

OH&S Consultative Structures for Small Business

Training Kit

PORT ADELAIDE
TRAINING &
DEVELOPMENT
CENTRE



Making SA Safer

Acknowledgments:

This occupational health and safety training resource kit was developed by Sean Boyle and Sharon Kelsey from the OH&S Management and Development Centre.

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Thanks are also due to the following individuals and organisations who assisted with the development of this OH&S training resource kit:

- Louise Sherman: Course Development Assistant,
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The Project Industry Reference Group:

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- Margaret Johnston, Jay Ben Australia;
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- Chris Remilton;
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- Randall Wilson;
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- Peter Mack.

Introduction

This OH&S training kit is one of a number of OH&S training resources developed using a hazard management approach to assist improvements in OH&S in the Engineering and Metal Fabrication Industries.

Each training kit relates to specific hazards and OH&S management systems in the above industries:

- * Welding;
- * Noise;
- * Manual Handling;
- * Grinding;
- * Aluminium Power Tools;
- * OH&S Consultative Structures for Small Business; and
- * Using OH&S Legislation to develop an OH&S management system.

These kits also include OH&S competencies that articulate with OH&S competencies required by the National Occupational Health and Safety Commission (Worksafe Australia) and The National Metals and Engineering Competency Standards Unit.

Notes & Overheads



Specific Competency: At the successful completion of this training course the learner will be able to outline the role of consultation in respect to OH&S and describe how OH&S consultative structures can be appropriately applied to small business.

Generic Competencies: At the successful completion of this training course the learner will be able to:

- outline the role and powers of the Health and Safety Representative;
- outline the role and responsibilities of OH&S Committees;
- outline the OH&S consultative structure in the workplace; and
- contribute to the participative arrangements for OH&S management.

Learning outcome 1: At the successful completion of this session the learner will be able to define what consultation is and how it is applied with respect to workplace health, safety and welfare in small business.

Assessment criteria:

1.1. define the term “consultation”

1.2. outline the roles and responsibilities of the employer, middle management, supervisor (s) health and safety reps., other employees and union reps. relating to consultation on health, safety and welfare matters in the workplace.

Conditions: access to class notes

Assessment method: written test

Content:

- definition of the term “consultation”
- information about the roles and responsibilities of the employers, supervisor(s) health and safety reps., employees and union reps. relating to consultation on health, safety and welfare matters in the workplace
- relevant legislation

Time allocated: 30 mins

<p>Learning outcome 2: At the successful completion of this session the learner will be aware of the key requirements for consultation under the OHS&W Act and Regulations.</p>
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Assessment criteria:

2.1. identify and list the key sections in the OHS&W Act relating to consultation in the workplace.

2.2. identify and list the key regulations relating to consultation in the workplace.

Conditions:

access to class notes the OHS&W Act and Regulations

Assessment method:

written test

Content:

- the key areas of the OHS&W Act and Regulations relating to consultation.

Time allocated:

1 hour

Learning outcome 3: At the successful completion of this session the learner will be aware the barriers to effective consultation within small business relating to OH&S.
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Assessment criteria:

3.1. identify some of the barriers relating to effective consultation in the workplace.

Conditions:

access to class notes

Assessment method:

written test

Content:

- barriers to effective consultation in the workplace

Time allocated:

1 hour

Learning outcome 4: At the successful completion of this session the learner will be able to outline an appropriate OH&S consultative structure for small business.
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Assessment criteria:

4.1. outline an appropriate OH&S consultative structures for a small company.

Conditions:

access to class notes

Assessment method:

written test

Content:

- OH&S consultative structures for small business.

Time allocated:

30 mins

Consultative Structures

Session Plan		
<i>Time</i>	<i>Topic</i>	<i>Reference</i>
5 mins	Introduction and Welcome Introduce self to group and have participants introduce themselves	OHT1 (Title page)
5 mins	Outline development of course and acknowledge Workcover's role	OHT2 (Acknowledgment)
5 mins	Provide an overview of session	refer class notes OHT3 (Specific competency) OHT4 (Generic competencies) OHT5 (Learning outcomes) OHT6 (Learning outcomes...)
<i>Learning Outcome 1</i>		
10 mins	Ask group to jot down their own individual definition of consultation. Get participants to exchange their definition with another participant. Ask group to read out some of the definitions they have. Define consultation. Explain how the group has just participated in consultation.	OHT7 (Consultation involves)
5 mins	Discuss the benefits of effective consultation. Outline the key legislative provisions for consultation. Discuss Approved Code of Practice on Consultation (Draft).	OHT8 (...benefits of...) OHT9 (...key legislative...)
<i>Learning Outcome 2</i>		
5 mins	Ask the group to outline when their organisation needs to consult.	OHT10 (when to consult?)

<i>Time</i>	<i>Topic</i>	<i>Reference</i>
20 mins	Activity - Determining the issues. Break the group into small teams and have them prepare written responses on note paper. Ask them to reference their findings to specific Sections in the Act. Ask groups to report back on the first part of the activity only. (The rest of the information will be used later in the course).	Handout 1 Course notes
10 mins	Ask group to brainstorm the key functions of the Health and Safety Representative. Ask group to refer to Section 32 of the Act.	OHT11(functions HSR)
10 mins	Ask group to brainstorm the main functions of the OH&S Committee. Ask group to refer to Section 33 of the Act.	OHT12 (functions Comm)
15 mins	Ask group to outline process to resolve a breach of the OH&S Act. Discuss meaning of default notice. Ask group to outline process to stop unsafe work.	OHT13 (Section 35) OHT14 (Default Notice) OHT15 (Section 36)
15 mins	Break - Refreshments <i>Learning Outcome 3</i>	
30 mins	Activity - Role Play Maintain the earlier work groups and ask groups to sway their list of employer/employee concerns from Activity 1. Nominate one group to be employer representatives and the other to be employee representatives. Act out the role play.	Handout 2 Course notes
15 mins	Discuss as a group the barriers to effective consultation in small business. Reflect on role play and personal experiences of participants to assist discussion.	OHT16 (Barriers to...)

<i>Time</i>	<i>Topic</i>	<i>Reference</i>
	<i>Learning Outcome 4</i>	
5 mins	Ask the group what organisational issues they would need to consider to establish an appropriate consultative structure for small business.	OHT17 (appropriate OH&S..)
10 mins	Discuss levels 1, 2, and 3 for small business. Discuss appropriateness for each business.	OHT18 (OH&S Consultative.) OHT19 (Level 1) OHT20 (Level 2) OHT21 (Level 3)
15 mins	<i>Written test - competency based</i> Outline the consultative structure in your organisation Outline how this matches with the information covered in this course Explain if you would change your current organisational consultative structure? Why/why not? Identify your own role in this structure. Final discussion and close	

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Acknowledgments



The Port Adelaide Training and Development Centre gratefully acknowledges the financial contribution of the WorkCover Corporation in making this training kit possible.

Specific Competency

- At the successful completion of this training course the learner will be able to outline the role of consultation in respect to OH&S and describe how OH&S consultative structures can be appropriately applied to small business

Generic Competencies

- outline the role and powers of the Health and Safety Representative;
- outline the role and responsibilities of OH&S Committees;
- outline the OH&S consultative structure in the workplace; and
- contribute to the participative arrangements for OH&S management

Learning Outcomes

- identify the benefits of effective consultation in the workplace;
- identify the key requirements for consultation under the Occupational Health, Safety and Welfare Act (S.A.);

Learning Outcomes

cont..

- identify the barriers to effective consultation in a small business; and
- outline an appropriate consultative structure for small business



Learning Outcome 1

Learning outcome 1: At the successful completion of this session the learner will be able to define what consultation is and how it is applied with respect to workplace health, safety and welfare in small business.

Assessment criteria:

1.1. define the term “consultation”

1.2. outline the roles and responsibilities of the employer, middle management, supervisor (s) health and safety reps., other employees and union reps. relating to consultation on health, safety and welfare matters in the workplace.

Conditions: access to class notes

Assessment method: written test

Content:

- definition of the term “consultation”
- information about the roles and responsibilities of the employer, middle management, supervisor(s) health and safety reps., other employees and union reps. relating to consultation on health, safety and welfare matters in the workplace.

Time allocated: 30 mins

Consultation involves...

- the sharing of information and exchange of views with a genuine opportunity for parties to contribute to the decision making process

What are the benefits of effective consultation?

- clear understanding of roles/tasks
- opportunity to contribute
- attainment of goals

Learning Outcome 2



<p>Learning outcome 2: At the successful completion of this session the learner will be aware of the key requirements for consultation under the OHS&W Act and Regulations.</p>
--

Assessment criteria:

2.1. identify and list the key sections in the OHS&W Act relating to consultation in the workplace.

2.2. identify and list the key regulations relating to consultation in the workplace.

Conditions: access to class notes the OHS&W Act and Regulations

Assessment method: written test

Content:

- the key areas of the OHS&W Act and Regulations relating to consultation.

Time allocated: 1 hour

What are the key legislative requirements in respect to consultation in the workplace?

- Objects of Act
- Duties of employers
- Duties of employees
- Regulations

When to consult?

before changes are made to

- workplace;
- work process;
- policy or procedure

which may affect health, safety
or welfare of persons at work

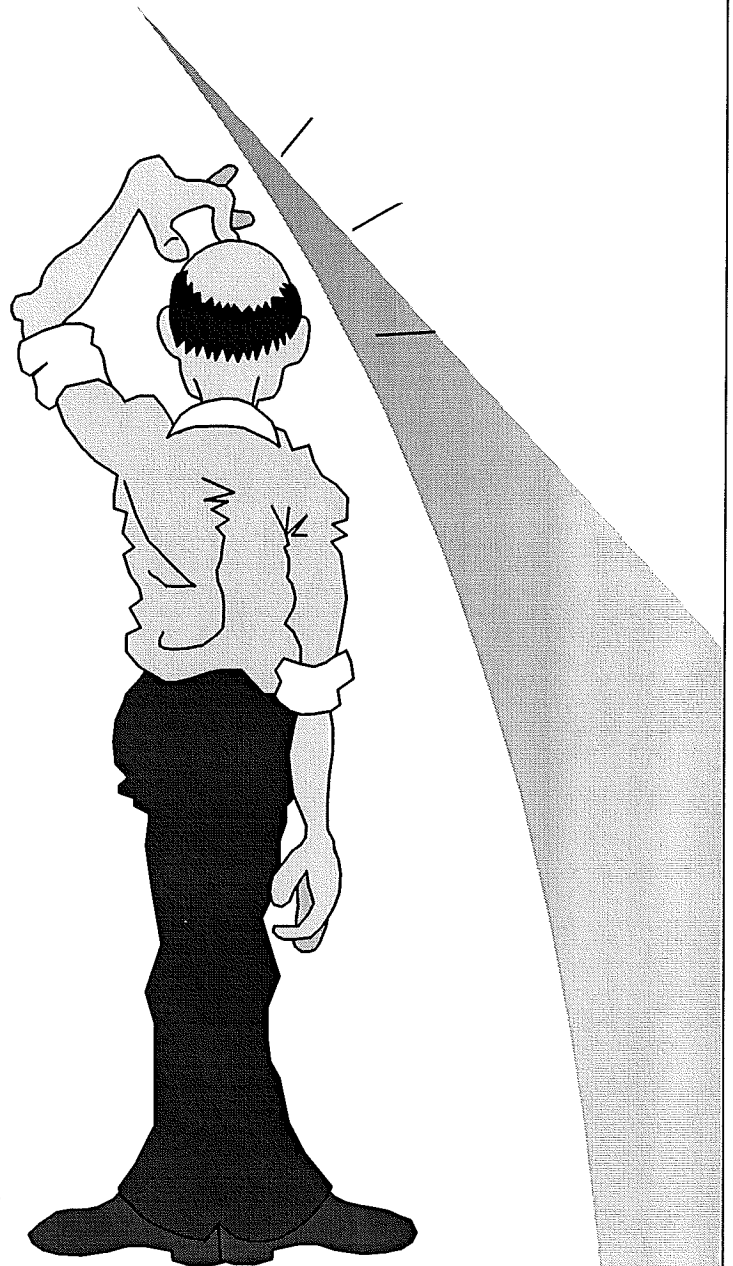
Div. 1.3.3.(1)

Activity - Determining the issues

Your organisation is a small manufacturing company which employs about 7 full time employees and about 5-10 casual employees. Most of the work carried out in your workshop is fairly labour intensive and you wish to upgrade your processes with a view to mechanisation.

In your teams complete the following tasks:

- identify who you would need to consult with.
- assume you are an employee. List the issues which you would be concerned with.
- assume you are now an employer. List the issues which would concern you.



Functions of the Health and Safety Representative

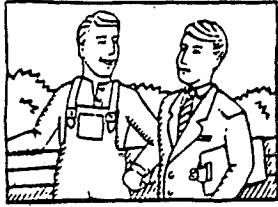
- inspect workplace
- accompany an inspector
- investigate complaints
- be present at interviews re OH&S
- make representations to employer re OH&S

Section 32 OH&S Act

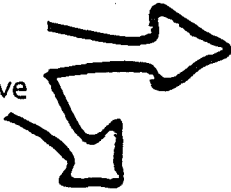
Six main functions of OH&S Committee

- encourage **cooperation** between management and employees;
- assist **resolution** of OHS&W issues;
- assist the **development, review and distribution** of OH&S information **(in appropriate languages)**;
- consult on **any proposed changes**, to the workplace, work processes, policies, procedures relating to OH&S;
- review developments in the field of **rehabilitation & the employment** of workers with disabilities; and
- assist the **return to work** of injured employees.

Section 35



Health & Safety Representative
Consults with Employer.



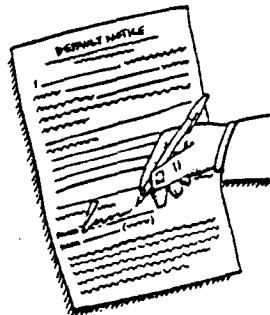
**PROBLEM
RESOLVED**



Health & Safety Representative
Refers Problem to
Health & Safety Committee



**PROBLEM
RESOLVED**



Health & Safety Representative
Issues Default Notice



**PROBLEM
RESOLVED**



Employer or Health & Safety Representative
Calls in Inspector



**Appeal to
Industrial
Court**

Source: WorkCover 1996

DEFAULT NOTICE

This Default Notice is issued in accordance with Section 35 of the S.A. Occupational Health, Safety and Welfare Act, 1986.

Failure to comply with its requirements carries a maximum penalty of \$20,000

_____ being the elected health and safety
(HSR name)

representative for the _____ workgroup
(name of workgroup)

am of the opinion that _____
(whoever is contravening the Act, can be firm, employer, CEO or an individual)

is contravening / has contravened (and is likely to repeat that contravention) the
S.A. Occupational Health, Safety and Welfare Act, 1986 at _____

_____ (name and address of workplace)

The grounds for my opinion are _____

_____ (additional pages may be attached if necessary)

_____ is responsible for remedying this
(person addressed: name of company, employer, CEO or nominated responsible officer)

contravention byam/pm on/...../.....

SIGNED (Signature of HSR)

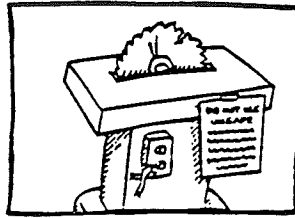
Date/...../..... (date of issue)

Upon completion, this Notice should be handed to the person or to the employer or their representative (e.g. supervisor, safety officer) who shall ensure that it is given to the employer who is responsible for placing copies of it in prominent locations about the affected workplace and informing affected workers of it's contents. **Health and Safety Representatives should retain their own copies of Default Notices issued.**

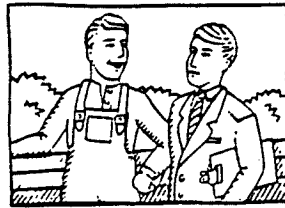
The Department of Labour should be contacted by the Health and Safety Representative if the Notice is not complied with by the specific date and by the employer if they wish to appeal against the Notice being issued. **Copies of Default Notices must be retained by the employer for 3 years.**

More information about Default Notices is contained in the SA Occupational Health and Safety Commission's guideline "Resolving Health and Safety Issues at the Workplace."

Section 36



Health & Safety Representative directs the unsafe work stops.



Health & Safety Representative Consults with Employer.



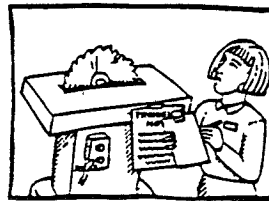
PROBLEM RESOLVED



Health & Safety Representative Consults Health & Safety Committee (if necessary or appropriate).



PROBLEM RESOLVED



Employer or Health & Safety Representative Call in Inspector



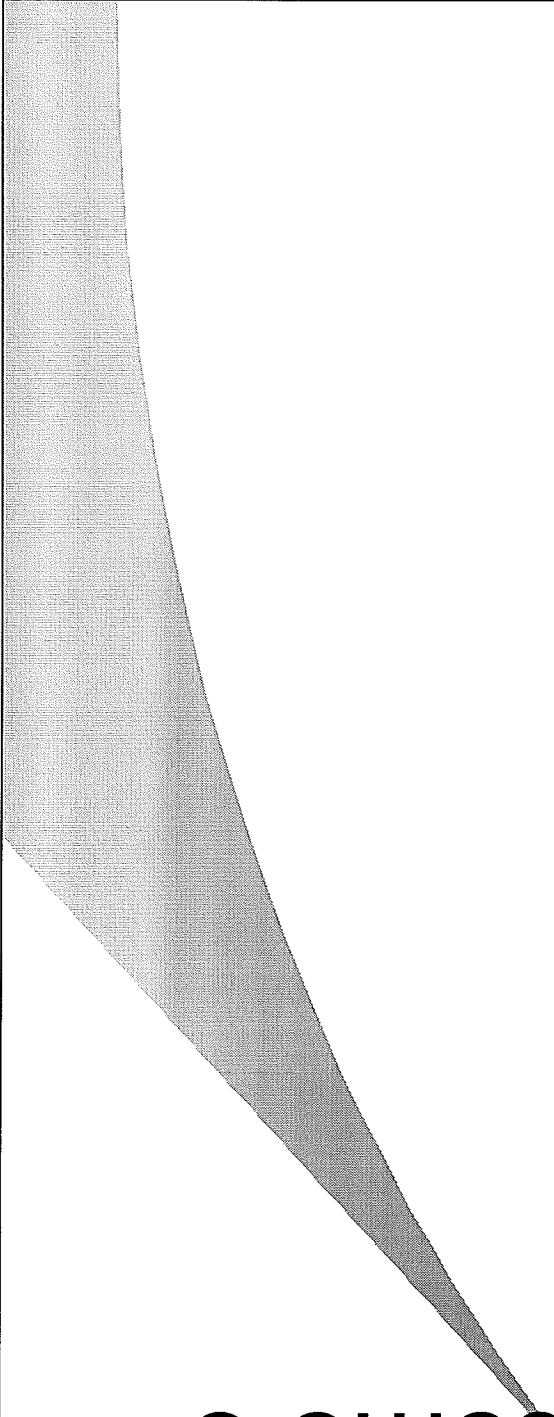
PROBLEM RESOLVED



Appeal to Industrial Court

Source: WorkCover 1996

Learning Outcome 3



Learning outcome 3: At the successful completion of this session the learner will be aware the barriers to effective consultation within small business relating to OH&S.
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Assessment criteria:

3.1. identify some of the barriers relating to effective consultation in the workplace.

Conditions:

access to class notes

Assessment method:

written test

Content:

- barriers to effective consultation in the workplace

Time allocated:


1 hour

Activity - Role Play

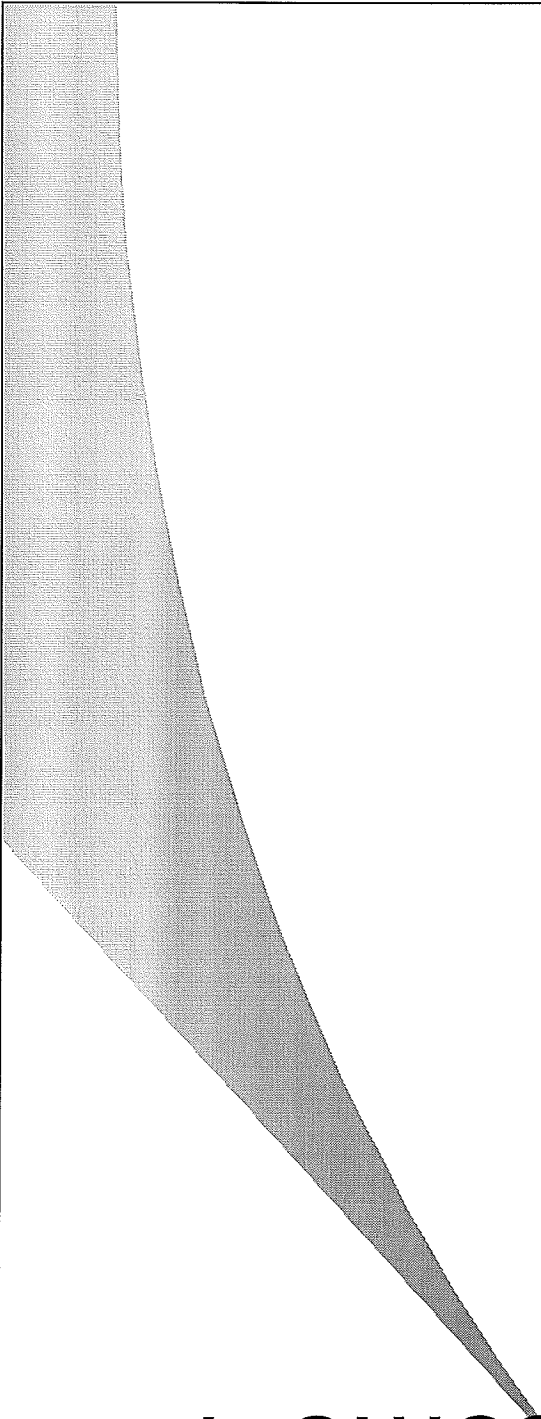


- Using the information from the earlier activity ask groups to swap the issues which they identified with as an employer and an employee. Each group then assumes either the role of the employer or the employee. The issues supplied to them per the swap now form the basis of their own groups concerns.
- Group members should simulate roles and behaviour which they may align with the role they are assuming in this workplace scenario.
- The Trainer can play the role of devil's advocate if the groups require more specific direction.

**What are the barriers to
effective consultation in
small business?**



Learning Outcome 4



Learning outcome 4: At the successful completion of this session the learner will be able to outline an appropriate OH&S consultative structure for small business.
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Assessment criteria:

4.1. outline an appropriate OH&S consultative structures for a small company.

Conditions:

access to class notes

Assessment method:

written test

Content:

- OH&S consultative structures for small business.

Time allocated:

30 mins

What is an appropriate OH&S consultative structure for small business?

- number of employees
- nature of business
- structure of hierarchy
- style of management

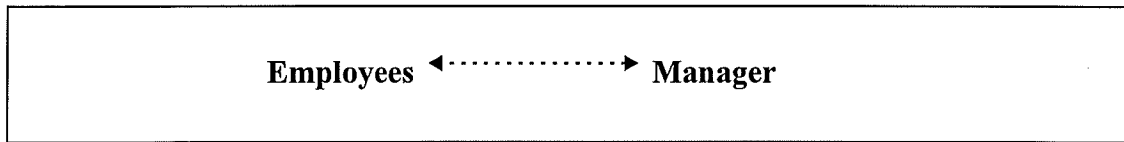
OH&S Consultative Structures
for
small to medium sized businesses

Company with 2 - 4 employees = level 1

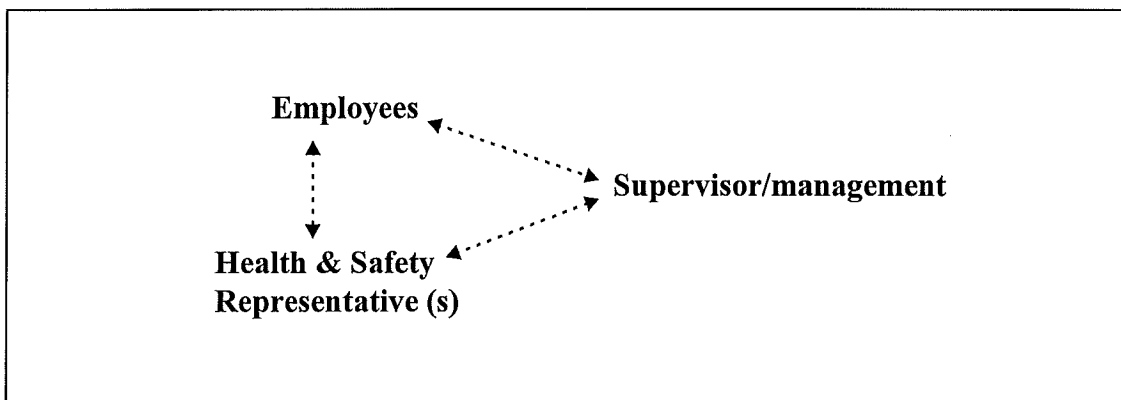
Company with 5 -19 employees = level 2

Company with 20 - 1000 employees = level 3

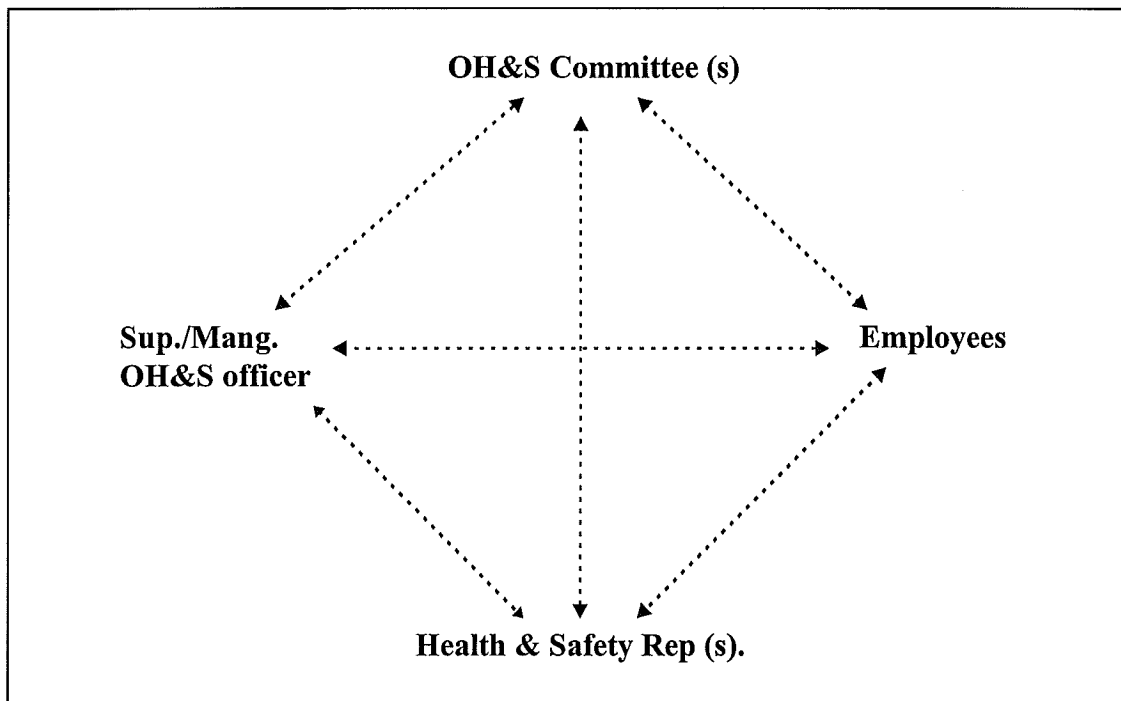
Level 1 OH&S consultative structure :



Level 2 OH&S consultative structure:



Level 3 OH&S consultative structure:

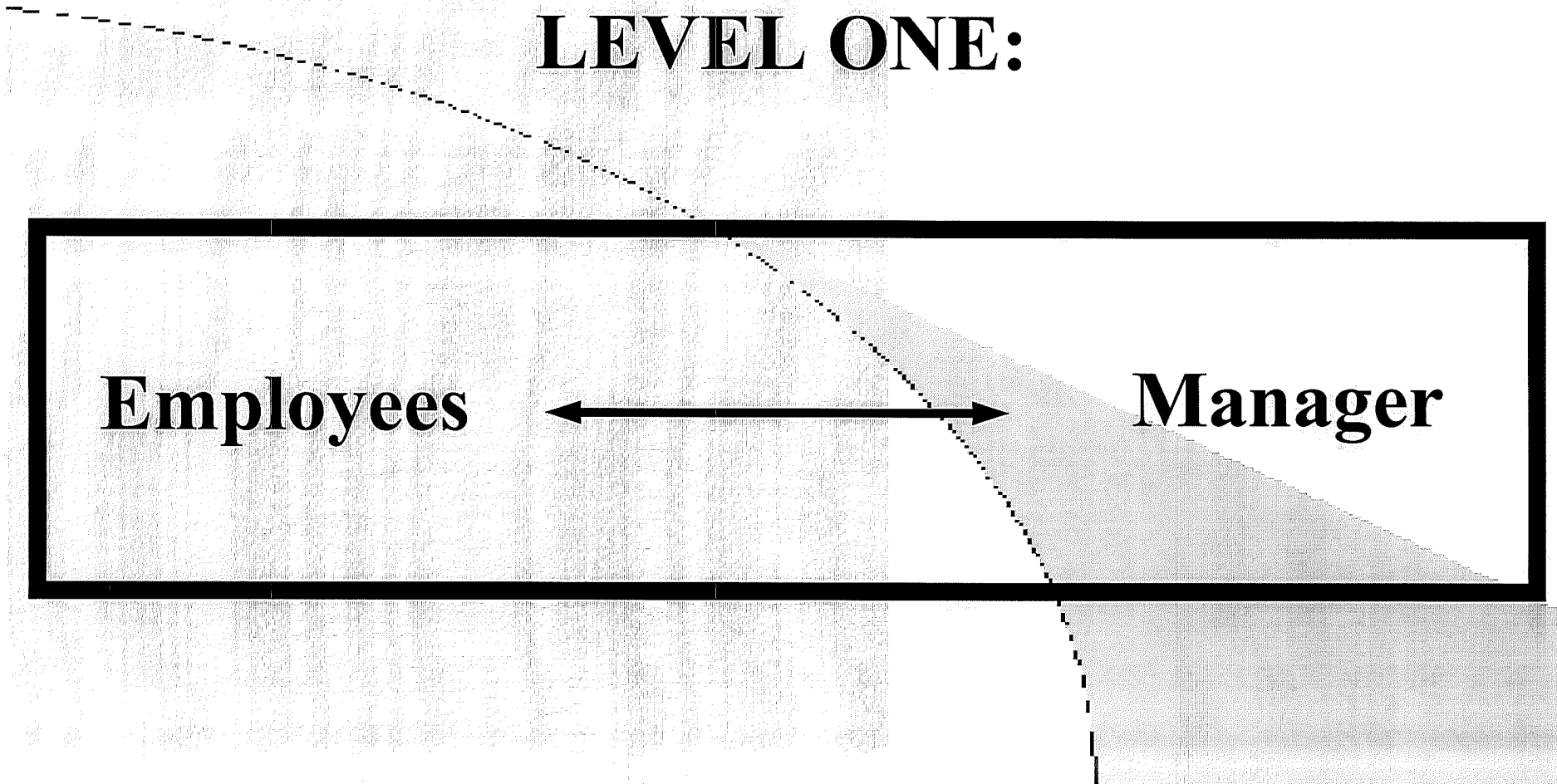


OH&S Consultative Structures for small - medium sized organisations

- 2 - 4 employees - level 1
- 5-19 employees - level 2
- 20-1000 employees - level 3

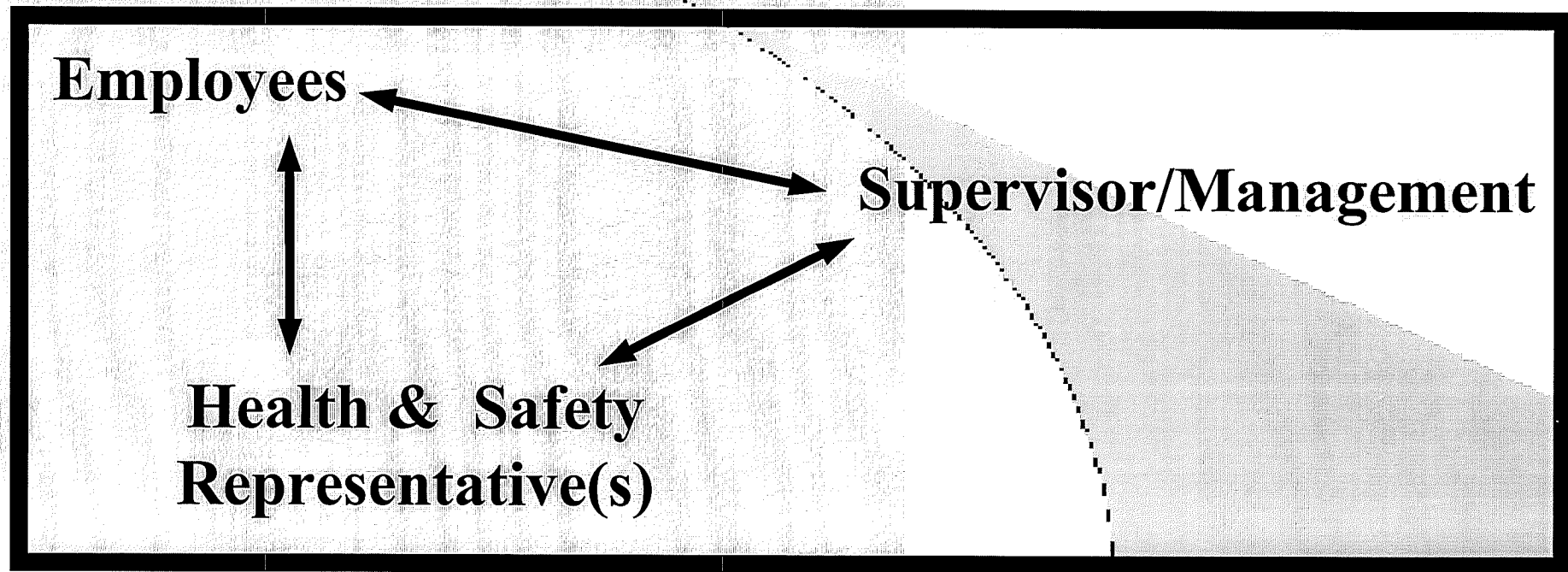
OH&S CONSULTATIVE STRUCTURE:

LEVEL ONE:



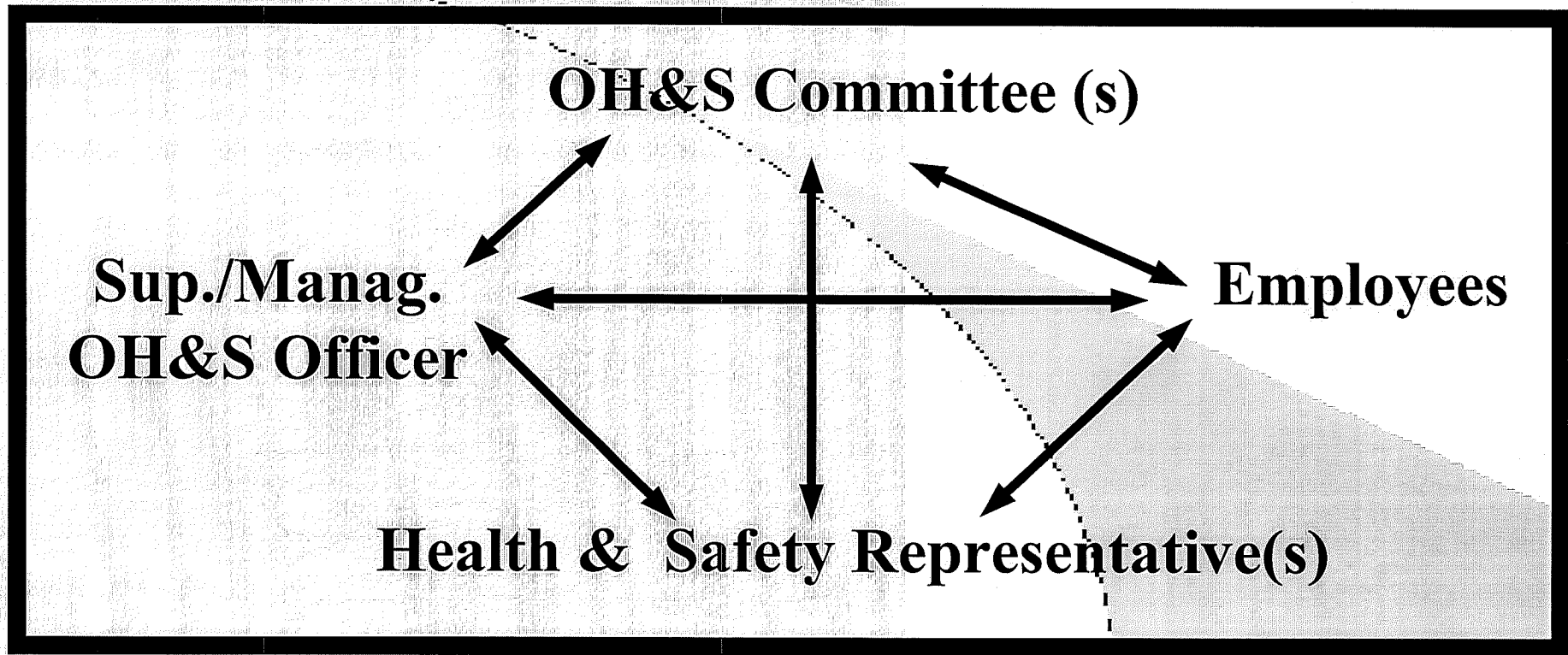
OH&S CONSULTATIVE STRUCTURE:

LEVEL TWO:



OH&S CONSULTATIVE STRUCTURE:

LEVEL THREE:



Resources available relating to OH&S Consultative Structures for Small Business

- Small business: an introduction to OH&S for managers of small business. (*available Worksafe Video Library*)
- The role of the Safety Representative.
(*available Worksafe Video Library*)
- Stop Chasing Your Tail - Video Package for Small Business to set up a safety management system.
(*available NSW Masters Builders Assosication*)
- 3 Steps to Make Your Small Business Safer & Healthier
(*available Workplace Safe - Tasmania*)