



# Issue Resolution Procedure

## 1. Purpose

The purpose of this procedure is to ensure that all WHS issues arising in the workplace are resolved in the most effective and efficient manner thereby ensuring the continued health, safety and welfare of ANC workers.

## 2. Scope

This procedure applies to all workers of ANC when a work health and safety matter is not progressed to resolution or to a satisfactory standard of the worker reporting the safety matter.

## 3. Definitions

### **ANC**

*All land, property, buildings, warehouses, structures, installations, aircraft or vehicles owned by, controlled by or under contract or lease to ANC.*

### **Worker**

*Any person who carries out work for ANC. This includes employees, contract carriers, volunteers, trainees/apprentices, work experience students and labour hire companies.*

### **Person Conducting a Business or Undertaking (PCBU)**

*A PCBU is an individual or organisation that conducts a business or undertaking including body corporate, unincorporated bodies or associations, partnerships and business franchises. The PCBU arranges, directs or influences work to be done or contributes something towards the work being done. There may be multiple businesses or undertakings and therefore multiple PCBUs involved in the work at the same location.*

### **Consultation**

*The process of communication and participation between a worker and a person conducting a business or undertaking (PCBU) on issues affecting work, health and safety.*

### **WHS Issue**

*A situation, activity, behaviour or item that poses a health and safety risk to a person.*

### **Health and Safety Representative (HSR)**

*A HSR is a worker who has been elected by a work group (of which they are a member) to represent them on health and safety issues. ANC's approach to this is use of a safety representative from each state. This was agreed by all stakeholders as no workers wanted to vote for HSR's- this is reflected in ANC's Consultation Statement.*

#### Revision History

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## 4. Procedure

### 4.1. Who can be involved in resolving a WHS issue?

The following parties may be involved include:

- a) The person conducting the business or undertaking (PCBU) or the person's representative.
- b) Any other PCBU or their representative who is involved in the issue.
- c) If the worker or workers affected by the issue are in a work group, the health and safety representative (HSR) for that work group, or his or her representative.
- d) If the worker or workers affected by the issue are not in a work group, the worker or workers or their representative.

A PCBU must ensure that the person's representative (if any):

- a) Is not a health and safety representative; and
- b) Has an appropriate level of seniority, and is sufficiently competent, to act as the person's representative.

### 4.2. Timely resolution

When a health and safety issue arises, the parties responsible must make reasonable efforts to achieve a timely, final and effective resolution of the issue according to the relevant agreed procedure.

### 4.3. Informal issue resolution process

ANC encourages all workers to communicate directly with their supervisor or manager to raise any health and safety concerns. The worker's supervisor or manager should be the first contact person for reporting any health and safety incidents, hazards or concerns, and these should all be reported using ANC's Rapid Incident management system..

#### Step 1

Worker raises a health and safety concern with their direct supervisor or manager. This concern should be reported on ANC's Rapid Incident management system..

#### Step 2

If further assistance is needed to resolve the concern, the worker, their supervisor/manager can raise the concern with their safety representative or Regional Safety Officer.

#### Step 3

If further assistance is needed to resolve the concern, any of the parties outlined in Step 2 can contact the General Manager.

#### Step 4

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If the above steps have been already taken and the issue remains unresolved, any of the parties outlined in Step 2, need to follow the steps outlined in the following section called “Formal Issue Resolution Process”

#### **4.4. Formal Issue Resolution Process**

This process is to be followed when parties have previously discussed or communicated with each other regarding the health and safety concern, and no resolution has been found.

##### **Step 1: Inform the other parties that there is an unresolved health and safety issue.**

Any party involved in the issue, may commence the procedure by ensuring the issue has been reported on ANC’s Rapid Incident management system, and by informing the other parties **in writing**:

- a) That there is an unresolved health and safety issue; and
- b) The nature and scope of the issue;

##### **Step 2: All parties must meet or communicate with each other to try to resolve the issue.**

As soon as the parties are informed of the issue, they will organise to either meet or communicate with each other to attempt to resolve the issue. The receiving party will acknowledge by email they have received the issue in writing, and they will conduct an investigation into the issue raised.

##### **Step 3: Investigation into the issue.**

The receiving party should contact the safety officer for advice on how to conduct a formal investigation using ANC’s Rapid Incident management system.

The receiving party needs time to investigate the details of the issue, how it is affecting the health and safety of workers, and what actions have been taken so far to address the issue.

During this investigation and attempts to resolve the issue, all parties must have regard to the following:

- a) The degree and immediacy of risk to workers or other person affected by the issue;
- b) The number and location of workers and other persons affected by the issue;
- c) The measures (both temporary and permanent) that must be implemented to resolve the issue;
- d) Who will be responsible for implementing the resolution measures.

##### **Step 4:**

At the end of the investigation, the receiving party will communicate the findings of their investigation and possible measures to resolve the issue with the party that raised the issue.

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#### **Step 5:**

Receiving party to confirm resolution of issue with party that raised the issue.

#### **Step 6: (Only if required)**

If reasonable efforts have been made to resolve an issue and it remains unresolved, any party to the issue can ask the relevant state safety Regulator (SafeWork/WorkSafe) to appoint an inspector to assist the workplace. The inspector's role is to assist in resolving the issue. An inspector could exercise any of their compliance powers under the WHS Act, including providing advice, investigating contraventions or issuing an improvement notice.

At any time during the process or if a request to the Regulator is made a worker is still entitled to exercise their right to cease work.

## **5. Review**

This procedure will be reviewed every two years and distributed to workers.

## **6. References**

- ANC Consultation Statement
- Safe Work Australia, Worker Representation and Participation Guide

### **NSW**

- Workplace Health and Safety Act 2011
- Workplace Health and Safety Regulation 2011 (Section 23 and Section 80)

### **ACT**

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011

### **QLD**

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011

### **SA**

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011

### **WA**

- Occupational Safety and Health Act 1984
- Occupational Safety and Health Regulations 1996

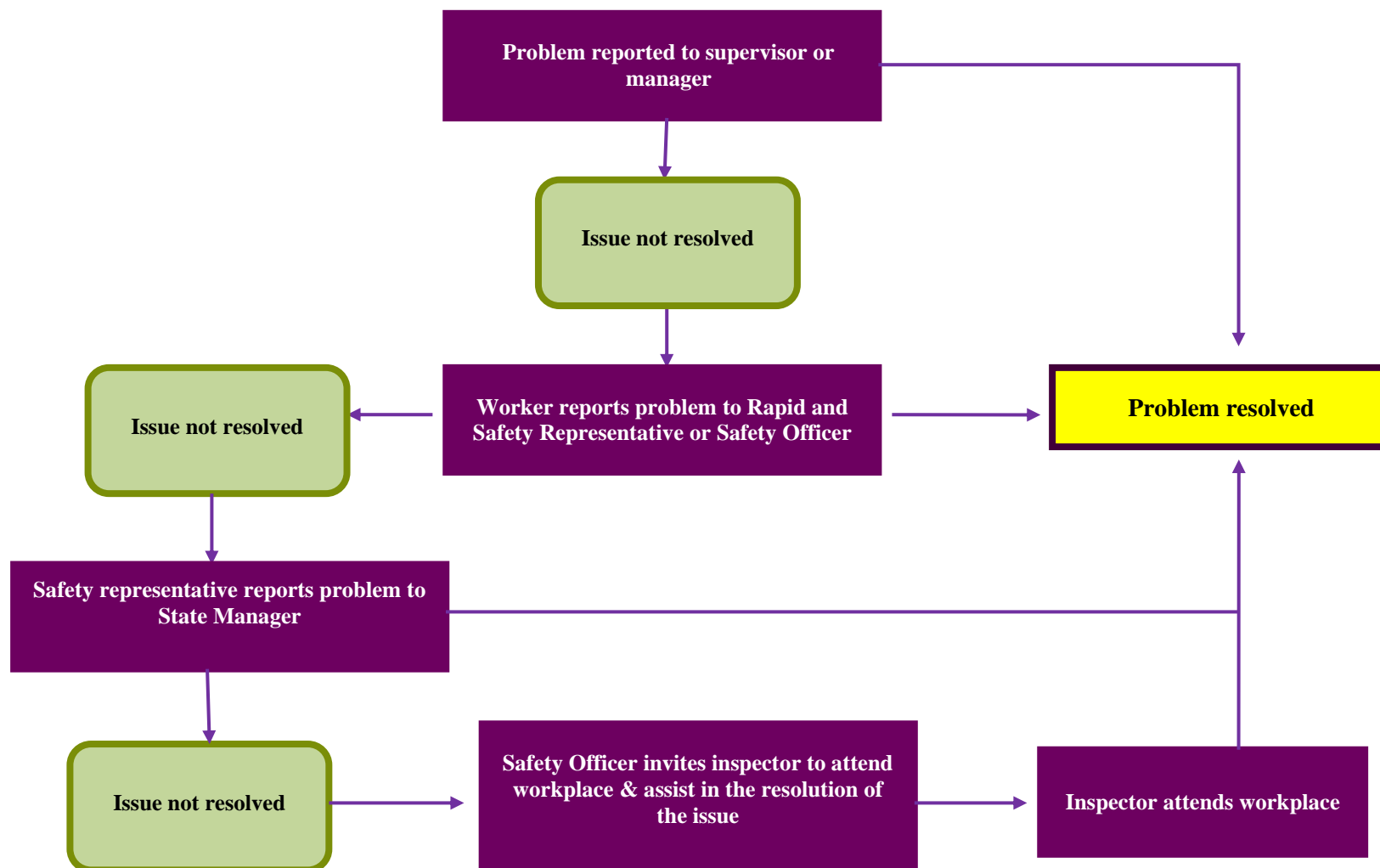
### **VIC**

- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulation 2017

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## Appendix A - Issue Resolution Process



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