

# OHS Consultation and Communication

## Policy last updated

15 June 2020

## Scope

- Schools
- School councils

## Contact

OHS Advisory Service

 [1300 074 715](tel:1300074715)

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# Policy

## Policy

This policy outlines the required consultative and communication arrangements for schools in relation to employee health, safety and wellbeing.

## Summary

- The [Occupational Health and Safety \(OHS\) Act 2004 \(Vic\)](https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004)  <https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004> requires the Department, so far as is reasonably practicable, to consult with employees and their representatives regarding specified matters including when identifying or assessing hazards or risks to health or safety and when making decisions about measures to be taken to control these risks.
- The [Occupational Health and Safety Regulations 2017 \(Vic\)](https://www.legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017)  <https://www.legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017> set out the procedure to facilitate the resolution of health and safety issues in the absence of an agreed procedure. As part of consultation and communication the principal and/or their delegate must, where applicable and detailed below, communicate and consult on specified matters and decisions, establish Designated Work Groups (DWG), arrange for Health and Safety Representatives to be nominated and elected, and facilitate the agreement and implementation of an issue resolution process.
- Under the OHS 2004, employees while at work must take reasonable care for their own health and safety and the safety of others who may be affected by their actions or omissions.
- Central and regional offices provide a range of supports and services to assist principals and employees to be safe and well, including access to OHS Advisory Service and local

occupational health and safety regional officers, who can provide free advice on occupational health and safety consultative and communication arrangements.

- The [OHS Consultation and Communication Procedure](http://www2.education.vic.gov.au/pal/occupational-health-and-safety-ohs-consultation-and-communication/guidance) <http://www2.education.vic.gov.au/pal/occupational-health-and-safety-ohs-consultation-and-communication/guidance> must be followed, and provides the practical, step-by-step instructions for implementing this policy.
- This policy forms part of the Department's Occupational Health and Safety Management System, see [OHS Management System \(OHSMS\) Overview — Employee Health, Safety and Wellbeing](http://www2.education.vic.gov.au/pal/occupational-health-and-safety-management-system-ohsms/policy) <http://www2.education.vic.gov.au/pal/occupational-health-and-safety-management-system-ohsms/policy> for further information.

## Details

### Consultative and communication arrangement

The principal and/or their delegate must ensure that:

- consultative arrangements are established to include health and safety representatives (HSR) and employees when making any decision or change in relation to OHS in the school (additional details of these decisions and changes are provided in the Procedure tab)
- disclosure of any medical information is consistent with the Department's [Privacy and Information Sharing Policy](http://www2.education.vic.gov.au/pal/privacy-information-sharing) <http://www2.education.vic.gov.au/pal/privacy-information-sharing>
- the principal and/or their delegate, in consultation with HSR and employees, must determine which communication strategies are most appropriate for their school. As a minimum, the principal or their delegate must establish:
  - forums — (e.g. staff meeting) where OHS is discussed as a standing agenda item. This forum(s) is to occur at least once a month (or as otherwise agreed locally, based on the school's context and risk profile)
  - an OHS Notice Board that contains the mandatory items, as per the [OHS Notice Board Guide](https://www.education.vic.gov.au/hrweb/Documents/OHS/ohsnoticeboardguide.docx) 
- the following information is communicated to employees and their representatives:
  - existing OHS practices and systems
  - changes to current OHS practices and systems
  - outcomes of school OHS inspections and audits

### Designated Work Groups (DWG)

If the principal and/or their delegate receive a request from an employee or their representative to vary one of the particulars of their DWG or establish a new DWG, the principal or their delegate must initiate negotiations with all employees in the DWG. The OHS Act 2004 requires that this process must commence within 14 days of receiving the request.

### Health and Safety Representatives (HSR)

If a school has an elected HSR, the principal and/or their delegate must consult with the HSR by:

- providing the HSR with all the OHS information about the matter that the employer is-or-intending-to provide other employees
- providing the information to the HSR in a reasonable timeframe, where practicable before distributing to all employees
- meeting with the HSR if an invitation to meet is accepted or if a meeting is requested by the HSR
- inviting the HSR to meet to consult about the OHS matter
- giving the HSR a reasonable opportunity to express their views about the matter
- taking into account the HSR's views about the matter

## Health and Safety Committee (HSC)

If requested by the HSR, the principal and/or their delegate must establish a health and safety committee within 3 months of the request. For more guidance (see the [OHS Committee Guide](https://www.education.vic.gov.au/hrweb/Documents/OHS/ohscommitteeguide.docx)  <https://www.education.vic.gov.au/hrweb/Documents/OHS/ohscommitteeguide.docx> ).

At least half of the members of the health and safety committee must be employees and, so far as is reasonably practicable, health and safety representatives and deputy health and safety representatives.

The health and safety committee once established must meet at least once every 3 months and at any other time if at least half of its members require a meeting.

## OHS issue resolution

The principal and/or their delegate are to implement an agreed OHS issue resolution process. The agreed process or [OHS Issue Resolution Flowchart](https://www.education.vic.gov.au/hrweb/Documents/OHS/issueresolutionflowchart.docx)  <https://www.education.vic.gov.au/hrweb/Documents/OHS/issueresolutionflowchart.docx> is to be communicated to all employees and displayed prominently in the school.

## Definitions

### Designated Work Group (DWG)

A designated work group is a group of employees in the workplace who share similar workplace health and safety concerns and conditions. In schools a DWG is defined as the whole workplace as a default. However, based on the specifics of the workplace. For example in a multi-campus secondary school, the DWG structure may altered to suit that environment, for instance one DWG for each campus.

### Health and Safety Committee (HSC)

A cooperative forum for employers and employees to work together on OHS issues

### Health and Safety Representative (HSR)

A Health and Safety Representative (HSR) is an employee who has been elected by the members of their designated work group (DWG) to represent them, providing a way for their views and concerns about health and safety to be heard by their employer.

## Related policies

- [Consultation with School Based Staff](http://www2.education.vic.gov.au/pal/consultation-school-based-staff/overview) <http://www2.education.vic.gov.au/pal/consultation-school-based-staff/overview>
- [OHS Management System \(OHSMS\) Overview — Employee Health Safety and Wellbeing Policy](http://www2.education.vic.gov.au/pal/occupational-health-and-safety-management-system-ohsms/policy) <http://www2.education.vic.gov.au/pal/occupational-health-and-safety-management-system-ohsms/policy>
- [OHS Planning](http://www2.education.vic.gov.au/pal/ohs-planning) <http://www2.education.vic.gov.au/pal/ohs-planning>
- [OHS Risk Management](http://www2.education.vic.gov.au/pal/occupational-health-and-safety-ohs-risk-management) <http://www2.education.vic.gov.au/pal/occupational-health-and-safety-ohs-risk-management>

## Relevant legislation

- [Occupational Health and Safety Act 2004 \(Vic\)](https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004)  <https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004>
- [Occupational Health and Safety Regulations 2017 \(Vic\)](https://www.legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017)  <https://www.legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017>

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# Procedure

## OHS Consultation and Communication Procedure

The OHS Consultation and Communication Procedure must be followed, and provides the practical, step-by-step instructions for implementing the OHS Consultation and Communication Policy.

The Procedure contains the following chapters:

1. Process
  2. Consultation and communication arrangements
  3. Implement communication and consultation processes
  4. Issue resolution
  5. Legislation, codes of practice, standards and guidance
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# 1 Process

## 1 Process

The principal and/or their delegate must ensure they have effective systems in place to ensure that all employees (including health and safety representatives) are consulted and communicated with when occupational health and safety (OHS) decisions are made, including:

- establishing a designated work group (whole school by default)
  - electing and training a health and safety representative
  - determining consultation and communications forums (for example, staff meeting and OHS notice board)
  - implementing an agreed OHS issue resolution process
  - Reviewing consultation and communication arrangements, every 3 years or as required
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# 2 Consultation and communication arrangements

## 2 Consultation and communication arrangements

### 2.1 Consultative arrangements

Consultation is a legal requirement under the [Occupational Health and Safety \(OHS\) Act 2004 \(Vic\)](https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004)  <https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004>. Effective and timely consultation with employees is important to engaging employees in maintaining and improving safe and healthy workplaces.

The principal and/or their delegate must establish consultative arrangements with health and safety representatives (HSR) and employees when making any decision or change in relation to OHS in the school, these include:

- identification and assessment of school OHS hazards or risks
- decisions made on measures taken to eliminate or control school OHS risks
- review of school OHS risk assessments
- decisions made about the adequacy of school facilities
- changes to procedures for monitoring school OHS risks
- proposed changes to the school premises, systems of work, plant or substances (for example, chemicals) used at the schools
- decisions about changes in job role
- decisions about consultation procedures and any legislative requirements

Where the information required to be disclosed is confidential (for example, medical reports, personal records) follow the Department's [Privacy and Information Sharing Policy](http://www2.education.vic.gov.au/pal/privacy-information-sharing) <http://www2.education.vic.gov.au/pal/privacy-information-sharing> and/or seek advice from the Department's Privacy Unit or Legal Division.

The Department will consult and communicate with internal and external stakeholders on matters affecting state-wide health and safety as determined by Part 4 of the OHS Act 2004 and in accordance with the main objectives of the Department's [Employee Health, Safety and Wellbeing Policy](http://www2.education.vic.gov.au/pal/occupational-health-and-safety-management-system-ohsms/policy) <http://www2.education.vic.gov.au/pal/occupational-health-and-safety-management-system-ohsms/policy>.

### 2.2 Communication requirements

The principal and/or their delegate must ensure the following information is communicated to employees:

- existing OHS practices and systems
- changes to current OHS practices and systems
- outcomes of school OHS inspections and audits

This would include communicating specific elements of the OHS Management System including:

- the school OHS risk profile ([OHS Risk Register](https://www.education.vic.gov.au/hrweb/Documents/OHS/ohsriskregister.xlsx))  <https://www.education.vic.gov.au/hrweb/Documents/OHS/ohsriskregister.xlsx>

- the Department's Employee Health, Safety and Wellbeing Policy
  - completed Risk Assessments and Safe Work Procedures (SWP)
  - Safety Data Sheets (SDS) for chemicals
  - emergency processes, for example evacuation plan, and incident controller details
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# 3 Implement communication and consultation processes

## 3 Implement communication and consultation processes

### 3.1 Establishment of designated work groups (DWG)

The DWG is to be established or varied by negotiation with consideration to:

- the number of employees at the school
- the nature of work performed
- the number and grouping of employees who perform the same or similar role
- the areas at the school where each type of work is performed
- the nature of OHS hazards and level of risk at the school

### 3.2 Health and safety representatives (HSR)

If a school has an elected health and safety representatives (HSR), they consulted by:

- providing the HSR with all the OHS information about the matter that the principal is or intending to provide relevant parties
- providing the information to the HSR in a reasonable timeframe, where practicable before distributing to all relevant parties
- meeting with the HSR if an invitation to meet is accepted or if a meeting is requested by the HSR
- inviting the HSR to meet to consult about the OHS matter
- giving the HSR a reasonable opportunity to express their views about the matter
- taking into account the HSR's views on OHS matters

Please refer to the [Health and Safety Representative Guide](#) 

<<https://www.education.vic.gov.au/hrweb/Documents/OHS/hsrguide.docx>> for further details about HSRs including:

- electing a HSR
- HSR powers and responsibilities
- HSR training requirements
- Provisional Improvement Notices

### 3.3 Determining appropriate communication forums

In consultation with employees, communication strategies appropriate communication strategies can be determined.

Additional communication strategies could include:

#### Health and Safety Committee (HSC)

A HSC is formal structure where employers and employees that discusses and makes decisions on OHS matters. Refer to the [OHS Committee Guide](#) 

<<https://www.education.vic.gov.au/hrweb/Documents/OHS/ohscommitteeguide.docx>> .

### **OHS Working Group**

An OHS Working Group is a less formal meeting of employee and management representatives that discusses and makes decisions on OHS matters. The meeting can occur either on a scheduled basis or as required.

### **Email update**

An email to all employees that contains OHS information. This system can be sent on scheduled basis or as required.

### **Newsletter**

A printed or electronic newsletter available to all employees that contains OHS information. This system can be sent on scheduled basis or as required.

### **Intranet**

A dedicated OHS section of an intranet. This section could contain OHS updates, documents and calendars and links to the Department's OHSMS.

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## 4 Issue resolution

### 4 Issue resolution

An agreed Occupational Health and Safety (OHS) issue resolution process is needed. The [OHS Issue Resolution Flowchart](#) 

<<https://www.education.vic.gov.au/hrweb/Documents/OHS/issueresolutionflowchart.docx>> can be considered if an agreed process does not exist. The agreed process or OHS Issue Resolution Flowchart is to be communicated to all employees and displayed prominently in the school.

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# 5 Legislation, codes of practice, standards and guidance

## 5 Legislation, codes of practice, standards and guidance

- [Occupational Health and Safety Act 2004 \(Vic\)](https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004)  <https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004>
  - [Occupational Health and Safety Regulations 2017 \(Vic\)](https://www.legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017)  <https://www.legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017>
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# Resources

## Resources

### Guides and flowcharts relevant to this policy and procedure

- [Health and Safety Representative Guide](https://www.education.vic.gov.au/hrweb/Documents/OHS/hsrguide.docx)    
<https://www.education.vic.gov.au/hrweb/Documents/OHS/hsrguide.docx> — contains details about electing a health and safety representative, powers, training requirements and provisional improvement notices
  - [Occupational Health and Safety \(OHS\) Notice Board Guide](https://www.education.vic.gov.au/hrweb/Documents/OHS/ohsnoticeboardguide.docx)    
<https://www.education.vic.gov.au/hrweb/Documents/OHS/ohsnoticeboardguide.docx> — contains information about mandatory items that must be displayed on the OHS notice board
  - [OHS Committee Guide](https://www.education.vic.gov.au/hrweb/Documents/OHS/ohscommitteeguide.docx)    
<https://www.education.vic.gov.au/hrweb/Documents/OHS/ohscommitteeguide.docx> — contains guidance regarding the establishment of a health and safety committee
  - [OHS Issue Resolution Flowchart](https://www.education.vic.gov.au/hrweb/Documents/OHS/issueresolutionflowchart.docx)    
<https://www.education.vic.gov.au/hrweb/Documents/OHS/issueresolutionflowchart.docx> — outlines the process for resolving OHS issues
  - [OHS Risk Register](https://www.education.vic.gov.au/hrweb/Documents/OHS/ohsriskregister.xlsx)    
<https://www.education.vic.gov.au/hrweb/Documents/OHS/ohsriskregister.xlsx>
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