

**Occupational Health and Safety (Issue Resolution)
Regulations 1999**

S.R. No. 94/1999

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1. Objective	1
2. Authorising provisions	1
3. Commencement	1
4. Revocation	2
5. Parties to the resolution of issues	2
6. Procedure for reporting issues	2
7. Procedure for resolving issues	3
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NOTES	5

STATUTORY RULES 1999

S.R. No. 94/1999

Occupational Health and Safety Act 1985

**Occupational Health and Safety (Issue Resolution)
Regulations 1999**

The Governor in Council makes the following Regulations:

Dated: 27 July 1999

Responsible Minister:

ROGER M. HALLAM
Minister for Finance

SHANNON DELLAMARTA
Acting Clerk of the Executive Council

1. *Objective*

The objective of these Regulations is to prescribe a procedure for the effective resolution at workplaces of health and safety issues as they arise, where there is no agreed procedure for resolution.

2. *Authorising provisions*

These Regulations are made under sections 26 and 59 of the **Occupational Health and Safety Act 1985**.

3. *Commencement*

These Regulations come into operation on 29 July 1999.

*Occupational Health and Safety (Issue Resolution) Regulations
1999*

r. 4

S.R. No. 94/1999

4. *Revocation*

The Occupational Health and Safety (Issue Resolution) Regulations 1989¹ are **revoked**.

5. *Parties to the resolution of issues*

- (1) An employer must nominate management representatives who are responsible for dealing with specified health and safety issues, and must, so far as is practicable—
 - (a) notify the employees of the nominations in the manner that is, and in the languages that are, appropriate; and
 - (b) notify in writing the health and safety committee of the nominations.
- (2) If an issue arises before nominations have been made, the employer or, if the employer is not available, the most senior management representative in that part of the workplace where the issue has arisen, is responsible for dealing with the issue.
- (3) A person, other than a health and safety representative or an employee nominated under sub-regulation (4), must not act on behalf of employees in that part of the workplace where the issue has arisen.
- (4) If there is no health and safety representative, the employees in that part of the workplace where an issue has arisen may nominate any employees to act on their behalf.
- (5) At any stage in the resolution of an issue, any party may call in any relevant organisation of employees or of employers to assist the parties to resolve the issue.

6. *Procedure for reporting issues*

*Occupational Health and Safety (Issue Resolution) Regulations
1999*

S.R. No. 94/1999

- (1) If an employee wishes to raise a health and safety issue in a workplace where there is a health and safety representative, that employee must report it to the representative.
- (2) If an employee, including an employee nominated under regulation 5(4), wishes to raise a health and safety issue in a workplace where there is no health and safety representative, that employee must report it to the employer or the management representative.
- (3) An employee may take all steps that are necessary, including leaving the employee's part of the workplace, to report an issue.
- (4) An employer or management representative who identifies a health and safety issue may report it to the health and safety representative, or if there is no representative, to the employees who work in that part of the workplace concerned.

7. Procedure for resolving issues

- (1) As soon as possible after an issue has been reported, the employer or management representative and the health and safety representative, or any employee nominated under regulation 5(4), must meet and try to resolve the issue.
 - (2) The resolution of the relevant issue must take into account any of the following factors that may be relevant—
 - (a) whether the hazard or risk can be isolated;
 - (b) the number and location of employees affected by it;
 - (c) whether appropriate temporary measures are possible or desirable;
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*Occupational Health and Safety (Issue Resolution) Regulations
1999*

r. 7

S.R. No. 94/1999

- (d) whether environmental monitoring is desirable;
 - (e) the time that may elapse before the hazard or risk is permanently corrected;
 - (f) who is responsible for performing and overseeing the removal of the hazard or risk.
- (3) If any party involved in the resolution of the issue requests, the details of the issue and all matters relating to its resolution must be set out in writing by the employer to the satisfaction of all parties.
- (4) As soon possible after the resolution of an issue, details of the agreement, in a form that is approved by all parties and in the manner and in any language that is agreed by the parties to be appropriate—
- (a) must be brought to the attention of the employees; and
 - (b) must be forwarded to the health and safety committee; and
 - (c) may be forwarded by the parties to any relevant organisation of employees or of employers.
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*Occupational Health and Safety (Issue Resolution) Regulations
1999*

S.R. No. 94/1999

Notes

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¹ Reg. 4: S.R. No. 187/1989.