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## CS ENERGY PROCEDURE

# HEALTH AND SAFETY CONSULTATION AND COMMUNICATION CS-OHS-74

Responsible Officer: Principal Health and Safety Specialist  
Responsible Manager: Head of Health and Safety  
Responsible Executive: Executive General Manager Corporate Services

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### DOCUMENT HISTORY

Key Changes	Prepared By	Checked By	Approved By	Date
New document – identified consultation requirements for CS Energy including issue resolution. Consultation completed with site H&S Committees and staff.	N Seibel	D Clarke H&S Committee Consulted - all sites	S Faulkner	09/04/2018



## CONTENTS

<b>DOCUMENT HISTORY</b>	<b>.....</b>	<b>1</b>
<b>1</b>	<b>PURPOSE</b> .....	<b>3</b>
<b>2</b>	<b>SCOPE</b> .....	<b>3</b>
<b>3</b>	<b>RESPONSIBILITIES AND ACCOUNTABILITIES</b> .....	<b>3</b>
	3.1 CEO and Executive Leadership Team (ELT).....	3
	3.2 Head of Health and Safety.....	3
	3.3 Health and Safety Representative (HSR) .....	3
	3.4 Managers.....	4
	3.5 Workers .....	4
<b>4</b>	<b>CONSULTATION REQUIREMENTS AND PROCESS</b> .....	<b>4</b>
	4.1 Consultation requirements under the WHSA .....	4
	4.2 Purpose of consultation.....	4
	4.3 When are we required to consult? .....	5
	4.4 Identify who should be consulted .....	5
	4.4.1 Individual Workers.....	5
	4.4.2 A Group of Workers .....	5
	4.4.3 Other persons and or organisations that conduct business with CS Energy.....	5
	4.4.4 Persons with information or expertise .....	5
	4.5 Methods of consultation .....	6
	4.6 Consult, cooperate and coordinate with others with responsibility .....	8
	4.7 Communication of outcomes .....	8
<b>5</b>	<b>HEALTH AND SAFETY COMMITTEES</b> .....	<b>9</b>
<b>6</b>	<b>HEALTH AND SAFETY REPRESENTATIVES</b> .....	<b>9</b>
	6.1 Election of a Health and Safety Representative (HSR).....	9
	6.2 Powers and Functions of a HSR.....	9
<b>7</b>	<b>MAKING DECISIONS</b> .....	<b>9</b>
<b>8</b>	<b>DISAGREED MATTERS AND ISSUE RESOLUTION</b> .....	<b>10</b>
<b>9</b>	<b>DEFINITIONS</b> .....	<b>10</b>
<b>10</b>	<b>REFERENCES</b> .....	<b>11</b>
<b>11</b>	<b>RECORDS MANAGEMENT</b> .....	<b>11</b>
<b>12</b>	<b>ATTACHMENTS</b> .....	<b>12</b>
	12.1 Disagreed Matters and Issue Resolution Process Flowchart.....	12

## 1 PURPOSE

The purpose of this procedure is to outline CS Energy's consultation requirements in accordance with the *Work Health and Safety Act 2011 (WHS Act)* in relation to matters affecting the Health and Safety (**H&S**) of employees, contractors, students, volunteer, outworker, apprentices and trainees (**Workers**) at CS Energy.

## 2 SCOPE

This procedure applies to all workers at CS Energy sites and forms part of Element 6 (Communication and Consultation) of CS Energy's Health and Safety Management System (**HSMS**).

Consultation for the purposes of this procedure is defined as providing information to relevant persons, giving them an opportunity to express their views and taking those views into account when making decisions. While the aim is to reach agreement where possible, consensus or agreement is not required. Management retains obligations under the WHSA and hence accepts responsibility for making decisions, however this procedure provides clarity and guidance around the consultation and decision making process.

Consultation may occur by a variety of methods as outlined in clause 4.3 of this procedure.

It is important to note that consultation for the purposes of this procedure does not remove any relevant consultation requirements under relevant Enterprise Agreements.

## 3 RESPONSIBILITIES AND ACCOUNTABILITIES

### 3.1 CEO and Executive Leadership Team (ELT)

The CEO and ELT are responsible for:

- ensuring H&S committees are formed and meet regularly;
- attending and participating in the Central Health, Safety and Environment Committee (**CSHE Committee**); and
- participating in management reviews relating to H&S.

### 3.2 Head of Health and Safety

The Head of H&S is responsible for:

- participating in management reviews relating to H&S;
- ensuring relevant H&S information is consulted upon; and
- ensuring relevant Workers are advised of the outcomes of any consultation in a timely manner.

### 3.3 Health and Safety Representative (HSR)

The HSR is responsible for:

- consulting in line with their specific powers and functions as outlined in the WHSA Regulations 2011.
- the views of Workers being taken into account.

### 3.4 Managers

Managers are responsible for:

- open communication;
- making relevant H&S information available;
- deciding on what consultation methods are most relevant to a H&S issue;
- keeping records of outcomes and discussions to demonstrate compliance with consultation requirements; and
- managing issue resolution for H&S matters, if required, in consultation with Human Resources (HR).

### 3.5 Workers

Workers are responsible for:

- contributing to the decision-making process relating to a H&S matter;
- expressing their views relating to H&S issues; and
- participating in issue resolution, if required.

## 4 CONSULTATION REQUIREMENTS AND PROCESS

### 4.1 Consultation requirements under the WHSA

The *Work Health and Safety Act 2011 (WHSA)* requires that CS Energy and other persons conducting a business must, so far as is reasonably practicable, consult with Workers who carry out work for the business and who are or are likely to be directly affected by a matter relating to workplace H&S.

In addition, the WHSA sets out requirements around the nature of consultation, H&S representatives, H&S committees and issue resolution. Additional requirements are set out in the *Code of Practice Work Health and Safety Consultation, Cooperation and Co-ordination*.

There are also requirements to consult, cooperate and coordinate with other duty holders (persons with responsibility).

### 4.2 Purpose of consultation

The purpose of consultation is to ensure:

- management has sufficient information to make well informed decisions;
- that the Workers who may be affected by decisions which relate to their H&S are given an opportunity to express their views and understand the reasons for the decisions undertaken;
- that all persons and organisations with responsibility for H&S have sufficient information to make well informed decisions, and that activities are coordinated, planned and organised so that each party can meet their responsibilities effectively; and
- where possible, an agreement is reached with respect to decisions made affecting H&S of Workers.

### 4.3 When are we required to consult?

Consultation is required when:

1. Identifying hazards, assessing risk and when decisions are to be made about ways to eliminate or minimise this risk that impact affected parties
  - At CS Energy this is achieved by applying the CS Energy risk management process.
2. When proposing and managing change that may directly affect the H&S of Workers. This may include changes made to CS Energy's HSMS.
  - There are other circumstances where additional requirements should be in place, for example when introducing a new hazardous substance, a new plant, a modified plant or new contractors. In such circumstances, the relevant CS Energy procedure must be applied.<sup>1</sup>
3. when developing or reviewing procedures and other H&S documentation that result in a material change to H&S operations or activities.

### 4.4 Identify who should be consulted

#### 4.4.1 Individual Workers

Consultation is required with individual workers who are directly affected or are likely to be affected by a matter relating to H&S. Where a matter is urgent, such as when a hazard may expose a Worker to a serious or imminent risk to H&S, supervisors will consult directly with affected Workers and/or their available representatives to implement immediate short term controls (this may include stopping an activity). Wider consultation may occur at a later point as appropriate e.g. to identify long term controls.

#### 4.4.2 A Group of Workers

Hazards, decisions and changes that potentially affect a wide range of Workers require wider consultation, depending on the level of risk and controls applied.

#### 4.4.3 Other persons and or organisations that conduct business with CS Energy

Consultation may be required with other persons or organisations that hold responsibility for an H&S matter under the WHS Act, including:

- Workers / contractors engaged to undertake work for CS Energy and who are directly affected by a H&S matter e.g. Installers, construction, maintenance or commissioning of plant or structures;
- Where CS Energy direct or influence work carried out by Workers;
- Where a change may affect other people or the conduct of their business or undertaking;
- Installers of fixtures, fittings or plant at the workplace;
- designers, manufacturers, importers or suppliers plant, substances or structures for use at a workplace;

#### 4.4.4 Persons with information or expertise

Consultation may include persons who do not have responsibility but have information or expertise (e.g. Consultants, Advisers etc.) that is relevant to the H&S matter.

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<sup>1</sup> i.e. Hazardous Chemicals and Regulated Waste (CS-OHS-08), Contractor Management (CS-OHS-68).

## 4.5 Methods of consultation

The table below outlines different consultation methods and the context in which they may be used.

Method	Application and limitations	Example
Direct discussion between supervisor and worker(s) about a matter	<ul style="list-style-type: none"> <li>- Useful for matters specific to a worker or small group of Workers.</li> <li>- Workers affected by a matter are given opportunity to directly express views and understand the decision.</li> <li>- Allows for immediate feedback from Workers so may be used when a matter is urgent.</li> </ul>	<ul style="list-style-type: none"> <li>- Identifying hazards and controls for a specific task or situation (e.g. 2x2 or Job Safety Analysis, work procedure).</li> <li>- Planning how to manage a specific hazard.</li> </ul>
Pre start Meetings	<ul style="list-style-type: none"> <li>- Discussion of CS Energy daily activities completed at the start of every shift.</li> <li>- Up to date information on current incidents, events in industry, external safety matters.</li> </ul>	<ul style="list-style-type: none"> <li>- Identifying feedback loop on current risks for the shift and a feedback loop for all personnel to share any safety matters.</li> </ul>
Tool box meetings	<ul style="list-style-type: none"> <li>- Useful for matters involving a number of Workers and where the issue is relevant.</li> <li>- Workers affected by a matter are given an opportunity to directly express views.</li> <li>- Allows for immediate feedback so may be used both when a matter is urgent and important or for less urgent matters (regularly scheduled meeting).</li> </ul>	<ul style="list-style-type: none"> <li>- Provide change information relating to decision made at H&amp;S Committees.</li> <li>- Identifying potential H&amp;S concerns when implementing a proposed change.</li> </ul>
Written notification (e.g. CS Energy Incident Notifications, intranet) to Workers and a defined feedback mechanism e.g. person or mailbox.	<ul style="list-style-type: none"> <li>- Useful for matters involving a wide number of Workers and/or multiple locations.</li> <li>- Does not allow for immediate feedback so may be not be as useful when a matter is urgent.</li> <li>- There is a risk that Workers may not read or respond to important matters where consultation is critical to effective outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>- Providing a general update for CS Energy employees and includes a mechanism for feedback for views through the line.</li> </ul>

Method	Application and limitations	Example
Health and Safety Committees (HSC)	<ul style="list-style-type: none"> <li>- Bring together Workers and management to assist in the developing/reviewing health and safety procedures and making recommendations related to health and safety matters for the workplace. These are typically utilised for matters affecting whole of site or multiple work groups rather than individual Workers.</li> <li>- Under WHSA there are specific membership requirements and defined minimum frequencies for meeting (at least 3 monthly). Additional meetings may be held for urgent issues.</li> <li>- HSC may include representatives with responsibility for H&amp;S matters, including major contractors.</li> <li>- Will typically be consulted on specific matters as defined by the committee charter.</li> <li>- Will require a meeting to be called so may not be as suitable for matters that are urgent if committee members not available. Useful where direct consultation is not practical due to number of Workers affected.</li> </ul>	<ul style="list-style-type: none"> <li>- Reviewing a procedure relating to a specific health and safety matter e.g. consultation arrangements, health monitoring arrangements.</li> <li>- Planning how to manage a specific change affecting multiple work groups or whole of site.</li> </ul>
Union Groups	<ul style="list-style-type: none"> <li>- Representing Workers on disagreed health and safety matters.</li> <li>- Liaising with CS Energy management and Workers on concerns associated with health and safety risks.</li> </ul>	<ul style="list-style-type: none"> <li>- Disagreed matter between the Workers and CS Energy.</li> <li>- Quarterly Peak Consultative Committee (PCC) meeting.</li> <li>- Kogan Creek Consultative Committee (KCC)</li> <li>- Business Improvement Committee (BIC)</li> </ul>

Method	Application and limitations	Example
Management Review	<ul style="list-style-type: none"> <li>- <b>Annual Review</b> - High level review of previous year's performance and status of HSMS through incident review, audit &amp; assurance activities, legislation review and other business activity changes. The annual review is typically done as part of one of the Quarterly Business Reviews.</li> <li>- <b>Quarterly Business Review</b> - Mid level review of the business performance in previous quarter for various divisions including Health and Safety.</li> <li>- <b>Central HSE Committee Meeting</b> - Bi monthly consultative meeting involving all sites and corporate stakeholders to review safety performance, results of audits, initiatives and provide opportunity to present emerging issues, and engage sites.</li> <li>- <b>Monthly ELT meeting agenda</b> - Detailed review of Health and Safety events and issues.</li> </ul>	<ul style="list-style-type: none"> <li>- Reports prepared and delivered at meetings (meeting minutes with actions assigned, communication packs)</li> </ul>

Each workplace must conduct regular reviews of the consultation methods they are using in order to determine their continued effectiveness.

#### 4.6 Consult, cooperate and coordinate with others with responsibility

In situations where people share responsibility for health and safety with another person, consulting, co-operating and co-ordinating activities with different parties will help address any gaps in managing H&S risks.

CS Energy and its Officers cannot transfer a duty/responsibility (except duties of principal contractor) to another person however can agree that the other party is the most appropriate person to take action.

CS Energy and its Officers may also agree to conduct joint activities involving representatives from relevant parties, for example, forming a cross sectional team to assess risk or inviting representatives to relevant H&S meetings.

Persons who engage contractors must establish how consultation with the contractor's Workers will be achieved.

#### 4.7 Communication of outcomes

The method of communicating the outcome of consultation will depend on the context and circumstances, however guiding principles include:

- the outcome (decision or action) must be communicated to persons consulted or affected by a decision or action;
- the reason(s) for the decision or action taken should be included;

- the outcome should acknowledge non consensus when person(s) consulted do not agree with the outcome or decision (especially where related to risk assessments and procedure review); and
- should take place within a reasonable time after a decision is reached or action determined taking into account the severity of the risk or urgency of a change.

## 5 HEALTH AND SAFETY COMMITTEES

A Health and Safety Committee (**H&S Committee**) is in place for CS Energy employees and other parties (e.g. contractors) in developing and carrying out measures to ensure H&S at work.

The H&S Committee will review H&S actions arising from incidents, new documents and procedures forming part of CS Energy's HSMS, actions arising from relevant inspections and audits and any other H&S matter deemed relevant to be discussed to reach a decision.<sup>2</sup>

## 6 HEALTH AND SAFETY REPRESENTATIVES

### 6.1 Election of a Health and Safety Representative (HSR)

A HSR is a person elected by a work group or Workers to represent their H&S interests.

CS Energy must provide resources and assistance to carry out the election of a HSR. Once a HSR has been elected CS Energy is required to disclose the outcome of the election to the Workers in the relevant workgroup.

### 6.2 Powers and Functions of a HSR

HSRs have specific powers and functions prescribed in legislation including:

- inspecting the workplace or any area where work is carried out by a worker in the work group;
- accompanying a workplace health and safety inspector during an inspection of the area the HSR represents;
- being present at a interview with a worker that the HSR represents (with their consent) and CS Energy or an inspector about health and safety issues;
- requesting a H&S committee be established;
- monitoring compliance measures by CS Energy;
- representing the work group on H&S matters;
- investigating complaints from members of the work group;
- inquiring into any risk to the health or safety of Workers in the work group; and
- issuing a Provisional Improvement Notices (PIN) in writing as required.

## 7 MAKING DECISIONS

Where a technical or legal matter is disputed and cannot be resolved through established channels (e.g. Supervisor, H&S Committee), the General Manager will seek advice before making a decision to resolve the matter.

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<sup>2</sup> Refer to Charter People and Safety and Environmental Committee

While the aim is to reach agreement where possible, consensus or agreement is not required and management retains responsibility for the final decision.

Any matters that are subject to disagreement are to be documented and communicated to affected parties.

## 8 DISAGREED MATTERS AND ISSUE RESOLUTION

The Issue Resolution process contained in this section is used when two or more parties need to resolve a H&S issue and the matter is not resolved after discussion between the parties. Parties must make reasonable efforts to achieve final and effective resolution. Refer to Attachment 1 Disagreed Matters and Issue Resolution Process Flowchart.

Parties must identify permanent and where required, temporary measures to resolve the issue and identify who is responsible for implementing measures. Measures must be consistent with CS Energy Values, policy, standards and procedures and with legislative requirements.

Where parties cannot resolve an issue, advice must be sought from:

- persons with appropriate expertise i.e. relevant experience and qualifications related to the matter, or
- recognised documentation on the matter such as recognised standards and codes of practice.

## 9 DEFINITIONS

Term	Definition
Consultation	Refer section 48 of WHSA - Consultation under this division requires: <ol style="list-style-type: none"> <li>a) that relevant information about the matter is shared with workers; and</li> <li>b) that workers be given a reasonable opportunity—               <ol style="list-style-type: none"> <li>i) to express their views and to raise work health or safety issues in relation to the matter; and</li> <li>ii) to contribute to the decision-making process relating to the matter; and</li> <li>iii) that the views of workers are taken into account by the person conducting the business or undertaking; and</li> <li>iv) that the workers consulted are advised of the outcome of the consultation in a timely way.</li> </ol> </li> <li>c) If the workers are represented by a health and safety representative, the consultation must involve that representative.</li> </ol>
Health and Safety Committee (HSC)	A committee made up of Workers and management to facilitate cooperation between a PCBU and Workers in developing and carrying out measures to ensure H&S. The HSC is a forum for consultation on the management of health and safety across the whole workforce.
HSR	Health and Safety Representative: A person elected to represent the health and safety interests of the workgroup. A HSR has specific powers and functions prescribed in WH&S legislation.

Term	Definition
Officer	<p>Of a corporation under the WHS Act is defined in the same manner as an Officer of a corporation under section 9 of the Corporations Act 2001.</p> <p>As CS Energy is a GOC, the term includes an officer of a statutory authority (see s.252 WHS Act) which is defined as a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority.</p> <p>Directors of the Board will be Officers, as may members of the executive leadership team. Other people may be considered Officers depending on the nature of their role and responsibilities.</p>
PCBU	Person conducting business undertaking – a “person” may be an organisation or an individual. CS Energy is a PCBU.
Worker	Any person who carries out work in any capacity for a PCBU. This includes employee, contractor, student, volunteer, outworker, other as per s7 WHSA201.

## 10 REFERENCES

Reference No	Reference Title	Author
	Work Health and Safety Act 2011	External
	Work Health and Safety Regulation 2011	External
	Code of Practice, Work Health and Safety Consultation, Co-operation and Co-ordination 2011	External
<a href="#">B/D/12/43548</a>	Charter – People, Safety and Environment Committee	CS Energy
<a href="#">B/D/17/4205</a>	Draft Charter – Central HSE Committee Charter	CS Energy
<a href="#">K/D/17/1763</a>	Kogan Health Safety Environment Committee Procedure	CS Energy
	Charter – Callide Site Health and Safety Committee	CS Energy
	Charter – Wivenhoe Site Health and Safety Committee	CS Energy
<a href="#">B/D/14/11893</a>	Brisbane Site Health and Safety Committee Charter	CS Energy
<a href="#">B/D/12/63934</a>	Risk Management Framework	CS Energy
<a href="#">B/D/11/47442</a>	Records Management Plan	CS Energy

## 11 RECORDS MANAGEMENT

In order to maintain continual improvement, suitability, safety and effectiveness of the organisation, CS Energy’s registered documents will be reviewed on a two yearly basis or at intervals specified by legislative or regulatory requirements. Review of controlled documents should occur where it has been identified that there are changes in technology, legislation, standards, regulation or where experience identifies the need for alteration to the content. Registered documents should also be reviewed following an incident, change management process, modification or where directed as part of a risk assessment process. A ‘review’ can simply mean that it has been identified, confirmed and appropriately recorded that no changes are required and that the existing process remains the same.

CS Energy must ensure that records are retained according to accountability, legal, administrative, financial, commercial and operational requirements and expectations. In compliance with records retention and disposal, all documentation created in relation to CS Energy business must be retained in line with minimum retention periods as detailed in legal retention and disposal schedules.

## 12 ATTACHMENTS

### 12.1 Disagreed Matters and Issue Resolution Process Flowchart

