

Agreement – HEALTH AND SAFETY COMMITTEE CONSTITUTION



Health & Safety Committee Constitution

1 Purpose & Scope

The objective of this document is to set out how the Triathlon NSW Health and Safety Committee will be constituted and will operate.

The objective of the Health and Safety Committee is to maintain the well-being of our workers through continuous improvement in Work Health and Safety performance at TNSW.

2 Process

2.1 Name of Committee

The committee shall be known as the *Triathlon New South Wales Health and Safety Committee*.

2.2 Statutory Functions of the Health and Safety Committee

The statutory functions of the Health and Safety Committee are as set out in the WHS Act. Those functions are:

WHS Act, s.77.

- (a) To facilitate co-operation between TNSW and workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work, and;
- (b) To assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace, and;
- (c) Any other functions prescribed by the regulations or agreed between the person conducting the business or undertaking and the committee.

2.3 Inspection Procedures

The Health and Safety Committee carries out workplace inspections in accordance with **Workplace Inspections – Process Control Document**.

2.3.1 Incident Inspections

Committee members may request to observe internal inspections, investigations or interviews conducted following a workplace health and safety incident at TNSW.

2.4 Consultation Procedures

The Health and Safety Committee will ensure a consultative approach is maintained and workers are advised and involved in changes that affect work health and safety.

The Health and Safety Committee will be the avenue for consultation pursuant to the requirements of the WHS Act (s47). As set out in the WHS Act, TNSW will consult through the Health and Safety Committee in the following situations:

- when identifying hazards, assessing risks and deciding on control measures
- when making decisions about how to eliminate or minimise those risks
- when making decisions about the adequacy of facilities for the welfare for workers
- when making changes that may affect the health and safety of workers
- when developing procedures for:
 - o resolution of health and safety issues
 - o monitoring health of workers
 - o monitoring conditions at the workplace
 - o provision of information and training for workers.

Other matters specified for consultation include consultation arrangements themselves, the establishment, composition, procedure and functions of the Health and Safety Committee, the election functions, powers and training requirements of the Committee and its members including Health and Safety Representatives

Consultation will take place by way of tabling information on relevant matters with the agenda for a Health and Safety Committee Meeting. This provides a minimum period of two (2) weeks for discussion and consultation with those represented by the committee member. A decision will be made at the following Health and Safety Committee meeting determining a position on the tabled matter. The Health and Safety Committee may seek further information or time to assist in reaching a decision, at its own discretion.

Committee members are responsible for ensuring the dissemination of information, the provision of timely responses to inquiries and the representation of the views of those they represent in discussions at Health and Safety Committee Meetings. From time to time, where considered appropriate, additional consultation mechanisms and activities may be instituted.

2.5 Functions of Health and Safety Committee

The statutory functions of Health and Safety Representatives, as outlined in s68 of **WHS Act** are:

- represent the workers in their workgroup in relation to health and safety matters

- monitor the measures taken by TNSW to comply with the WHS Act in relation to members of their workgroup
- investigate complaints from work group members about work health and safety
- inquire in to anything that appears to be a risk to the health or safety of work group members, arising from the conduct of the business or undertaking.

While performing these functions, Health and Safety Representatives may:

- inspect the workplace where their work group works, at any time, after giving reasonable notice to TNSW
- Inspect the workplace where their work group works at any time, without notice, in the event of an incident or any situation involving a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.
- receive information concerning the work health and safety of workers in the work group
- whenever necessary, request the assistance of any person

2.6 Resources for the Health and Safety Committee Activities

The Chief Executive provides the reasonable resources required to enable the Health and Safety Committee to perform its responsibilities, authorities and accountabilities. These resources include:

- Provision of facilities in order to conduct meetings (rooms, stationary etc)
- Provision of time to attend meetings, conduct investigations, undertake inspections, consult with staff on relevant WHS matters and attend training.

2.7 Health and Safety Committee Membership

The Health and Safety Committee shall be comprised of 3 members.

The make up of the membership will be:

COMMITTEE MEMBERSHIP
Worker Representatives
One Health and Safety Committee member shall be elected from the permanent TNSW workforce. That person shall adopt the role of <i>Health and Safety Committee Chairperson</i> .
One Health and Safety Committee member shall be elected from the TNSW technical officials at their annual meeting. That person shall become an ordinary member of the Health and Safety Committee.
PCBU Representative
The Chief Executive of TNSW shall be a permanent ordinary member of the Health and Safety

Committee.	
Total Members	3

2.8 Election of Committee Representatives

- (a) The Worker Representatives will be elected every 3 years.
- (b) Any permanent employee or accredited technical official is eligible to be a candidate as a representative.
- (c) Should a position be vacated during the term of the Committee, that position will also become vacant at the time of the creation of the new Committee.
- (d) Following the appointment/election of the new representatives, the previous members vacating office will attend the first meeting of the new Committee and shall act in an advisory capacity for the first 4 months of the operations of the new Committee.
- (e) Should a casual vacancy occur, the Chairperson will nominate a representative until such time as an election is held and the vacant position filled. In the first instance the Chairperson will nominate the relevant alternative representative.
- (f) The only process for the removal of a Committee Representative or Health and Safety Representative is by the majority of the members of the work group signing a written declaration that the health and safety representative should no longer represent the work group.
- (g) Should the Chairperson permanently vacate the role mid-tenure, the Committee will elect a member to fill the vacant position.

2.9 Chairperson

- (a) The Chairperson shall be the elected representative of the permanent employees.
- (b) The Chairperson shall be responsible for the calling of all meetings, including any special meetings as required by any committee member if he/she feels that a meeting is warranted. These special meetings can be called at any time.
- (c) The Chairperson shall be responsible for the circulation of the agenda.

2.10 Deputy Chairperson

- (a) The Deputy Chairperson shall be elected from the technical officials group.
- (b) In the absence of the Chairperson, the Deputy Chairperson assumes roles and responsibilities of the Chairperson.

2.11 Secretary

The Chairperson (or nominee) shall perform the duties of Secretary, such as recording the minutes of Health and Safety Committee meetings, preparation and distribution of agendas and the preparation of documents, reports etc.

2.12 Meetings

Committee meetings will be held every three months or as convened by the Chairperson. The notice of ordinary meetings shall take the form of an agenda that will be distributed at least two (2) weeks prior to the meeting date.

A quorum will exist when, within 5 minutes of the scheduled meeting commencement, there are at least 2 representatives (including the Chief Executive) present at the designated meeting venue. If the Chief Executive is not present, then the meeting shall be postponed by up to one month due to lack of quorum.

2.13 Decision Making Procedures

Where possible decisions will be made at meetings of the Committee. Each member will cast a deliberative vote. The Chairperson will have a casting vote in the event votes are tied.

2.14 Attendance of Non-Members at Committee Meetings

The primary avenue for the presentation of worker concerns to the Health and Safety Committee is through member representatives. Non-members may attend Committee meetings to present a concern for consideration by the Committee, at the discretion of the Chairperson.

2.15 Procedure for Amending the Constitution

The constitution may be altered by agreement of the Chief Executive.

Such amendment must only occur following one of the following preconditions being met:

- (a) The constitution is to be reviewed within 6 months of the election of a new Committee. Committee elections are to be held every 3 years. The Committee Chairperson is responsible for initiating the review.
- (b) The Committee may propose an amendment to the constitution if by simple majority they resolve to seek an amendment. Proposals to amend the constitution shall be included in a meeting agenda that is circulated to all members prior to the Health and Safety Committee meeting at which the amendment is to be discussed.
- (c) The Chief Executive may amend the constitution provided each Health and Safety Committee member has been advised of the proposed amendment and been provided a minimum of 30 days to comment on the proposed amendment. The Chief Executive must consider any submissions made

within the 30 day consultation period prior to determining whether or not to amend the constitution.