

BSBWHS413

Contribute to Implementation and Maintenance of WHS Consultation

Learner Guide Instructions

Who is this document for?

The learner.

What is in this document?

- Course information that matches the PowerPoint presentation.
- Review questions.
- Practical assessment instructions for learners.

What do you need to do before you use it for the first time?

1. Rebrand the document.
2. Review the document as part of your validation process.
3. Set the reading and test time limits that are highlighted in pink at the end of the document.

See the 'Read Me First' document for a complete set of instructions on how to use these resources.



LEARNER GUIDE

BSBWHS413 Contribute to Implementation and Maintenance of WHS Consultation and Participation Processes

Learner Name:	
Learner ID:	
Learner Contact Number:	
Learner Email Address:	
Date Training Commenced:	

This Book Contains:

- ☐ Course Information.
- ☐ Review Questions.
- ☐ Practical Assessment overview and Instructions.

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1.1 Introduction



This training course is based on the national unit of competency **BSBWHS413 Contribute to Implementation and Maintenance of WHS Consultation and Participation Processes**.

The unit applies to people who work in a broad range of Work Health and Safety (WHS) roles across all industries. This includes individuals who contribute to the implementation of WHS consultation and participation processes as part of their WHS supervisory responsibilities.

This course describes the performance outcomes, skills and knowledge required to contribute to the implementation and maintenance of work health and safety (WHS) consultation and participation processes in the workplace as part of a systematic approach to managing WHS.

The materials in this course cover:

- ◆ Identifying individuals and parties involved in WHS consultation and participation processes.
- ◆ Contributing to WHS consultation and participation processes.
- ◆ Contributing to processes for communicating and sharing WHS information and data.
- ◆ Contributing to identifying and meeting training requirements for effective WHS consultation and participation.
- ◆ Contributing to improving WHS consultation and participation processes.



NOTE: The terms Occupational Health and Safety (OHS) and Work Health and Safety (WHS) are equivalent and generally either can be used in the workplace. The term WHS will be used throughout this training course.

1.1.1 Glossary of Terms

The table below details some industry specific terms mentioned throughout this learner guide.

Term	Definition
Person Conducting a Business or Undertaking (PCBU)	Person Conducting a Business or Undertaking (PCBU) A 'person conducting a business or undertaking' (PCBU) replaces the term 'employer'. A PCBU includes all employers, sole traders, principal contractors, unincorporated associations, partnerships and franchisees. Volunteer organisations that also employ people will be PCBUs. A PCBU's primary duty of care is to ensure the health and safety of everyone in the workplace, so far as is reasonably practicable.
Officer	An 'Officer' is a person who makes, or participates in making, decisions that affect the whole or a substantial part of a corporation.
WHS Regulator	Government authorities which administer WHS legislation for each state and territory.
WHS Inspector	Assist WHS regulators by inspecting workplaces and investigating non-compliances.
Health and Safety Representative (HSR)	An elected person in the workplace who represents employees in the workplace on WHS matters. May also be referred to as WHS representative or WHSR.

Term	Definition
Duty Holder	Any individual who has a responsibility under WHS legislation.
Worker	'Worker' replaces the term 'employee'. It is defined broadly to mean a person who carries out work in any capacity for a PCBU. A 'worker' covers employees, contractors, sub-contractors (and their employees), labour hire employees, outworkers, apprentices, trainees, work experience students and volunteers.
Reasonably Practicable	Reasonably Practicable is defined as action that is, or was at a particular time, reasonably able to be done to help ensure health and safety of others.
Due Diligence	A responsibility to ensure that the PCBU is doing everything it should to ensure health and safety.

1.2 WHS Consultation Duty Holders

Consultation and participation are central to work health and safety (WHS).

Not only is it a legal requirement, it is essential in identifying hazards and risks, and establishing a culture of safety within the workplace.



1.2.1 Identifying Duty Holders

A duty holder is any person in an organisation with WHS duties as specified in federal or state legislation. More than one person can have more than one duty and more than one person can have the same duty at the same time.

You will need to identify the stakeholders in your workplace who are duty holders and therefore have roles, duties, rights and responsibilities regarding WHS consultation and participation.



Your relevant state/territory's WHS authority may have a code of practice that assists you in identifying the individuals and parties specifically required to be involved in WHS consultation and participation. These individuals and parties may include: contractors and subcontractors, customers, duty holders as specified in WHS Acts, health and safety representatives (HSRs) and committees, suppliers and unions.

Review Questions

1.	What is a duty holder?	<input type="checkbox"/>

1.3 Determine WHS Duties, Rights and Responsibilities

In order to contribute to WHS consultation and participative processes in your workplace, it is important that you stay up to date on health and safety information, including Australian and international regulations and codes of practice.



1.3.1 Researching WHS Information



You are required to determine the specified roles, duties, rights and responsibilities of individuals and parties in your organisation.

To do this you will need to collect and review information about commonwealth and state or territory WHS Acts, regulations, codes of practice, standards and guidance material, and policies relating to WHS consultation and participation.

Be clear about the type of information you are looking for. This will help you to sort through all the data available and make decisions about what is relevant.

You need to evaluate the information you have collected to make sure it is reliable, accurate and sufficient. Inaccurate or disputed information may bring your own research under question.



You may seek out both internal and external information sources of information, these may include the following:

Information Source	Examples
External	<ul style="list-style-type: none"> ◆ Australian and industry standards. ◆ Australian Bureau of Statistics (ABS). ◆ Internet, journals, magazines. ◆ Legislation, codes of practice and standards. ◆ Research literature and websites. ◆ WHS authorities, professional bodies and specialists. ◆ Unions and industry bodies. ◆ The SafeWork Australia, Comcare or your states WHS regulatory authority websites.
Internal	<ul style="list-style-type: none"> ◆ Minutes of meetings. ◆ WHS policies and procedures. ◆ Work instructions. ◆ Worker information papers, brochures, notes, newsletters. ◆ Workers.

Always follow your organisation's processes and procedures for accessing and retrieving information, including the use of various technology and communications media.

Information is likely to change over time so you must always check how old the documents you access are, and whether more recent developments or progressions have been made.



1.3.2 Legal Framework



WHS legislation forms the basis of all requirements for worksite and equipment safety including materials handling and all other work activities.

The aim is to ensure the safety of everyone working on or visiting the site.

1.3.2.1 Harmonisation of WHS Legislation

In response to industry calls for greater national consistency, the Commonwealth, states and territories have agreed to implement nationally harmonised WHS legislation to commence on 1 January 2012.

Harmonisation aims to develop consistent, reasonable and effective safety standards and protections for all Australian workers through uniform WHS laws, regulations and codes of practice.

While not all states and territories have actually implemented the model WHS legislation as of the start of 2020, it is important to be aware of these changes, as all states and territories will eventually implement them.



1.3.2.2 Key Elements of WHS Legislation

The legislation you are required to follow in the workplace will vary depending on the industry and the nature of the work. There are a number of common elements within WHS legislation and acts that apply to all workplaces, these include:

- 1** There is a primary duty of care requiring **persons conducting a business or undertaking (PCBU)** to ensure, so far as is **reasonably practicable**, the health and safety of **workers** and others who may be affected by the carrying out of work.
- 2** A requirement that **officers** of corporations and unincorporated bodies exercise **due diligence** to ensure compliance.
- 3** **Workers** must exercise reasonable care that their acts or omissions do not adversely affect the health and safety of persons at a workplace.

Due diligence may be demonstrated through the following courses of action:

1. Acquiring knowledge of health and safety issues.
2. Understanding operations and associated hazards and risks.
3. Ensuring that appropriate resources and processes are used to eliminate or minimise risks to health and safety.
4. Implementing processes for receiving and responding to information about incidents, hazards and risks.
5. Establishing and maintaining compliance processes.
6. Verifying the provision and use of the resources mentioned in 1-5.



Whether safety measures are considered **reasonably practicable** is based on the following factors:

- ◆ Chances of the hazard or risk occurring (likelihood).
- ◆ The degree of harm (consequence).
- ◆ The knowledge of persons involved in the situation relating to the hazard or risk and methods of eliminating or controlling it.
- ◆ The availability and suitability of ways to eliminate or control the hazard or risk.
- ◆ The costs involved in taking action to eliminate or control the hazard or risk including consideration of whether the cost involved is inconsistent to the level of risk.

Many specific details relating to WHS will be negotiated within the workplace in accordance with the legislation.

It is important that you speak with your HSR or supervisor for more information on how these elements will affect your day-to-day operations, or if you have any concerns relating to health and safety.



1.3.2.3 Codes of Practice



Codes of practice are a set of ethical principles guiding the way an organisation operates. These codes are not mandatory like laws but are honorary codes created to help contextualise acts and legislation that may be difficult to understand.

An important code of practice relevant to this unit is the model code of practice “**Work health and safety consultation, cooperation and coordination**”. The model code of practice was developed to provide guidance to PCBU's and duty holders on best practice employee consultation regarding WHS.

Alternatively, the organisation might have its own code of practice that it expects you to operate within. This may be based on an industry code of practice.

Review Questions

2.	Why is it always important to check how old the documents you access are?	<input type="checkbox"/>
3.	WHS policies and procedures, work instructions and minutes from meetings are sources of what kind of information?	<input type="checkbox"/>

4.

What is the code of practice relevant to WHS?

☐

5.

What are codes of practice?

☐

1.4 Communicate Roles, Duties, Rights and Responsibilities

You may be required to communicate details of WHS roles, duties, rights and responsibilities of individuals and parties.

Before doing this, you will need to identify the requirements regarding consultation and participation for others and also how they apply to your own job role and work area.



1.4.1 WHS Requirements of Workplace Personnel

WHS responsibilities vary depending on the job role of the individual in question. As a guideline, the following table shows some general responsibilities for duty holders in a workplace setting.

Stakeholder	WHS Responsibilities
PCBU	<ul style="list-style-type: none"> ◆ Consult with workers regarding health and safety matters. ◆ Monitor the health of workers to minimise risks and WHS issues. ◆ Exchange information about WHS risks and controls with WHS representatives and workers. ◆ Work with HSR and workers to resolve WHS issues within the workplace in accordance with the agreed procedure.
Managers & Supervisors	<ul style="list-style-type: none"> ◆ They follow health and safety procedures. ◆ They implement health and safety procedures in their areas of control. ◆ They implement, monitor and evaluate risk control measures. ◆ Any workers under their control are provided with adequate information, instruction and training to effectively and safely complete their work tasks.
Workers	<ul style="list-style-type: none"> ◆ Be represented by a HSR when raising WHS issues or have a defined system so that there is communication with management to resolve these issues. ◆ Follow measures put in place to protect their safety such as using and caring for Personal Protective Equipment (PPE) or follow safe operating procedures. ◆ Exchange information about WHS risks and controls with their PCBU and HSR. ◆ Work with their PCBU to resolve WHS issues within the workplace in accordance with the agreed procedure.
Health and Safety Representatives	<ul style="list-style-type: none"> ◆ Be consulted and represent workers in relation to WHS issues. ◆ Be provided with information and training. ◆ Attend investigations. ◆ Attempt to resolve WHS issues for those workers they represent.
Officers	<ul style="list-style-type: none"> ◆ Exercise due diligence to ensure that the business or undertaking complies with relevant WHS laws. ◆ Ensure that there are processes in place for consulting with workers, and consulting, cooperating and coordinating with other duty holders.

If you are ever unsure of your own WHS duties and responsibilities or those of someone else, then you may seek clarification from your supervisor, manager or HSR.



1.4.2 Communicating Effectively

In order to supply information to those in the workplace, you will need to have effective communication skills.



These skills will include:

- ◆ Maintaining eye contact, except where eye contact may be culturally inappropriate.
- ◆ Speaking clearly and concisely, using appropriate language and tone of voice.
- ◆ Using appropriate non-verbal communication (body language).
- ◆ Actively listening to the other person.
- ◆ Questioning and paraphrasing to clarify.
- ◆ Responding in the necessary manner.

Without clear communication you will not have a sound understanding of the topic in question.

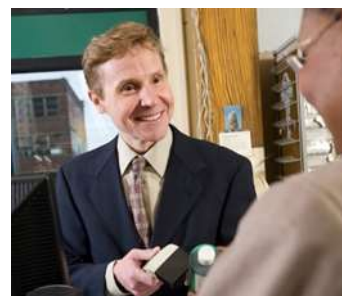
1.4.2.1 Communication Barriers

You may have individuals in your team from diverse backgrounds or with diverse abilities. You need to be able to communicate with all of these people.

There are many barriers to communication that can create difficulties. These barriers can occur in many ways and may be verbal or non-verbal barriers.

Even if two parties speak the same language, there can still be verbal communication barriers. Local slang or sayings may make communication difficult. To avoid verbal communication barriers, you can:

- ◆ Speak slowly and clearly.
- ◆ Use simple words and avoid using jargon/local expressions.
- ◆ Use short sentences.
- ◆ Ask questions.
- ◆ Paraphrase to check understanding.



In different cultures, non-verbal communication cues we are used to may have different meanings.

For example, in some cultures individuals signal “no” by nodding their head. Also, in some cultures raising your thumb is a vulgar sign.

To avoid problems, watch your non-verbal communication cues. Be courteous and polite and stay aware that the person you are communicating with may have different meanings or social norms for communication.

Review Questions

6.

Who may represent workers on WHS matters?

☐

7.

When communicating important information to others why might you question or paraphrase?

☐

2.1 Consultation and Participation Processes

The underlying principle of consultation is allowing all relevant stakeholders to participate in the decision-making process, although management will still ultimately be responsible for determining the outcome.

During consultation you need to ensure participants are aware of what is being considered, the process of consultation, how a final decision will be made and who will make this decision.

It is important to make everyone involved feel comfortable enough to share ideas.



2.1.1 Workplace WHS Policies and Procedures



To identify the consultation and participation processes in place at your workplace, you will need to review your organisation's WHS policies and procedures.

Workplace policies are the rules for your organisation. Workplace procedures are the guidelines for your workplace. They detail step by step how to complete certain tasks safely and effectively. They also outline reasonable timeframes.

The policies and procedures of an organisation should set out the rights and responsibilities of workers and PCBU's as well as how the organisation manages workplace risks.

Most organisations will set their own safety policies based on the nature of the business, workplace standards, and ethical and moral obligations.

The purpose of workplace safety policies and procedures is to ensure that individual tasks are carried out in a safe and routine manner.

Workplace safety policies and procedures may cover:

- ◆ Procedures for hazard identification and reporting.
- ◆ Incident and accident investigation.
- ◆ WHS audits and safety inspections.
- ◆ Consultative arrangements for workers in the work area.
- ◆ Emergency and evacuation procedures.
- ◆ Safe operating procedures or instructions.
- ◆ Purchasing policies and procedures.
- ◆ Plant and equipment maintenance and use.
- ◆ Use and care of personal protective equipment (PPE).
- ◆ WHS arrangements for onsite contractors, visitors and members of public.
- ◆ First aid and medical information.



Organisations can set their own standards using internal policies and procedures, but they cannot do so in a way that contradicts or breaches legislation or regulations.

2.1.1.1 Consultation and Workplace Culture

For consultation to be effective, it needs to be incorporated into the culture of the organisation.

Consultation will become widely accepted and supported within the organisation when:

- ◆ It occurs early, before agendas are set.
- ◆ Senior managers show interest in and value employee ideas.
- ◆ Employees are proactive and encouraged to submit ideas.
- ◆ Interaction is planned, genuine and collaborative.
- ◆ There is trust and mutual respect.
- ◆ Relevant information is provided.
- ◆ Decisions are acted on.
- ◆ Where decisions are not acted on, explanations are offered.



Wherever possible, **two-way communication should be encouraged.**



Remember that consultation is one of the key elements in maintaining cohesion within the workplace. Without consultation, it is difficult to engage employees and gain support in the application of safe work practices.

For employees to take ownership of their roles, responsibilities and objectives, they need to be involved in the decision-making process. This can only occur through consultation.

2.1.1.2 WHS Management Systems

Some organisations will run a WHS management system. This may be based on the Australian Standard AS4801 Occupational Health and Safety Management System.

A workplace health and safety management system is a set of policies, procedures and plans that manages health and safety at work and helps minimise the risk of injury and illness during workplace operations.

All workplaces should have a documented health and safety management system to ensure all work is completed safely, and meets the WHS standards outlined in the WHS Act, WHS legislation and regulations. More than that, a systematic approach to WHS ensures that the policies and procedures established in the workplace to protect workers and visitors evolves naturally with the work and personnel. It does this through worker consultation, feedback, review and monitoring.

