

# Audit Checklist for OHS Consultation for NSW Mines



NSW DEPARTMENT OF  
PRIMARY INDUSTRIES

IGA-07

December 2005

*References to relevant legislative and regulatory provisions do not include regulations under the Coal Mine Health and Safety Act 2002 and forthcoming regulations under the Mine Health and Safety Act 2004 (pending release in 2007). Refer to [www.dpi.nsw.gov.au/minerals/safety](http://www.dpi.nsw.gov.au/minerals/safety) for legislative updates.*

**AUDIT CHECKLIST FOR OHS CONSULTATION FOR NSW MINES -  
GENERAL INFORMATION**

**Name of mine:**

\_\_\_\_\_

\_\_\_\_\_

**Date of audit:**

\_\_\_\_\_

**Auditors:**

\_\_\_\_\_

\_\_\_\_\_

**Names, positions and work locations of persons to be interviewed by auditor:**

<u>Interviewee name</u>	<u>Position</u>	<u>Work Location</u>
1.		
2.		
3.		
4.		
5.		

**Important note:** The names of the interviewees will remain anonymous when findings are reported to the mine/company.

## INSTRUCTIONS FOR USE

### Aims

The assessment process is a collaborative exercise designed to assist mines to comply with current safety legislation. The audit checklist will help to identify and make recommendations to improve the effectiveness of OHS consultative arrangements on-site.

Once the assessment is finalised, the mines will receive a report including an action plan. The 'action plan' is intended to provide guidance to management on priorities for improving OHS consultation processes and, as a minimum, achieve compliance with legislative requirements

### Objectives

This Audit Checklist has been developed to assist government officials, mine operators, OHS committees and site check inspectors:

- ➔ assess compliance with legal requirements for consultation on OHS issues; and
- ➔ identify and prioritise actions to improve the effectiveness of OHS consultation arrangements.

### Components of OHS Consultation

The Audit Checklist addresses seven components of OHS consultation arrangements:

1. **OHS Consultation Arrangements**
2. **OHS Consultation Training**
3. **OHS Committees**
4. **Site Check Inspectors**
5. **Consultation on Risk Management**
6. **Consultation during Incident Investigations**
7. **Management Support for OHS Consultation**

### Audit Checklist Format

For each component, the Audit Checklist includes:

➔ **Intent**

*Including summary of relevant OHS Act and Regulation, CMHS Act and MHS Act provisions and references.*

➔ **Evidence to be obtained**

*Key questions to ask to determine whether OHS consultation arrangements comply with specific legal requirements and examples of evidence that can assist in answering these questions.*

## Audit Checklist Format (cont.)

### → Person to Ask and Records to Review

*Who to ask and whether to review records to assess compliance with specific audit questions*

### → Planned Observations

*Plan to observe various activities to confirm that they actually occur*

### → Audit Observations

*Space in which to record the key findings and actions which could be taken to improve the effectiveness of OHS consultation processes and ensure compliance with legislative requirements*

## Audit Action Plan

The audit 'Action Plan' is intended to provide guidance to management on priorities for improving OHS consultation processes and achieving compliance with legislative requirements. The audit 'Action Plan' template is at the end of the Checklist. Once the audit is completed:

1. review all 'Audit Observations';
2. prioritise any recommended improvement actions using a simple scoring method (eg, high, medium and low priority);
3. list recommended actions in the 'Action Plan' in order of priority; and
4. indicate a reasonable timeframe for implementation of each action.

## Tips for an effective Audit

The following steps are recommended to ensure the audit process:

- results in minimal disruption to operations; and
- generates a commitment to implementing practical improvements to OHS consultation processes.

Steps include:

1. Thorough preparation including being familiar with legislation, audit document and related guidelines are essential. The auditor(s) should also ensure mines are given adequate notice and explanations.
2. Advise mine management of the audit in advance, and request they advise OHS Committee members and site check inspectors. Provide, in advance, a copy of the 'Audit Checklist' so that mine management can collate the appropriate documentation or other evidence for the auditor to review on the day of the audit.

### Tips for an effective Audit (cont.)

3. Agree on a convenient date and time and request that relevant documentation, managers and personnel are available. Request mine management provide an audit room. This allows the auditor to have a place for interviews and for completing the 'Action Plan' and supporting documentation while on-site.
4. Commence the audit with a short presentation to the mine's OHS representatives on the objectives and format of the audit. Identify that the audit is not a 'catch you out' exercise, but an opportunity to objectively identify limitations so that management and employees can improve their consultation process while being assured that legislation has been complied with.
5. Conduct the audit and ask questions of managers, OHS committee members, check inspectors and a representative sample of workers to determine whether documentation reflects actual practices.
6. Provide a verbal summary of findings at the end of the audit day(s) to management, OHS committee members, check inspectors and anyone else who was involved in the audit. At this point feedback can be accepted on the process and results.
7. A presentation of the draft report to be provided to the mine's OHS representatives (ideally within a week) with the suggested 'Action Plan' which identifies those consultation shortcomings. If not already completed at the end of the audit day, management should complete the blanks in the 'Action Plan' under 'Responsibilities' and 'Timeframes' after consultation with employees or their representatives. A final report to be sent to the mine's OHS representatives within a week, including a complete action plan.
8. Make plans to follow-up the Audit to check on the implementation of recommended actions. Time for follow-up will depend on issues raised, normally within 3 or 6 months, but in all cases less than 12 months.

### Useful References

- ➔ **OHS Act and Regulation**
- ➔ **Coal Mine Health and Safety Act and Regulations**
- ➔ **Mine Health and Safety Act and Regulations**
- ➔ **OHS Consultation Code of Practice 2001**  
(download from [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au))
- ➔ **NSW Coal Mine Site Check Inspectors Training Course**

## 1. OHS CONSULTATION ARRANGEMENTS

### INTENT: Comply with legal requirements to establish and review OHS consultation arrangements

- 1.1 OHS Act s13 requires employers to consult with employees on OHS issues
- 1.2 OHS Act s16 requires consultation be undertaken by either OHS Committee, OHS representatives or other agreed arrangements. In addition, CMHS Act s157 and MHS Act s138 enable site check inspector(s) to be elected for mines.
- 1.3 OHS Act s15(f) requires consultation regarding procedures for OHS consultation. OHS Regulation CI 15 sets out issues to be addressed in consultation on consultation procedures.
- 1.4 OHS Regulation CI 23 requires that workgroups be represented by OHS committees and OHS representatives be determined to enable effective representation of, and meaningful communication, with employees
- 1.5 OHS Regulation CI 24 sets out minimum requirements for committee elections. CMHS Act s159 and MHS Act s140 set out requirements for site check inspector elections.
- 1.6 OHS Regulation CI 27(1) requires employers to record and publicise OHS consultation arrangements
- 1.7 OHS Regulation CI 22(4) requires review of OHS consultation arrangements as occasion requires

	<b>Evidence to be obtained</b>	<b>Persons to ask</b> Others may be asked during interviews	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
1.1	<p>Provide evidence there is an established approach to OHS consultation.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- corporate and site OHS policy statement</li> <li>- corporate risk assessment and/or change management standards</li> <li>- OHS Committee Constitution</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b> Others may be asked during interviews	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
1.2	<p>Provide evidence that OHS consultation arrangements have been established.</p> <p><i>Evidence may include</i></p> <ul style="list-style-type: none"> <li>- the division of the workforce into workgroups for OHS consultation</li> <li>- names of site check inspectors, OHS committee members and the workgroups they represent</li> <li>- the role of committee(s) and site check inspector(s), and their relationship to each other</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b> Others may be asked during interviews	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
1.3	<p>Provide evidence that in the development of the consultative arrangements employees were consulted about:</p> <ul style="list-style-type: none"> <li>• the number of employee and employer representatives on the Committee;</li> <li>• the arrangements for the election, absence or removal of OHS representatives or employee representatives on a Committee;</li> <li>• the arrangements for meetings of the Committee and meetings between the employer and any OHS representative;</li> <li>• the procedures for any such meetings;</li> <li>• the arrangements for communications between the persons elected by the employees in a workgroup and those employees;</li> <li>• training arrangements for members of any Committee or any OHS representative;</li> </ul> <p><i>Evidence may include</i></p> <ul style="list-style-type: none"> <li>- minutes of meetings with worker representatives</li> <li>- reviews of existing OHS consultation arrangements</li> <li>- surveys of worker views on consultation arrangements</li> <li>- minutes of meetings with relevant Federal or State industrial organisations</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b> Others may be asked during interviews	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
1.4	<p>Provide evidence of issues taken into account in determining workgroups for the purposes of OHS consultation:</p> <p><i>Consider whether workgroups:</i></p> <ul style="list-style-type: none"> <li>- include all workers and contractors</li> <li>- cover all shifts and work areas</li> <li>- are of reasonable size that allows effective consultation</li> <li>- reflect nature of OHS hazards and risks</li> <li>- reflect interaction of workgroups and contractors</li> <li>- were provided with relevant information in order to make an informed decision, eg OHS Act, Regulations, Consultation Code of Practice</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		
1.5	<p>Provide evidence that OHS consultation arrangements were communicated to the workforce.</p> <p><i>Evidence may include</i></p> <ul style="list-style-type: none"> <li>- intranet, newsletters, noticeboards</li> <li>- knowledge of OHS consultation arrangements among employees</li> <li>- Tool Box Talks</li> <li>- publicised OHS consultative arrangements</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b> Others may be asked during interviews	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
1.6	<p>How were committee member(s), OHS representatives and site check inspectors elected?</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- notices regarding the election and candidates names</li> <li>- ballot papers and election results</li> <li>- knowledge of the election process among employees and whether all employees voted</li> <li>- notices to DPI Minerals and industry check inspector of elected site check inspector names</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		
1.7	<p>Have there been any significant changes to the consultation arrangements during the past 12 months?</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- changes to OHS consultation arrangements to reflect changes in work areas, shifts and rosters, use of contractors, work processes, equipment and procedures</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		

## 2. OHS CONSULTATION TRAINING

### INTENT: Comply with legal requirements for OHS consultation training

- 2.1 OHS Regulation CI 31 sets out minimum requirements for committee members. CMHS Act s165 and MHS Act s145 require site check inspectors undertake an accredited training course.
- 2.2 OHS Regulation CI 31(3) sets out minimum requirements for trainers of OHS committee and representatives
- 2.3 OHS Regulation CI 22(h) requires consultation on proposed OHS consultation training arrangements
- 2.4 OHS Consultation Code of Practice (section 11) recommends that employers ensure participants in other agreed consultation arrangements have the necessary skills and knowledge.

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
2.1	<p>Provide evidence that site check inspectors and OHS committee members have been trained.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- signed and dated statement of training for all current site check inspectors and committee members</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p>	✓		
2.2	<p>Provide evidence that training was provided by accredited trainers.</p> <p><i>Consider whether:</i></p> <ul style="list-style-type: none"> <li>- trainers were accredited by WorkCover to provide OHS consultation training, <u>or</u></li> <li>- trainers are a registered training organisation under the Vocational Education and Education Accreditation Act 1990 whose registration includes OHS consultation training.</li> </ul>	<p>OHS Manager</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
2.3	<p>Provide evidence that the training was tailored to the mine site or coal mining industry context.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- the training course(s) were tailored to include site or industry- specific OHS hazards and issues</li> <li>- the trainer(s) had knowledge or experience in the coal mining industry</li> <li>- OHS committee members and site check inspectors were consulted on proposed training courses</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p>	<p>✓</p>		
2.4	<p>If alternate OHS consultation arrangements are implemented, provide evidence of the training provided to personnel with roles under these arrangements.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- training in OHS risk management techniques, negotiation and problem solving skills, incident investigation, etc</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	<p>✓</p>		

### 3. OHS COMMITTEES

**INTENT: Assess compliance with legal requirements for OHS committees**

- 3.1 OHS Regulation CI 22 provides for setting up consultation arrangements.
- 3.2 OHS Regulation CI 22 provides for consultation on the frequency of Committee meetings. OHS Regulation CI 27(e) requires employer representatives participate on a regular basis
- 3.3 OHS Act s18 and OHS Regulation CI 30 sets out functions of OHS Committees
- 3.4 OHS Regulation CI 27(c) provides that committee members and representatives are provided with reasonable access to the employees they represent during working hours
- 3.5 OHS Consultation Code of Practice section 6.2 includes guidance on systems for effective communication between
- 3.6 representatives and employees and section 6.4 provides guidance on how to set up a OHS Committee
- 3.7 OHS Regulation CI 30 provides for additional functions of OHS Committees and OHS Representatives

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
3.1	<p>Provide evidence that OHS Committee(s) are correctly formed.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- <i>Have employees been consulted on composition of OHSC</i></li> <li>- <i>Employer representatives on OHSC must not exceed the number of employee representatives</i></li> <li>- <i>Do the employer representatives have authority to act on behalf of employer on OHS matters?</i></li> <li>- <i>Have employees been consulted on determining relevant workgroups?</i></li> <li>- <i>Have employees been consulted on electing representatives and filling absences and vacancies?</i></li> </ul> <p>Did the employer agree that consultation arrangements are to be reviewed if a majority of the workgroup request, or if there has been a significant change in the composition of the workforce?</p> <p>Are there procedures for electing a chair and where can they be found?</p>	<p>C'tee Members</p> <p>any person</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
3.2	<p>Provide evidence that OHS Committee(s) meet frequently and are well attended.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- dated OHS Committee agendas and minutes</li> <li>- adequate attendance by employer and employee representatives.</li> </ul>				
3.3	<p>Is there evidence of OHS Committee or OHS representatives performing their prescribed functions:</p> <ul style="list-style-type: none"> <li>• to keep under review the measures taken to ensure the health, safety and welfare of persons at the place of work</li> <li>• to investigate any matter that may be a risk to health and safety at the place of work</li> <li>• to attempt to resolve the matter but, if unable to do so, to request an investigation by an inspector for that purpose</li> <li>• such other functions as are prescribed by the regulations.</li> </ul> <p>Provide evidence that OHS Committees consider relevant OHS issues, eg:</p> <p>Does the employer consult with employees:</p> <ul style="list-style-type: none"> <li>(a) when risks to health and safety arising from work are assessed or when the assessment of those risks is reviewed</li> <li>(b) when decisions are made about the measures to be taken to eliminate or control those risks</li> </ul>				

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
3.3	<p>(c) when introducing or altering the procedures for monitoring those risks (including health surveillance procedures)</p> <p>(d) when decisions are made about the adequacy of facilities for the welfare of employees</p> <p>(e) when changes that may affect health, safety or welfare are proposed to the premises where persons work, to the systems or methods of work or to the plant or substances used for work</p> <p>(f) when decisions are made about the procedures for consultation.</p> <p><i>Consider whether OHS Committees have discussed:</i></p> <ul style="list-style-type: none"> <li>- <i>Health &amp; Safety Management System and Plans</i></li> <li>- <i>OHS policies and procedures</i></li> <li>- <i>OHS training needs and programs</i></li> <li>- <i>new or changed work processes, equipment, materials and substances</i></li> <li>- <i>employee facilities and amenities</i></li> <li>- <i>incident investigations, hazard reports and proposed actions</i></li> <li>- <i>site and industry safety statistics</i></li> </ul> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- <i>Risk Assessments and associated control procedures</i></li> <li>- <i>Safe Work procedures</i></li> <li>- <i>Management Plans</i></li> <li>- <i>Audits and reviews</i></li> </ul>				

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
3.4	<p>Provide evidence that OHS Committee members are provided with adequate information and time to prepare for meetings.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- circulation of agenda papers in advance of meetings</li> <li>- dates on agenda papers</li> <li>- inclusion of risk assessment and technical reports in committee papers</li> <li>- verbal advice from OHS Committee members</li> </ul>	C'tee Members	✓		
3.5	<p>Provide evidence that OHS Committee members consult with the workers they represent.</p> <p><i>Evidence may include;</i></p> <ul style="list-style-type: none"> <li>- workers can identify their OHS Committee representatives and are aware of issues discussed at recent meetings</li> <li>- OHS Committee members inform and seek views from relevant workers on relevant agenda items</li> <li>- Agenda and notes from workgroup meetings</li> </ul>	C'tee Members  any person			

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
3.6	<p>Provide evidence that employees and contractors are kept informed of issues being considered by the Committee.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- Committee minutes or decisions available on noticeboards, newsletters, intranet, etc</li> <li>- Tool Box Talks</li> <li>- Example of one-to-one meetings between safety representative and the members of the workgroup they represent</li> <li>- The allocation of specific time for safety representatives to meet and report to the members of the workgroup they represent</li> </ul> <p>Provide evidence that the members of the OHS Committee are able to invite a trade union delegate or official or a representative of an employer association to observe the meeting as occasion arises and are able to address the meeting if the chairperson agrees [6.4 Code of Practice]</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- Committee minutes or decisions showing this has or may occur.</li> <li>- Publicised consultation arrangements</li> </ul>	<p>C'tee Members</p> <p>any person</p>	<p>✓</p>		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
3.7	<p>Do OHS Committee or OHS representatives perform additional functions described in Clause 30 eg, accompany Inspector on routine inspections, attend formal reports by Inspector, assist in the development for recording workplace hazards, make recommendations on training related to occupational health and safety?</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- OHS Committee meeting minutes</li> <li>- Inspector's reports</li> </ul>	<p>C'tee Members</p> <p>any person</p>	<p>✓</p>		

## 4 SITE CHECK INSPECTORS

### INTENT: Assess compliance with legal requirements for site check inspectors

- 4.1 OHS Act s17 (as amended by CMHS Act) requires that site check inspectors participate in OHS Committees.
- 4.2 CMHS Act s164 and MHS s144 set out functions of site check inspectors. CMHS Act s179 and MHS s150 enable site check inspectors to conduct inspections.
- 4.3 OHS Reg CI 22 requires setting up consultation arrangements for communications between the persons elected by the employees in a workgroup and those employees.

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
4.1	<p>Provide evidence that site check inspectors attend and participate in OHS Committee meetings.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- committee minutes</li> <li>- verbal advice from committee members</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p>	✓		
4.2	<p>Provide evidence of activities undertaken by the site check inspectors.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- reports to management, or records of meetings with management about site check inspector inspections and investigations</li> <li>- reviews of site OHS policies and procedures and specific OHS issues and problems</li> <li>- site check inspector's reports and notices</li> </ul>	<p>OHS Manager</p> <p>SCIs</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
4.3	<p>Provide evidence that Site Check Inspectors consult with the workers they represent.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>– workers can identify their Site Check Inspectors and how to contact them</li> <li>– Site Check Inspectors inform and seek views from relevant workers on relevant issues</li> <li>– written reports from site and industry Check Inspectors are published or made available to employees</li> </ul>	<p>OHS Manager</p> <p>SCIs</p> <p>any person</p>	✓		

## 5. CONSULTATION ON RISK MANAGEMENT

**INTENT: Assess compliance with legal requirements for consultation with employees on specific OHS matters**

- 5.1 OHS Act s15 sets out issues on which OHS consultation is required, including when:
- risks to health and safety arising from work are assessed or when the assessment of those risks is reviewed, and
  - decisions are made about the measures to be taken to eliminate or control those risks, and
  - introducing or altering the procedures for monitoring those risks, and
  - decisions are made about the adequacy of facilities for the welfare of employees, and
  - changes that may affect health, safety or welfare are proposed to the workplace premises, systems or methods of work or plant or substances used for work, and
  - decisions are made about the procedures for consultation
- 5.2 OHS Regulation CI 29 sets out procedures for resolving OHS issues, including formally raising issues with management and referring unresolved issues to inspectors. CMHS Act s164(c) and MHS s144(c) enable Site Check Inspectors to refer unresolved matters to an Inspector.

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
5.1	<p>Provide evidence that employees and contractors are consulted on OHS issues arising from their work activities.</p> <p><i>Consider evidence, <u>from a range of work groups</u>, that:</i></p> <ul style="list-style-type: none"> <li>– information has been provided on OHS risks arising from work processes (eg, safe work procedures, MSDS, risk assessments)</li> <li>– views are sought on possible hazards arising from proposed changes to work processes, equipment and substances</li> <li>– workers and contractors are aware of procedures for notifying hazards</li> <li>– relevant workers and contractors are invited to participate in investigations</li> <li>– management responds to significant OHS concerns raised by workers and contractors</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p> <p>any person</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
5.2	<p>Provide examples of where OHS issues that are unresolved within work teams have been referred to the OHS Committee or Site Check Inspector.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>– copies of reports of OHS problems being referred to the OHS Committee or Site Check Inspector</li> <li>– review or discussion of the problem at the OHS Committee and meetings between the Site Check Inspector and relevant managers (eg, minutes, reports)</li> <li>– implementation of agreed actions (eg, changes to existing procedures or rules, undertaking risk assessment)</li> <li>– referral of unresolved OHS issues and problems to an Inspector</li> <li>– documented dispute resolution process</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p> <p>any person</p>	✓		

## 6. CONSULTATION DURING INCIDENT INVESTIGATIONS

### INTENT: Assess compliance with legal requirements for consultation during incident investigations

- 6.1 OHS Regulation CI 30 sets out requirements for OHS Committee member involvement in investigations. OH&S Act sec 69 (b) and OHS Reg 2001 CI 30 provide for Site Check Inspectors to accompany Inspectors during investigations and observe formal in-house investigations. CMHS Act s179 and MHS Act s150 enable Site Check Inspectors to conduct investigations and make reports of notifiable occurrences.
- NB: In some cases persons will be excluded from interviews by DPI and reports kept confidential to ensure integrity of evidence for potential legal purposes.

	Evidence to be obtained	Persons to ask	Records to review	Planned Observations	Audit Observations
6.1	<p>Provide examples of participation of Committee members and Site Check Inspectors in incident investigations.</p> <p><i>Consider whether OHS Committee members and Site Check Inspectors:</i></p> <ul style="list-style-type: none"> <li>– have been provided with copies of reports to DPI on notifiable incidents</li> <li>– invited to participate in investigations of notifiable incidents</li> <li>– have participated in investigations or been provided with opportunities to comment on investigation reports</li> <li>– have been invited to participate in interviews during investigations</li> <li>– have been present during formal reports by DPI inspectors and investigators to management</li> <li>– have been provided with copies of District Check Inspector reports</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p>	<p>✓</p>		

## 7. MANAGEMENT SUPPORT FOR OHS CONSULTATION

**INTENT: Assess compliance with legal requirements for employers to support OHS consultation processes**

- 7.1 OHS Regulation Cl 27 at 27(1)(d)-(g) requires employers to support OHS consultation through provision of facilities and employer representatives. These obligations include to:
- provide reasonable facilities and access during working hours to the workplace for consultation
  - ensure employer representatives participate on a regular basis
  - ensure employees participating in the OHS consultative arrangement are paid and the cost reasonably and necessarily incurred by employees in connection with consultation or training is met.
- 7.2 CMHS Act s167 & s169 and MHS Act s146 & 148 require mine operators to support Site Check Inspectors in their role.
- 7.3 OHS Regulation Cl 27(1) (h) requires employers to facilitate OHS consultation of other employer's employees at their place of work.
- 7.4 OHS Act s14 requires employers to value and take into account employee views on OHS issues

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
7.1	<p>What support does management provide for OHS Committee meetings?</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>– Employer representatives regularly attend OHS Committee meetings</li> <li>– OHS Committee minutes and agendas are prepared and circulated in a timely manner</li> <li>– Facilities and time are provided for inspections, reports and preparation for OHSC meetings.</li> <li>– OHS representatives are provided with reasonable access to persons they represent during working hours.</li> <li>– Employees participating in consultation are paid as if engaged in normal duties</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p>	✓		

	<b>Evidence to be obtained</b>	<b>Persons to ask</b>	<b>Records to review</b>	<b>Planned Observations</b>	<b>Audit Observations</b>
7.2	<p>Provide evidence that Site Check Inspectors are provided with adequate information, time and resources to undertake their role.</p> <p><i>Consider whether Site Check Inspectors:</i></p> <ul style="list-style-type: none"> <li>– have adequate time during paid working hours to participate in OHS Committee meetings and consult with the workers they represent</li> <li>– are provided with relevant information on new and proposed changes to OHS policies, procedures, etc</li> <li>– are provided with sufficient facilities and resources to undertake their role (eg, access to office equipment, meeting spaces, etc)</li> </ul>	SCIs	✓		
7.3	<p>How does management facilitate OHS consultation with contractors and labour-hire personnel?</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>– tenders for significant contracts and labour-hire arrangements require evidence of proposed OHS consultation arrangements of contractors and labour hire agencies.</li> <li>– Minutes of meetings</li> <li>– Tool Box Talks</li> <li>– Agreements or documented procedures for consultation with contractors and labour hire personnel</li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p> <p>anyone</p>	✓		

	Evidence to be obtained	Persons to ask	Records to review	Planned Observations	Audit Observations
7.4	<p>Give some examples of how management has responded to OHS concerns raised by Site Check Inspectors and OHS Committee members.</p> <p><i>Evidence may include:</i></p> <ul style="list-style-type: none"> <li>- <i>timely and adequate responses to significant OHS issues raised via OHS consultation arrangements</i></li> <li>- <i>committee meeting minutes</i></li> <li>- <i>internal correspondence</i></li> <li>- <i>evidence of changes to OHS policies and procedures</i></li> </ul>	<p>OHS Manager</p> <p>C'tee Members</p> <p>SCIs</p>	<p>✓</p>		

## ACTION PLAN - OHS CONSULTATION AUDIT CHECKLIST

Name of Mine: \_\_\_\_\_

Site Contact: \_\_\_\_\_

Date of Assessment: \_\_\_\_\_

Audit Team Members: \_\_\_\_\_

Recommended Action (in priority order)	Responsibilities	Timeframes

## Feedback sheet

Your comments will be very helpful in reviewing and improving this Audit Checklist for OHS Consultation for NSW Mines document. Please copy and complete the Feedback Sheet and return it to:

*North-East Area Manager  
Mine Safety Operations  
NSW Department of Primary Industries  
516 High St, Maitland NSW 2320  
(PO Box 344, Hunter Region Mail Centre 2310)  
Fax: (02) 4931 6790  
Phone: (02) 4931 6626*

**How did you use, or intend to use, this document?**

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**What do you find most useful about this document?**

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**What do you find least useful?**

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**Do you have any suggested changes to the document?**

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Thank you for completing and returning this Feedback Sheet