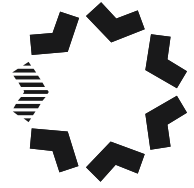


NATIONAL
COMPETITION
COUNCIL



Health & Safety Management Arrangement

National Competition Council
Policy document



16 June 2008

Table of Contents

1 About the Health & Safety Management Arrangement	3
2 Commitment to provide and maintain a safe working environment	3
3 Agreement to provide access to measures relating to occupational health & safety.....	4
4 Responsibilities for cooperatively promoting and developing measures to ensure health and safety at work	4
5 Informing staff about the Health & Safety Management Arrangement	6
6 Variations to the Health & Safety Management Arrangement	6
7 Resolution of disputes	6
8 Operation of the Health & Safety Committee	7
Election of Staff Health & Safety representatives.....	7
Termination of appointments	8
Powers and responsibilities of staff Health & Safety representatives	8
Functions of the Health & Safety Committee	10
9 Review of the effectiveness of the Health & Safety Management Arrangement.....	10

1 About the Health & Safety Management Arrangement

- 1.1 The National Competition Council is a small Australian Government funded agency within the Treasury portfolio. It has approximately 10 staff, co-located in a leased office on one floor of an externally-managed office block. The staff of the Council work in an office based environment.
- 1.2 The Council recognises the importance of providing and maintaining a safe and healthy environment for both employees and visitors to the workplace and is committed to monitoring ongoing performance in health and safety.
- 1.3 The Council's Health & Safety Management Arrangement provides a framework of agreed principles and responsibilities for maintaining a safe and healthy working environment in accordance with the *Occupational Health and Safety Act 1991* (the Act). The Council is committed to fulfilling its obligations in a consultative and practical manner.
- 1.4 The Council has established a Health & Safety Committee, comprising a management representative and an elected staff representative. There is also provision for a deputy staff representative position, which may or may not be filled. Council staff meet weekly to discuss work and organisation-related matters. These meetings are also a forum for raising health and safety issues.
- 1.5 All staff belong to a single Designated Work Group, comprising the whole of the National Competition Council, given the single location and office based work environment.
- 1.6 The National Competition Council's Risk Management Plan also identifies risks and approaches to risk management associated with the safety and health of staff and visitors. The risk management plan is reviewed annually by the Audit & Risk Management Committee, and is available to all Council staff.
- 1.7 This Health & Safety Management Arrangement was developed and agreed through a consultative process involving all Council staff.

2 Commitment to provide and maintain a safe working environment

- 2.1 The National Competition Council is committed to:
 - ensuring through a cooperative approach, the promotion and development of measures to ensure a safe and healthy working environment for employees, contractors and visitors
 - preventing workplace injury, disease and illness
 - encouraging and promoting safe and healthy work practices

-
- actively promoting and encouraging responsibility at all levels for occupational health and safety
 - monitoring, evaluating and continually improving its health & safety performance.
- 2.2 Council management and staff, through continued consultation on health & safety matters, will work towards implementing the Council's Health & Safety Management Arrangement.
- 2.3 Nothing in this arrangement abrogates the common law right of staff to withdraw their labour where they genuinely believe there is an immediate threat to their health and safety.

3 Agreement to provide access to measures relating to occupational health & safety

- 3.1 The Council agrees to fund the annual provision of the following items to all staff:
- screen based eyesight testing
 - influenza vaccinations
 - ergonomic review of work stations and any equipment recommended by the ergonomist
 - confidential health appraisal, whereby staff are offered health assessments, including medical reports and information on the benefits of good health
 - confidential counselling through the Employee Assistance Program.
- 3.2 The Council's management agrees to consider other requests for the provision of relevant, office based, health and safety items on the recommendation of the OH&S Committee.

4 Responsibilities for cooperatively promoting and developing measures to ensure health and safety at work

- 4.1 The Council is committed to maintaining a high standard of OH&S practices, recognising that legislative standards and regulations on OH&S are the minimum acceptable level.
- 4.2 Council management recognises the importance of developing and maintaining a safe and healthy workplace and the necessity of keeping the health and safety standards in the workplace under review.

4.3 This will be achieved by joint participation and consultation between management and staff in:

- identifying and controlling occupational risks in the workplace
- organising activities such as training, health promotion and the provision of appropriate expert assistance for staff
- ensuring that Council staff have access to health and safety professionals in relation to work-based matters funded by the Council
- maintaining adequate records relating to health & safety matters
- having health & safety as a standing agenda item at regular staff meetings
- informing and training its staff on safe working practices
- monitoring staff health and safety and maintaining relevant records
- ensuring members of the Health & Safety Committee have access to all data relating to occupational health and safety issues in the Council (with the exception of personal medical information and other documentation as specified in the Act)
- ensuring that Health & Safety Committee members are adequately trained to identify and deal with health & safety matters
- providing sufficient resources to provide a healthy and safe work environment.

4.4 Management will consult with the health & safety staff representative before making changes to work practices or conditions, which might have occupational health & safety implications. As a general rule, management will also consult with all staff prior to making such changes.

4.5 Management recognises the legal responsibility of individual staff members to take immediate action to avoid an unacceptable level of danger to themselves, other workers and/or visitors to the workplace.

4.6 Staff have a responsibility to work in a safe and healthy manner, both for themselves and others, and are expected to co-operate with management, as necessary, to enable the Council to fulfil its health & safety obligations. Staff are also responsible for bringing to the attention of management any matters of concern regarding health & safety.

5 Informing staff about the Health & Safety Management Arrangement

- 5.1 The Council's Health & Safety Management Arrangement was developed and agreed through discussion with all staff at the weekly Council staff meetings.
- 5.2 A copy of the arrangement is placed on the intranet and a paper copy provided to all staff.

6 Variations to the Health & Safety Management Arrangement

- 6.1 Staff may seek a variation in the Health & Safety Management Arrangement at any time, upon request to the Health & Safety Committee. Any such requests will be listed on the agenda at the next quarterly meeting of the committee. The Health & Safety Committee may vary or update the Health & Safety Management Arrangement between formal review times.

7 Resolution of disputes

- 7.1 If a staff member believes that his or her health & safety concerns are not being appropriately considered by the Health & Safety Committee and the matter cannot be mutually resolved between the parties concerned, then the staff member(s) may raise a complaint with the Council's Executive Director.
- 7.2 The Executive Director will discuss the matter with the affected staff member(s), and the committee and any other party as necessary and will determine an appropriate course of action.
- 7.3 Management will be supportive of the complainant and adhere to the *Privacy Act 1988*. In order to maintain fairness, all parties will be given every opportunity to present their case.
- 7.4 If the matter cannot be resolved in this manner the staff member or the Executive Director may request the Council's Employee Assistance Provider to provide a mediation service to resolve the situation.
- 7.5 A person making a complaint about a health & safety matter may seek the support and assistance of another staff member at any time.

8 Operation of the Health & Safety Committee

- 8.1 The Health & Safety Committee will consist of a management representative, appointed by management, and staff and potentially deputy staff representative elected by staff. In the absence of the staff Health & Safety representative the deputy will take on that role.
- 8.2 Council staff will elect the staff and deputy health & safety representative. The terms of the staff Health & Safety staff representative and the deputy representative will be two years commencing from the date of election.
- 8.3 All members of staff are eligible to nominate for election to be the staff Health & Safety representative or the deputy Health & Safety representative.
- 8.4 The elected representative must undertake an appropriate training course that has been approved by Comcare Australia. Council management is committed to providing adequate resources for use by staff representatives, including paid time for meetings and organising of health and safety activities and the use of the filing and computer systems.
- 8.5 The committee will meet at least every three months. Additionally, there is provision for any member of the committee to call an out of session meeting. Council staff are advised of forthcoming meetings and invited to provide agenda items.

Election of Staff Health & Safety representatives

- 8.6 The election process will be as follows.
 - Nominations for the positions of staff Health & Safety representative and deputy representative will be called at a staff meeting.
 - If there is only one nomination for the position of staff Health & Safety representative, that person will become the staff Health & Safety representative.
 - If there is only one nomination for the position of deputy Health & Safety representative, that person will become the deputy Health & Safety representative.
 - Where there is more than one nomination for either position a secret ballot will be conducted by a person appointed by agreement by all staff.
- 8.7 As soon as practicable after the staff Health & Safety representative and deputy Health & Safety representative have been elected the Council Staff listing will be updated, to reflect the names of the elected persons. The appointments will also be noted in the minutes of the next health & safety quarterly meeting.
- 8.8 The elected staff representatives will be provided with paid time to attend an accredited training course, or other relevant training, within three months of being elected. Consideration will be given to the availability of accredited courses and

operational requirements of the Council in determining the time of training. The cost of any such training will be met by the Council.

Termination of appointments

- 8.9 The staff deputy representative will cease to hold these positions only:
- if they have ceased to be an employee of the Council
 - if they seek voluntarily to step down
 - at the expiry of their normal term or
 - if they have been disqualified by Comcare Australia.
- 8.10 If Council staff consider that the performance of the staff Health & Safety representative or deputy representative is unsatisfactory they may ask the management representative to mediate in the matter. The Council may apply to Comcare Australia to have the staff representatives disqualified from their positions as staff Health & Safety representative or deputy Health & Safety representative but must give prior written advice to the staff representatives that this course of action is intended.
- 8.11 Under certain circumstances, as set out in s32 of the Act, Comcare Australia may disqualify the staff Health & Safety representative or deputy Health & Safety representative. The disqualification may remain in place for up to five years.
- 8.12 Individuals who are staff Health & Safety representatives are not exempt from the normal codes of conduct and disciplinary action applicable to all APS staff. This clause does not negate the powers of the Health & Safety representatives as set out in s28(7) of the Act.
- 8.13 The staff Health & Safety representative and the deputy Health & Safety representative will promptly inform the Council if they intend to resign before the end of their term.

Powers and responsibilities of staff Health & Safety representatives

- 8.14 Management will inform the staff Health & Safety representative of any accident, injury, disease or dangerous occurrence which has taken place as early as possible with due regard to personal confidentiality and legal professional privilege. Such information should not allow identification of the medical condition of specific individuals without prior written permission from the person(s) concerned. It is agreed that any such information will not be transmitted to any other person.
- 8.15 The staff Health & Safety representative will have the powers necessary to inspect the area when there has been a recent accident or dangerous occurrence or where there is an immediate threat of an accident or dangerous occurrence. The representative may also investigate complaints about Health & Safety matters made by any employee and may consult directly with a particular person or specific body which has been identified by the representative as acting for, or in the capacity of, the Council.

-
- 8.16 The staff Health & Safety representative may participate in any formal committee of inquiry set up by management to look into an accident or dangerous occurrence, which has occurred in the work area. Additionally, with the permission of the employee concerned, the representative may attend an interview between:
- an employee and an investigator
 - an employee and a representative of the Council, or
 - an employee and a consultant who is currently assisting the Health & Safety representative.
- 8.17 Where the staff Health & Safety representative informs the supervisor of immediate threat to the health and safety of one or more employees and the representative is unable to agree on the suitability of action proposed by the supervisor, the representative may request an investigator or Comcare Australia to carry out an inspection of the work area and may accompany the investigator carrying out the inspection.
- 8.18 The staff Health & Safety representative may issue Provisional Improvement Notices (PIN) in accordance with the provisions of s29 of the Act.
- 8.19 The staff Health & Safety representative may be assisted by a consultant — provided the Council or Comcare Australia agrees to this. The Council is not liable for any expenses incurred in connection with the consultant's activities unless agreement has been reached on this matter in advance. However, the Council will consider each case as it arises.
- 8.20 The staff Health & Safety representative may initiate emergency stop work procedures:
- when there is reasonable cause to believe there is an immediate threat of an accident or serious occupational health and safety risk ,and
 - when no supervisor can be contacted immediately, direct the employee(s) to cease work as soon as practicable, and inform the supervisor that the direction has been given.
- 8.21 Where the staff Health & Safety representative is unable to agree with the supervisor that there is a need to cease the performance of work which is considered to be a threat to health and safety, either party may request Comcare or an investigator to conduct a relevant investigation. The staff Health & Safety representative may also request Comcare Australia to institute prosecutions for offences against the Act or its regulations.
- 8.22 The Act does not make the staff Health & Safety representatives liable under civil proceedings in the exercise of their powers, nor does the Act impose any obligation upon the representative to exercise his/her powers.

Functions of the Health & Safety Committee

8.23 The Health & Safety Committee will deal with health and safety matters in the workplace and will have responsibility for:

- developing, implementing, monitoring and reviewing measures aimed at protecting the health and safety of employees
- facilitating co-operation with employees, and
- disseminating information about health and safety issues.

8.24 The Health & Safety Committee will also:

- regularly review statistics, reports and recommendations regarding accidents, injuries, diseases, dangerous occurrences and any other health & safety related matters
- consider the health and safety aspects of all new processes, substances, installations and equipment at the planning stage, if practicable, but at least before their introduction to the workplace
- make recommendations on health & safety problems, which have not been resolved
- have the powers necessary to carry out the functions listed above and any other powers expressed by the Act
- will hold meetings at least once every three months and circulate the minutes from the meeting to Council employees
 - ❖ the deputy Health & Safety representative can, but is not required to, attend these meetings
 - ❖ the deputy Health & Safety representative can request a meeting at any time
- retain the minutes of the Health & Safety Committee meetings for at least three years.

9 Review of the effectiveness of the Health & Safety Management Arrangement

9.1 The effectiveness of the Health & Safety Management Arrangement will be reviewed by management and staff on an ongoing basis. Any person employed at the Council should raise any issues of concern at the regular Council staff meetings.

9.2 The Health & Safety Management Arrangement will be formally reviewed every two years.