



Australian Government

Comcare

HSRs – A Key Contributor

Presented by Compliance Assistance

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Scenario

- Air conditioning in your work area has stopped
- It's 30 degrees C
- There is no air flow
- You have 6 hours left in your shift
- You consult your supervisor to find out what's happening

What is a reasonable response?

Scenario

Is it reasonable to expect:

- The air-conditioning to be fixed immediately
- To be sent home immediately
- All be bought ice creams
- Sent to the pub

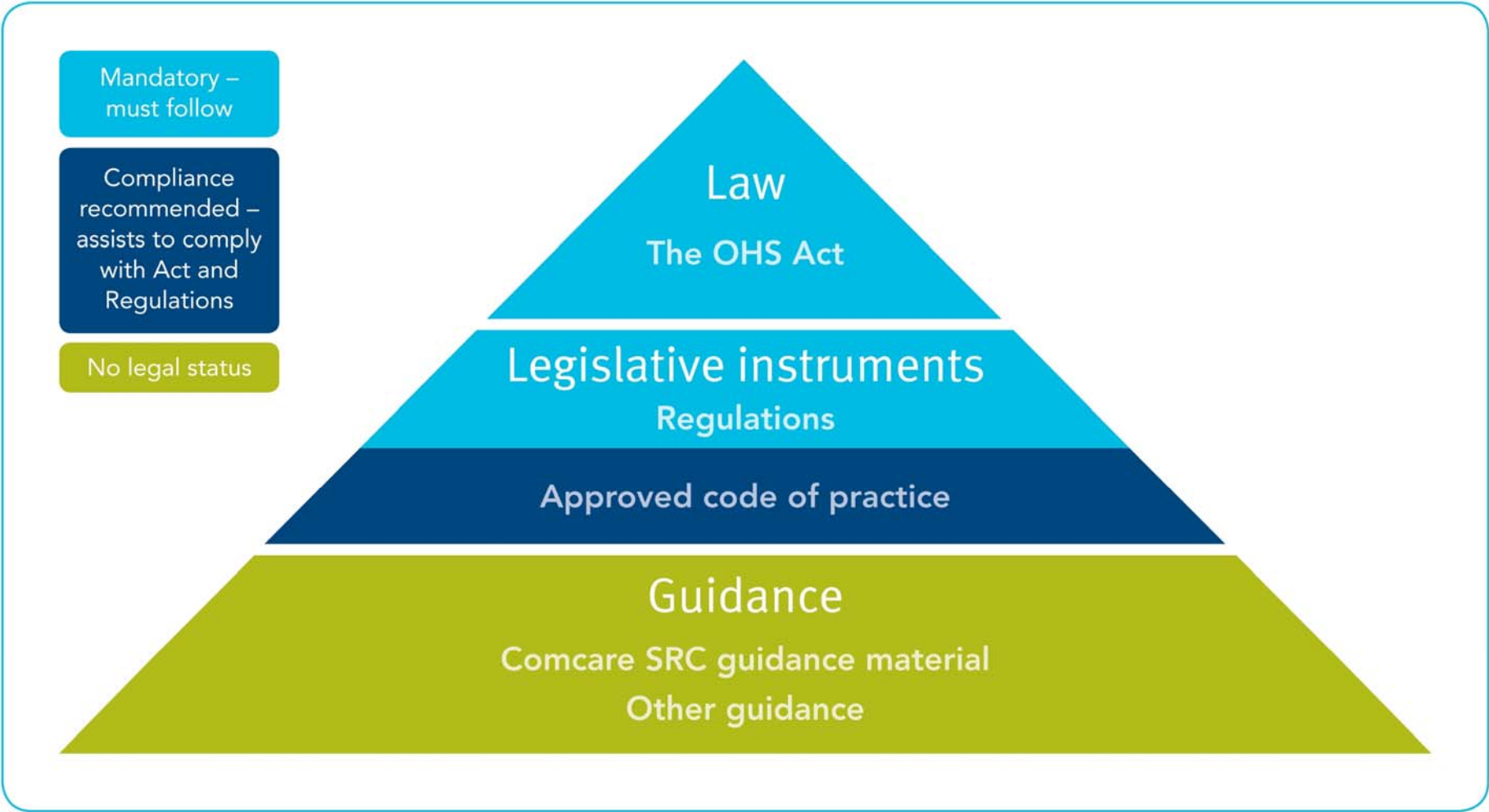
Or be advised

- What is happening
- How the issue is being addressed
- When might the issue be resolved
- What controls will be put in place in the meantime

OVERVIEW OF PRESENTATION

- Revisit the legislative framework
- OHS Responsibilities
- Role of Health and Safety Representatives (HSRs)
- Powers and responsibilities of a HSR
- Health and Safety Management Arrangements (HSMAs)
- Health and Safety Committees (HSCs)
- Where to obtain more information

The Framework



Duty of Care

Employers ► Employees

Your employer is required to take all reasonably practicable steps to protect the health and safety at work of the employer's employees.

Reference - Section 16 (1) of Act.

Employers ► HSR

- providing time off work to enable the HSR to undertake OHS training or to exercise their powers and allow them to exercise their powers
- providing facilities necessary to enable the HSR to exercise their powers
- consulting with the HSR on the implementation of workplace changes that may affect employees in their designated work group (DWG)

The role of the HSR

- **A HSR** represents the employees of a designated work group (DWG) with regard to their health and safety
- HSRs have broad powers to promote the health and safety at work of their designated workgroup members.
- HSRs can use these powers, through active consultation, to facilitate the resolution of any health and safety issues affecting their designated workgroups.

Health and Safety Management Arrangements (HSMAs)

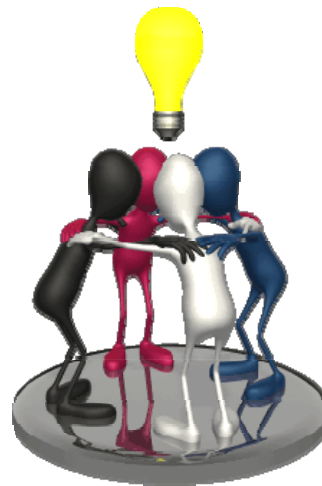
- HSMAs were required to be in place as of September 15 2008
- It is a requirement that employers consult with employees on the HSMAs

HSRs and HSCs

- Do I have to be on the committee?
- Do I need to be qualified / trained to be a member of a committee?
- How do I provide information to the HSC if I am not on it?
- How do I receive information back from the HSC?
- How should OHS information be distributed in my place of work?

Consultation

- The objective of the legislation is to foster a cooperative, consultative relationship
- Expectation is for HSRs to consult with employers in good faith with emphasis on proactive solutions to workplace OHS issues.



Powers of HSRs

- Inspect the workplace of members of the DWG
- Request an investigation
- Accompany an investigator during an investigation at the workplace;
- Represent the members of the DWG in health and safety consultation with the employer if there is no HSC;
- Examine records from the employer relating to health and safety
- Investigate employee health and safety complaints
- Attend interviews concerning health and safety at work
- Issue a PIN

HSR Responsibilities

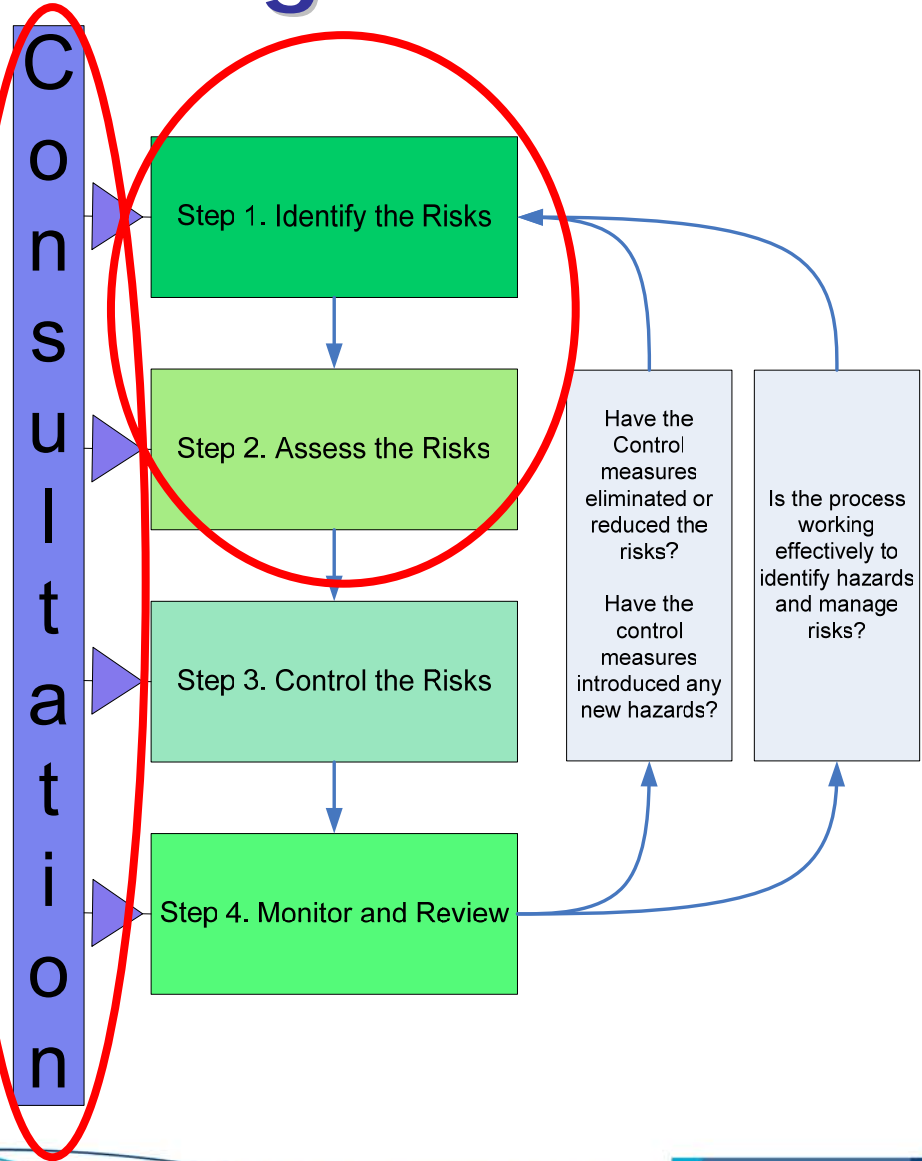
A HSR must

- Consult with the employer on OHS issues
- focus on OHS issues not other non-related human resource or industrial relations matters that may arise

A HSR must not

- intentionally cause harm to the employer or to an undertaking of the employer
- use their powers unreasonably, capriciously or otherwise

OHS Risk Management

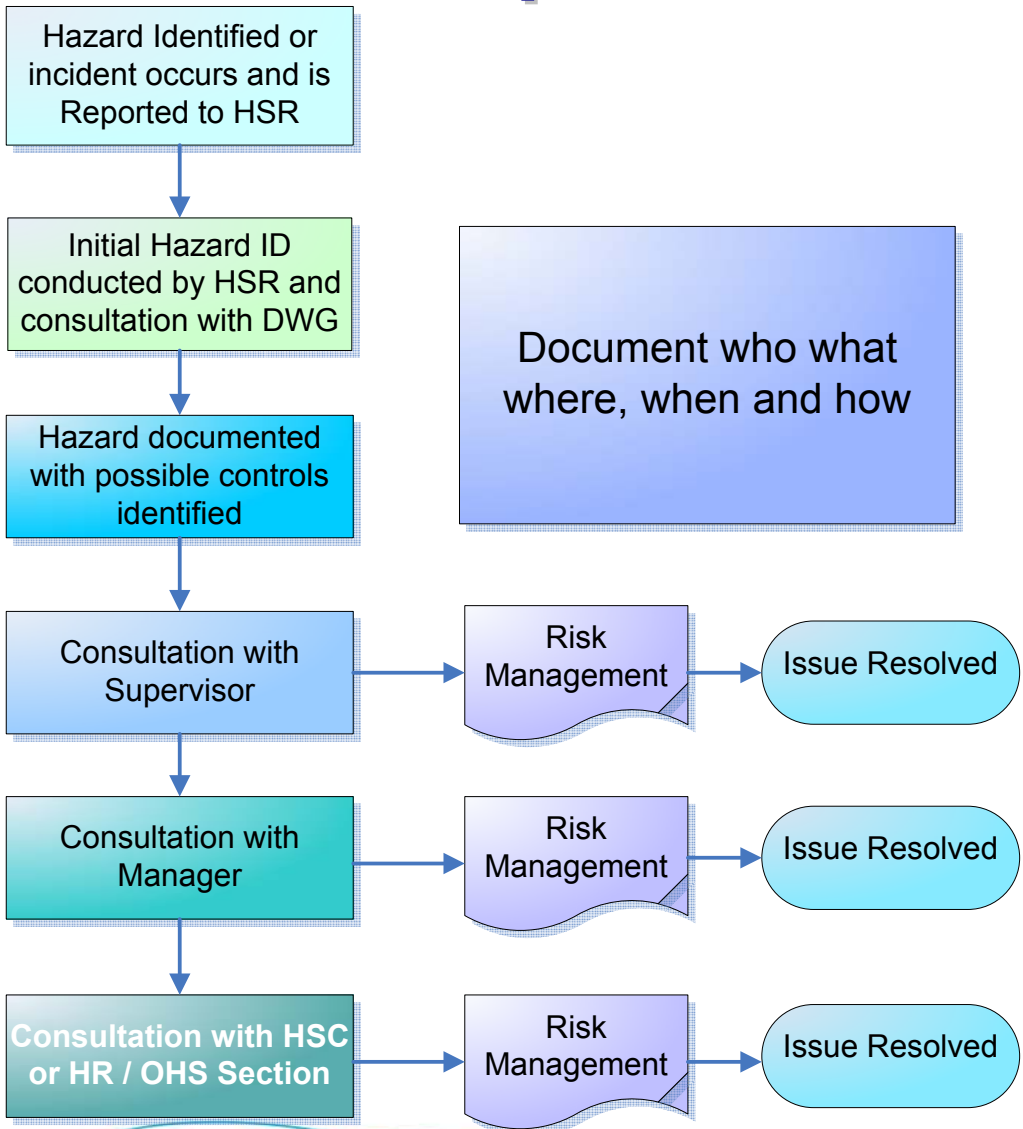


Hazard identification in the workplace

A HSR may help to manage risks in their DWG by

- conducting inspections to identify and record workplace hazards
- consulting with the employer on changes to the workplace which may affect the health and safety of members of the DWG

Practical steps for OHS Issues



Document who what where, when and how

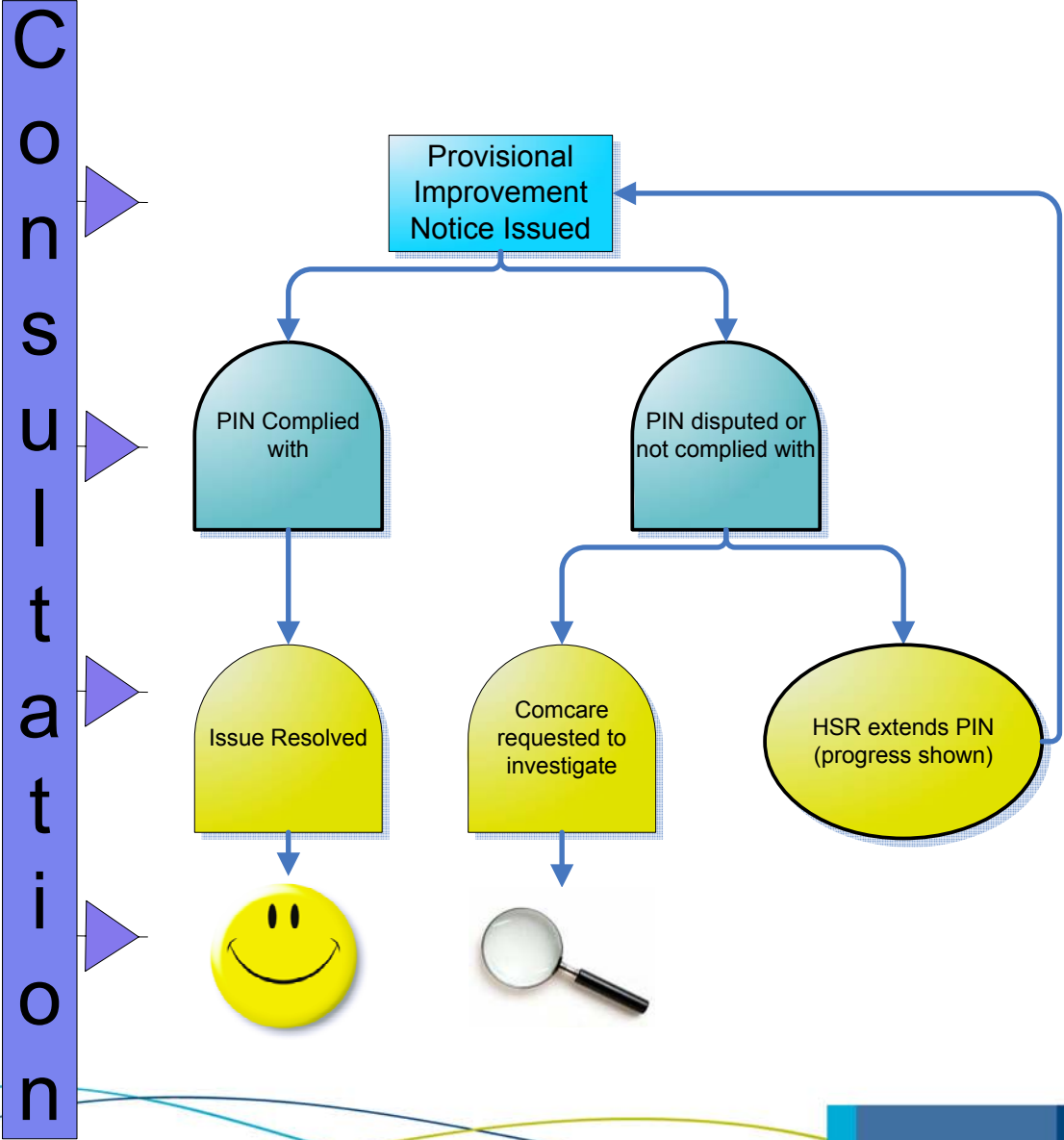
However, if this process fails.....

HSRs Addressing OHS issues

What do I do now?

- Check your HSR Handbook
- Seek further information and advice from internal sources
- Contact Comcare for further advice as to possible options
- Issue a provisional improvement notice (PIN) on the identified breach of the Act where the consultation process has broken down.

Provisional Improvement Notices



Scenario

You are advised by a member of your designated work group that a piece of electrical equipment is faulty and is unsafe for use. The item is in an area that many employees and members of the public access.

What steps should you take?

Emergency procedures

If a HSR believes there is an immediate threat to health and safety, they must inform a supervisor / manager immediately. If that is not possible they must:

- If safe to do so, apply immediate corrective action
- Direct the employee (s) to stop work in a safe manner and
- Notify the supervisor/manager as soon as practicable.

Compliance

Comcare's Investigation Process

- Inform the person 'in charge'
- Inform the HSR
- Inspect the worksite
- Conduct interviews/take statements
- Require the production of documents
- May issue statutory notices
 - Do not disturb notice
 - Improvement notice
 - Prohibition notice
 - Removal of plant or sample notice

HSRs are Key Contributors because they:

- Can formally consult with employers to resolve workplace OHS issues by building collaborative relationships
- Have specific powers under the Act to address breaches of the Act and Regulations

And....

- Provide a vital communication conduit between the employer and members of the DWG through consultation
- Can have a positive impact on workplace OHS outcomes and the safety culture of the organisation.



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