

A guide to workplace health and safety committees



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What is a workplace health and safety committee?

A workplace health and safety committee is a forum where health and safety problems can be identified and resolved, and where safe systems and procedures can be developed and monitored. A committee provides a forum in which management and employees can talk to each other about health and safety in their workplace and make recommendations for improvements in these areas. A committee can help prevent injuries and fatalities from occurring in the workplace. Evidence suggests that workplaces which have well run committees show a decline in accident and work related illness rates.

The *Occupational Health and Safety Act 1983* (the Act) and the *Occupational Health and Safety (Committees in Workplaces) Regulation 1984* (the Regulation) set out the legal requirements for the formation and running of committees in New South Wales.

A workplace health and safety committee must be established:

- (a) in a workplace with 20 or more employees where the majority of employees request it or
- (b) in a workplace where the WorkCover Authority of New South Wales directs that a committee be established.

Workplace health and safety committees are also known as occupational health and safety (OHS) committees.

The workplace

The first step is to define the workplace to be served by the committee. Each committee member will have to be employed at the workplace served by the committee.

Take into consideration the location and work activities of the various departments and the size of the workforce. Most important are:

- geography and layout of the workplace
- communication between the committee and its workplace
- that each type of production and hazard exposure be properly represented.

Your organisation may be better served by more than one committee because of its size and diversity. Separate committees that each serve a defined and manageable area will function better than one committee that tries to serve several different locations.

The vote

You need a majority of all employees at your workplace to vote in favour of forming a committee. To do this you can conduct a vote either at a general meeting or by ballot or petition.

Due to shift work, illness and lack of communication, a meeting of all staff can be difficult to arrange. Therefore in most cases the most effective method of taking the vote is by petition.

A petition can reach all workers in your workplace, making it easier to achieve the required majority vote. In practice, mutual agreement is often reached between the employer and employees without a vote being taken.

Sample petition

Petition

We the undersigned petitioners agree to the formation of a workplace occupational health and safety committee* for Acme Pty Ltd, Southern Region.

* According to the requirements of the *Occupational Health and Safety Committees in Workplaces Regulation 1984* and the *Occupational Health and Safety Act 1983*.

Name	Address	Signature	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The request

If the majority want a committee, management must be notified and a request made for the formation of a committee (the Regulation clause 4).

Make the request for the formation of a committee to your employer in person and in writing with the details of the meeting, ballot or petition. Ask your employer for an acknowledgment of the request in writing. At the same time ask management for some basic tools for your committee such as provision of a meeting room, phone, filing cabinet, space on the notice board and stationery.

On receiving the request your employer must agree to forming the committee as soon as practicable (see the Regulation clause 5).

Sample of a letter to an employer requesting the formation of a workplace health and safety committee

David Jones
Shop Steward
Acme Pty Ltd

Manager
Acme Pty Ltd
Utopia Ave
Nirvana

Dear Sir / Madam,

Enclosed is the petition conducted for the establishment of a workplace occupational health and safety committee at Acme Pty. Ltd, Southern Region.

The petitioners voted 38 in favour, four against, and eight did not vote from the total workforce of 50.

Under the requirements of the *Occupational Health and Safety (Committees in Workplaces) Regulation 1984* and the *Occupational Health and Safety Act 1983* I make this formal request for an occupational health and safety committee to be established at Acme Pty Ltd, Southern Region as soon as possible.

Yours sincerely

The make-up of the committee

A meeting must now be held for all interested parties (workers and management) to discuss the make-up and aims of the committee. There must be at least one week's notice of the meeting.

- A health and safety committee must be made up of elected employee representatives and employer representatives appointed by management.
- The number of employer representatives must not be more than the number of employee representatives (the Regulation 6 (4)).
- The Regulation recommends that committees should have eight members (the Regulation 6 (2)). Employee reps and the employer can vary this number by agreement. Negotiate with management on this point to make sure that committee members are representative of all trades and sections of the workplace. Management reps should include a person with the authority to implement preventative measures on behalf of the company or department.
- A special exemption is that committees in all schools should have no more than four members (the Regulation 6 (2A)).

- A meeting of employees must decide the method of electing employee representatives to the committee. Invite someone at the meeting to call for nominations and to conduct the election for committee places. It is important to have all areas of your workplace represented on your committee.
- Try to include people from:
 - both sexes
 - different cultures
 - each shift
 - each department or section
 - different trades, skills and work activities
 - different areas of hazard exposure

Committee members are elected for two years (the Regulation 7 (6)).

You may have difficulty finding enough nominees to fill the committee vacancies and there may be no more nominees for committee places than required. In this case an election for places may not be necessary. It is important however, to advertise for nominees so that everyone in the 'workplace' has the chance to nominate. Make sure that workers from non- English speaking backgrounds are given the opportunity to nominate for the committee. Inform interested parties that committee members are entitled to full pay, training and time away from their normal duties when carrying out committee business.

The chairperson

The chairperson must be one of the employee reps. The employee committee members must elect one of the employee reps to be the committee chairperson (the Regulation clause 9).

Accredited training

All committee members must attend an accredited training course. It is the responsibility of the employer to take steps to have all committee members attend an accredited training course. It is up to the committee to nominate which course members should attend. It will help the smooth running of your committee if employee and management reps are trained together.

An accredited OHS committee course will train you in:

- meeting procedure
- making policy recommendations
- the basics of OH&S
- how to find information.

Workplace health and safety committees - powers and functions

Committees can:

- review measures taken to make the workplace healthy and safe (the Act section 24 (1) (a))
- bring to the attention of the employer and investigate any situation which a committee member or an employee thinks is unsafe (the Act section 24 (1)(b))
- resolve any health and safety problem, if possible. If the committee cannot resolve the problem it can ask an inspector from the WorkCover Authority of New South Wales to help (the Act section 24 (1)(c) and 24 (2))
- help to develop a system to record accidents and hazardous situations in the workplace (the Regulation clause 12(a))
- help develop a safe working environment and safe systems of work (the Regulation clause 12(b)).
- help to develop a health and safety policy for the workplace (the Regulation clause 12 (b))
- monitor procedures for ensuring the proper use and proper maintenance of protective equipment. Committees can also monitor procedures for ensuring the replacement of protective equipment when this is needed (the Regulation clause 12 (c))
- recommend to the employer ways to protect the health and safety of people at the workplace (the Regulation clause 12(d))

Committee members - duties and rights

Committee members should:

- inspect the workplace in a way determined by the committee, not less than once every three months, or whenever an accident or possible hazardous situation occurs, or at any time with the approval of the employer (the Regulation clauses 13(1)(a) and (b))
- obtain details of proposed changes to the workplace that could affect health and safety (the Regulation clause 13 (1)(c))
- have access to all information kept by the employer on accidents and occupational disease in the workplace (the Regulation clause 13 (1)(d))
- have access to all information kept by the employer about the risks to health and safety of any equipment or substance (the Regulation clause 13 (1)(d))
- recommend to the employer training and education for particular groups at the workplace (the Regulation clause 13 (1)(e))
- inform the chairperson of the committee of any breach of occupational health and safety law (the Regulation clause 13 (1)(f))
- become familiar with the workplace and the employees. This should be done as soon as possible after they join the committee at a time agreed with by the employer (the Regulation clause 13 (1)(g))
- be paid at their appropriate rate while they are carrying out their duties as committee members or while they are attending a training course of the type specified further below (the Regulation clauses 15 (1) and 15(2))
- not be dismissed for being an occupational health and safety committee member or for performing his or her duties as a committee member (the OHS Act section 26(1)).
- not disclose any manufacturing or commercial secrets they obtain unless it is done as part of their duties as committee member and with the approval of the employer or by court order (the Regulation clauses 13 (2) and 13 (3)).

Training of committee members

Committee members are entitled to training and education to help them to carry out their duties (the Regulation clause 13B)). This training should:

- be an accredited training course on the duties of health and safety committee members, and if necessary,
- be relevant to the industry, business or special hazards with which the committee is concerned, and
- include refresher training on the duties of health and safety committee members (the Act section 25(2) and the Regulation clause 13 B)

Committee procedures

Committees should meet at least once every three months or whenever the chairperson calls a meeting (the Regulation clause 11 (2)(a)).

Copies of minutes of committee meetings must be displayed prominently in the workplace (the Regulation clause 11 (2)(g)).

The chairperson should circulate an agenda to committee members before each meeting (the Regulation clause 11 (2)(c)).

Minutes should be kept of each meeting (the Regulation clause 11 (2)(d)).

Records of the committee (including minutes of its meetings) should be stored by the employer and be accessible to all committee members (the Regulation clause 11 (2)(e) and (f)).

Legally established and functioning committees

In following the steps and guidelines set out in this document and the *Occupational Health and Safety (Committees in Workplaces) Regulation 1984*, your committee and individual members of that committee will be entitled to all the rights and protection provided by the Regulation.

Help from WorkCover

For advice on helping your committee carry out its duties in the most effective way, consult your regional WorkCover health and safety inspector. An inspector can:

- help you to establish a health and safety committee
- help you to find a suitable accredited trainer
- provide help with any problem areas that develop.

For specialist advice about forming and running a committee in your workplace contact:
OHS Education Unit, WorkCover NSW, (02) 9370 5290