and safety committees and ensure there is representation from this area within risk assessment workshops, incident investigations and relevant procedures and processes.

3.3 When should workers be involved and for how long?

There is no specific timeframe within the legislation for the involvement of workers, however, involvement should be effective and timely.

It is therefore recommended that worker involvement should be arranged to take place on a regular basis and not just on a case-by-case requirement. This regular involvement can result in early identification of potential problems and result in better consultation and cooperation.

3.4 What are the key areas of worker involvement?

Key areas of worker involvement are in:

- design and engineering of a facility
- development and revision of a safety case (see Section 2 Safety case requirements)
- identification and management of risks
- management of change
- incident and accident investigations
- relevant procedures and processes developed by the operator which support the operation of the facility.

3.4.1 Management of risks

Workers are key to the identification and understanding of risks within their work areas, particularly work health and safety risks. Worker involvement can facilitate effective and accurate identification of new or changed hazards and the associated risks which will then flow into the identification and development of effective control measures.

Operators should ensure that during these types of decisions the workers involved have access to all relevant information including technical and historical data.

3.4.2 Management of change

Changes in the workplace can impact worker health and safety.

Management of change and risk management are closely linked and workers should always be involved where those changes may affect health and safety. This includes:

- proposed changes to the facilities
- introduction of new or modified tools, plant, software, equipment or substances
- proposed changes to rosters
- any new or modified procedures
- proposed organisational restructuring, such as changes to responsibilities of positions that will result in the change to position descriptions, priorities and reporting lines.

During the consultation period it is critical that information including the reasons and the anticipated consequences be shared with workers.

Operators should ensure that sufficient time is allowed for workers to understand the proposed changes and provide any feedback, concerns and suggestions. This feedback should be taken into consideration before a final decision is made on the proposed changes and that decision should be communicated to the workers involved in the review.

For further information, refer to the *Guide: Management of change*.

3.4.3 Investigation of accidents and dangerous occurrences

Worker involvement is critical for any investigation of accidents and dangerous occurrences that have happened in the workplace.

An investigation team should have representatives included from all the relevant work areas to ensure a complete and cohesive investigation is conducted. This team will then be able to identify those similar issues and conditions that may be present at a number of work areas that lead to similar accidents and dangerous occurrences across different areas of the facility.

Workers involved should have technical and working knowledge of the relevant accident or dangerous occurrence being investigated.

The report developed from the investigation should be supported by corrective and preventive actions that will lead to ongoing continual improvement of the processes used by the organisation as well as prevent similar or repeated occurrences.

Workers involved in the investigation will then be in a position to discuss the results of the investigation with other workers and provide feedback on the decisions made and the actions generated.

3.5 How should workers be involved?

The process for worker involvement should relate to the organisation's size and culture in respect to health and safety issues. The process may be a mixture of informal conversations, discussions and formal meetings, minutes or a combination of each. The following elements should be present to ensure that worker involvement is effective. It is important that these should not be dominated by individual persons or groups within the organisation excluding input from others.

3.5.1 Communication

Two-way communication is critical to organisational effectiveness and improved health and safety performance. Strategies which can assist with effective communication include:

- worker interactions – site visits by managers and senior leaders should include interactions with individual workers.
- meeting with HSRs – senior leaders should ensure they meet with HSRs during site visits.
- safety meetings at a facility – meetings should be held at the facility involving facility management and should engage workers in active two-way discussions about relevant issues. These meetings should follow a pre-determined agenda with minutes and timekeeping and the generation of any actions that may arise from the meeting.
- health and safety committee members and HSRs – HSRs and health and safety committee members should proactively engage other workers to ensure they are providing accurate and relevant representation during meetings with management.
- worker surveys – surveys including health and safety culture surveys, may be used as a mechanism for two-way communication involving a large proportion of workers.

3.5.2 Sharing information

Where possible, information regarding health and safety matters likely to affect workers should be provided to them for review and comment prior to decisions being made.

It is important that the health and safety information provided is available to all workers and facilitated by the HSRs and may include:

- policies and procedures
- technical guidance about hazards, risks and controls
- hazard reports and risk assessments
- proposed changes to the facility, processes, plant and substances
- data about incidents, injuries and illnesses (internal and industry data)
- safety alerts and bulletins (internal and external).

3.5.3 Providing reasonable time for review and comment

Workers should be given sufficient time to review and comment on information available and provide a response to management. This should include:

- reviewing and discussion during working hours
- the review as an agenda item on meetings with work groups
- allowing time for HSRs to engage with designated work groups
- a variety of appropriate feedback mechanisms.

3.5.4 Review and comments to be taken into account

All legitimate worker reviews and comments should be genuinely considered during a decision-making process. The final decision may not always reflect the feedback received so it is important that decision-makers demonstrate and document what was considered and the justification for inclusion or exclusion.

3.5.5 Advising workers of the outcomes

Workers should be advised of the outcomes of their involvement in the decision-making process including the details of the final decision and associated expectations or requirements.

Where appropriate, decision-makers may provide interested parties with further information supporting the reasons for the decision.

3.5.6 Documenting worker involvement

WHS PAGEO Regulations r. 38(3)

Involvement of workers

WHS PAGEO Regulations r. 87(2)

Involvement of divers and workers in DSMS and diving project plan

Apart from the legislative requirement to provide documented evidence of worker involvement, it can be beneficial to keep records of involvement for future reference. This will demonstrate an ongoing consultative process with workers.

These records need not be complex, but should include pertinent information such as who was involved, date/time and location, details of the issue considered, options considered and the final decision.

Appendix 1 Glossary

The following terms are defined for the purposes of this Guide.

| Key terms | Meaning |
|--|--|
| Competent person | A person who has acquired through training, qualification or experience the knowledge and skills to carry out the task. The definition of 'competent person' in the Work Health and Safety (General) Regulations prescribes specific requirements for some types of work such as diving. |
| DSMS | Diving safety management system |
| Facility | <p>Geothermal energy facility – a place at which geothermal energy operations are carried out and includes any fixture, fitting, plant or structure at the place</p> <p>Petroleum facility – a place at which petroleum operations are carried out and includes any fixture, fitting, plant or structure at the place</p> <p>Mobile facility – includes an onshore drilling rig</p> <p>The term facility has been adopted throughout this document to cover offshore and onshore facilities and pipelines including aboveground structures associated with onshore pipelines.</p> |
| FSA | Formal safety assessment |
| HAZID | Hazard identification study |
| HAZOP | Hazard and operability study |
| HSR | Health and safety representative |
| Inspector | WorkSafe Petroleum Safety inspector |
| Major accident event (MAE) | An event connected with a facility, including a natural event, having the potential to cause multiple fatalities of persons at or near the facility. |
| Operator | A person who has, or will have, the day-to-day management and control of operations at a facility and is registered as the operator of the facility under r. 22(3). |
| Performance standard | A standard established by the operator defining the performance required for a safety critical element typically defining the functionality, availability, reliability, survivability and interdependency of the safety critical element. |
| Person conducting a business or undertaking (PCBU) | A PCBU is an umbrella concept capturing all types of working arrangements or relationships. A PCBU includes a company, unincorporated body or association and sole trader or self-employed person. Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU. A reference to a PCBU includes reference to the operator of a facility. |

| Key terms | Meaning |
|--------------------------------------|---|
| Petroleum operation | Means an activity that is carried out in an area in respect of which a petroleum title is in force, or that is carried out in an adjacent area, for the purpose of any of the following: <ul style="list-style-type: none"> • exploring for petroleum • drilling or servicing a well for petroleum • extracting or recovering petroleum • injecting petroleum into a natural underground reservoir • processing petroleum • handling or storing petroleum • the piped conveyance or offloading of petroleum. |
| Regulator | The WorkSafe Commissioner is the regulator under the <i>Work Health and Safety Act 2020</i> |
| Safety case | Documented provisions related to the health and safety of people at or in the vicinity of a facility, including identification of hazards and assessment of risks; control measures to eliminate or manage hazards and risks; monitoring, audit review and continual improvement. |
| Safety critical element (SCE) | Any item of equipment, system, process, procedure or other control measure the failure of which can contribute to an MAE. |
| SFAIRP | So far as is reasonably practicable |
| SMS | Safety management system |
| WHS Act | <i>Work Health and Safety Act 2020</i> |
| WHS PAGEO Regulations | Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022 |
| Worker | Any person who carries out work for a person conducting a business or undertaking, including work as an employee, contractor or subcontractor (or their employee), self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' or a volunteer. |

Appendix 2 Further information

Petroleum safety guidance

Interpretive guidelines

- *Development and submission of a diving safety management system*
- *Development and submission of a safety case*
- *Development and submission of an onshore facility safety case – drilling operations*

Guides

- *Audits, review and continual improvement*
- *Bridging documents and simultaneous operations (SIMOPS)*
- *Dangerous goods and hazardous chemicals in petroleum, pipeline and geothermal energy operations*
- *Decommissioning and management of ageing assets*
- *Demonstration of risk reduction so far as is reasonably practicable (SFAIRP)*
- *Diving start-up notices*
- *Emergency response planning*
- *Facility design case*
- *Hazard identification*
- *Health and safety leading and lagging performance indicators*
- *Human factors fundamentals for petroleum and major hazard facility operators*
- *Human factors self-assessment guide and tool for safety management systems at petroleum and major hazard facility operations*
- *Identification of major accident events, control measures and performance standards*
- *Inspections – Land-based drilling rigs*
- *Involvement of workers*
- *Management of change*
- *Nomination of an operator*
- *Records management including document control*
- *Risk assessment and management including operational risk assessment*
- *Validation requirements*

Codes of practice

- [*Mentally healthy workplaces for fly-in fly-out workers in the construction and resources sector*](#)
- [*Psychosocial hazards in the workplace*](#)
- [*Workplace behaviour*](#)

See the WorkSafe website for [approved codes of practice](#) on a range of related topics such as *Managing the risks of hazardous chemicals in the workplace*, *Confined spaces*, *Managing the risk of falls at workplaces*, *Managing risks of plant in the workplace* and *Managing the work environment and facilities*.

Other resources

- [*Discriminatory, coercive and misleading conduct: Interpretive guideline*](#)
- [*How to determine what is reasonably practicable to meet a health and safety duty: Interpretive guideline*](#)
- [*Incident notification: Interpretive guideline*](#)
- [*The health and safety duty of an officer: Interpretive guideline*](#)
- [*The meaning of 'person conducting a business or undertaking' \(PCBU\): Interpretive guideline*](#)



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