

BSBWHS502

Manage effective WHS consultation and participation processes



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ASSESSMENT FOR BSBWHS502

Student name	MOHD NUJAIMI BIN ABU BAKAR
Date of assessment submission	12/12/2017

Trainer/Assessor's name	
Date of assessment marking	Click here to enter a date.
Outcome for unit	☐ Competent ☐ Not Yet Competent

TASK INSTRUCTIONS

- The assessment for this unit of competency consists of the following:
 - A series of activities:** Some of these activities will require you to provide a response within this document, others will require you to gather evidence to demonstrate your knowledge and skills (overview below)
 - Quiz:** You will be required to complete a series of questions to demonstrate your knowledge and skills.
 - Practical task:** You will be required to have an observer attest to your knowledge and skills and sign a report to this effect.
- At times, you will be provided with a specific business context to which you must respond, otherwise it is anticipated that you will use a workplace of your choosing (your own, or hypothetical) to provide the context to the task.
- At all times, the responses in your assessment must reference **Australian** (Queensland or Federal) documentation, including legislation, regulations, codes of practice, standards and guidance publications.

ACTIVITY OVERVIEW	REQUIRED FOR SUBMISSION
1. WHS consultation and participation requirements	Workbook response (below)
2. Review and develop existing WHS consultation and participation processes	Workbook response (below)
3. Supporting, monitoring and evaluating WHS consultation and participation	Workbook response (below)

ACTIVITIES

For the following activities, name a workplace that you wish to examine.

Name of workplace	REFINERY AND PETROCHEMICAL INTEGRATED COMPLEX (RAPID) PENDERANG
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ACTIVITY 1

Four (4) individuals and parties who may be involved in WHS consultation and participation processes in your nominated workplace are PCBUs (or their officers), workers, inspectors, entry permit holders.

- a) Explain the roles, duties, rights and responsibilities of these parties regarding:
 - Consultation, representation and participation
 - Discriminatory, coercive and misleading conduct
- b) Identify the legislative and organisational documents (i.e. Act, Regulation, Codes of practice, standards, guidance material, policies, procedures and systems) which outline these roles, duties, rights and responsibilities
 - Identify where these documents can be accessed

Consultation, representation and participation

PCBUs

The person conducting a business or undertaking must, so far as is reasonably practicable, consult, as required under in this division and any regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

A person conducting a business or undertaking must consult with workers when:

- Identifying hazards and assessing risks arising from the work carried out or to be carried out
- Making decisions about ways to eliminate or minimise those risks
- Making decisions about the adequacy of facilities for the welfare of workers
- Proposing changes that may affect the health or safety of your workers, and
- Making decisions about procedures for consulting with workers; resolving health or safety issues; monitoring health of your workers; monitoring the conditions at the workplace and providing information and training for your workers.

A PCBU must also consult with workers and take their views into account when making decisions about:

- Ways to eliminate or minimise risks
- The adequacy of facilities for workers' welfare
- Procedures for consulting workers
- Resolving health and safety issues
- Monitoring the health and safety of workers or workplace conditions
- How to provide health and safety information and training to workers.

A person conducting a business or undertaking must establish a health and safety committee within two months after being requested to do so by 5 or more workers, or by a health and safety representative, at the workplace.

Workers

A Health and Safety Committee (HSC) is a useful forum for consultation on work health and safety issues. A committee enables PCBUs and worker representatives to meet regularly and work co-operatively to develop policies and procedures to improve work health and safety outcomes. As such, they are particularly useful for effective consultation in workplaces where there are several persons conducting businesses and undertakings.

- Workers shall be part of the representatives in Health and Safety Committee who shall then:
- to express their views and to raise work health or safety issues in relation to the matter;
 - to contribute to the decision-making process relating to the matter.
 -

Workers are entitled to:

- elect a health and safety representative
- request the formation of a health and safety committee
- cease unsafe work 18 Workplace Health and Safety Queensland
- have health and safety issues resolved in accordance with an agreed issue resolution procedure
- not be discriminated against for raising health and safety issues

Inspectors

A work group is to be determined by negotiation and agreement between the person conducting the business or undertaking and the workers who will form the work group or their representatives.

If negotiations fail, person conducting a business or undertaking can ask the regulator to appoint an inspector to assist negotiations and determine certain matters if negotiations remain unresolved. In this role, the inspector will have regard to all the parties' views and aim to facilitate an agreement to suit all parties. Inspector shall provide information and advice about compliance in accordance to the Act.

In some circumstances, an inspector may decide work groups should not be determined or that an agreement should not be varied.

An inspector also shall decide on the make-up of the health and safety committee, or whether it should be established at all.

Entry permit holders

WHS entry permit holder may do all or any of the following in relation to the suspected contravention of this Act:

- consult with the relevant workers in relation to the suspected contravention;
- consult with the relevant person conducting a business or undertaking about the suspected contravention;

A WHS entry permit holder may enter a workplace to consult on work health and safety matters with, and provide advice on those matters to, 1 or more relevant workers who wish to participate in the discussions.

Documents which outline roles, duties, rights and responsibilities

<https://www.safeworkaustralia.gov.au/system/files/documents/1702/whsconsultationcooperationcoordination.pdf>

<https://www.safeworkaustralia.gov.au/system/files/documents/1702/worker-representation-and-participation-guide-21032016.pdf>

Part 5—Consultation, representation and participation, Work Health and Safety Act 2011

Discriminatory, coercive and misleading conduct

Section 104 of the model WHS Act prohibits a person from engaging in *discriminatory conduct for a prohibited reason*. In summary, the prohibition is aimed at allowing workers, prospective workers and others to perform legitimate safety-related functions or activities and to raise health and safety issues or concerns under the model WHS Act without fear of reprisal.

A person must not dismiss, terminate a contract with, refuse to hire or detrimentally alter the position of a worker, or treat them less favourably, because they:

- are, were or propose to be a member of an HSC or perform a function in this capacity
- are, were or propose to be an HSR or exercise a power or perform a function in this

capacity

- exercised a power or performed a function (or refrained from doing so)
- assisted a person to exercise a power or perform a function
- raised a health and safety issue with a PCBU, inspector, entry permit holder, HSR, member of an HSC or another worker
- are involved in resolving a work health and safety issue
- acted to get another person to comply with their duties.

A person is also engaging in discriminatory conduct if they terminate or refuse to enter a commercial arrangement with another person for these reasons. It is unlawful to engage in, threaten or organise to take any of the above actions, or to ask or encourage another person to do this.

An entry permit allows the holder to investigate suspected contraventions of the WHS Act, meet with workers and exercise their legal rights under WHS Act. A workplace health and safety entry permit holder may enter a workplace during working hours to inquire into a contravention if they reasonably suspect one has or is occurring.

The maximum penalties that apply if convicted of discriminatory, coercive or misleading conduct are \$100,000 for an individual and \$500,000 for a body corporate. In addition, the court may order to pay compensation to the person discriminated against or reinstate their employment. An employment order may also be made if employment was denied for a prohibited reason.

Documents which outline roles, duties, rights and responsibilities

https://www.safeworkaustralia.gov.au/system/files/documents/1702/interpretative_guideline_-_discriminatory_conduct.pdf

Part 6—Discriminatory, coercive and misleading conduct, Work Health and Safety Act 2011

Outcome for Activity 1	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

ACTIVITY 2

Identify one (1) WHS consultation and participation process that exists in your workplace.

- a) Identify individuals/parties to be involved in reviewing the process and identifying improvements
 - How would feedback from these individuals/parties be collected?
- b) Undertake a review of its effectiveness
 - Compare it with the requirements identified in Activity 1
 - Identify factors that may impact on the process. Consider the impact of:
 - o Workers with specific needs and limitations (e.g. cultural background and diversity, low language, literacy and numeracy levels)
 - o Structure and organisation of the workforce (i.e. part time vs casual vs contract workers; shift rosters; geographical location)
 - o Workplace culture relating to gender and alcohol/drug use
- c) Identify specific areas for improvement and opportunities to enhance the process
 - Justify the appropriateness of such improvements and outline how they will integrate with existing WHS systems
- d) Outline how such improvements will be implemented in the form of an action plan.
 - Identify resourcing requirements, allocate roles and responsibilities, and training needs required for implementation.
 - Prioritise tasks and specify timelines for implementation.

Name of WHS consultation and participation process

Project HSE Committee meeting participated by representative from employer and employee representatives to discuss the issue of low percentage of foreign workers to pass the assessment for confined space training and prohibit them from entering the space due to incompetent. .

Individual/parties involved in review

Project Director chaired the meeting, HSE Manager acted as the Secretary and other functional Head of Department attending the meeting. Other participants would be the Project Manager (employer representative) and Supervisor (employee representative) from each Contractor.

Review outcomes

Confined space training – Low passing rate due to illiteracy and inexperience workforce unable to pass the competency assessment. Lack of competent manpower affecting the progress which might jeopardize the safety of the workers.
The training class been divided based on the language. Appointment of spokesperson to translate the training content in their language and promote more practical session and hands on experience. Mock up assessment been conducted for workers to experience and have the idea to handle the situation.

Areas for improvement and opportunities for extending process

Sometimes not all spokesperson can deliver the task since they are just the translator and not doing the job. They can't explain the salient points and the attendees do not really understand.
To improve two way communications between the translator and the participants for better understanding of the content.

Action plan

The appointed spokesperson preferably among those who already pass the assessment and doing the job so he could explain better and in detail by giving real example while working thus increase the level of understanding among the workforce. Trainer shall have the way to attract participants i.e. incentives or Q&A session to initiate two-way communication. Both of the action plan could be executed immediately. The passing rate to be monitored to measure the effectiveness of the action plan.

Outcome for Activity 2	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

ACTIVITY 3

Refer to the process improvements developed in Activity 2. Consider the following:

- a) Apart from training, what other advice and support might be offered during the implementation of these improvements?
 - Who would need such advice and support?
 - Who might you consult to assist with providing such advice and support?
- b) How would you monitor evaluate the success of each improved process?
 - Identify the criteria used for the evaluation (i.e. positive performance indicators).
 - What type of information will you gather? Who will be required to gather this information?
- c) Identify two (2) potential barriers to the implementation and effectiveness of the improved processes
 - Identify measures that could be implemented to remove these barriers.
 - Identify resourcing requirements, allocate roles and responsibilities, and training needs required for implementation of these measures.
 - Prioritise tasks and specify timelines for implementation of these measures.

Advice and support

Incentives shall be given to the spokesperson who has given their level best to help to train the workforce. They have assisted the trainer to deliver the training module and completed the task.

Though the workers have passed the test, they might still not familiar with the task and unfamiliarity could lead to incident. The workers shall also be recognized for passing the assessment and now can contribute to work in confined space. Supervisor shall continuously provide support to their workers by explaining to them confined space requirement. HSE personnel to continuously educate the workers through consultation, verbal and no verbal communication (pictures, demonstration, body gestures) and buddy system.

Evaluating success of improvements

Comparison of passing rate before and after the improvement would determine whether the improvements are effective or not. Feedback from the workers during interview are also crucial to find the root cause of their concern and might lead to better improvements.

Subsequently, assurance program and workplace inspection will produce findings and the corrective action would be valuable improvements as well.

Addressing potential barriers

Potential barriers are:

Skill translator resign from the company. Company might not have the replacement and to find one might need some time. The replacement might not be as capable as he is and affecting the passing rate. Company to train more than one capable translator as backup and execute training on rotation basis. The company would also might get better translator from the replacement throughout the process.

Inadequate support from management where lack of confined space program which not helping the workforce. Management shall provide support through their Supervisors and HSE personnel to assist the workers recognize hazard when working in confined space and implement the control measures. Continuous education through confined space program is a good platform for workers to understand the requirement better since they are involved directly with these programs.

Outcome for Activity 3	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

QUIZ

QUESTIONS	CORRECT
1. Which of the following matters are addressed within the <i>Work Health and Safety Act 2011</i> (Qld)? Select all that apply. ☒ Health and safety duties ☒ Consultation, representation and participation ☐ Tips for communication ☒ Discriminatory, coercive and misleading conduct ☒ Workplace entry by WHS entry permit holders	☐
2. Which of the following are types of WHS consultation and participation processes? Select all that apply. ☒ Health and safety committees ☒ Internal involvement in inspections and audits ☒ Team meetings ☒ Planning committees	☐
3. Which of the following individuals and parties may be involved (directly or indirectly) with WHS consultation and participation processes and their outcomes? Select all that apply. ☒ Health and safety committees ☒ Managers and supervisors ☒ PCBU's or their officers ☒ Workers	☐
4. Which of the following systems need to be considered when implementing changes to WHS consultation and participation processes? Select all that apply. ☒ WHS policy procedures, processes and systems ☒ Accounting ☒ Human resources ☒ Management	☐
5. Which of the following may constitute barriers to the implementation and effectiveness of WHS consultation and participation processes? Select all that apply. ☒ Consultation meetings being too long and boring ☒ Language, literacy and numeracy levels of the workforce ☒ Workplace culture ☐ Having separate work sites	☐

Outcome for Quiz	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

PRACTICAL TASK

You are required to have a suitable observer verify your ability to complete the following tasks. These tasks may be simulated or real.

TASKS		VERIFIED
A.	Consult with others, in writing and verbally, about a WHS consultation and participation process: Review the process against legislative and organisational requirements	☐
B.	Consult with others, in writing and verbally, to develop improvements to WHS consultation and participation process: - Consider the factors that may impact on implementation of improvements - Ensure that existing organisational systems are considered - Develop an action plan for implementation of improvements, considering resources, responsibilities, timelines and training needs	☐
C.	Support implementation of improvements: - Provide advice and support to individuals and parties - Develop and undertake evaluation process in consultation with individuals and parties - Analyse and evaluate information collected about implemented improvements - Consult with individuals and parties in developing an action plan to support necessary changes	☐
D.	Play an active role in verbal interactions, using questioning and active listening to seek opinions and information.	☐
E.	Present processes undertaken in an electronic report format, using correct vocabulary, grammar and register.	☐
Name of observer	NOREZAM A MANAN	
Role of observer (Confirm their suitability to sign)	☐ Trainer/Assessor ☒ Other (specify): HSE Executive	
Phone number of observer	+6012 647 7089	
Email address of observer	Norezam.manan@rapid-ipmt.com	
Signature of observer		
Date	27/12/2017	
Comments	All tasks are successfully completed.	

Outcome for Practical Task	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	