

CODE OF PRACTICE
Consultation at work



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Foreword

Basis for code of practice

This code of practice is issued by Resources Safety under the *Mines Safety and Inspection Act 1994*, with endorsement by the Mining Industry Advisory Committee (MIAC) and approval from the Minister for Mines and Petroleum.

Scope

This code of practice provides guidance on meeting the requirements in the *Mines Safety and Inspection Act 1994* relating to consultation in the workplace.

Who should use this code of practice?

Everyone who has a duty to prevent, as far as practicable, hazards on mines should use this code. This includes employers, employees, self-employed people, safety and health representatives and safety and health committees.

Acknowledgements

Some of this code is based, with permission, on the *Code of Practice: Occupational Health and Safety Consultation, Publication No. 311*, published by WorkCover New South Wales in 2001 (www.workcover.nsw.gov.au/Publications)

Other information sources include:

- Western Australian Department of the Premier and Cabinet, Citizens and Civics Unit, 2002, *Consulting Citizens: a Resource Guide*, 30pp. (www.ccu.dpc.wa.gov.au)
- WorkSafe Victoria, 2005, *Involving Employees in the Occupational Health and Safety (Major Hazard Facilities) Regulations, MHD GN - 8, Guidance Note*, 6pp. (www.worksafe.vic.gov.au)
- Online publications of Advisory Conciliation and Arbitration Service, United Kingdom (www.acas.org.uk)





Introduction

Consultation between employers and employees is an essential part of effectively managing safety and health at work.

Consultation should not be viewed as merely a legal requirement, but as a valuable means of improving the employer's decision-making about safety and health matters.

All mining operations should have a system of consultation and communication that:

- is supported by a comprehensive education and training program;
- involves as many people as possible or practicable;
- is properly representative of any diversity in the workforce;
- draws from the experience and expertise of the workforce;
- encourages involvement, ownership and commitment;
- keeps people and processes up to date;
- maintains adequate records of agreement and communications for reference and compliance purposes;
- is developed through consultation with key stakeholders; and
- adequately communicates how the consultation process works.

2

DUTY TO CONSULT

2 Duty to consult

2.1 Legislative requirements

Consultation is emphasised in the Mines Safety and Inspection Act 1994 (the Act), with an obligation placed on employers to consult employees and safety and health representatives (where they exist) on safety and health in the workplace.

All parties have responsibilities for safety and health in the workplace. Apart from the employer's responsibilities outlined above, employees have responsibilities to take reasonable care to ensure their own safety and health and those of others affected by their work. These responsibilities and requirements are provided for in section 9(1)(c) of the Act.

Effective consultation involves seeking views about relevant safety and health issues, systems, policies and practices from those at the workplace, and engaging in common discussion to achieve mutually accepted safety and health outcomes.

Where an employee has reported a dangerous situation or potentially serious occurrence, employers are required, under section 11A of the Act, to provide feedback about the determination to the employee within a reasonable time after the report is received.

2.2 Safety and health representatives

Safety and health representatives are employees elected by co-workers to represent them in consultation about safety and health matters with the employer.

They must be elected according to a process set out in the Part 5 Division 1 of the Act, which also sets out particular functions for them to perform at the workplace, such as liaising with employees on safety and health issues and reporting hazards to the employer.

Safety and health representatives must consult with certain parties before issuing a provisional improvement notice (PIN).

2.3 Safety and health committees

Safety and health committees are formal safety and health consultative groups that provide a prescribed forum for discussion about safety and health matters.

They must be established according to the requirements in the Part 5 Division 2 of the Act, which also sets out particular functions for them to perform at the workplace, such as making recommendations on safety and health matters.

2.4 Issue resolution procedures

Part 6 of the Act describes a specific process for dealing with safety and health issues at the workplace in a consultative manner and resolving these as they arise.

In particular, the Act requires the development of an agreed issue resolution procedure. Where one is not developed, a default procedure set out in the Mines Safety and Inspection Regulations 1995 (the Regulations) must be used.

2.5 Other arrangements

In addition to the processes or systems covered by legislation, less formal workplace arrangements can exist to meet the requirement or regulation, for consultation and cooperation between employers and employees on safety and health.

Such arrangements include:

- making particular safety and health information and performance measures a standing agenda item at workplace meetings (e.g. staff, team and employee representatives committee meetings);
- ensuring safety issues and topics are discussed at toolbox meetings; and
- implementing email, intranet or electronic bulletin boards for safety bulletins or newsletters to encourage discussion and feedback on relevant issues.

3

CONSULTATION

3 Consultation

3.1 What is consultation?

Consultation is the process by which management must discuss the development of systems, policies, practices and issues of mutual concern with employees or their representatives. It involves seeking acceptable solutions to problems through a genuine exchange of views and information.

Consultation does not remove the right of managers to manage — they must still make the final decision – but it does impose an obligation that the views of employees will be sought and considered on issues that affect those employees before decisions are taken. In determining how to meet this obligation, employers should consider the effect of the issue on employees' safety and health, and how effective and meaningful consultation on the issue can be achieved.

Consultation involves employers actively seeking and then taking account of the views of employees before making a decision. It involves two-way communication, with employers providing information and employees taking on the responsibility of actively participating in the process.

An important principle of consultation is reaching an agreeable outcome on an issue or topic that is satisfactory to all parties and persons, and moves towards a safer and healthier work environment.

3.2 Objectives of the consultation process

Consultation brings together both employers and employees who have a vested interest in the issue or proposal at hand. As such, consultation aims to involve those affected by the proposal, promote understanding between the affected parties and ensure that the broader views of those affected are taken into account when developing a proposal or working through an issue.

3.3 Why is consultation important?

Operational employees are usually the people most exposed to risk from new practices and modifications, and they therefore have a major stake in reducing the level of risk they are exposed to.

Employees have specific knowledge of actual operating practices and potential hazards of the facility, and can

therefore validate and confirm whether proposed initiatives and procedures will be practicable for them to implement and maintain. Given their role, they are also more likely to directly influence safety performance.

Involving employees also raises awareness of key issues for both employees and employers, which is critical to achieve safe operational practice.

3.4 Characteristics of effective consultation and communication

Focus and purpose

Understanding why consultation is being undertaken is essential to any situation.

Inclusiveness, accessibility and diversity

Anyone affected should be identified and consulted. The process of consultation should be accessible to all involved, and a policy of equal opportunity should overlay the process.

Information exchange

The provision and sharing of all relevant information in an easily understood format will result in improved understanding, more informed input and open access to the process. Shared information creates a greater sense of ownership of the outcomes. The flow of information should also be traceable through the maintenance of high quality records.

Timing

The consultation must be timed to ensure that the results of the consultation are able to influence the project, planning and decision-making processes. The consultation process must allow sufficient time to enable stakeholders to contribute in a timely manner, and to incorporate feedback in the decision-making process.

Responsiveness and feedback

Consultation should be transparent and open with direct feedback on all issues raised, except where privacy or confidentiality issues are concerned. In such cases, feedback may be restricted to those involved or affected. Respect should be given to diverse interests, and genuine attempts should be made to resolve conflict. Consistent communication throughout the consultation process may help people feel that they were listened to, even if they disagree

with the results. Remember that consultation does not necessarily mean agreement with all views. It is the opportunity to be heard and considered.

Evaluation

Consultation processes should be evaluated to determine if the goals of the consultation process have been achieved. Evaluation enhances the credibility and transparency of consultation, as well as identifying areas for future improvement. Consultation surveys and feedback can identify restrictions.

3.5 Benefits of effective consultation

Employee consultation is essentially about involving people within an organisation so that a greater understanding exists between employer and employee on a specific issue.

When done well, employee consultation can achieve the following outcomes.

- **Improve organisational performance** — Time spent communicating at the outset of a new policy or initiative can minimise subsequent misunderstanding if it had not been communicated.
- **Improve management performance and decision making** — Allowing employees to express their views can help managers and supervisors arrive at sound decisions that can more readily be accepted by employees as a whole; this may be particularly important at times where new plant, equipment, practices or procedures are being introduced and may include exchange of information between employees and design professionals.
- **Improve employees' performance and commitment** — Employees will perform better if they are given regular, accurate information about their jobs such as updated technical instructions, targets, deadlines and feedback. Their commitment is also likely to be enhanced if they know what the organisation is trying to achieve and how they, as individuals, can influence decisions.
- **Help develop greater trust** — Discussing issues of common interest and allowing employees an opportunity of expressing their views can engender improved management–employee relations.
- **Increase job satisfaction** — Employees are more likely to be motivated if they have a good understanding of their job and how they fit into the organisation as a whole, and are actively encouraged to express their views and ideas.

- **Encourage a more flexible working environment** — Employers can help to promote a supportive working environment by talking to all their staff about developing flexible policies and practices.

Numerous studies have shown that employers who effectively manage safety and health are more likely to have:

- systematic or planned approaches in place for safety and health;
- meaningful consultation with employees about risks and how to control them;
- strong senior management commitment to occupational safety and health consultation and improving safety performance; and
- lower rates of injury and disease.

3.6 Need for training

The effectiveness of consultation can be greatly diminished if the parties involved are not sufficiently trained. Training should be provided to all parties involved in consultation to ensure understanding of the legislative requirements regarding consultation, the consultation process and the application of this code of practice.

3.7 When to consult?

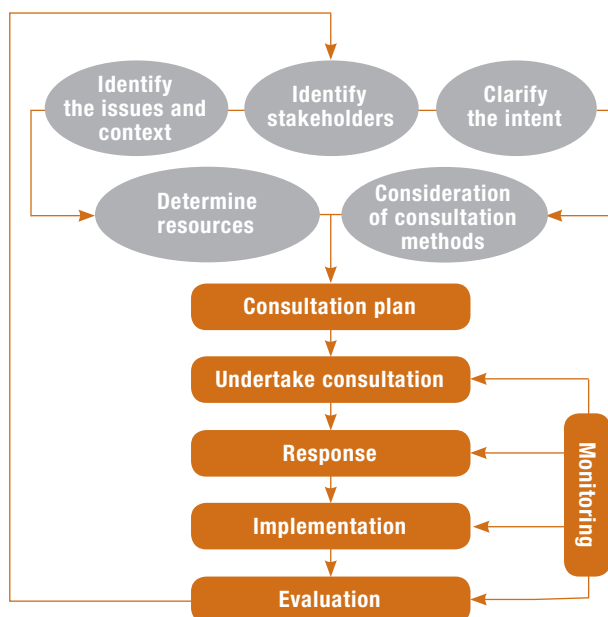
Consultation with employees should be undertaken, so far as is reasonably practicable, when doing one or more of the following:

- entering into discussions about safety and health representatives and the election process;
- making decisions about procedures to consult with employees on safety and health matters;
- identifying or assessing hazards or risks that may harm people;
- undertaking risk assessment and risk management exercises;
- making decisions about the prioritisation of issues;
- making decisions on how to control risks that may cause harm;
- making decisions about the adequacy of facilities for employee welfare;
- making decisions about procedures on how to resolve safety and health issues;
- determining the membership of safety and health committees; and
- proposing changes to the workplace, plant or equipment, or the work performed at a workplace that may affect the safety and health of employees.

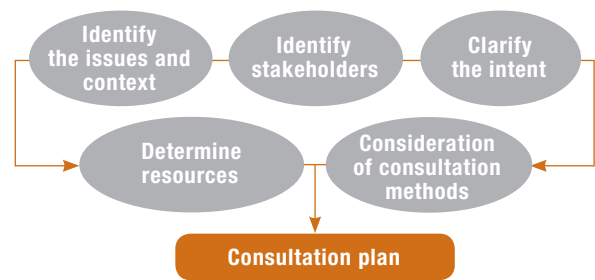
3.8 How to consult?

Consultation need not be an overly onerous process. Essentially, consultation can be broken down into a number of key steps, and should include the following.

- Planning** — To better facilitate the consultation process, employers should take time to effectively plan both the consultation and evaluation processes. Planning may include the identification of issues, stakeholders, intent, goals and objectives, and the determination of resources and consultation methods. The development of a consultation plan at this stage will be useful for the later process.
- Undertaking consultation** — This should be done in line with the aims and methods identified in the planning process. A consultation plan will also be useful in guiding this process.
- Response and implementation** — Effective consultation needs to have a free flow of two-way communication between the operator and employees (or employee representatives), and include the provision of feedback.
- Monitoring and evaluation** — Ongoing monitoring throughout the consultation will help to ensure it is being conducted according to the aims, objectives and methods outlined in the consultation plan. An evaluation at the end of the process will also help determine the effectiveness of consultation and can be used as lessons for future consultation processes.



Planning



Early planning is essential for an effective consultation process. Before undertaking any form of consultation, it is important to think through exactly why you are consulting, what you hope to achieve, and how you will consult; and consult on these matters with employees or their representatives.

It is useful at this stage to commence collation of information for development of the consultation plan.

Identify the issues

The clear definition of an issue is essential for effective consultation to take place. How an issue is defined will influence the range of options for achieving an acceptable outcome.

Issue identification is often an iterative process, with new issues emerging through further exploration. Some issues may need to be broken into smaller, more manageable components.

Planning and identification of issues should take into account the following.

- What is the nature of the issue?
- Whose issue is it?

Identify the stakeholders

Issues have the potential to impact on a variety of individuals and groups. ‘Stakeholder’ refers to those people who may affect, be affected by, or perceive themselves to be affected by a decision, activity or risk.

When identifying stakeholders who may be affected, it may be necessary to consider the context, scale and relevance of the issue on a particular group or individual.

Stakeholders may include employees, management and external parties such as consultants and unions with an interest in the issue. Other workgroups should also be considered to ensure consistency within the consultative process.

Further, contractors will often play an important role in the operation of the workforce. Many mine sites are now operated or employ a large proportion of contractors as part of the workforce. In these circumstances, consultation with contractors should also be considered.

Clarify the intent, purpose and scope of consultation

Having a clear and well-defined objective is essential to the effectiveness of the consultation process. Without it, conducting a relevant and successful consultation exercise will be severely impaired.

The goal here is to clarify 'What do we want to achieve?' Consideration of this goal should take into account the context, scale and relevance of the issue. The intent of a specific consultation exercise may be to:

- develop policy;
- get feedback on policy;
- decide between options;
- gain consensus;
- show a way forward;
- discuss the issues;
- resolve issues;
- identify common ground; and
- provide information.

Once the intent has been identified, it is useful to formulate or develop a statement of aims, goals and objectives that you wish to achieve.

These goals and objectives will also be useful in helping to determine what resources are needed meet these expectations.

By having concrete goals and objectives, ongoing monitoring and evaluation are also easier as there is a guide, and direction to measure against.

Determine resources available for consultation

Training

The effectiveness of consultation can be diminished if employees and employers lack the skills and knowledge to properly inform and conduct the discussion. It is important, therefore, to provide managers, supervisors and employees with training in the skills and techniques required prior to the consultation process.

Wherever possible, training should be participative and trainees encouraged to exchange views, take part in discussions and share ideas and experiences. The

training should be relevant and applicable to the skills and techniques required.

Employees who are well informed of their role and the issues to be discussed are better able to participate in the consultation process and to inform the discussion.

In determining information and training needs for developing skills to undertake consultation, employers should consider the following.

- What are the most appropriate methods of providing information, instruction and training?
- What are the specific subjects and issues that require informing, instruction and training?
- Which employee groups require particular information and to what level of detail?

Timing

Successful consultations are implemented according to a well-defined schedule, particularly for those consultations designed to report on a specific issue. It may be appropriate at this stage to develop a timeline for consultation.

Having a realistic timetable is valuable for all participants. It can indicate what they expect (short or long term commitment) and when. The timing of consultation may need to be adjusted to suit consultees' schedules, such as the 12-hour shifts some employees work and fly-in/fly-out (FIFO) arrangements.

Avoid information overload

Too much information can lead to participants becoming confused or overwhelmed. Issues identification should consider which issues require more information and which do not. Information needs to be presented in a meaningful way to encourage discussion and feedback.

Developing budget

Consultation need not be expensive. However, an efficiently planned and budgeted consultation can deliver beneficial results over one that does not have a planned budget.

Some of the expenses that may be incurred include:

- travel reimbursements;
- printing costs;
- refreshments;
- stationery; and
- equipment.

Consideration of consultation methods

Consultation methods will, of necessity, vary from organisation to organisation and there is no single arrangement that will suit all working environments. Some organisations may decide to employ one method, while others use several methods at once. It is therefore important for organisations to choose carefully the sort of consultation procedure(s) that will best suit their structure and culture.

Factors to consider when choosing methods of consultation include:

- issues to be discussed;
- culture of workplace;
- size and structure of operation;
- type of operation (e.g. residential, FIFO, drive-in/drive-out);
- management style;
- availability of resources; and
- timeframes.

Consultation can be undertaken in both an informal and formal manner. Other agreed procedures for consultation can also be used.

Agreed procedures for consultation

At times, there may be a need to use other consultation methods. In such circumstances, these methods must be the subject of consultation with employees, and should be acceptable and satisfactory to all parties. Once in place, the procedures must be followed, although either party may request a review at any time.

Informal methods of consultation

In many instances, the most effective form of consultation is via informal means. Informal methods of consultation can remove the structural barriers to employee participation, and can be especially useful for personal or shop-floor feedback.

Examples of informal methods of consultation include:

- return-to-work meetings for FIFO workers;
- departmental meetings (including production, maintenance and operations meetings);
- pre-shift meetings;
- departmental walk-throughs;
- staff feedback and suggestions through an established system (e.g. electronic survey);

- distribution of printed and electronic information (e.g. newsletters, notice boards, emails);
- face-to-face discussions;
- internal forums and safety summits;
- on-the-job discussions; and
- safety observations.

Formal methods of consultation

Formal methods of consultation include the use of safety and health representatives, safety and health committees and agreed procedures for consultation.

Safety and health representatives

Safety and health representatives are elected by co-workers to represent them in safety and health matters. Under the Act, they have specific functions to carry out at the workplace, such as inspections and reporting on hazards.

Safety and health representatives are not the same as safety and health officers or coordinators, and are not responsible for solving safety and health matters at the workplace.

The merits of having safety and health representatives may include the provision of:

- an easily identifiable point of contact for individual employees seeking to provide input about safety and health matters;
- a direct link to employees in the workgroup that elected the representative; and
- direct feedback to the employer.

Safety and health committees

Safety and health committees are essentially a workplace advisory group, placed with the responsibility of reviewing safety and health issues and making recommendations.

The merits of having a safety and health committee may include the provision for:

- planned and structured discussions about safety and health matters;
- a cooperative approach between employers and their employees; and
- an auditable paper trail through committee minutes and reports.

Guidance on how to elect safety and health representatives and the formation of safety and health committees is available from the Resources Safety website.

A consultation plan does not need to be restricted to only one issue that is to be consulted on. Rather, it can describe a framework that can be used for all circumstances where consultation occurs.

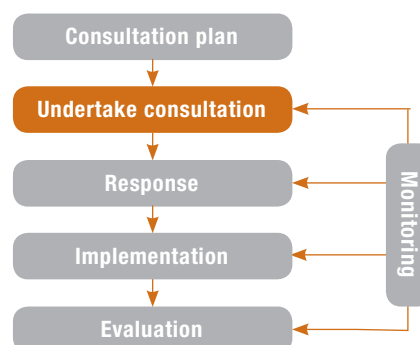
An example of a consultation plan is provided below. Plans should be tailored to suit an organisation's needs and culture.

Building the consultation plan

Once this information has been collected, it is possible to develop a consultation plan. A consultation plan is an effective tool to help identify the key issues, resources and methods of undertaking, and may be used as a means of demonstrating the adequacy of the consultation process. By mapping the way consultation is to be done, companies can benefit from a clearly defined process and strategy.

A format that is easily understood and can be used by all parties involved is most effective. All information in the document should be written in plain English, and technical terms should be defined.

Undertake consultation



Section no.	Name	Comments
	Title page	Company name and logo Site name Date and version Author
	Table of contents	List of section names
1	Intent, purpose and scope of consultation	Goals and objectives of consultation
2	Proposal, issue or topic of focus for consultation	Description of the proposals or issues to be discussed in the consultation process
3	Training needs	Description of training requirements needed to ensure the workforce is sufficiently trained to be able to undertake consultation
4	Method of consultation	Information about the method or methods of consultation to be taken in the process May be appropriate to incorporate here a list of methods used in communicating the proposals or issues to employees
5	Use of information collected	Description of how the company or site will use the information and comments
6	Sequence and timing of consultation	Timeline for consultation implementation that describes steps and duration of consultation
7	Evaluation of consultation	Description of the measures that will be used to demonstrate implementation in accordance with plan
Appendix/ Appendices	Appendix (number as required)	List of definitions may be useful or required Data or lengthy information not suited to the body of the plan

Providing enough time to respond

Sufficient time needs to be allocated to every stage of the consultation process to allow proper monitoring and due consideration of all comments and feedback.

Ample time should be provided to employees to participate throughout the consultation process, become informed of the issue(s), reflect upon the information and make considered responses.

Organising inclusive events

Consultation events need to be sufficiently inclusive of all stakeholders to ensure the broadest views are taken into consideration.

Employers and employees of the Western Australian mining industry often do not work standard hours. It is necessary to take this into account when scheduling meetings for employees who work FIFO, drive-in/drive-out or night shift rosters. Other options include providing a day in lieu for off-shift workers who come in for consultation, or allowing proxy representatives.

Two-way communication and role of the employee

Consultation is more than merely ascertaining the views of employees. It should be seen as an opportunity for two-way communication. Open and ongoing communication between employees and their employer is important to safety success.

Employees therefore have a responsibility to contribute and participate in the consultation process.

Employees should be encouraged to:

- ask questions;
- raise safety concerns;
- make safety recommendations and suggestions; and
- be part of the problem-solving process.

Need for preparation and training

It is important for the effectiveness of consultation to provide both managers and employees with training in the skills and techniques required prior to the consultation process (see page 8).

Need for plain and appropriate language

Employees and other stakeholders who have a clear understanding of the issues to be consulted are more likely to be more involved and better able to participate in the consultation process.

When communicating messages and issues to employees, plain or appropriate language should be used. To avoid misunderstanding, technical jargon should be avoided where possible — if used, it should be defined and communicated.

Work through issues

Despite the advantages of consultation, there is the potential for problems to arise such as poor participation, unrealistic expectations, cost versus safety arguments, difficulties in gaining consensus views and an inability to reach an outcome acceptable to all.

Employees who are well informed of the consultation process are better placed to have realistic expectations and to participate in the process.

Employers should ensure there is ongoing monitoring of the consultation process so potential problems are managed and addressed as they arise.

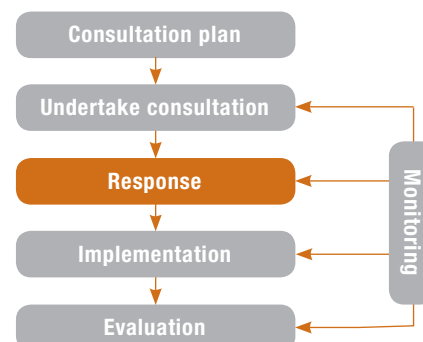
Potential for groups and individuals to tire from consultation

As operators begin to increase opportunities for employee involvement, there is the potential for groups and individuals to tire from the consultation process. It should be remembered that groups and individuals have a limited capacity so it is vital for the operator to take this into account when planning a consultation process.

To address this issue, it may be useful to:

- bring employees into the planning stages to help determine the form and methods of consultation and its timing;
- where possible, aim to implement consultation mechanisms as far ahead as possible to enable employees sufficient time to review the issues and schedule meetings and events;
- invite employees to identify those aspects they wish to focus on; and
- establish working groups that are able to devote the time to deliberate and devise solutions.

Response



Providing feedback to participants

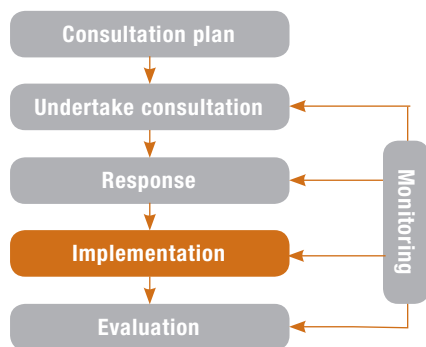
Feedback to participants should be provided at each stage of the consultation process to validate information as it is gathered and encourage continued involvement. Continued feedback also provides evidence that employees' views, comments and suggestions have been recorded accurately, and taken seriously.

Feedback should be provided in a timely manner soon after the consultation process has been completed and on any decisions that have been made. If delays occur, interim updates on the process should be provided.

Further, consultation does not mean that employees' views always have to be acted on since there may be reasonable or practicable reasons for not doing so. However, whenever employees' views are rejected, the reasons for doing so should be carefully explained.

In some instances, no matter how much consultation has taken place, disputes and unresolved issues will arise. In such cases, the Act and Regulations describe a specific process for dealing with safety and health issues in a consultative manner and resolving these as they arise by following relevant issue resolution procedures. Stakeholders involved in the consultation process should be made aware of this procedure.

Implementation

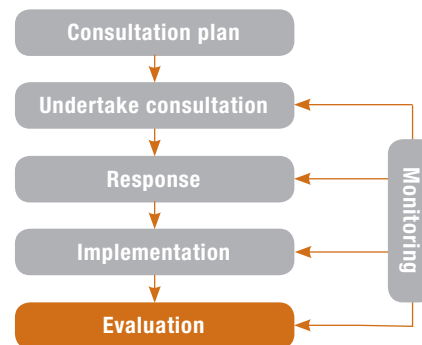


Consultation is an ongoing process

Consultation does not end after a response or feedback has been provided to stakeholders.

When an initiative, change or issue has finally reached the stage of implementation, it is important for both the employer and employees to have ongoing and open communication on how the implementation is progressing. This ensures that the actual implementation of the initiative, change or issue occurs in accordance with the way it was communicated to stakeholders, taking into consideration any changes arising from the consultation process.

Monitoring and evaluation



Ongoing evaluation

Throughout the process, it is important to continually monitor how the process is going and whether it is performing according to the goals and objects set. In particular, monitoring will ensure that:

- participants in the process know their roles;
- employees are regularly consulted on matters of interest to them;
- appropriate information is made available and reaches everybody;
- the information is understood by all involved; and
- two-way communication and feedback are taking place.

End-of-program evaluation

At the end of a consultation exercise, an evaluation on how effective the process has been should take place. Effectiveness means many things to many people and may include:

- whether the consultation has reached its target group;
- level of employee and management involvement;
- quality of decision making by managers;
- impact of consultation on the final decision(s); and
- level of participant satisfaction.

To aid in ongoing and end-of-program evaluation, it may be useful to use an audit or evaluation tool, such as that provided in Appendix 5. Further, the results obtained during use of the audit tool can also serve as a method of checking progress over time and demonstration of adequacy, and assist in continuous improvement.

Continuous improvement

Ongoing monitoring and end-of-process evaluation may identify areas of improvement, more appropriate methods and better consultation means. These outcomes can assist in improving consultation programs and should be considered when developing future consultation programs.

4

DEMONSTRATING ADEQUACY OF CONSULTATION

4 Demonstrating adequacy of consultation

Effective consultation is characterised by:

- having a focus and purpose;
- being inclusive, accessible and diverse;
- involving effective and timely information and feedback exchange; and
- incorporating some method of evaluation.

Demonstration of adequacy can be achieved by:

- comprehensive documentation of steps taken — for example, through the development of a consultation plan, which is particularly useful for consultation that has been taken in an informal manner;
- documentation of consultation outcomes specifically linked to issues raised during consultations — this could be done via minutes or a report listing the issues raised through consultation and how they have been dealt with;
- demonstration that the consultation outcomes have been communicated to parties involved in the process — this feedback loop is important and adds to the transparency of the process;
- justification of why some issues may not have been included; and
- records of who was involved in the consultation process.

APPENDICES

Appendix 1

Legislative framework

Under the Mines Safety and Inspection Act 1994, Parts 5 (safety and health representatives and committees) and 6 (resolution of safety and health issues) contain the provisions covering safety and health representatives, safety and health committees and resolution of disputes.

Comprehensive information on these provisions is available in the joint Commission for Occupational Safety and Health and Mining Industry Advisory Committee 2006 Guidance Note Formal consultative processes at the workplace: safety and health representatives, safety and health committees and resolution of safety and health issues, including consultation on PINs, available at www.dmp.wa.gov.au/ResourcesSafety

The provisions of the Mines Safety and Inspection Act 1994 and Mines Safety and Inspection Regulations 1995 relating to consultation in the context of this code of practice include those listed below.

Mines Safety and Inspection Act 1994

- Section 9 Duties of employers
- Section 10 Duties of employees
- Section 53 Functions of safety and health representatives
- Section 55 Consultation on election matters
- Section 60 Duties of employers and manager regarding safety and health representatives
- Section 63 Functions of safety and health committees
- Section 70 Resolution of issues at the mine

Mines Safety and Inspection Regulations 1995

- Regulation 2.5 Prescribed procedure for resolution of disputes

Appendix 2

Guide to conducting meetings to consult on occupational safety and health matters

Effective meetings rely on:

- planning for an effective meeting;
- agreed procedures that ensure an orderly meeting;
- agreement on the meeting agenda;
- opportunities for everyone to participate;
- keeping the meeting focused on the agenda and the desired outcomes;
- clarity about what is agreed; and
- clarity about who is responsible for actioning agreed outcomes.

At the first meeting

- Participants should agree about the procedures for conducting a meeting and the role of the various parties in the meeting. Agreed procedures help avoid confusion and differences about the roles and functions of the various parties.

Before any meeting

The chairperson should:

- Plan a draft agenda for the meeting. In framing the agenda, it is important to review minutes from the last meeting and check the status of outstanding issues. The chairperson should consult with other members at the meeting to see if they wish items to be added to the agenda. Ensure that adequate time is allowed for the major issues on the agenda. If there are too many agenda items, prioritise to determine if minor issues can be resolved outside the meeting. An example is given in Appendix 3.
- Give each party adequate notice of when and where the meeting will be held. If notice is too short, some members may not be able to participate and the meeting will be less effective. For members to have a chance to consider the issues, or discuss these with relevant employees or managers, at least three to five days' notice is desirable.

- Display the draft agenda for the next meeting in a location where it will be readily seen. This will enable employees to provide input to the relevant parties prior to the meeting.

Once the meeting has been planned and notice given, it is important that it is conducted effectively.

At every meeting

The chairperson should ensure:

- The meeting starts and finishes on time.
- Any apologies or absences are recorded.
- The members agree on the draft agenda, including whether appropriate time has been allocated for each item (review, revise and reorder agenda if necessary).
- The minutes of the last meeting are reviewed and approved as an accurate record, or amended as necessary.
- A report is provided to the members about any matters listed for action in the minutes of the last meeting.
- The meeting works through the agenda in a business-like fashion. Avoid getting bogged down on minor points (these may be able to be addressed outside this forum) and side-tracked by issues not on the agenda. The members can consider these issues in general business or at the next meeting as agreed.

During the meeting

All members should:

- Focus on resolving problems by considering the appropriate recommendations to put to management.

- Support the chairperson in ensuring that the meeting keeps on track.

At the end of the meeting

All members should:

- Ensure that there are clear outcomes, and establish action items and responsibilities (What has been decided? Who is going to follow through on a particular decision? When will this action occur?).
- Agree on a date and venue for the next meeting.
- Spend a few minutes evaluating the meeting (Did the meeting follow the agreed agenda? Was the desired outcome achieved? Are there clear action items and responsibilities?).

After the meeting

The chairperson (with the assistance of the members as appropriate) should ensure:

- Minutes of the meeting are documented (an example is given in Appendix 4).
- The people responsible for actioning items are clear about what the members expect of them.
- The meeting minutes are distributed promptly to members.
- The meeting minutes are displayed in the workplace where employees are likely to see them. Even if an employer has remote locations, it is still important to keep employees notified.

Appendix 3

Safety and health committee sample agenda

XYZ Mining Safety and Health Committee AGENDA		
Date:	3 August 2009	
Time:	10am - 11.15am	
Place:	Conference Room	
Time	Item	Situation
10.00am	1. Welcome & apologies	Chairperson
10.05am	2. Minutes from last meeting 6 July 2009	Chairperson
10.10am	3. Report on action items (from last meeting) Safe work procedures to be reviewed for production area following near-miss incident	Tim Hand
10.20am	4. New business 4.1 New OSH Induction Training Program 4.2 Risk control measure for new work process	John Smith (Manager) Tony Kiang (Safety & Health Rep Production)
11.00am	5. Review of incidents since last meeting	John Smith (Manager)
11.05am	6. Workplace safety inspection 6.1 Results 6.2 Feedback to workgroup	Angela Valastro (Chairperson)
11.10am	7. General Business 8. Next meeting (set date and time)	
11.15am	9. Close of meeting	
Note: Please bring your notes on July's workplace inspection.		

Appendix 4

Safety and health committee sample minutes

XYZ Mining Safety and Health Committee MINUTES		
Date:	3 August 2009	
Present:	Angela Valastro John Smith Tim Hand Tony Kiang Bill Pickman Anna Thompson Ken Nickel Shirley McIntyre	Chairperson, employee member (Production Day Shift) Manager Production Supervisor Employee member (Production Night Shift) Employee member (Stores) Employee member (Office) Management rep Management rep
Apologies:	Nil	
Observers:	Rebecca Brown Greg Fixer	Supervisor, XX Labour Hire Safety & Health Representative, XX Labour Hire
Distribution:	Safety & Health Committee members, and XX Labour Hire Noticeboards	<ul style="list-style-type: none"> • Main office • Lunch room • Production area • Storeroom

Agenda item	Action	Timeframe
1 Welcome and apologies No apologies The Chairperson welcomed observers Rebecca Brown & Greg Fixer from XX Labour Hire.	Noted	
2 Minutes from last meeting Minutes for meeting held on 6 July 2009 were agreed as a true and accurate record.		
3 Report on action items (from last meeting) 3.1 Work procedures Production Supervisor Tim Hand reported that safe work procedures had been reviewed in liaison with production Safety & Health Representatives, Angela and Tony.	Supervisor and Safety & Health Reps to discuss with production employees	Hold meeting on 15 August

Agenda item	Action	Timeframe
<p>4</p> <p>New Business</p> <p>4.1 New OSH Induction Training Program</p> <p>John Smith reported that the company would be recruiting and believed it was necessary to review and improve the induction training people received.</p> <p>The Safety & Health Committee identified the need for the induction training to reference the new safe work procedures in production and provide more information about how to identify hazards in the workplace.</p> <p>4.2 Risk control measure for new work process</p> <p>The production night shift Safety & Health Rep Tony Kiang reported a problem with inadequate ventilation. Problem has been discussed with Production Supervisor but is not resolved. Problem has arisen following use of the new chemicals associated with new work process.</p>	<p>John Smith to incorporate committee suggestions into new induction program</p> <p>Safety & Health Reps to talk with employees about any other issues that the program should be updated to include</p> <p>John Smith (Manager) to investigate and resolve</p>	<p>New induction program to be tabled at next meeting</p> <p>Safety & Health Reps to provide any additional comment by 31 August</p> <p>Report on resolution at next committee meeting</p>
<p>5</p> <p>Review of incidents since last meeting</p> <p>No near misses were reported.</p>	<p>Noted</p>	
<p>6</p> <p>Workplace safety inspection</p> <p>6.1 Results</p> <p>Angela Valastro reported on the safety inspection conducted by the Safety & Health Committee on 21 July.</p> <p>All housekeeping hazards have been removed. Electrical hazards remain a problem.</p> <p>Management agreed to address all hazards identified.</p> <p>It was recommended that the company establish new guidelines for working with electrical appliances.</p> <p>6.2 Feedback to workgroups</p> <p>A copy of the inspection results and actions taken will be made available to workgroups on the safety and health noticeboard.</p>	<p>John Smith</p> <p>John Smith to discuss with management and report back</p> <p>Anna Thompson</p>	<p>Within 24 hours</p> <p>Next meeting</p> <p>Within 24 hours</p>
<p>7</p> <p>General Business</p> <p>7.1 Training for new committee member</p> <p>New Safety & Health Committee member to attend safety and health consultation training in early October.</p>	<p>Ken Nickel to organise</p>	<p>Within 1 week</p>
<p>8</p> <p>Next meeting</p> <p>10am 7 September 2009</p> <p>Conference Room</p>		

Chairperson signature _____ Date _____/_____/_____

Appendix 5

Sample audit and evaluation tool

Stage	No.	Item	Guideline	Verify By	Score *				
					NA	0	1	2	3
Planning	1.0	Issues and stakeholders have been identified for consultation	To ensure stakeholders who are affected by various safety and health issues are provided with an opportunity to consult	Minutes of meetings; Documented procedures or policies; Ask a sample of employees					
	1.1	There is evidence of OSH consultation with contractors and labour-hire personnel	To ensure that contractors who play an important role in the operation of the site are considered and provided with an opportunity to consult	Minutes of meetings; Documented procedures for consultation with contractors and labour hire personnel; Ask a sample of contractors					
	1.2	Clear and well-defined objectives of the consultation exercise have been established	To ensure the consultation exercise is guided and can be evaluated by clear goals and objectives	Minutes; Internal communication					
	1.3	A system for determining resources available and required for consultation has been established	To ensure sufficient resources (i.e. time, personnel, budget, training) are available for effective consultation	Sighting budget and resource requirement sheets					
	1.4	Methods of consultation have been established	To verify that there are avenues for safety and health consultation for both the employer and workforce	Documented procedures or policies; Identify methods; Ask a sample of employees					
	1.5	A safety and health representative is available to workers	To verify there is a safety and health representative available to workers to raise safety concerns	Questionnaire or interview; Identify trained safety and health representatives					

Stage	No.	Item	Guideline	Verify By	Score *				
					NA	0	1	2	3
Planning	1.6	A safety and health committee is established where it has been requested by an employee or the State Mining Engineer	To verify there is a formal environment for safety representatives and managers to address site safety concerns where required	Sight minutes of a recent safety and health meeting; Identify members of the committee					
	1.7	There are other methods of consultation available on site	To establish whether other methods (including problem solving groups, staff feedback and suggestion systems, distribution of information)	Identify methods and effectiveness					
	1.8	A consultation plan has been developed	To verify the development of an easily understood summary of consultation to be used by all parties	Sight consultation plan					
Undertake	2.0	A realistic timetable for consultation has been provided to all stakeholders involved in the process	To ensure that sufficient time is allocated to allow all stakeholders to become informed of the issue and make considered responses	Sight minutes; Internal correspondence; Interview stakeholders involved in consultation process					
	2.1	Employees are actively involved in and value the consultation process	To ensure that the system is performing adequately, involved stakeholders need to feel that their concerns and suggestions are being taken seriously	Ask a sample of employees					

- * NA - Not applicable or not relevant to site
- 0 - No evidence of compliance
- 1 - Limited compliance or a start has been made
- 2 - Mostly compliant but requiring additional work
- 3 - High level or nearly 100% compliance

Stage	No.	Item	Guideline	Verify By	Score *				
					NA	0	1	2	3
Undertake	2.2	Input and feedback are provided by both employees and employers	To verify that two-way communication is taking place during the consultation process	Sight minutes; Ask a sample of employees and employers					
	2.3	Plain or appropriate language is used during consultation	To ensure all employees and other stakeholders have a clear understanding of the issues being consulted on	Sighting documents used during consultation; Minutes					
	2.4	The resolution of issues is undertaken in a consultative manner	To verify there is an issues resolution procedure in place to resolve issues as they arise in a consultative manner	Documented procedures and policies; Interview stakeholders in the consultation process					
Response	3.0	Feedback is provided to all stakeholders during the consultation process	To verify that timely and adequate responses are provided during the consultation process	Sight minutes; Internal correspondence; Evidence of changes to OSH policies and procedures documented					
	3.1	Matters raised at Safety and Health Committee meetings are minuted and made known to the workforce	To verify that safety issues discussed are recorded and made known to the workforce	Ask a sample of employees; Sight copies of minutes of meetings and confirm minutes					
Implementation	4.0	A system has been established to provide ongoing communication during the implementation stage	To verify that ongoing communication regarding the implementation occurs, and that the implementation is occurring as discussed during consultation	Sight minutes; Internal correspondence; Interview stakeholders in the consultation process.					

Stage	No.	Item	Guideline	Verify By	Score *				
					NA	0	1	2	3
Monitoring and evaluation	4.1	A system has been established to monitor the consultation process	To ensure that participants in the process are engaged and know their roles, and that effective communication and consultation take place	Sight policies and procedures; Interview stakeholders involved in consultation process; Minutes					
	4.2	A system has been established to evaluate the consultation process once complete	To measure the effectiveness of consultation in achieving its goals, objectives and target group, and to identify areas of improvement	Sight policies and procedures; Interview stakeholders involved in the consultation process; Minutes					
	4.3	Where improvements in the consultation process have been identified, changes to the process need to be adopted as part of a continuous improvement process	To verify there is a commitment to ongoing and continuous improvement of the consultation process	Follow an identified improvement through					

- * NA - Not applicable or not relevant to site
- 0 - No evidence of compliance
- 1 - Limited compliance or a start has been made
- 2 - Mostly compliant but requiring additional work
- 3 - High level or nearly 100% compliance

Appendix 6

Other sources of information

Legislation

- Mines Safety and Inspection Act 1994
- Mines Safety and Inspection Regulations 1995
- Available from the State Law Publisher (www.slp.wa.gov.au), the official publisher of Western Australian legislation and statutory information

Codes of practice and guidance material

- **Commission for Occupational Safety and Health (COSH) & Mining Industry Advisory Committee (MIAC) - joint publication**

Guidance note: Formal consultative processes at the workplace: safety and health representatives, safety and health committees and resolution of safety and health issues, including consultation on PINs

- **Department of Mines and Petroleum, Resources Safety**

General duty of care in Western Australian mines – guideline

- **Standards Australia**

Australian Standard for Risk Management AS/NZS 4360:2004

Government agencies and organisations that may be contacted for further information

Department of Mines and Petroleum

Resources Safety

Mines Safety Branch
303 Sevenoaks Street
Cannington WA 6017

Telephone: 08 9358 8079

Facsimile: 08 9358 8000

Email: minessafety@dmp.wa.gov.au

Website: www.dmp.wa.gov.au/ResourcesSafety

Department of Commerce

WorkSafe

Level 5, 1260 Hay Street
West Perth WA 6005

Telephone: 1300 307 877

Facsimile: 08 9321 8973

Email: safety@commerce.wa.gov.au

Website: www.worksafe.wa.gov.au

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Level 7, 12 St George's Terrace
Perth WA 6000

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