

## **University of Otago Employee Participation System August 2008**

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### **The University of Otago Employee Participation System consists of:**

- Appointed Departmental Health and Safety Officers (DHSO), and elected Health and Safety Representatives (H&S Reps);
- Documented DHSO job descriptions;
- A time allocation for DHSO's;
- A documented H&S Rep role description;
- A H&S Rep election process managed by the IUC;
- A hazard notification process; and
- A formal biennial review process.

## **1. DHSO Job Description**

### **1.1: Documented DHSO Job Description:**

This is attached as appendix 2.

### **1.2: Key factors of the DHSO system are:**

- There must be an appointed DHSO for each identified work area, generally by department. Where the DHSO covers more than one department or part of a department, the area must be specified in the job description.
- The DHSO and HOD/Manager must meet at least quarterly to discuss H&S compliance within the department.
- The DHSO job description must include required outcomes that must be reviewed as a part of the professional development review and contribute to salary review processes.
- The specific functions of the DHSO position can be divided amongst staff in a department provided this is documented in respective job descriptions and time allocations are specified.
- The DHSO and HOD/Manager may review the performance of the role more frequently as required. Where non-performance is identified, the usual management processes should be followed.
- The annual internal H&S audit will request specific information on the appointment, training, and resource allocation of the DHSO positions within departments.

### **1.3: System for DHSO time allocation**

- It is a HOD/Manager responsibility to appoint a DHSO within the school/department/unit.
- The time allocation is to be negotiated between the DHSO and HOD/Manager, and must be agreeable to both parties. Specific information and guidance on factors to be included in the negotiation are to be developed, but will include examples of existing time allocations for various departments, factors for consideration such as the nature and complexity of the hazards within the department/school/unit (e.g.: laboratories, office based, fieldwork, etc.).

- Formal notification of the appointed DHSO and time allocation to be forwarded to the University H&S Office.
- Where a time allocation cannot be agreed to, or where assistance or guidance is sought, a panel of 'experts' will be convened through the University H&S Manager, to review the situation with the department and recommend a time allocation requirement.

#### **1.4 Evaluation of altered Job Descriptions**

All positions that are altered to include the DHSO role and time allocation must be evaluated through the University Job Evaluation Committee as per that committee's requirements.

## **2. H&S Representatives**

### **2.1 Documented Elected Employee Health and Safety Representative Role:**

- To work with the employer on health and safety issues
- To maintain effective communications within the workplace on health and safety matters
- To be a point of contact for employees who have health and safety concerns
- To talk to the employer about those concerns and trying to find an agreed solution
- In conjunction with the appropriate DHSO to help to induct and train other employees on health and safety issues
- To support, as invited, the effective rehabilitation of workers who have been harmed at work.
- To talk to the union, OSH or other relevant authorities to seek a solution to problems.
- In accordance with the agreed University process to issue Hazard notices. The first point of contact is to be for representative to talk to the appropriate DHSO. The university Hazard Form for Elected H&S Representatives is to be completed and forwarded to the appropriate DHSO and HOD.
- To attend quarterly Health and Safety Committee meetings.

### **2.2: Requirements and Specifications:**

- An interest and awareness of Health and Safety (full training will be provided).
- An understanding of the Health and Safety challenges within the department/school/designated area is desirable.
- Must attend the required training.
- Elected term of 24 months
- Time allocation of up to 8 hours per month (excluding training)
- A H&S Rep nominated by the elected Reps to become a member of the Operational H&S Committee

### **2.3: Number of H&S Representatives**

The previous system agreed ratio of 100:1 staff to H&S Representative's remains in place.

### **2.4: Election of H&S Representatives**

- Must be nominated and elected by staff.
- Must be employees who have worked for the University a total of 180 hours in the previous year in an employment capacity.
- The nominations are received by the Returning Officer, an Employee of the University.
- Ballot papers will be sent centrally by the employer to all staff.
- Union and non-union employee representatives as scrutineers of the ballot system.
- Of the group of elected H&S Representatives, one Representative will be nominated by the group to attend the University H&S Committee meetings.

Management will be informed by the Returning Officer of the Health and Safety Representatives resulting from the election process.

### **2.5: Hazard Notification Process**

The University H&S Systems currently have a number of methods for staff to bring hazards to the attention of management. These include:

- Notifying the DHSO, supervisor, line manager or the health and safety team of a hazard or concern, either verbally or by a completed hazard notification form.
- Accident and near-miss investigations.
- Employer/employee forums, departmental meetings, staff meetings.
- Notification to Unions
- Continual updates in legislative requirements.
- Completion of Property Services request forms to address specific hazards.
- Hazard register and documentation maintained by DHSO's.

The Amendment Act specifically allows for trained, elected H&S Representatives to raise a hazard with the Occupational Safety and Health Service, following the notification to the employer without successful resolution. Appendix 3 outlines the hazard notification process.

### **3. Review Process**

The working party has discussed particular elements of the review process to evaluate the employee participation system after a period of 2 years. The key points from our preliminary discussions are noted, but are not exclusive. The full review process will need to be documented prior to the 2 year review period.

- The review team needs to be of the same composition as the original working party
- Any proposed changes are to be agreed and signed off by all parties
- The review process is to cover the following aspects (not an exclusive list):
  - Outcome of job evaluation and promotion process evaluated for DHSO's/H&S reps
  - The election process
  - Number of representatives
  - Time allocations specified and provided
  - Training attendance
  - Hazard notices raised – process and outcomes, numbers, etc.
  - Hazard registers in place

Note: The Representatives from the Inter-Union Council indicated that the provision of an allowance for health and safety positions was their preferred option of recognition, and will revisit this position at the review period.

### **4. Appendices**

Appendix 1: HSE Amendment Act 2002 Summary

#### **HSE AMENDMENT ACT 2002**

#### **EMPLOYEE PARTICIPATION**

#### **Purpose of Section 2A – Employee Participation**

- To require the participation of employees in processes relating to health and safety in the workplace, recognising the employees have knowledge and experience of the work, and that decisions made can affect employees and their work practice.

Employers must provide reasonable opportunities for employees to effectively participate in health and safety processes. This includes consideration of number of work sites, numbers of staff, hazardous nature of the workplace, willingness of employees and unions to develop employee participation systems. Any approved code of practice for employee participation must be taken into account. If the H&S committee or representative makes a recommendation regarding H&S in the workplace, the employer must either adopt the proposal or provide a written statement to the H&S Committee or representative setting out the reasons for not adopting the proposal.

### **The development of employee participation system**

- Applies where 30 or more employees, whether or not at a single location. Under 30 employees, if the employees or union requires the development of a system.
- The following persons must co-operate in good faith to seek to develop, agree, implement, and maintain a systems that sets out the ways in which the employer must seek to comply with requirements (section 19B[1]):
  - The employer
  - The employees who wish to be involved
  - A union or unions representing any of the employees.
- The system must specify a process of review and any time after the expiry of 12 months from the date the system is agreed. 1 or more employees or a union on their behalf may initiate the development of a new employee participation system in accordance with the Act.
- Subsection 2 is complied with if an existing system of employee participation in H&S is already in place that was implemented before the commencement of this section and if it complies with the requirements or amended to comply, specifies a process for review and is acceptable to the employer, employees who wish to be involved and unions or union representatives.
- If a system is no longer in place or functioning, a new system must be developed. For 30 or more employees, the system must be in place within 6 months after the implementation of the amended Act. The employees, together with any unions representing them, must hold an election for at least 1 H&S representative. This representative can function independently, or up to a maximum of 5 H&S representatives to be members of an H&S Committee (at least half of the committee).
- The system may allow for more than 1 H&S representative or committee, and each representative or committee may represent a particular type of work or place of work.

- The system may include a provision increasing or decreasing the maximum number of days paid leave that the H&S representative takes for training, and total number of days' paid leave required to allow H&S representatives to take health and safety training.

### **Schedule 1A HSE Amendment Summary**

This schedule requires that an agreed employee representative system be established to ensure employee participation in health and safety. The schedule identifies matters that should be included in the system as

- Electing health and safety representatives who may act independently or as part of a Health and Safety Committee
- A process for ensuring regular and co-operative interaction between employees and the employer on health and safety issues generally or on particular issues.

The functions of the Health and Safety Representatives are further defined as:

- Fostering positive health and safety management practices in the place of work,
- To identify and bring to the employer's attention hazards in the place of work and discuss controls,
- To consult with OSH Inspectors on health and safety issues,
- To promote the interests of employees in health and safety generally and those employees who have been harmed at work, including rehabilitation and return to work.
- To carry out any functions conferred on the representative by a system of participation or the employer with the agreement of the representative or a union representing the representative including any functions referred to in a code of practice.

## Appendix 2: DHSO Job Description

**UNIVERSITY OF OTAGO**  
**Te Whare Wananga o Otago**

**JOB DESCRIPTION**

**JOB TITLE:** Departmental Health and Safety Officer (DHSO)  
**DIVISION:**

**PRIME FUNCTION**

**To be the departmental contact and to foster positive H&S management practices in the place of work. To have H&S knowledge and expertise to aid the implementation of University H&S policies within the department.**

**KEY RESULT AREAS**

1. Hazard management
2. Accident/Incident management
3. Training, Education and Promotion
4. Emergency Procedures
5. Documentation and Reports

6. Networks
7. Liaison

## **KEY TASKS**

### **1. Hazard Management**

- To facilitate hazard identification.
- To maintain the hazards register.
- To identify and research the practicable steps available to eliminate, isolate, or minimise hazards.
- To report on hazard management progress and refer significant hazards that require additional control to the HOD/Manager.
- To monitor hazard management, including register review and auditing.
- To ensure access to the hazard register by all departmental staff.

### **2. Accident/Incident Investigation**

- Maintain the Departmental Accident Register and University reporting system.
- To assist with accident investigations as per policy and associated documentation.

### **3. Training, Education and Promotion**

- To co-operate with initiatives from the University H&S team.
- To act as a resource to departmental staff and students for information on H&S matters.
- To document the departmental H&S training programme and supervision requirements.
- To complete the staff induction for new staff with respect to the H&S requirements.
- Educate staff about hazard identification and reporting.

### **4. Emergency Procedures**

- To liaise with Department Emergency Wardens to ensure emergency procedures are in place and practised as necessary.
- To maintain an overview of emergency preparedness.

### **5. Documentation and Reports**

- Assist with and facilitate the implementation of University Health and Safety management systems within the University H&S team.
- To maintain the H&S Manual/s, policies and guidelines.
- To provide reports and assist with the internal H&S audit, external ACC audit and other H&S audits as required.

### **6. Networks**

- Meet regularly (at least quarterly) with HOD/Manager to discuss H&S issues (hazard register, accident register, training programme)
- To facilitate employee involvement (with management) in H&S through a suitable forum (e.g. Staff meetings, Divisional Safety Officers meetings etc.)
- Establish networks particular to area of work.

### **7. Liaison**

- Respond to and facilitate reporting of health and safety issues from staff members to management.
- Liaise with the Health and Safety team.
- Represent department at any Health and Safety Department Committee meetings.
- Liaise with other departments and organisations as necessary.
- Liaise with departmental sector Laboratory Manager and Radiation Officer, Diving Officer, Boating Officer and Property Services departmental contact as required.

## **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

#### **BUDGETARY RESPONSIBILITY**

- May or may not be allocated.

#### **EXPECTED OUTCOMES**

The job of the DHSO is being well done when:

- Documented hazard register and effective hazard management is provided for the department.
- Practicable steps have been taken to eliminate, isolate, minimise or monitor hazards, and documented in the hazard register
- Additional support and expertise is sought for the management of hazards
- A H&S structure have been set-up for departmental operations
- H&S Problems have been identified and action taken to resolve.
- The Department complies with University health and safety policies and procedures.
- Reporting of accidents/incidents is timely and meets compliance requirements.
- Staff are informed, educated and inducted to H&S.
- Registers are maintained and up-to-date.
- Non-compliance is reported and managed.

#### **IDEAL PERSON SPECIFICATION**

##### **1. Knowledge and Experience**

- Experience with Health and Safety is highly desirable.
- Knowledge of New Zealand Health and Safety related legislation is desirable. An interest and awareness of the Health and Safety in Employment Act is required.
- An understanding of the Health and Safety challenges within the department is desirable.
- To undertake appropriate training.

##### **2. Analytical Skills**

The ability to take a logical, systematic approach, using relevant data; looking for new ways of doing things; and identifying solutions.

##### **3. Achievement Drive**

The ability to produce quality work while undertaking various tasks. The ability to maintain an effective level of performance despite pressures and setbacks.

##### **4. Organisation Skills**

Adaptability during high periods of workload and the ability to self-prioritise to meet deadlines.

##### **5. Initiative**

A bias for action, doing things proactively and an ability to anticipate solutions, create opportunities or avoid problems.

##### **6. Concern for Order and Quality**

The ability to establish and maintain systems that monitor the accuracy of information being provided and work carried out.

##### **7. Confidentiality**

An awareness of the importance of confidentiality and the ability to differentiate public from confidential information.

##### **8. Relationship Building**

The ability to build and maintain positive relationships with external and internal clients.



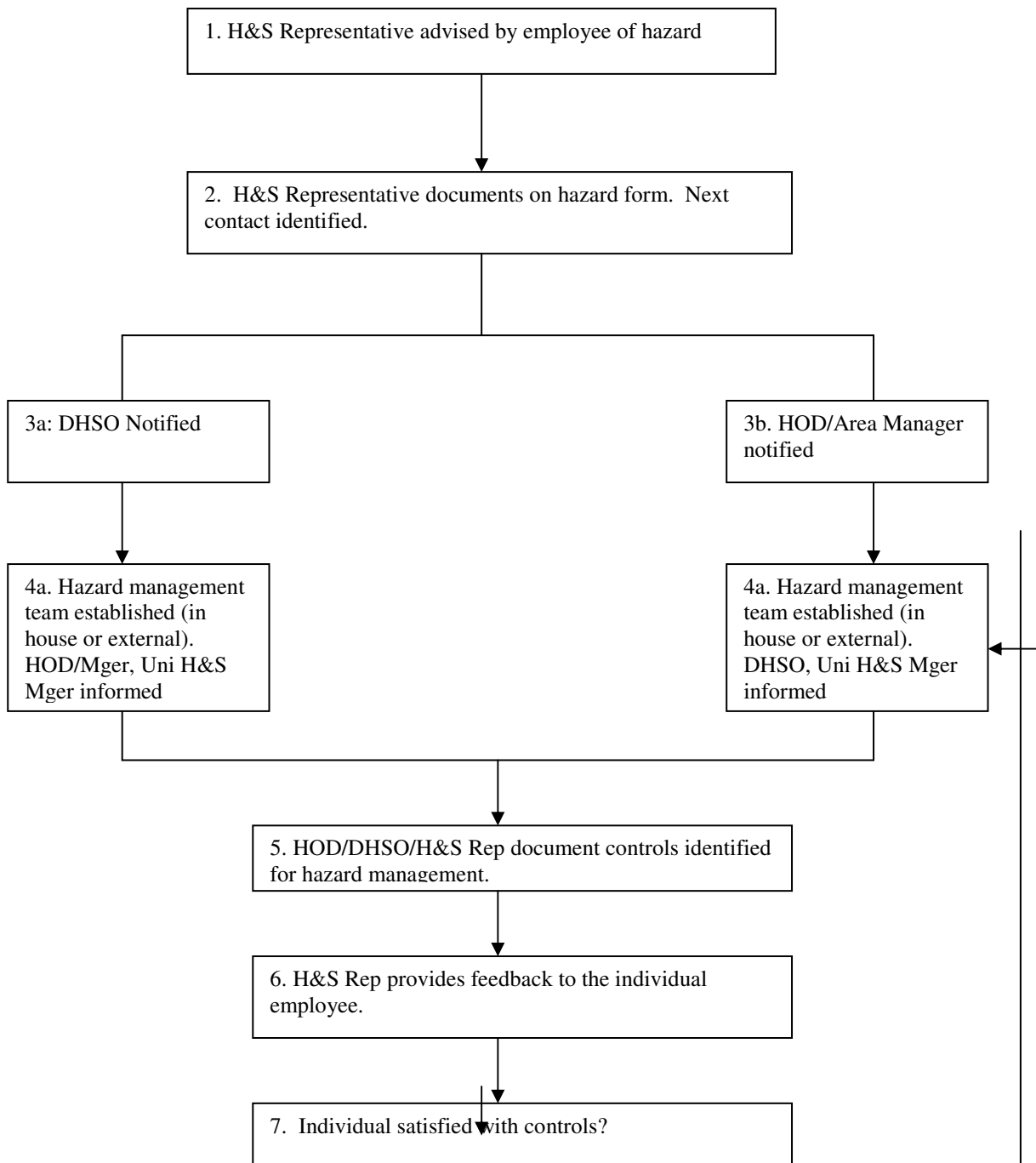


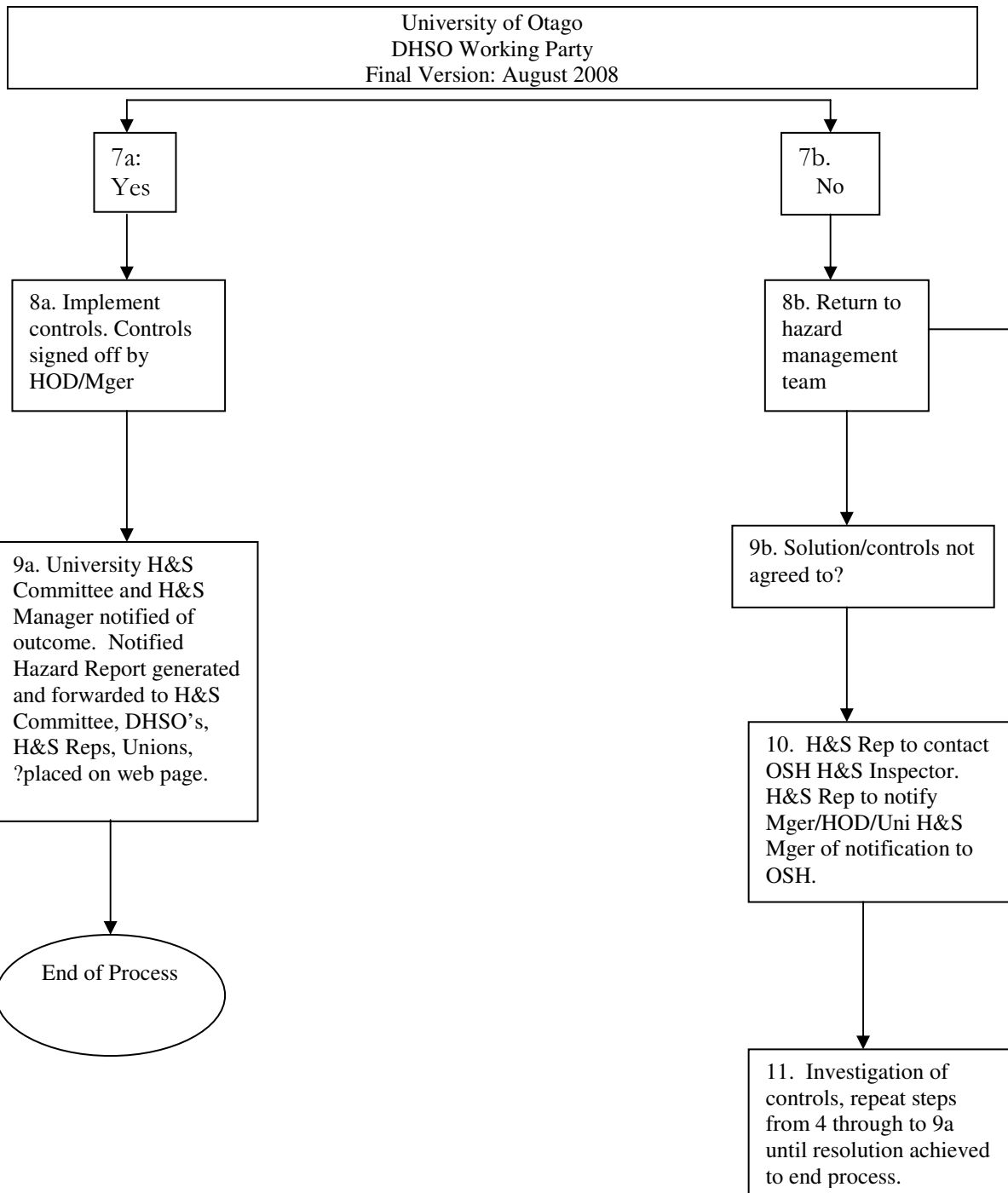
### Appendix 3: Hazard Notification Process

The University H&S Management Systems has a number of methods for staff to bring hazards to the attention of management. This includes:

- Notifying the DHSO, supervisor, HOD/Manager or the health and safety team of a hazard or concern, either verbally or by a completed hazard notification form.
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- Notification to Unions
- Continual updates in legislative requirements.
- Completion of Property Services request forms to address specific hazards.
- Hazard register and documentation maintained by DHSO's.

N.B: This process is not intended to replace existing reporting processes, but as an alternative system where the existing process is ineffective or where an employee wishes to maintain anonymity for any reason.





**Key Notes:**

1. Individual notifier to remain confidential to H&S Representative.
2. Individual notifier to agree with H&S Rep most appropriate contact to refer hazard on to.
3. Hazard investigation team may access any resources to identify solution, including OSH.
4. Formal Hazard notices raised to OSH though an elected and trained health and safety representative
5. University H&S Manager and HOD/Manager must be aware of the notification.
6. University H&S Manager and H&S Committee must be informed of process and outcome.
7. Individual is able to contact Union at any stage of the process.

## UNIVERSITY OF OTAGO HAZARD NOTIFICATION FORM

<b>LOCATION</b>	Department and location:		
<b>DESCRIPTION OF HAZARD</b> (Detailed)			
<b>CONTROLS IDENTIFIED</b>	Details of proposed controls:		
<b>DIFFICULTIES EXPERIENCED</b>	What have been the issues that have prevented the controls being implemented?		
<b>COMPLETED BY:</b>	Hazard report completed by:		
	Department:	Extension:	Date:
<b><i>TO BE COMPLETED BY HOD / SUPERVISOR / MANAGER</i></b>			
<b>DHSO / HOD / SUPERVISOR COMMENTS</b>	Comments on proposed controls:		
	Difficulties with proposed controls:		

University of Otago  
DHSO Working Party  
Final Version: August 2008

	Signature: _____ Date: _____
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**On completion of this form please copy; retain a copy in the Department and forward to the Health and Safety Manager**

## Appendix 4: Background Information from 2004 working party

The 2002 salary negotiations resulted in the following:

“To agree with the unions a policy for the recognition of time commitments of departmental health and safety officers within their normal work commitments.”

Stephen Gray, Director, Human Resources, established a working party to progress the development of a suitable policy. The initial group membership was:

- Andrea McMillan, University Health and Safety Manager, Convenor
- Lynne Tana, Manager, Employee Relations, Human Resources
- Bryan Johnston, Divisional Administrator, Sciences Division
- Shaun Scott, Otago University Inter-Union Council
- Neale McGowan, PSA representative, School of Dentistry
- Irene Hall, AUS Representative, Department of Pharmacology and Toxicology
- Gordon Fleury, Union Trades Representative, Property Services

Initial discussions identified the need to address the legislative changes following the passing of the Health and Safety in Employment Amendment Act (Amendment Act) 2002 (appendix 1). The Amendment Act requires the development of an employee participation system where more than 30 persons are employed agreed to between the employer, employee representatives and Unions on site. A request was forwarded to Dr Ron Heath (Chair, University H&S Committee) and Stephen Gray to expand the scope of the working party to include the development of an employee participation system as required under the Amended Act. This was agreed, and to meet the requirements of employee (non-union) representation, an invitation was extended to employees for participation in the working party. This resulted in the addition of the following members:

- Cathy Bennett, DHSO, Chemistry
- Mark Gould, DHSO, Anatomy and Structural Biology
- Sandra England, Contracting Estimator, Property Services
- Anne Thornton, Pathology, Wellington School of Medicine and Health Sciences
- Karen Elliot, School of Physiotherapy, Christchurch School of Medicine and Health Sciences. (Wellington and Christchurch representatives are corresponding members of the group.)

A proposed project plan was forwarded to members, and a weekly meeting schedule established with participants. The working party has met 16 times:

21 February 2003  
11 March 2003  
31 March 2003  
20 May 2003  
27 May 2003  
3 June 2003  
10 June 2003  
24 June 2003  
1 July 2003  
29 July 2003  
5 August 2003  
12 August 2003

2 September 2003  
9 September 2003  
9 October 2003  
14 October 2003

Information on the Amendment Act and the current DHSO system were circulated to all members as a starting point. The Inter-Union Council was asked to specify the Unions requirement for an employee participation system. The following minimum requirements were indicated by the IUC:

- Elected health and safety representatives (H&S Reps)
- Functions of the H&S Reps defined
- Ensure appropriate time is allocated for H&S Reps to carry out their role
- A review process after 12 months
- A minimum 2 days approved training for the H&S Reps per year
- Will need to be signed off on behalf of the Unions by the Inter-Union Council.

It was noted that there is a default position within the legislation whereby if an agreed employee participation system cannot be reached within 6 months of the implementation of the Amendment Act (5 November 2003), H&S Reps are automatically elected.

## **Employee Participation System**

In view of the Union requirements for an employee participation system, the current role of the DHSO's was discussed in some detail, including the advantages of the current system and the improvements required.

The following key points were identified:

- The current DHSO system is an integral part of the University H&S management system for compliance with the current legislation (e.g.: Hazard identification).
- The current DHSO responsibilities, and the draft job description, are well in excess of the legislative H&S representatives' requirements.
- Having elected representatives fulfilling the DHSO role may reduce HOD/Manager ability to manage health and safety within the department.
- The experience and knowledge base required for the DHSO position has specific requirements that may not be met through an election process.
- The DHSO system is currently in place, and although improvements are sought, to remove the DHSO system will expose the University to significant and unacceptable non-compliance risk.
- The intent/function of H&S Reps within the Amendment Act (by way of OSH publications) was viewed as an opportunity to increase H&S resources, and complement the current H&S management systems.
- The role of the H&S Rep, as an alternative and confidential contact, is viewed as a positive aspect of the amended legislation.

After much discussion, the group agreed that an elected H&S Rep system would complement the current DHSO system and could be incorporated into the University H&S management systems, meet the Amendment Act requirements and the Union requirements.

The DHSO WP agreed:

- To propose a complementary H&S Rep system whilst retaining the DHSO system (see above), to be known as the **University of Otago Employee Participation System**.
- To draft a DHSO job description, consult on the draft through the DHSO network and nominated HOD's/Managers, then forward to the University H&S Committee for endorsement.
- To develop and propose a system of agreeing time allocation for DHSO's.
- To develop a draft H&S Rep role description.
- To develop a draft H&S Rep election process.
- To develop a draft H&S Rep. Hazard Notification process inclusive of H&S Rep ability to involve OSH.
- To present the proposals to the University H&S Committee and Inter-Union Council for endorsement.