

# What you can expect from the people you work for when they engage with you

This guidance is for all workers on ships, on major ports and ferry terminals who are interested in knowing about what their employer must engage with them on and how they have to engage.

This factsheet does not specifically explain your legal obligations. You can find out more about those by reading the Health and Safety at Work Act 2015 (HSWA) and the Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016.

No matter what type of business you work in, the Health and Safety at Work Act 2015 (HSWA) requires the person conducting the business or undertaking (PCBU) to engage with their workers. PCBU can also mean employer or (if you are a contractor) the PCBU who contracted you. This may mean they communicate with you personally, or it may mean they communicate with your co-workers or health and safety representatives.

This guidance uses the word 'employer' to mean the PCBU you do work for. The information in it applies to people in all kinds of relationships with their PCBU, including employees, contractors and sharefishers.

When it says 'you' it means the workers your employer is engaging with.

As a worker, it is important for you to know when your employer must engage with you. You can think more clearly about what to say and how to say it if you understand why your employer is talking to you about the subject or asking you for information. If you know of a decision your employer made about one of these matters but you do not know how they consulted with workers, you can ask them about it.

## 1. What your employer has to engage with you about

HSWA includes a specific list of situations when your employer must engage with you about health and safety matters. If they talk to you about any of these things, they are likely to be engaging with workers as the law requires.

HSWA requires employers to engage with you when they are:

- identifying hazards and assessing risks to work health and safety arising from (coming from) the work the business carries out – for example, when they are doing a risk assessment for a hazard that is part of everyday work
- making decisions about ways to eliminate or minimise risks to work health and safety – for example, when they are deciding what kind of guarding would be best on a machine



- making decisions about whether welfare facilities such as handwashing facilities, toilet facilities and access to drinking water are good enough for your needs (this includes a variety of facilities, including workplace layout, amount of space in work areas, lighting, ventilation, toilets, handwashing facilities and access to drinking water) proposing changes that may affect your health or safety, such as working with a new substance on site
- making decisions about procedures for:
  - engaging with you (for example, when they are developing a form for you to use to report a near miss)
  - monitoring your health (for example, when they are deciding whether you need to have regular hearing checks because of the level of noise in the workplace)
  - monitoring the conditions at any workplace under their management or control (for example, when they are deciding how to check noise levels in the workplace)
  - providing information and training for you (for example, when they are deciding how to train you to use new hearing protection)
- making decisions about any procedures for resolving work health or safety issues at the workplace
- developing worker participation practices, including deciding how to organise work groups.

This list includes the situations where HSWA requires your employer to engage with you. There might be other times your employer engages with you about health and safety matters as well.

## 2. How your employer has to engage with you

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HSWA lays out specific principles that your employer must follow when they engage with you and other workers who work for them. These are that:

- they must share relevant information about the matter with you in a timely manner
- they must give you a fair chance to express your views and raise work health or safety issues in relation to the matter
- they must give you a fair chance to contribute to the process of making decisions about the matter
- they must take your views into account
- they must tell you in a timely manner about what they will do because of the engagement.