

	Title of Document Occupational Health and Safety Committee Constitution		
	Prepared by KDC Health and Safety Specialist		27-Sep-20
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NAME: The name of the Committee will be known as:

Kaipara District Council Occupational Health and Safety Committee

AIMS

1. The purpose of the Occupational Health and Safety Committee is to enable management and employees to work as a team so as to establish a safe and healthy working environment.
2. To provide a forum that will allow frank and open discussion on all issues relating to the protection of all persons e.g. employees, contractors/visitors, members of the public, at the place of work.
3. Collate, review and disseminate statistics, Australian/New Zealand Standards, Codes of Practice, policies and procedures relating to the health, safety or wellbeing at the site.
4. In addition, all other persons employed by the PCBU who come under the provisions of the Australian/New Zealand Legislation will be able to refer matters to the Committee for advice or assistance.

SCOPE:

The Committee will concern itself with all Occupational Health and Safety matters that have been formally referred to the employee's immediate supervisor and which have not been acted upon, (open risk documented on the risk register).

Review of the injuries or ill-health and reported near-misses/near-hits (which had the potential to cause injury, ill-health or damage) so as to assist the PCBU and Units in production, updating and monitoring of the Occupational Health and Safety policies and programmes agreed upon.

The examination of all places of work in relation to work design, operating procedures, emergency evacuations, workplace inspections, rehabilitation/return-to-work, technological change and the provision of suitable and approved items of personal protective clothing and safety equipment.

The exceptions which the OHS Committee will not consider are industrial disputes or issues and operational equipment problems/procedures and grievance procedures which do not affect health, safety or wellbeing;

DECISION-MAKING PROCEDURES:

The Committee will endeavour to operate as a joint consultative committee, with the T2 General Manager representative being the decision-maker on all items raised after consultation has been duly exercised. However, if an item that is raised falls outside the authority range of the decision-maker present, the Committee will revert to a joint advisory committee to make recommendations to Line Management. Should the solution that is found be unacceptable, then the Committee may refer the matter to firstly, an approved independent Health and Safety

at Work consultant/auditor for expert advice or secondly, consider whether the matter warrants an inspector to be called into arbitrate.

Decisions will be made through the process of joint consultation and voting on matters before proper discussion at the OHS Committee, will not be practised.

A sub-Committee will be formed from time to time, as the need is identified to assist in gathering information to allow the Committee as a whole to make better informed decisions. All Committee members are expected to participate in the operation of these sub-Committees and membership will be determined by consensus or failing that by the Chair.

MEMBERSHIP

The Committee shall at a minimum consist of ten (10) members

- Seven (7) elected employee representatives – from the direct employee operations who will be SME's; and
- One (1) Decision Maker who has been identified as the PCBU pursuant to the HSaW Act, and or an Officer acting on behalf of the PCBU/Executive Officer
- One (1) Employer nominated OHS specialist
- One (1) Employer nominated Property/Maintenance specialist

In the event that the size of the organisation significantly alters, the elected representatives are authorised to re-negotiate the size and composition of the Committee.

Elections for employee representatives are to be held every (3) years in the months of (July/Aug).

The Chair will call nominations for any casual vacancies.

Management/employer representatives are not to out-number the elected employee representatives on the Committee.

QUORUM

The Committee meetings shall function every month with a full quorum as agreed by the Committee Members:

- Six (6) of the (7) elected employee representatives – from the employee operations who will be SME's
- One (1) Decision Maker who has been identified as the PCBU pursuant to the HSAW Act and or an Officer acting on behalf of the PCBU/Executive Officer
- One (1) Employer nominated OHS specialist
- One (1) Employer nominated Property/Maintenance/Commercial specialist

In cases where a quorum is not attained the meeting is to be rescheduled for the earliest possible time and absent members informed of the rescheduled time. At least one (1) Decision Maker, (1) Employer nominated OHS Specialist, (1) Employer nominated Property/Maintenance/Commercial specialist and (6) employee members at any meeting will represent sufficient management and employee representatives.

A sub-Committee/Working Group will be formed from time to time, as the need is identified to assist in gathering information to allow the Committee as a whole to make better informed decisions. All Committee members are expected to participate in the operation of these sub-Committees and membership will be determined by consensus or failing that by the Chair.

ELECTION AND APPOINTMENT

Management will provide reasonable assistance to employees conducting the elections. Management will appoint decision-makers to the Committee. In the event that a representative is unable to attend a meeting preventing a quorum, the Chair must be notified, and either an alternative suitable deputy found or, if necessary, a re-scheduling of the meeting date.

APPOINTMENT OF EMPLOYER REPRESENTATIVES

Employer representatives are appointed to the Committee for an indefinite period. Management representing the PCBU has the right to determine who will be its representatives.

An employer's representative has a dual role in advising Management of Health and Safety Policy and programmes as well as providing direction for the OH&S Committee.

TRAINING OF COMMITTEE MEMBERS:

All members, both current and future, will participate in an accredited Occupational Health and Safety Committee Training Course, conducted by an accredited trainer.

The training of Committee Members will take place as soon as possible after their appointment to the Committee.

The Committee may determine which course it will attend and make recommendations to Management for follow-up training courses. Should a dispute develop between Management and the Committee on this matter, then the Committee may contact specialist advice from an Authority outlined within the Health and Safety at Work Act 2015, which outlines the retraining requirements for Health and Safety Representatives.

MEMBERS NON-ATTENDANCE AT MEETINGS:

All Committee members are expected to attend all committee meetings.

Where a member fails to attend 3 successive meetings, and does not furnish an explanation that is satisfactory to the remaining Committee Members giving reasons why they should not be asked to resign, then that subject matter expert will be referred back to the Risk Owner/General Manager for action.

Where that resigning member is an employee representative, the Chair, in consultation with the KDC General Manager risk owner, will nominate a substitute employee to fill the casual vacancy created until the next election. Should the resigning member be a management representative, the Manager, will be requested to nominate a replacement.

SUBSTITUTE DELEGATES AT COMMITTEE MEETINGS:

If a Committee member is aware that he/she will be absent for a meeting and that either:

- there will be insufficient members present to constitute a quorum, or
- the agenda item(s) have direct impact on the member's work area.

Then a substitute representative may be nominated.

In the event of using a substitute representative the Committee should be informed in advance of the name and position of the substitute representative.

Substitute representatives must be KDC direct employees and be experts within the direct line management of the risk owner of the original HS representative being substituted.

Substitute representatives who are not trained, are not to attend more than 3 consecutive meetings.

Where a member fails to attend 3 successive meetings, and does not furnish an explanation that is satisfactory to the remaining Committee Members giving reasons why they should not be asked to resign, then that subject matter expert will be referred back to the Risk Owner/General Manager for action.

MEETINGS:

There will be a regular (4 weeks) meeting – unless the Committee decides otherwise. The interval between meetings will not exceed three (3) months.

The Chair will give notifications of meetings two (2) weeks in advance.

- The order of business is to:
- call meeting to order;
- record attendance and apologies;
- introduce any visitors;
- read and confirm minutes of previous meeting;
- unfinished business from previous meetings. reconsider matters on which definite decision have yet to made;
- review incident (near-miss/near hit) reports and statistics. Attempt to identify causes and discuss methods of preventative action;
- discuss suggestions/ideas referred to committee by employees/management;
- talks, films etc. on particular subjects. the subjects should be recorded in minutes;
- discuss inspection reports, in particular unsafe conditions and acts discovered. formulate recommendations for corrective action,
- new business items. may include ohs promotion, training, rule changes, guest speakers, films, long-term studies etc. sub-committees may be appointed to deal with some of these items,
- closure of meeting. confirm date of next meeting.

THE CHAIR:

The Chair will be an elected employee representative, selected by the elected employee representatives. A deputy chair will be elected to fill the position in the absence of the Chair.

The position may be rotated amongst the elected employee members if so desired by the Committee, to share the experience and responsibility.

The Chair has the power to convene a meeting of the Committee irrespective of whether or not the Committee is scheduled to hold an ordinary meeting.

The Chair's principal responsibility is to direct the meeting and guide discussion ensuring that members have the opportunity to express their opinion. The Chair will remain impartial both

with respect to issues under discussion and to all committee members. Where a Chairperson wishes to become involved in discussion, the Chairperson should stand down from the chair while that issue is discussed.

Duties include:

- direct meetings,
- review and sign minutes,
- approve meeting time and place,
- notify members of the meeting,
- ensure all committee members have an opportunity to participate.

SECRETARY

The Secretary will be an elected representative. The position will be rotated amongst the members if so desired by the Committee, to share the experience and responsibility.

The Secretary's main responsibilities include maintaining Committee records, keeping/distributing minutes of meetings, reporting status of previous decisions, recommendations, projects etc. and assisting the Chair in Committee administrative functions.

COMMITTEE MEMBERS

Committee members' responsibilities include:

. COMMITMENT OF A MINIMUM OF THREE YEAR CONTINUAL MEMBERSHIP & PARTICIPATION AFTER JOINING THE OHS COMMITTEE

- attending meetings,
- promoting health and safety at all times,
- feed back information on employees' acceptance of health and safety policies and systems of work for monitoring and review,
- provide feedback on employee's suggestions,
- report unsafe acts and conditions (promote and monitor compliance with health and safety regulations),
- report all incidents,
- raise ideas/suggestions regarding health and safety,
- work safely and influence others to do so,
- attempt to raise health and safety standards above legal requirements,
- take part in sub-committees as required,
- participate in regular workplace inspections as required.

SUPPORT SERVICES PROVIDED FOR THE COMMITTEE

A suitable meeting place and facilities will be made available for the purpose of holding Committee meetings, and for the training of the Committee.

A telephone to make local calls for contacting outside resources in order to gather occupational health and safety information will be made available. Stationery and storage facilities will also be provided as needed.

AGENDA:

An agenda is to be provided for Committee members prior to each meeting. All agenda items are to be submitted to the Chair five (5) days before the meeting. Members submitting items must ensure that the content is given in such detail so as to assist all members in understanding the problem raised, or by additional supportive information. Agenda will be distributed to members one week prior to meeting being held.

The Chair will have the responsibility for determining the order of the agenda items and for determining the time allotted for discussion of each item.

If a Committee member wishes to raise an 'urgent' item that is not on the agenda – it is up to the Committee's discretion to determine an appropriate course of action.

MINUTES

Minutes of Committee meetings whether or not these meetings are regarded as ordinary or extraordinary will be kept.

It is the responsibility of the Committee Secretary to record and distribute the minutes and agenda. Minutes should be action orientated with a name alongside each item that requires attention and will contain the following information:

- i. the description of the meeting (ie Committee, Sub-Committee etc.), place, time and date on which the meeting was held,
- ii. the time the meeting started,
- iii. a list of those attending,
- iv. apologies for absences,
- v. notification of approval of the minutes from the previous minutes plus any amendments made,
- vi. whether there was any business arising from the previous minutes,
- vii. notification of reports or correspondence.
- viii. items for general business,
- ix. time the meeting closed,
- x. date and venue for the next meeting.

The Secretary is to ensure that the minutes are typed and distributed within seven (7) working days of the meeting and are to be distributed as follows:

- a) one copy to each member of the Committee,
- b) one copy for display on each Notice Board or prominent location where employees are able to see them,
- c) a copy for Manager

The minutes are to be kept in a secure location by management and all Committee members are to have access to them.

INFORMATION / ADVICE FOR THE COMMITTEE:

Management is to provide details of:

- a) all injuries or hazardous situations that occurred since the previous meeting,
- b) proposed changes to – the working environment,
 - new plant or substances,
 - job methods or procedures,

That may affect the health or safety of persons in the workplace.

WORKPLACE INSPECTIONS:

The Committee members in conjunction with area supervisors are to conduct regular workplace inspections at three (3) monthly intervals. The Chair is to form the Sub-Committees for the purpose of conducting each workplace inspection. Each Sub-Committee is to provide a report on its findings for the Committee at its next meeting.

Checklists are to be drawn up and provided for use during regular inspections. These checklists will form the basis of the report to the Committee.

An inspection list will be drawn up to cover all locations and incorporating times and dates as agreed to by Managers to enable all workplaces to be given three (3) monthly inspections.

COMMUNICATIONS WITH EMPLOYEES:

Employee representatives will be allowed reasonable time to discuss occupational health and safety issues, with persons within the immediate area for which they are responsible. Also, for the purpose of carrying out the other duties and tasks of members of the Occupational Health and Safety Committee. These time requirements will be determined by the Committee as a whole and prior notice given to management for their agreement.

Copies of OHS Committee minutes will be distributed to staff notice boards, all committee members, Executive Team.

NON MEMBERS' ATTENDANCE AT COMMITTEE MEETINGS

Persons other than Committee members will be allowed to attend meetings subject to:

- prior agreement at the previous meeting reflected in the Agenda,
- agreement between meetings by the Chair and management,
- minimal disruption to shifts.

Such persons may:

- have special knowledge,
- information or advice to benefit members,
- come as observers.

Permission to attend the meeting is strictly by invitation, and can be withdrawn at any time by the Chair.

PROCEDURES FOR CHANGING THE CONSITUTION

The procedure for any constitutional change will be determined at any Committee meeting attended by **ALL** Committee members who, at that point in time, hold office.

The purpose for which an employee meeting is to be held and the method in allowing all employees concerned time to attend or an alternate method to vote to consider the matters put before them, shall be negotiated with management.

At no time shall any of the provisions in this constitution be altered in such manner as to take precedence over any legal obligations imposed.

Any amended constitution will be forwarded to the Executive Team.

OHS COMMITTEE PROGRAM RESPONSIBILITIES /FUNCTIONS:

- Adopt a OHS Committee Constitution and meetings protocol;
- Develop and review local OHS policies, procedures and work instructions;
- Monitor policies etc implementation;
- Access and review incident, injury and disease statistics and trends (eg ACC, WorkSafe NZ)
- Planning, developing and recommending OHS plans, policies and programmes for site,
- Recommending training for committee members, management and all staff;
- Monitoring, evaluating, reviewing and improving plans, policies and programmes for site;
- Using systems audits and workplace inspections (HIRAC) to monitor and measure impact of OHS plans and programmes for continuous improvement.

OTHER FUNCTIONS THAT COULD BE AGREED UPON

- OHS matters referred to Committee by OHS Reps, management/supervisors;
- Promote OHS in the workplace,
- Incident prevention programmes (Housekeeping);
- Systematically conduct a programme of workplace inspections/hazard identification;
- Review workplace incidents and recommend corrective measures;
- Evaluate and make recommendations regarding expenditure for OHS equipment/capital works;
- Assist in company compliance with relevant OHS legislation.

AREAS NOT UNDERTAKEN BY OHS COMMITTEE

- Industrial disputes or issues;
- Operational equipment problems/procedures and grievance procedures which do not affect health, safety or wellness;
- Any workplace hazard that has not previously been brought to the attention of the supervisor either directly by an employee or by the OHS Rep.
- Minor maintenance or repair problems.
- OHS Committees are advisory, consultative and administrative. The committee does not possess the power to enforce any decisions or recommendations it makes. It remains line management's decision whether or not to implement those recommendations.