

Establishing safety and health committees

Reforms to the Occupational Safety and Health Act 1984 aim to provide flexibility to allow the most appropriate workplace safety and health committee arrangements for particular workplace needs.

A workplace safety and health committee is a forum that brings about a safer and healthier work environment. Safety and health committees are vital because they provide an opportunity for employers and representatives of employees to regularly discuss and make decisions about occupational safety and health issues.

Starting a committee

A safety and health committee must be established if any employee requests their employer to start a committee, the employer decides to establish one or the WorkSafe Western Australia Commissioner (Commissioner) gives a notice to the employer requiring the employer to establish one [Sections 38(1) and 39B].

The employer, if requested by an employee to establish a committee, must within 21 days inform the employee who made the request and any safety and health representatives of the employer's intention to establish a committee as requested, or that the employer intends to refer the question of whether a committee should be established to the Commissioner [Section 39].

If the question of whether a committee should be established is referred to the Commissioner, the Commissioner will make a decision and notify the employer and employee concerned of that decision [Section 39A(3)].

The employer must establish the committee within three months. However if matters cannot be agreed to meet this time frame, the Commissioner may grant an extension of time [Sections 38(1) and 36(1)].

Who can be on a committee?

At least half of the members of a safety and health committee must be representatives of the employees. The employee representative members may include elected safety and health representatives as well as other employees selected by the employees to represent them. The balance of membership can be made up of the employer/s and/or their representatives, or any other members as agreed.

Reaching agreement through consultation

Before the committee is established the employer, any elected safety and health representatives for the workplace and other employees selected to represent the employees in the consultation process (the consulting parties) have to discuss and agree:

- > the composition of the committee; and
- > how people will become members [Section 39C(2)].

The consulting parties may agree that the employee representative members will all be safety and health representatives, all employee representatives (who are not safety and health representatives) or any mixture of the two [Section 39C(3)].

The consulting parties may decide that they want one committee to exercise functions for more than one of the employer's workplaces. The committee can exercise functions in workplaces of the employer that do not already have a safety and health committee. If the committee is to exercise functions in more than one workplace, then the safety and health representatives and/or employees selected to represent employees in each workplace must be invited to join the consulting parties. The consulting parties are to agree on whether the committee should cover all the workplaces in question, and if so, how this will be done [Section 39E]. Agreement should also be reached on how this arrangement can be varied in the future.

The agreement may also provide for subcommittees for each of the workplaces over which the committee may exercise functions [Section 39E(3)]

The agreement in relation to all these matters must be in writing and copies should be kept [Sections 39C(2) and 39E(1)].

Once agreement is reached the committee can begin to operate. Once established, the committee may determine the best way for the committee to continue to serve at their workplace.

If agreement cannot be reached the matter may be referred to the Commissioner.

The committee's functions are outlined by the laws and are listed below.

The functions of a safety and health committee are to:

- > enable and assist consultation and cooperation between the employer and the employees;
- > help to initiate, develop and implement safety and health measures;
- > keep itself informed about safety and health standards in similar workplaces;
- > make recommendations on safety and health rules, programs, measures and procedures at the workplace(s);
- > ensure information on hazards is kept where it is readily accessible;
- > consider and make recommendations about changes that may affect the safety and health of employees;

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- > consider matters referred to it by safety and health representatives; and
- > perform other functions prescribed in the Regulations or given to the committee, with its consent, by the employer.

The committee may also deal with:

- > policy development;
- > monitoring programs;
- > emergency procedures;
- > training and supervision;
- > trends in accident and illness reports; and
- > resolution of safety and health issues.

Varying safety and health committees

Safety and health committees can be varied or abolished if they no longer suit the needs of the workplace. This can occur by written agreement between the employer and the members of the committee. Alternatively, if a question of a need to vary or abolish a committee arises and cannot be agreed upon, then the issue can be referred to the WorkSafe Western Australia Commissioner. Committees that existed prior to 4 April 2005 can only be abolished under the new provisions, they cannot be varied.

Other useful publications

Safety and health representatives WorkSafe safety bulletin 5/2005

Key points

- Committee must be established if requested by employee (can be appealed to Commissioner).
- Employer must respond to employee request with statement of intent within 21 days of request.
- Committee must be established within three months (unless Commissioner grants more time).
- Employer may decide to establish committee.
- Relevant parties (which includes representatives of affected employees) to consult on composition and how to become a member of committee.
- At least half the members of committee must have been selected by affected employees. Some, all, or none may be elected safety and health representatives.
- Committee can cover more than one workplace (representatives of further affected employees must be invited to consult).
- Subcommittees are permissible.
- Agreed arrangements must be in writing.
- Once established, committee may determine its own procedures.
- Agreement may be varied by agreement between employer and members.

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Contact **WorkSafe** on **1300 307 877**

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