



Worker Participation Consultation Document

August 2017

Document Version: 1

University Operations

Health and Safety Compliance

Campus and Collegiate Life Services | Campus Development | Chief Operating Officer
Information Technology Services | Project Management | Property Services
Risk, Assurance and Compliance | Student Services | Sustainability



University of Otago | PO Box 56 | Dunedin 9054 | New Zealand

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1. Executive summary

The purpose of this document is to provide an outline of the proposed Work Participation Framework in draft format for consideration and feedback. The working group reviewing the Worker Engagement, Participation, and Representation Regulations 2016 is pleased to present this draft discussion document for the University of Otago to meet these requirements. The working group has met frequently to discuss and interpret the application of the regulations in our organisation, and has drafted this paper as a proposal for meeting the requirements. For this to proceed, further consultation is required as per recommendation 1.

The working group has been mindful of the potential effect of the Support Services Review (SSR). The SSR business case, which is currently out for consultation, is silent on how the Departmental Health and Safety Officer (DHSO) framework will be incorporated under a shared services model, as this is outside the scope of the business case. We are recommending the DHSO framework continues, in the expectation that the detail under a shared services model will be worked through as the required model is implemented.

2. Recommendations

Recommendation 1: senior management accept the proposed consultation process to reach a final Worker Engagement, Participation, and Representation agreement.

Recommendation 2: the revised DHSO job description is accepted, and that DHSO positions are reviewed and updated with the new job description.

Recommendation 3: the time allocation for DHSOs is documented for each position and reported to the Health and Safety Compliance team.

Recommendation 4: the Health and Safety Representative (H&S Rep) position description is accepted.

Recommendation 5: the proposed worker groups and associated elected Health and Safety Representative numbers are adopted.

Recommendation 6: the proposed election and nomination process is adopted.

Recommendation 7: Health and Safety Representative's attend an approved external training course to enable them to complete initial training as an H&S Rep and participate in the University's DHSO training programme.

Recommendation 8: the proposed Provisional Improvement Notice (PIN) process is adopted.

Recommendation 9: the two proposed Operational Health and Safety Committees become the formal Health and Safety Committees reporting through the committee structure and conform with the legislative Health and Safety Committee framework.

Recommendation 10: the proposed Health and Safety Committee Terms of Reference are adopted.

3. Introduction and background

The University of Otago has an existing Employee Participation System that was introduced in 2004 and developed to meet the requirements of the Health and Safety in Employment Act 1992. The system was revised in 2006. This system outlined the Departmental Health and Safety Officer (DHSO) role and the elected Health and Safety Representatives (H&S Reps), agreed between the Unions, DHSOs, and Management, and ultimately signed off by the Vice-Chancellor (Sir Professor David Skegg).

Part 3 of the Health and Safety at Work Act 2015 (HSWA) includes requirements for elected worker representatives, with further detail of requirements in the Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016 (Work Regs).

In summary, HSWA worker participation regulations require high-risk sectors to have elected Health and Safety Representatives. High-risk sectors are defined in schedules 2 and 3 of HSWA; the University does not meet this criteria (appendix 1). Where Persons Conducting a Business or Undertaking (PCBU) are not in the high-risk sector, HSWA requires a process of engagement with workers, further defined in sections 61 to 65 of HSWA (appendix 2), including the establishment of worker groups for which Health and Safety Representatives are required.

While the University of Otago is not a high-risk work sector or industry, the previous employee participation system defined how the University formally engages with staff over Health and Safety matters. It is the recommendation of this working group that the University continues with a similar formal process for engagement of staff and students in Health and Safety, as a method of engaging with workers in accordance with S59 of the Act.

Worker Participation Working Group formation

The development of the current employee participation agreement involved representation from management, Unions, DHSOs, and Human Resources, led by Health and Safety. To continue this work and review the requirements under the new legislation, a working group reflecting the original group was established. This document is the result of the working group's review of the current Employee Participation System and the legislation changes.

Membership

Nevan Trotter, Convenor, Senior H&S Advisor
Andrea McMillan, Head, H&S Compliance
Shaun Scott, TEU
Phil Handcock, TEU
Gail Arthur, DHSO, PSA representative
Murray McDonald, Manager, Contracting, Property Services
HR representative Luke Morrison, Acting Manager Promotions and Remuneration, Replaced by Alan Clarke, DHRM, Health Sciences
Mark Gould, DHSO, Anatomy

The working group met and drafted this consultation document for the wider University community to elicit feedback. The document is to be circulated widely via Senior Management with comments invited for review by the working group. Following a review of this feedback, a final draft will be prepared for submission to the Vice-Chancellor's Advisory Group (VCAG) for approval.

Recommendation 1: Senior Management accept the proposed consultation process to reach a final Worker Engagement, Participation, and Representation Agreement.

4. Departmental Health and Safety Officer Requirements

4a. Departmental Health and Safety Officer Job Description

The DHSO positions currently exist within each department, have a job description, and are required by the Agreement to have a time allocation to complete the related tasks. The working group reviewed the job description (appendix 3). In summary, the changes to the job description reflect the legislative requirement that the organisation, and hence the Line Managers, and not the DHSOs, remain responsible for Health and Safety in the department. The role of the DHSO remains pivotal in the University Health and Safety system as the backbone to document and communicate core Health and Safety requirements, such as the hazard/risk register, incident reporting, recording training and requirements, and so on.

Recommendation 2: the revised Departmental Health and Safety Officer (DHSO) Job Description is accepted, and that DHSO positions are reviewed and updated with the new job description.

4b. Departmental Health and Safety Officer Time Allocation

Time allocation has been a requirement of the DHSO position within the Employee Participation Agreement since 2006. The annual H&S review completed by DHSOs reflects that the time allocation is not always specific or clarified with the DHSO incumbents. In returns for the 2016 year, for example, 76% of DHSOs had their duties included within their job descriptions, and only 20% had a time allocation to complete the DHSO tasks. Obviously, for work-related duties to be completed, resources – including time – must be available. Hence, we are recommending that the time allocation be retained as a part of the DHSO requirements.

Recommendation 3: the time allocation for Departmental Health and Safety Officers is documented for each position and reported to the H&S Compliance team.

5. Health and Safety Representatives Requirements

The purpose of elected Health and Safety Representatives is defined in the Health and Safety at Work Act 2015 as:

Functions of health and safety representatives Schedule 2, Part 1, Section 1

The functions of a health and safety representative for a work group are—

- (a) to represent the workers in the work group in matters relating to health and safety:*
- (b) to investigate complaints from workers in the work group regarding health and safety:*
- (c) if requested by a worker in the work group, to represent the worker in relation to a matter relating to health and safety (including a complaint):*
- (d) to monitor the measures taken by the PCBU that are relevant to health and safety:*
- (e) to inquire into anything that appears to be a risk to the health or safety of workers in the work group arising from the conduct of the business or undertaking:*
- (f) to make recommendations relating to work health and safety:*

(g) to provide feedback to the PCBU about whether the requirements of this Act or regulations are being complied with:

(h) to promote the interests of workers in the work group who have been harmed at work, including in relation to arrangements for rehabilitation and return to work.

For the purposes of the University of Otago, the working group further defines the Health and Safety Representative's functions as:

- i) to work with the DHSOs within their work area to create a positive, engaged environment towards Health and Safety.
- ii) to attend training as agreed between the University of Otago and the representative.

5a. Health and Safety Representative Position Description

A Health and Safety Representative Position Description was originally created as a part of the Employee Participation Agreement system. The working group has reviewed the position description, attached as appendix 4, to reflect the legislative requirements.

Recommendation 4: the Health and Safety Representative Position Description is accepted.

5b. Health and Safety Representative Worker Groups and Numbers

The working group proposes the following worker groups and Health and Safety Representatives. Worker groups are required to be of a similar work environment and potential hazard exposure.

Work area/worker group	Number of H&S Reps
Humanities	1 general
	1 academic
Commerce	1 general
	1 academic
Sciences	2 general
	2 academic
Health Sciences	
Dentistry	1 academic
	1 general
School of Medicine	1 academic
	1 general
Biomedical Sciences	1 academic
	1 general
University of Otago Christchurch	1 academic
	1 general
University of Otago Wellington	1 academic
	1 general
Pharmacy	1 academic
	1 general
Physiotherapy	1 academic
	1 general
Divisional Office/Bioethics	1 general
	1 academic
Academic Division	
Academic Services	1 general
Distance Learning/Higher Education Development Centre (HEDC)/Quality Advancement Unit/Pacific Development/Summer School/First-Year Experience	1 general
Admissions and Enrolments/University Information Centre (UIC)	1 general
Library	2 general
Other	1 general
Operations	
Information Technology Services	2 general
Campus and Collegiate Life Services	1 general
Property Services	1 general
Capital Development	1 general
Student Services	1 general
Campus Watch	1 general
Health and Safety Compliance/Sustainability/Risk, Assurance and Compliance/Project Management	1 general
Human Resources	1 general
TOTAL	39

Recommendation 5: the proposed worker groups and associated elected Health and Safety Representative numbers are adopted.

Note: this would not preclude individual work areas having more Health and Safety Representatives than provided in the table. The numbers proposed are the recommended numbers.

5c. Election Nomination Process

The working group agrees that Health and Safety Representatives are elected as a transparent process. The proposed election procedure is as follows:

- Call for nominations/expressions of interest will be solicited through staff notifications, web-based information, and all-departments emails.
- If there is only one nomination per work area, no election will be required.
- All nominations to be received by the Returning Officer, an employee of the University*.
- A postal ballot system is to be used where a vote is required. Ballot papers must contain information about the candidate regarding their work group.
- Ballot papers sent centrally by the employer seems to be the most feasible option.
- Union and non-union employee representatives will act as scrutineers of the ballot system.
- Management will be informed by the Returning Officer of the Health and Safety Representatives resulting from the election process.

* The process for selection of the Returning Officer has not been decided. The TEU representatives would like it noted that they would like the Returning Officer to be nominated by the TEU.

Recommendation 6: the proposed election and nomination process is adopted.

5d. Health and Safety Representative Training Requirements

The Health and Safety at Work Act 2015, defines training for elected Health and Safety Representatives to be able to discharge duties under sections 70 to 85 (issuing of provisional improvement notices and/or directing the cessation of unsafe work). The minimum training requirements are to obtain NZQA unit standard 29315 Workplace Health and Safety Representative training, stage 1 (approximately 2-day course by approved training provider). It is proposed that elected Health and Safety Representative attend a recognised training programme, with a final training schedule to be developed by the working group when elections have been held and numbers confirmed.

While the Health and Safety Representative functions and powers are defined in HSWA, the University has existing Health and Safety systems to be incorporated alongside the Health and Safety Representative role. The principle advantages of the Health and Safety Representative role alongside the Departmental Health and Safety Officer positions are viewed as:

- alternative contact for staff and students to raise Health and Safety issues;
- support for the DHSOs;
- increased Health and Safety resources through the involvement of trained Health and Safety Representatives;
- increased involvement by employees, and the Unions, on Health and Safety matters.

It is not the expectation that Health and Safety Representative replace the DHSO position – these are different roles within the overall Health and Safety management system. To maximise the benefit of the proposed system, it is critical that the roles work together. To facilitate this, Health and Safety Representative will be involved and invited to all DHSO training and related activities.

Recommendation 7: Health and Safety Representatives attend an approved external training course to enable them to complete initial training as a Health and Safety Representative and participate in the University Departmental Health and Safety Officer training programme. Training requests and coordination will be managed by the Health and Safety Compliance team.

6. University Provisional Improvement Notice (PIN) process

Trained Health and Safety Representatives are able to issue provisional improvement notices (PINs). The working group reviewed the legislative requirements and have agreed the following management process for the issuing of a PIN:

1. Employee raises Health and Safety concern with Health and Safety Representative.
2. The Health and Safety Representative contacts the Departmental Health and Safety Officer and discusses the issue, maintaining confidentiality if required.
3. Based on this discussion and proposed management of the issue, a meeting is held with the Head of Department (HOD)/Line Manager.
4. If all parties are in agreement with the proposed management plan, this is documented, signed by all parties, and a copy provided to the instigator. The issue will be recorded in Vault and corrective actions allocated and reported on until actions are completed.
5. If the matter is not agreed or resolved to the satisfaction of all parties, the matter will be raised with the Health and Safety Office who will formally investigate the concern.
6. If the revised proposed management plan is agreeable to all parties, the issue will be recorded in Vault and corrective actions assigned.
7. If the parties do not agree on the revised proposed management plan, the Health and Safety Representative may formally raise a PIN and notify WorkSafe. The PIN will be delivered to the Health and Safety Compliance Team who will distribute to Senior Management.

Appendix 5 provides a flowchart of this process.

Recommendation 8: the proposed Provisional Improvement Notice (PIN) process is adopted.

7. Health and Safety Committees

The University has established committees and various reporting lines. The working group consider the continuation of the committee structure critical for worker engagement and recommend that the committees follow the Health and Safety at Work Act prescribed format.

7a. Legislative Requirements

Section 66 of the Health and Safety at Work Act outlines the requirements for Health and Safety Committees. The requirement for a committee is at the request of workers to the Persons Conducting a Business or Undertaking (PCBU). In view of the fact that the University of Otago has had an effective Health and Safety Committee for many years, it is the desire of the working group that a Health and Safety Committee will continue.

The Health and Safety at Work Act (Worker Engagement, Participation, and Representation) Regulations 2016 subpart 4, Health and Safety Committees sections 28 and 29, outlines the requirements for Health and Safety committees formed under the legislation.

Subpart 4-Health and safety committees

28 Membership of health and safety committees

- (1) The PCBU who establishes a health and safety committee for a workplace (or part of a workplace) and the workers at that workplace (or their representatives) must agree on the members of the health and safety committee.*
- (2) However, -*
 - a) One of the members appointed by the PCBU to the committee must be authorised by the PCBU to make decisions on behalf of the PCBU on health and safety issues; and*
 - b) At least half of the members on the committee—*
 - i. Must be workers and must represent the workers at the workplace; and*
 - ii. Must not have been nominated by the PCBU.*

(3) Each health and safety representative is eligible to be a member of the health and safety committee.

29 Meeting requirements for health and safety committees

A health and safety committee must meet—

- a) Regularly at the times agreed by the members of the committee; but at least once every 3 months; and*
- b) At any other reasonable time on the request of a simple majority of members of the committee.*

7b. Current Structure

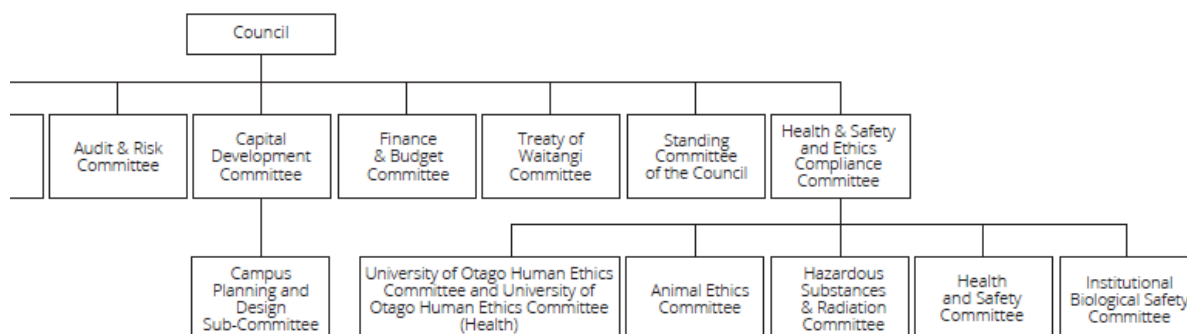
Health & Safety and Ethics Compliance Committee

This Committee was altered in 2016 to increase the focus on compliance matters relating to the University and to be chaired by a member of the University Council. The Health and Safety Compliance Office provide monthly Health and Safety reports to the Committee, Council, and the Vice-Chancellor's Advisory Group.

Operational Health and Safety Committee

The University of Otago has an Operational H&S Committee reporting as a sub-committee to the Health & Safety and Ethics Compliance Committee, which reports to Council.

University of Otago Committee Organisation Structure



The current terms of reference for the (Operational) Health and Safety Committee are attached as appendix 6 and for the Health & Safety and Ethics Compliance Committee as appendix 7.

The existing Operational Health and Safety Committee, formed in 2004, includes Departmental Health and Safety Officer, Health and Safety Representative, and Student (OUSA) representation. The current operational Health and Safety Committee does not meet the membership requirements as per the Health and Safety at Work Act, with the Chair being the Head, Health and Safety Compliance (not authorised by the PCBU to make health and safety decisions such as resourcing and budget) and all members are nominated by the PCBU (all DHSOs or H&S positions).

Divisional and Departmental Committees

There are also a number of departmental and divisional Health and Safety Committees. The Health and Safety team are aware of the following, and there could be others at a department level.

- Pharmacy Department Health and Safety Committee
- Chemistry Department Health and Safety Committee
- University of Otago Wellington Health and Safety Committee
- University of Otago Christchurch Health and Safety Committee
- Dental School Health and Safety Committee
- Student Services Health and Safety Committee
- Campus and Collegiate Life Services Health and Safety Committee

The various layers of committees have developed over time with the focus being an opportunity to discuss operational Health and Safety matters with staff and students who are doing the work. Where significant issues are identified, management are involved and DHSO representatives can bring matters to the attention of either hazard specific dedicated committees (e.g. hazardous substances and radiation committee) or to the operational Health and Safety Committee for escalation to the Health & Safety and Ethics Compliance Committee. Often issues identified will be University-wide and a senior manager on a divisional or departmental committee will not be able to make decisions on behalf of the University/PCBU.

7c. Committee Structure Discussion

It is the intent of the worker participation regulations to ensure Health and Safety issues can be raised by workers for consideration and action, and that Health and Safety systems or controls are discussed with

workers to identify solutions. Section 60 of HSWA outlines when engagement is required (appendix 8) and broadly speaking the requirement is to have worker representation and consultation for Health and Safety decision-making.

The intention of the “person authorised to make decisions on behalf of the PCBU” is to ensure that when such H&S controls/solutions are identified, the PCBU is committed to implementation. An example would be a Health and Safety related policy, with worker or Health and Safety Representative feedback and input into policy development for authorisation by the PCBU.

The working group recognises the establishment of a suitable, but not onerous, Health and Safety Committee structure is a challenge and has taken a considered approach that retains the benefits of the current systems, while incorporating the requirements of the legislative changes. As the regulations are based on ‘work groups’, identifying a Health and Safety Committee structure that meets the different work group needs was identified. Broadly speaking, the University work groups were identified as:

- Health Sciences and Sciences (with a laboratory, fieldwork, and clinical focus)
- Humanities, Commerce and Operations (office-based work, fieldwork)

This would allow discussion of common activities and issues within the work groups.

7d. Revised Health and Safety Committee Structure

Operational Health and Safety Committees

It is recommended that two operational groups replace the current Operational Health and Safety Committee. This meets the needs of the differing work groups, and maintains membership and representation at workable levels. These two committees would need to be modified to meet the requirements of the legislation, with the continued reporting lines to Council and VCAG.

To effect the required changes:

- the Chairs would need to be nominated by the Vice-Chancellor as the delegated authority to make Health and Safety decisions on behalf of the PCBU
- the Committee membership needs to include at least half of the members as non-management nominated work representatives
- the proposed elected Health and Safety Representatives would have the responsibility to manage the attendance of these representatives to ensure true worker representation.

Membership of the Committees are designed to reflect the nature of the work and worker groups within the University; please see appendix 9 for the proposed Terms of Reference (TOR).

Recommendation 9: the proposed two Operational Health and Safety Committees become the formal Health and Safety Committees reporting through the committee structure and conform with the legislative Health and Safety Committee framework.

Recommendation 10: the proposed Terms of Reference are adopted.

Departmental Health and Safety Committees

These committees have benefit at a department level, and often being smaller units, may not carry the same formal committee structure. The escalation process of issues to a divisional committee, and then in turn to the operational Health and Safety Committees can be achieved through the proposed structure. Departmental committees are optional and can be arranged as suitable to the individual department.

Appendices

Appendix 1: Schedule 2 High-risk sectors or industries (schedules from 2016 Regulations)

Schedule 2 High-risk sectors or industries

r 5(1)(d)

ANZSIC classification code	High-risk sectors or industries
A02	Aquaculture
A03	Forestry and logging
A04	Fishing, hunting, and trapping
B06	Coal mining
C11	Food product manufacturing
D28	Water supply, sewerage, and drainage services
D29	Waste collection, treatment, and disposal services
E30	Building construction
E31	Heavy and civil engineering construction
E32	Construction services

Schedule 3 Types of work or sectors excluded from high-risk sectors or industries

5(1)(e)

ANZSIC classification code	Sector or industry	Work type/sector excluded
A02	Aquaculture	
A0203		Onshore aquaculture
A03	Forestry and logging	Forest product gathering, which comprises—
		Kauri gum digging
		Native orchid gathering
		Pine cone gathering
		Resin gathering
		Mushroom gathering
A04	Fishing, hunting, and trapping	Hunting or trapping of certain non-New Zealand species, which comprises—
		Turtle hunting
		Buffalo hunting
		Crocodile hunting
		Dingo hunting or trapping
		Kangaroo hunting
		Snake catching
C11	Food product manufacturing	
C117		Bakery product manufacturing when carried out in the home
C1174		Bakery product manufacturing (non-factory-based)
E32	Construction services	Curtain installation
		Fly wire screen installation

Worker participation practices

61 Duty to have worker participation practices

- (1) A PCBU must have practices that provide reasonable opportunities for workers who carry out work for the business or undertaking to participate effectively in improving work health and safety in the business or undertaking on an ongoing basis.
- (2) In complying with subsection (1), the PCBU must—
 - (a) comply with prescribed requirements relating to worker participation, including requirements relating to a particular industry, sector, or kind of workplace;
 - (b) take into account any relevant approved code of practice.
- (3) In this section, **reasonable opportunities** means opportunities that are reasonable in the circumstances, having regard to relevant matters, including—
 - (a) the number of workers working in the business or undertaking; and
 - (b) the number of different workplaces of the business or undertaking, and the distance between them; and
 - (c) the likely risks to work health and safety in the business or undertaking and the level of those risks; and
 - (d) the nature of the work that is performed and the way that it is arranged or managed; and
 - (e) the nature of the employment arrangements or contracting arrangements, including the extent and regularity of employment or engagement of temporary workers; and
 - (f) the willingness of workers and their representatives to develop worker participation practices; and
 - (g) in relation to employers and employees, the duty to act in good faith as required by section 4 of the Employment Relations Act 2000.
- (4) A person who contravenes subsection (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$20,000;
 - (b) for any other person, to a fine not exceeding \$100,000.

Compare: 1992 No 96 s 19B

Subpart 2—Health and safety representatives and health and safety committees

Election of health and safety representatives

62 Election of health and safety representatives

- (1) A worker who carries out work for a business or undertaking may notify the PCBU that the worker wishes 1 or more health and safety representatives to be elected to represent workers who carry out work for that business or undertaking.
- (2) Subject to subsection (4), if a PCBU receives a notification under subsection (1), the PCBU must initiate the election of 1 or more health and safety representatives to represent workers who carry out work for that business or undertaking, within the time prescribed by regulations.
- (3) A PCBU may, on the PCBU's own initiative, initiate the election of 1 or more health and safety representatives to represent workers who carry out work for that business or undertaking.
- (4) A PCBU is not required to initiate the election of 1 or more health and safety representatives, if the work of the business or undertaking—
 - (a) is carried out by fewer than 20 workers; and
 - (b) is not within the scope of any high-risk sector or industry prescribed by
- (5) A PCBU who seeks to rely on subsection (4) to refuse a worker's request for the election of 1 or more health and safety representatives under subsection (1) must give written notice to that effect within a reasonable time to that worker.
- (6) The PCBU's obligation to hold an election in response to a worker's request for the election of 1 or more health and safety representatives under subsection (1) applies only in relation to holding an election for the work group to which that worker belongs.
- (7) A person who contravenes subsection (2) or (5) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$5,000;
 - (b) for any other person, to a fine not exceeding \$25,000.

Compare: Model Work Health and Safety Act (Aust) s 50

63 Requirements for conducting elections

An election for 1 or more health and safety representatives (whether following the request of a worker or on the initiative of the PCBU under section 62) must comply with any prescribed requirements.

Compare: 1992 No 96 s 19V; Model Work Health and Safety Act (Aust) s 61(2)

Determination of work groups

64 Determination of work groups

- (1) If a worker makes a request or the PCBU initiates the election of a health and safety representative under section 62, the PCBU must determine 1 or more work groups, in accordance with either subsection (2) or (3).
- (2) Unless a PCBU determines otherwise in accordance with subsection (3), a work group comprises all the workers in the business or undertaking.
- (3) A PCBU may determine 1 or more work groups if the PCBU considers that the work group described in subsection (2) would be inappropriate having regard to the structure of the business or undertaking.
- (4) If subsection (3) applies, the PCBU must—
 - (a) ensure that the workers are grouped in a way that—
 - (i) most effectively enables the health and safety interests of the workers to be represented; and
 - (ii) takes account of the need for a health and safety representative to be accessible to the workers that he or she represents; and
 - (b) have regard to any prescribed requirements.
- (5) Two or more PCBUs may, by agreement, determine 1 or more work groups that comprise workers who carry out work for any PCBU who is party to the agreement (a **multiple PCBU work group arrangement**)—
 - (a) in accordance with subsection (3); and
 - (b) subject to any prescribed requirements.

Compare: Model Work Health and Safety Act (Aust) s 51(1), (2), (3)

65 Determination of numbers of health and safety representatives for work groups

- (1) If section 64(2) applies, the PCBU must determine the number of health and safety representatives who may be elected for that work group in accordance with the prescribed minimum ratio of health and safety representatives to workers.
- (2) If section 64(3) applies, the PCBU must determine the number of health and safety representatives who may be elected for that work group in accordance with any prescribed requirements.

UNIVERSITY OF OTAGO

Te Whare Wananga o Otago

REVISED JOB DESCRIPTION 2017

JOB TITLE: Departmental Health & Safety Officer (DHSO)

DIVISION:

PRIME FUNCTION

The Departmental Health & Safety Officer champions Health & Safety management practices and assists with implementing University Health and Safety policies in the department in support of the Head of Department/Line Manager.

MAIN OBJECTIVES

- Manages, regularly reviews, and audits the department hazard/risk register.
- Ensures Head of Department and all staff are kept up to date with relevant Health & Safety policies.
- Completes Health & Safety inductions for new staff.
- Liaises with Health & Safety Compliance team on behalf of department.
- Maintains the Vault system (online IT system for Health and Safety).

KEY TASKS

Hazard/Risk Management:

- Maintains the department hazard/risk register.
- Monitors hazard management, including regular hazard/risk register reviews and audits.
- Identifies and researches practicable steps to eliminate or minimise hazards or risks.
- Reports on hazard management progress and refers significant hazards that require additional control to the HOD/Manager.
- Ensures all departmental staff and students have access to the hazard register.
- Performs incident investigations as per Health & Safety policy and reports any findings to the HOD/Line Manager and to the Health & Safety Team.

Training, Education and Promotion:

- Promotes initiatives on behalf of the University Health & Safety team.
- Is a Health & Safety information resource to departmental staff and students.
- Maintains departmental Health & Safety training and supervision records.
- Completes new staff Health & Safety inductions.

- Educates staff about hazard identification and reporting.

Communication:

- Meets regularly with HOD/Manager in relation to Health & Safety matters, including the status of hazard/risk and incident registers, and the Health & Safety training programme.
- Maintains departmental Health & Safety manuals, policies, and guidelines.
- Provides reports and assists with the internal Health & Safety audit, external ACC audit, and other Health & Safety audits as required.
- Facilitates employee involvement with management in relation to Health & Safety, e.g. staff meetings, divisional safety officers meetings.
- Liaises with staff, management, and the Health & Safety Compliance team.
- Represents department at Health & Safety meetings and liaises with departmental sector Laboratory Manager, Radiation Officer, Diving Officer, Boating Officer, and Property Services staff as required.
- Work closely with the Worker Health & Safety Representative as and when required.

Emergency Procedures:

- Ensures department emergency procedures are in place and practised as necessary.
- Maintains an overview of emergency preparedness.

RELATIONSHIPS

Directly responsible to: Head of Department/Manager

Supervision of:

Functional relationships: University Health and Safety team
University Emergency Response Team, Emergency Wardens and First Aiders
H&S Representatives
DHSO network
Departmental staff
Property Services

BUDGETARY RESPONSIBILITY

N/A

EXPECTED OUTCOMES

- Department hazards and registers are effectively managed and documented.
- All reasonably practicable steps have been taken to eliminate or minimise hazards/risks.
- A departmental Health & Safety structure is in place and operating effectively.
- Additional support and expertise is sought for the management of hazards as required.

- The department complies with University Health & Safety policies and procedures.
- Reporting of accidents/incidents is timely and meets compliance requirements.
- Staff are informed, educated, and inducted to Health & Safety.
- Registers are maintained and up-to-date.
- Non-compliance is reported and managed.
- The HOD/Manager is kept fully informed of any issues as they arise, so that they can fulfil their Health & Safety responsibilities.

PERSON SPECIFICATION

- Knowledge of New Zealand Health & Safety related legislation is desirable.
- Ability to analyse, interpret, and summarise information effectively.
- Excellent problem solving skills with the ability to make decisions independently or to escalate as appropriate.
- Flexible with the ability to work co-operatively as part of a team.
- Ability to differentiate public from confidential information.
- Proactive with the ability to develop effective working relationships with people at all levels and backgrounds.

Appendix 4: Revised Health and Safety Representative Position Description

Elected Employee Health and Safety Representative Position Description

Functions of Health and Safety Representatives (from HSAW regulations, Schedule 2, Part 1, Section 1)

The functions of a health and safety representative for a work group are—

- (a) to represent the workers in the work group in matters relating to health and safety;
- (b) to investigate complaints from workers in the work group regarding health and safety;
- (c) if requested by a worker in the work group, to represent the worker in relation to a matter relating to health and safety (including a complaint);
- (d) to monitor the measures taken by the PCBU that are relevant to health and safety;
- (e) to inquire into anything that appears to be a risk to the health or safety of workers in the work group arising from the conduct of the business or undertaking;
- (f) to make recommendations relating to work health and safety;
- (g) to provide feedback to the PCBU about whether the requirements of this Act or regulations are being complied with;
- (h) to promote the interests of workers in the work group who have been harmed at work, including in relation to arrangements for rehabilitation and return to work.

For the purposes of the University of Otago, the working group further defines the Health and Safety Representative functions as:

- i) to work with the Department Health & Safety Officer(s) (DHSO) in their area to create a positive environment towards Health & Safety.
- ii) to attend training as agreed between the University of Otago and the representative.

The elected Health & Safety Representative may approach the University Health and Safety team at any time.

Knowledge and Experience

- An interest and awareness of Health & Safety (full training will be provided).
- An understanding of the Health & Safety challenges within the department/school/designated area is desirable.
- To be prepared to undertake appropriate training.

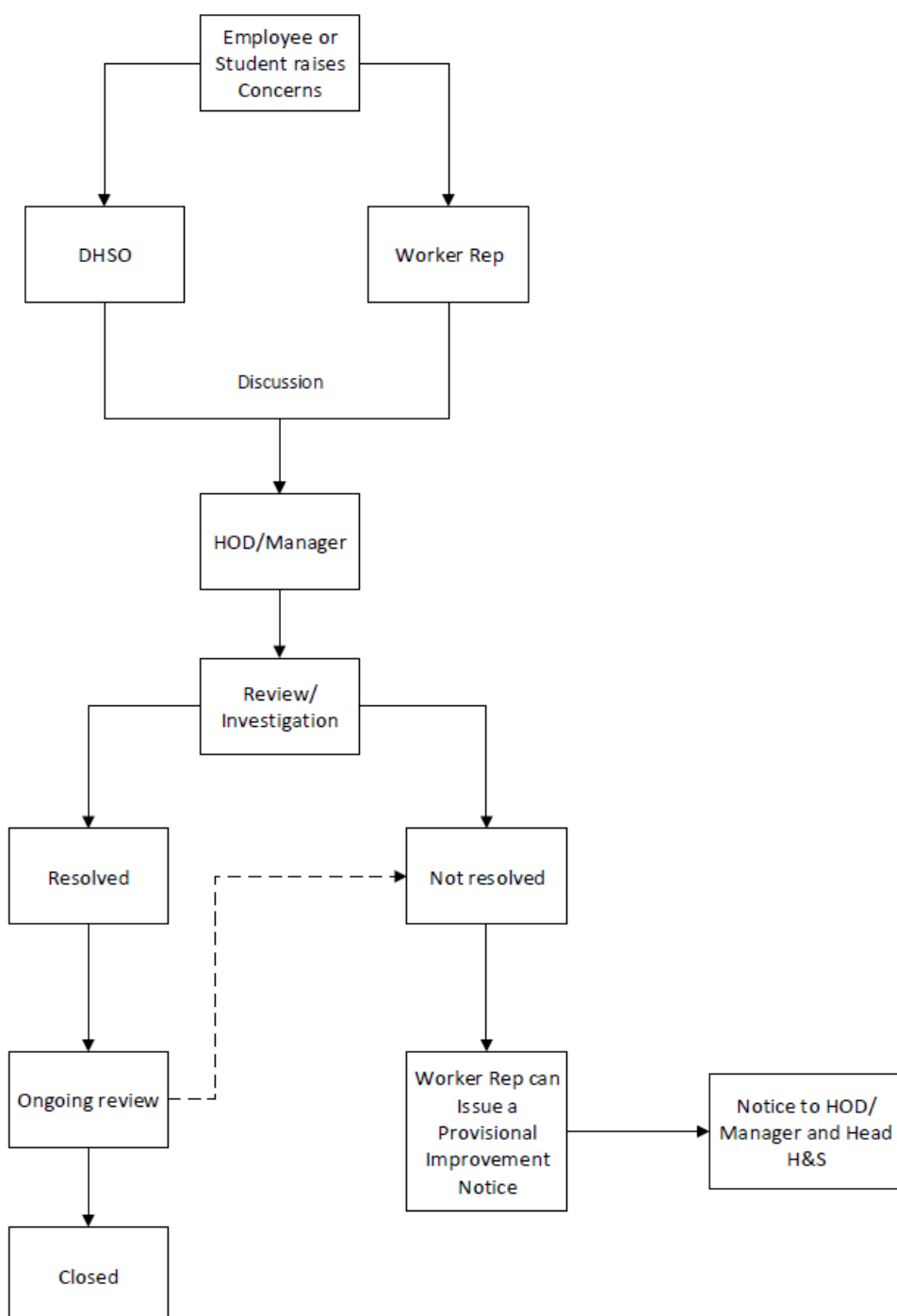
Term: The term of an elected Employee Health & Safety Representative will not exceed 3 years and a lesser period can be agreed. A H Health & Safety Representative may be re-elected for any number of terms. If the PCBU agrees, the H Health & Safety Representative remains in office until a successor to that

representative is elected. An Health & Safety Representative may resign from office at any time by giving notice to the PCBU (Health and Safety Compliance Office). A Health & Safety Representative ceases to hold office if:

- he/she ceases to be a member of the work group that he/she was elected to.
- is removed from office under clause 17 of schedule 2 of HSAW.
- a simple majority of the members of the work group resolve that that representative should no longer represent the work group.

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Appendix 5: Provisional Improvement Notice Flowchart



UNIVERSITY OF OTAGO
OPERATIONAL HEALTH & SAFETY COMMITTEE

Terms of Reference

To identify and facilitate the development of University policies in relation to health and safety matters, for approval by the Vice-Chancellor;

To provide a forum for discussion of occupational health and safety matters leading to policy development and advice, including employee and union representation;

To receive quarterly reports from the University Health and Safety Manager on accidents/incidents and health and safety issues;

To perform the ACC Partnership Programme self assessment requirement in preparation for the external ACC audit;

To receive reports from employee representatives on safety issues and health and safety compliance within Divisions;

To liaise with the Hazardous Substances and Radiation Committee, the Institutional Biological Safety Committee, the Animal Ethics Committee and the Human Ethics Committee as appropriate; and

To report to the University Risk Management, Ethics and Statutory Compliance Committee biannually.

Membership

Head, Health and Safety Compliance (Convenor)

Secretary – ACC/H&S Administrator

Health and Safety Advisor

Occupational Health Nurse

University Laboratory Manager

Laboratory H&S Advisor

Biological Compliance Officer

Property Services Health and Safety Adviser

A student member nominated by the Students' Association

Director of Student Services or nominee

Inter-Union Council Representative (*as per Employee Participation Agreement Nov 2003*)

H&S Representative

DHSO representatives from each Academic Division and two DHSO representatives from the Service Divisions.

Appendix 7: Current Health & Safety and Ethics Compliance Committee

Health & Safety and Ethics Compliance Committee

Terms of Reference

- To review and recommend to the University Council on all matters relating to health and safety and ethical approvals, including related statutory compliance;
- To ensure that the University Council is regularly provided information in order that its members:
 - a) Are kept up-to-date with knowledge of work health and safety matters;
 - b) Maintain an understanding of the operations of the University, and generally of the hazards and risks associated with those operations;
 - c) Can be satisfied the University has in place, and is using, appropriate resources and processes:
 - i. To eliminate or minimise health and safety risks; and
 - ii. For complying with its other health and safety duties and obligations
 - d) Can be satisfied that the University has appropriate processes in place for receiving and considering information regarding incidents, hazards, and risks for responding in a timely way to that information; and
 - e) Can verify the provision and use of the resources and processes referred to in paragraphs (c) and (d)

Constitution

- One lay member of the University Council (Convener)
- Two further members of the University Council
- Deputy Vice Chancellor (Research & Enterprise)
- Pro-Vice-Chancellor, Health Sciences
- Pro-Vice-Chancellor, Sciences
- Chief Operating Officer

Convener appointed by Council

In attendance

- Director of Property Services
- Head, H&S Compliance
- Registrar & Secretary to the Council (Secretary)

The following (or their nominees) will attend if required to present reports:

- Chair, Human Ethics Committee
- Chair, Animal Ethics Committee, Dunedin
- Chair, Institutional Biological Safety Committee
- Chair, Hazardous Substances and Radiation Committee

Committee to meet bi-monthly and to receive reports from the following sub-committees.

Sub-Committees

- Human Ethics Committee
- Animal Ethics Committee
- Institutional Biological Safety Committee
- Hazardous substances and radiation Committee
- Health and Safety Committee

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60 When engagement is required

Engagement with workers under this subpart is required in relation to work health and safety matters in the following circumstances:

- (a) when identifying hazards and assessing risks to work health and safety arising from the work carried out or to be carried out as part of the conduct of the business or undertaking:
- (b) when making decisions about ways to eliminate or minimise those risks:
- (c) when making decisions about the adequacy of facilities for the welfare of workers:
- (d) when proposing changes that may affect the health or safety of workers:
- (e) when making decisions about the procedures for the following:
 - (i) engaging with workers:
 - (ii) monitoring the health of workers:
 - (iii) monitoring the conditions at any workplace under the management or control of the PCBU:
 - (iv) providing information and training for workers:
- (f) when making decisions about the procedures (if any) for resolving work health or safety issues at the workplace:
- (g) when developing worker participation practices, including when determining work groups:
- (h) when carrying out any other activity prescribed by regulations for the purposes of this section.

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Compare: Model Work Health and Safety Act (Aust) s 49



**PROPOSED
OPERATIONAL HEALTH & SAFETY COMMITTEES
(Health Sciences and Sciences Divisions)
(Humanities, Commerce, and Operations Divisions)**

Terms of Reference

- To provide a mechanism of engagement in relation to workplace health and safety with Departmental Health and Safety Officers (DHSOs), Health and Safety Representatives (H&S Reps), students, and senior management;
- To identify and facilitate the development of University policies and practices in relation to the management of Health and Safety matters, for approval by the Vice-Chancellor;
- To provide a forum for discussion of occupational Health and Safety matters leading to policy development, work related health monitoring, provision of welfare facilities, hazard and risk controls, and the provision of training and information;
- To receive reports from divisions and committee members on Health and Safety performance, issues, or system changes;
- To retain an overview of the workplace Health and Safety hazards and risks, controls and compliance with those controls, and provide reports to senior management;
- To oversee the reported events, investigations, and corrective actions completed;
- To have the authority to make decisions regarding Health and Safety on behalf of the Person Conducting a Business or Undertaking (PCBU);
- To report bi-monthly to the Health & Safety and Ethics Compliance Committee, Council, and Vice-Chancellor's Advisory Group (VCAG);
- To review identify the University's Health and Safety performance indicators for endorsement by the Vice-Chancellor;
- To complete the ACC Partnership Programme self-assessment requirement in preparation for the ACC external audit.

Constitution

- Convenor (nominated by the Vice-Chancellor, authorised to make Health and Safety decisions on behalf of the Person Conducting a Business or Undertaking (PCBU);
- Two representatives from each Division, nominated by Pro Vice Chancellors (PVC);
- Two DHSOs from each division, as nominated by the divisional DHSO group ;
- Four Health and Safety Representatives from each Division, selected by employees;
- Head, Health and Safety Compliance (or delegate);
- Administrative support

Departmental Health and Safety Committee Guidelines

Departments may have local Health and Safety Committees, providing a consultative forum for the discussion, resolution and implement at of Health and Safety issues.

Membership

Ideally a departmental Health and Safety Committee should have no more than 12 members including:

- A chairperson who is the head of academic/administrative unit, or their representative;
- The Departmental Health and Safety Officer (DHSO);
- Any associated safety positions; DLM, radiation licensee, sector managers, etc;
- Health and Safety Representatives;
- Post graduate student representative

A departmental committee should comprise representatives drawn from the major activities and work groups in an area to achieve a balanced committee.

Appointment to the committee is a three year term.

Central Health and Safety team members can be invited to the committee meetings in an advisory capacity.

Functions

- Formulation and implementation of Health and Safety improvement strategies for the area including consideration and implementation of Health and Safety policy procedures, guidelines and programs;
- Promotion of a strong Health and Safety culture in the area through regular communication and consultation, promotion of improvements and highlighting specific hazards or incidents;
- Review and analysis of injury/incident statistics and reports, implementation of recommended preventive actions and prevention strategies;
- Monitoring Health and Safety performance through regular inspections, trial evacuations, induction of new staff and students, training of staff and students;
- Monitoring Health and Safety legislative compliance of the area including that a risk management approach is taken and in particular to new activities, tasks, research and equipment;
- Supporting and assisting the work of Departmental Health and Safety Officers and Representatives, and specialist Health and Safety rules.

Meetings

Before each meeting, notice of the meeting must be circulated to the staff and students in the area, requesting agenda items and/or issues for discussion. Items submitted must be included in the agenda of the meeting and the proposer invited to the meeting for the discussion of the item.

Minutes of the meetings must be:

- Kept in accordance with University record keeping procedures;

- Made accessible;
- Only accessible to staff and students of the University of Otago when posted on the web site;
- Sent to the central Health and Safety Team as soon as possible after the meeting;
- Minutes may be circulated to the committee members electronically;
- A list of Health and Safety Committee chairs is available on the Health and Safety Web site.

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