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NUMBER	016	
		Policy Database Document Reference Number 512016D

OHS ISSUE RESOLUTION PROCEDURE


Parent Policy Title	Occupational Health and Safety Policy														
Associated Documents	<p>Occupational Health and Safety Act 2004 Occupational Health and Safety Regulations 2007 Ohs Formation of Designated Work Groups and Election of Health and Safety Representatives Procedure Register of Designated Work Groups: https://intranet.latrobe.edu.au/matrix/_data/assets/pdf_file/0017/3626/hsr-dwg-register.pdf</p>														
Preamble	The Occupational Health and Safety Act requires employers and employees to attempt to resolve OHS issues in the workplace as they arise. These procedures are intended to facilitate effective communication between employees and management in resolving OHS issues at La Trobe and describe the arrangements on how those issues are to be resolved.														
General	The purpose of these procedures is to inform managers and employees of their obligations in resolving issues relating to workplace health and safety issues and to provide practical guidance in the resolution of health and safety issues which cannot be resolved at the local level.														
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1. Responsibilities	<p>All parties to the issue must attempt to resolve the issue in consultation with persons affected by the issue.</p> <p>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. • Follow these procedures in resolving the issue to the fullest extent 														

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	<p>possible</p> <ul style="list-style-type: none"> Document and communicate the outcome of the resolution of an issue to all affected parties. <p>Health and Safety Representatives / Employee Representatives must:</p> <ul style="list-style-type: none"> Represent the employees, students or contractors affected by the OHS issue. Only act on behalf of the employees, students or contractors affected by an issue. In consultation with the Employer Representative, participate in the resolution of the issue.
<p>2. Reporting issues</p>	<p>All health and safety issues must first be reported and attempted to be resolved with local management in the first instance, by reporting OHS issues as follows:</p> <p>Employees: With their supervisor or manager Students: With their course coordinator or head of school Contractors: With their contract manager or project coordinator</p> <p>The following procedures apply where the issue is unable to be resolved at the local management level.</p> <p>The employee, student or contractor raising an OHS issue must inform the health and safety representative for the relevant Designated Work Group (DWG). If there is no health and safety representative for the workplace, employees within the DWG may nominate one or more employees in the DWG to act on their behalf.</p> <p>The HSR / Employee Representative must report the issue to the employer or employer representative. If the employer representative is not available, the senior manager employed by the University in that organisational unit of the University where the issue has arisen is deemed to be the employer representative for the purpose of attempting to resolve the health and safety issue. The employer or employer representative must acknowledge the notification of the issue to the HSR.</p> <p>The Employer Representative must inform the Workplace Environment and Wellbeing Unit of notification of an OHS issue. If the issue concerns work which is considered to be a high risk, the Manager, Workplace Environment and Wellbeing Unit (OHS) should be consulted immediately.</p>
<p>3. Resolving an issue.</p>	<p>When resolving an issue, regard must be given to:</p> <ul 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 Employer Representative must:</p> <ol style="list-style-type: none"> Notify employees, HSR and health and safety consultative committee of

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	<p>the organisational group as to whether the employer representative of the DWG intends to participate in the resolution personally or nominate an employer representative. If a representative other than the Employer Representative for the DWG is to be nominated, employees must be informed of the name and position title of this person.</p> <ol style="list-style-type: none"> 2. Where practicable, communicate with the HSR / Employee Representative within two working days and meet with HSR within five working days or sooner if the nature of the risk or hazard warrants it. Alternatively, the Employer Representative must communicate what actions are or will be taken to resolve the issue. At all stages in the issue resolution process the Employer Representative should be available to meet with the HSR / Employee Representative when required. 3. Ensure that all meetings and outcomes are recorded and documented (this can be another person by agreement). To avoid doubt, any meeting should be accurately documented in a contemporaneous fashion. 4. Inform persons affected by the issue of the outcome of resolution or of any interim arrangements until the issue is resolved. These arrangements should identify the persons responsible and agreed timelines for actions. 5. Ensure as soon as is reasonably possible after resolution of an issue, that details of any written or oral agreement between parties is brought to the attention of all persons affected by the issue and forwarded to the relevant OHS Consultative Committee. The communication should be in a manner, form and language that are agreed by all parties to be appropriate. <p>At any stage in the resolution of an issue, a party may seek the assistance of any relevant organisation of employees or of employers to assist the parties to resolve the issue.</p> <p>If within a reasonable time there is still no resolution, any of the parties attempting to resolve the issue, may ask WorkSafe Victoria to arrange for an inspector to attend the University and enquire into the issue.</p>
<p>4. Documentation and Communication</p>	<p>As soon as is reasonably practicable after resolution, the employer must ensure that details of any written or oral agreement between the parties are brought to the attention of employees affected by the issue and forwarded to the University Executive OHS Committee and any Health Safety Consultative Committee affected by the issue.</p> <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 (or another person by agreement with the HSR or Employee 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:

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	<ul style="list-style-type: none"> • Description of Issue: • Agreed outcome which includes any follow up action required by a specific date: • Date of agreement.
5. Provisional Improvement Notice (PIN)	<p>The HSR / Employee Representative may issue a Provisional Improvement Notice (PIN) requiring a person to remedy a contravention of a provision of the OHS Act or Regulations if they believe on reasonable grounds that the person:</p> <p>a) is contravening a provision of the OHS Act or Regulations; or b) has contravened such a provision in circumstances that make it likely that the contravention will continue or be repeated</p> <p>Any such PIN must be specific and must:</p> <ul 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>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>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> <p>PIN Notices must be displayed in a prominent area related to the issue.</p>
6. Direction to cease work	<p>If an issue concerning health and safety arises at the University 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>
Status	Revised Format. The implementation of the latest version of these procedures supersedes all previous versions of these procedures.
Approval Body	Executive OHS Committee OHS11/16 (M), 21/3/2011 Minute 7.
Initiating Body	Workplace Environment and Wellbeing Unit (OHS)

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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>Employee Representative: If there is no health and safety representative for the workplace, employees within the relevant DWG may nominate one or more employees in the DWG to act as an Employee Representative on their behalf for the purpose of resolving an OHS issue.</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. Employer representatives will be the relevant Dean or Divisional Director of the Designated work Group who has the appropriate level of seniority and is sufficiently competent to act as the employer's representative.</p> <p>Issue: A point in question or dispute concerning health and safety between employees and the employer representative for the designated work group.</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.</p> <p>Issue: A point in question or dispute concerning health and safety between employees and the Employer Representative for the designated work group.</p> <p>Organisational Group: Faculty or Division of the University.</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	21 March 2011
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Owner/Sponsor	Director, Risk Management (as from 2011)
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