

BSBWHS502

Manage effective WHS consultation and participation processes



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ASSESSMENT FOR BSBWHS502

Student name	RYAN CHUA WEI HUI
Date of assessment submission	28/03/2016
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	MMHE MALAYSIA
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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 PCBU's (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

According to Part 2 division 3 of Workplace health and safety regulation 2011, PCBUs in Australia and accountable the duty as basically stated below:

- (a) the provision and maintenance of plant and systems of work that are, so far as is practicable, safe and without risks to health
- (b) the making of arrangements for ensuring, so far as is practicable, safety and absence of risks to health in connection with the use or operation, handling, storage and transport of plant and substances;
- (c) the provision of such information, instruction training and supervision as is necessary to ensure, so far as is practicable, the safety and health at work of his employees;
- (d) so far as is practicable, as regards any place of work under the control of the employer or self-employed person, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of the means of access to and egress from it that are safe and without such risks;
- (e) the provision and maintenance of a working environment for his employees that is, so far as is practicable, safe, without risks to health, and adequate as regards facilities for their welfare at work.

Workers

According to Part 2 division 4 of Workplace health and safety regulation 2011, the worker shall carry the duty as stated below while at work:

- (a) to take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work;
- (b) to co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made thereunder;
- (c) to wear or use at all times any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health; and
- (d) to comply with any instruction or measure on occupational safety and health instituted by his employer or any other person by or Workplace health and safety regulation 2011 or any regulation made thereunder.

Inspectors
Under section 158 WHS 2011 act, The accountability of inspector are: (1)an inspector must give written notice to the regulator of all interests, pecuniary or otherwise, that the inspector has, or acquires, and that conflict or could conflict with the proper performance of the inspector's functions. (2) The regulator must give a direction to an inspector not to deal, or to no longer deal, with a matter if the regulator becomes aware that the inspector has a potential conflict of interest in relation to a matter and the regulator considers that the inspector should not deal, or should no longer deal, with the matter.
Entry permit holders
While at the workplace under section 118, the WHS entry permit holder may do all or any of the following in relation to the suspected contravention of WHS 2011 AWHs 2011 (a) inspect any work system, plant, substance, structure or other thing relevant to the suspected contravention; (b) consult with the relevant workers in relation to the suspected contravention; (c) consult with the relevant person conducting a business or undertaking about the suspected contravention; (d) require the relevant person conducting a business or undertaking to allow the WHS entry permit holder to inspect, and make copies of, any document that is directly relevant to the suspected contravention and that— (i) is kept at the workplace; or (ii) is accessible from a computer that is kept at the workplace; (e) warn any person whom the WHS entry permit holder reasonably believes to be exposed to a serious risk to his or her health or safety, emanating from an immediate or imminent exposure to a hazard, of that risk.
Documents which outline roles, duties, rights and responsibilities
Work Health and Safety Act 2011 Australia, reviewed from the link: https://www.legislation.qld.gov.au/legisln/current/w/workhsa11.pdf

Discriminatory, coercive and misleading conduct
Under section 104 WHS 2011 Act, (1) A person must not engage in discriminatory conduct for a prohibited reason. Maximum penalty—1000 penalty units. (2) A person commits an offence under subsection (1) only if the reason mentioned in section 106 was the dominant reason for the discriminatory conduct. Under section 105WHS 2011 act, What is discriminatory conduct (1) For this part, a person engages in discriminatory conduct if— (a) the person— (i) dismisses a worker; or (ii) terminates a contract for services with a worker; or [s 106] Work Health and Safety Act 2011 Part 6 Discriminatory, coercive and misleading conduct (iii) puts a worker to his or her detriment in the engagement of the worker; or (iv) alters the position of a worker to the worker's detriment; or (b) the person— (i) refuses or fails to offer to engage a prospective worker; or (ii) treats a prospective worker less favourably than another prospective worker would be treated in offering terms of engagement; or (c) the person terminates a commercial arrangement with another person; or (d) the person refuses or fails to enter into a commercial arrangement with another person. (2) For this part, a person also engages in discriminatory conduct if the person organises to take any action mentioned in subsection (1) or threatens to organise or take that action.
Documents which outline roles, duties, rights and responsibilities
Work Health and Safety Act 2011 Australia, reviewed from the link: https://www.legislation.qld.gov.au/legisln/current/w/workhsa11.pdf

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:
 - Workers with specific needs and limitations (e.g. cultural background and diversity, low language, literacy and numeracy levels)
 - Structure and organisation of the workforce (i.e. part time vs casual vs contract workers; shift rosters; geographical location)
 - 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
Working in the confined space to carry out welding, cutting, gouging on the hull of Tension Leg Platform
Individual/parties involved in review
Parties to be involved in reviewing this confined space entry process or system are HSE executive, job Leader, Supervisor, welder, construction executive, standby person, fire watcher, gas tester, permit applicant, issuer and approver.
Review outcomes
In this confined space activity process review, it was found that the workers have a low level of education which leading to lack of understanding about the hazards of working in the confined space, the process of confined space permit to work application, roles and responsibility as a standby persons and confined space emergency evacuation process
Areas for improvement and opportunities for extending process
Areas for improvement for the process is increase or improve the awareness of confined space hazards and safe working procedure of confined space entry among the workers who required to work in the confined space.
Action plan
To ensure all relevant workers working in confined space, safety campaign for confined space entry can be carried out. For example, weekly safety talk with topic relevant to confined space, quiz and prizes, banner to create awareness, management walkabout focus in confined space area, equipment and tools inspection prior using in confined space. Other than that, all workers shall be undergo in house confined space training and obtained an authorised card (for confined space entry only) from HSE trainer once passed the confined space exam. The card must be display and pass to standby person prior entry to confined space for work

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

To conduct evaluation of improvements developed in activity 2, Project HSE executive, respective construction executive, permit approver, and subcontractor HSE supervisor is playing an important part in conducting consultation in the evaluation session. While, construction manager and HSE manager is the vital persons to provide support if there is any assistance is required.

Evaluating success of improvements

To conduct a HSE compliance audit, produce an audit checklist from the procedure. Then conduct an audit by documentation review, interview with the workers and site sampling. Record all positive and negative findings, and raise in closeout meeting.

Addressing potential barriers

Language barrier while conducting interview. To resolve this, assign a translator during the audit period.

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	Phan Dinh NGUYEN
Role of observer (Confirm their suitability to sign)	☐ Trainer/Assessor ☒ Other (specify): HSES Dept Head
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Signature of observer	
Date	Click here to enter a date. 31 March, 2016
Comments	