



## Frequently Asked Questions #3

### 3. Worker Consultation

- i) Q: *I employ less than 10 employees. Do I still have a duty to consult?***
- A: Yes. Under Section 52 of the old Act small employers were not affected. However, under Section 47(1) of the new Act has a duty to consult, if reasonably practicable, with the employer's workers to allow the workers to contribute to matters directly affecting their work safety.
- ii) Q: *What is a Worker Consultation Unit?***
- A: A Worker Consultation Unit is simply a group representing workers to allow them to contribute to matters directly affecting their work safety.
- iii) Q: *Has the Worker Consultation Unit replaced Health and Safety Representatives and are their functions still the same?***
- A: No, Health and Safety Representatives are still in the new act and their functions are outlined in Section 58.
- iv) Q: *I employ several workers at several different workplaces. Can they be represented by the same Worker Consultation Unit?***
- A: Yes. Under Section 48 (3) (a) a Worker Consultation Unit may consist of workers of an employer at 1 or more workplaces.
- v) Q: *Can workers of more than one employers at more than one workplace be represented by the same Worker Consultation Unit?***
- A: Yes! Under Section 48 (3) (b) a Worker Consultation Unit may consist of workers of more than one employers at more than one workplace.



## Frequently Asked Questions #3

### 3. Worker Consultation (Cont.)

**vi) Q: *How can I establish a Worker Consultation Unit?***

A: Section 49 of the Act outlines that a Worker Consultation Unit must be established in a way that best and most conveniently allows the work safety interests of the workers in the unit to be represented and safeguarded.

**vii) Q: *What do I have to think about when I'm establishing a Worker Consultation Unit?***

A: Section 49 states the in deciding the way that the worker consultation unit is established, the employer must consider the following in relation to the employer's workers:

- The number and grouping of workers
- Workers' working hours, including the representation of workers on shift work
- The pattern of work of workers, including the representation of part-time, casual, seasonal or short-term workers
- The geographic location of workplaces, including any dispersed locations, home-based work or transport work
- The nature of different kinds of work carried out by workers, work arrangements and the levels of responsibility
- Workers' characteristics, including gender, ethnicity, age and special needs
- The hazards or risks to work safety at the workplace
- The interaction of workers with the workers of other employers.

**viii) Q: *Can I change the Worker Consultation Unit if I want to?***

A: Yes. If it becomes apparent that the composition of a unit is not serving the interests of work safety then it is possible to make changes through discussion with workers.

The legislation makes provisions for the employer or worker to request that a unit be changed in the interests of work safety. Workers can also request that two or more units be established in the interests of work safety.



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### **3. Worker Consultation (Cont.)**

**ix) Q: *How is it reviewed?***

**A:** An employer must review a worker consultation unit every two years or if a worker makes a request to consider the effectiveness of the unit. The employer must make changes to the unit if the review shows that changes are necessary in the interests of work safety.

**x) Q: *Do I have to keep records about the unit?***

**A:** The employer must keep accurate records the following aspects:

- How the unit was established
- Its activities
- Changes and reviews

Failure to do so may result in a penalty of 30 penalty units.