




DOCUMENT TYPE	D	
ADMINISTRATIVE	5	
PEOPLE AND CULTURE	3	
OCCUPATIONAL HEALTH AND SAFETY	1	
NUMBER	009	

OHS ISSUE RESOLUTION PROCEDURES


Parent Policy Title	OHS Policy														
Associated Documents	<p>OHS Act 2004</p> <p>OHS Regulations 2007</p> <p>Register of Designated Work Groups</p> <p>http://www.latrobe.edu.au/hr/ohs/health-and-safety-representatives.htm</p>														
Preamble	Under the Occupational Health and Safety Act 2004 there is a requirement to develop Issue resolution processes within workplaces.														
General	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.														
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Responsibilities- Employer Health and Safety Representative	1														
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1. Responsibilities	<p>1.1 Employer Representatives must:</p> <ul style="list-style-type: none"> • 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. • Notify employees, Health and Safety Representatives and the area health and safety committee as to whether they intend to participate in the resolution of an issue or to nominate an employer representative, who will participate in the resolution. In this case the name and the position title of the nominated employer representative is to be advised. <p>1.2 Health and Safety Representatives or a nominated employee representative can only act on behalf of the employees affected by an issue.</p>														
2. Reporting Issues	<ul style="list-style-type: none"> • The employee must inform their health and safety representative. • If there is no health and safety representative for the workplace, 														

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	<p>employees may nominate one or more employees to act on their behalf.</p> <ul style="list-style-type: none"> Issues must be reported to the employer or employer representative.
<p>3. Resolving an 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"> The number and location of employees affected by the issue. Whether appropriate temporary measures are possible or can be achieved with reasonable practicability. The time that may elapse before the issue is permanently resolved. Who on behalf of the employer will be responsible for performing and overseeing any action agreed necessary to resolve the issue (on behalf of the employer). <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 Workplace Environment and Wellbeing Unit (OHS) should be consulted immediately.</p> <p>To avoid doubt, any meeting should be accurately documented in a contemporaneous fashion.</p> <p>As soon as is reasonably possible after resolution of an issue, the employer must ensure that details of any written or oral agreement between parties is brought to the attention of employees affected by the issue and forwarded to the safety committee.</p>
<p>4. No Resolution.</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 WorkSafe Victoria 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"> is contravening a provision of the OHS Act or Regulations; or has contravened such a provision in circumstances that make it likely that the contravention will continue or be repeated, <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"> state the belief and the grounds for the belief for issuing the notice; specify the provision of the OHS Act or the Regulations that has or is likely to be contravened; and specify a day by which the contravention must be remedied. <p>Within seven days of the issuing of a PIN, WorkSafe Victoria can be asked to arrange for an inspector to attend the workplace and enquire into the subject of the PIN.</p>

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	<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, WorkSafe Victoria may be asked to arrange for an inspector to attend the workplace and enquire into the issue.</p>
5. Documentation	<p>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:</p> <ul style="list-style-type: none"> • 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.
6. Improvement Notice (PIN)	<p>Any employer representative or person to whom a PIN is issued must provide Workplace Environment and Wellbeing Unit (OHS) 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 Workplace Environment and Wellbeing Unit (OHS) a copy of the PIN within 24 hours.</p> <p>P.I.N. notices must be displayed in a prominent area related to the issue.</p>
Status	Revised Format. Prior Approval 5/2000. The implementation of the latest version of these procedures supersedes all previous versions of these procedures.
Approval Body	Executive OHS Committee, 14 September 2009, Minute 45.5
Initiating Body	Workplace Environment and Wellbeing Unit (OHS Committee)
Definitions	<p>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.</p> <p>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.</p>

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	<p>Employer representatives are listed in the Register of Designated Work Groups</p> <p>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.</p> <p>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.</p>
Date Effective	14 September 2009
Next Review Date	30 September 2009
Keywords	Issue Resolution, Health and Safety Representatives, Provisional Improvement Notice.
Owner/Sponsor	Executive Director People and Culture
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