

## Victorian OHS Act: RECORD of CONSULTATION

Date	HSR Name	Employer Representative Name
Time	DWG	Employer Representative Title
<b>Who was present at the meeting?</b>		
<input type="checkbox"/> I received all the information prior to the meeting [please tick]		
<b>What is the OHS Issue/consultation topic being discussed</b>		
<input type="checkbox"/> Section 21[1] breach: failure to provide a healthy and safe work <input type="checkbox"/> Section 35[1]: failure to consult <input type="checkbox"/> Other		Details
<b>What is the proposed solution[s]?</b>		
HSR Proposed solution[s]		Employer Proposed solution[s]
Solution agree <input type="checkbox"/> Yes <input type="checkbox"/> No		Solution agree <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>What are the agreed next steps?</b>		
<input type="checkbox"/> Pursuant to section 60(2) of the Victorian OHS Act, a copy of this record was given to the Employer Representative named above as evidence of the consultation that was undertaken to attempt to resolve the health and safety issue.		
<input type="checkbox"/> I hereby advise the Employer representative that if the issue is not remedied, I <b>may choose to exercise my right</b> to issue a Provisional Improvement Notice under Section 60[1] of OHS Act or take alternative action in accordance with the Act		
HSR Signature:		

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## General Information about Consultation

The OHS Act, Part 4 Sections 35 and 36 require that the employer consults with workers and their HSRs about health and safety matters.

The employer needs to consult , including when

- Identifying hazards and assessing risks
- Making decisions about risk control measures and facilities like toilets/lunchrooms
- When proposing changes that may affect health and safety eg roster change, production process, new chemical
- Making decisions about health monitoring, workplace conditions, providing information and training

In fact, when it comes to matters that affect H&S, the employer has considerable obligations to consult – this is an obligation that is often forgotten.

The purpose of this sheet is to make it easier for HSRs to keep a record of consultation and any decisions that have or have not been made.

Consultation does not require HSR or employers to put anything in writing but it is good practise and a very useful way of reminding everyone of what should be done.

HSRs do not have to agree to any demands from an employer.

You do not have to use this form but other HSRs have found it very useful.

## Reminder:

– **Primary Duty of Care** – Section 21 the employer must protect the H&S of workers and other persons eg visitors. The employer must do this by maintaining and providing a safe and healthy work environment, machinery/equipment, substances; adequate facilities for the welfare of workers; information , instruction, training and supervision and monitor the health of workers and work conditions.

The employer has to fulfil all of these obligations, so far as reasonably practicable.

Section 20 defines so far as reasonably practicable. Importantly, cost is only one of the 5 factors that the employer must consider when deciding on what is reasonably practicable? Cost is only to be taken into account after the risks and the ways of eliminating or minimising the risks have been considered.

**Provisional Improvement Notice Section 60:** A HSR must consult about the health and safety matter before issuing a Provisional Improvement Notice to a person [section 60.2 ]. This record of consultation is useful for that purpose.

The AMWU suggests that you

- keep the original
- give a copy to the employer representative
- and you may wish to send a copy to your AMWU office