

Policy Hierarchy link	Work Health and Safety Act 2011 Work Health and Safety Regulation 2011 Work Health and Safety Policy		
Responsible Officer	Director, UNSW Safety and Sustainability		
Contact Officer	Manager, UNSW Health & Safety		
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Associated Documents	HS337 Health and Safety Consultation Procedure HS338a Unresolved Issue Notification		
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1.	Purpose and Scope	1
2.	Definitions	1
3.	Procedure	2
3.1	Who can be involved in resolving a work health and safety issue?	2
3.2	Timely Resolution	2
3.3	Informal issue resolution process	2
3.4	Formal Issue Resolution Process	3
4.	Review & History	4
5.	Acknowledgements	4

1. Purpose and Scope

This procedure is to be followed if a worker has previously raised a health and safety concern with their direct supervisor, Health and Safety Committee (HSC) or their workgroup’s Health and Safety Representative (HSR), and has given them the opportunity to respond to the concern, and the worker believes that the concern is still not resolved.

Under the WHS Act 2011, the issue resolution process is open to all parties and not just restricted to Health and Safety Committees (HSC) and Health and Safety Representatives (HSR).

2. Definitions

Issue: an issue is a concern about health and safety at the workplace that remains unresolved after consultation with the affected workers and the relevant PCBU has occurred.

Agreed Procedure: an agreed procedure is an agreed process or outline of the steps involved in resolving health and safety issues in the workplace.

Health and Safety Committee (HSC): is a group including workers, HSRs (if they agree) and representatives of the PCBUs that is a forum for consultation on work, health and safety issues and assists in the development and review of health and safety policies and procedures for the workplace.

Health and Safety Representative (HSR): a HSR is a worker who has been elected by a work group (of which they are a member) to represent them on health and safety issues.

Person Conducting a Business or Undertaking (PCBU): is an individual or organization that conducts a business or undertaking including body corporate, unincorporated bodies or associations, partnerships and business franchises. The PCBU arranges, directs or influences work to be done or contributes something towards the work being done. There may be multiple businesses or undertakings and therefore multiple PCBUs involved in the work at the same location

Worker: a worker is the person who carries out work in any capacity for a person conducting a business or undertaking (PCBU), including work as: an employee, contractor or subcontractor, an employee of a contractor or subcontractor, or an employee of a labour hire company assigned to work for a PCBU, an outworker, an apprentice or trainee, a student gaining work experience, volunteer.

Workgroup: means a group of workers formed by negotiation and agreement that meets certain diversity of representation criteria outlined in the Work Health and Safety Regulation 2011.

Furthermore workgroups:

- (a) most effectively and conveniently enables the interests of the workers, in relation to work health and safety, to be represented, and
- (b) has regard to the need for a health and safety representative for the work group to be readily accessible to each worker in the work group.

3. Procedure

3.1 Who can be involved in resolving a work health and safety issue?

The following parties may be involved include:

- a) The person conducting the business or undertaking (i.e. UNSW) or the person's representative
- b) Any other PCBU or their representative who is involved in the issue.
- c) If the worker or workers affected by the issue are in a work group, the health and safety representative for that work group, or his or her representative.
- d) If the worker or workers affected by the issue are not in a work group, the worker or workers or their representative

A person conducting a business or undertaking (i.e. UNSW) must ensure that the person's representative (if any):

- (a) Is not a health and safety representative, and
- (b) Has an appropriate level of seniority, and is sufficiently competent, to act as the person's representative

3.2 Timely resolution

When a health and safety issue arises, the parties must make reasonable efforts to achieve a timely, final and effective resolution of the issue according to the relevant agreed procedure.

3.3 Informal issue resolution process

UNSW encourages all workers to communicate directly with their supervisor to raise any health and safety concerns. The worker's supervisor should be the first contact person for reporting any health and safety incidents, hazards or concerns, and these should all be reported on UNSW's online reporting system, as soon as possible.

Step 1: Worker raises a health and safety concern with their direct Supervisor. This concern should be reported on UNSW's online hazard & incident reporting system. At any time, the worker can also raise the concern with their workgroup's HSR or their relevant HSC.

Step 2: If further assistance is needed to resolve the concern, the worker, their supervisor, their HSR or relevant HSC can raise the concern with the work group's Head of School or Department Manager.

Step 3: If further assistance is needed to resolve the concern, any of the parties outlined in Step 2, or the Head of School/Department, can contact the Faculty/Divisional H&S Coordinator. See UNSW Health & Safety website for contact details.

Step 4: If the above steps have been already taken and the issue remains unresolved, any of the parties outlined in Step 2, need to follow the steps outlined in the following section called 'Formal Issue Resolution Process'.

3.4 Formal Issue Resolution Process

This process is to be followed when the parties have previously discussed or communicated with each other regarding the health and safety concern, and no resolution has been found.

Note- the Formal Issue Resolution Process shall be used for dealing with external complaints if the health and safety issue is unable to be addressed informally.

Step 1: Inform the other parties that there is an unresolved health and safety issue.

Any party involved in the issue, may commence the procedure by ensuring the issue has reported on UNSW's online reporting system, and by informing the other parties *in writing* using HS338a Unresolved Issue Notification:

- (a) that there is an unresolved health and safety issue, and
- (b) the nature and scope of the issue, and
- (c) the Issue Number generated from reporting this issue online on UNSW's online incident reporting system

Step 2: All parties must meet or communicate with each other to try to resolve issue.

As soon as the parties are informed of the issue, they will organise to either meet or communicate with each other to attempt to resolve the issue. The receiving party will acknowledge by email they have received the issue in writing, and they will conduct an investigation into the issue raised.

Step 3: Investigation into the issue

The receiving party should contact their Faculty/Divisional Health & Safety Coordinator for advice on how to conduct a formal investigation using UNSW's HS003 Incident Investigation Guide.

The receiving party needs time to investigate the details of the issue, how it is affecting the health & safety of workers, and what actions have been taken so far to address the issue.

During the investigation and attempts made to resolve the issue, all parties must have regard for the following:

- (a) The degree and immediacy of risk to workers or other persons affected by the issue,
- (b) The number and location of workers and other persons affected by the issue,
- (c) The measures (both temporary and permanent) that must be implemented to resolve this issue,
- (d) Who will be responsible for implementing the resolution measures.

Step 4: At the end of the investigation, the receiving party will communicate the findings of their investigation and possible measures to resolve the issue with the party that raised the issue.

Step 5: Receiving party to confirm resolution of issue with party that raised the issue.

If required:

Step 6: If reasonable efforts have been made to resolve an issue and it remains unresolved, any party to the issue can ask the Regulator (WorkCover or WorkSafe) to appoint an inspector to assist at the workplace. The inspector's role is to assist in resolving the issue. An inspector could exercise any of their compliance powers under the WHS Act, including providing advice, investigating contraventions or issuing an improvement notice.

At any time during the process or if a request to the Regulator is made a worker is still entitled to exercise their right to cease work, or a HSR who has completed the 5 day HSR training can issue a provisional improvement notice or a direction to cease work.

4. Review & History

This procedure will be reviewed in accordance with the HSMS Review Procedure. The History can be found in appendix A.

5. Acknowledgements

- Safe Work Australia, Worker Representation and Participation Guide
- Work Health and Safety Act 2011, Division 5, Section 80,81 and 82
- Work Health and Safety Regulation 2011, Section 23.

Appendix A: History

The authorisation and amendment history for this document must be listed in the following table. Refer to information about [Version Control](#) on the Policy website.

Version	Authorised by	Approval Date	Effective Date	Sections modified
1.0	Director, Human Resources	3 May 2013	3 May 2013	New procedure.
1.1	Director, UNSW Safety and Sustainability	30 April 2014	30 April 2014	Reviewed for administrative updates
1.2	Director, UNSW Safety and Sustainability	2 October 2014	2 October 2014	
2.0	Director, UNSW Safety and Sustainability	15 March 2016	15 March 2016	Reviewed for administrative updates, addition of definitions and removal of hyperlink.