

# RESOLUTION OF WORK HEALTH SAFETY (WHS) ISSUES POLICY®

## DOCUMENT SUMMARY/KEY POINTS

- The purpose of this procedure is to provide guidance on communication and consultation regarding the escalation or resolution of Work Health and Safety issues.
- Related Information
  - [Workers representation and participation guide – SafeWork NSW](#)
  - [Code of Practice WHS Consultation, Cooperation and Coordination – SafeWork NSW](#)

## CHANGE SUMMARY

- Due for mandatory review

## READ ACKNOWLEDGEMENT

- All workers should read or be aware of this document.

This document reflects what is currently regarded as safe practice. However, as in any clinical situation, there may be factors which cannot be covered by a single set of guidelines. This document does not replace the need for the application of clinical judgement to each individual presentation.

<b>Approved by:</b>	SCHN Policy, Procedure and Guideline Committee	
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<b>Team Leader:</b>	Health Safety & Wellbeing Network Manager	<b>Area/Dept:</b> Work Health and Safety

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## 1 Introduction

In accordance with our legislative obligations, this procedure establishes the process for the resolution of WHS disputes and defines the process for escalating unresolved issues to more senior managers within the Sydney Children's Hospitals Network (SCHN) or regulatory authorities.

This procedure outlines the requirements for the communication of WHS information and workplace issue escalation or resolution responsibilities.

## 2 Definitions

### 2.1 Person Conducting or Undertaking (PCBU)

A *'person conducting a business or undertaking'* (PCBU) is a legal term under WHS laws for individuals, businesses or organisations that are conducting business. A person who performs work for a PCBU is considered a worker.

### 2.2 Notifiable Incident

A *'notifiable incident'* includes those incidents which are:

- the death of a person, or
- a serious injury or illness of a person, which requires,
  - i. immediate treatment as an inpatient in a hospital
  - ii. immediate treatment for certain injuries or
  - iii. medical treatment within 48 hours of exposure to a substance

A serious injury or illness may also include a prescribed serious illness.

- a *dangerous incident*.

### 2.3 Issue

An *'issue'* is any concern about health and safety at the workplace that remains unresolved after consultation with the affected workers and the PCBU has occurred.

### 2.4 Agreed Procedures

An *'agreed procedure'* is an agreed process or outline of the steps involved in resolving health and safety issues in the workplace.

Agreed procedures must be set out in writing and be communicated to all workers affected by those procedures.

### 2.5 Default Issue Resolution Procedure

In attempting to resolve the issue, the default procedure requires the parties to have regard to relevant matters, including the degree and immediacy of the risk to workers or other

persons, the number and location of workers and other persons affected by the issue, the measures, both temporary and permanent, that must be implemented to resolve the issue and who will be responsible for implementing the resolution measures.

## 2.6 Resolved Issues

If the issue is resolved, details of the issue and the resolution must be set out in a written agreement.

## 2.7 Unresolved Issues

If reasonable efforts have been made to resolve an issue and it remains unresolved, any party to the issue can request SafeWork NSW to provide further assistance to assist in resolving the issue.

# 3 Responsibilities

## 3.1 Worker

A worker is anyone who carries out work for SCHN (i.e., employee, contractor, sub-contractor, employees of contractors/sub-contractors, volunteers, trainees, students).

Workers (as defined above) have a duty to take reasonable care for their own health and safety while at work and to take reasonable care so that their conduct does not adversely affect the health and safety of other persons at the workplace.

Workers must:

- Raise any health and safety issue or matter in accordance with this procedure.
- Inform their line manager immediately in the event of a Provisional Improvement Notice (PIN) being issued by a Health and Safety Representative (HSR) or SafeWork NSW Inspector.

## 3.2 Managers or Supervisors

Managers and supervisors have responsibility for implementing and maintaining WHS processes within their area of responsibility, to achieve WHS policy goals and objectives, and as such will:

- Make reasonable efforts to resolve WHS issues brought to their attention.
- Escalate issues and/or disputes to Senior Management if they are unable to resolve the issue.
- Communicate to staff the outcomes and/or steps to be taken to resolve issues, where applicable.

## 3.3 Service Directors and Chief Executive

Senior Management and the Chief Executive have a primary responsibility for implementing and maintaining WHS processes within their area of responsibility to achieve WHS policy goals and objectives. As such, they will:

- Ensure Managers are aware of this procedure and understand their role(s) in the issue resolution process.

### 3.4 Health and Safety Representatives

Health and Safety Representatives (HSRs) are responsible for the facilitation of health and safety information between the SCHN and the workers within the HSR's workgroup.

HSRs, following completion of approved HSR training, have powers and functions to:

- Represent workers in a work group on work health and safety (WHS) matters.
- Monitor WHS actions taken by the SCHN.
- Investigate WHS complaints from workers of the work group.
- Look into anything that might be a risk to the WHS of the workers they represent.
- Raise any health and safety dispute or grievance in accordance with this procedure.
- In some circumstances a HSR can issue a Provisional Improvement Notice (PIN) only if they have completed approved HSR training as required under the WHS Act.
- A HSR can only direct that work ceases if they have completed approved HSR training as required under the WHS Act.
- Complete regular inspections of the workplace, activities or processes, or after an incident or injury.
- Work cooperatively with employer representatives to resolve WHS issues.

## 4 Procedure

### 4.1 WHS Incident Reporting and Immediate Response

Workers who have identified a hazard are to report it, in the first instance, to their Manager as soon as possible and as required record the hazard on ims+. If there is a Health and Safety Representative (HSR) in the associated workgroup they should also be advised of the hazard.

Any action(s) taken to remedy the hazard must be communicated to the relevant Manager of that workplace.

Upon being notified of a hazard, the Manager working with the HSR (if attached to a workgroup) is to determine the extent of the immediate threat to personnel, assess any steps that have already been taken, and take any reasonable action necessary to contain any immediate threat to health and safety. If the hazard is identified as a serious matter and cannot be resolved locally it must be escalated to Senior Management.

The Manager is to undertake an investigation to identify all root causes that contributed to the hazard being present or incident occurring. The manager should then also identify what further actions need to be taken to control the health and safety risk in the future.

Work Health and Safety (WHS) team should be advised of all notifiable incidents, as soon as reasonably possible, on;

### ***At the Children's Hospital at Westmead, NETS, PSN & CCC***

- During regular business hours (Monday to Friday, 8:00am – 4:30pm), immediately notify one of the following:
  - SCHN Manager, Health, Safety & Wellbeing– phone 0472 817 269
  - CHW Work Health Safety Coordinator – phone 9845 3663
  - SCHN Director of Workforce – phone 9845 2058
- **Out of hours, immediately notify:**
  - After Hours Nurse Manager (Hospital Disaster Controller) Page 7000

### ***At Sydney Children's Hospital Randwick***

- During regular business hours (Monday to Friday, 8:00am – 4:30pm), immediately notify one of the following:
  - SCHN Manager, Health, Safety & Wellbeing – phone 0472 817 269
  - SCH Work Health Safety & Manual Handling Coordinator (Tues, Wed & Fri) – phone 9382 7951
  - SCHN Director of Workforce – phone 9845 2058
- **Out of hours, immediately notify:**
  - After Hours Nurse Manager (Hospital Disaster Controller) Pager 44103.

## **4.2 WHS Issue Resolution**

In the event that the hazard, and its associated risks, is considered not to have been resolved within a reasonable time frame, the Manager, the worker and/or the HSR can commence the issue resolution process formally. Work Health and Safety (WHS) should be advised that this process has begun.

The Manager, worker and/or HSR must enter into discussions to attempt to resolve the issue within a reasonable time frame. To facilitate the resolution of a health and safety issue as quickly and effectively as possible all parties should consider:

- The number and location of workers affected.
- Whether appropriate temporary measures are possible.
- The time that may elapse before the issue is permanently resolved.
- Who, on behalf of the employer, is responsible for performing and overseeing any action agreed necessary to resolve the issue.
- Where the issue is not able to be resolved immediately, the progress of the issue should be regularly reported back to the affected workers.
- When a resolution is reached, the Manager shall arrange for a communication of the outcomes to stakeholders and advise WHS team, the relevant Health & Safety Committee and/or HSR that the WHS issue has been resolved.

- If, however, the Manager, worker and/or HSR cannot satisfactorily resolve the issue at the local level and the worker and/or HSR believes that the issue should be pursued, the Manager, worker and/or HSR should refer the issue involved to the WHS team. Escalation to Senior Managers of the Facility/Service may need to occur.
- If further information is required to resolve the issue, additional internal or external expertise can be requested by contacting the Work Health and Safety (WHS) team on 9845 3646 or email [whs.schn@health.nsw.gov.au](mailto:whs.schn@health.nsw.gov.au)

### 4.3 Cessation of Work

In the event of an immediate safety hazard, the worker identifying the risk will inform their Manager, and/or the Manager of the area concerned, and/or their Health and Safety Representative (HSR) who should direct all works to cease work whilst the issue is investigated.

If an agreement cannot be reached amongst the stakeholders (e.g., HSR, Manager, WHS etc.) engaged to assess the level of risk associated with the identified hazard, the HSR or Manager may instruct all affected persons to cease work activities associated with, or within the vicinity of, the perceived hazard.

The Manager or HSR must immediately notify WHS team on 9845 3646 or the SCHN Manager HSW on 0472 817 269, and senior Managers of the facility/service, of the cessation of work and other actions taken. Work should not recommence until such time as it has been agreed amongst all stakeholders that the hazard has been controlled and no longer presents an unacceptable level of risk to the health and safety of workers.

### 4.4 Communication of Outcomes

Upon resolution of a health and safety issue, a record detailing the WHS issue, nature of hazards, discussions held and what actions were taken, will be compiled by the relevant manager in consultation with the WHS team. This should be communicated to the affected workers and the details forwarded to the relevant Health and Safety Committee, senior Management, and WHS team as soon as reasonably possible.

## 5 Resources

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulation 2017](#)
- [Worker's representation and participation guide – SafeWork NSW](#)
- [Code of Practice WHS Consultation, Cooperation and Coordination – SafeWork NSW](#)
- [SCHN Procedure No: 2013-9045 v3 - SafeWork NSW Notifications and Investigations Procedure](#)

**WHS Issue Resolution Flowchart:**

All parties in the issue resolution process should consider the degree and immediacy of the risk. Throughout the process all relevant parties should be kept up to date of the progress made on resolving the issue.

