



HSE ISSUE (REGULATORY) RESOLUTION

Standard
Business Management Systems (BMS) Group
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HSE Issue Resolution Management

Business Management System Group Standard

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1. Purpose

The purpose of this Group standard is to manage and escalate Safety or Environmental (HSE) issues when a satisfactory resolution is not reached or agreed upon by all parties.

2. Scope

This document encompasses all BMD Group subsidiaries including BMD Constructions, Empower, JMac Constructions and Urbex. For ease of reference, the term BMD is used throughout this document to reference the 'Group'.

This document does not cover reporting of accidents and incidents – refer to the [Incident and Accident Management](#) standard.

3. Introduction

When an issue arises, the affected worker/workers and interested parties (or their elected/appointed HSE representatives) must try and resolve it using an agreed issue resolution procedure.

- If the issue is not resolved within a reasonable time, any of the parties may request an inspector from the respective legislation body to attend the workplace.
- If a HSE matter remains unresolved after discussion between the parties, it becomes a HSE issue subject to this issue resolution process.

Each party and their representative, if any, are required to make reasonable efforts to achieve a timely, final, and effective resolution of the issue.

All HSE issues should be resolved as soon as possible to avoid further dispute or a recurrence of the issue or a similar issue, therefore an issue should be resolved 'once and for all' to the extent that is possible in the circumstances.

Each party's representative is entitled to enter the workplace for the purpose of attending discussions with a view to resolving the issue.

The Work Health and Safety Act 2011 states that all parties must make reasonable efforts to reach an effective resolution.

4. Roles and Responsibilities

Senior Management
• Liaise with HSE representatives, senior and/or project/site management to assist with HSE issue resolution. • Request an inspector from the respective legislation body to attend a workplace to assist with HSE issue resolution. • Liaise with the inspector to assist with HSE issue resolution. • Escalate issue resolution through the management hierarchy to expedite an effective and timely issue resolution. • Provide final reports to management, HSE representative and the project manager.
Project/Site Management
• Liaise with workers, interested parties or HSE representatives to assist with HSE issue resolution. • Escalate issue resolution to management as and when required. • Any Regulatory notices must be entered into the Incident/Accident as per Standard • Request an inspector from the respective legislation body to attend the workplace to assist with HSE issue resolution. • Record details of the issue resolution process. • HSE issue resolution process communicated through the induction
HSE Representatives (Elected/Appointed)
• Represent workers to assist with HSE issue resolution • Consult with senior and project/site management to assist with HSE issue resolution • Request an inspector from the respective legislation body to attend the workplace to assist with HSE issue resolution. • Direct a worker to cease work if the risk is so serious and immediate or imminent as to threaten their or other workers health and safety. • Report all activities and outcomes of 'directing a worker to cease work' to management. • Issue and/or cancel a Provisional Improvement Notice (PIN). • Ensure a PIN is displayed in a prominent location relevant to the issue of the PIN.
Workers
• Liaise with HSE representatives, site supervisor or project manager to request HSE issue resolution • Request an inspector from the respective legislation body to attend the workplace to assist with HSE issue resolution. • Cease work if they have a reasonable concern that to carry out the work would expose them to a serious risk to their health or safety. • Remain available for alternative work if they have ceased work.

5. Issue Resolution Process

In the event that a HSE issue is identified and unresolved, the [HSE Issue Resolution & Flowchart](#) is to be followed.

Note: This process is to be communicated through the site induction.

6. Parties to Issue Resolution

The following people are the *parties*¹ to a work HSE issue:

- the person conducting the business or undertaking (PCBU) with whom the issue has been raised or their representative
- any other PCBU who is involved in the issue or their representative
- if the affected workers are in a work group, their HSE representative or the Project HSE representative, and
- if there are no HSE representatives for the affected workers then the affected workers themselves or their representative.

If BMD is represented, they must ensure their representative has, for the purposes of issue resolution, sufficient seniority, and competence to act as their representative. The subclause in the Act also prohibits BMD from being represented by an elected/appointed HSE Representative. This latter restriction is necessary because HSE representatives are essentially workers' representatives and representing both sides constitutes a conflict of interest.

7. Resolving an Issue

Where any worker has an HSE issue or situation that needs to be resolved, the following steps are taken:

- The worker reports the matter to their immediate Supervisor or one up Manager for discussion and resolution.
- If the issue is not resolved, where there is an HSE representative available, the Supervisor shall advise and consult with the HSE representative in relation to the issue with a view to agreeing to a strategy for resolving the issue and implementing appropriate risk controls.
- If the issue remains unresolved, then the HSE representative, Site Supervisor and/or Project HSE Officer refer the issue to the Project Manager for resolution.
- If the issue remains unresolved the HSE representative or the Project Manager refers the issue to the Regional Systems Manager and Group Functional Manager for discussion and resolution.
- If the issue remains unresolved the Group Functional Manager notifies the appropriate jurisdictional Safety Authority and requests resolution.
- HSE representatives, senior management and the Project Manager are notified of the documented outcomes and resolution.

• ¹ Refer to the Definitions section.

7.1. HSE Representative Involvement

If a HSE representative represents any workers involved in the issue, BMD will resolve the issue with the HSE representative.

7.2. Efforts to Resolve

The parties in the dispute must make reasonable efforts to achieve a timely, final, and effective resolution of the issue in accordance with this procedure.

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.

The employee will be offered an opportunity to nominate a witness or seek the support from a third-party if required.

8. Issue Not Resolved

If an issue has not been resolved within BMD after reasonable efforts have been made to achieve an effective resolution of the issue.

The following options are available:

- ask a regulator to appoint an inspector from the respective legislation body
- cease work (actioned by a worker or the direction of legislative elected Safety representative)
- legislative elected HSE representative may issue a Provisional Improvement Notice (PIN).

8.1. Inspector Involvement

Only after reasonable efforts have been made to resolve the issue can parties seek assistance from an inspector of the respective legislation body. This right arises whether all, some or only one of the parties have made reasonable efforts to have the HSEQ issue resolved. A party's unwillingness to resolve an issue does not necessarily prevent an inspector being called in.

The worker, legislative elected HSE representative or BMD may ask the regulator to appoint an inspector from the respective legislation body.

The inspector's role is to assist in resolving the issue, which could involve the inspector providing advice or recommendations or exercising any of their compliance powers.

If an inspector has been called in to assist with resolving a HSE issue, the rights of a worker to cease unsafe work or the right of a legislative elected HSE representative to direct that unsafe work cease or issue a Provisional Improvement Notice (PIN) under the model WHS Act remain.

8.2. Right of HSEQ Representative to Direct Cessation of Unsafe Work

A legislative elected HSE representative or Regulatory Body Officer should consult with appropriate BMD management with regard to HSE issues and their resolution.

After consultation, and if the issue still remains unresolved, a HSEQ representative may direct a worker who is in a work group represented by the representative to cease work if the representative has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

The HSE representative may direct a worker to cease work without carrying out that consultation or attempting to resolve the matter if the risk is so serious and immediate or imminent that it is not reasonable to consult before giving the direction. In this case, consultation is carried out with BMD as soon as practicable after directing the worker to cease work.

Any actions taken by the HSE representative are reported back to the Project Manager and the Groups Functional Manager.

8.3. Right of Worker to Cease Unsafe Work

A worker may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

Once work has stopped, they must inform their HSE representative / immediate supervisor or project manager.

A worker, once they have ceased work, must remain available for alternative work.

8.4. Issuing a Provisional Improvement Notice (PIN)

An appointed HSE representative may issue a Provisional Improvement Notice (PIN) if they believe a person:

- is contravening a provision of the Act; or
- has contravened a provision of the Act in circumstances that make it likely that the contravention will continue or be repeated.

The PIN may be issued only after consultation with the worker and may require the person to:

- remedy the contravention; or
- prevent a likely contravention from occurring; or
- remedy the things or operations causing the contravention or likely contravention.

Refer to the *Provisional Improvement Notice* form available from the QLD WHS website and Appendix 1: Indicative Process for Issuing a PIN.

8.4.1. Displaying a PIN

Once issued, the person receiving the PIN must display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that, is affected by the notice.

8.4.2. Requesting a PIN Enquiry

A request to have an inspector conduct an enquiry about a PIN can be made if you are:

- The person who was given the PIN, and you wish to dispute the PIN, you must make this request within 7 calendar days after the date the PIN was issued to you
- The HSE representative who issued the PIN, and you want to report the person has failed to comply with the PIN, you cannot report non-compliance until after the date by which compliance with the PIN is/was required.

8.4.3. Cancelling a PIN

A PIN may be cancelled by:

- HSE representative
- Inspector (after review of the circumstances for the PIN being issued).

9. Workplace Entry by WHS Entry Permit Holders

The model Work Health and Safety (WHS) Act provides authorised union officials with a right of entry, for specific reasons, to workplaces where there are 'relevant workers'².

Regional HSEQ/System Lead is to be immediately notified via phone of any Regulatory bodies accessing BMD sites.

If there is no potential request for information, BMD Group General Counsel, and the relevant Group Functional Manager to be notified of the visit via email (Regulatory@bmd.com.au) before COB that day, providing details of the occurrence.

For further information regarding right of entry provisions and legislative requirements, refer to the [Right of Entry Procedures Manual](#).

10. Complaints

BMD will within one working day of receiving a complaint about any issue arising from a workplace / project site under a contract, supply a written report to the Principal detailing the complaint and immediate action taken to alleviate the problem.

Records of complaints include the following information:

- the date and time of the complaint

- ² Refer to Definitions.

- the method by which the complaint was made
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect
- the nature of the complaint
- the action taken in relation to the complaint, including any follow-up contact with the complainant
- if no action taken, the reasons why no action was taken.

If no resolution can be reached quickly, the advice of, and intervention for resolution by senior management, is requested.

A final report with proposed measures to prevent the occurrence of a similar incident is submitted to the Principal within five working days.

All details of a complaint, including actions taken and resolution are record in the [Corrective Actions](#) database.

11. Receiving or Providing of Information

11.1. Receiving Information or Documentation

Any Regulatory documentation issued to BMD must be immediately emailed to Regulatory@bmd.com.au, followed by a phone call to the relevant BMD Senior Management, Group General Counsel, and the relevant Group Functional Manager.

11.2. Requested by or Providing Information

Any request for information from an external party (e.g., Regulatory Body, client etc) must be received via formal documentation (either electronic or handwritten) issued to the Project, verbal request is not acceptable.

Any information requests, along with copy of the information required must be emailed to Regulatory@bmd.com.au for review prior to being sent, followed by a phone call to BMD Group General Counsel and the relevant Group Functional Manager.

The Project must await approval from BMD Group General Counsel and the relevant Group Functional Manager prior to providing to the external parties

12. Issue Resolution Reporting

During each stage of the issue resolution process, steps taken for resolution are recorded in the [Corrective Actions](#) database.

When the issue is resolved, resolution details are recorded, and the issue closed. Any corrective action required is implemented into policies, procedures, Job Hazard Analysis (JHA) or Work Method Statements (WMS) to prevent a reoccurrence of the issue in the future.

13. Definitions

Parties to an issue	Parties, in relation to an issue, means the following: - the person conducting the business or undertaking (PCBU)/BMD or the person's representative - if the issue involves more than one business or undertaking, the person conducting each business or undertaking or the person's representative - if the worker or workers affected by the issue are in a work group, the HSE representative for that work group or their representative - if the worker or workers affected by the issue are not in a work group, the worker or workers or their representative. (Div. 5, Section 80 of Work Health and Safety Act 2011)
Consultation	BMD discuss, consider, and include the views of their workers, elected/appointed HSE representatives, Management and WorkSafe Inspectors on all HSE issues. Giving all parties an opportunity to have input into the resolution made by management.
Issue Resolution	Method to resolve issues through a consultation process.
HSE Officer	HSE Officers (BMD) that hold Management positions are nominated by management to follow up HSE Issues. They have the authority to make decisions in consultation with employees.
HSE Representative	A HSE representative who is a worker and elected by other workers (known as a work group) to represent other workers in regard to HSE issues and discuss/report with the HSE Committee or Management.
BMD Management	PCBUs and the appropriate escalation hierarchy accordingly to decisions to be made in relation to HSE issues as documented in the HSE Issue Resolution flowchart.
PCBU	Persons conducting a business or undertaking (new term that includes employers).
Workers	Employees, contractors, subcontractors, labour hire workers.
Work Group	A group of workers in the same workplace or work area with similar HSE conditions. The work group has an HSE representative or Committee member.
Alternative work	If a worker ceases work, BMD may direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
PIN	Provisional Improvement Notice - a tool to improve health and safety in a workplace, encouraging BMD and workers to openly discuss HSE hazards and risks in their workplace. A PIN is a written direction from a workplace HSE representative to an employer or employer representative (BMD) requiring them to fix a workplace HSE problem. A PIN should only be used if agreement to fix the problem cannot be reached through the normal consultation processes.
WHS Entry Permits	A Work Health and Safety (WHS) permit given to a person who holds an office in a union or is an employee of a union (WHS entry permit holders), to enter workplaces and exercise certain powers while at those workplaces.

Relevant Worker

A worker:

- who is a member, or eligible to be a member of the union which the permit holder represents
- whose industrial interests the relevant union is entitled to represent, and
- who works at that workplace.

14. Associated Documents



[HSE Issue Resolution Flowchart](#)



[Provisional Improvement Notice \(PIN\)](#)



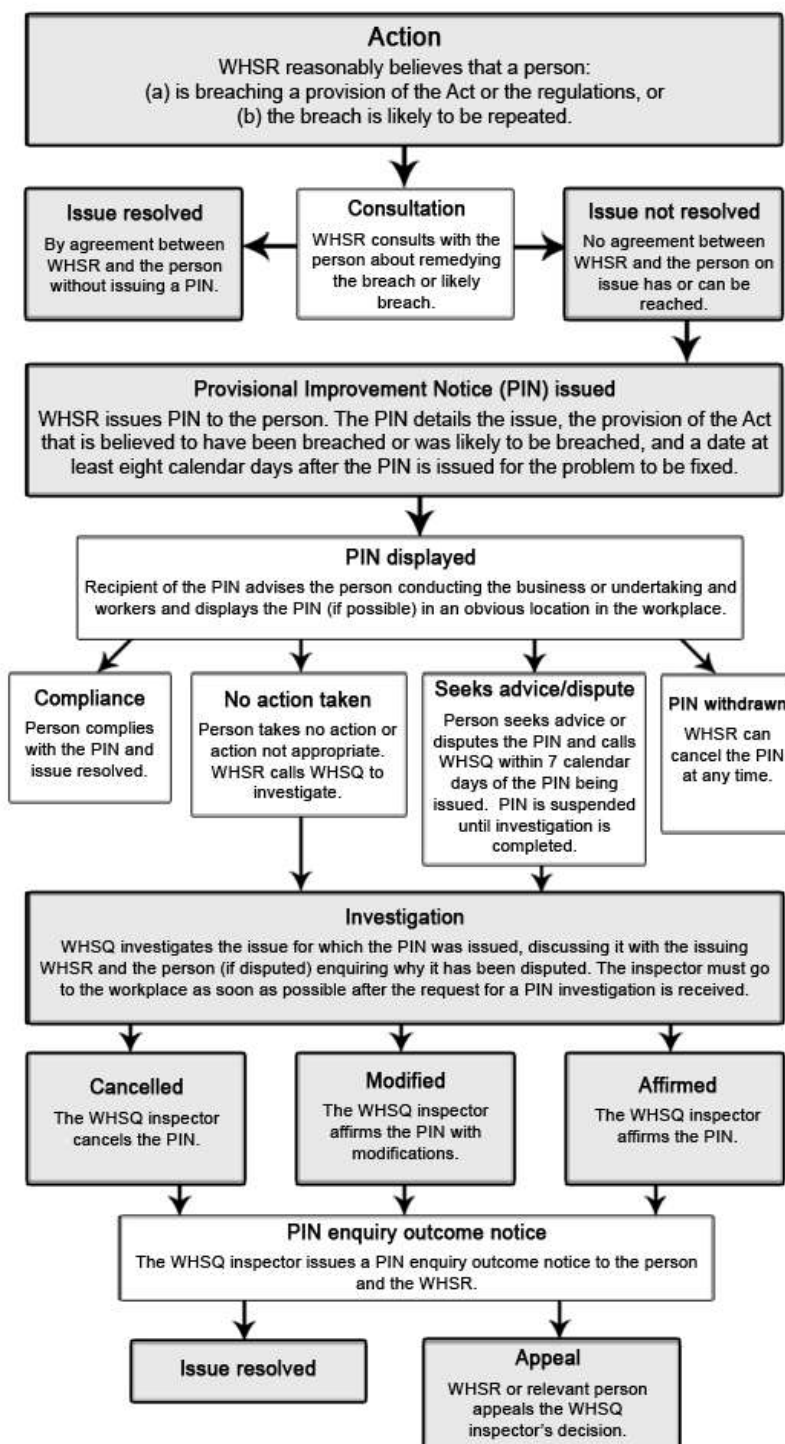
[Corrective Actions database](#)



[Incident and Accident Management Standard](#)

Appendix 1: Indicative Process for Issuing a PIN

The following is an indicative process for issuing a *Provisional Improvement Notice* as supplied by Queensland Government website: <http://www.deir.qld.gov.au/workplace/law/legislation/pins/index.htm>







Professional Development Policy

This policy encompasses all BMD Group subsidiaries including BMD Constructions, BMD Urban, Empower Engineers & Project Managers, JMac Constructions and Urbex. For ease of reference, the term 'BMD' is used throughout this policy to refer to the BMD Group and its subsidiaries.

BMD was founded on the principle of achieving success through our people, a belief which is still apparent in the business today. We facilitate a flexible approach to staff development which enables us to demonstrate commitment to employees through a range of practical, forward thinking and focused initiatives, including both formal and informal training and development opportunities.

Personal development and career progression are the focal points of the training and development opportunities provided by BMD and our success in training is measured by the direct benefits it creates for individual employees.

BMD promotes a training culture that supports and encourages employees to increase their knowledge and skills based on three key principals:

- access to development on and off project sites
- time away from work and financial support to further studies and/or development
- support through senior staff and mentors.

BMD has systems and strategies in place to ensure employees successfully complete further training including tertiary education, traineeships and apprenticeships, and professional development programs. It is important to BMD that employees are provided training that offers continuous improvement and challenging opportunities and as such, we regularly evaluate and improve our training approach to achieve this.

BMD provides a culture that rewards hard work and loyalty, which is why we select the best qualified person for every position and promote, whenever possible, from within our current employee base. We are continuing to develop a competency framework that will further assist in providing employees with clarity for their career pathway, enabling BMD to invest in, and focus on developing the skills critical to their career progression under pinning the success of BMD, as our business is our people.

Scott Power
Group Director – Chief Executive Officer

Mick Power, AM
Group Board Chairman



Team Disbandment Checklist

Project Name: _____
Project Manager Name: _____
Signature: _____

Project Number: _____
Position: _____
Date: _____

Results

		Comments	Yes	No
1.0	How well did the team do in achieving the project's results		☐	☐
1.1	Were the results set at the beginning of the project realistic?		☐	☐
1.2	Are there other results the team achieved beyond those defined at the start of the project?		☐	☐
1.3	What has improved in the organisation as a consequence of the team achieving its projects goals?		☐	☐
1.4	What could be improved by learning from project mistakes or missing out on team objectives?		☐	☐
1.5	What are you especially proud of achieving as a project team?		☐	☐

Individual strengths

		Comments	Yes	No
2.0	How well did individuals contribute their strengths to the benefit of the team?		☐	☐
2.1	In what areas have individuals improved their strengths?		☐	☐
2.2	What new skills have been developed?		☐	☐
2.3	What are team members now able to do that were not possible before the project started?		☐	☐
2.4	What opportunities have been created from developing strengths and/or gaining new skills?		☐	☐
2.5	What comes next as a result of this?		☐	☐

Teamwork

		Comments	Yes	No
3.0	How well did the team develop?		☐	☐
3.1	What helped make teamwork work?		☐	☐
3.2	What caused any issues or problems?		☐	☐
3.3	What new process skills for team working have you developed?		☐	☐

3.4	What things did you enjoy doing together as a project team?		☐	☐
3.5	If you were starting the project team again what would you change?		☐	☐

Alignment

		Comments	Yes	No
4.0	How did the team leader align results, team and individual strengths?		☐	☐
4.1	What styles of leadership did the team find particularly valuable?		☐	☐
4.2	What improvements could be made in team leader approach or performance?		☐	☐

Team Stages

		Comments	Yes	No
5.0	Which stage do you think the team reached?		☐	☐
5.1	Why?		☐	☐
5.2	What helped and what hindered in progressing through the project stages?		☐	☐
5.3	What could have been done better?		☐	☐

5.4	What have you learnt for the next team?		☐	☐
Environmental factors				
		Comments	Yes	No
6.0	How did the team benefit other teams and the wider organization?		☐	☐
6.1	What organizational processes, structures and procedures helped or hindered the team? How should they change?		☐	☐
6.2	What is the organization now able to do that it couldn't before because of the work the team has done?			
6.3	What factors beyond the organization have affected the team's performance?			
Improvement				
Continual Improvement				
		Comments		
	Any final comments?		Yes	No

Reference: [Team Building Question | How do you disband a team? - The Happy Manager \(the-happy-manager.com\)](http://the-happy-manager.com/Team-Building-Question-How-do-you-disband-a-team/)