

Health Safety and Wellbeing and Injury Management Issue Resolution Procedure

Purpose and Scope

The purpose of this procedure is to define the system for resolution of health, safety and welfare issues between Murdoch University and its workers.

This procedure applies to workplaces and work activities under the control of Murdoch University. The scope of this procedure applies to Murdoch University workers including: contractors, subcontractors, trainees, labour hire and volunteers.

Overarching Policy

[Health and Safety Policy](#)

Procedure

1. In this procedure, the following terms have the following meanings:
 - 1.1. “Consultation” refers to relevant work health and safety information being shared with all workers to ensure workers have input into decisions affecting their health, safety and welfare at work.
 - 1.2. “Health & Safety Representative (HSR) and Deputy Health and Safety Representative” means representatives nominated for each business unit, where requested, to be a key consultation point for health and safety matters and who also participate in the HSW Committee meeting. Senior Managers cannot be nominated for these positions. To be a HSR you must attend WorkSafe WA HSR accreditation course.
 - 1.3. “Injury Management Issue” means a concern by an individual or work group about injury management issues such as
 - 1.3.1. Return to work plans.
 - 1.3.2. Workers Compensation and Injury Management processes.
 - 1.4. “Manager” means for the purpose of this procedure, a worker’s immediate manager or another member of the management team such as line manager or academic supervisor.

- 1.5. "Person Conducting a Business or Undertaking (PCBU)" means a PCBU conducts a business or undertaking alone or with others. The business or undertaking can operate for profit or not-for-profit.
 - 1.6. "Regulator" means the Workplace Health & Safety and Workers Compensation authorities, WorkSafe WA.
 - 1.7. "Senior Manager" means for the purpose of this procedure anyone listed in the following roles or above: a Head of School, Director level and/or if you lead leaders.
 - 1.8. "HSW Committee" means comprising of HSRs, Deputy HSRs and HSW Committee members from their respective DWG. Greater than half of the members must be from NON management positions. HSW Committee members have the responsibility for discussing health, safety and welfare matters affecting workers in their site or business unit.
 - 1.9. "HSW Committee" means representatives nominated workers to be the key consultation point for all health and safety matters who also participate in the HSW Committee meetings. Senior Managers cannot be nominated for these positions. You do not have to attend the WorkSafe WA HSR course to be a HSW committee member.
 - 1.10. "Work Group (WG)" means a group of workers who share similar workplace health, safety and welfare concerns and face similar workplace health, safety and welfare conditions. They are represented by the site HSW Committee Members, HSR and Deputy HSR to discuss identified matters or hazards.
 - 1.11. "Work Health or Safety issue" means a concern by an individual or Work Group about a workplace health or safety issue such as:
 - 1.11.1. a hazard.
 - 1.11.2. change to policies, procedures or processes.
 - 1.11.3. the effectiveness of a control in place to prevent a hazard.
 - 1.11.4. a serious risk to the health, safety and welfare of workers.
 - 1.12. "Workers" means for the purpose of this procedure, this includes all Murdoch University workers, students, contractors, subcontractors, trainees, labour hire and volunteers.
2. Murdoch University will, so far as is reasonably practicable, consult with all workers in the business in matters regarding health, safety and welfare.

Where Murdoch University shares responsibility for work, health and safety matters with another Person Conducting a Business or Undertaking (PCBU), Murdoch University will consult and cooperate, so far as reasonably practicable, with the PCBU who shares this responsibility.

Murdoch University is committed to providing workers with an opportunity to raise issues relating to health, safety and welfare in the workplace.

In instances where an issue cannot be resolved satisfactorily, it may be escalated as follows to:

- 2.1. The Manager and HSR
- 2.2. The WHS Committee and HSR and HSW Consultant or Advisor

2.3. The Head of HSW and Senior Manager.

3. Raising Concerns on Health, Safety & Welfare Issues

Workers must initially raise any issue in relation to workplace health, safety and welfare with the person involved and/or their Manager. The worker identifying the problem is to discuss the issue with their Manager to attempt to resolve the issue. A worker may report the issue to their HSR or Deputy HSR or HSW Committee member and ask them to represent them by reporting the issue to the person involved / Line Manager. The HSR may be consulted to assist with issue resolution.

The Manager must document all discussions in relation to the issue raised by the worker.

If a mutually acceptable solution is obtained through this consultation, the issue is resolved. This is to be documented in consultation with the worker.

4. HSW Committee Resolution

Where no resolution is reached in the health, safety and welfare issue, the worker and/or Manager must raise the issue with the HSW Committee and HSW Consultant or Advisor. The issue should be discussed and minuted at the next HSW Committee Meeting.

The Manager is responsible for discussing with the worker the outcome of the discussions with the HSR and HSW Committee meeting. The HSW Consultant or Advisor must be involved and inform the Head of Health, Safety and Wellbeing of the issue.

5. Head of HSW and Senior Manager Resolution

Where no resolution is reached, the worker is to escalate the issue to the Senior Manager and Head of HSW.

All parties including the worker, the HSR and/or Deputy HSR and/or HSW Committee member, the Manager, Head of HSW and the Senior Manager must agree to consult together to determine a reasonable solution. The Senior Manager must interview any other persons who may be involved with the issue. The interview should be documented.

The Senior Manager is to inform the worker and any other involved persons in writing of the outcomes of the investigation.

If a mutually acceptable solution is obtained through this consultation, the issue is resolved. This is to be documented in consultation with the worker.

6. Health & Safety Representative Additional Responsibilities

Once a HSR undertakes accredited HSR training, and that training remains current, they have the authority to exercise additional responsibilities where there is reasonable belief that there is a serious risk to the health, safety and welfare of fellow workers and the serious risk emanates from an immediate or imminent exposure to a hazard.

These responsibilities include:

6.1. directing unsafe work to cease; and

- 6.2. issuing “Provisional Improvement Notices” (PIN’s) where deemed reasonable.

A HSR must not give direction to cease work unless they can demonstrate that they have:

- 6.3. Consulted with a Senior Manager about the work being carried out, which they perceive poses a serious risk to the health, safety and welfare of fellow workers; and
- 6.4. Attempted to resolve the matter by making reasonable efforts to achieve a timely and effective resolution of the issue in accordance with the WHS Issue Resolution Procedure.

7. Ceasing Unsafe Work

A worker can cease to carry out work if they have a reasonable concern that carrying out the work would expose them to imminent exposure to a hazard and therefore serious risk to health and safety. If a worker wishes to cease work they must:

- 7.1. As soon as practicable, notify the Senior Manager that they have ceased work; and
- 7.2. Remain available to carry out suitable alternative work.

The Senior Manager must offer the worker suitable alternative work until they can resume their normal duties. The work must be safe and appropriate for the worker.

Before a HSR can issue a direction to cease work, they must first attempt to resolve the matter by consulting with the PCBU and or Senior Manager:

- 7.3. about the work being carried out which they perceive poses a serious risk/ to the health, safety and welfare of fellow workers; and
- 7.4. attempted to resolve the matter by making reasonable efforts to achieve a timely and effective resolution of the issue in accordance with the HSW Issue Resolution Procedure.

Exception to this applies only where the risk is so serious and immediate or imminent that it is not reasonable to consult before giving the direction. In these situations the HSR must carry out the consultation with the Senior Manager and PCBU as soon as practicable after giving the direction to cease work.

The HSR must always inform the PCBU and Senior Manager of any direction to cease unsafe work given by the HSR to workers. The PCBU, the HSR or the worker can ask the regulator to appoint an inspector to assist in resolving the workplace issue.

Any cease work must be documented by the Senior Manager in a Risk Assessment and include:

- 7.5. The reason why the HSR / worker has reasonable cause to believe there is a serious risk to the health, safety and welfare of workers.
- 7.6. Include a description of the short term controls implemented to minimize the serious risk.

8. Issuing of Provisional Improvement Notices (PIN's)

A HSR can issue a PIN only if the HSR has completed their approved HSR training course and that training remains current. A PIN can be issued when the HSR reasonably believes that a person is contravening or has contravened the WHS Act WA 2020 in circumstances that make it likely that the contravention will continue or be repeated.

Before issuing a PIN, the HSR must consult with the person whom the HSR believes is contravening the provision in the WHS Act or Regulations. The HSR must:

- 8.1. provide information, either verbally or in writing, to the person about fixing the alleged contravention or activities causing the contravention;
- 8.2. allow the person an opportunity to express their views and allow them adequate time to fix the contravention; and
- 8.3. take into account the views of the person before issuing the PIN.

A PIN must be submitted in writing on the Provisional Improvement Notice Form (available on RMBB) and include:

- 8.4. The reason why the HSR believes the relevant WHS Act is being contravened or has been contravened
- 8.5. Outline the section of the relevant WHS Act that has been contravened
- 8.6. Specify a date for compliance, which must be at least 10 working days after the notice is issued; and
- 8.7. The notice may include the direction on how to remedy the contravention or offer ways to remedy the contravention which can include a review by a specialised consultant.

The person issued with the PIN must:

- 8.8. Notify the HSW Consultant or Advisor as soon as the PIN is issued
- 8.9. As soon as practicable display a copy of the PIN on the WHS Notice board
- 8.10. The Head of HSW will determine if an inspector is required to review the PIN within 7 days of the PIN being issued. After the review, the inspector will confirm the notice, or confirm the notice with changes, or cancel the notice.

9. Regulator Intervention

Where no resolution can be reached, either party may refer the issue to the Regulator for assistance. The party referring the issue should advise the Head of HSW prior to escalating the issue to the Regulator.

10. Record Keeping

Documentation is to be maintained by Managers of all correspondence and actions taken and the case can be closed when a satisfactory outcome is achieved. The Manager must ensure that the worker is notified of the outcome of the issue and that this is documented.

All documentation must be kept in the WHS Management System.

Responsibilities

Role	Responsibility
Head of Health, Safety and Wellbeing	<ul style="list-style-type: none"> • Implement and maintain an Issue Resolution process in accordance with legislative requirements • Instruct, advise and consult workers and Line Managers on appropriate methods of resolution to be implemented at Murdoch University sites.
Managers	<ul style="list-style-type: none"> • Ensuring workers are aware of and follow the issue resolution process • Ensuring that the Issue Resolution process is adhered to when health, safety and welfare issues arise within the workplace • Ensuring that all concerns / issues have follow up actions and outcomes recorded. • Resolve all WHS Issues fairly and promptly
HSW Consultant and Advisor	<ul style="list-style-type: none"> • Consulting with the HSR and/or WHS AT and the Senior Manager to determine a reasonable solution when a health , safety or welfare issue requires resolution. • Review Provisional Improvement Notices and directions to cease work.
Senior Managers	<ul style="list-style-type: none"> • Ensuring that the Issue Resolution process is adhered to when health, safety and welfare issues arise within the workplace • Ensuring that all concerns / issues have follow up actions and outcomes recorded.
HSW Committee Members	<ul style="list-style-type: none"> • Following and adhering to the Issue Resolution process in relation to any health, safety and welfare issues that arise within the workplace.
Workers	<ul style="list-style-type: none"> • Following and adhering to the Issue Resolution process in relation to any health, safety and welfare issues that arise within the workplace.

Governance

Approval Authority	Senior Leadership Team
Owner	Chief People Officer
Legislation mandating compliance	Western Australian – Work Health and Safety Act 2020 Western Australian – Work Health and Safety Regulations 2022

	Western Australian – Code of Practice, Work health and Safety consultation, cooperation and coordination
Category	Primarily a function of management
Related University Legislation and Policy Documents	Health and Safety Policy Health, Safety and Wellbeing Consultation and Communication Procedure Health Safety and Wellbeing Committee Terms of Reference Provisional Improvement Notice Form (attached below)
Date effective	11/03/2024
Review date	11/03/2027

Revision History

Approved/Amended	Date Approved	Resolution No. (if applicable)
Approved	11/03/2024	

Attachments



This PIN is issued under section 90 of the *Work Health and Safety (WHS) Act*. This PIN requires the duty holder to whom it is issued to remedy a contravention, prevent a likely contravention from occurring or remedy the things or operations causing the contravention or likely contravention of the Act or Regulations. Section 97 requires that the person to whom a PIN is issued must, as soon as possible, display a copy of the PIN in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the PIN.

1: Health and Safety Representative (HSR):

First name:

Last Name:

Contact Number:

Work Group represented:

Location of Work Group:

HSR to confirm they have completed training required by section 90(4) of the WHS Act. Yes **2: PIN issued to:**

Name of Senior Manager:

Address:

Region:

Postcode:

3: PIN given to (If the PIN is given to someone on behalf of the duty holder):

First Name:

Last Name:

Position:

Contact number:

4 I have followed Murdoch University Issue Resolution Procedure and consulted with the duty holder and HSW team safety@murdoch.edu.au prior to issuing this PIN, details are below:

5: Details of contravention:

Site location:	
I, _____ Insert Health and Safety Representative name	Reasonably believe on _____ date Insert
At _____ Insert time	Location of contravention _____ location Insert

That you are contravening a provision or have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated of the:

Work Health and Safety Act, section _____

Work Health and Safety Regulation, regulation _____

Brief description of how the provision is being or has been contravened:

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Note: the HSR may, but is not required to, specify measures in accordance with section 93(1) of the WHS Act that I believe should be taken to remedy or prevent the contravention or likely contravention or matters causing the contravention or likely contravention:

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6: Compliance

Date PIN issued	Date compliance with PIN required	Signature of HSR
/ /	/ / <small>(Minimum of 8 days after date PIN issued)</small>	_____

INFORMATION

The *Work Health and Safety Act 2020* is available at www.legislation.wa.gov.au

a) HSR to consult before issuing PIN	The HSR must not issue a PIN unless the HSR has first consulted the person (s. 90(3) of the <i>Work Health and Safety Act 2020</i> (WHS Act).
b) HSR issuing PIN must be trained	An HSR cannot issue a PIN unless the HSR has completed training if required under a section 90(4) of the WHS Act.
c) Failure to comply is an offence	Failure to comply with this PIN within the specified period may constitute an offence under s.99 of the WHS Act, which could attract a penalty of up to \$55,000 for an individual or \$285,000 for a body corporate.

INFORMATION

d)	Display of PIN	This PIN, or a copy of it, must be displayed in a prominent place at or near the workplace affected by the notice (s. 97 of the WHS Act). Failure to do so may constitute an offence, which could attract a penalty of up to \$5,500 for an individual and \$30,000 for a body corporate. A person must not intentionally remove, destroy, damage or deface a PIN that is displayed. Damaging the PIN (etc.) or failure to display the PIN are offences that may attract a penalty which could attract a penalty of up to \$5,500 for an individual and \$30,000 for a body corporate.
e)	Changes to the PIN	A health and safety representative may make minor changes to a PIN for clarification; or to correct errors or references; or to reflect changes of address or other circumstances (s. 94 of the WHS Act).
f)	Cancelling a PIN	The health and safety representative may at any time cancel a PIN issued to a person by written notice given to that person (s. 96 of the WHS Act).
g)	Review	<p>Under the s. 100 of the WHS Act, an eligible person may apply for a review of a PIN within 7 days of issue date. If an eligible person wishes to dispute the PIN, they can contact the regulator at review.officer@dmirs.wa.gov.au and request an inspector to review the PIN. This must be done within seven days of the 'Date of issue' of the PIN. As part of the PIN review request, a copy of the original PIN should be included. The inspector will review and inquire into the circumstances that are the subject of the PIN up to and after the compliance date for the PIN has expired. An inspector can confirm, confirm with changes or cancel the PIN.</p> <p>A copy of a decision by an inspector must be given to the applicant for the PIN review and the HSR who issued the PIN. If the PIN is confirmed (with or without changes), the PIN is taken to be an improvement notice issued by the inspector. For further information go to www.dmirs.wa.gov.au</p>
h)	Further information	Please see sections 90-102 of the WHS Act or contact WorkSafe on Telephone 1300 307 877.

Please refer to the electronic copy in the Policy and Procedure Manager to ensure you are referring to the latest version.