

Master Fish Merchants' Association of Australia

Occupational Health & Safety – Consultation For Retail and Wholesale Seafood Businesses

The *Occupational Health and Safety Act 2000* and *Occupational Health and Safety Regulations 2001* require that **all businesses must consult with their employees** to enable the employees to contribute to the making of decisions affecting their health, safety and welfare. *NB: The obligation to consult applies to all employers regardless of the numbers of employees they have or whether there is a request for an OHS committee.*

Consultation between employers and employees is considered an essential part of effectively managing workplace health and safety. Consultation can assist employers become aware of hazards and OHS issues experienced by employees and help provide solutions to workplace safety issues.

Consultation arrangements

The OHS Act requires that employers adopt an OHS consultation arrangement in order to meet their duty to consult. The Act sets out three options:

- 1) An OHS committee comprised of employer and employee representatives.
- 2) OHS representative elected by employees.
- 3) 'Other Agreed Arrangements' agreed between the employer and employees.

If you have less than 20 employees you may consider making other arrangements (an 'Other Agreed Arrangement') that are acceptable to your workers – you need not organise special safety meetings, simply discuss safety issues during your regular workplace meetings.

NB: If you have 20 or more employees, an OHS committee must be elected if the majority request it.

Elements of consultation

The OHS Act sets out a number of elements required as part of the consultation process. This includes:

- 1) Sharing of relevant information about OHS with employees.
- 2) Providing an opportunity for employees to express their views and to contribute in a timely fashion to the resolution of OHS issues at their place of work.
- 3) That the views of employees be valued and taken into account when making decisions (such as when purchasing new equipment or when attempting to eliminate or control hazards).

When to consult

The OHS Act requires that consultation be undertaken in the following circumstances:

- When changes that may affect health, safety or welfare are proposed to the:
 - premises where persons work;
 - systems or methods of work;
 - plant (machinery) used for work; or
 - substances used for work.
- When risks to health and safety arising from work are assessed or when the assessment of those risks is reviewed.
- When decisions are made about the measures to be taken to eliminate or control risks.
- When introducing or altering the procedures for monitoring risk.
- When decisions are made about the adequacy of facilities for the welfare of employees.

NB: The information provided above is intended as a guide only. If you are unsure of your obligations under the OHS Act and Regulations you should contact the MFMA on 02 9552 1611 or WorkCover NSW on 13 10 50.