

## QUICK FACT SHEET

### **Module 6: Other parties**

#### **Health and safety representatives**

A health and safety representative (HSR) is a worker who is elected from a designated group of workers which is known as a workgroup. The HSR represents the workgroup in work health and safety matters. An HSR has the power to:

- represent workers of the HSR's workgroup in work health and safety matters
- monitor measures taken by the PCBU to comply with the WHS Act
- investigate complaints from workers of their workgroup concerning work health and safety
- inquire about the possible health and safety risks posed to their workgroup

#### **How are HSRs elected?**

Generally, workers may determine the procedure for electing HSRs for their workgroup as long as the procedure complies with WHS regulations. The workers may ask for assistance from unions and other third parties if they want to. The PCBU must provide any resources, facilities and assistance that are reasonably necessary for holding the election.

#### **Powers and rights**

HSRs have powers and rights that allow them to effectively represent the workers in their workgroup. A HSR may only direct workers to cease work if the HSR is not in Western Australia or Queensland, has consulted with the PCBU about the matter and made reasonable efforts to resolve the issue. However, if the risk is so serious and imminent that it is not reasonable to consult first, then the representative may direct workers to cease work without first consulting the PCBU but they must consult the PCBU as soon as practicable.

HSRs are only allowed to use their powers in WHS matters that affect their workgroup. They cannot represent another workgroup in WHS matters unless there is a serious risk to members of that group or that group requests the assistance of the representative because their HSR is unavailable.

HSRs are not personally liable for any act or omission as long as they are acting in good faith in exercising their powers and functions under the WHS Act.

## **Obligations of the PCBU**

A PCBU owes several obligations to HSRs. A PCBU must:

- consult with HSRs on work health and safety matters as far as is reasonably practicable
- allow HSRs access to information about the health and safety of workers in their workgroup or the possible hazards and risks posed to those workers
- provide necessary resources and assistance (not including financial assistance) to help HSRs exercise their powers and perform their functions.
- allow HSRs as much time as is reasonably necessary to exercise their powers and perform their functions. The PCBU must pay the HSR for that time at the rate the HSR would otherwise receive for performing his or her normal work duties
- ensure that an HSR cannot access a worker's personal or medical information without the worker's consent, unless it is reasonable to believe the information will not identify the worker
- maintain and display an up-to-date list of each HSR and deputy HSR in the workplace, and except in Queensland, provide this list to the regulator

## **Health and safety committees**

A health and safety committee:

- facilitates cooperation between the PCBU and workers in instigating, developing and carrying out measures designed to ensure workers' health and safety at work
- assists in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace
- fulfils functions prescribed by regulations and any other function agreed upon between PCBU and the health and safety committee

The members of the committee may be determined by agreement between the PCBU and the workers. Any HSR may be a member if they wish to. At least half of the members of the committee must be worker representatives

## **WHS entry permit holders**

A union may apply for a WHS entry permit for a union official who has completed the necessary training. The regulator or a delegated authority may issue a permit at its discretion. WHS entry permit holders are allowed to enter a workplace for two reasons:

1. Suspected breach of the WHS Act
2. Consulting and advising workers