

BR 08/246
4.0-311

16th October, 2008.

BRANCHES, as addressed –

Dear Colleague,

**RE: AUSTRALIA POST HEALTH AND SAFETY MANAGEMENT
ARRANGEMENTS (HSMA) PROCEDURES**

We attach for your information copy of a letter from Australia Post advising of the final version of the OHS Policy and Procedures: Health and Safety Management Arrangements (HSMA Procedures) (refer Attachment 1 and six other attachments attached to Attachment 1).

Attached also is a copy of Australia Post's response to the comments made by the union on the draft HSMA Procedures (refer Attachment 2).

While the attached letter is dated 12th September 2008, it was not received by the union until 25 September 2008.

It will come as no surprise that Australia Post has not agreed to our request that the HSMA Procedures be developed and agreed with the union or that the changes requested by the union to the draft be implemented. The excuses from Australia Post are mostly that the process and changes requested by the union are not a requirement of the Commonwealth OHS Act and the draft Procedures satisfy the Act's requirements.

As was to be expected Australia Post has maintained its previously stated position that the OHS Agreement 1992 ceases to apply with the development of the HSMA Procedures and the incorporated OHS policy.

We have strong advice that they are wrong on this point. Our advice is that EBA6, at clause 5, incorporates the OH&S Agreement, in effect making the OH&S Agreement part of the EBA. Nothing prevents the full operation of the OHS Agreement except any inconsistency with the Act.

The second element of our advice is that the effect of the Howard Government OH&S legislation does not allow the HSMA to displace EBA6.

However, on a cautionary note branches should be aware that in many places the OH&S Agreement calls up the OHS legislation which in effect incorporates legislative changes, as they have occurred, into the OHS Agreement. Furthermore the overwhelming flavour of the OHS Agreement is about consultation on a wide range of matters related to OHS.

Divisional Office is currently undertaking a detailed assessment of the matters in the OHS agreement that continue to have force and to develop a strategy to maintain the status of the OHS Agreement.



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PLUMBING
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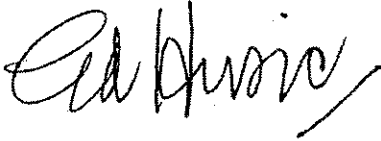
2.

Action in respect of this matter is still being considered by our internal legal adviser, Dan Dwyer.

The Australia Post letter also attaches a copy of a Safety Talk on the HSMA Procedures that is to be used in briefing employees about the new HSMA and OHS policy.

If you have any queries about the above, please contact Carol Gee.

Yours fraternally,

A handwritten signature in black ink, appearing to read "Ed Husic". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Ed Husic,
DIVISIONAL SECRETARY.

Enc.

CG:kr

AP 08/77
4.0-311

28th August, 2008.

Dr. M. Barbour,
Manager,
Injury Prevention and Management Unit,
Corporate Human Resources,
Australia Post,
321 Exhibition Street,
MELBOURNE, VIC. 3000.
Facsimile: 9204 7152

Dear Sir,

RE: **AUSTRALIA POST DRAFT HEALTH AND SAFETY
MANAGEMENT ARRANGEMENTS (HSMA) PROCEDURES**

In responding to your invitation to comment on the draft Australia Post HSMA procedures we wish to make a few general comments at the start about the draft procedures as well as providing more specific comments on the particular detail in the procedures. We would ask that you take both our general and specific comments into account and provide your response on same to the union prior to finalising the HSMA procedures.

We wish to advise you at the outset that we can't agree to the proposed HSMA and we do not agree with your process for negotiating the HSMA.

In making the HSMA you have unilaterally decided that the Australia Post OHS Agreement 1992 is made redundant by the HSMA.

We do not agree that the OHS Agreement 1992 will no longer operate with the introduction of a HSMA.

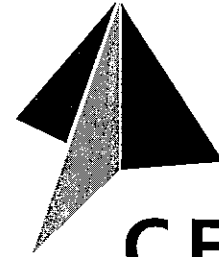
The Commonwealth OHS Act provides for the making of agreements between the employer and employee representatives relating to:

- ongoing consultation between the employer and employee representatives on OHS matters; and
- other matters as agreed between the parties.

Australia Post is also bound by its commitment in EBA6 to abide by the OHS Agreement 1992 or any successor to that agreement.

In our view the HSMA should be agreed with the union and should include the union as a party.

Moreover preparation of HSMA procedures without any prior discussion with the union about these procedures and inviting the union to then comment on same is a pretty poor way of making a HSMA, yet the HSMA has enormous ramifications for how OHS is dealt with in Australia Post workplaces.



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Similarly the absence of a properly structured consultation process to obtain feedback from employees on the proposed HSMA procedures is unacceptable.

In our view the HSMA should facilitate the involvement of the union to directly communicate to employees about the proposed HSMA procedures and the progress of negotiations.

Your advice is noted that during 2002 Australia Post introduced three new OHS procedures in respect to amendments to the Commonwealth OHS legislation:

- the establishment and variation of DWGs;
- the constitution and operation of workplace HSCs; and
- the election and selection of HSRs.

However as you know none of these procedures have been finalised to an agreed conclusion. There continue to be disagreements between the parties on the contents of these documents.

Importantly these procedures and the draft HSMAS procedures do not have an effective disputes resolution mechanism that enables a disputed matter to be settled by an independent arbiter. In our view the AIRC should be the independent arbiter in disputes arising from the HSMA procedures.

With respect to the draft HSMA procedures, we provide the following more specific comments on the particular detail in the procedures:

1.1 Introduction

1.1.1 “These HSMA procedures describe management arrangements to be used by Australia Post managers to work in consultation with employees” – insert, *and their representative the union*, etc.

- “enable effective consultation between an employer and its employees” – insert, *and their representative the union*

1.1.3

- Informing and consulting employees – insert, *and their representative the union* about the HSMA.
- Consulting employees – insert, *and their representative the union* on general OHS matters.

Insert new dot point: *HSMAs provide for the making of an agreement between the employer and employees and their representative the union. Australia Post will continue to abide by the OHS Agreement 1992 or any successor that is negotiated with the union.*

1.1.4 “Those other OHS activities will be developed in accordance with normal employee” – insert, *and union consultation mechanisms*.

Add new sentence – *The HSMA recognises the union's role in negotiating the HSMA and the final written agreement on the HSMA will include the union as a party.*

1.2 Consultation on HSMA

Insert new sentence – *Australia Post recognises that improved outcomes in workplace safety will be promoted by implementing mechanisms that deliver employees and their representative the union opportunities to participate in meaningful consultation about the measures to be adopted to promote better OHS at Australia Post workplaces.*

Insert new sentence – *The HSMA will facilitate the involvement of the union to directly communicate to employees about the proposed HSMA arrangements and progress of negotiations.*

4.2.3 Employee representative in HSMA consultations

Delete 5th paragraph – “An employee representative is unable to represent an employee or employees in such HSMA consultation” etc.

4.2.4 OHS Managers

Delete – “where appropriate”.

5. Definitions

Consultation - After “inform employee” – insert, *and their representative the union.*

HSMA - Insert new sentence – *HSMA recognises the union’s role and the final written agreement on the HSMA will conclude the union as a party.*

6.1.1 Consultation on the Australia Post HSMA

Refer earlier comments at beginning of this letter and at 1.2 on consultation.

6.1.1.7 “... that an employee” – insert, *and their representative the union.*

6.1.1.7.1 Insert new sentence – *The employee may request their representative the union to raise any matter related to the HSMA with Australia Post.*

6.1.1.7.3 Insert new sentence – *Variations to the HSMA will be discussed and agreed with the employees and their representative the union. Where a variation is not agreed dispute resolution mechanisms with access to an independent arbitrator, i.e. AIRC may be activated by either party.*

6.2 Consultation on General OHS matters

6.2.1 After “Consultation with employees” - insert, *and their representative the union.*

6.3 Australia Post OHS Policy

6.3.2 Refer above 6.1.1.7.3 for comments on review and variation of HSMA.

6.4 Australia Post approach to OHS Risk Management

Insert new sentence – *The union is to be advised when risk assessments are to be undertaken and is able to provide input into the risk assessment.*

6.5 Designated Work Groups (DWG)

Rewrite the section to include the following: *The HSMA will ensure the adequate representation of employees in DWGs. Establishment and/or variation of a DWG will be achieved through consultation with employees and their representative the union. Either party may initiate the consultation process.*

6.6 Health and Safety Representatives

6.6.3 Rewrite sentence to say *DHSR is able to exercise the HSR powers when the HSR ceases to hold office or the HSR is absent.* Delete ‘for a continuous period of more than 5 days.’

6.6.4 Election of HSRs

Note process for resolving disputes set out in Australia Post HSR Election Procedures is not agreed. Refer earlier documentation on HSR elections and comments above on dispute resolution process.

6.6.5 HSRs – Role, Training and Access to Facilities

Insert paragraph – *The HSMA will ensure that employees are made aware of the role, functions and powers of HSRs. The HSMA acknowledges that HSRs will be able to perform their role in an unfettered way consistent with the relevant law including the Commonwealth OHS Act and will not suffer any victimisation as a result of performing their role. The HSMA does not limit the statutory rights and powers of HSRs.*

6.6.9 Delete - “training will be completed within twelve months”. HSRs are entitled to receive training, not to train a HSR, or DHSR for that matter, for possibly up to 12 months of their election as a HSR is contrary to the intent of the Commonwealth OHS Act that HSRs are entitled to receive training and ridiculous in an organisation the size of Australia Post.

6.6.12 Insert new sentence - *Deputy HSRs will receive training by an accredited training provided the same as HSRs are provided with training.*

6.6.13 Insert into sentence - *HSRs will be provided with reasonable time away from their ordinary duties to perform HSR role.*

6.6.15 Insert into sentence - *HSRs will have access to and copy of P400 forms including forms with employees names when the appropriate section has been authorised by the relevant employee.*

6.6.17 After “will provide reasonable opportunity” – insert, *during normal working hours* – “for HSRs in that facility for communicate” etc.

6.7 Health and Safety Committees

Refer earlier documentation on workplace health and safety committees.

6.7.2 Insert, *Australia Post agrees to hold further discussions with the union concerning the establishment of other health and safety committees and procedures for the consultation and operation of these committees.*

6.8 Resolving issues arising during OHS consultations

Refer earlier comments about consultation process and dispute resolution mechanisms.

6.9 Review of Effectiveness of the HSMA

Insert new paragraphs, *Australia Post agrees to provide the union access to workplaces where the union believes on reasonable grounds that a breach of the Commonwealth OHS Act has occurred and/or to respond to a request for assistance from a HSR.*

Australia Post agrees to ensure that the union has meaningful participation and involvement in the OHS audit processes undertaken throughout the organisation's workplaces.

Australia Post agrees to provide to the union audit information and the outcomes of audits.

6.10 Variation of HSMA

Refer earlier comments at 6.1.1.7.3.

7. Period of operation of HSMA

Insert new sentence, *Australia Post will hold further discussions with the union concerning the review of the HSMA and will ensure that the union has meaningful participation and involvement in the review.*

Attachment 1 Australia Post OHS Policy

At second dot point insert, *Australia Post will consult with employees and their representative the union.*

Attachment 2 HSMA Consultation with Employee Representatives

Refer earlier comments at 1.1.4, 1.2 and 4.2.3.

Attachment 3 DWG Procedures

Refer earlier documentation on DWGs.

Attachment 4 Workplace HSCs

Refer earlier documentation in HSCs.

Attachment 5 Other HSC Procedures

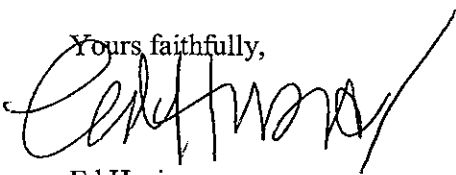
Refer earlier comments at 6.7.2.

Attachment 6 OHS Issue Resolution

The HSMA must include an effective dispute resolution mechanism to enable a disputed matter to be resolved by an independent arbiter. The independent arbiter should be the AIRC.

If you have any queries about the above please contact Carol Gee.

Yours faithfully,



Ed Husic,
DIVISIONAL SECRETARY.

CG:kr



12 September 2008

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Attention: Ms Gee

Dear Ms Gee

AUSTRALIA POST HEALTH AND SAFETY MANAGEMENT ARRANGEMENTS (HSMA) PROCEDURES

I refer to the Australia Post letter of 27 August 2008 advising the Union that, following the eight week 23 June 2008 to 22 August 2008 period of employee and union consultation, Australia Post was proceeding to finalise the HSMA by 15 September 2008, in compliance with regulatory requirements under the Commonwealth OHS Act (Cth OHS Act).

I refer also to the 28 August 2008 letter of the Union which included comments on the draft HSMA provided to the Union on 20 June 2008. A response to each of the comments made by the Union is provided at Attachment 1.

The purpose of this letter is to provide a copy of the final version of the *OHS Policy and Procedures: Health and Safety Management Arrangements (HSMA Procedures), Issue 1.0, 150908* (refer to Attachment 2).

As a result of changes to the Cth OHS Act 1991 that came into effect on 15 March 2007, Australia Post was required to establish a written HSMA by 15 September 2008, in consultation with employees. The written HSMA has been finalised for implementation. Relevant managers have been requested to take action to implement the management arrangements outlined in the HSMA Procedures. A Safety Talk, similar to that used in consulting employees on a draft HSMA, has been developed to describe the legislative change to the Cth OHS Act requiring Australia Post to develop a HSMA in consultation with employees. It describes briefly "what is a HSMA", "what does it include", "what will change" and consultation arrangements used to consult with employees. The Safety Talk will be used by managers for the purpose of briefing employees about the HSMA Procedures. A copy is at Attachment 3 for information.

If you require further information about this matter, please do not hesitate to contact me.

Yours sincerely

Dr M G Barbour
Manager Corporate Injury Prevention and Management Unit
For Group Manager
Corporate Human Resources

Australia Post

Health and Safety Management Arrangements

(HSMA Procedures, Issue 1.0, 150908)

(Refer over page)

OHS Policy and Procedures:

Australia Post Health and Safety Management Arrangements

(HSMA Procedures)

OHS-P-060 Issue 1.0

Source: Corporate Injury Prevention and
Management Unit
Corporate Human Resources Group
Headquarters

AMENDMENT RECORD

Issue Number	Pages Affected	Details	Date of Issue
Issue 1.0	N/a	Issue for release	150908

DOCUMENT AUTHORITY

Title	Manager, Corporate Injury Prevention & Management Unit, Corporate Human Resources
Date of Approval	150908

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1. Scope and Introduction

1.1. Introduction

1.1.1. These HSMA procedures describe management arrangements to be used by Australia Post managers to work in consultation with employees in effectively managing workplace health and safety hazards and risks. These arrangements will enable the Corporation to comply with the HSMA requirements (s16(2)(d)) of the Commonwealth Occupational Health and Safety Act (Cth OHS Act), namely, for the Corporation to develop in consultation with employees, arrangements¹ that will:

- enable effective cooperation between an employer and its employees
- promote and develop appropriate measures to ensure the health, safety and welfare of employees at work
- provide adequate mechanisms for
 - informing employees about the arrangements
 - reviewing the arrangements
 - varying the arrangements
 - dealing with disputes and issues that may arise in the course of consultations
 - constituting and operating Health and Safety Committees (HSCs).

1.1.2. These HSMA procedures will also assist Australia Post to achieve its commitment, as expressed in the Corporation's OHS Policy (refer to Attachment 1) to provide a safe and healthy working environment for all employees.

1.1.3. In satisfying the HSMA requirements of the Cth OHS Act, the Australia Post HSMA provides for management arrangements in relation to the following:

- informing and consulting employees about the HSMA (refer to section 6.1)
- consulting employees on general OHS matters (refer to section 6.2)
- establishing an Australia Post OHS Policy (refer to section 6.3)
- applying an OHS risk management approach to the identification of hazards and the assessment and control of risks to safety and health (refer to section 6.4)
- establishing and varying Designated Work Groups (DWGs) (refer to section 6.5)
- Health and Safety Representatives (HSRs) (refer to section 6.6)

¹ Comcare, OHS Workplace Consultative Arrangements: Guide to Commonwealth Legislative Provisions (OHS 67, March 2007), page 8

- the constitution and operation of HSCs established under the Cth OHS Act (refer to section 6.7.1)
 - the constitution and operation of Other HSCs, established under the HSMA (refer to section 6.7.2)
 - resolving OHS issues arising during OHS consultations (refer to section 6.8)
 - reviewing the effectiveness of the HSMA (refer to section 6.9)
 - varying the HSMA (refer to section 6.10)
 - the period of operation of the HSMA (refer to section 7).
- 1.1.4. These HSMA Procedures do not address other OHS-related policies, procedures, management systems, standards or processes that may be developed from time-to-time, at various management levels of the organisation, to drive improvement in employee workplace health and safety and achieve compliance with the Cth OHS Act. Those other OHS activities will be developed in accordance with normal employee consultation mechanisms.
- 1.1.5. Nothing in these arrangements will restrict any rights or responsibilities of Australia Post, its employees, including HSRs, or any other party established under the Cth OHS Act.

1.2. Consultation on the HSMA

- 1.2.1. Under s16(2)(d) of the Cth OHS Act, Australia Post is required to consult with employees in relation to the HSMA. S16A provides for an employee or employees to be represented in HSMA consultations by another employee or employee representative. In addition, s24A provides for consultations with employees and their representatives on DWGs are to be taken to be consultations to develop HSMAs. Section 6 below outlines procedures for consultation on HSMAs. For the purpose of s16(2)(d) consultation on HSMAs does not mean consultation on other OHS-related matters that may be undertaken from time-to-time and at various management levels of the organisation.

2. Objective

The objective of these HSMA procedures is to outline Australia Post's management arrangements for the matters listed at section 1.1.3.

3. Relevant Legislation and Regulatory Advice

- Cth OHS Act
- Comcare publication (November 2006) - Amendments to the Occupational Health and Safety (Commonwealth Employment) Act 1991: Information on the OHS(CE) Amendment Act 2006
 - Overview of Amendments
 - Health and Safety Management Arrangements

- Consultation on workplace OHS arrangements
 - Certification of employee representatives
 - Operation of workplace consultative arrangements
 - Administrative and technical amendments
- Comcare, OHS Workplace Consultative Arrangements: Guide to Commonwealth Legislative Provisions (OHS 67, March 2007),

4. Responsibilities

4.1. General Statements

All relevant managers, supervisors, employees, HSRs, and, where appropriate, employee representatives, shall be made aware of these HSMA procedures.

It is expected that all managers, supervisors, employees, HSRs, and, where appropriate, employee representatives, will involve themselves in the implementation of these procedures in a manner that reflects the health and safety interests of employees and that discussions on OHS issues will reflect the consultative expectations of the legislation. Consultation and discussion on OHS matters in Australia Post including at meetings of HSCs should be a meaningful and constructive communication process directed at achieving positive improvements in OHS arrangements and outcomes for Australia Post employees.

4.2. Specific Statements

4.2.1. Australia Post Facility Managers

Australia Post facility managers are responsible for:

- (i) ensuring all employees in the facility are made aware of these HSMA procedures
- (ii) implementing these procedures in their facility
- (iii) ensuring that consultations in relation to these HSMA procedures are conducted in accordance with the requirements for consultation outlined in section 6 of these procedures.

4.2.2. Employees

Employees shall cooperate with management in implementing these HSMA procedures.

4.2.3. Employee representative in HSMA consultations

Under the Cth OHS Act s16A(2), an employee may be represented by an employee representative in consultations to develop or vary an Australia Post HSMA. Such an employee representative has an important role in representing the employee in a meaningful and constructive manner that reflects the health and safety interests of the employee.

Where an employee wishes to remain anonymous in HSMA consultations, the employee representative must apply for a s16B certificate from Comcare certifying

the employee representative is entitled to represent the employee in such consultations.

On being requested by an Australia Post management representative, an employee representative must nominate at least one employee from the workplace whom they are representing or produce a valid s16B certificate certifying that the employee representative is able to represent an employee in the workplace who wishes to remain anonymous in the consultations on developing or varying an Australia Post HSMA.

A employee representative does not need a s16B certificate if, on request from an Australia Post management representative, they are able to nominate at least one employee from the workplace, even if another employee in the workplace wishes to remain anonymous in such consultations.

An employee representative is unable to represent an employee or employees in such HSMA consultations where the employee representative does not nominate an employee they are representing in the workplace and they do not produce a valid s16B certificate.

If an employee is represented by an employee representative, this does not prevent the employee from being involved in the HSMA consultations.

4.2.4. OHS Managers

OHS managers shall provide the necessary support and advice to managers, employees, HSRs and, where appropriate, employee representatives in the implementation of these HSMA procedures.

5. Definitions

To avoid uncertainty and ambiguity, the following definitions of key terms used in the HSMA procedures are provided.

Australia Post facility manager	An Australia Post manager who is responsible for an Australia Post workplace
Consultation	Consultation for OHS purposes is a means used by management to "...inform employees, inviting and considering their response. Sufficient action must be taken to secure employees' responses and give the employees' views proper attention. Consultation requires more than a mere exchange of information. Employees must be contributing to the decision-making process." ²
Designated Work Group (DWG)	A group of employees established as a DWG in accordance with s24 of the Cth OHS Act
Employee	Any employee of Australia Post

² Comcare, OHS Workplace Consultative Arrangements: Guide to Commonwealth Legislative Provisions (OHS 67, March 2007), page 17

Employee representative in consultations on the Australia Post HSMA	As specified at s5 of the Cth OHS Act, in relation to a workplace, a registered organisation of employees, or an association, of which an employee included in the workplace is a member, being an employee who is qualified to be such a member by virtue of the work the employee performs as an employee in the workplace.
HSMA	<p>As specified at s16(2)(d) of the Cth OHS Act, a HSMA describes management arrangements to be used by Australia Post managers to work in consultation with employees in effectively managing workplace health and safety hazards and risks. Among other things, a HSMA must provide adequate mechanisms for constituting and operating workplace HSCs.</p> <p>It establishes management arrangements that will enable Australia Post managers and employees to achieve the Corporation's commitment to employee health and safety, as expressed in the Corporation's OHS Policy</p>
Health and Safety Representative (HSR) and Deputy HSR (DHSR)	A HSR and DHSR are elected members of the DWG they represent.
Health and Safety Committee (HSC) - Workplace HSC	A Workplace HSC is a committee comprising management members and employee members to consider, monitor and provide advice to management on matters affecting the health and safety of employees of the workplace or workplaces covered by the workplace HSC.
Other HSCs	Other HSCs are consultative committees established at appropriate organisational levels in the Corporation, for the purpose of providing advice on matters affecting the health and safety of employees covered by the committee.
OHS Issue Resolution	<p>The process by which management works with employees, employee representatives, and/or HSRs to resolve OHS issues that arise at the workplace or during OHS consultations held under the Cth OHS Act and the HSMA.</p> <p>Such issues might include employee concerns, questions, disagreements or disputes about an OHS matter relevant to their work or workplace.</p>
OHS Policy	The Australia Post OHS Policy describes the Corporation's commitment to providing a safe and health

work environment for its employees. It is the Corporation's over-arching policy statement relating to employee health and safety at work. It is supported by numerous subordinate and subject-specific OHS policies, procedures and arrangements.

Section 16B Certificate

Under the OHS Act s16B, the Chief Executive Officer (CEO) of Comcare may issue a certificate allowing an employee representative to represent an employee in HSMA consultations. The CEO may issue a certificate once satisfied on application by the employee representative that the employee has requested:

- Representation by the employee representative; and
- That the employee's identity not be revealed³.

6. Procedures

6.1. Consultation on Health and Safety Management Arrangements - Overview

Australia Post managers will consult with employees and employee representatives, where an employee or employees request to be represented by an employee representative, on the Australia Post HSMA. Consultation on HSMA means consultation on the content of the Australia Post HSMA (refer to the items listed in section 1.1.3).

6.1.1. Consultation on the Australia Post HSMA

- 6.1.1.1. Management will consult primarily with employees on the HSMA at the workplace level through the relevant HSR(s) and Workplace HSC.
- 6.1.1.2. Management will utilise a variety of mechanisms to inform employees and consult with them about the HSMA and its procedures. These mechanisms may include direct communication with employees and HSRs through workplace meetings and tool box talks, brochures, bulletins, notices posted on notice boards, and through HSRs, workplace HSCs and through the Corporation's intranet.
- 6.1.1.3. Management will also continue to use normal consultative mechanisms to consult on the HSMA with the involved unions at the National level.
- 6.1.1.4. Australia Post recognises that the Cth OHS Act (s16A(2)) provides for an employee to be represented, if the employee so requests, by either another employee or an employee's representative in consultations to develop or vary HSMAs. If an employee is

³ Comcare, OHS Workplace Consultative Arrangements: Guide to Commonwealth Legislative Provisions (OHS 67, March 2007), page 9

represented, the employee is not prevented from being involved in the consultation (Cth OHS Act, s16A(3)).

6.1.1.5. In conducting these consultations, the relevant manager will advise employees that:

6.1.1.5.1. an employee may be represented in HSMA consultations by another employee such as their HSR or an employee representative (where requested by an employee).

6.1.1.5.2. a manager shall inform employees that, if they wish to be represented in HSMA consultations by another employee or an employee representative, they should request their employee representative or the other employee to contact the manager about the consultations.

6.1.1.5.3. the manager shall inform employees that they can request to remain anonymous during HSMA consultations where represented by an employee representative and that the employee representative should apply to Comcare to be issued with a s16B certificate authorising them to represent the employee.

6.1.1.5.4. an employee can still be involved directly in HSMA consultations even if they have requested to be represented by an employee representative or another employee.

6.1.1.6. Procedures to be followed for consultation with an employee representative in HSMA consultations are outlined in Attachment 2.

6.1.1.7. Further to section 6.1.1.5, in conducting these HSMA consultations, the relevant manager will advise employees that an employee, including a HSR, can, at any time, propose variations to the Australia Post HSMA. The employees will be informed that should they wish to propose a variation to the HSMA:

6.1.1.7.1. the employee must submit their proposal in writing to the State OHS manager who will discuss the proposal with the employee to ensure clarity

6.1.1.7.2. the State OHS manager will forward the proposal (copied to the employee) to the Corporate OHS Manager for expeditious consideration and response to the employee

6.1.1.7.3. where relevant, the Corporate OHS Manager will consult with employees about the proposed variation, utilising the consultation procedures set out in section 6.1.1

The Corporate OHS Manager will then publish the variation and inform managers and employees accordingly.

6.2. Consultation on General OHS Matters

6.2.1. Consultation with employees on OHS-related matters that relate specifically to a workplace will normally be undertaken at the workplace level primarily between workplace managers and the employees including workplace HSRs.

- 6.2.2. Consultation on OHS matters that may arise from time-to-time and at various organisational levels will be undertaken using normal consultation mechanisms.
- 6.2.3. The consultation mechanisms referred to in this section 6.2 do not form part of these HSMA procedures.

6.3. Australia Post Occupational Health and Safety Policy

- 6.3.1. These HSMA procedures describe arrangements to be used by Australia Post managers to work in consultation and cooperatively with employees in effectively managing workplace health and safety hazards and risks. These arrangements will enable managers and employees to assist the Corporation in achieving its commitment, as expressed in the Corporation's OHS Policy (refer to Attachment 1) to provide a safe and healthy work environment.
- 6.3.2. The Corporation's OHS Policy was developed in consultation with employees, in accordance with the provisions of section 6.1.1. It will be reviewed and varied in accordance with the provisions of section 6.9 and 6.10 respectively of these HSMA procedures.

6.4. Australia Post's Approach to OHS Risk Management

- 6.4.1. The Cth OHS Act requires an employer to do everything that is reasonably practicable to protect the health and safety of employees at work. Furthermore, the OHS Act requires a risk management approach to be taken in regard to the identification of hazards and the assessment and control of risks to health and safety.
- 6.4.2. As provided in the Corporation's OHS Policy (refer to Attachment 1), it is Australia Post's approach to ensure all foreseeable hazards in the work environment are identified, OHS risk assessed and controlled.
- 6.4.3. Australia Post will utilise a range of suitable methodologies to systematically identify foreseeable hazards, assess the level of risk and determine appropriate controls, and report and investigate incidents.

These methodologies will be developed from time-to-time to meet particular circumstances, such as particular hazards and risks. They will be developed and applied in accordance with normal consultation mechanisms.
- 6.4.4. The methodologies referred to in this section 6.4 do not form part of these HSMA procedures.

6.5. Designated Work Groups (DWGs)

- 6.5.1. A DWG is a legislative workplace arrangement for the grouping of employees to facilitate employer consultation with employees and enabling their representation by a selected or elected HSR of the group.
- 6.5.2. Australia Post will establish or vary DWGs for the purpose of protecting the occupational health and safety interests of employees.

- 6.5.3. Arrangements for the establishment and variation of DWGs are HSMA arrangements and will accord with the provisions of the Cth OHS Act s24.
- 6.5.4. Consultations on the establishment and variation of DWG are HSMA consultations. Therefore, procedures for the establishment and variation of DWGs form part of these HSMA Procedures.
- 6.5.5. The DWG Procedures referenced at Attachment 3 will be used for the establishment and variation of DWGs in Australia Post workplaces.

6.6. Health and Safety Representatives (HSRs)

- 6.6.1. Employees who are members of a DWG may select or elect one HSR and one DHSR to represent the health and safety interests of the employees in the DWG. All employees are entitled to nominate for selection or election and are entitled to vote in an election.
- 6.6.2. Selected HSRs of DWGs covered by a workplace HSC will be members of that workplace HSC, in accordance with the Australia Post Workplace HSC Procedures (refer to Attachment 4).
- 6.6.3. Section 33 of the Cth OHS Act provides for a DHSR to exercise the powers of a HSR in certain circumstances. In Australia Post, a DHSR is able to exercise the HSR powers only when the HSR ceases to hold office or the HSR has been or is expected to be absent for a continuous period of more than five days.

6.6.4. Election of HSRs

The Cth OHS Act provides for the selection (s25) and election (s25A) of HSRs. Part 3 (Election of HSRs) of the Cth OHS (Safety Arrangements) Regulation provide for arrangements for the election of HSRs.

Australia Post's procedures for the selection and election of HSRs are outlined in the separate Australia Post HSR Election Procedures. They do not form part of these HSMA Procedures.

6.6.5. HSRs – Role, Training and Access to Facilities

The role, powers, rights and responsibilities of HSRs are set out in the Cth OHS Act. The duties of employers in relation to HSRs are also described in the Cth OHS Act. This section of the HSMA describes Australia Post's arrangements to facilitate HSRs exercising their roles under the Cth OHS Act.

Term of Office of HSR

- 6.6.6. An Australia Post HSR and DHSR will hold office for two years or until their successor is declared elected or until they resign or are disqualified.

Disqualification of a HSR

- 6.6.7. In the event that management considers that a HSR or DHSR has acted with the intention of causing harm to the operations of Australia Post, or has acted unreasonably, management may proceed to implement the

processes established by s32 of the Cth OHS Act for the disqualification of a HSR.

HSR Training

- 6.6.8. HSRs will undertake a training course accredited under the Cth OHS Act and approved by Australia Post, as soon as practicable after their selection or election.
- 6.6.9. Other than in exceptional circumstances, this training will be completed within twelve months of their selection or election as a HSR.
- 6.6.10. HSRs will be given time off without loss of remuneration or other entitlements as is necessary to undertake the training.
- 6.6.11. All fees incurred by HSRs, in attending accredited HSR training courses approved by Australia Post and provided by an external provider will be met by Australia Post. They will be eligible for reimbursement of any travel costs in accordance with Australia Post's administrative arrangements.
- 6.6.12. DHSRs will be provided with appropriate information to assist them in performing the role of a HSR.

HSR Access to Facilities and Information

- 6.6.13. HSRs will be provided with reasonable access to facilities necessary for the purpose of exercising their powers, rights and responsibilities, including phones, photocopiers, fax machines, filing facilities and available electronic media such as the Australia Post intranet associated with the storage and distribution of OHS information.
- 6.6.14. Where it is necessary for a HSR to have access to transport to carry out the duties of the position, local management will make suitable arrangements.
- 6.6.15. Management will provide HSRs with access to information, including literature, which can reasonably be expected to improve their knowledge and skills in occupational health and safety, and their actions in controlling hazards likely to be encountered in their workplace.
- 6.6.16. However, HSRs are not entitled to have access to the following:
 - (i) an email account hosted by Australia Post
 - (ii) information in respect of which management is entitled to claim, or does claim legal professional privilege; and
 - (iii) information of a confidential medical nature relating to a person who is or was an Australia Post employee unless:
 - (a) the person has delivered to management a written authority permitting the HSR to have access to the information; or
 - (b) the information is in a form that does not identify the person or enable the identity of the person to be discovered; and

- (c) the provision of the information does not breach the Commonwealth Privacy Act (1988).

6.6.17. Where there is more than one DWG in an operational facility, management will provide reasonable opportunity for HSRs in that facility to communicate with one another on OHS matters relating to the facility as a whole.

6.7. Health and Safety Committees

These HSMA procedures provide for the constitution and operation of workplace HSCs required under the Cth OHS Act s34 (refer to section 6.7.1).

These HSMA Procedures also provide for the constitution and operation of Other HSCs that, whilst not required to be established under the Cth OHS Act, are established from time-to-time at other various organisational levels and locations in the Corporation (refer to section 6.7.2).

These HSMA procedures do not relate to other consultation forums concerned in whole or in part with OHS matters that might be established from time-to-time, at various management levels of the organisation. Procedures relating to those other consultation forums do not form part of these HSMA procedures.

6.7.1. Workplace HSCs

- 6.7.1.1. Arrangements for the constitution and operation of workplace HSCs are HSMA arrangements and will accord with the provisions of the Cth OHS Act s34.
- 6.7.1.2. Consultations on the constitution and operation of workplace HSCs are consultations for the purpose of developing or varying the Australia Post HSMA. Therefore, procedures for the constitution and operation of workplace HSCs form part of these HSMA Procedures.
- 6.7.1.3. Australia Post will establish and maintain workplace HSCs that ensure, where practicable, that every employee is covered by a local HSC.
- 6.7.1.4. The Workplace HSC Procedures referenced at Attachment 4 will be used for the constitution and operation of workplace HSCs in Australia Post.

6.7.2. Other Health and Safety Committees

- 6.7.2.1. In addition to workplace HSCs, Australia Post will establish and maintain HSCs at State and National levels in the Corporation. HSCs may also be established at regional and/or business unit levels.
- 6.7.2.2. Consultations on the constitution and operation of Other HSCs are consultations for the purpose of developing or varying the Australia Post HSMA. Therefore, procedures for the constitution and operation of Other HSCs form part of these HSMA Procedures.
- 6.7.2.3. The Other HSC Procedures referenced at Attachment 5 will be used for the constitution and operation of Other HSCs in Australia Post.

6.8. Resolving Issues arising during OHS Consultations

In this section, procedures for the resolution of issues arising out of OHS-related consultations between Australia Post managers and employees are described.

These procedures relate to resolving issues that arise in the following circumstances:

- during OHS consultations on the development or variation of the Australia Post HSMA (refer to section 6.8.1)
- during consultations on general OHS matters at the local workplace level (refer to section 6.8.2).

These procedures do not relate to the resolution of OHS issues that may arise from time-to-time during consultation on other matters. The Corporation's normal consultation and issue resolution mechanisms will apply to those circumstances.

Nothing in these procedures limits the rights of a HSR to deal with OHS issues in accordance with the provisions of the Cth OHS Act.

6.8.1. Resolving Issues arising during OHS Consultations on the Development or Variation of the Australia Post HSMA

- 6.8.1.1. Section 6.1.1 provides for Australia Post managers to consult with employees and employee representatives, if requested to be represented by an employee, at the local level on the development and variation of an Australia Post HSMA.

This section provides a mechanism for resolving OHS issues that arise during these consultations.

- 6.8.1.2. In these consultations, employees will be:
- (i) given the opportunity to direct questions to or raise issues with their local manager (supported by OHS advisers) to be addressed and resolved locally.
 - (ii) informed that they can raise issues unresolved at the workplace level, in writing with the State OHS manager for consideration and resolution (in conjunction with the Corporate OHS Manager).
 - (iii) Through the local manager, employees will be given feedback about the outcome of the issue or the progress of resolution.

6.8.2. Resolving OHS Issues arising during Consultations on General OHS Matters at the Local Workplace Level.

- 6.8.2.1. Section 6.2.1 provides for Australia Post managers to consult with employees and HSRs on general OHS issues that might arise at the local level.
- 6.8.2.2. Attachment 6 outlines a mechanism for resolving OHS issues that arise during those consultations.

6.9. Review of the Effectiveness of the HSMA

6.9.1. This section describes Australia Post's mechanism for reviewing the effectiveness of the HSMA, in accordance with the requirements of s16(2)(d)(iii) of the Cth OHS Act.

6.9.2. At the Australia Post national level, the Corporation will utilise the *Australia Post OHS Management System Quality Assurance (OHSMS) Program* as its national OHS auditing tool to audit the effectiveness of OHS management systems including the HSMA, in the Corporation.

The OHSMS QA Program is a management evaluation tool designed to assist the Corporation to systematically and objectively determine whether planned OHS management arrangements, including the HSMA, systems, procedures and practices comply with a designed set of OHS management performance criteria.

The OHSMS QA Program utilises OHS management audit criteria that accord with the Australian Standard/New Zealand Standard AS/NZS 4801 *OHS Management Systems – Specifications for Guidance and Use*, and approved by the SRCC.

The OHSMS QA Program will comprise the following tasks:

- annual auditing of the effectiveness of Australia Post's OHS management arrangements, including the HSMA, at selected sites in each major business functional stream across the Corporation
- interviewing managers, employees and HSRs at the audit sites during the audit
- recording and reporting audit results including providing feedback to personnel at the audit sites and relevant workplace HSCs
- developing, implementing and monitoring the progress of remedial actions plans
- consulting with the audit site's employees, HSRs and relevant HSC on the implementation plan
- at the end of each year's audit program, the outcomes of the OHSMS QA Program and results of audits will be reported to senior management, the National HSC and to the SRCC, in accordance with its requirements.

6.9.3. The OHSMS QA Program and its associated OHS audit criteria are outlined in a separate document and do not form part of these HSMA procedures.

6.9.4. In addition to the procedures outlined in section 6.9.2, General Managers of Divisions and heads of business units may implement procedures within their operations, developed in consultation with relevant employees and HSRs, to review the effectiveness of the HSMA in their operations.

6.9.4.1. Procedures described in section 6.9.4 do not form part of these HSMA procedures.

6.10. Variation of the HSMA

- 6.10.1. This section describes Australia Post's mechanism for varying the Australia Post HSMA, in accordance with the requirements of s16(2)(d)(iv) of the Cth OHS Act.
- 6.10.2. As outlined in section 1.1, the Australia Post HSMA describes management arrangements, developed in consultation with employees to promote and develop appropriate measures to ensure the health, safety and welfare of employees at work.
- 6.10.3. These management arrangements may be varied following formal review of the HSMA or some of its provisions, on an as needed basis and by 30 September 2011, being three years after the implementation of the HSMA.
- 6.10.4. The procedures outlined at section 6.1 will be used to consult employees on proposed variations to the HSMA.

7. Period of Operation of the HSMA

- 7.1. As outlined in section 6.10.3, this HSMA will be subject to review by 30 September 2011, being three years after the implementation of the HSMA.

End of Procedures

Attachment 1 OHS Policy

Refer Over Page

Australia Post

Occupational Health and Safety Policy

It is Australia Post's OHS Policy to provide a safe and healthy work environment for its employees. Australia Post believes that all work-related injuries and illnesses are preventable. The Corporation will conduct its business in a manner that secures the safety of its operations, promotes the health and safety of its employees, and protects its contractors and the public from risks arising out of its activities.

By providing a safe working environment, we protect the well-being of our workforce, we demonstrate to the community Australia Post's ability to manage its resources, and we provide competitive advantage to our business.

Australia Post will achieve this OHS Policy through the commitment, consultation, involvement and cooperation of employees at all levels of the Corporation.

- *Managers and supervisors will show leadership by communicating their commitment to safety and demonstrating their responsibility to prevent incidents and ill-health caused by working conditions by establishing injury prevention goals and sound work practices at their workplaces.*
- *Managers will consult with employees to develop, publish and implement a workplace-based strategy to ensure that all foreseeable hazards in the work environment are identified, risk assessed and controlled, and that there is prompt investigation, control and reporting of incidents causing or having the potential to cause injury to people or damage or threat to Australia Post's assets.*
- *All managers, supervisors and employees will receive the training necessary to work safely and to participate in safety management programs. On-going, needs-based OHS training and education will be provided to employees to enable them to know the safe work practices pertinent to their job.*
- *All managers, employees, contractors and visitors must comply with workplace strategies, safe work practices and relevant OHS legislation.*
- *The effectiveness of safety performance will be monitored and managers and supervisors will be accountable for their injury prevention actions and results.*

Australia Post recognises that employee consultation, involvement and cooperation are essential in developing, promoting and reviewing safe work practices, in workplace hazard inspections, OHS risk management activities and in the investigation of OHS incidents. This will be promoted through the framework established in the Commonwealth Occupational Health and Safety Act 1991 and in the Australia Post Health and Safety Management Arrangements, and through workplace-based Health and Safety Committees and Health and Safety Representatives.

MANAGING DIRECTOR
2008

Attachment 2 HSMA Consultation with Employee Representatives

Introduction

Under the Cth OHS Act s16A(2), an employee may be represented by an employee representative in consultations on the development or variation of an Australia Post HSMA. Such an employee representative has an important role in representing the employee in a meaningful and constructive manner that reflects the health and safety interests of the employee.

Where an employee wishes to remain anonymous in HSMA consultations, the employee representative must apply for a s16B certificate from Comcare certifying the employee representative is entitled to represent the employee in the consultations.

On being requested by an Australia Post management representative, an employee representative must nominate at least one employee from the workplace whom they are representing or produce a valid s16B certificate certifying that the employee representative is able to represent an employee in the workplace who wishes to remain anonymous in the HSMA consultations.

An employee representative does not need a s16B certificate if, on request from an Australia Post management representative, they are able to nominate at least one employee from the Corporation, even if another employee in the Corporation wishes to remain anonymous in the consultations.

An employee representative is unable to represent an employee or employees in HSMA consultations where the employee representative does not nominate an employee they are representing in the Corporation and they do not produce a valid s16B certificate.

If an employee is represented by an employee representative, this does not prevent the employee from being involved in the HSMA consultations.⁴

Procedures

1. An Australia Post facility manager shall consult on the HSMA with the workplace employees, relevant HSRs and an employee representative, if an employee requests of management to be represented by an employee representative.
 - 1.1.A manager shall inform employees that, if they wish to be represented in HSMA consultations by an employee representative, they should request their employee representative to contact the manager about the consultations.
 - 1.2.A manager shall also inform employees that, where represented under 1.1, an employee may request of the employee representative that they wish to remain anonymous in the consultations.
 - 1.3.Where an employee has requested to be represented by an employee representative, the Australia Post facility manager shall request of the employee representative the name(s) of the employee(s) they are representing.

⁴ Comcare, OHS Workplace Consultative Arrangements: Guide to Commonwealth Legislative Provisions (OHS 67, March 2007), page 9

- 1.3.1. If the employee representative provides the name of at least one represented employee, the manager shall continue to consult with the employee representative, other workplace employees and relevant HSRs.
- 1.3.2. if the employee representative shows the manager a valid certificate issued by Comcare under s16B, the manager shall assume that at least one employee wishes to remain anonymous during HSMA consultations and the manager shall consult with the employee representative, other workplace employees and relevant HSRs.
- 1.3.3. If the employee representative does not provide the name of at least one represented employee, the manager shall assume a represented employee wishes to remain anonymous during HMSA consultations; and
 - 1.3.3.1. shall request the employee representative to produce a valid Comcare s16B certificate; and
 - 1.3.3.2. if a valid s16B certificate is produced, the manager shall continue consultation with the employee representative, other workplace employees and relevant HSRs, or
 - 1.3.3.3. if a valid s16B certificate is not produced, the manager shall assume the employee representative is not entitled to represent any employee in the HSMA consultations, and shall not consult with the employee representative but shall consult with other workplace employees and relevant HSRs.

Attachment 3 DWG Procedures

OHS Policy and Procedures:

Establishment and Variation of Designated Work Groups

(DWG Procedures)

OHS-P-063 Issue 1.0

As Amended

COVER PAGE ONLY

Source: Corporate Injury Prevention and
Management Unit
Corporate Human Resources Group
Headquarters

Attachment 4 Workplace HSC Procedures

OHS Policy and Procedures:

Workplace Health and Safety Committees

(Workplace HSC Procedures)

OHS-P-064 Issue 1

As Amended

COVER PAGE ONLY

Source: Corporate Injury Prevention and
Management Unit
Corporate Human Resources Group
Headquarters

Attachment 5 Other HSC Procedures

1. Other Health and Safety Committees (HSCs)- General

- 1.1. As described at section 6.7.1 of the HSMA, Australia Post's procedures for the constitution and operation of workplace HSCs are outlined in Attachment 4 (Workplace HSC Procedures) of these HSMA Procedures. Nothing in these Other HSC Procedures will override the Australia Post Workplace HSC Procedures.
- 1.2. In addition to workplace HSCs, Australia Post will establish and maintain HSCs at State (refer to section 3 below) and National (refer to section 4 below) levels in the Corporation. HSCs may also be established at regional and/or business unit levels (refer to section 2 below).
- 1.3. These Other HSCs will be consultative forums for the purpose of providing advice on matters affecting the health and safety of employees covered by the committee.
- 1.4. Other HSCs complement the role of management which has ultimate responsibility and accountability for occupational health and safety in the Corporation.
- 1.5. Other HSCs will not override the direct lines of communication between management and employees, HSRs and involved union(s).
- 1.6. Membership of the Other HSCs is described in the relevant sections (refer to sections 2, 3 and 4) below.
- 1.7. Members of Other HSCs play an important role in assisting the Corporation in a meaningful and constructive manner that reflects the health and safety interests of employees.
- 1.8. Committee members will be appointed for a period of two years and will be eligible for re-appointment; appointments should be staggered to aid continuity. The Committees will be convened by a management member of the Committee.
- 1.9. To enable the Other HSCs to be effective, the number of HSC members will be kept to a minimum, but comprise no more than 12 members.
- 1.10. As part of their monitoring role Other HSCs will review, where appropriate, plans and strategies for the management of OHS, the OHS training needs of management and employees (including induction and skills training), reports of accidents (P400s), dangerous occurrences, OHS performance indicators and other matters including those which must be reported to Comcare.
- 1.11. The Other HSCs will function in accordance with the following principles:
 - (i) they may establish their own working arrangements, including working parties and sub-committees as required;
 - (ii) professional staff with expertise in OHS and other technical staff may attend meetings in the capacity of advisers;
 - (iii) observers may attend with the prior agreement of the Convenor;
 - (iv) where appropriate, members of Other HSCs will provide HSCs with all information, including the results of environmental and medical (aggregated) monitoring, performance and other statistical data,

relevant to the activities of the committees. Limitations relating to access to medical monitoring information are established in the Cth OHS Act, and will be enforced

- (v) HSRs and involved unions may call in consultants of their choice at their expense, subject to the agreement of Australia Post management at State or National level as appropriate;
 - (vi) where a Committee agrees that a consultant is required, and an appropriate senior manager accepts this, any associated costs will be met by Australia Post;
 - (vii) Committees shall produce and maintain notes of issues addressed by the Committee outcomes.
 - The notes of regional and/or business unit HSCs shall be provided to the relevant workplace HSCs and State HSC.
 - The notes of State HSCs shall be provided to the relevant regional and/or business unit HSCs and National HSC.
 - The notes of the National HSC shall be provided to the State HSCs.
- 1.12. Each committee will obtain notes of meetings and other information from other HSCs which it considers relevant to its responsibilities.
- 1.13. Australia Post will provide training to HSC members, where necessary, to assist them to exercise their functions as members. Normally this training will be integrated into the activities of the committee meeting.

2. Regional and/or Business Unit HSCs

- 2.1. Australia Post may establish a regional and/or business unit HSC to provide advice on, and monitor, all matters affecting safety and occupational health associated with the business management of the region and/or business unit, including those matters referred by relevant workplace HSCs.
- 2.2. A regional and/or business unit HSC will comprise as members management representatives of business areas covered by the committee, including a senior manager, and selected HSRs for DWGs covered by the committee.
- 2.3. To keep the number of HSC members below 12, it may be necessary for the HSRs to select their HSR nominee(s) to the HSC.
- 2.4. These committees will:
- (i) Normally meet quarterly. The Committees may also meet on a "needs" basis to address issues in a timely and effective manner.
 - (ii) develop approaches for the implementation of Australia Post's OHS Policy, and the management of the Cth OHS Act that are consistent with Australia Post's national OHS policy and national and Divisional and/or State strategies;
 - (iii) examine reports from workplace HSCs and review performance to provide support in achieving agreed targets and strategies;
 - (iv) provide appropriate assistance to workplace HSCs on matters referred by them;

- (v) report to State HSCs on matters relating to the implementation of Australia Post's OHS Policy, including strategies for the achievement of performance targets and results achieved, and matters relating to compliance with the Cth OHS Act.

3. State HSCs

- 3.1. In each State administration, management and involved unions will meet as the State HSC to provide advice on, and monitor, matters affecting safety and health associated with the business management of the State, including any matters referred by the National HSC and regional and/or business unit HSCs.
- 3.2. Management will be represented on State HSCs by senior management.
- 3.3. Committee members representing unions on State HSCs will be appointed jointly by the involved unions.
- 3.4. These committees will:
 - (i) meet at least six monthly. The Committees may also meet on a "needs" basis to address issues in a timely and effective manner
 - (ii) develop approaches to implement Australia Post's OHS Policy, its national OHS policies and strategies;
 - (iii) review Australia Post's Divisional and/or State OHS procedures, standards and strategies relating to the provision of safe workplaces, including safe systems of work;
 - (iv) review arrangements for compliance with the Cth OHS Act within the State administration, including the identification of potential safety and health hazards, the prompt investigation and reporting of accidents, and the implementation of corrective action;
 - (v) recommend to management State projects and strategies considered by the Committee to be essential and timely to the achievement of the OHS Policy, other business strategies, and/or the Cth OHS Act;
 - (vi) review the State's OHS performance, and provide assistance to achieve targets;
 - (vii) report to the National HSC on matters relating to implementation of Australia Post's OHS Policy, including strategies for the achievement of performance targets and their results;
 - (viii) identify work practices on which research should be conducted;
 - (ix) examine reports from regional and/or business unit HSCs to provide support in achieving agreed targets and strategies;
 - (x) provide appropriate assistance to regional and/or business unit HSCs on matters referred by them.

4. National HSC

- 4.1. Management and involved unions will meet as the Australia Post National HSC to provide advice on, and monitor, matters affecting safety and occupational health associated with the business management of the Australia Post, including any matters referred by State OHS Committees. In addition, the National HSC will also consider matters relating to the business management of environmental matters.

- 4.2. Management will be represented on the National HSC by senior management.
- 4.3. Committee members representing unions on the National HSC will be appointed jointly by the involved unions.
- 4.4. The National HSC will:
 - (i) meet at least six monthly. The Committees may also meet on a "needs" basis to address issues in a timely and effective manner
 - (ii) review Australia Post's OHS policies, standards and strategies relating to the provision of safe workplaces, including safe systems of work and the environment;
 - (iii) review arrangements for compliance with the Cth OHS Act and environment obligations within Australia Post, including the identification of potential safety and health hazards, the prompt investigation and reporting of accidents, and the implementation of corrective action;
 - (iv) recommend to management national projects and strategies considered by the Committee to be essential and timely to the achievement of the OHS Policy, other business strategies, and/or the Cth OHS Act and environment obligations;
 - (v) review Australia Post's OHS and environment performance, and provide assistance to achieve targets;
 - (vi) identify work practices on which research should be conducted;
 - (vii) examine reports from State HSCs to provide support in achieving agreed targets and strategies;
 - (viii) provide appropriate assistance to State HSCs on matters referred by them.

Attachment 6 OHS Issue Resolution

Refer Over Page

OHS Issue Resolution Procedures

1. Introduction

- 1.1. The Cth OHS Act at section 16 (2)(d)(v) prescribes that an organisation's Health and Safety Management Arrangement (HSMA) procedures provide for the resolution of disputes that arise during OHS consultation held under this Act.
- 1.2. The Australia Post HSMA provides mechanisms for the resolution of OHS issues (including disputes) that arise relating to:
 - the development and variation of the Australia Post HSMA Procedures (refer to section 6.8)
 - the establishment and variation of DWGs (refer to Attachment 3)
 - the constitution and operation of workplace HSCs (refer to Attachment 4)
- 1.3. Australia Post has also developed mechanisms to resolve issues relating to the selection and election of HSRs (refer to the separate Australia Post HSR Election Procedures)
- 1.4. This OHS Issue Resolution Procedure outlines a mechanism to resolve local OHS issues (encompassing disputes) as they arise at the local level and that are not covered by the mechanisms described at sections 1.2 and 1.3 above.
- 1.5. This procedure:
 - (i) establishes a consistent and systematic approach throughout Australia Post workplaces to resolve local OHS issues as they arise .
 - (ii) identifies the major parties in the workplace to be involved in the resolving OHS issues.
 - (iii) provides a method of communicating the outcomes of any OHS resolution with relevant employees, HSRs and workplace HSCs.

2. Procedure

- 2.1. A facility manager shall inform employees and HSRs in the workplace about these OHS Issue Resolution Procedures.
- 2.2. Each facility manager will nominate a management representative who is responsible for dealing with health and safety issues in the workplace. Where a management representative has not been nominated, the facility manager is deemed to be the management representative for the purposes of these procedures.
- 2.3. The facility manager will arrange for all employees in the workplace to be advised of the name of the nominated management OHS representative via a Team Brief, local Staff Information Bulletin or similar documentation.
- 2.4. The facility manager will also arrange for the relevant workplace HSC to be advised of name of the nominated management OHS representative and this will be recorded in the minutes of the workplace HSC meeting at the HSC's next meeting.

- 2.5. Management and employees have a number of avenues available to seek to resolve local OHS issues. Employees should raise issues with their immediate supervisor, the nominated OHS management representative, another supervisor if the nominated OHS management representative is unavailable, the employee's HSR or directly with the workplace HSC.
- 2.5.1. It is intended that the management OHS representative would consult directly with the employee and/or HSR who raised the issue with a view to resolving the issue.
- 2.5.2. The persons involved in seeking to resolve the OHS issue should meet to discuss the matter and seek expeditious resolution.
- 2.5.2.1. If the issue is resolved, relevant employees, HSRs and management representatives should be advised about the resolution.
- 2.5.2.2. if the issue is unresolved, the issue should be referred to the workplace HSC for consideration and resolution (refer to the Australia Post Workplace HSC Procedures); or
- 2.5.2.3. the issue should be referred to the relevant senior manager for advice and direction regarding resolution. Follow the manager's direction for a process for resolution.
- OHS advisers may also be contacted for advice regarding resolution.
- 2.6. Nothing in these procedures limits the rights of a HSR to deal with OHS issues in accordance with the provisions of the Cth OHS Act.

Attachment 2

Australia Post Response to CEPU Comments on Draft HSMA (28 August 2008)

In responding to your invitation to comment on the draft Australia Post HSMA procedures we wish to make a few general comments at the start about the draft procedures as well as providing more specific comments on the particular detail in the procedures. We would ask that you take both our general and specific comments into account and provide your response on same to the union prior to finalising the HSMA procedures.

We wish to advise you at the outset that we can't agree to the proposed HSMA and we do not agree with your process for negotiating the HSMA.

In making the HSMA you have unilaterally decided that the Australia Post OHS Agreement 1992 is made redundant by the HSMA.

We do not agree that the OHS Agreement 1992 will no longer operate with the introduction of a HSMA.

Comment: Consistent with the transition arrangements outlined in the Occupational Health and Safety (Commonwealth Employment) Amendment Act 2006, the OHS Policy 2002, with its referenced OHS Agreement, ceases to apply with the development of the HSMA and its incorporated OHS Policy. The new OHS Policy supersedes the OHS Policy 2002.

The Commonwealth OHS Act provides for the making of agreements between the employer and employee representatives relating to:

- Ongoing consultation between the employer and employee representatives on OHS matters; and
- Other matters as agreed between the parties

Australia Post is also bound by its commitment in EBA6 to abide by the OHS Agreement 1992 or any successor to that agreement.

In our view the HSMA should be agreed with the union and should include the union as a party.

Comment: Australia Post does not agree, nor is it a requirement of the Commonwealth OHS Act (Cth OHS Act) that the HSMA should be agreed with the union and that it should include the union as a party.

Moreover preparation of HSMA procedures without any prior discussion with the union about these procedures and inviting the union to then comment on same is a pretty poor way of making a HSMA, yet the HSMA has enormous ramifications for how OHS is dealt with in Australia Post workplaces.

Similarly the absence of a properly structured consultation process to obtain feedback from employees on the proposed HSMA procedures is unacceptable.

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Comment: The union's comment is noted. Australia Post considers that it applied a suitable process to consult with its employees on the HSMA. This process was explained to the union in the Australia Post 20 June 2008 letter in which the union was invited to comment on the HSMA. Furthermore, the process followed in consulting with employees on the HSMA was also used to consult with employees on the two other procedures, the DWGs Procedures and Workplace HSC Procedures. In other correspondence, the union was also consulted on these two procedures and advised about the process to be used to consult with employees on the procedures.

In our view the HSMA should facilitate the involvement of the union to directly communicate to employees about the proposed HSMA procedures and the progress of negotiations.

Comment: The union's comment is noted. The Australia Post HSMA sets out management arrangements to enable managers to work with, inform and consult employees on the HSMA and other OHS matters, and in compliance with Cth OHS Act requirements.

Your advice is noted that during 2007 Australia Post introduced three new OHS procedures in respect to amendments to the Commonwealth OHS legislation:

- The establishment and variation of DWGs;
- The constitution and operation of workplace HSCs; and
- The election and selection of HSRs.

However as you know none of these procedures have been finalised to an agreed conclusion. There continue to be disagreements between the parties on the contents of these documents.

Comment: The mentioned procedures have been finalised and implemented. Following consultation with the union on each of the abovementioned new procedures, including providing responses to the union on the comments it made in relation to the procedures, Australia Post provided the union with final versions of the procedures on 3 August 2007 in relation to DWG Procedures, 14 September 2007 in relation to the Workplace HSC Procedures, and 12 October 2007 in relation to the HSR Election Procedures.

Importantly these procedures and the draft HSMAS procedures do not have an effective disputes resolution mechanism that enables a disputed matter to be settled by an independent arbiter. In our view the AIRC should be the independent arbiter in disputes arising from the HSMA procedures.

Comment: Australia Post considers that the HSMA procedures, along with the other HSR Election, DWG, Workplace HSC procedures provide for suitable dispute and issue resolution mechanisms. In doing so, these procedures satisfy the Cth OHS Act requirement that a HSMA provide for a dispute resolution mechanism.

With respect to the draft HSMA procedures, we provide the following more specific comments on the particular detail in the procedures:

1.1 Introduction

1.1.1 "These HSMA procedures describe management arrangements to be used by Australia Post managers to work in consultation with employees" – *insert, and their representative the union, etc.*

- "enable effective consultation between and employer and its employees" – insert, *and their representative the union*

Comment: Disagree – the HSMA, at section 6, describes the processes that managers will use to consult with employees, and, where appropriate, with employee representatives, where an employee or employees request to be represented by an employee representative.

1.1.3

- Informing and consulting employees – insert, *and their representative the union* about the HSMA.
- Consulting employees – insert, *and their representative the union* on general OHS matters.

Comment: Same comment as 1.1.1 above.

Insert new dot point: *HSMA's provide for the making of an agreement between the employer and employees and their representative the union. Australia Post will continue to abide by the OHS Agreement 1992 or any successor that is negotiated with the union.*

Comment: Australia Post does not agree, nor is it a requirement of the Commonwealth OHS Act (Cth OHS Act) that the HSMA should be agreed with the union. As explained earlier, the OHS Agreement 1992, along with OHS Policy 2002 which refers to the OHS Agreement, cease to apply with the development of the HSMA and its incorporated OHS Policy. The new OHS Policy supersedes the OHS Policy 2002.

1.1.4 "Those other OHS activities will be developed in accordance with normal employee"- insert, *and union consultation mechanisms.*

Comment: Australia Post does not consider it necessary to change the text given that the HSMA sets out procedures for OHS consultation including consultation on HSMA matters (section 6.1) and general OHS matters (section 6.2 – reference in 6.2.2 to Australia Post's normal consultation mechanisms

Add new sentence – *The HSMA recognises the union’s role in negotiating the HSMA and the final written agreement on the HSMA will include the union as a party.*

Comment: Disagree. It is not considered necessary to refer to the role of the union in this manner because the HSMA reflects the requirements of the Cth OHS Act that an employee representative may represent an employee or employees (in certain circumstances) in consultations on the HSMA and other defined matters. Of course, we would expect that the union would satisfy the definition of an employee representative for the purpose of the Cth OHS Act. Also, in accordance with the Corporation’s normal consultation mechanisms, the union was consulted on the HSMA.

As indicated earlier, Australia Post does not agree, nor is it a requirement of the Commonwealth OHS Act (Cth OHS Act) that the HSMA should be agreed with the union and that it should include the union as a party.

1.2 Consultation on HSMA

Insert new sentence – *Australia Post recognises that improved outcomes in workplace safety will be promoted by implementing mechanisms that deliver employees and their representative the union opportunities to participate in meaningful consultation about the measures to be adopted to promote better OHS at Australia Post workplaces.*

Insert new sentence – *The HSMA will facilitate the involvement of the union to directly communicate to employees about the proposed HSMA arrangements and progress of negotiations.*

Comment: Disagree. Refer to response at 1.1.4 above.

4.2.3 Employee representative in HSMA consultations

Delete 5th paragraph – “An employee representative is unable to represent an employee or employees in such HSMA consultation” etc.

Comment: Disagree as para 5 is accurate.

4.2.4 OHS Managers

Delete – “where appropriate”.

Comment: Disagree as the reference to “where appropriate” correctly refers to those defined circumstances, defined in the Cth OHS Act where an employee representative is able to represent employees on HSMA and other specified matters.

5. Definitions

Consultation – After "inform employee" – insert, *and their representative the union.*

Comment: Disagree as the reference is a direct quote from the Comcare's guidance material relating to the definition of OHS consultation. The HSMA included the relevant reference to the Comcare material.

HSMA – Insert new sentence – *HSMA recognises the union's role and the final written agreement on the HSMA will conclude the union as a party.*

Comment: Disagree. Refer to response at 1.2 above.

6.1.1 Consultation on the Australia Post HSMA

Refer earlier comments at beginning of this letter and at 1.2 on consultation.

6.1.1.7 "...that an employee" – insert, *and their representative the union.*

6.1.1.7.1 Insert new sentence – *The employee may request their representative the union to raise any matter related to the HSMA with Australia Post.*

6.1.1.7.2 Insert new sentence – *Variations to the HSMA will be discussed and agreed with the employees and their representative the union. Where a variation is not agreed dispute resolution mechanisms with access to an independent arbitrator, i.e AIRC may be activated by either party.*

Comment: Disagree. Refer to the following:

- Responses at 1.1.4 above concerning the HSMA reference to the role of employee representatives in HSMA consultations; and
- to earlier references to the dispute and issue resolution procedures of the HSMA.

6.2 Consultation on General OHS matters

6.2.1 After "Consultation with employees" – insert, *and their representative the union.*

Comment: Disagree. Refer to the comment at 1.1.4 above and the reference to the HSMA provision at section 6.2.2 for Australia Post's normal consultation mechanisms to be utilised for consultation on general OHS matters.

6.3 Australia Post OHS Policy

6.3.2 Refer above 6.1.1.7.3 for comments on review and variation of HSMA.

Comment: refer to comment at 6.1.1 above.

6.4 Australia Post approach to OHS Risk Management

Insert new sentence – *The union is to be advised when risk assessments are to be undertaken and is able to provide input into the risk assessment.*

Comment: Disagree because the HSMA procedures at 6.2.2 provide for consultation on general OHS matters, such as OHS risk management, utilising Australia Post's normal consultation mechanisms.

6.5 Designated Work Groups (DWG)

Rewrite the section to include the following: *The HSMA will ensure the adequate representation of employees in DWGs. Establishment and/or variation of a DWG will be achieved through consultation with employees and their representative the union. Either party may initiate the consultation process.*

Comment: Disagree as the DWG Procedures (2007), which were issued in 2007 and in accordance with the requirements of the Cth OHS Act, provide for consultation with employees and employee representation in establishing and varying a DWG.

6.6 Health and Safety Representatives

6.6.3 Rewrite sentence to say *DHSR is able to exercise the HSR powers when the HSR ceases to hold office or the HSR is absent. Delete 'for a continuous period of more than 5 days.'*

Comment: Disagree as the HSMA at 6.6.3 provides necessary clarity about the circumstances when a DHSR is able to exercise the HSR powers.

6.6.4 Election of HSRs

Note process for resolving disputes set out in Australia Post HSR Election Procedures is not agreed. Refer earlier documentation on HSR elections and comments above on dispute resolution process.

Comment: As mentioned above, the HSR Election Procedures were finalised in 2007. Refer also to earlier comments concerning the HSMA procedures relating to the resolution of the OHS issues and disputes.

6.6.5 HSRs – Role, Training and Access to Facilities

Insert paragraph – The HSMA will ensure that employees are made aware of the role, functions and powers of HSRs. The HSMA acknowledges that HSRs will be able to perform their role in an unfettered way consistent with the relevant law including the Commonwealth OHS Act and will not suffer any victimisation as a result of performing their role. The HSMA does not limit the statutory rights and powers of HSRs.

Comment: Disagree as the HSMA states at section 1.1.5 that the nothing in the HSMA restricts relevant party's rights and responsibilities under the Cth OHS Act.

- 6.6.9** Delete – "training will be completed within twelve months". HSRs are entitled to receive training, not to train a HSR, or DHR for that matter, for possibly up to 12 months of their election as a HSR is contrary to the intent of the Commonwealth OHS Act that HSRs are entitled to receive training and ridiculous in an organisation the size of Australia Post.

Comment: Disagree, as indicated at HSMA section 6.6.8, it is Australia Post's intention that a HSR will undertake accredited HSR training as soon as practicable after their selection or election and within 12 months.

- 6.6.12** Insert new sentence – *Deputy HSRs will receive training by an accredited training provided the same as HSRs are provided with training.*

Comment: Disagree. As indicated at the HSMA section 6.6.12, and noting that it is not a legislative requirement that a Deputy HSRs receive accredited HSR training, they will be provided with appropriate information such as the Comcare HSR Handbook to assist them in performing the role of a HSR.

- 6.6.13** Insert into sentence – *HSRs will be provided with reasonable time away from their ordinary duties to perform HSR role.*

Comment: Disagree as this matter is covered by section 30 of the Cth OHS Act and it is considered unnecessary to repeat the provision in the HSMA.

- 6.6.15** Insert into sentence – *HSRs will have access to and copy of P400 forms including forms with employees names when the appropriate section has been authorised by the relevant employee.*

Comment: Disagree as the topic of providing a HSR with access to information including information of an employee's personal matter is addressed at the HSMA procedures at section 6.6.15 and 6.6.16.

- 6.6.17 After "will provide reasonable opportunity" – insert, *during normal working hours – "for HSRs in that facility for communicate" etc.*

Comment: It is not considered necessary to change the clause noting that the clause reflects current arrangements.

6.7 Health and Safety Committees

Refer earlier documentation on workplace health and safety committees.

Comment: refer to earlier comments that after a period of employee and union consultation the Workplace HSC Procedures were finalised in September 2007.

- 6.7.2 Insert, *Australia Post agrees to hold further discussions with the union concerning the establishment of other health and safety committees and procedures for the consultation and operation of these committees.*

Comment: Disagree to amend the HSMA noting that, in accordance with the Cth OHS Act requirements, the HSMA provides a mechanism for consulting with employee on establishing and varying the HSMA.

6.8 Resolving issues arising during OHS consultations

Refer earlier comments about consultation process and dispute resolution mechanisms.

Comment: refer to earlier comments about the consultation provisions of the HSMA and its provisions in relation to dispute and issue resolution.

6.9 Review of effectiveness of the HSMA

Insert new paragraphs, *Australia Post agrees to provide the union access to workplaces where the union believes on reasonable grounds that a breach of the Commonwealth OHS Act has occurred and/or to respond to a request for assistance from a HSR*

Comment: Australia Post does not agree with the union's suggestion. The HSMA reflects the provisions of the Cth OHS Act. Australia Post recognises and will continue to meet its obligations under the Workplace Relations Act 1996 to provide access where it is required to do so pursuant to the terms of the Workplace Relations Act 1996.

Australia Post agrees to ensure that the union has meaningful participation and involvement in the OHS audit processes undertaken throughout the organisation's workplaces.

Australia Post agrees to provide to the union audit information and the outcomes of audits.

Comment: Disagree in changing the HSMA, noting earlier comments that the HSMA provides at 6.2.2 for consultation on general OHS matters (such as OHS audit outcomes), utilising Australia Post's normal consultation mechanisms.

6.10 Variation of HSMA

Refer earlier comments at 6.1.1.7.3

Comment: Refer to earlier comments at 6.1.1

7. Period of operation of HSMA

Insert new sentence, Australia Post will hold further discussions with the union concerning the review of the HSMA and will ensure that the union has meaningful participation and involvement in the review.

Comment: in reviewing the HSMA, Australia Post will comply with relevant legislative requirements and utilise the Corporation's normal consultation processes. It is considered unnecessary to change the HSMA.

Attachment 1 Australia Post OHS Policy

At second dot point insert, Australia Post will consult with employees and their representative the union.

Comment: Disagree as the OHS Policy states, among other things, that consultation will be undertaken through the framework established in the HSMA which, in turn, provides for the Corporation to utilise normal consultative arrangements in addressing general OHS matters.

Attachment 2 HSMA Consultation with Employee Representatives

Refer earlier comments at 1.1.4.1.2 and 4.2.3

Comment: Refer to earlier comments at 1.1.4 and 4.2.3.

Attachment 3 DWG Procedures

Refer earlier documentation on DWGs

Comment: Refer to earlier comments concerning the DWG Procedures

Attachment 4 Workplace HSCs

Refer earlier documentation in HSCs.

Comment: Refer to earlier comments concerning the Workplace HSC Procedures

Attachment 5 Other HSC Procedures

Refer earlier comments at 6.7.2

Comment: Refer to earlier comments at 6.7.2.

Attachment 6 OHS Issue Resolution

The HSMA must include an effective dispute resolution mechanism to enable a disputed matter to be resolved by an independent arbiter. The independent arbiter should be the AIRC.

Comment: Refer to earlier comments about the HSMA's provision relating to dispute and issue resolution.

Safety Talk – HSMA (v1.0, 150908)

(Refer over page)

HEALTH and SAFETY MANAGEMENT ARRANGEMENTS (HSMA)

Take a minute. Talk safety ... work safely!

Key Points:

- Due to amendments to the Cth OHS Act 1991 introduced in March 2007, Australia Post was required to establish Health and Safety Management Arrangements (HSMA) in consultation with its employees. This document has now been finalised for implementation.
- The HSMA outlines Australia Post's arrangements enabling managers to work in consultation with employees in managing workplace health and safety hazards and risks.

What is a HSMA ?

A HSMA is a document describing Australia Post's arrangements enabling managers to work in consultation with employees in managing workplace health and safety hazards and risks. It outlines key components of our OHS management approach.

What does the HSMA include?

The HSMA includes procedures relating to the following:

- the provision of information to, and consultation with employees about the HSMA
- consultation with employees on general OHS matters
- the Australia Post OHS Policy
- OHS risk management approaches to identifying hazards and assessing and controlling risks to safety and health
- the establishment of Designated Work Groups
- Health and Safety Representatives (HSRs)
- the constitution and operation of Workplace and Other HSCs
- the resolution of OHS issues arising during OHS consultations
- a review of the effectiveness of the HSMA
- variation of the HSMA
- the period of operation of the HSMA.

What consultation did Australia Post undertake with employees?

Consultation with employees on a draft HSMA was undertaken at the workplace level during the eight week period of 23 June 2008 to 22 August 2008.

At the same time, Australia Post also consulted on the HSMA with the involved unions nationally in line with normal consultative arrangements.

What will change as a result of implementation of the HSMA?

Employees may notice little or no changes in their workplace as a result of the HSMA. Australia Post has already introduced new procedures during 2007 resulting from changes to the OHS Act that form part of the HSMA. They include the DWG Procedures and Workplace Health and Safety Committee Procedures

The OHS Policy has been updated to refer to the HSMA, and restates the Corporation's commitment to providing a safe and healthy work environment for its employees.

Where can I find a copy of the HSMA?

A copy of the HSMA is on the OHS noticeboard or you can request a copy through your supervisor.

What if there is a safety issue in my workplace?

Continue to consult with your local manager as per existing processes. The HSMA promotes local consultation between managers and employees or HSRs.

Tips for Facilitators

Prepare for your talk. Read this sheet, get other information if needed.
 Cover the key points in your talk, then summarise them at the end. Total 5-10 mins.
 Get your listeners involved – ask open ended questions, get their opinions, encourage feedback.
 Keep a record of people attending eg on the back of this sheet.

Group/Team:	Conducted by:	Date: .../.../...
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