

# LA TROBE UNIVERSITY

## ISSUE RESOLUTION PROCEDURE

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### 1. PURPOSE

Consistent with the Occupational Health and Safety Act 2004 and the Occupational Health and Safety Regulations 2007, the purpose of these procedures is to provide practical guidance to employees and supervisors on the resolution of issues relating to workplace health and safety and to inform managers of their responsibilities to consult with employees on proposed changes to the workplace.

### 2. DEFINITIONS

#### **Designated Work Group (DWG)**

A group of employees determined on the basis of location; type of work; number of employees, the nature of hazards at the workplace and of overtime or shift working arrangements.

#### **Employer Representative**

The employer representative is the senior manager for the nominated area with management and control of the area or functions at issue within the designated work group.

Employer representatives are listed in the Register of Designated Work Groups

#### **Health and Safety Representative**

An employee elected by members of a designated work group to be the group's health and safety representative.

#### **Issue**

A point in question or dispute concerning health and safety between employees and the Employer Representative for the designated work group.

#### **Provisional Improvement Notice (PIN)**

A notice issued in accordance with the OHS Act on a person whom a Health and Safety Representative believes is or has contravened a provision of the Act or the Regulations.

### 3. RESPONSIBILITIES

#### 3.1 **Employer Representatives**

Employer Representatives must have an understanding of the issue resolution procedure and have an understanding of the Occupational Health and Safety Act and the Occupational Health and Safety Regulations.

#### 3.2 **Health and Safety Representatives**

The health and safety representative or a nominated employee representative can only act on behalf of the employees affected by an issue.

#### 4. ISSUE RESOLUTION PROCEDURE

<p><b><u>Issue arises</u></b></p>	<p>The employee informs their health and safety representative.</p> <p>If there is no health and safety representative for the workplace, employees may nominate a representative for the purposes of issue resolution.</p> <p>Issues can be raised with the employer or employer representative.</p>
<p><b>Attempt to resolve the issue</b></p>	<p>The health and safety representative informs the employer representative of the issue.</p> <p>Within a reasonable time, the employer or employer representative must meet with the health and safety representative or the nominated employee representative to try and resolve the issue.</p> <p>Regard must be had to:</p> <ol style="list-style-type: none"> <li>1. The number and location of employees affected by the issue.</li> <li>2. Whether appropriate temporary measures are possible or can be achieved with reasonable practicability.</li> <li>3. The time that may elapse before the issue is permanently resolved.</li> <li>4. Who will be responsible for performing and overseeing any action agreed necessary to resolve the issue (on behalf of the employer).</li> </ol> <p>The health and safety representative or the employer representative may request relevant parties to participate in those discussions.</p> <p>If the issue concerns work which is considered to be a high risk, the OH&amp;S Section should be consulted immediately.</p> <p>To avoid doubt, any meeting should be accurately documented in a contemporaneous fashion.</p>
<p><b>If No resolution</b></p>	<p>If within a reasonable time there is still no resolution, any of the parties attempting to resolve the issue which has arisen may ask the Authority to arrange for an inspector to attend at the workplace and enquire into the issue.</p> <p>If a health and safety representative believes on reasonable grounds that a person:</p> <ol style="list-style-type: none"> <li>a) is contravening a provision of the OHS Act or Regulations; or</li> <li>b) has contravened such a provision in circumstances that make it likely that the contravention will continue or be repeated,</li> </ol> <p>then the health and safety representative may issue a provisional improvement notice (PIN) requiring the person to remedy the contravention. Any such PIN must be specific and it must:</p> <ol style="list-style-type: none"> <li>a) state the belief and the grounds for the belief for issuing the notice;</li> <li>b) specify the provision of the OHS Act or the Regulations that has or is likely to be contravened; and</li> </ol>

	<p>c) specify a day by which the contravention must be remedied.</p> <p>Within seven days of the issuing of a PIN, the Authority can be asked to arrange for an inspector to attend the workplace and enquire into the subject of the PIN.</p> <p>If an issue concerning health and safety arises at a workplace or from the conduct of the undertaking of an employer <u>and</u> the issue concerns work which involves an immediate threat or safety of any person <u>and</u> given the nature of the threat and degree of risk, it is not appropriate to adopt the resolution process set out above, the employer or the health and safety representative for the designated work group in relation to which the issue has arisen may, after consultation between them, direct that the work is to cease.</p> <p>If a direction to cease work is made, the Authority may be asked to arrange for an inspector to attend the workplace and enquire into the issue.</p>
<p><b><u>Resolution</u></b></p>	<p>The issue and matters relating to its resolution must be set out in writing if requested by either the employer representative or the health and safety representative.</p> <p>The details (whether written or oral) of the agreement must be brought to the attention of employees affected by the issue and forwarded to any health and safety committee.</p> <p>The agreement must also be forwarded to any relevant employee or employer organization.</p> <p>The agreement must be in the form that is approved by all parties and communicated in the manner and in any language that is agreed to be appropriate.</p> <p>Documentation of resolution of the issue is to be undertaken and reported to the relevant parties identified in Part 3.2 of these Procedures.</p>

### 3.1 Provisional Improvement Notice (PIN)

Any employer representative or person to whom a PIN is issued must provide the OHS Section a copy of the PIN within 24 hours. If a health and safety representative issues a PIN to a person other than an employer representative, the health and safety representative must also provide the OHS Section a copy of the PIN within 24 hours.

P.I.N. notices must be displayed in a prominent area related to the issue.

### 3.2 Documentation of Issue Resolution

Where an issue has been reported either by the health and safety representative or the employer representative, the issue and resolution of that issue must be documented by the employer representative and include the following details:

- Health and Safety Representative:
- Employer Representative:

- Other parties involved in the resolution:
- Description of Issue:
- Agreed outcome which includes any follow up action required by a specific date:
- Date of agreement.

### 3.3 Reporting of Issue Resolution

As soon as possible after agreement has been reached, the employer representative must ensure that copies of the report are forwarded to the following:

- The health and safety representative
- The employer representative
- The Occupational Health and Safety Section
- The relevant Zone OHS Committee.
- All employees affected by the agreement

## 4. REGISTER OF DESIGNATED WORK GROUPS

The register of designated work groups, including the details of health and safety and employer representatives is maintained by the Occupational Health and Safety Section and is available on the La Trobe University <http://www.latrobe.edu.au/hr/ohs/health-and-safety-representatives.htm> and is also displayed outside the OHS Section, David Myers Building, Level 2.

## 5. REFERENCES

Occupational Health and Safety Act 2004  
Occupational Health and Safety Regulations 2007

## 6. CROSS REFERENCES

LTU Occupational Health and Safety Policy  
Formation of Designated Work Groups and Election of Health and Safety Representatives Procedure  
Right of Entry Procedures  
Internal OHS Procedures.

## 7. DOCUMENTATION

Register of Designated Work Groups <http://www.latrobe.edu.au/hr/ohs/health-and-safety-representatives.htm>

Local displays of OHS personnel.

The Executive Occupational Health and Safety Committee approved these procedures at its meeting on 5 June 2000.

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