



## Consultation

### Purpose

Consultation between employers and personnel is an essential part of managing Health and safety in the workplace. Consultation should be viewed not just as a legal requirement, but also as a valuable means of improving the employer's decision making in regard to OHS issues.

Clearwater DC 2001 Ltd acknowledges and embraces these ideals and aims to establish a working environment where all of Clearwater DC 2001 Ltd personnel are encouraged to contribute to safety in their respective workplace, and throughout Clearwater DC 2001 Ltd operations by participating in a healthy consultative framework.

Typically, arrangements or structures relating to consultation (the requirements of which vary from jurisdiction to jurisdiction) consists of:

1. Health and Safety Representatives;
2. Occupational Health and Safety Committees
3. Other arrangements agreed between Clearwater DC 2001 Ltd and its employees

### Scope

This procedure defines the general consultative framework in place throughout all Clearwater DC 2001 Ltd workplaces.

## Responsibilities

### Management

All Managers are responsible for ensuring that employees are consulted on matters in all Clearwater DC 2001 Ltd workplaces. In addition, Clearwater DC 2001 Ltd Management will comply with legislative requirements for establishing consultative structures.

### Definitions

1. **Health & Safety Representative** means an employee who represents the health and safety interests of the employees in their respective workplace or workgroup.
2. **Committee** means a committee ( consisting Health and Safety Representative and representatives of management) which investigates, discusses and makes recommendations about matters relevant to a specific workplace.

## Consultation Arrangements

Clearwater DC 2001 Ltd will consult with its employees in a manner, which ensures the consultative requirements of the workplace (in accordance with relevant jurisdictional legislative requirement) are complied with. The arrangements adopted for consultation are intended to ensure the effective representation of employees and meaningful communication between Clearwater DC 2001 Ltd and its employees. Subject to the legislative requirements in each Jurisdiction,



Clearwater DC 2001 Ltd will establish the following arrangements for consulting with employees on matters and facilitating their contribution to decisions on their health safety and welfare at work:

1. Workgroups will identify which appropriately represent employees based on the hour's employee's work, the nature of hazards, location and the types of work being undertaken.
2. Health and Safety Representatives will be appointed from each workgroup to represent each workgroup to management and communicate decisions to their workgroup.
3. A Committee will be convened consisting of the Health and Safety Representative from each workgroup and management representatives.

Employees may raise any concerns or request additional information from their manager, Health and Safety Representative or any member of the Committee. Managers will be responsible for ensuring their team members are aware of the Consultation arrangements and for escalating any issues reported to them to their Health and Safety Representative.

### **When is consultation required?**

Clearwater DC 2001 Ltd is committed to consulting employees:

1. When conducting or reviewing a risk assessment or implementing or making decisions regarding controls;
2. When making decisions regarding the adequacy of facilities for the welfare of Employees;
3. When changes are proposed to the premises; systems of work; plant or substances used at work, which may affect the health and safety of employees; and
4. When making decisions regarding the consultation procedures.

The following process is to be followed for the purpose of resolving a matter that may be a risk to health or safety:

1. The matter must be referred to a Health and Safety Representative(s) or to the Manager of the workgroup;
2. Health and Safety Representative(s) or to the Manager of the workgroup is unable to resolve the matter to the satisfaction of the person raising the matter, the matter will be formally referred to Management by the Health and Safety Representative(s) or the Manager of the workgroup;
3. Management must consider the matter and respond in a timely manner; and
4. If the matter is not resolved after Management has had an opportunity to consider and respond to the matter, the Committee or Health and Safety Representative may request an investigation of the matter.

### **Workgroups**

Clearwater DC 2001 Ltd will ensure that the relevant workgroups are identified to ensure effective consultation.

In determining the composition of the workgroups, Clearwater DC 2001 Ltd will take into account:

1. The hours of work of employees;
2. Shift work;
3. The patterns of work of employees;



4. The number and grouping of employees;
5. The geographical location where the employees work;
6. The different types of work performed by employees;
7. The different levels of responsibility of employees;
8. The attributes of employees (e.g. gender, ethnicity, age, special needs etc);
9. The nature of hazards faced by the employees at the place of work; and
10. The interaction of the employees with the employees of other employees.

The workgroups currently identified within Clearwater DC 2001 Ltd Operations Additional workgroups may be identified as based on the criteria above. There is no limitation on the number of workgroups which may be identified.

### **Health and Safety Representatives**

Health and Safety Representatives will be appointed from each workgroup and perform the following functions in their capacity as a Health and Safety Representative:

1. Be a point of contact for all Clearwater DC 2001 Ltd employees to raise OHS issues (i.e. may be requested to do this anonymously);
2. Assist in the resolution of related disputes;
3. Assist in the identification, assessment and control of work-related hazards (i.e. This may include conducting audits, inspections, and risk assessments);
4. Make requests to accompany a manager under relevant legislation as an observer on inspections that affect the workgroup that the representative represents;
5. Be an observer during any formal report by a manager to the employer in connection with any matter concerning the workgroup that the Representative represents; and
6. Any other agreed functions (i.e. functions that have been incorporated into a Responsibility Statement and agreed to, in writing, by the respective Health and Safety Representative) or prescribed by the relevant legislation.

Management shall consult with the relevant Health and Safety Representative(s) regarding any potential changes to the workplace, which may impact on the health, safety and/or welfare of personnel. Health and Safety Representatives are also appointed members of the committee for the jurisdiction.

### **Training**

Appropriate training and resources shall be provided to the Health and Safety Representative(s) to facilitate the performance of their functions

### **Appointment of Health and Safety Representatives**

At least one Health and Safety Representative must be appointed from each identified workgroup . The number of employees within the workgroup will govern the actual number of Health and Safety Representatives from each identified workgroup and the need to ensure the employees within that workgroup may be effectively consulted on matters.

To be appointed as a Health and Safety Representative, an employee must be nominated from each workgroup and their nomination approved by the Committee. Their appointment is effective



from the date their nomination is approved by the Committee. Any member of a workgroup may seek nomination as the Health and Safety Representative for their workgroup. The Manager of the workgroup makes nominations. A Health and Safety Representative is appointed for a term of 12 months unless reappointed, they resign or are disqualified.

A Health and Safety Representative will no longer be eligible to act as the Health and Safety Representative for a given workgroup if they are no longer a member of the workgroup, if they are no longer employed in the workgroup, or if they resign their appointment in writing.

### **Disqualification of Health and Safety Representatives**

Application for the disqualification of a Health and Safety Representative(s) may be initiated by the Manager of the workgroup they represent or by the Chairman of the Committee. Any application must be presented to the Committee for consideration. A Health and Safety Representative will be disqualified if the Committee accepts the application for disqualification.

Subject to specific legal requirements in the relevant jurisdiction, grounds for the disqualification of a Health and Safety Representative(s) may include:

1. Disclosing confidential medical information or information which Clearwater DC 2001Ltd has sought to have classified as legally privileged;
2. Acting in a manner as to deliberately cause harm, injury, or damage to persons or property; or
3. Acting capriciously and unreasonably in the performance of their functions as Health and Safety Representative(s).

### **Committee(s)**

The Committee is the principal forum for management to consult with employees on broad health and safety issues in each jurisdiction. The responsibilities of the Committee The Committee shall be established in accordance with the statutory requirements in each jurisdiction.

The functions of the Clearwater DC 2001 Ltd Committee may include:

1. Providing a forum for discussion on all matters pertaining to or relevant to the overall safety of the workplace;
2. Providing guidance on the identification of potential hazards, determining associated risks, and prioritising of corrective actions;
3. Identification of OHS issues for referral to the appropriate Manager for actioning and feedback;
4. Providing guidance to Management on OHS issues, or issues that relate to the implementation of Clearwater DC 2001 Ltd OHS policies and procedures;
5. Promoting, encouraging and maintaining an active interest in health and safety in the respective work area/workgroup;
6. Discussing and communicating Clearwater DC 2001 Ltd safety standards, rules and Procedures;
7. Making recommendations regarding OHS-related training requirements;
8. Reviewing work injuries, work caused illnesses and dangerous events and making recommendations regarding corrective actions;





9. Assisting in the resolution of health and safety disputes; and,
10. Other functions as prescribed in the relevant legislation.

Committee will consist of the Health and Safety Representatives of that jurisdiction and management representatives. The most the senior member of staff on the Committee will chair the Committee.

All Committee members shall receive an information sheet, which provides information regarding the objectives, and functions of the Committee.

The Committee shall convene at intervals not exceeding 3 months, and/or at a time determined by the Committee, or at the request of a Committee Member.

Minutes of each meeting shall be recorded and communicated to all members of the Committee. A record of the minutes shall be retained for a period of not less than 3 years.

A member of the Committee may request to accompany a manager as an observer on inspections that affect the workgroup that the Committee represents. Committee members may be observers during any formal report by a manager under relevant OHS legislation to Clearwater DC 2001 Ltd in connection with any OHS matter concerning the workgroup that the Committee represents.

The Committee may invite additional staff to attend meetings to provide additional expertise to the members of the Committee.

The Committee shall not replace direct communication between Management, Supervisors, Health and Safety Representatives, or employees.

### **Provision of details**

As soon as practicable after the appointment of a Health and Safety Representative, the Manager of the workgroup will inform the members of the workgroup of the appointment.

A register will be maintained setting out the details regarding all Health and Safety Representatives, Committee members and designated workgroups throughout Clearwater DC 2001 Ltd operations. This information is to be recorded and where appropriate displayed in relevant work areas.

### **Provision of OHS consultation training**

Clearwater DC 2001 Ltd will ensure that each member of the Committee and each Health and Safety Representative undertakes approved OHS consultation training by a trainer (in accordance with relevant legislative requirements), as soon as practicable after the person is first elected or appointed, unless the person has previously undertaken an approved course of training.

It is the responsibility of Clearwater DC 2001 Ltd and the accredited trainer to ensure that Committee members and Health and Safety Representative undertake training in particular topics in accordance with the relevant legislation.

The accredited trainer is to provide a statement of training to each employee who completes the approved training and retain a record of such training for at least six (6) years. In addition, a copy



of the statement of training is to be provided to Clearwater DC 2001 Ltd and kept on record until at least three(3) years after the person ceases to be an employee of or associate with, Clearwater DC 2001 Ltd Clearwater DC 2001 Ltd will provide for the approved OHS consultation training and ensure that employees participating in the approved OHS consultation training are paid as if they were engaged in the duties of their employment.

### **When is consultation required?**

Clearwater DC 2001 Ltd is committed to consulting employees:

1. When conducting or reviewing a risk assessment or implementing or making decisions regarding controls;
2. When making decisions regarding the adequacy of facilities for the welfare of employees;
3. When changes are proposed to the premises; systems of work; plant or substances used at work, which may affect the health and safety of employees;
4. When making decisions regarding the consultation procedures.

### **Consultation on matters posing a risk to health and safety**

The following process is to be followed for the purpose of resolving a matter that may be a risk to health or safety:

1. The matter must be formally referred to Clearwater DC 2001 Ltd management;
2. Clearwater DC 2001 Ltd must consider the matter and respond in a timely manner; and
3. If the matter is not resolved after Clearwater DC 2001 Ltd has had an opportunity to consider and respond to the matter, Committee or Health and Safety Representative may request an investigation of the matter by a manager.

### **Involvement of third-party contractors**

Clearwater DC 2001 Ltd will seek to involve all our third-party contractors in its consultation arrangements.

Signed

Murray Pitcairn  
Managing Director

Date: 10/01/2022  
Review Date: 10/01/2023