



Health and Safety Reps

Info sheet for union members

Key Points

- The Workplace Health and Safety Act recognises that workplaces are safer when workers have a say
- The Act provides for workers' health and safety representatives to be elected from designated groups in the workplace
- A health and safety rep can access training every year and has important rights that help hold management accountable on safety, including being able to direct unsafe work to stop
- It is critical that this role is filled by someone who is committed to representing workers and putting workers' safety first

Purpose

The employer, or person conducting a business or undertaking, has the primary responsibility for ensuring that workers don't get hurt and aren't made sick by their work, their work environment, the way work is organised, or the way they are treated at work.

An elected health and safety representative (HSR) is a worker from a particular group in the workplace and who is elected by that group to represent them on health and safety matters.

It is not the HSR's role to fix health and safety problems. But an HSR can play an important role in holding management accountable and contributing the knowledge and experience of the workforce on what needs to improve.

Role

Management must consult and share information with the HSR on health and safety matters, and the HSR can investigate and raise matters with management. An HSR has rights under the Act to help them fulfill the role.

An HSR consults with and acts as the voice of the workers they represent. In a union workplace, HSRs are an important part of the team of union delegates. Much like a union delegate, an HSR is most effective when they are backed by a well-organised collective of union members. If an HSR works in isolation it can be difficult for them to be effective.

Rights of a Health and Safety Representative

An HSR has a range of rights and powers under the Act that help them to fulfil their role, including:



- Access to an initial five days' training of their choice and one day per year afterward, paid for by the employer
- Must be consulted by management on health and safety matters
- Must be given all information about risks and hazards affecting the workers they represent
- Can inspect the workplace, including interviewing workers
- Can bring in an outside person to help them if necessary
- Can accompany a government health and safety inspector who is inspecting their work area
- Can do their HSR duties during work time
- Must not be discriminated against or treated less favourably because of their HSR role

HSRs can compel change and order unsafe work to stop

If an HSR believes management is in breach of the Act or is likely to be in breach of the Act, they can issue a Provisional Improvement Notice (PIN). This compels management to either fix the problem or request a review from a government health and safety inspector. However, in all states but Victoria, HSRs must have completed initial HSR training before they can issue a PIN.

Where there is a serious, immediate or imminent risk to health and safety, an HSR can direct work to stop as long as they consult management before or (in states other than Victoria) as soon as possible after ordering the stop-work.

Election process

Agreement of **designated work groups** must be done before electing HSRs so it's clear who the HSR will be representing. Workers or their representatives can initiate this process by asking management to negotiate the groups with them. This includes:

- Number of groups
- Make-up of groups
- How many HSRs and deputy HSRs for each group

It's important that the HSRs will be readily accessible and able to consult with everyone they represent. That means the designated work groups should take into account:

- Location of workers
- Rosters
- Types of work
- Preferred languages
- Numbers of people
- The nature of the safety risks
- Anything else that's relevant

Workers can authorise a representative to take part in these negotiations on their behalf, including a union rep.

Once the designated work groups are agreed, nominations for HSR and deputy HSR roles are held, and, if there is more than one nomination for a position, an election is held.



Getting results on safety

Safe workplaces are those where workers know their rights, have proper training and resources, and know that if they speak up about safety they will be listened to, and problems will be fixed properly.

In workplaces where safety is valued, management will welcome workers' input and involvement on safety. However, where priorities like budgets and schedules are put ahead of safety, or there is a poor management culture, there are likely to be some disagreements about whether and how to address safety issues.

That's why it's critical that union members have their HSRs' backs by being well organised. When workers show they support what the HSRs are saying, it's harder for management to minimise or ignore them.

If an issue still can't be resolved, a government health and safety inspector can be brought in to decide. In that case, it's important that workers speak up and put together evidence for their case, otherwise it's just one HSR's opinion against management.

Health and Safety Committees

A health and safety committee must be established when an HSR or (in states other than Victoria) five or more workers request it. A committee has a broad scope across the whole workplace and should be a productive co-operative forum.

HSRs are automatically members of the committee, and at least half of the committee members must be workers not nominated by management. Management representatives should be the people with the knowledge, expertise, resources, and authority to further the committee's recommendations.

The committee decides how it should run, but because of the importance of its work it should be done on a relatively formal basis in terms of notice, regularity, record-keeping, and keeping track of issues.

Acknowledgement

Although Australian health and safety laws are set by state governments, most of the relevant Acts in Australia are very similar or identical in most respects, however there are some differences.

This information in this document is provided as general information for union members and uses broad terms. It is not legal advice and should not be relied on as such. If you have a specific question about the health and safety rules, talk to your HSR, your union organiser, or MEAA's Members Services Team at members@meaa.org.