

## 1. SUMMARY

This document seeks to provide high level guidance and Bartsch Builders expectations relating to this type of work. This document must be read in conjunction with the associated Code of Practice.

## 2. DEFINITIONS

**Consultation** is a two way process between Bartsch Builders and workers where Bartsch Builders and workers: talk to each other about health and safety matters, listen to concerns and raise concerns, seek and share view and information and consider what workers say before decisions are made.

## 3. OBJECTIVES

Bartsch Builders 'will consult, so far as is reasonably practicable, with workers who carry out work for the business and who are (or are likely to be) directly affected by a health and safety matter' – refer COP Work health and safety consultation, cooperation and coordination, SA.

## 4. RESPONSIBILITIES

POSITION	RESPONSIBILITY
Office Manager	Ensure this procedure is maintained to reflect Bartsch Builders expectations Ensure this procedure is communicated to employee (where relevant)
Supervisors / Leading Hands	Assist the Director in maintaining and communicating the procedure Ensure tasks \ activities \ operations are completed in compliance with this procedure
Employees	Comply with the procedure and or any reasonable request by management unless it is unsafe to do so. Communicate any suggestion, errors, omissions associated with this procedure to management

## 5. PROCEDURE \ PROCESS

Bartsch Builders will implement **one** or **more** the following arrangements for the purposes of consulting and communication with its workers.

### Communication/Notification systems

Bartsch Builders may initiate suitable methods for ensuring that workers are kept up to date with health and safety issues. Communication/notification methods used may include, but are not limited to:

- Memorandums;
- Dispatches;
- Emails;
- Other electronic messages;
- Verbal discussions with notes made in site diary/book as needed.

### **A. AGREED ARRANGEMENTS**

#### Meetings

Bartsch Builders may initiate meetings which will include health and safety as a standing agenda item. Staff meetings will be held at the premises of Bartsch Builders and will be held at regular intervals. The chairperson of the meeting will be the Office Manager, or if they are unavailable, the next most senior person present.

#### Toolbox Meetings

Bartsch Builders may conduct toolbox meetings in order to consult with its workers regarding health and safety issues that are specific to or directly affect those workers who:

**A Code of Practice is available**

Codes of Practice give detailed practical guidance on how to comply with requirements and obligations under work health and safety laws. They are used in addition to the Act and Regulations and should always be followed, unless there is another solution which achieves the same or a better standard of health and safety in your workplace.

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- Carry out work as part of a specific team within the organisation and will be:
  - o Conducted by the team Manager/Supervisor;
  - o Held at regular intervals.
- Carry out activities on a construction project and will be:
  - o Conducted by the Manager/Supervisor of the construction project;
  - o Held at regular intervals which may differ for each project site, or as required, depending upon the nature, risk and duration of work conducted on the project.

Prestart Meetings

Bartsch Builders may conduct daily pre-start meetings in order to consult with its workers regarding health and safety issues relevant to that day’s work and conducted by the appropriate Manager/Supervisor.

**B. HEALTH AND SAFETY REPRESENTATIVE/S (HSR)**

At the request of a worker, Bartsch Builders will, in accordance with work health and safety laws facilitate the:

- Establishment of one or more work groups (WG);
- Election of one or more HSR for each WG.

Bartsch Builders will determine in negotiation and agreement with its workers (or their representative):

- The number and composition of WG to be represented;
- The number of HSRs and Deputy HSRs (if any) to be elected;
- The workplace/s to which the WG will apply;
- Negotiations will commence within 14 days of a request for a HSR being made.

Bartsch Builders will, as soon as practicable, after negotiations have completed, notify the workers of the outcome of the negotiations and of any WG determined by the agreement.

Negotiations will be considered to have failed if:

- Bartsch Builders has not taken all reasonable steps to commence negotiations and negotiations have not been commenced within 14 days;
- An agreement cannot be reached on a matter relating to the determination of a WG;

At this time a party to the negotiations can ask a regulator to appoint an inspector to determine matters under negotiation, including that no WG should be determined.

A worker is eligible to be a HSR of a WG if they are a member of that WG and have not been disqualified.

A HSR will be disqualified if the appropriate court/tribunal determines, upon application, that the HSR has:

- Exercised a power or performed a function as a HSR for an improper purpose;
- Used or disclosed any information that they have acquired as a HSR for a purpose other than in connection with the role of HSR.

An application for disqualification can be made by:

- Any person adversely affected by the exercise of a power/function or the use/disclosure of information;
- The regulator.

The election of a HSR will be determined by the workers of the WG, including the nomination of a person to conduct the election. If the majority of workers in a WG agree, assistance can be sought from a union, other person or organisation, in conducting the election.

The person nominated to conduct the election must take all reasonable steps to ensure:

- Bartsch Builders is informed of the date on which the election is to be held as soon as practicable after the date is determined;
- All workers in the WG are given an opportunity to:
  - nominate for the position of HSR;
  - Vote in the election.
- All workers in the WG and Bartsch Builders are informed of the outcome of the election.

Bartsch Builders will provide resources, facilities and reasonable assistance necessary to enable elections to be conducted.

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If the number of candidates for election as a HSR for a WG equals the number of vacancies, the election need not be conducted and each candidate is to be taken to have been elected as a HSR for the WG.

A HSR holds office for 3 years unless that person:

- Resigns by written notice given to Bartsch Builders;
- Ceases to be a worker in the WG;
- Is disqualified from acting as a HSR;
- Is removed from the position of HSR by a majority of members in the WG.

Where a majority of members seek to remove the HSR they must sign a written declaration that the HSR should no longer represent the WG. A member nominated by the majority who signed the declaration must, as soon as practicable:

- Inform the following persons of the removal of the HSR:
  - the HSR who has been removed;
  - Each person conducting a business or undertaking in which a worker in the WG works.
- Take all reasonable steps to inform all members of the WG of the removal.

Removal of the HSR takes effect when the above persons have been informed of the removal.

A HSR is eligible for re-election after 3 years.

If requested by a HSR to undertake training, Bartsch Builders will allow the HSR time off to attend an approved course of training within 3 months of being requested and will pay the course fees and any other reasonable cost associated with attending the course. Any time given off work to attend a training course will be with pay the HSR otherwise would have received for performing normal duties during that period. If agreement cannot be reached, an inspector may be appointed to assist and may decide the matter.

Bartsch Builders will ensure that a list of each HSR and deputy HSR (if any) for each WG is prepared and kept up to date and a copy is displayed at the principal place of business and any other workplace, as appropriate.

A HSR has certain powers and functions as set out in the Work Health and Safety legislation that they may utilise in respect of their WG. Bartsch Builders also has general obligations it must comply with as set out in the Work Health and Safety legislation in respect of a HSR.

### C. HEALTH AND SAFETY COMMITTEE (HSC)

At the request of 5 or more workers or a HSR at the workplace, Bartsch Builders will establish a HSC within 2 months of the request being made.

Bartsch Builders will consult with its workers or their HSR (if any) on the composition of the HSC and will ensure at least half of the members are Bartsch Builders workers. If there is a HSR at the workplace, they will be a member of the committee upon consent (if there are 2 or more HRS, they may choose one or more of their number to be members). If agreement is not reached within a reasonable time, any party may ask the regulator to appoint an inspector to decide the matter.

The HSC will meet:

- At least once every 3 months;
- At any reasonable time at the request of at least half of the members of the committee.

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