Issue Resolution Process Flow Chart

Process to follow

Health and safety matter **raising procedure for worker**

In a work group:

- Worker raise the matter with WHSR
- WHSR raise the matter with PCBU or representative [1]

Immediate health and safety risk is identified

Worker can **cease unsafe work** or a WHSR can issue a PIN to direct cease unsafe work

Initial discussion of a work health and safety **matter** through communications, consultation and cooperation of **all parties** with outcome documented [1]

Definition of parties:

- PCBU or representative (of each business). The representative must not be a WHSR and must be senior enough and competent enough
- WHSR or representative
- (optional) Worker or representative [2]

A matter remains **unresolved** through initial discussion between the parties to the issue. The matter becomes an '**issue**'. The issue resolution process in the WHS Act and WHS Regulation will apply [1]

A **representative** of a party to an issue may enter the workplace for the purpose of attending discussions with a view to resolving the issue [2]

The **formal issue resolution procedure** may be commenced by any party telling the other party: (a) there is an issue to be resolved (b) the nature and scope of the issue [3]

As soon as parties are told of these issue, all parties must **meet** or **communicate with each other to attempt to resolve the issue** using the issue resolution procedure [3]

A party may, in resolving the issue, be assisted or **represented by a person** nominated by the party [3]

The parties must **have regard to all relevant matters** including the following:

- The degree and immediacy of risk to workers or other persons affected by the issue;
- The number and location of workers and other persons affected by the issue;
- The measures (both temporary and permanent) that must be implemented to resolve the issue;
- Who will be responsible for implementing the resolution measures [3]

A **written agreed procedure** by PCBU will be used. If the procedure does not include a step specified in the **default procedure** in WHS regulation, the step is automatically included in the agreed procedure [1]

The parties must make reasonable efforts to achieve **a timely, final and effective resolution of the issue** in accordance with the relevant agreed procedure or default procedure in WHS regulation [2]

If the issue is **resolved,** the details of the issue and the resolution must be set out in writing if any part to the issue requests this.

If a written agreement is prepared all parties to the issue must be satisfied that the agreement reflects the resolution of the issue.

A copy of the written agreement must be provided to all parties to the issue and if requested, to the health and safety committee for the workplace [3]

WHS Regulation Part 2.2 contains default procedure (minimum requirement for agreed procedure) [3]

For the avoidance of doubt, nothing in this procedure prevents a worker from bringing a work issue to the attention of the worker's WHSR [3]

If the issue remains **unresolved**, any party may ask Workplace Health and Safety Queensland to **appoint an inspector** to attend the workplace and assist in resolving the issue [2]

Definition of unresolved:

Not resolved after reasonable efforts have been made to achieve resolution of the issue [2]

Worker can **cease unsafe work** or a HSR can issue a PIN to direct case work. The inspector may exercise any of his/her compliance powers under the WHS Act [2]

Reference list:

[1] WHSQ Issue resolution fact sheet

[2] WHS Act 2011

[3] WHS Regulation 2011

PCBU: Person Conducting a Business or Undertaking, that is the church

WHSR: Work Health and Safety Representative

PIN: Provisional Improvement Notice [2]