



Managing HR Risk

Richard Rollins, Director Quartz Consulting

Agenda

- Workplace Health and Safety
- Workplace Relations Compliance
- Performance Review v Performance Management
- Disputes, Grievances and Investigations

Workplace Health & Safety

- Chapter Nine of the Handbook:
“The House needs to comply with all legislative workplace health and safety requirements”
- The Handbook provides an excellent framework for identifying and managing risk
- We are going to look at how that can be specifically applied to WHS

Roles - PCBU

- The Board is considered the Person Conducting a Business or Undertaking (PCBU) which is a defined role under the WHS Act
- A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking

Roles - PCBU

The PCBU must ensure:

- The provision and maintenance of a work environment without risks to health and safety
- The provision and maintenance of safe plant and structures
- The provision and maintenance of safe systems of work

Roles - Officer

- An Officer is a person who makes major decisions about the business
- A Board Member and the House Manager are Officers
- An Officer has a duty under WHS legislation to demonstrate a proactive approach to WHS matters
- An officer must exercise **due diligence** to ensure WHS obligations are met

Due Diligence

Due Diligence includes taking reasonable steps to:

- Keep up-to-date WHS knowledge
- Understand the operations of the organisation and the hazards and risks, particularly new services or ventures

Due Diligence

- Ensure appropriate resources and processes to eliminate or minimise risks to health and safety
- Ensure appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely manner to that information (Board reporting)

Due Diligence

To achieve due diligence the Board or House Manager can consider:

- Training and coaching
- Establishing WHS roles
- Establishing systems of reporting to management and Board
- Getting external advice where required
- Appropriate and active WHS Policies and Procedures

Roles - Workers

- The PCBU and Officers are responsible for the safety of workers.
- A worker is anybody carrying out work for the PCBU which includes:
 - Employees
 - Volunteers
 - Contractors and sub-contractors
 - Apprentices, trainees, people on work experience

Roles - Workers

- Workers must take reasonable care for their own health and safety and that of others who may be affected by their actions or omissions.
- Follow any reasonable direction of the PCBU or Officer to comply with WHS laws.
- Cooperate with any reasonable policy and procedure related to WHS that **they have been provided**.

Managing WHS RISK

- Eliminate risks to health and safety as reasonably practical through the hierarchy of control measures
- After identifying hazard or risk step through the hierarchy of control
- The hierarchy of control is an excellent method of ensuring that a risk has been addressed and managed

Managing WHS RISK

Eliminate or control the hazard or risk by:

- Eliminate hazard or risk entirely (ie. Stop the activity entirely)
- Substitute (change) the hazard (ie. solvent v water based paints)
- Use Engineering controls (ie. barriers, safety switches, lifting devices etc.)

Managing WHS RISK

Manage a hazard or risk through Administrative Controls by having:

- Policies and Procedures
- Warning signs
- Safe work method statements
- Training
- Induction

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Managing WHS RISK

- Any remaining risks must be minimised through suitable Personal Protective Equipment (PPE)
- Ensure PPE is appropriate to the activity and properly rated
- Ensure PPE is regularly checked for deterioration
- Ensure employees wear PPE through policy or direction

Workplace Relations Compliance

- Awards – use the right Award for the work being performed
- Know your Award
- Contracts of employment
- Classify employees correctly
- Wage rates and penalties

Workplace Relations Compliance

- Casual employees – casual conversion
- Position Descriptions
- Policies and Procedures
- Payroll – HR knowledge?
- Get expert advice

Performance

Poorly performing employees are a risk to the organisation:

- Breach of policies
- Damage to reputation
- Poor client outcomes
- Risk to funding
- Poor working environment for other employees

Performance - Supervision

- Assist employees with self-care through guidance and identifying suitable self-care strategies
- Work with employees on professional practice and what that looks like
- Discuss applying professional boundaries when working with clients
- Encourage employees to reflect on their own practice

Performance - Development

- Assess skills of employees (including qualifications)
- Identify gaps or opportunities
- Discuss their goals
- Develop a training plan
- Identify new service opportunities

Performance - Management

- Address poor performance when it occurs
- Identify and raise poor performance with employee in proper environment
- Discuss any issues impacting on performance
- Develop Performance Improvement Plan
- Identify additional training or support

Performance - Management

- Ensure there is a timeframe for review and assessment of performance
- If poor performance continues move to formal disciplinary process
- This could include formal warnings and termination of employment

Disputes and Grievances

- Managing a workplace dispute or grievance requires a good process to follow
- This should include clear steps describing what is required
- Policy should define the roles of all parties
- Policy can deal with disputes between all parties across a House

Disputes and Grievances

- Employees/volunteers should clearly know the appropriate process to lodge a dispute or grievance
- The best approach initially is an informal process to avoid escalation
- If unsuccessful then formal process can be commenced

Disputes and Grievances

- Boards have governance role and should not be involved in operational matters, only exception is if grievance is with House Manager
- Have a process to manage conflict of interest
- For example if Board member is also a House volunteer
- Do not act hastily. There is always time step back and consider best approach
- Get expert advice

Investigations

- Investigations have strict rules around procedural fairness and natural justice
- Must be conducted appropriately
- Suspend employee with pay? Be careful
- Do not act hastily – seek advice

Questions?



Thank you

Richard Rollins

richard@quartzconsulting.com.au

0414 813 310

