

Health and Safety Representative Guideline

Date of Revision: 11 June 2024
Safety and Wellbeing

Contents

| | | |
|----|----------------------------------------------------------------------------------------------------|----|
| 1. | Introduction to HSRs..... | 3 |
| 2. | Objectives of Health and Safety Representatives at ACU..... | 4 |
| 3. | Tasks of Health and Safety Representatives at ACU..... | 5 |
| 4. | Duties of Health and Safety Representatives that the PCBU must comply with..... | 6 |
| 5. | Defining Work Groups and Designated Work Groups for the purposes of the HSR selection process..... | 7 |
| 6. | HSR Training and Support..... | 9 |
| 7. | HSR Code of Conduct..... | 10 |
| 8. | ACU HSR Election flowchart..... | 11 |

1. Introduction to HSRs

Health and Safety Representatives (HSRs) communicate and consult with their workgroup, WHS Committees and the University about the WHSMS including WHS risks and concerns raised by their work group. The importance and role of HSRs is outlined in the ACU Communication and Consultation Procedure. HSRs aim to prioritise the health, safety, and wellbeing of students, staff, and visitors across our campuses in QLD, NSW, ACT and VIC.

HSRs play a vital role in promoting a safe and healthy environment by identifying hazards, raising awareness, and collaborating with the relevant university personnel. This guideline outlines the roles, responsibilities, and expectations for HSRs at ACU. It is recognised that whilst ACU has staff across all Australian States and Territories, this guideline is focused on those States and Territories with ACU campuses.

2. Objectives of Health and Safety Representatives at ACU

1. HSRs act as advocates for health and safety within the university, representing the interests of staff and work groups.
2. HSRs proactively identify potential hazards, assess risks, and make recommendations to mitigate or eliminate those risks.
3. HSRs collaborate with management and staff to develop and implement effective health and safety policies, procedures, and initiatives.
4. HSRs act as a point of contact for reporting health and safety concerns and incidents, ensuring timely and appropriate actions are taken.
5. HSRs promote a culture of safety by raising awareness and encouraging safe practices among the university community.

3. Tasks of Health and Safety Representatives at ACU

HSRs have an important role to play when representing workers on WHS matters and bringing issues to the attention of the PCBU. They can include;

1. Representing workers on health and safety matters
2. Monitoring how the PCBU is meeting their WHS duties
3. Investigating WHS complaints from workers
4. Inquiring into WHS risks to workers
5. In some circumstances, directing unsafe work to cease or issue a Provisional Improvement Notice (PIN). It is up to HSRs to decide if, and when they exercise their powers and perform their functions.

It should be noted that HSRs are not responsible for fixing problems, but rather to be a beacon for meaningful change in the health and safety space in the organisation.

4. Duties of Health and Safety Representatives that the PCBU must comply with.

| STATE/S | LEGISLATION | PROCESS |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>QLD, NSW, ACT AND VIC</p> | <p>Model WHS Act <i>Work Health and Safety Act 2011 (Qld)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Work Health and Safety Act 2011 (ACT)</i> Occupational Health and Safety Act 2004 (VIC)</p> | <p>Inspections: HSRs have the power to enter and inspect the workplace, as well as any part of the workplace where work is carried out by workers they represent.</p> <p>Investigations: HSRs have the power to investigate work health and safety complaints made by workers within their work group.</p> <p>Provisional Improvement Notices (PINs): HSRs can issue PINs to the employer if they reasonably believe there is a contravention of the Act or regulations that pose a serious risk to health or safety.</p> <p>Directing Cessation of Unsafe Work: HSRs have the power to direct workers to cease unsafe work if they reasonably believe there is a serious risk to health or safety.</p> <p>Consultation: HSRs have the power to participate in consultation with the employer on work health and safety matters.</p> |

5. Defining Work Groups and Designated Work Groups for the purposes of the HSR selection process

| STATE/S | LEGISLATION | PROCESS |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>QLD, NSW and ACT</p> | <p>Model WHS Act <i>Work Health and Safety Act 2011 (Qld)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Work Health and Safety Act 2011 (ACT)</i></p> | <p>A Work Group is defined as a group of workers who share similar work-related health and safety interests. The Act recognises the importance of work group representation in matters relating to health and safety. This means that workers within a specific work group have the right to elect an HSR to represent them in health and safety matters.</p> |
| <p>VIC</p> | <p>Occupational Health and Safety Act 2004 (VIC)</p> | <p>A designated work group is a group of workers who have similar work-related health and safety interests. Section 44 of the Act describes the manner of negotiation, agreement and criteria of designated work groups.</p> |

Overall, the concept of work groups or designated work groups is integral to the selection and representation of HSRs in matters related to health and safety. These groups allow workers with similar work-related health and safety interests to have a collective voice and choose an HSR who can effectively represent their concerns and advocate for their safety in the workplace.

| STATE/S | LEGISLATION | PROCESS |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>QLD, NSW, ACT AND VIC</p> | <p>Model WHS Act <i>Work Health and Safety Act 2011 (Qld)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Work Health and Safety Act 2011 (ACT)</i> Occupational Health and Safety Act 2004 (VIC)</p> | <p>Eligibility: Any worker at the workplace who is a member of a work group.</p> <p>Nomination: Workers can nominate themselves or another eligible worker.</p> <p>Election: Once nominations are received, an election is conducted among the workers in the work group to choose the HSR.</p> <p>Voting Process: S 54 (4) outlines the method of election which is determined by members of the DWG.</p> <p>Term: Section 55 states the term of an HSR is a maximum of 3 years.</p> |

6. HSR Training and Support

| STATE/S | LEGISLATION | PROCESS |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>QLD, NSW and ACT</p> | <p>Model WHS Act <i>Work Health and Safety Act 2011 (Qld)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Work Health and Safety Act 2011 (ACT)</i></p> | <p>Initial Training: HSRs have the right to undertake an approved training course with a minimum 14 days' notice.</p> <p>Course Content: The training course covers topics such as health and safety legislation, hazard identification, risk assessment, and consultation processes.</p> <p>Approved Training Providers: The Act allows for approved training providers to conduct the HSR training courses.</p> <p>Refresher Training: The legislation doesn't explicitly state a specific requirement for refresher training; however, it is generally recommended for HSRs to participate in refresher training periodically to stay up-to-date with changes in legislation and best practices.</p> |
| <p>VIC</p> | <p>Occupational Health and Safety Act 2004 (VIC)</p> | <p>As above.</p> |

7. HSR Code of Conduct

1. HSRs are expected to act with integrity, professionalism, and impartiality, demonstrating respect for all individuals and promoting a positive and inclusive work environment.
2. HSRs must maintain confidentiality when dealing with sensitive health and safety information, ensuring privacy and trust.
3. HSRs should adhere to relevant health and safety legislation, regulations, and university policies, setting an example for compliance. It is important for HSRs to familiarise themselves with the specific legislation applicable to their jurisdiction (continually subject to change), and to consult relevant resources and State bodies to ensure they understand the requirements and provisions specific to their state.

8. ACU HSR Election flowchart

