



Australian Government

Comcare

HSR TRAINING COURSE REQUIREMENTS

Guidance 2

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HSR TRAINING COURSE REQUIREMENTS FOR THE COMMONWEALTH JURISDICTION

INTRODUCTION

Health and Safety Representative (HSR) training should provide guidance on the powers and functions of HSRs as provided in the *Work Health and Safety Act 2011* (WHS Act) and Work Health and Safety Regulations 2011.

Safe Work Australia and Comcare have developed guidance material to assist those interested in becoming an approved HSR training provider.

- > *How to become an approved provider of Health and Safety Representative training for the Commonwealth jurisdiction—* Guidance 1
- > *HSR training course requirements—*Guidance 2. This guide consists of:
 - underpinning principles for the development of a Comcare-approved HSR training course
 - learning outcomes for the initial five day course, and,
 - requirements for the one day refresher course.

LEARNING RESOURCES

To ensure consistency across all jurisdictions, additional resources for training providers are available to assist with developing and delivering HSR training.

Resources are available on the Safe Work Australia and Comcare websites:

<http://www.safeworkaustralia.gov.au>

<http://www.comcare.gov.au>

PART 1—UNDERPINNING PRINCIPLES FOR THE DEVELOPMENT OF A COMCARE-APPROVED HSR TRAINING COURSE

1.1 BACKGROUND INFORMATION

One of the aims of introducing model WHS legislation in 2012 was to ensure work health and safety regulation consistency across jurisdictions, including workplace consultation, representation and participation arrangements.

Part 5 of the WHS Act outlines the workplace consultative arrangements between a person conducting a business or undertaking (PCBU) and workers. These arrangements are designed to encourage consultation, representation and participation to jointly monitor WHS issues and improve WHS standards. These mechanisms include:

- > the formation of work groups and health and safety committees
- > the election of HSRs with a range of rights and powers
- > duties on PCBUs to consult with HSRs on WHS issues in certain circumstances.

Under the WHS Act, a PCBU has the duty to consult and ensure workers are involved in decisions on WHS. Workers should also be consulted on proposed changes to the workplace that may affect the WHS of anyone in a work group. The formation of work groups and the election of HSRs are intended to facilitate worker representation, discussion of WHS matters, and identification and control of risks. Importantly:

- > HSRs play a key role in prevention of workplace injury and illness, and promotion of good WHS practice
- > WHS legislation does not impose specific obligations on HSRs but provides HSRs with powers and functions
- > there are no pre-requisites for becoming a HSR, other than to be an elected member of the work group.

1.2 AGREED APPROACH TO TRAINING

HSR training is not a mandatory requirement under the WHS Act. However, if a HSR requests training, a PCBU must allow this to occur. A HSR has the right to attend an approved HSR training course of their choice in consultation with their PCBU.

HSRs are not able to exercise all their powers—issuing PINs, and cessation of work—if they have not completed an approved course of training.

To ensure an effective and consistent approach to development and delivery of HSR training across jurisdictions, all harmonised WHS regulators have identified and adopted the following underpinning principles.

1.2.1 HSR training does not include a formal assessment

The intent of training is to develop a HSR's skills so they can represent their work group and exercise their powers and functions under the WHS Act. The HSR training course is not intended to train HSRs to be health and safety professionals or fulfil a PCBU's WHS obligations.

Following participation in a course approved under the WHS Act, a HSR may wish to pursue more formalised training or seek recognition of prior learning (RPL) leading to a vocational qualification.

1.2.2 Adult learning principles

Adults learn in different ways and bring a range of experiences and backgrounds to the learning environment. The HSR training course content and activities should integrate this experience and diversity, and provide HSRs with the skills and knowledge to represent their work groups effectively.

Training delivery should provide participants with opportunities to contribute and reflect upon their own workplace experience.

1.2.3 Context

The majority of adults like to see the relevance of what they are learning to their work and life. Course content should enable participants to understand the link with their workplace experience or situation. Activities should allow time for each participant to relate their skills and knowledge to industry specific WHS issues.

1.2.4 Inclusive

The following factors should be considered when developing and delivering HSR training courses:

- > age
- > gender
- > culture
- > disability
- > language
- > literacy
- > numeracy.

The principles of plain English and gender neutral language should also be adopted in the training materials and training delivery to ensure participants feel comfortable, confident and safe to interact with one another and participate fully in training activities.

1.2.5 Activity-based

The majority of adults are more likely to learn when they are actively involved rather than passively sitting and listening to a trainer presenting information. A range of interactive activities (such as group work, case studies and workplace inspections) should be used so participants can further develop and practice the required knowledge and skills. Participants should be encouraged to actively engage with other participants to develop consultation skills and the ability to cooperate and coordinate with other people in their role.

1.2.6 Accommodates differences in learning styles

The course content should cater for differences in learning styles or special needs. Using a variety of media (e.g. print, digital, audio) and activities (e.g. trivia quizzes, games, role plays) should ensure all learning styles are accommodated.

1.2.7 Learner-centred

A learner-centred approach to training focuses on the achievements of the participant, rather than the intentions of the trainer. Participants should be encouraged to engage with other HSRs and share their perspectives and experiences. They should also be provided with opportunities for self reflection.

1.2.8 Commitment to safety

The safety and welfare of participants must be considered when training content and activities are developed and delivered. Applicants must ensure that they meet all WHS legislative requirements and commit to providing a safe and positive learning environment. Participants should be encouraged to interact, question and challenge in a non-judgemental environment.

1.3 DELIVERY MODE

Training should be delivered in a way which maximises participation and engagement. To achieve this training must be delivered 'face-to-face' so HSRs can interact and learn from each other. 'Face-to-face' mode of training delivery is defined as participants being in the same physical location, i.e. in the same room, at the same time.

1.4 COURSE DURATION

1.4.1 Initial training (5 days)

Training can be delivered over five consecutive days, or spread over a longer period of time with training delivered in 'blocks' of time no less than one day in duration. The course should be conducted as seven hour days, excluding breaks—35 hours over the five days. It is suggested that one hour of breaks should be spread throughout the day.

Providers must ensure that all participants commence and complete their initial 5 days training within a 6 month period to be eligible to obtain a certificate of attendance and to have the full powers of a trained HSR.

1.4.2 Refresher training (1 day)

Refresher training must be a minimum of seven hours face-to-face training over a period of one day.

PART 2—LEARNING OUTCOMES FOR HSR TRAINING COURSES

2.1 INITIAL FIVE DAY COURSE

This part of the document covers the agreed learning outcomes for an initial five day course of training for HSRs. The learning outcomes should be read with the underpinning principles in the previous part of the document, as both aspects provide the context for designing and writing the course content.

The learning outcomes have been grouped under several learning objectives. These objectives represent the knowledge and skills that would support elected HSRs to fulfil their role, perform their functions and exercise their powers.

The learning objectives are presented in no particular order and are not intended to suggest a sequence of course delivery or content. The course content should be written with a holistic and integrated approach so participants are exposed to a range of complementary learning methods and activities.

The HSR is an elected, voluntary role. The initial five day course is not intended to make HSRs qualified or expert WHS specialists, but rather provide them with support, knowledge and skills so that they can represent their work group in WHS matters.

The expected learner application for each learning outcome provides guidance on inclusions such as activities, case studies, discussions and skills practice sessions. The learner applications specify what a HSR could be reasonably expected to do or know at the conclusion of the initial five days of training.

2.2 ONE DAY REFRESHER COURSES

Following completion of an initial five day course, a HSR is entitled to attend one day refresher training annually.

Refresher Courses are assessed against the basic requirements outlined in our guidance stating they should

- (a) provide HSRs with an overview of the Learning Outcomes in the initial five day training;
- (b) provide the HSRs with information on any developments in WHS legislation, such as changes to the Act, Regulations, Approved Codes of Practice or any updated case law; and ,
- (c) focus on HSR skills development.

Providers have an opportunity to be creative with the design and information presented in the refresher courses to maximise HSR engagement and are encouraged to discuss different options with the HSR Course Approvals Team.

PART 3—LEARNING OBJECTIVES—INITIAL TRAINING

The following section outlines and describes the six broad learning objectives, the associated learning outcomes for each, and the expected learner application required. Where appropriate particular activities have been mandated and are **highlighted in bold**.

The matrix required with your application should demonstrate that your course addresses each of these elements and should follow the same sequencing numbering system.

LEARNING OBJECTIVE A—INTERPRETING THE WORK HEALTH AND SAFETY LEGISLATIVE FRAMEWORK AND ITS RELATIONSHIP TO THE HSR

Description:

Information about the historical antecedents that have informed and shaped current WHS principles and legislation will give HSRs an understanding of the legislative context and purpose of their function. HSRs need to understand the legislation—and other legislative framework components—to explain how and why they have referenced the legislation when exercising their powers.

On completion of an approved training course, HSRs should be able to confidently interpret the WHS legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
A1 Understand the context of WHS legislation and practice	A1(a) Discuss key concepts in the evolution of WHS within Australia including the careless worker theory, the influence of the Roben's Report (UK), relevant (jurisdictional based) legislative reviews and WHS harmonisation within Australia A1(b) Identify some key impacts—social and economic— arising from workplace injury and illness A1(c) Identify data on workplace injuries, illness and incidents relevant to their work group and industry sector	Background knowledge and context
A2 Understand the objects and principles of the WHS Act	A2(a) Identify the key objects and principle/s of the WHS Act and the significance of these to WHS A2(b) Explain key concepts underpinning the principles that apply to all duties persons have under the WHS Act A2(c) Identify and use key terms contained within the WHS Act relating to their role and workplace A2(d) Draw links between the role of the HSR and the WHS Act objectives	WHS Act sections 3–9, 13–17
A3 Identify various elements of the legislative framework	A3(a) Identify WHS legislation, codes of practice, relevant industry/Australian standards, regulator specific guidance materials/interpretive guidelines, and explain their legal status, purpose and relation to each other A3(b) Explain using the WHS legislation, approved codes and guidance material, key sections of relevance for their industry sector/workplace A3(c) Explain the links between WHS, workers' compensation and rehabilitation of injured workers	WHS Act sections 274 and 275
A4 Understand the role and functions of (the regulator) and their interaction with HSRs	A4(a) Provide examples of regulator functions and powers and how these are used to facilitate compliance with WHS legislation A4(b) Explain how to access the support services and resources for HSRs provided by the regulator A4(c) Outline the role of an Inspector and how they can assist HSRs A4(d) Identify when a HSR may have contact with or seek assistance from an Inspector	WHS Act sections 82 and 160

Learning outcome	Expected learner application	Key legislative provisions
A5 Understand the safe work approach to work health and safety issues	A5(a) Using workplace scenario/s, explain why a 'safe work' approach should be taken by a PCBU, rather than focusing on a 'safe person' approach when resolving WHS issues A5(b) Identify the range of factors that would contribute to making a workplace a safe environment	Background

LEARNING OBJECTIVE B—IDENTIFYING KEY PARTIES, LEGISLATIVE OBLIGATIONS AND DUTIES

Description:

HSRs should be able to identify key duty holders and their duties when representing the work group in relation to WHS. HSRs will be able to identify the legislative penalties of the main duty holders for not meeting their obligations under the WHS Act.

On completion of an approved training course, HSRs should be able to confidently interpret the WHS legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
B1 Summarise the duties and responsibilities of PCBUs under the legislation	B1(a) Explain and use the term PCBU in the context of their role B1(b) Identify PCBUs of relevance to the HSR's work group and workplace and summarise their duties, with reference to the appropriate sections of the WHS Act as relevant B1(c) Discuss what is meant by 'reasonably practicable' B1(d) Discuss what is meant by 'risk management' using examples to explore measures in the hierarchy of control B1(e) Discuss the duties and responsibilities of PCBUs under the WHS legislation including the management of risks to the health and safety of workers and other persons at the workplace	WHS Act sections 18–29
B2 Identify the duties and responsibilities of officers, workers and other parties	B2(a) Compare the duties and responsibilities of an 'officer' and those of the PCBU, as these relate to the workplace B2(b) Explain what is meant by 'due diligence' in connection with the duties of an officer B2(c) Explain the duties of workers in relation to health and safety at the workplace B2(d) Identify officers, workers and other parties within the work group/workplace who would have a duty, as defined under the WHS Act	WHS Act sections 4, 13–21, 27–29
B3 Identify and discuss the range of enforcement options	B3(a) Describe the range of enforcement options available to the regulator for key duty holders for non-compliance with the WHS legislation B3(b) Identify the relevant offences and penalties under the framework B3(c) Identify practical examples of the consequences that apply to key duty holders for not complying with the WHS legislation	WHS Act sections 30–34 WHS Act Parts 10 and 11

LEARNING OBJECTIVE C—ESTABLISHING REPRESENTATION IN THE WORKPLACE

Description:

HSRs should have an understanding of their role, powers and protections under the legislation and have the skills to use their powers appropriately to achieve representation of workers and improve safety outcomes. HSRs should be able to use the representative process outlined in the WHS Act and know where to access various support mechanisms.

On completion of an approved training course, HSRs should be able to confidently interpret the WHS legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
C1 Outline the purpose and formation of a work group (or work groups) within the workplace	C1(a) Define a work group and describe its purpose C1(b) Identify the responsibilities of the PCBU in formation of work groups C1(c) Identify the matters that need to be taken into account when work groups are formed C1(d) Identify and explain the circumstances under which existing work groups could change, resulting in fresh negotiations to form new work groups in the workplace C1(e) Identify the range of options available to the parties involved, if negotiations regarding the establishment of a work group fail C1(f) Explain issues with the establishment of multiple work groups, possible impacts on the negotiation of work groups (if relevant) and how a HSR should represent multiple workgroups	WHS Act sections 50–59 WHS Regulations 16–17
C2 Understand the election process for HSRs/ Deputy HSRs and disqualification provisions	C2(a) Explain the election processes and roles/obligations of relevant parties in the process C2(b) Identify the term of office for a HSR or Deputy HSR C2(c) Identify circumstances that would result in a HSR no longer being able to represent their work group or hold office C2(d) Describe the disqualification provisions including conditions and processes, and the body responsible for determining disqualifications of HSRs in your jurisdiction C2(f) Explain the reasons the PCBU is obliged to display and maintain lists of HSRs in their places of work/business/undertakings	WHS Act sections 50, 60–67, 74 WHS Regulations 18–19
C3 Understand the function of a health and safety committee (HSC)	C3(a) Outline the legislative basis for establishing a HSC C3(b) Describe the role, composition and functions of a HSC C3(c) Describe the obligations and duties of the PCBU to the committee C3(d) Describe the role of a HSC and how this relates to the role of a HSR C3(e) Explain how a HSC can offer support to a HSR who is not a member of the committee	WHS Act sections 75–79
C4 Understand and explain the entitlements, rights and protections of an elected HSR/ Deputy HSR	C4(a) Explain the HSR powers and functions as defined by the legislation C4(b) Identify any legislative restrictions on the functions of a HSR, if initial HSR training (5 day course) is not undertaken C4(c) Explain the legislative protections for HSRs, including protection against discrimination for prohibited reasons C4(d) Explain how an elected HSR is a key link between the work group and management in WHS matters C4(e) State an elected HSR's entitlements to training C4(f) Explain, using examples, the PCBU's obligations towards HSRs C4(g) Explain in the legislation the exceptions to the PCBU's obligations towards an elected HSR, and give reasons for why these exceptions would exist C4(h) Explain when a HSR can have decisions made by a WHS Inspector reviewed and the process the HSR would follow	WHS Act sections 75–79

LEARNING OBJECTIVE D—PARTICIPATING IN CONSULTATION AND ISSUES RESOLUTION

Description:

HSRs should be able to participate in consultation and negotiation processes by communicating and representing workers. The HSR should understand the role of consultation in the workplace, the PCBU's duty to consult and how the HSR is able to represent workers in those consultations and achieve positive outcomes.

On completion of an approved training course, HSRs should be able to confidently interpret the work health and safety legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
D1 Describe the nature of the consultation process between the PCBU and workers as required under the WHS Act	D1(a) Describe what effective consultation between PCBUs and workers means in relation to WHS and why it is important in fostering cooperative relationships	WHS Act sections 46–49
	D1(b) Identify when the PCBU is required to consult with workers and elected HSRs	
	D1(c) Identify the various forms/ways information (in general) can be shared to enable effective consultation between PCBUs and workers	
	D1(d) Provide examples to illustrate how workers—including those with special needs—are provided with opportunities to express their views	
	D1(e) Identify any confidentiality requirements pertaining to information collected from—or provided to—HSRs, and have a basic understanding of the importance of record keeping	
	D1(f) Discuss why a HSR might keep copies of records relating to their workplace's WHS matters	
D2 Identify a range of strategies that support the consultation process	D2(a) Identify key duty holders that a HSR may consult with regarding WHS in the workplace	
	D2(b) Describe the benefits of building and maintaining constructive relationships with management, health and safety committees, members of work groups, and others	
D3 Use negotiation skills and strategies to resolve WHS issues	D3(a) Describe the basic principles of negotiation	WHS Act sections 80–82
	D3(b) Explain the issue resolution process	
	D3(c) Suggest various strategies/tools a HSR could use during the negotiation process to help resolve identified WHS issues	WHS Regulations 22–23
	D3(d) Identify and source resources available to a HSR when negotiating and resolving WHS issues	
	D3(e) Demonstrate, using negotiation and communication skills, how a HSR could represent a relevant party or stakeholder, based on an appropriate case study or scenario	
	D3(f) Describe how to refer an unresolved issue to the regulator for resolution by a WHS inspector	
	D3(g) List the functions and powers of WHS inspectors in resolving WHS issues	
D4 Represent workers on health and safety issues in a range of circumstances	D4(a) Describe the circumstances under which a HSR is entitled to be present during an interview concerning WHS	WHS Act sections 50–57, 80–82
	D4(b) Explain the role of a HSR during such interviews	
	D4(c) Identify the ways a HSR could exercise their powers in relation to complaints concerning WHS	WHS Regulations 16–17
	D4(d) Identify effective communication skills a HSR may use	

Learning outcome	Expected learner application	Key legislative provisions
D5 Discuss the benefits of effective representation and constructive consultation between a PCBU, other duty holders and workers	D5(a) Discuss the general benefits of effective consultation between HSRs and PCBUs and other duty holders, and the positive outcomes of working together to identify and solve WHS issues in the workplace D5(b) Understand the requirements and explore examples of consultation, cooperation and coordination between PCBUs and other duty holders	WHS Act sections 47–49

LEARNING OBJECTIVE E—REPRESENT MEMBERS IN THE WHS RISK MANAGEMENT PROCESS UNDERTAKEN BY THE PCBU

Description:

HSRs should have a basic understanding of risk management processes, including the hierarchy of controls. They should be able to participate in and contribute to WHS risk management activities undertaken by a PCBU. HSRs should be able to represent the views of their workers, providing insights into the nature of risks in the workplace and potential controls.

On completion of an approved training course, HSRs should be able to confidently interpret the work health and safety legislative framework and its relationship to their role and powers.

Note: This session must include a supervised workplace inspection and represent, as a minimum, at least three hours of the total course.

Learning outcome	Expected learner application	Key legislative provisions
E1 Understand the duties and responsibilities of various PCBUs under the legislation to manage risks to the health and safety of workers and other persons at the workplace	E1(a) Identify key risk management terms and definitions E1(b) Explain why and when risk control measures should be revised and reviewed and when the HSR can request that this be done E1(c) Identify a duty holder's responsibility to eliminate or control risks 'so far as is reasonably practicable' under WHS legislation	WHS Regulations 32–38 WHS Act sections 17–18
E2 Understand how HSRs can use their functions and powers to contribute to risk management activities in the workplace	E2(a) Identify a range of hazards found within various workplaces and their impact on workers E2(b) Explain basic risk assessment procedure E2(c) Identify different methods a PCBU may use to identify WHS hazards and ways the HSR could contribute to that process E2(d) Identify the purpose of workplace inspections and identify the powers which allow a HSR to inspect the workplace E2(e) Demonstrate the HSR's role in workplace inspections and when this should be done E2(f) Identify ways a HSR can represent, monitor, investigate and inquire into issues raised by their work group to ensure these concerns are addressed	

Learning outcome	Expected learner application	Key legislative provisions
E3 Understand basic management concepts	E3(a) Use a risk assessment process to demonstrate basic risk assessment principles and the use of simple risk assessment tools E3(b) Describe the concepts of safe place rather than safe person, and the hierarchy of control E3(c) Explain a HSR's entitlement to participate in the review of risk control measures affecting members of their work group E3(d) Use legislation or guidance material to identify control measures for the identified risk or hazard E3(e) Explain how HSRs can contribute to the selection of control measures	WHS Regulations 32–38
E4 Identify the PCBU's obligations in relation to incident notification	E4(a) Provide examples of the types of incidents that could occur at work E4(b) Identify the duties placed on PCBUs in relation to notifiable incidents E4(c) Describe why a HSR should be advised by the PCBU of a notifiable incident that has occurred in the workplace E4(d) Use learning activities, such as a simulated incident investigation, to identify tools and techniques that could be used to investigate incidents	WHS Act sections 35–39 WHS Regulation 699
E5 Identify the type of assistance or support Inspectors and entry permit holders can provide a HSR	E5(a) Identify who can provide assistance to a HSR and under what circumstances E5(b) Identify the conditions under which a representative, including an entry permit holder, may enter a workplace and any legislative conditions/constraints E5(c) Describe the role of a HSR when accompanying a WHS Inspector on an inspection of a work location E5(d) Explain how accompanying a WHS Inspector during an inspection would assist a HSR in performing their functions and/or exercising their powers	WHS Act sections 68, 70–73, 82, 117–121, 136

LEARNING OBJECTIVE F—ISSUING A PROVISIONAL IMPROVEMENT NOTICE (PIN) AND DIRECTING THE CESSATION OF WORK

Description:

HSRs will be able to use their knowledge of legislation to perform various functions and exercise powers to issue a provisional improvement notice or a cease work direction. HSRs need to operate within the restrictions and requirements surrounding these two powers.

On completion of an approved training course, HSRs should be able to confidently interpret the work health and safety legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
F1 Provide an overview of PINs	F1(a) Explain the purpose and function of a PIN F1(b) Identify the restrictions in the legislation that prevent a HSR from issuing a PIN F1(c) Identify to whom a HSR can issue a PIN F1(d) Describe the manner in which a person may be issued a PIN	WHS Act sections 90–102
F2 Understand the features and contents of a PIN	F2(a) Identify that a PIN must be in writing F2(b) Distinguish between what must be included in the contents of a PIN and what may be included F2(c) Identify the extent of any changes a HSR can make to a PIN once it has been issued F2(d) Undertake an activity to complete a PIN	WHS Act sections 90–102
F3 Identify the range of actions arising once a PIN is issued and identify who would take these actions	F3(a) Identify the alternative courses of action that the person can take when issued with a PIN F3(b) Describe the role and powers of a WHS Inspector when reviewing a disputed PIN F3(c) Identify appeal provisions for appealing Inspector decisions	
F4 Provide an overview of the right to cease—or direct the cessation of—unsafe work	F4(a) Explain the conditions or circumstances that would: > cause a worker/workers to cease work > cause a HSR to direct the worker/workers to cease work F4(b) Identify any legislative restrictions placed on HSRs that prevents a HSR from directing a worker to cease work F4(c) Outline the processes a HSR must follow after giving a direction to cease work to a worker/workers F4(d) Outline the employment conditions that apply to a worker/workers who have ceased work F4(e) Outline what the role and function of a WHS Inspector would be following a request from either the PCBU or the worker to attend the workplace in these circumstances	WHS Act sections 83–89 WHS Regulation 24

