



Australian Government

AFTRS

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Health and Safety Representative Procedures

Linked Policy	Health and Safety Representative Procedures
Responsible Officer	Director, Corporate Services
Contact Officer	Head of Human Resources
Authorisation	Chief Executive Officer on recommendation from the Health and Safety Committee
Effective Date	6 th August 2011 Reviewed 1 st January 2012
Associated Documents	<i>Work Health and Safety Act 2011</i> <i>Work Health and Safety Regulations 2011</i> Health and Safety Management Arrangements Work Group Policy and Procedure Health and Safety Committee Policy and Procedures Health and Safety Representative Policy

1. Procedures Name

AFTRS Health and Safety Representative Procedures

2. Preamble to procedures

All Australian Government Agencies are required to make arrangements for the election of Health and Safety Representatives to represent the health and safety interests of workers in Work Groups.

Part 5, Division 3 of the *Work Health and Safety Act 2011* (the Act) and Division 2, sections 18-21 of the Regulations outline the key provisions relating to Health and Safety Representatives.

3. Scope

These procedures establish the method of selecting Health and Safety Representatives and outline their role and powers, terms of office, training requirements and AFTRS' responsibilities in relation to Health and Safety Representatives.

4. Definitions

Work Group (WG) is a group of workers undertaking work for the same employer who can be represented by health and safety representatives in relation to health and safety matters affecting workers at work.

Health and Safety Representatives (HSR) represent the health and safety interests of workers in a WG.

Health and Safety Committee is the Committee established under the legislation and the AFTRS Health and Safety Committee Policy.

Provisional Improvement Notice (PIN) is a notice which a HSR may issue following consultation with the relevant supervisor where they believe a person is breaching or has breached and is likely to breach again, the Act or Regulations. The PIN must specify which part of the legislation is being breached, why the HSR believes there is a breach, and the period in which action to prevent any further breach must be taken.

5. Procedures

I. Roles and responsibilities of HSRs

HSRs (and Deputies where applicable) are key in facilitating communication and consultation between AFTRS and workers on matters relating to health and safety as representatives of WGs. They also perform an important role as members of the AFTRS Health and Safety Committee.

Under the Act HSRs have broad functions relating to their WG including:

- representing workers in their work group in relation to health and safety;
- monitoring AFTRS' compliance with the Act and Regulations;
- inquire into anything AFTRS is doing that appears to be a risk to worker health and safety;
- inspecting the workplace of members of the WG after AFTRS is given reasonable notice of the inspection (no notice required if it is believed there is an imminent threat to worker health or safety);
- making a request to an investigator, that an investigation be conducted at the workplace and to accompany the investigator during the investigation;
- investigate worker health and safety complaints;
- access AFTRS' information relating to any health and safety risk to any worker at any workplace under AFTRS control (subject to privacy and confidentiality provisions);
- issue a provisional improvement notice (PIN);
- request investigation of a perceived failure to respond to a PIN;
- if HSR training is completed, direct a work group member to cease unsafe work, and

request an Inspector be appointed to conduct an investigation if the HSR and AFTRS cannot agree on an appropriate course of action to remove an immediate threat to the health and safety of employees

HSRs may represent the members of other work groups if that HSR is unavailable and there is a serious risk to health or safety emanating from an 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.

HSRs are not legally obliged to exercise any of these powers and are not personally liable under civil proceedings for exercising or not exercising any power which they reasonably believed was authorised under the Act .

II. Election

- There can be one HSR for each WG.
- There can be as many Deputy HSRs as are negotiated between AFTRS and the workers of the WG.
- A list of members of the WG will be determined by the Facilities Services Manager and the Head of Human Resources each time a new HSR is required.
- Only workers in the WG who are not disqualified may be HSRs or Deputy HSRs. Should there be no nominations the Health and Safety Committee may authorise a worker from another WG nominating.
- Where there is an HSR vacancy the Health and Safety Committee secretariat will take all reasonable steps to notify all workers in the WG in that there is a vacancy. Workers within the work group can determine the procedure for electing their HSR (subject to the Regulations). As soon as practicable the person managing the election must take all reasonable steps to ensure that all workers in the WH are given an opportunity to nominate to be an HSR and vote in the election, as well as advise of the date of the election.
- Each work group member is entitled to one vote in the election.
- If there is only the same number of nominations received as vacancies, that person/people are taken to have been elected as HSRs or Deputy HSRs for that work group.
- AFTRS will provide all reasonably necessary resources, facilities and assistance 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 another person or organisation such as a union.
- As soon as reasonably practicable after the election the person who conducted it must advise the members of the WG and AFTRS of the results.

III. Term of Office

- The term of office of a HSR and a Deputy HSR is 3 years.
- Both HSRs and Deputy HSRs may be elected for further terms of office.
- A worker ceases to be a HSR or Deputy HSR if:
 - they resign;
 - they cease to be a worker in the work group they represent;
 - they are disqualified as a HSR (by a court or tribunal), or
 - they are removed from the position by the majority decision of the WG..
- The majority of the members of a WG may remove a HSR if the members sign a written declaration that the HSR should no longer represent the WG. The members of the WG must nominate a member to inform the HSR that has been removed, inform AFTRS, and take all reasonable steps to inform all members of the WG as soon as practicable.

IV. Training

Under section 72(1) of the Act HSRs are entitled to attend an initial accredited HSR course of training of 5 days and annual refresher accredited training of 1 day. AFTRS will permit the employee to take time off work, without loss of remuneration or other entitlements, to undertake HSR training and will pay the cost of the training. HSRs must be allowed to attend initial HSR training within 3 months of making the request. If the details of the

training cannot be agreed within 3 months of the request either party may request an inspector to determine the matter.

V. Deputy HSRs

Deputy HSRs may be elected if that is the outcome of negotiations between AFTRS and members of the WG. They will be elected in the same way as the HSR and will receive the same training and work within the same provisions as the HSR. The Deputy HSR may only represent the members of the WG when the HSR is unavailable.

VI. AFTRS' Responsibilities to HSRs

AFTRS will consult with HSRs when requested or otherwise appropriate on the implementation of changes that may affect the health and safety at work of workers and concerning the development, implementation and review of measures to ensure the health and safety at work of workers.

AFTRS will provide HSRs with available information about risks to the health and safety of workers in their WG (subject to privacy and confidentiality) and with the facilities necessary to exercise their powers as HSR.

6. Review

This procedure will be reviewed as required by legislation or Australian Government policy changes and as part of the Health and Safety Committee's responsibility to review the Health and Safety Management Arrangements.