

CONSTITUTION
SCHOOL OF PUBLIC HEALTH AND COMMUNITY MEDICINE
FACULTY OF MEDICINE, UNSW
OCCUPATIONAL HEALTH AND SAFETY (OH&S)
LEVEL 3 COMMITTEE

(November 2010)

1. Title:

School of Public Health and Community Medicine, University of NSW, Occupational Health and Safety Committee.

2. Aim of OHS Committee:

To promote and ensure, through the process of joint consultation, the health and welfare of all employees students and visitors in the School of Public Health and Community Medicine.

3. Scope of the Committee:

The following activities come within the OHS committee's jurisdiction:

- making recommended actions regarding safe work systems, including safe practice, procedures, working environments and equipment;
- making recommendations regarding safety and health education and training;
- assisting with the promotion of health and safety throughout the workplace.

The following matters are not within the committee's jurisdiction:

- pay negotiations, including allowances;
- industrial relations matters;
- employee services;
- School and University policies other than those relating to health and safety;
- working conditions issues which do not involve health and safety;
- day-to-day maintenance problems, such as blown light bulbs, broken windows etc. These should be reported to Facilities as soon as possible;
- rehabilitation/workers' compensation issues;
- health promotion.

4. Decision-Making Procedure

The OHS committee is authorized make recommendations to management relating to any matters listed under "Scope of Committee" above and any matters set out in the Occupational Health and Safety legislation in NSW specified for safety committees.

The committee does not, however, have the power to implement those recommendations. The person with the power to implement them is either the Head of School or a manager delegated by the Head of School to have responsibility for the matter referred to by the recommendation.

Should a committee recommendation be rejected by the person with decision-making power, the committee may elect to follow the procedure set out under "Dispute Resolution" below.

5. Membership

The committee is to consist of the following:

- (1) Management representative,
- (1) Academic representative,
- (1) Postgraduate representative,
- (2) General staff representatives,

Committee Advisor: OH&S Coordinator, Faculty of Medicine

The representative must be engaged full-time in the work/student sections.

The term of office for each elected committee member is two years.

Employees of Executive or Senior Officer status are not eligible for election as employee representatives, but may be appointed as employer representatives.

6. Election of Employee Representatives

The procedures for election of employee representatives are as follows:

An employee is **nominated** by the Chair or another committee member from the work section of the departing (resigning) employee. The new employee representative is formally appointed to the Committee following consensus by all committee members at a committee meeting or via correspondence.

OR

1. At least one month before the expiry date of the committee member's term of office, the Secretary is to place a notice on each of the notice boards, calling for nominations of a replacement member;

2. An existing member may stand for re-election;

3. The names of employees wishing to stand for election shall be placed on the safety notice board. The nomination must be accompanied by the signature of the nominator, the seconder and the employee nominated (indicating agreement to the nomination).

4. If only one nomination for each position is received by the expiry date, those persons are declared to be elected to the committee. If more nominations are received than positions, the Secretary is to arrange a School meeting, in which all full and part-time employees (but not casual employees) vote. The employees who receive the highest number of votes will be declared elected to the committee.

7. Resignation from the Committee

An employee representative may resign from the committee at any time. The Chair of the committee may appoint another employee from that work section for the balance of the term of office, unless a meeting of employees of that work section decides otherwise. In that case, the procedure outlined above under "Election of Employee Representatives" will apply.

8. Appointment of Employer Representatives

Employer representatives are appointed to their position by the Head of School. The Head of School is to appoint any replacement members should that become necessary.

As stated in the New South Wales Regulations governing safety committees, the employer's representatives should include, as far as practicable, a person with authority to implement preventative measures and otherwise act on behalf of the employer in matters associated with occupational health and safety.

9. Office-Holders of the Committee

The employee representatives on the committee are to elect one of their number as Chair of the committee. In the absence of the Chair, another employee representative is to be elected to the role.

The Chair's duties are to convene meetings; organise meeting times and places; prepare meeting agendas, review and sign minutes of meetings, distribute other information as required, and refer recommendations made by the committee to management for consideration.

The committee is also entitled to the services of a person ex-officio, to fulfill the role of secretary. This person records minutes of meetings and distributes agendas, minutes and other correspondence.

10. Meetings

A meeting of the committee is held once every three months during a calendar year.

An agenda is circulated to all members at least three days before all meetings.

A quorum comprises one employer/management representative; three employee representatives. The meetings are also attended by the OHS Coordinator of the Faculty of Medicine.

A person who is not a committee member may attend a meeting at the Chair's discretion.

Should a vote be necessary to resolve a particular issue, each member shall have one vote, with the issue being resolved according to a majority vote. Should the vote be tied, the Chair has a casting vote.

The format for conduct of the meeting will be that agreed upon by the majority of the members present.

Should an employee or student representative be unable to attend a meeting, he/she may delegate another employee of the same category, of the same work section to attend in his/her absence.

11. Minutes

Minutes of all committee meetings are to be prepared.

Draft minutes are to be circulated to all members for their confirmation within a month.

The draft minutes are confirmed at the next meeting.

The minutes are then circulated to the School OHS Committee members and placed on the School's website.

12. Committee Members' Access to Information

The New South Wales Regulation allows any member of the committee to have access to the following information:

1. All details (in advance) of proposed changes to the workplace which could affect the occupational health and safety of persons employed there;
2. All information kept by the employer of accidents and occupational diseases occurring at the workplace; and
3. All OHS records maintained by the Committee.

13. Rights of Employee Representatives

The New South Wales Regulation makes the following provisions regarding the rights of employee representatives:

1. Committee work time. Committee members are entitled to time off from their usual work, without loss of pay, to exercise their functions as committee members. This includes travel, attendance at training courses, workplace inspections and discussion of relevant issues with the employees they represent.

2. Submission of agenda items. Any committee member may arrange to have a relevant item placed on a committee agenda by raising it with the Chair in writing or email. This does not preclude the right of any member to raise relevant non-agenda items during the course of a meeting.

3. Workplace inspections. Committee members may make inspections of the workplace at the following times:

- once per year;
- whenever an accident or possible hazardous situation is brought to the attention of the committee and failure to rectify the possible hazard could cause injury in the immediate future; and
- any other time, with the approval of the employer.

14. Dispute Resolution

If the committee is unable to satisfactorily resolve an occupational health or safety matter at the workplace which it is entitled to investigate, it is entitled to request the OH&S Unit and/or an inspector from the New South Wales WorkCover Authority to inspect the workplace to resolve the matter.

Actual or potential health and safety hazards raised with or identified by committee members should be reported to the relevant supervisor in the first instance, or to another person authorised to deal with the matter.

15. Liability of Committee Members

The committee is an advisory body which does not have the executive power required to enforce decisions, apart from the right to have the workplace inspected by the OH&S Unit and /or by a WorkCover inspector to resolve a matter.

The final responsibility for safety and health remains with management and employees.

16. Amendment of the Constitution

A motion may be moved and seconded by any committee members to amend this Constitution, except where the amendment would contravene legislation or regulations.

The proposed amendments must be submitted in writing or by email to the Chair for inclusion on the agenda for the following meeting.

The motion shall then be voted on, using the voting procedure described under "Meetings" above.

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