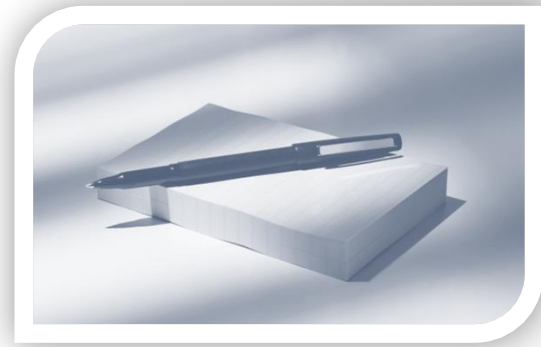


NSW Work Health & Safety Act



Module: Issue Resolution

OHS Act 2000



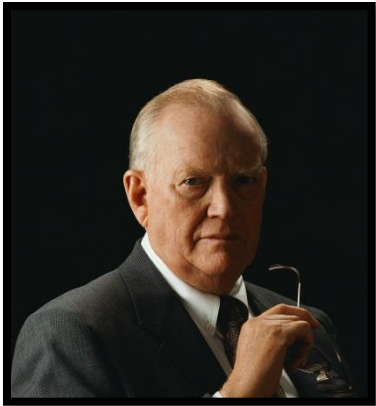
- Current NSW OHS Act **does not mandate** any issue resolution procedure
- Current **NSW regulation** sets out procedures for issue resolution that can be accessed by **OHS committees and OHS reps only**





What is different in WHS Act about Issue Resolution

New Act makes an issue resolution process **open to all parties** rather than being restricted to H&S committees and HSRs

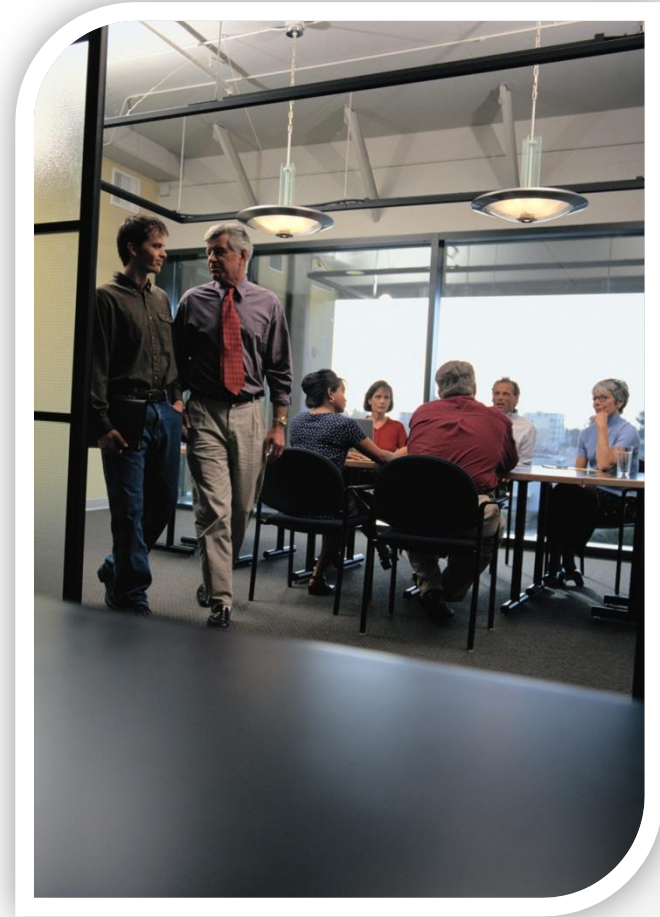


New Act mandates an issue resolution process that must be followed if there is an **unresolved WHS issue**



Overview of WHS Act

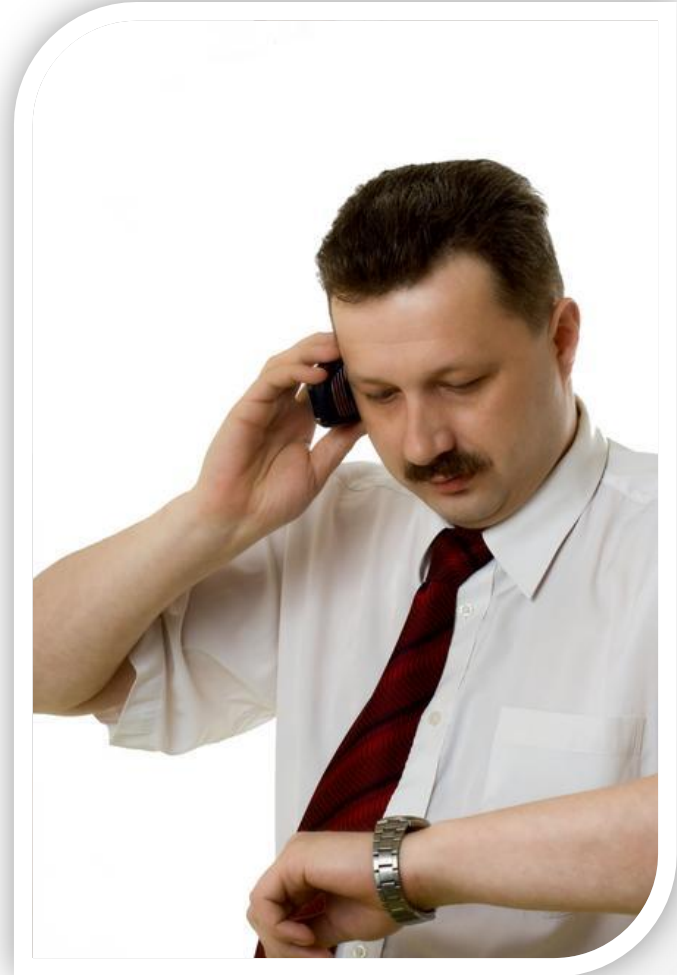
- The **parties** to an issue include the PCBU or representative and workers or representative
- The issue resolution provisions apply if there has been no resolution after **reasonable efforts** have been made
- If there is no agreed issue resolution procedure the process in the regulations must be followed





Overview of WHS Act

- If an issue remains unresolved after **reasonable efforts** have been made any party can request WorkCover to assist in resolving the matter
- Inspector's role to help resolve issue could involve **advice** or use of **compliance powers**





What WHS Act says PCBU's must do:

- Make **reasonable efforts** to resolve an WHS issue
- Follow an **agreed procedure** if there is one in place
- If no agreed procedure **follow the process set out in regulations**
- Set out the agreed procedure in **writing & communicate** it to all workers





What is the likely impact of these changes?



- If you already have an agreed issue resolution process built into your consultation arrangements then **no change (but review)**



- If you have consultative arrangements such as OHS committee and OHS reps then use them to **develop an agreed procedure**



- If you have **no defined consultative arrangements** establish an agreed procedure or you will need to use the **default procedure** if issues arise