<u>pacific</u>national

Procedure

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Safety Issue Resolution

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Purpose and Scope

The purpose of this procedure is to describe the process/es for timely and effective resolution of work health and safety (WHS) issues in our workplace/s. This procedure applies to all Pacific National (PN) controlled and managed sites.

It is a legal requirement to have a documented, agreed process for resolving Work Health and Safety (WHS) issues. This process is to be communicated to all workers and wherever possible its development should involve the elected HSR of the work group or worker that has raised the issue.

This procedure must be read in conjunction with the WHSE Consultation Procedure.

Responsibilities

General role responsibilities are outlined in the <u>PN-STD-HSE Responsibilities and Accountabilities Standard</u>. Personnel carrying out work under this document must be familiar with and comply with it in full. The following persons have specific responsibility

Role	Responsibility
Head of Business Unit	 agreed, documented safety issue resolution procedures, consistent with the requirements of the default procedure, are established at each workplace within their area of responsibility a Site Supervisor or Manager is nominated at each workplace for the purposes of WHS resolution. the Site Supervisor or Manager has the required training and competence to perform their role WHS issues are reviewed to determine if similar situations exist in other workplaces which
	need to be action
	- may delegate their responsibilities to another person
Site Supervisor or Manager	 a reasonable effort is made to achieve a timely, final, and effective resolution of issues all relevant parties are involved in the safety issue resolution process the process outlined in the agreed procedure is followed
	- all WHS issues are recorded in the incident reporting system
	- where a Provisional Improvement Notice (PIN) is issued the Head of Health, Safety & Environment is notified
	- all directions given by an inspector are complied with
	- they respond to the requests of HSRs
Site Superintendent, Manager or Supervisors	- ensure notices are displayed and communicated in accordance with the regulatory obligations.
	- attempt to resolve WHS matters reported to them
	- notify the Site Supervisor or Manager of any WHS matter they cannot resolve
Health and Safety Representatives	- ensure a reasonable effort is made to achieve a timely, final, and effective resolution of issues
	- participate in and follow the requirements of the agreed procedure
	- ensure they comply with their regulatory obligation when performing their role as an HSR
	- comply with any directions given by an inspector
Workers	 notify their line manager immediately when they become aware of an WHS matter or issue notify their HSR of a workplace health and safety issue comply with the directions given by an inspector
	 notify their line manager immediately if they cease work due to an immediate WHS issues

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Role	Responsibility
Other parties to issue resolution	 ensure a reasonable effort is made to achieve a timely, final, and effective resolution of issues participate in and follow the requirements of the agreed procedure comply with any directions given by an inspector
Health and Safety Professionals	 maintaining a register of issued PINs monitoring the close out of PINs in conjunction with the Site Supervisor or Manager ensure issue resolution process is included in the general WHS induction for Pacific National

Definitions

Key Word	Definition
Worker	Any person who carries out work for a PCBU, including work as an employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers
HSR	A Health And Safety Representative is a representative for a work group who is elected and holds office for a designated period
inspector	Is a person who has been appointed by a regulator to ensure duty holders under the OHS / WHS Act comply with their obligations
PCBU	person conducting a business or undertaking
Regulator	An external body which has the power to investigate and enforce act and regulations, including the OHS / WHS Act and Regulations
Site Supervisor or Manager	Someone who has the seniority and competence to represent PN for the purposes of issue resolution process and who is not a health and safety representative
WHS issue	A work health and safety matter which remains unresolved after discussions between the relevant parties
Worker	A person who carries out work in any capacity for a person conducting a business or undertaking
Work Group	A formal grouping of workers which is determined by negotiation and agreement who share similar workplace health and safety concerns and conditions. A work group may be represented by an HSR
WHS matter	A situation, activity, behaviour, or item that poses a health and safety risk to a person
WHSE Committee	Is a consultative forum where employers and employees meet regularly and work cooperatively to improve health and safety

Procedure

1. Nomination of Site Supervisor or Managers

Site Supervisor or Managers are nominated for each worksite with the competence and resources to represent PN where a WHS issue arises. The Site Supervisor or Manager should understand the:

- WHS or OHS Act and Regulations applicable to that workplace
- issue resolution process and the role of the agreed procedures or default procedure
- duties of the PCBU under the WHS or OHS legislation
- role and functions of HSRs and authorised representatives of employee organisations
- role of inspectors, their powers and issue resolution functions

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- Where the Site Supervisor or Manager is not available the senior manager for the workplace must manage the safety issue resolution process

2. Agreed Procedures

Agreed procedures for WHS issue resolution are established at all workplaces within their areas of responsibility. When developing an agreed procedure, PN must ensure:

- consultation with the relevant workers and HSRs
- it complies as a minimum with the default procedure in Schedule 1
- the procedure is included in PN's document management system and made available to all workers
- the consultation process for developing an agreed procedure is documented

Where there is no agreed procedure, the Site Supervisor or Manager follows the default procedure.

See <u>Schedule 1 – Agreed Procedure and Default Process</u>

3. Resolution of WHS Issues

Site Supervisor or Managers use the agreed procedure to resolve WHS issues. The sooner issues are resolved effectively, the better.

If reasonable efforts to resolve the issue are unsuccessful any party to the dispute may contact the Regulator to request an Inspector to assist with its resolution.

See <u>Schedule 2 – Safety Issue Resolution Flow Chart</u> and refer to <u>Safety Issue Resolution Guide</u>

4. Inspector Involvement

All parties must comply with the directions given by an inspector unless a review of the decision is requested. Despite the inspector's involvement:

- workers still have the right to cease immediately unsafe work
- A HSR may direct immediately unsafe work to cease or issue a provisional improvement notice

5. Cessation of Unsafe Work

Cessation of work may occur where there is a reasonable concern a serious health or safety risk exists arising from an immediate or imminent exposure to a hazard. Where a worker decides to cease work, they must:

- notify their manager as soon as practicable after ceasing the work
- remain available to carry out suitable alternative work assigned by their manager
- A worker is not required to advise their manager they have ceased work if directed by an HSR

A HSR may direct a worker to cease work where the worker is a member of the work group they represent, after consulting with the Site Supervisor or Manager about the issue and attempting to resolve it through the issue resolution process.

A HSR may direct work to cease without consultation where they believe the risk is so serious and immediate or imminent it is not reasonable to consult with the Site Supervisor or Manager first.

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Where work ceases without prior consultation, the HSR must:

- consult with the Site Supervisor or Manager as soon as practicable after giving the direction

- advise the manager of the direction they have given

The Site Supervisor or Manager may also direct workers to cease work where they have a concern a serious health or safety risk exists.

6. **Provisional Improvement Notices**

A HSR may issue a PIN where they believe a breach to the Health and Safety Act has occurred and is likely to continue or be repeated. To issue a PIN a HSR must have completed approved HSR training – refer to <u>WHSE Consultation Procedure</u>. Prior to issuing a PIN a HSR must have first consulted with the person they believe is breaching the Act. Consultation should include:

- providing information about fixing the breach
- allowing the person an opportunity to respond and adequate time to fix the breach
- taking into account the person's response before issuing the PIN

A PIN cannot be issued about a matter an inspector has addressed.

6.1 Information to be included in a PIN

A PIN must be in writing and contain the following information as a minimum:

- identify the person who they believe is breaching the Act
- state the section of the Act that is being breached
- describe briefly how the section of the Act is being breached
- must state the date the breach must be remedied by which is at least eight days after the PIN is issued
- PINs may also contain information about how to remedy the breach

6.2 Response to a PIN

Where we have been issued with a PIN we must:

- display it in a prominent area at or near the area where the breach is said to have occurred
- notify all other persons whose work is affected by the PIN
- notify the Head of Safety
- table the notice at the next site WHSE Committee meeting

Failure to comply with a PIN is a breach of the Act. We must either:

- comply with the PIN within the specified time
- request the regulator to appoint an inspector to review the PIN, within seven days of the PIN being issued

In the event an inspector is making a determination on the PIN, the PIN is temporarily suspended. An inspector may confirm the PIN, confirm the PIN with changes or cancel the PIN.

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7. Induction and Training

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Our induction program includes reference to:

- the process for raising WHS matters and issues
- the process for resolving WHS issues

8. Reporting and Reviewing WHS Issues

The Site Supervisor or Manager ensures all unresolved WHS issues are recorded in the incident reporting system and escalated to the relevant Head of Operations who reviews the issue and ensures:

- the appropriate persons are involved in resolving the issues
- nominates other persons to assist in the resolution process where required
- determines if the issue has the potential to affect other work areas
- advises other Site Supervisor or Managers and Head of Operations Managers as appropriate
- verifies with the Site Supervisor or Manager all actions arising from the issue resolution process are closed out and the issue has been resolved

Role	Report	То	Timeframe
Workers	WHS matters	Line manager	Immediately
Line manger	Unresolved WHS matters	Site Supervisor or Manager	Immediately
Site Supervisor or Manager	Unresolved WHS matters	Head of Business Unit	Immediately
Site Supervisor or Manager	Unresolved WHS matters	IPS	Immediately
Site Supervisor or Manager	Provisional Improvement Notices (PIN)	Head of HSE	Immediately

9. Records

Record	Person Responsible	Retain for
Agreed procedures	Site Supervisor or Manager	3 years
Written agreements pertaining to a resolved issue	Site Supervisor or Manager	5 years
Provisional improvement notice *	Site Supervisor or Manager	7 years

* Copy of the PIN is required to be sent to the HSE Team

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Procedure Details

INFORMATION	
Policy Category	Health, Safety and Environment
Approval Date	16 November 2023
Review Frequency	5 – yearly
Review Date	16 November 2028
Procedure Owner	Head of HSE
Approving authority	HSE Governance Forum

RELATED DOCUMENTS	
Legislation	Work Health and Safety Act 2011 (Commonwealth) Work Health and Safety Regulations 2011 (Commonwealth)
Policy	Health, Safety and Environment Policy
Standards / Procedure	Document Control and Records Management Standard WHSE Consultation Procedure Speak Up Procedure
Supporting Documents	Safety Issue Resolution Guide

Revision Summary

First Issue	Issue Date	Implementation Requirements	Approved by
1.0	22/3/2022	Review and updated from previous PN document. Rebrand, review and update.	Dawn Giffin

Version No.	Revision Date	Summary of Revision Details	Approved by
2.0	16/11/2023	Document reviewed following approval of People and Culture Speak Up Procedure for consistency / changes. Update to new template and brand. Minor updates made to simplify information in the document. Nil changes to the process or responsibilities	Genevieve Nix

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Schedule 1 – Agreed Procedure and Default Process

An agreed procedure is an agreed process or outline of the steps involved in resolving health and safety issues in a workplace. The term agreed means:

- the process of developing the procedure was consensual and there has been genuine consultation between all parties involved in its development
- the relevant parties have been involved in its development

An agreed procedure can only relate to health and safety issues and must be consistent with the relevant OHS or WHS Act and Regulations.

Aim of an Agreed Procedure

An agreed procedure should aim to facilitate a timely and effective resolution and outline a clear step-bystep process for resolving issues and not set out what the outcome would be in specified circumstances, whilst providing practical guidance for parties seeking to resolve health and safety issues.

Default Process

Any party to an issue may initiate the safety issue resolution process by advising the other party there is an issue to be resolved and the nature and scope of the issue. To resolve the issue, parties may be assisted or represented by a person nominated by the party. All parties must meet or communicate with each other to attempt to resolve the issue, taking into account all relevant matters including:

- the degree and immediacy of risk to workers or other persons
- the number and location of workers and other affected persons
- temporary or permanent measures that must be implemented to resolve the issue
- the allocation of responsibilities for implementing the resolution measures

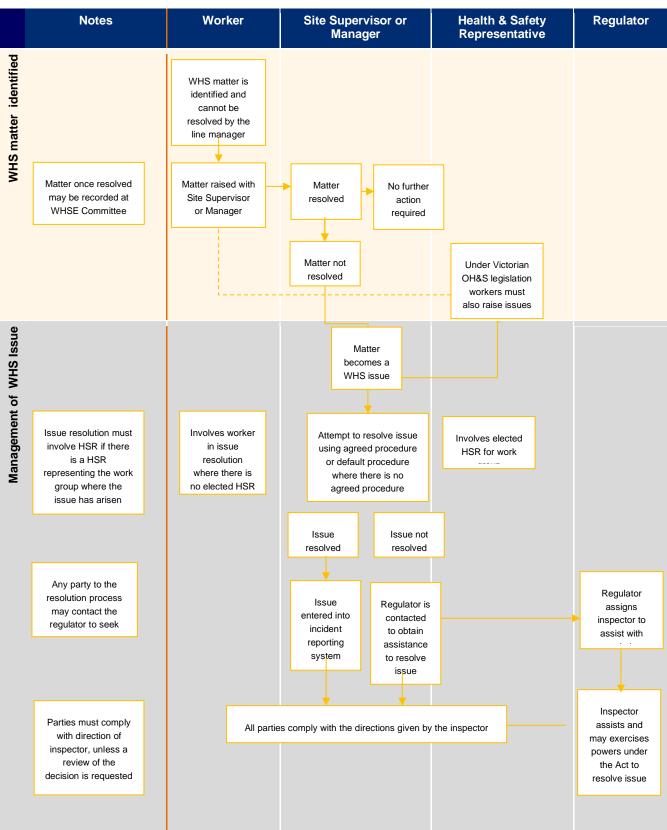
Once the issue is resolved, any party may request the resolution of the issue to be documented. The document must:

- include details of the issue and its resolution
- be agreed to by all parties
- be given to all parties
- given to the workplace health and safety committee, where requested

The method of communication must be agreed to by all parties and in the appropriate language.

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Schedule 2 – Safety Issue Resolution Flowchart



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