

Part 4 Safety and health committees

Safety and health committees can be an effective part of a safety and health consultation system at the workplace because they provide a forum for employers and representatives of employees to regularly discuss and make recommendations on safety and health issues. They may assist the employer to meet their obligation to consult employees on safety and health matters.

See Section 19(1)(c) of the OSH Act and Section 9(1)(c) of MSI Act.

The benefit of safety and health committees is that they can bring management and employee representatives together in a planned, structured and focussed way, providing a means for developing policies and procedures of significance to the whole organisation.

A range of functions for safety and health committees are set out in the OSH Act and MSI Act, eg they may make recommendations to the employer on programmes, measures and procedures and hazards and incidents. However, the committee is an advisory group and it remains the employer's responsibility to make decisions about safety and health issues.

See Section 40 of the OSH Act and Section 63 of MSI Act.

Workplaces can agree on the best safety and health committee structure to suit their operation. For example, there might be one safety and health committee across several worksites, or one main safety and health committee with several sub-committees for different work areas.

Not all safety and health issues need to be dealt with by the safety and health committee, particularly where prompt resolution is required. In other words, day to day safety and health issues should be dealt with as they arise by the appropriate people, eg depending on the circumstances, the employer, safety and health officer or safety and health representative.

The roles of the safety and health committee and the safety and health representatives are separate, but complementary, and elected safety and health representatives are expected to work constructively with the safety and health committee where they exist.

The role of the safety and health representative essentially involves reporting and liaising on safety and health matters; whereas the role of the safety and health committee essentially involves reviewing and making recommendations on these matters at a higher level and making recommendations to the employer on policies and procedures to apply across the workplace.

The development of an issue resolution procedure (see Part 6.1) will assist in ensuring a safety and health committee functions effectively and deals with appropriate matters.

4.1 Setting up a safety and health committee

Step one: an employee makes a request, an employer receives a notice or an employer decides to set one up

A safety and health committee must be established when:

- an employee who works at the workplace requests the employer establish one, unless the WorkSafe Western Australia Commissioner or State Mining Engineer has already made a decision that one is not required. However, the employer may, where they consider it unnecessary, refer the matter to the WorkSafe Western Australia Commissioner or State Mining Engineer, as applicable;
- there is a regulation requiring one be established; or
- the employer receives a notice from the WorkSafe Western Australia Commissioner or State Mining Engineer requiring them to establish one.

See Sections 38 and 39 of the OSH Act and Sections 67A, 67B and 67F of the MSI Act.

Alternatively, an employer may on their own initiative decide to establish a safety and health committee, without there being a legal requirement for them to do so; many are set up this way.

See Sections 39A, 39C, 39D and 39G of the OSH Act and Sections 67A, 67B and 67F of the MSI Act.

The safety and health committee must be established in the way agreed between the employer, the employee representatives and any safety and health representatives for the workplace – see step three below. Or, where they could not agree, in the way determined by the WorkSafe Western Australia Commissioner or State Mining Engineer, or where necessary by subsequent review by the OSH Tribunal.

See Section 36(1) and 38(1) of the OSH Act and Sections 62A(1) and 65(1) of the MSI Act .

The safety and health committee must be established within three months, except if the WorkSafe Western Australia Commissioner or State Mining Engineer allows a longer period.

Figure 2 shows the process for establishing a safety and health committee.

Step two: notify employee and safety and health representatives (where they exist) or refer the matter

When an employee makes a request to the employer to establish a safety and health committee, the employer must within 21 days:

- notify the employee and any safety and health representatives that they agree to the request; or
- where they consider it unnecessary, refer the matter to the WorkSafe Western Australia Commissioner or State Mining Engineer. The employee and any safety and health representatives must be notified of this referral.

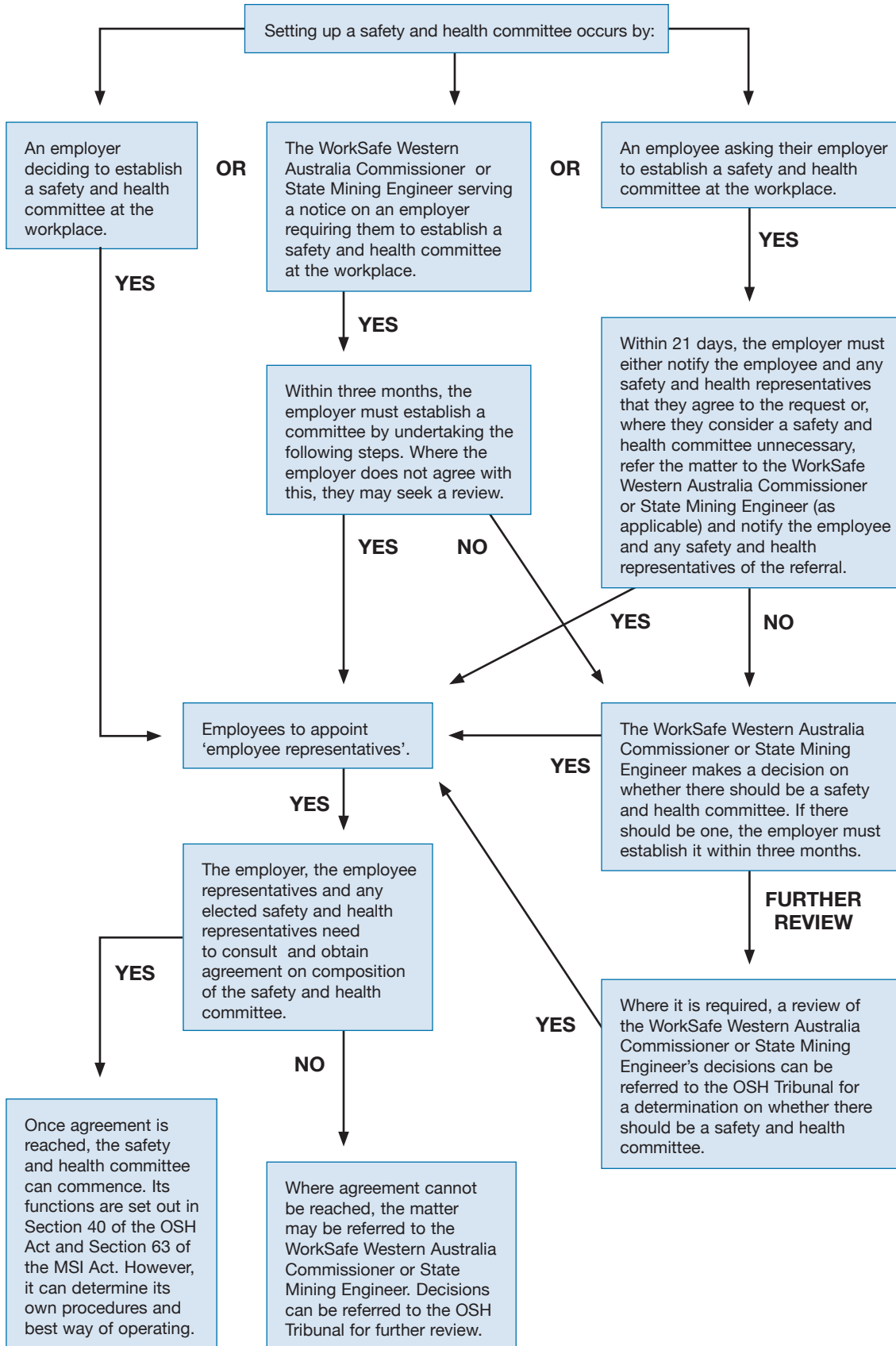
When the WorkSafe Western Australia Commissioner or State Mining Engineer has made a decision, the employer and employee will be notified.

Step three: employees appoint ‘employee representatives’

In situations where an employee requests a safety and health committee or an employer decides to establish one, the employees must appoint one or more ‘employee representatives’ from the workplace to take part in consultation with the employer and any safety and health representatives on matters relating to the safety and health committee.

See Section 37 of the OSH Act and Section 64 of MSI Act.

Figure 2: Establishment of a safety and health committee



See Section 39C of the OSH Act and Section 67B of the MSI Act.

Step four: consult and obtain agreement on the composition of the safety and health committee

The employer, appointed employee representatives and any elected safety and health representatives (referred to as 'the consulting parties') need to discuss and agree on:

- the composition of the safety and health committee; and
- how people will become members of it.

Membership of the safety and health committee

At least half of the committee must be representatives of employees. The consulting parties may agree these members can be either safety and health representatives or other workplace employee representatives, or any combination of these two. There is no restriction on the remaining members of the committee. They can be made up of the employer(s) and/or their representative(s).

Consideration should be given to including on the committee:

- members familiar with the various workplace activities and hazard identification for them;
- members with an understanding of the safety and health legislation;
- members who are able to facilitate implementation of amended workplace safety and health policies and procedures when recommendations are developed; and
- safety and health representatives, given their complementary role at the workplace and training in safety and health where they have completed an accredited introductory training course and, in some instances, a post-introductory training course.

Once these matters have been decided, the agreement must be put into writing. It should be kept somewhere safe so it can be referred to clarify agreements when necessary.

Coverage of more than one workplace

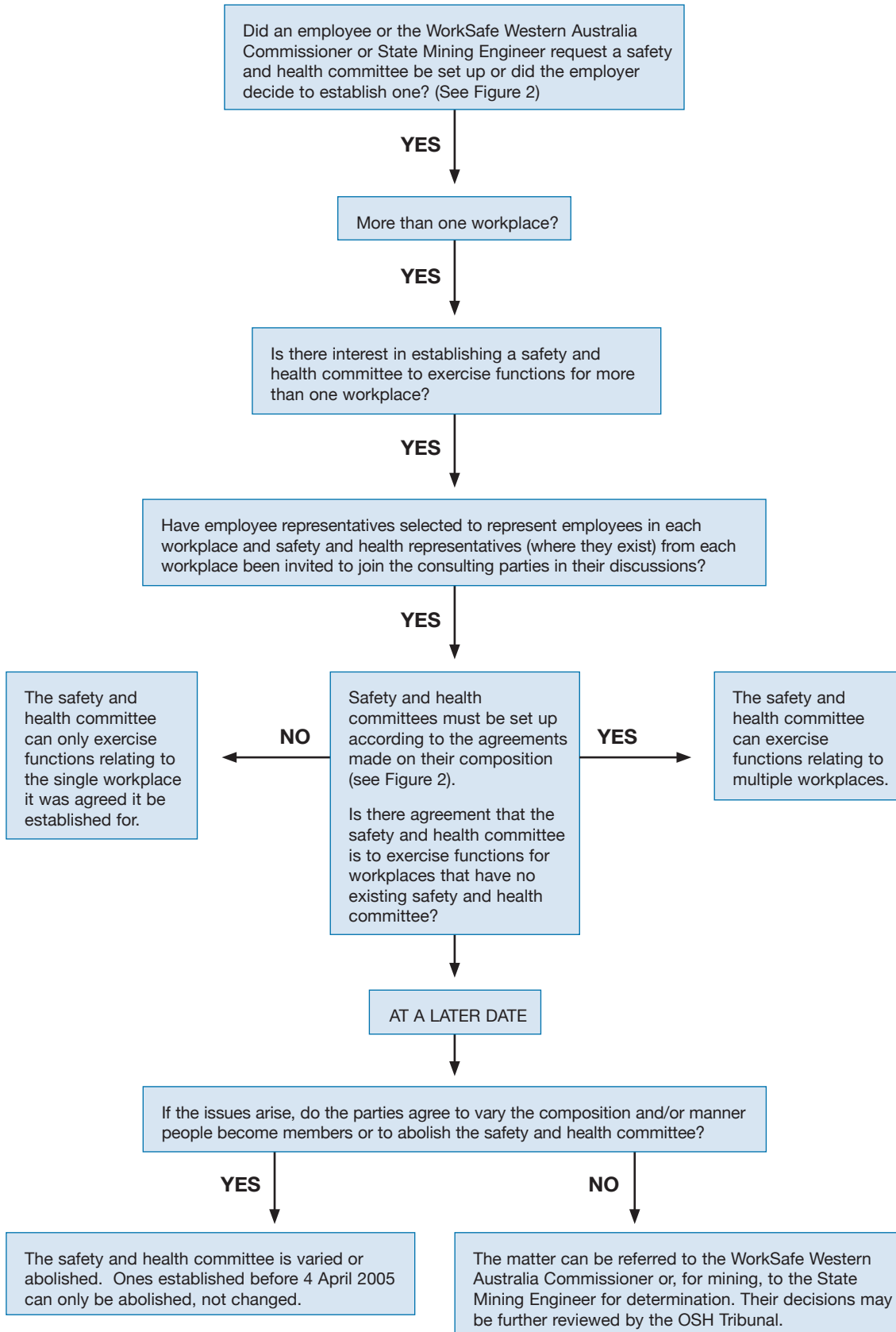
See Section 39E of the OSH Act and Section 67D of the MSI Act.

The consulting parties may agree they want a safety and health committee to carry out its roles for more than one of the employer's workplaces. For example, it could cover workplaces where there are not already safety and health committees.

If it is planned the safety and health committee is to carry out functions for more than one workplace, then there is a process to follow outlined in Figure 3. The following people must be invited to join the consulting parties in their discussions:

- employee representatives selected to represent employees in each workplace; and
- safety and health representatives (where they exist) from each workplace.

Figure 3: Establishing safety and health committees for more than one workplace



Matters to agree on when it is proposed the committee cover more than one workplace

The consulting parties will have to reach agreement on:

- whether the safety and health committee covers all the workplaces and, if so, how this will be done;
- its composition. At least half of the committee must be employee representatives (either safety and health representatives or other workplace employee representatives or any combination of these two), with no restriction on the other half. They can be the employer(s) and their representatives;
- how people become members;
- how the arrangements can be changed in the future; and
- if considered necessary, how to provide for sub-committees.

The agreements in relation to all these matters must be in writing and copies should be kept.

Failure to reach agreement on makeup, members and coverage

Most issues relating to the establishment of safety and health committees are decided at the workplace. Where agreement cannot be reached on the composition and manner in which people become members, the matters may be referred to the WorkSafe Western Australia Commissioner or State Mining Engineer to assess the situation and decide on a solution.

If the consulting parties cannot agree that the safety and health committee is to cover more than one workplace, with or without sub-committees, the issue cannot be referred to the WorkSafe Western Australia Commissioner or State Mining Engineer. A failure to agree on this issue simply means the safety and health committee can only cover and carry out functions for the one workplace.

Varying or abolishing the committee

Safety and health committees can be varied (ie changes made to the composition and/or how people become members) or abolished if they no longer suit the needs of the workplace. This can occur by written agreement between the employer and members of the safety and health committee. However, safety and health committees established before 4 April 2005 can only be abolished not changed.

Where it cannot be agreed if the safety and health committee should be varied or abolished, the issue can be referred to the WorkSafe Western Australia Commissioner or State Mining Engineer who will decide the matter and notify relevant people.

Review of decisions made by the WorkSafe Western Australia Commissioner or State Mining Engineer on the establishment, amendment or abolition of a safety and health committee can be referred to the OSH Tribunal for final determination.

Step five: start the safety and health committee

Once agreement is reached on the safety and health committee's composition, how people become members and in some instances its coverage, it can begin to operate.

Specific functions of the safety and health committee are set out in the OSH Act and MSI Act. However, the committee may determine the best way to serve the workplace and develop its procedures – see Part 4.3.

See Section 39C(2) of the OSH Act and Section 67B(3) and 67D(3) of the MSI Act.

See Section 39D of the OSH Act and Section 67C of the MSI Act.

See Section 39F of the OSH Act and Section 67E of the MSI Act.

See Section 39G of the OSH Act and Section 67F of the MSI Act.

4.2 Functions of safety and health committees

Functions (roles) of safety and health committees: an overview

The OSH Act (Section 40) and the MSI Act (Section 63) set out functions for the safety and health committee to carry out with respect to safety and health at the workplace(s) for which it was formed. These are to:

- i) enable and assist consultation and cooperation between the employer and employees in initiating, developing and implementing safety and health measures;
- ii) keep itself informed on safety and health standards, including those at similar workplaces, and make recommendations to the employer;
- iii) make recommendations to the employer and employees on safety and health programmes, measures and procedures;
- iv) ensure information relating to relevant hazards is kept in a readily accessible form and place for employees at the workplace;
- v) consider and make recommendations on changes (or intended ones) that may affect the safety and health of employees;
- vi) consider matters referred to it by safety and health representatives; and
- vii) perform other functions prescribed in the OSH Regulations or the MSI Regulations or given to it, with its consent, by the employer.

The specific functions are not designed to limit the operation of a safety and health committee, as it can be agreed its functions extend to other areas to better suit the needs of the workplace. However, any additional functions do not amend the safety and health committee's various responsibilities under the OSH Act and MSI Act, as applicable.

i) Enabling consultation and cooperation on safety and health measures

Safety and health committee members representing the employer and employees should consult and cooperate to initiate, develop and carry out measures to ensure the safety and health of employees.

Procedures should be developed to enable safety and health matters to be raised with the safety and health committee to complement those developed for the resolution of safety and health issues.

See Section 40(2)(a) of the OSH Act and Section 63(2)(a) of the MSI Act.

ii) Keeping informed on safety and health standards

Safety and health committee members should also take steps to keep themselves informed of current and new safety and health standards, including those at similar workplaces. Where necessary, the safety and health committee should review work procedures in the context of that information and make recommendations for improvements.

Information could be gathered from a number of sources. Where there is a safety and health representative on the safety and health committee, they should be a source of new information gained from attendance at training courses and discussion with safety and health representatives in other organisations.

See Section 40(2)(b) of the OSH Act and Section 63(2)(b) of the MSI Act.

Organisations that engage safety and health specialists can expect they will provide advice gained from professional reading and membership of professional associations.

Management representatives on the safety and health committee should be aware of their responsibility to bring the latest information, technical references and technological and management developments to its attention to ensure safety and health committee members are fully informed.

See Section 40(2)(c) of the OSH Act and Section 63(2)(c) of the MSI Act.

iii) Making recommendations to the employer and employees on safety and health

Safety and health committees can make recommendations to the employer on a wide range of programmes, measures and procedures, such as:

- programmes to set priorities for the elimination of hazards from the workplace;
- programmes to reduce the number of particular accidents which occur in the workplace;
- procedures for the frequency and type of regular inspections of the workplace or parts of it;
- procedures for the employer, managers, safety and health representative (where they exist) and the employer's safety and health officer (where they exist) to be notified immediately of accidents and dangerous occurrences;
- procedures for emergency evacuations and fires;
- a regular and systematic process for the identification of hazards and referral to the employer for assessment and control of risk;
- monitoring and review of accidents and injuries and recommendations for control measures to eliminate or reduce the risks;
- long term monitoring of employees who work with hazardous substances;
- developing systems to ensure safety and health issues are considered during the selection of new plant, equipment and substances;
- planning for important changes in the work environment to ensure safety and health issues are considered and included in the planning of work processes;
- identification of necessary training to be provided to employees;
- developing ways of ensuring all employees are kept informed of the committee's decisions; and
- advising on the availability and selection of suitable personal protective clothing and equipment for workers potentially exposed to hazards.

iv) Ensuring information on relevant hazards is kept accessible for employees

Information provided by the employer on the hazards at the workplace must be kept in a readily available form and place for use by employees. The OSH Regulations and the MSI Act also specify particular documents that must be made available to employees at the workplace. These include copies of the OSH Act, OSH Regulations, relevant Australian or Australian/New Zealand Standards and relevant guidance material issued under the OSH Act.

Other material gathered by the safety and health committee in the course of its work should also be stored in an organised way so it can be retrieved when needed. It is recommended the safety and health committee reach agreement with the employer about where information on hazards will be kept and which committee member will look after it.

v) Making recommendations on changes that may affect safety and health

Early attention to any safety or health implications of proposed changes is vital and consultation on the proposals should occur at the earliest opportunity during the planning stage. Given the safety and health committee's role in the development of policies and procedures, it is appropriate that, where there are also safety and health representatives, it is the forum for this consultation.

An option, when there are employee representatives on the safety and health committee who have not undertaken any safety and health training, is to consult with safety and health representatives at the workplace who have completed introductory safety and health representative training.

See Section 40(2)(d) of the OSH Act and Section 105 of the MSI Act.

See Section 40(2)(e) of the OSH Act and Section 63(2)(e) of the MSI Act.

vi) Considering matters referred by safety and health representatives

The importance of safety and health representative(s) referring matters to the safety and health committee is recognised in the OSH Act and MSI Act, with consideration of these referrals one of the safety and health committee's functions.

See Section 40(2)(f) of the OSH Act and Section 63(2)(f) of the MSI Act.

Referral of matters to committees by safety and health representatives

Matters that might be referred by a safety and health representative include:

- a list of potential hazards such as unguarded machinery, poor lighting, electrical hazards, excessive noise, heat or cold and fumes, vapours or dusts. Where appropriate, these should be recorded at the workplace. However, hazards should be dealt with as they arise, not left until there is a safety and health committee meeting, as there could be some time between meetings. If a safety and health representative considers an issue may apply across the workplace, then a referral to the safety and health committee would be appropriate;
- follow up action on previously reported hazards;
- the provision of personal protective clothing and equipment;
- methods for inspecting the workplace;
- accident reports;
- changes and intended changes; and
- strategies to reduce risks.

vii) Performing other functions

Other functions may be given to the safety and health committee by the employer, after it has given its consent. These could include:

- policy development;
- monitoring programmes;
- emergency procedures;
- training and supervision;
- trends in accidents and illness reports;
- resolution of safety and health issues;
- health promotion at the workplace; and
- operation of employee assistance programs.

Referral of additional functions to the safety and health committee by the employer, safety and health representatives or employees does not, in any way, reduce their separate obligations for safety and health under the relevant act.

Note that, although not currently available, there is the capacity for other functions for safety and health committees to be set out in the OSH Regulations.

See Section 41(1) of the OSH Act and Section 68 of the MSI Act.

4.3 Safety and health committee procedures and meetings

Once established, a safety and health committee may develop its own meeting procedures.

The effectiveness of a safety and health committee will depend on a number of factors. Significant among these will be the degree of cooperation it is able to develop and the respect with which the employer and employees view its work.

Activities that could assist the safety and health committee include:

- setting regular meetings, as well as providing for special or urgent meetings as required. Arrange meeting dates well in advance, as far as practicable, preferably on a regular day suitable to all concerned. By doing this, meetings can easily be planned months in advance;
- placing notices of meeting dates in places where all workers can see them;
- making every effort to ensure scheduled meetings take place. Where postponement is necessary, an agreed alternative meeting date should be made and announced as soon as possible
- sending a copy of the agenda, accompanying papers and a notice of the time and place of the meeting to committee members in sufficient time for them to consider;
- selecting an effective way of publicising decisions and recommendations;
- ensuring all employees are informed of the committee and its functions;
- ensuring speedy decisions by management on its recommendations and, where necessary, prompt action with effective communication to workers;
- implementing ways for workers to input into the committee processes; and
- setting priorities for the committee and monitoring the results.

Conduct of meetings

Although the legislation does not contain specifications for meetings, the following considerations may assist safety and health committees establish procedures for their conduct.

Who will chair the meeting?

If the parties have difficulty in agreeing on a chairperson, the position could be rotated between employer nominees and employee representatives at each meeting or for a specified period.

Will there be a quorum?

The fixed number of members who must be present to make a meeting valid should be decided. All parties need to be represented and, when setting the quorum, absences should be allowed for.

Who will take the notes or minutes?

The proceedings of all meetings should be recorded. This could be done by a committee member or a minute taker provided for the purpose. Typing and photocopying facilities need to be available.

Who will circulate the notes or minutes?

Somebody should be made responsible for this task.

Who will draw up and issue the agenda?

A committee member should be made responsible for drawing up the agenda. Adequate notice of items to be discussed should be given to them to ensure timely distribution of the agenda.

How will decisions be made?

Safety and health committees need to determine whether decisions are to be made by consensus or a vote.

Who sees the minutes?

A copy of the minutes should be provided to each committee member as soon as possible after the meeting. Copies of the minutes should be displayed, or made available by other means, for employees' information. A committee member should be responsible for providing the employer with recommendations from meetings.

How often will there be meetings?

Frequency of meetings needs to be determined. When working out a way of setting meetings, considerations may include:

- the need for the committee to meet to resolve an issue as per Section 24 of the OSH Act and Section 70 of the MSI Act;
- the question of calling a meeting when a serious accident has occurred;
- the presence and severity of particular hazards at the workplace; and
- the timing of meetings to allow employees' access to the committee, for example, where they are shift workers on afternoon or night shift.