



# WORK HEALTH AND SAFETY ISSUE RESOLUTION GUIDELINE

## JUSTICE AND COMMUNITY SAFETY DIRECTORATE

### DOCUMENT INFORMATION

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## DEFINITION OF TERMS

Term	Definition
	<p><b>Primary duty</b> - A person who conducts a business or undertaking (PCBU) owes a duty of care to all workers carrying out work in the business or undertaking. They must ensure the health and safety of all workers, so far as is 'reasonably practicable'.</p> <p>A PCBU also has duties to other persons who may be put at risk from work carried out as part of the conduct of the business or undertaking.</p>
Duty holders	<p><b>Officer's duty</b> - An officer of a PCBU has a duty to exercise 'due diligence' to ensure that the PCBU complies with its duty.</p> <p><b>Worker's duty</b> - A worker must take 'reasonable care' for themselves and others to comply with reasonable instructions and cooperate with reasonable policies and procedures of the PCBU.</p> <p><b>Others' duty</b> - Persons must take 'reasonable care' for themselves and others and comply with reasonable instructions of the PCBU.</p>
Health and safety representative	Primarily, the role is to liaise with other workers to identify health and safety issues and convey these to management
Must	'Must' indicates a legal requirement exists that must be complied with.
Parties	In relation to an issue, refer s80 Work Health and Safety Act 2011
PCBU	A person who conducts a business or undertaking.
Riskman	<a href="#">ACT Government online incident reporting system.</a>
Worker	A person is a worker if the person carries out

Term	Definition
	<p>work in any capacity for a person conducting a business or undertaking, including work as—</p> <ul style="list-style-type: none"> <li>a) an employee</li> <li>b) a contractor or subcontractor</li> <li>c) an employee of a contractor or subcontractor</li> <li>d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or as</li> <li>e) an outworker</li> <li>f) an apprentice or trainee</li> <li>g) a student gaining work experience</li> <li>h) a volunteer; or</li> <li>i) a person of a prescribed class</li> </ul>
Workplace	<p>A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.</p> <p>Place includes:</p> <ul style="list-style-type: none"> <li>(a) a vehicle, vessel, aircraft, or other mobile structure and</li> <li>(b) any waters and any installation on land, on the bed of any waters or floating on any waters.</li> </ul>
WorkSafe ACT	<p>This Agency enforces the Territory's <i>Work Health and Safety Act</i>, Regulations and Standards and workers' compensation laws through education and compliance activities.</p>

## 1. PURPOSE

- 1.1 The purpose of this guideline is to provide the Justice and Community Safety Directorate (JACS), Work Health and Safety (WHS) duty holders with a structured process to resolve WHS issues that cannot be resolved through existing processes and structures for WHS consultation.
- 1.2 For example, when individual discussions held between management representatives, health, and safety representatives (HSR's) and the WHS committee structures are unable to resolve a WHS issue

## 2. SCOPE

- 2.1 This guideline applies to all JACS workers and reflects the core objectives of the Work Health Safety Act 2011 (the WHS Act) in providing fair and effective workplace representation, consultation, co-operation and issue resolution in relation to work health and safety, and specifically s81 (2) requirements. It also reflects the Directorate's duty to comply with the requirements of the WHS Regulations 2011 (the WHS Regulation) Part 2.2 Issue Resolution.
- 2.2 This guideline has been authorised by the Director-General following consultation with JACS Officers, HSR's and Health and Safety Committee members representing JACS workers.
- 2.3 The guideline is not intended to diminish or limit the powers and functions of HSR's as described in s68 of the WHS Act.

## 3. BACKGROUND

- 3.1 Consultation is a legal requirement and essential part of managing health and safety risks. A safe workplace is more easily achieved when workers involved in the work communicate with each other to identify hazards and risks, talk about any health and safety concerns and work together to understand issues that may arise from that work and to find workable solutions.

## 4. GUIDELINE STATEMENT

- 4.1 JACS recognises that the duty to consult is based on the recognition that worker input and participation improves decision-making about health and safety matters and assists in reducing work-related injuries and disease.

## 5. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Line Managers and Supervisors	Must brief their work groups on the introduction and availability of these guidelines through team meetings or other modes of communication.
Workers	Must familiarise themselves with the mechanisms available to resolve WHS issues.

## 6. NOTIFICATION OF WORK HEALTH AND SAFETY ISSUE

- 6.1 JACS has a number of mechanisms in place for workers to report a WHS issue:
- direct negotiation with supervisor/management
  - raising issues at work health and safety or local consultative committee meetings
  - hazard report form
  - RiskMan
  - email
  - phone

## 7. GUIDELINE

- 7.1 Any party to the WHS issue may initiate this guideline by advising the other party:
- that there is an issue to be resolved
  - the nature and scope of the issue
  - a method and timeline for resolution of the issue
- 7.2 As soon as possible, parties must be told of the WHS issue or risks, and all parties must meet or communicate with each other to attempt to resolve the issue in a timely manner.
- 7.3 During a face to face meeting, a person must be mutually nominated to facilitate and document the meeting and outcomes as per **Attachment A** of these guidelines.
- 7.4 The parties must have regard to all relevant matters including the following:
- the degree and immediacy of the risk to workers or other persons affected by the issue
  - the number and location of workers and others affected by the issue
  - the measures (both temporary and permanent) that must be implemented to resolve the issue

- the method and timeline for resolution of the issue
  - who will be responsible for implementing the resolution guidelines?
- 7.5 Any party may nominate a person to assist or represent them while resolving the issue.
- 7.6 If the issue is resolved, details of the issue and its resolution must be set out in a written agreement reflecting the outcomes.
- 7.7 A copy of the written agreement must be given to:
- all parties to the issue
  - if requested, to the relevant work health and safety or local consultative committee
  - JACSSafety Health and Wellbeing Team
- 7.8 The JACSSH&W Team will monitor the progress of the issue.
- 7.9 If the issue cannot be resolved, the worker can escalate the issue to the Tier 1 Health and Safety Committee meeting (refer to **Attachment B** of these guidelines).
- 7.10 To avoid doubt, nothing in this guideline prevents a worker from bringing a WHS issue to the attention of the work groups nominated HSR.

## 8. IMMEDIATE SAFETY HAZARDS

- 8.1 There may be circumstances where a definite and immediate safety hazard is perceived, and the issue is considered urgent and serious. The HSR must inform and consult with the supervisor/manager in regard to the hazard and the appropriate control measures in place or proposed.
- 8.2 The supervisor/manager or HSR may call an immediate halt to the work whilst the issue is investigated.
- 8.3 In the event that the supervisor/manager fails to agree about the level of risk present, or the supervisor is not available, the HSR may direct affected workers to withdraw from the alleged hazard having regard to the health and safety of others. The HSR must inform the appropriate supervisor/manager of the actions that have been taken pending a full investigation. The HSR must immediately inform the JACSSH&W Team of the action taken.
- 8.4 Work will not resume until it has been agreed that the hazard has been controlled and no longer presents an unacceptable risk to the health and safety of workers. Alternative duties may be found for those workers affected.
- 8.5 A written report of the situation and the actions taken must be prepared by the supervisor/manager. The report must be distributed to the HSR of the work group, work group WHS or LCC Committee the JACSSH&W Team, and relevant Executive Director.

## 9. REFERRAL OF ISSUE TO REGULATOR FOR RESOLUTION BY INSPECTOR

- 9.1 If the issue is not resolved after consultation has taken place, HSR's and workers may request that a WorkSafe ACT inspector attend the workplace to assist in resolving a WHS issue.
- 9.2 The inspector's role is to assist in resolving the issue. An inspector may exercise any of their compliance powers under the WHS Act, including providing advice, investigating contraventions, or issuing an improvement notice.
- 9.3 The Chief Human Resources Officer of People and Workplace Strategy, Director of the JACS SH&W Team, and relevant Executive (i.e. Executive Director, Chief Officer) must be notified when the assistance of a WorkSafe ACT inspector is requested.
- 9.4 Resolution of the issue must be advised in writing, including details of the agreement or resolution.

## 10. REVIEW

- 10.1 These guidelines will be reviewed on an ongoing basis, with a formal review to occur at a minimum every two years, which will fall in September 2022.

## 11. ENQUIRIES

Direct enquiries on these guidelines to:

People and Workplace Strategy  
Safety Health and Wellbeing Team

Email: [JACS\\_OHS@act.gov.au](mailto:JACS_OHS@act.gov.au) or through the [ACT Government Directory](#).



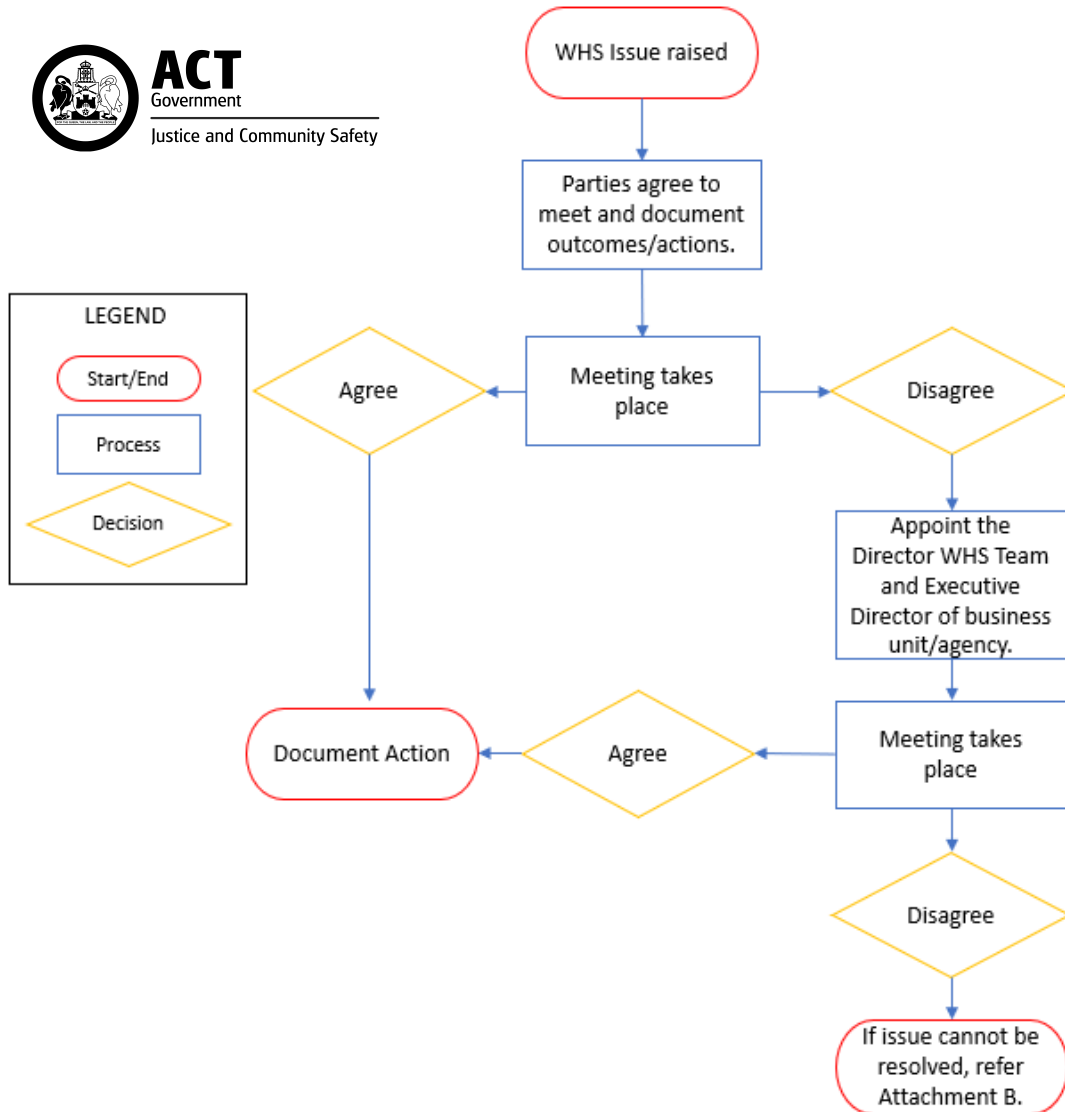
## DETAILS

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## AMENDMENT HISTORY

Version No	Issue Date	Details	Author
0.1	July 2014	Drafted	Director, Safety Health and Wellbeing
0.2	May 2015	Update	Director, Safety Health and Wellbeing
0.3	June 2017	Update	Director, Safety Health and Wellbeing
0.4	August 2020	Update	Director, Safety Health and Wellbeing

## ATTACHMENT A: WHS ISSUE RESOLUTION PROCESS



## ATTACHMENT B: ESCALATION PROCESS

### TIER 1 HEALTH AND SAFETY COMMITTEE MEETING

