

Are you meeting your WHS consultation duties?

/ A checklist for PCBUs.

If you're a person conducting a business or undertaking (PCBU), you must consult with workers (including any health and safety representatives) and other duty holders in managing work health and safety risks.

If you're a PCBU, this checklist will help you to ensure you have arrangements in place that support effective consultation.

PCBU Name: _____

Consulting with workers

Ask yourself...

- Have I asked workers how they want to be consulted? Have I taken their needs and views into account?

- Do I have arrangements in place to consult with workers on health and safety matters?

- Do I have appropriate ways to consult with workers about psychosocial hazards (e.g. bullying and harassment)? For example, confidential ways for workers to provide feedback.

- Is consultation accessible to all workers who carry out work for the business or undertaking? For example, convenient location, time, using appropriate language and format, and ways to include any shift or remote workers.

- Do I encourage workers to participate in consultation and share their views and experience?

Under the WHS laws, PCBUs must, so far as is reasonably practicable, consult with workers who carry out work or the business or undertaking about health and safety.

The workers you consult with will be those who are, or could be, directly affected by the health and safety matter.

The meaning of worker is broad. It includes employees, contractors, volunteers and anyone else who carries out work for the business or undertaking.

When to consult

Do I consult my workers when I:

- identify physical and psychosocial hazards and assess risks to health and safety?

- make decisions about how to eliminate or minimise those risks?

- make decisions about welfare facilities for workers (e.g. toilets, amenities)?

- propose changes that may affect the health and safety of workers (e.g. changes to work systems such as shift work rosters, work procedures or the work environment)?

- propose changes that may affect the work (e.g. purchasing plant or introducing new products or projects)?

- develop and review procedures, including for:
 - consulting workers on work health and safety
 - resolving work health and safety issues at the workplace
 - monitoring the health of workers and workplace conditions
 - providing information and training to workers.

Consultation can occur in different ways depending on what suits the workplace and your workers.

Examples:

- health and safety representatives
- health and safety committees
- regular team meetings
- pre-start briefings
- toolbox talks
- staff meetings and updates
- small group and individual discussions.

For more information refer to Chapter 2-3, [Model Code of Practice: WHS consultation, cooperation and coordination](#)

Effective consultation

📌 When I consult with my workers, do I:

- identify the workers who may be affected and who I am required to consult?
- consult with the HSR for the workgroup (if you have them)?
- share relevant information about the issue with them?
- inform them of potential changes to the workplace that may impact health and safety, and what I intend to do?
- give them a reasonable opportunity to express their views, raise concerns and contribute to decision making?
- take workers' views into account before making decisions?
- advise them of the outcomes of the consultation, including my decision and the reasons for it in a timely manner?

While consultation may not always result in agreement, agreement should be the objective as it will make it more likely that the decisions will be effective and actively supported.

For more information refer to Chapter 2-3, [Model Code of Practice: WHS consultation, cooperation and coordination](#)

Under the WHS laws, if a worker requests an HSR be elected to represent them on WHS matters, a work group or groups need to be established to facilitate the election.

Where workers are represented by an HSR, the PCBU must consult with them on matters likely to affect the health and safety of members of their work group.

For more information on HSRs refer to Chapter 4, [Model Code of Practice: WHS consultation, cooperation and coordination](#) and the [Worker representation and participation guide](#)

Under the WHS laws, you must establish a health and safety committee (HSC) if an HSR or five or more workers request you to do so. You can also establish an HSC by your own initiative. HSCs can be a good way of meeting your duty to consult with workers.

For more information on HSCs refer to Chapter 4, [Model Code of Practice: WHS consultation, cooperation and coordination](#) and the [Worker representation and participation guide](#)

Health and safety representatives

📌 If workers are represented by an HSR/s, do I:

- understand the powers and functions of HSRs, and my WHS duty to support them?
- make myself available for HSRs to raise and discuss health and safety matters with me?
- consult with the HSRs on health and safety matters?
- share information with HSRs about hazards, risks and the health and safety of workers (de-identified information unless worker consents)?
- provide any resources, facilities and assistance to HSRs for them to perform their functions?
- provide adequate paid work time to HSRs so they can exercise their powers and perform their functions?
- ensure HSRs are not disadvantaged in any way or discriminated against for taking on the role of HSR?
- provide HSRs paid time off work to attend HSR training (course of their choosing) and pay reasonable costs?
- permit HSRs to accompany an inspector during an inspection of the workplace?
- provide adequate time for HSRs to attend interviews between workers and the PCBU or an inspector (with worker consent)?
- display an updated list of HSRs and deputy HSRs in a central location (such as a noticeboard or intranet)?

Consultation with other duty holders

📌 When I share WHS duties with other duty holders, do I:

- start consulting with the other duty holders as early as possible? For example, before commencing work, when negotiating contracts, as soon as you become aware they will be involved in the work.
- regularly consult and work with the other duty holders to:
 - identify hazards and risks
 - find ways to eliminate or minimise risks
 - agree how risks will be managed and who is best placed to manage each risk
 - agree who will respond and report WHS incidents if they occur (including notifying the WHS regulator of any notifiable incidents)
 - coordinate arrangements for how we consult with workers (where we share a duty of care).

Under the WHS laws, if you share a work health and safety duty with another PCBU, you must consult and exchange information with each other and work together to manage risks and keep workers safe.

If you are sharing a workplace with other PCBUs, or are working together in a contracting chain, you are likely to share work health and safety duties.

For more on consulting with other duty holders refer to Chapter 5, [Model Code of Practice: WHS consultation, cooperation and coordination](#)

Keeping records of consultations

📌 For example, you may want to record:

- the matter being consulted on

- who was identified as affected, or likely to be affected

- who was involved in consultations

- key issues consultation identified

- what decision has been made

- why the decision has been made

- who is to take action and by when

- when the action was completed.

There is no general requirement under WHS laws to document consultation, unless specifically required by the WHS Regulations, but record keeping is good practice and helps to demonstrate you are complying with your WHS duties. Records can be a simple account of what occurred.

Notes:

You may wish to use this section to record any actions you have identified to improve consultation arrangements.

Completed by: _____

Position: _____

In consultation with: _____

Date: _____

For detailed guidance on your WHS duties to consult, refer to the [Model Code of Practice: Work Health and Safety Consultation, Cooperation and Coordination](#), the [Worker Representation and Participation Guide](#) and the Safe Work Australia [consultation](#) webpages or [contact your WHS regulator](#).