



# Lutheran Church of Australia | National Office | New Work Health and Safety Laws Consultation

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## 1.0 Consultation

(WHS Act Part5)

### ***When does the person conducting a business or undertaking (PCBU) need to consult with workers?***

A PCBU must consult with workers when

- ❖ identifying and assessing risks arising from work and making decisions about ways to eliminate or minimise those risks
- ❖ making decisions about the adequacy or facilities for the welfare of workers
- ❖ Proposing changes that may affect the health and safety of workers
- ❖ Making decisions about the procedures for health and safety

### ***What should the consultation involve?***

The consultation duty involves taking the views of workers and health and safety representatives into account before making a decision on health and safety matters. It does not require consensus or agreement but it does entitle workers to contribute to any decisions made.

### ***Who does the person conducting a PCBU need to consult?***

A PCBU must so far as reasonably practicable, consult with workers who carry out work for their business and who are, or are likely to be, directly affected by a work health and safety matter.

The duty is not limited to consulting with employees but includes contractors, subcontractors, labour hire workers, volunteers and any other people working in the PCU who are, could be affected.

If workers are represented by a Health and Safety Representatives (HSR), the consultation must involve that HSR.

### ***Do duty holders have a duty to consult?***

If more than one person has a duty in relation to the same matter, each of those persons must consult, cooperate and coordinate activities with each other, so far as is reasonably practicable.

There may be a number of different duty holders involved in an activity such as a supplier, a contractor, the owner of the building where the work is carried out, an officer or a worker. Each duty holder can have an effect on work health and safety in relation to the activity and therefore must share information and cooperate with each other to ensure that each person can meet their duties effectively without gaps or inconsistencies.

Refer to [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)