Human Resources

Combined Unions & University of Canterbury Agreement on Worker Participation in Health & Safety

The purpose of this agreement is to improve and maintain health and safety at the University of Canterbury by promoting cooperation between the Person in Control of Business or Undertaking (PCBU), workers and the unions representing those workers, and by ensuring all workers are provided with reasonable opportunity to be actively involved in the ongoing management of health and safety.

This agreement is to be read in conjunction with all other health and safety provisions contained in collective employment agreements.

The parties to this agreement agree that the following matters shall be the workers’ participation system for the purpose of complying with Part 3 of the Health and Safety at Work Act 2015 and Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016.

1. Health and Safety Representatives

1.1 Number of Health and Safety representatives

There shall be a health and safety representative(s) for the designated work area according to recommendations contained in HSW (Worker Engagement, Participation and Representation) Regulations 2016 Part 2 subpart 2.

1.2 Election of Health and Safety Representatives

The union/s and the University of Canterbury shall hold elections for health and safety representatives as required, usually annually with a focus on areas with gaps in representation. Nominations shall be sought for candidates who wish to stand for election for the position of health and safety representative in each designated work area. Nominations must be made by a staff member different to the person being nominated.

Any University of Canterbury employee who is on a continuing agreement or a fixed term agreement of 12 months duration, or more, is eligible to be nominated as a Health and Safety Representative.

Each health and safety representative is to be elected by ballot by those employees in the designated work area that the health and safety representative will represent.

If there is only one candidate for the position of health and safety representative then that person shall be treated as having been elected as a health & safety representative for that work group.

When the position of health and safety representative becomes vacant another election may be held in the relevant designated work area following the same procedure as set out above.

1.3 Functions of Health and Safety Representative

The functions of the health and safety representative are contained in schedule 2 of this agreement.
The parties to this agreement may agree from time to time to include additional functions of the health and safety representative.

The employer shall ensure the health and safety representative has sufficient time and resources to undertake their role effectively.

The representative shall ensure their attendance at all meetings and their managers will facilitate this.

1.4 Health and Safety Representative training

Each elected health and safety representative shall be entitled to two days paid leave per year to attend a training course approved under section 19G of the Act.

Health and safety representatives shall attend approved Health and Safety Representative training, ensuring that at least 14 days’ notice is given to the employer of the leave required to attend the training and that attendance does not unreasonably affect the operation of the workplace.

In the event that a health and safety representative is unable to attend a selected training course then the employer will make all practical arrangements for them to be released for the next available training dates and the representative will make all practical arrangements to attend the next available training dates.

1.5 Term of Health and Safety Representative

The standard term of election for a Health and Safety Representative is for three years from the date they are elected. After this date it would be preferred that the incumbent Health and Safety Representative would encourage a different employee to take the opportunity to be nominated for the role. However, another option is that agreement can be sought to have more than the allocated or recommended number of representatives in a designated area.

1.6 Reporting Line for Health and Safety Representative

When a health and safety issue is identified, the corresponding process in the H&S Toolkit should be followed (e.g. the Hazard Assessment and Control Process, the Event Reporting process, etc.).

If, after following this process the issues cannot be satisfactorily resolved, then the Health and Safety Representative must discuss the concerns directly with the appropriate reporting manager or supervisor responsible for the area where the issue occurs. Should a discussion at managerial/supervisory level be unsuccessful, then the Health and Safety Representative may continue up the reporting line to Pro-Vice Chancellor level.

If this is not successful, the College/School Health and Safety Committee Chairperson can make a request for consideration to the University of Canterbury Health and Safety Committee Chair.

At any time advice can also be sought from, or concerns discussed with, the University of Canterbury Health and Safety Manager and the appropriate Union.

2. Health and Safety Committee

The parties may agree to establish a College or Service health and safety committee and a University of Canterbury Health and Safety Committee. The parties agree that the objectives of the Health and Safety Committee are separate and distinct from, but complementary to, the functions of the health and safety representatives, as detailed further in this document.

To avoid any doubt, an employee may be a member of the Health and Safety Committee and a health and safety representative.

2.1 Membership of Committee

See terms of reference for the membership of the Health and Safety Committee.
2.3 Objectives of Committee
The objectives of the Health and Safety Committee are contained in the terms of reference of this agreement.

2.4 Frequency of Committee meetings
The committee or committees shall meet quarterly or at more regular intervals by agreement between the committee and the University of Canterbury.

2.5 Notification of Committee meetings
All employees must be notified of upcoming committee meetings and must be given a reasonable opportunity to provide input.

2.6 Outcomes of Committee meetings
All employees must have an opportunity to assess the outcomes of committee meetings.

2.7 Health and Safety Representatives
Each College/Service Unit will ensure that time is provided for regular meeting between health and safety representatives and employees in that College/Service.

3. Review of System
This employee participation system shall be reviewed every 24 months, or more regularly by agreement, between the union parties and the University of Canterbury.
4. Right to cease or direct cessation of unsafe work

The parties to this agreement recognise that every worker has a right to cease or refuse work that he or she believes is likely to expose the worker, or any other person, to serious risk to the worker's or other person's health or safety arising from an immediate or imminent exposure to a hazard.

In the event that a worker ceases or refuses to perform work that he or she believes is likely to expose themselves or others to significant risk, the following steps must be taken:

i. The worker must advise the health and safety representative immediately.
ii. If the health and safety representative is unavailable the worker must advise a representative of the PCBU.
iii. The worker, health and safety representative and PCBU employer must attempt to resolve the matter in good faith as soon as practicable.
iv. The worker must continue to refuse to perform the work until they are satisfied it is no longer unsafe.

v. If the matter cannot be resolved the Health and Safety Manager should be contacted and the appropriate Union Organiser advised (contact should be made with both parties to this agreement, i.e. the PCBU through the H&S Manager and the appropriate Union Organiser).

vi. The worker must perform any other work within the scope of his or her employment agreement that the PCBU reasonably requests.

vii. If unresolved the health and safety representative can contact the Union and/or a Health and Safety Inspector from WorkSafe.

5. Provisional Improvement Notices

A provisional improvement notice may be issued by a trained health and safety representative if they believe a person is contravening, or is likely to contravene, a provision of the Act or regulations.

A provisional improvement notice may require the person to;

a) Remedy the contravention; or
b) Prevent a likely contravention from occurring; or
c) Remedy the things or activities causing the contravention or likely to cause a contravention

The H&S Rep must first consult with the person before issuing a provisional improvement notice.

6. General Agreement in Relation to Worker Participation

Notwithstanding the terms of this agreement, all workers must be provided with a reasonable opportunity to participate effectively in ongoing processes for improvement of health and safety in the place of work in accordance with section 19B of the Act.


To avoid doubt the parties to this agreement understand and acknowledge that all relevant rights and obligations contained in the Health and Safety at Work Act 2015 apply to the parties.
8. **Parties to this agreement**

The following are party to this agreement and undertake to co-operate in good faith to ensure the effective ongoing improvement of health and safety.

- Person in Control of Business or Undertaking (PCBU)
- Worker
- Union/s

9. **Review**

It is acknowledged that this document will be reviewed in twenty four (24) months from the final date it is endorsed by all of the following parties.

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Terms of Reference

College or Service Health & Safety Committee

Membership:

A Senior Management Team member (or their nominee)
Health and Safety Representatives from the areas covered by the College or Service Unit (Register of Health and Safety Representatives), to ensure equal representation between University appointed and elected representatives.

One nominee from the UCSA (student or employee)

NB: The Committee requires a minimum of 50% of its number to be H&S representatives

A member of the central Health and Safety Team and Union representative (in attendance)

Other management personnel (as required)

Secretary:

A secretary will be appointed to the Committee.

Chairperson:

A chair shall be appointed by the membership of the committee.

Quorum:

A quorum is a minimum of 50% of the committee plus one Health and Safety Representative. In the event that a quorum is not reached the meeting will proceed with all motions referred for consideration to the appropriate department and then brought to the next committee meeting for resolution.

Meetings:

Meetings will be held at least four times a year.

Agenda:

A written agenda will be issued a week prior to the meetings by the Secretary.

Minutes:

Draft minutes of all meetings will be circulated to all members of the meeting by the Secretary. All staff will have access to the minutes of Health and Safety Committee meetings. Each College or Service Unit will distribute these in such a way as to reach all their staff. Copies will also be
posted on the Health and Safety intranet site.

**Scope:**

The Health & Safety Committee will regularly meet as a group to discuss relevant health and safety issues that have an impact on their particular work areas.

**Accountability:**

The Health & Safety Committee reports to the Senior Management Team Member of the areas the Committee represents.

**Sub Committees:**

As required, for issues relevant to the College or Service.

**Functional Relationships with Other Committees:**

- University of Canterbury Health and Safety Committee
- Others as required

**Purpose:**

The purpose of this committee is to provide a forum to consider health and safety issues relevant to the College or Service Unit and to advise on taking appropriate actions necessary to rectify matters. In addition, the Committee will oversee the University of Canterbury health and safety programme to ensure its implementation in the areas it covers.

**Objectives:**

The Health & Safety Committee aims to maintain a safe and healthy working environment by:

- Participating in the hazard management process
- Where appropriate to coordinate with and assist departments, or other groups, within the College or Service Unit in the management of health and safety.
- Analysing events to determine if appropriate actions have been taken, and to suggest methods of reducing the frequency and severity of such events
- Ensuring that health and safety issues specific to the work area are addressed
- Assisting in the development of the College or Service health and safety management plan and objectives
- Assisting in the development of College or Service Unit health and safety induction and training programmes
- Continuously reviewing the existing policies and procedures
- Provision of relevant statistical Information to the College or Service Unit staff
- Preparing the College or Service Unit health and safety plan or programme
- Encouraging compliance with relevant legislation
- Networking of information
- Promoting best practice in health and safety
- Appointing one trained health and safety representative to represent this committee on the University of Canterbury Health and Safety Committee
Terms of Reference

University of Canterbury Health & Safety Committee

Membership:

Vice Chancellor (or their nominee)
Director of Human Resources (or their nominee)
Director of Learning Resources (or their nominee)
One Trained Health and Safety Representative from each College or Service Unit Health & Safety Committee
One nominee from UCSA (student or employee)
Health and Safety Manager (or their nominee)
TEU/PSA Organiser (or their nominee)

Chairperson:

A chair shall be appointed by the membership of the Committee.

Secretary:

A secretary will be appointed to the Committee.

Quorum:

A quorum is a minimum of 50% of the Committee plus one Health and Safety Representative. In the event that a quorum is not reached the meeting will proceed with all motions referred for consideration to the appropriate department and then brought to the next Committee meeting for resolution.

Meetings:

Meetings will be held at least four times a year.

Agenda:

A written agenda will be circulated at least three weeks prior to a meeting by the Secretary.

Minutes:

Draft minutes of all meetings will be circulated to all members of the meeting by the Secretary. All staff will have access to the minutes of Health and Safety Committee meetings. Each College or service will distribute these in such a way as to reach all their staff. Copies will also be posted on the Health and Safety intranet site.
Scope:

The primary role of the committee is to monitor health and safety in the workplace, advise the Vice Chancellor on Health and Safety matters and to act on authority delegated by the Vice Chancellor to assist in the promotion of health and safety in the workplace.

Accountability:

Vice Chancellor

Sub Committees:

The University of Canterbury Health and Safety Committee has the power to set up sub-committees for specific purposes, of which the chairmanship and membership will be designated by this Committee.

Functional Relationships with Other Committees:

College and Service Health & Safety Committees
Council Audit and Risk Committee
Others as required

Purpose:

The purpose of this committee is to develop and oversee the implementation of the health and safety strategic and operational plans for the University of Canterbury.

Objectives:

- To actively promote a culture within the University of Canterbury where staff commitment to, and involvement in the health and safety programme is evident
- To provide strategic and operational advice on health and safety issues affecting the University of Canterbury
- To ensure that the University of Canterbury programme meets the requirements of the current health and safety legislation
- To ensure compliance with University of Canterbury health and safety policy and procedures
- To facilitate and monitor the implementation of University of Canterbury health and safety plans
- To oversee the development and regularly review the University of Canterbury health and safety policy and procedures
- Analysing event trends to determine methods of reducing the frequency and severity of such events
- Identifying priority health and safety issues
Schedule 1. Designated work areas.

Appropriate designated work areas will depend on the particular enterprise. It is important to ensure all workers are represented by a health and safety representative, taking into account factors such as different shifts and sites. Union members will have the best insight into how best to define the designated work areas. For further guidance refer to the code of practice on Health and Safety Representatives and Committees.

EXAMPLE

Site location
⇒ Warehouse
  ⇒ Distinct areas in the warehouse
  ⇒ Different shifts if appropriate
⇒ Factory
  ⇒ Distinct areas in the factory
  ⇒ Different shifts if appropriate
⇒ Administration
  ⇒ Distinct areas in the office
  ⇒ Different shifts if appropriate
⇒ Offsite employees
⇒ Other categories appropriate categories
Schedule 2. Functions of Health and Safety Representatives

Each Health and Safety Representative has the functions contained in Part 1 of Schedule 2 of the Health and Safety at Work Act 2015. Those functions are,

(a) To represent the workers in their work group in matters relating to health and safety.
(b) To investigate complaints from workers in their work group regarding health and safety.
(c) If requested by a worker in their work group, to represent them in relation to a matter relating to health and safety (including a complaint):
(d) To monitor the measures taken by the PCBU that are relevant to health and safety.
(e) To inquire into anything that appears to be a risk to the health or safety of workers in the work group arising from the conduct of the business or undertaking.
(f) To make recommendations relating to work health & safety.
(g) To provide feedback to the PCBU about whether the requirements of this Act or regulations are being complied with.
(h) To promote the interests of workers in their work group who have been harmed at work, including in relation to arrangements for rehabilitation and return to work.
(i) Any other functions conferred under the Act, Regulations or approved code of practice.
(j) Any other functions agreed to by the parties to this agreement.

Additional functions of Health and Safety Representatives

- Health and safety representatives must be advised of any inspection, visit or audit undertaken in relation to health and safety, and
- Must be given an opportunity to meet with the person undertaking the inspection, visit or audit.
- The health and safety representative must be given an opportunity to meet with any new employees, temporary employees or contractors who will be working in the relevant designated work area.

Functions of Health and Safety Management Representatives and Departmental Safety Officers

The purpose of Management Representatives is to work in collaboration with the health and safety representatives, union organisers, the Health and Safety Team and Health and Safety Committees. They are not elected by peers.

Functions include:

- Support management with Health and Safety administration.
- Foster positive health and safety management practices in the place of work.
- Be familiar with relevant health and safety legislation.
- Actively participate in Health and Safety Committee meetings and provide relevant Health and Safety information from your Department/School/Unit as required.
- Disseminate information on safety matters.
- Encourage and participate in the implementation of any Health and Safety initiatives identified within the College/School/Department/Service Unit.
- Collaborate with workers as required in the development of any new Health and Safety procedures.
- Regularly assess the workplace to ensure that a safe and healthy working and learning environment is maintained at all times and report any concerns directly to the Head of Department/Manager.
• Participate in any health and safety assessments as required by the University of Canterbury or authorities and respond quickly and effectively to concerns/issues raised as a result.
• Encourage the annual development/revision of Departmental/School/Unit Health and Safety plans in conjunction with the Head of Department/School/Manager and disseminated in accordance with University of Canterbury policies and procedures.
• Identify potential health and safety risks, proactively eliminate or minimize the risk, communicate results and record information on the Departmental/School/Unit Risk Register.
• Assist with event reporting, investigation and notifiable incident procedures.
• Participate in training as required by the University of Canterbury.
• Liaise with external agencies for permits and licenses as appropriate.
• Induct new members to the department, including students, on University of Canterbury health and safety policy and procedure, as well as departmental safety procedures, including emergency procedures.
• Maintain an efficient fire warden process; ensuring there are sufficient appointed and trained Building and Floor Wardens. Advise the Health and Safety Administrator of any changes.
• Support the department by ensuring that:
  o the nominated caretaker of the department first aid box(es) is supported as needed in carrying out the process
  o wardens are assessing safety or fire equipment and reporting any missing or faulty equipment to the Compliance Officer, Engineering Services.
  o Additional duties as agreed by the Departmental Health and Safety Officer and the University of Canterbury.