CONSULTATION DOESN’T HAPPEN BY ACCIDENT
A Report to SafeWork SA on successful consultation about work, health & safety

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BACKGROUND

The purpose of this research was to identify practice, culture and strategies used in effective WHS consultation. The research explored this question in three industries with high rates of WHS incidents: aged care, construction and hospitality. This research was funded by SafeWork SA as part of the 2012 Commissioned Research Grant Programme. It was conducted by the Centre for Work + Life, University of South Australia with the guidance of an advisory group representative of employers, unions and academia.

The research involved three stages:

- the conduct of a review of recent literature;
- meetings with stakeholders including input from WHS representatives;
- the conduct of interviews and observations of practice in three case study organisations within the different industries.

The full report can be found at: http://www.unisa.edu.au/research/centre-for-work-life/

CONSULTATION DOESN’T HAPPEN BY ACCIDENT

Effective WHS consultation does not happen by accident. It takes planning, resourcing, and both managers and WHS representatives need to have a high level of skill.

BENEFITS OF MEANINGFUL CONSULTATION

Workers and unions value consultation where they feel it is genuine and meaningful - occurring before a decision is made and taking the input of workers into account.

Meaningful consultation leads to better WHS practice:

- better outcomes when involving people with practical knowledge who ‘do the job’;
- more creative solutions drawing on different points of view;
- increased ownership of WHS decisions by workers;
- increased worker commitment to implementing change;
- avoids costly rework.

WHAT AND WHEN?

So if they’re involved early on, I think we’ve got a better chance of getting an outcome that both parties are happy with and we get the buy-in of the staff at the same time.

(Manager, Hospitality)

Workers and managers often have different views about what is important and sometimes have different interests about an issue. Effective consultation requires a commitment to discuss the difficult issues.

WHS consultation is most effective where it addresses change at an early stage in the process.

Conversely, time should not be spent consulting on issues of a trivial nature. This can lead to frustration and the downplaying of WHS.
How do we consult?

Every organisation is a living entity that needs to structure their own processes – (it) must be relevant to them: a Holden in one plant is very different to a Woolworths with hundreds of shops. (Manager, Self Insurers of SA)

Informal and formal processes

Effective consultation involves both informal and formal strategies rather than a reliance on one to the exclusion of the other.

Informal processes:
» assist with building relationships between managers and workers;
» enable issues to be raised immediately;
» assist with creating a culture that prioritises WHS.

Formal processes:
» recognise the power imbalance in the employee and employer relationship;
» are a means by which longer term and more complex issues are addressed;
» provide a mechanism by which issues rise from a small group team to a local worksite, an organisation wide committee or to an industry body.

Examples of formal consultation structures

<table>
<thead>
<tr>
<th>Level</th>
<th>Process</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate work area</td>
<td>Meeting of a small group of workers in immediate area.</td>
<td>Immediate issues that can be resolved at this level.</td>
</tr>
<tr>
<td>Department, section or sub-contractor</td>
<td>Safety Committee or Tool Box</td>
<td>Issues affecting a group of workers for example the plumbers on site.</td>
</tr>
<tr>
<td>Worksite</td>
<td>Safety Committee attended by representatives from different areas.</td>
<td>Issues affecting all workers on site or issues raised by groups at other levels.</td>
</tr>
<tr>
<td>Organisation</td>
<td>Safety Committee attended by representatives from different sites.</td>
<td>Where there is more than one worksite an organisation wide committee deals with issues that cross sites.</td>
</tr>
</tbody>
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Use interactive and problem solving processes

Effective consultation processes require a high degree of interaction and empowerment of workers. In cases where workers have a real say they are engaged not only in identifying issues but in working out possible solutions in a problem solving process with several steps:

Listen & identify issues
Discuss options
Determine action
Implement Trial
Jointly review & evaluate
WHS Representatives are key

If you didn’t have an elected HSR you could get the actual manager come in instead of an elected HSR and he has different objectives to the HSR. The HSR looks out for safety whereas the manager is looking out for production and dollars and safety is just one of his priorities whereas a HSR he’s just safety.
(Manager, Construction)

Independently elected and trained WHS representatives ensure workers are able to effectively participate in consultation processes. They play a particularly vital role in voicing the concerns and representing the interests of vulnerable or less confident workers.

WHS representatives contribute to effective consultation when they are:

» approachable;
» confident in their role;
» solutions focused;
» persistent in the face of opposition;
» able to engage other workers in the identification and resolution of issues;
» knowledgeable or able to access knowledge they require.

Training

Training is essential in building, confidence, knowledge and strategies for effective representation.

Get someone in there who has had some training … because the HSR training gives you a bit of insight, it gives you some power as well … It teaches you how to do a safe inspection of your area. Some of these guys wouldn’t have a clue. Most of them are pretty good.
(Manager, Construction)

Unions make a difference

My support comes through the union because it’s outside. It’s autonomous.
(Worker, Aged Care)

The unions make a difference by:

» promoting WHS cultures;
» providing advice and assistance to WHS representatives;
» assisting with resolution of difficult issues.

SafeWork SA can also provide useful advice.
Managers matter

I think they need to be heard. They need to realise ... that we do listen, we do respond. ...We don’t put people down for raising ideas.
(Manager, Aged Care)

Managers play a pivotal role in establishing the culture and enabling effective consultation to take place. Effective consultation occurs when managers build positive relationships and when they:
» plan and resource WHS consultation;
» engage workers;
» listen to issues workers raise;
» involve workers in problem solving processes;
» act on agreed strategies;
» provide feedback to workers;
» are present in the workplace.

This requires managers to have excellent communication and planning skills and a preparedness to empower workers and develop their skills in meetings and problem solving.

Make sure everyone has a say

Some groups of workers are less likely to be heard and be present in consultative processes. These include workers who are:
» from culturally and linguistically diverse (CALD) backgrounds;
» younger;
» insecure;
» low paid;
» frontline care or service workers;
» shift workers.

Ensuring all workers are involved requires:
» an analysis of the profile of the work force across a range of demographics and types of work;
» an analysis of workers participation in consultation processes from identified demographic groups and types of work;
» identification of barriers that particular groups might face;
» consultation with workers affected about processes which might improve their involvement;
» trial and review of strategies to improve involvement.

Security at work increases people’s confidence to participate in WHS consultation. WHS representatives play a key role in representing more vulnerable workers.

Work Health and Safety Act 2012 (SA) defines consultation outlining rights and responsibilities.


Links can be found at: http://www.safework.sa.gov.au/show_page2.jsp?id=112104