

## THE FACTS

### What does a Health & Safety Rep (HSR) do?

The role and functions of HSRs are underpinned and protected by work, health and safety (WHS) laws, giving HSRs a powerful voice in their workplace to raise and resolve health and safety issues with their employer. The HSR role is actively supported by the HSU.

#### Key Powers

- Investigate complaints about WHS
- Inspect any part of the workplace, after giving reasonable notice or immediately in the event of an incident
- Examine any documents relevant to WHS
- Accompany an inspector during an inspection of the workplace
- Issue notices to their employer to improve health and safety
- Issue directions to cease work where there is serious risk to safety

#### Key Rights

- Be consulted about WHS matters
- Request a review of control measures, such as -manual handling, noise, prevention of falls and confined spaces
- Take time off work with pay as necessary for exercising HSR powers

### Who can be a HSR?

Any worker who is a member of a work group (a group of workers who do similar work and share the same WHS interests). An HSU delegate can also be a HSR.

### How long is the appointment of a HSR?

A HSR will hold their office for three years, unless during that period they:

- Resign;
- Cease to be a worker in the work group they represent;
- Are disqualified as a HSR; or
- Are removed from the position by the majority decision of the work group.

### Can an HSR be personally responsible for mistakes?

HSRs are not personally liable for anything done, or omitted to be done, in good faith when exercising a power or performing a function under WHS laws. Nor are they responsible for anything done that they reasonably believed was authorised under WHS laws.

### Can a HSR represent workers outside their work group?

Only if a HSR from that other work group is unavailable and:

- There is a serious risk to health or safety emanating from immediate or imminent exposure to a hazard that affects or may affect a member of that other work group, or
- A member of another work group asks for the HSR's assistance.

### What is the role of a deputy HSR?

Deputy HSRs are elected in the same way as HSRs and represent the workers when the elected HSR is unavailable.



## HOW ARE HSRs ELECTED?

### Step 1: Request for HSRs

Any worker can request that the employer facilitate elections for one or more HSRs.

### Step 2: Negotiations for work groups within 14 days

Within 14 days of receiving the request, the employer must start negotiations with workers to determine work groups (a group of workers who do similar work and share the same WHS interests) that HSRs will represent. Workers can inform their employer that the HSU will represent them in the negotiations. The negotiations can cover (not an exhaustive list):

- Number and grouping of workers who carry out the same or similar tasks
- Number of work groups
- The number of required HSRs and deputy HSRs

### Step 3: Workers must be notified

As soon as reasonably practicable after the negotiations are completed, the employer must advise workers of the outcome of negotiations and the work groups determined.

### Step 4: Election of HSRs

If the number of candidates for HSRs is equal to the number of vacancies, each candidate is taken to be elected as a HSR for the work group without an election. Otherwise, workers within each work group can determine the procedure by which a HSR and a deputy HSR will be elected. The employer must provide resources, facilities and assistance that are reasonably necessary to enable the election to be conducted. The election may be conducted by the work group or, if a majority of members agree, with the assistance of their HSU Organiser.

### Step 5: Work group notified of election outcome

As soon as reasonably practicable after the election, members of the work group and employer must be informed of the results.

### Step 6: Training

The employer must allow the HSR and deputy HSR to attend training that is chosen by the HSRs in consultation with the employer. All the costs of the training are paid by the employer. The employer also has to pay the HSR and deputy HSR what he or she would have been entitled to if he or she performed his or her normal duties during that period.

