Use this checklist to determine what you need to do to meet the consultation requirements of the Occupational Health and Safety Act 2004. Consultation is not meant to be difficult or time-consuming, you should take a sensible and pro-active approach. The aim of consultation is to improve decision making about health and safety by involving employees. Consultation does not require agreement. The responsibility to provide a safe workplace rests with the employer and they are accountable for making decisions to eliminate or reduce risk.

1. When Must You Consult? (please tick ✓):
If you are doing one or more of the following:

- identifying or assessing hazards or risks that may harm people
- making decisions on how to control risks that may cause harm
- making decisions about the adequacy of facilities for employee welfare
- making decisions about procedures to:
  - consult with employees on health and safety matters
  - resolve health and safety issues
  - monitor employees’ health and workplace conditions
  - provide information and training.
- determining the membership of any health and safety committee
- proposing changes to:
  - the workplace
  - plant, equipment, substances or other things used in the workplace
  - the work performed at the workplace that may affect the health and safety of employees.

You must consult so far as is ‘reasonably practicable’, which simply means doing what is reasonable in the circumstances.

2. Who Must You Consult? (please tick ✓):
Employees (including independent contractors, sub contractors, labour hire etc) if:

- they are directly affected now by any of the health or safety matters listed above or
- they will be directly affected in the future by any of the health or safety matters listed above and
- if the employees are represented by a Health and Safety Representative (HSR), the HSR must be involved.

3. How Must You Consult? (please tick ✓):
There are four things you must do:

- share information with directly affected employees – this should be timely and understood by all
- give employees a reasonable opportunity to express their views and contribute to the decision making process
- take those views into account – to help shape decisions
- advise workers of the outcomes in a timely manner.

4. What Good Consultation Looks Like

<table>
<thead>
<tr>
<th>Timing</th>
<th>Early, before a process is established and decisions are made</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employer’s role</td>
<td>Interested in and values employees’ perspectives</td>
</tr>
<tr>
<td>Employees’ role</td>
<td>Actively participate</td>
</tr>
<tr>
<td>Interaction style</td>
<td>Planned, genuine, collaborative sense of ownership</td>
</tr>
<tr>
<td>Attitude towards each other</td>
<td>Trust, mutual respect</td>
</tr>
<tr>
<td>Process</td>
<td>Allows for employee participation</td>
</tr>
<tr>
<td>Communication</td>
<td>Opportunities for one-on-one communication with employees; clear and regular feedback provided</td>
</tr>
<tr>
<td>Safety outcomes</td>
<td>Improvements to systems, procedures, equipment etc.</td>
</tr>
</tbody>
</table>

Note: If your organisation has ‘agreed procedures’ for consultation, they must be followed.
5. Record of Consultation

The health and safety matter discussed was

Date / / 

How was the information shared?

Date / / 

What views were expressed?

Date / / 

How were these views taken into account?

Date / / 

Participants in the discussion

Signed Date / / 
Signed Date / / 
Signed Date / / 
Signed Date / / 

What was the decision/outcome?

Date / / 

How will the affected parties be informed of the decision/outcome?

Date / / 

Was a consultation procedure followed? [tick applicable answer] Yes ☐ No ☐

If No, please explain

A record of consultation is good practice and may help demonstrate compliance with the duty.