



# FACT SHEET

# CONSULTATION

Under the new work health and safety (WHS) laws, effective from 1 January 2012, the principles of consultation are largely unchanged. A safe workplace is more easily achieved when 'persons conducting a business or undertaking' (PCBUs) and workers communicate with each other about WHS issues, and work together to find solutions.

## **Who should read this?**

This fact sheet should be read by PCBUs, workers and health and safety representatives (HSRs).

## **Your obligations**

Consultation is about sharing WHS information with workers and providing them with an opportunity to respond and contribute to WHS issues that affect them.

As a PCBU, you must consult with all your workers, including contractors, sub-contractors, labour hire workers, apprentices, work experience staff and volunteers. You must also consult with other PCBUs, so far as is reasonably practicable, if your duty of care overlaps.

If a worker requests it, you must facilitate the election of a health and safety representative, who will act on behalf of the worker's workgroup.

Consultation on WHS issues can take place:

- with the HSR
- with a health and safety committee (HSC)
- under any arrangement that you agree upon with your workers.

Even if there are no agreed arrangements, you have an obligation to consult with your workers and other PCBUs on WHS issues.

## **What should I do?**

As a PCBU, you should:

- be familiar with the work health and safety laws – visit [safeworkaustralia.gov.au](http://safeworkaustralia.gov.au)
- review your current consultation arrangements
- know the roles of an HSR and HSC
- know how to facilitate the election of an HSR
- know about HSR training

- know how to establish effective workgroups
- liaise with other PCBUs and establish who is responsible for what WHS issues
- plan and budget for WHS.

### **Further information**

For more information about consultation and the obligations of PCBUs, workers and HSRs, visit [workcover.nsw.gov.au](http://workcover.nsw.gov.au) and go to 'New legislation 2012'.

To read the *Model Work Health and Safety (WHS) Act*, draft model work health and safety Regulations and priority codes of practice, visit [safeworkaustralia.gov.au](http://safeworkaustralia.gov.au)

### **Disclaimer**

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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