



**UNIVERSITY of
TASMANIA**

**Issue Resolution – Work
Health and Safety Procedure**

UNDER REVIEW

Related Policy	<i>Work Health and Safety Policy</i>
Responsible Officer	Executive Director – Human Resources
Approved by	Executive Director – Human Resources
Approved and commenced	December, 2013
Review by	December, 2016
Responsible Organisational Unit	Work Health and Safety Unit – Human Resources

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1 Objective

The objective of this Procedure is to ensure that Work Health and Safety (WHS) issues raised at the University are progressed through to resolution.

In implementing solutions, the University seeks to reach agreement between management and workers and/or their Health Safety Representative on the actions to be taken, their timing and responsibility for implementation.

2 Scope

WHS issues are only covered by this Procedure where they are not able to be resolved through the organisation's maintenance, hazard, incident or other standard processes.

The Procedure applies to workers of the University.

3 Procedure

3.1 Standard Provisions

Health and Safety issues arising at the University's workplaces are first to be reported through standard administrative processes and where practicable, dealt with within the local work area.

Where issues remain unresolved and after a reasonable time has elapsed, resolution of the issue is to be carried out in accordance with the *WHS Issue Resolution Flow Chart (Appendix 1)*.

The provisions for work health and safety issue resolution are to be in accordance with the *Work Health and Safety Act 2012* and the *Work Health and Safety Regulations 2012*.

3.2 Parties to an issue

The parties to a WHS issues are as defined in Section 80 of the Act (*Appendix 2*).

3.3 Resolution of issues

The resolution of a WHS issue is to be made in accordance with Section 81 of the Act (*Appendix 2*)

3.4 Agreed procedure

Issue resolution is to be in accordance with the minimum requirements for agreed procedures contained in Section 22 of the Regulations (*Appendix 3*).

3.5 Agreed procedure steps

The steps in the agreed procedure are to be in accordance with Section 23 of the Regulations (*Appendix 3*).

3.6 Referral for resolution

If a WHS issue has not been resolved after reasonable efforts have been made, the issue may be referred to WorkSafe Tasmania for resolution by an inspector in accordance with Section 82 of the Act (*Appendix 2*).

3.7 Support services

The Officer, or delegated manager/supervisor, may call on the WHS Unit or external consultants to problem solve, mediate and/or negotiate where necessary.

3.8 Monitor and review

The Officer, or delegated manager/supervisor concerned, is responsible for monitoring progress and identifying and addressing any further issues that may arise following resolution.

4 Definitions and Acronyms

Term/Acronym	Definition
Academic Unit	Means the secondary organisational unit in the academic structure of the University, reporting directly to the College Executive Deans, as per Ordinance 14 – Academic Structure.
College	Means (a) the primary organisational unit in the academic structure of the University, as per Ordinance 14 – Academic Structure (b) the University College (c)
Executive Dean	Means: (a) the Executive Dean of the relevant College, or (b) in relation to the University College, the Principal of the University College
Head of Academic Unit	Means the head of the relevant Academic Unit
Manager/Supervisor	An individual, who assumes responsibility for the health or welfare of any other person in a workplace by providing instruction, direction, assistance, advice or service (which includes those with responsibility for students).
Officer	Members of Council, Executive Deans, Heads of Academic Units, , Heads of Divisions and Sections and Members of Boards having strategic management responsibility are considered to be Officers pursuant to Section 27 to the Act.
Organisational Unit	College, Faculty, School, Centre, University Institute, other University Entity, Division, Section or University Business Enterprise.
Records	Records include: - Copies of completed Hazard or Accident/Incident Reports

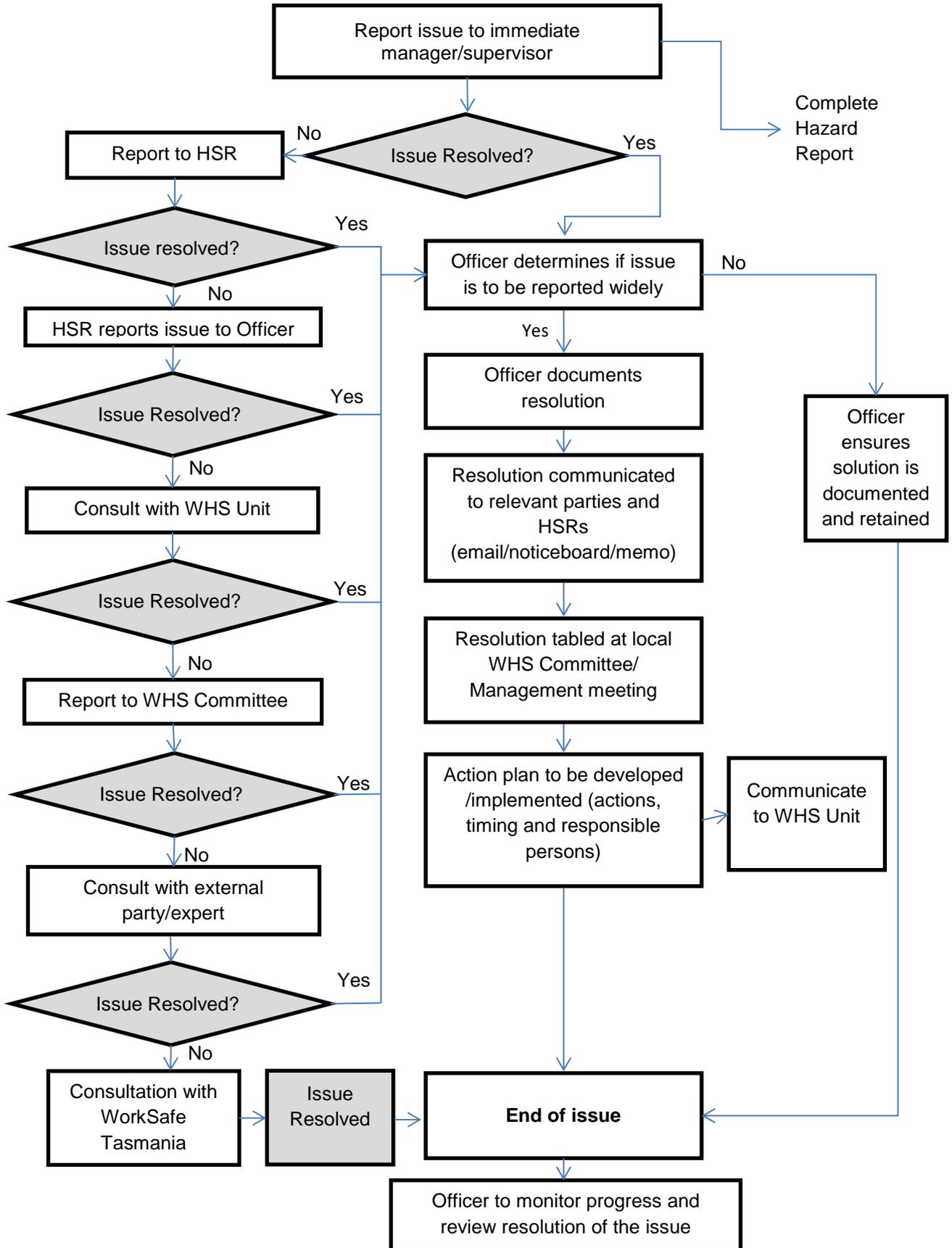
- Minutes of meetings held to resolve a WHS issue

The Act	The <i>Work Health and Safety Act 2012</i>
WHS Issue	A situation activity, behaviour or item that poses a health and safety risk to a University worker or other person.
Worker	For the purposes of this minimum standard, worker refers to any University staff member, student gaining work experience, contractor or volunteer

5 Versioning

Former Version(s)	Version 1 – <i>Work Health and Safety Issue Resolution Minimum Standard; Approved April 2011</i> Version 2 – <i>Work Health and Safety Issues Minimum Standard; reviewed and updated to comply with new Work Health and Safety Act 2012; approved December, 2013, amended in December 2016 to incorporate Colleges</i>
Current Version	Version 3 – <i>Issues Resolution – Work Health and Safety Procedure</i> (current document); approved December 2013, amended in December 2017 to incorporate final academic structures.

Appendix 1: A work health and safety (WHS) issue/hazard is identified



Appendix 2

Work Health and Safety Act
Division 5 - Issue resolution

80. Parties to an issue

1) In this Division –

parties, in relation to an issue, means the following:

- a) the person conducting the business or undertaking or the person's representative;
 - b) if the issue involves more than 1 business or undertaking, the person conducting each business or undertaking or the person's representative;
 - c) if the worker or workers affected by the issue are in a work group, the health and safety representative for that work group or his or her representative;
 - d) if the worker or workers affected by the issue are not in a work group, the worker or workers or their representative.
- 2) A person conducting a business or undertaking must ensure that the person's representative (if any) for the purposes of this Division –
- a) is not a health and safety representative; and
 - b) has an appropriate level of seniority, and is sufficiently competent, to act as the person's representative.

81. Resolution of health and safety issues

- 1) This section applies if a matter about work health and safety arises at a workplace or from the conduct of a business or undertaking and the matter is not resolved after discussion between the parties to the issue.
- 2) The parties must make reasonable efforts to achieve a timely, final and effective resolution of the issue in accordance with the relevant agreed procedure, or if there is no agreed procedure, the default procedure prescribed in the regulations.
- 3) A representative of a party to an issue may enter the workplace for the purpose of attending discussions with a view to resolving the issue.

82. Referral of issue to regulator for resolution by inspector

- 1) This section applies if an issue has not been resolved after reasonable efforts have been made to achieve an effective resolution of the issue.
- 2) A party to the issue may ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.
- 3) A request to the regulator under this section does not prevent –
 - a) a worker from exercising the right under Division 6 of this Part to cease work; or
 - b) a health and safety representative from issuing a provisional improvement notice or a direction under Division 6 of this Part to cease work.
- 4) On attending a workplace under this section, an inspector may exercise any of the inspector's compliance powers under this Act in relation to the workplace.

Appendix 3

Work Health and Safety Regulations PART 2.2 - Issue Resolution

22. Agreed procedure – minimum requirements

- 1) This regulation sets out minimum requirements for an agreed procedure for issue resolution at a workplace.
- 2) The agreed procedure for issue resolution at a workplace must include the steps set out in regulation 23.
- 3) A person conducting a business or undertaking at a workplace must ensure that the agreed procedure for issue resolution at the workplace –
 - a) complies with subregulation (2); and
 - b) is set out in writing; and
 - c) is communicated to all workers to whom the agreed procedure applies.

23. Default procedure

- 1) This regulation sets out the default procedure for issue resolution for the purposes of section 81(2) of the Act.
- 2) Any party to the issue may commence the procedure by informing each other party –
 - a) that there is an issue to be resolved; and
 - b) the nature and scope of the issue.
- 3) As soon as parties are informed of the issue, all parties must meet or communicate with each other to attempt to resolve the issue.
- 4) The parties must have regard to all relevant matters including the following:
 - a) the degree and immediacy of risk to workers or other persons affected by the issue;
 - b) the number and location of workers and other persons affected by the issue;
 - c) the measures (both temporary and permanent) that must be implemented to resolve the issue;
 - d) who will be responsible for implementing the resolution measures.
- 5) A party may, in resolving the issue, be assisted or represented by a person nominated by the party.
- 6) If the issue is resolved, details of the issue and its resolution must be set out in a written agreement if any party to the issue requests this.

Note

Under the Act, **parties** to an issue include not only a person conducting a business or undertaking, a worker and a health and safety representative, but also representatives of these persons (see section 80 of the Act).

- 7) If a written agreement is prepared all parties to the issue must be satisfied that the agreement reflects the resolution of the issue.
- 8) A copy of the written agreement must be given to –
 - a) all parties to the issue; and
 - b) if requested, to the health and safety committee for the workplace.
- 9) To avoid doubt, nothing in this procedure prevents a worker from bringing a work health and safety issue to the attention of the worker's health and safety representative.