

## Selection and Responsibilities of a Health & Safety Rep

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### How is a HSR elected and how often should elections be held?

The legislated procedure regarding nomination and election of a HSR is detailed in Part 5- Consultation, representation and participation of the WHS Act 2011. Some of the relevant sections are listed below;

#### **“61 Procedure for election of health and safety representatives**

- 1) *The workers in a work group may determine how an election of a health and safety representative for the work group is to be conducted.*
- 2) *However, an election must comply with the procedures (if any) prescribed by the regulations.*
- 3) *If a majority of the workers in a work group so determine, the election may be conducted with the assistance of a union or other person or organisation.*
- 4) *The person conducting the business or undertaking (Airservices/ARFF) to which the work group relates must provide any resources, facilities and assistance that are reasonably necessary or are prescribed by the regulations to enable elections to be conducted.*

#### **64 Term of office of health and safety representative**

- 1) *A health and safety representative for a work group holds office for 3 years.*
- 2) *However a person ceases to hold office as a health and safety representative for a work group if:*
  - a) *the person resigns as a health and safety representative for the work group by written notice given to the person conducting the relevant business or undertaking; or*
  - b) *the person ceases to be a worker in the work group for which he or she was elected as a health and safety representative; or*
  - c) *the person is disqualified under section 65 from acting as a health and safety representative; or*
  - d) *the person is removed from that position by a majority of the members of the work group in accordance with the regulations.*

#### **62 Eligibility to vote**

- 1) *A health and safety representative for a work group is to be elected by members of that work group.*
- 2) *All workers in a work group are entitled to vote for the election of a health and safety representative for that work group.”*

(WHS Act 2011)

### What are the roles and responsibilities of a HSR?

“As a HSR your role is to promote the health and safety of the workers in your work group. Powers and functions allow you to effectively represent the interests of workers and contribute to WHS matters.

Broadly your powers extend to:

- *Inspecting the workplace of members of your work group if:*
  - *there has been an incident or situation involving a serious risk to a person’s health or safety from an immediate or imminent exposure to a hazard*
  - *after giving the PCBU reasonable notice of the inspection.*

- *Making a request to Comcare, that an inspector attend a workplace and assist where a WHS issue has not been resolved after reasonable efforts.*
- *Accompanying an inspector during an investigation.*
- *Representing the members of the work group in WHS.*
- *Initiating emergency stop work procedures (if trained).*
- *Issuing provisional improvement notices (PINs) (if trained).*
- *Requesting the establishment of a health and safety committee (HSC).*

*You can choose when to exercise your powers and functions—the WHS Act does not impose mandatory obligations or duties on HSRs.”  
(Comcare.gov.au 2014)*

The types of issues or concerns HSR's may encounter include but are not limited to:

- Bullying and harassment
- Workplace exposure to toxic and carcinogenic materials
- Workplace amenities
- Unsafe work practices
- Unguarded machines
- Fall hazards
- Odours
- Poor housekeeping

It is important that members select HSR's who possess the personal characteristics and qualities required to effectively represent the interests of their working group without fear or favour. Additional information and resources for HSR's can be found on the Comcare webpage.

[http://www.comcare.gov.au/preventing/governance/health\\_and\\_safety\\_representatives\\_hsr](http://www.comcare.gov.au/preventing/governance/health_and_safety_representatives_hsr)