

# Health and Safety Representatives

## Information Sheet – Health and Safety Representatives

### Purpose

The purpose of this information sheet is to provide guidance on the University's consultation framework involving health and safety representatives, and the associated Work Health and Safety (WHS) legislative requirements to assist to meet the requirements of the University [Health, Safety and Wellbeing \(HSW\) Policy](#).

### Q1 How can elected Health and Safety Representatives (HSR) assist with consultation?

Although supervisors are the main point of contact for workers to discuss HSW matters, and are required to consult with workers, HSRs can assist by providing a vehicle for consultation and a mechanism for workers to raise, have input into and resolve HSW issues.

HSRs can assist as they:

- are likely to understand the views and concerns of the worker and/or workgroup;
- are likely to have a good understanding of how to report a safety issue including through the [HSW Online Reporting System](#);
- are likely to have a good understanding of the legislative requirements through their attendance at approved training courses;
- have specific powers under the [WHS Act 2012](#) when elected in the role which enables them to:
  - monitor the measures taken by the Supervisor/Person in control of the area/activity to resolve an issue;
  - investigate complaints from members of the workgroup relating to work health and safety;
  - enquire into anything that appears to be a risk to the health or safety of workers (e.g. unsafe work practices) and to be involved in incident investigations.

Elected Health and Safety Representatives may also choose to be a member of the HSW Committee. Being a member of the committee will complement the role as it allows the HSR to be involved in HSW matters across the whole Faculty/Division/School/Branch (as applicable), rather than just the workgroup.

### Q2 What powers and functions do elected Health and Safety Representatives (HSR) have?

To assist HSRs represent their workgroup on HSW matters, HSRs can:

- inspect the workplace at any time after giving reasonable notice or at any time without notice if there is an incident or immediate risk;
- investigate complaints on health, safety or welfare made by members of the workgroup;
- raise any issue affecting the health, safety or welfare of members of the workgroup;
- have access to information about hazards and risks to health and safety that may arise, in any work or from any plant or substances;
- be consulted about proposed changes to the work, the workplace, plant or substances used, which may affect the health, safety or welfare of workers;
- be consulted about policies, practices and procedures on health, safety and welfare, and on any proposed changes to these;
- be provided with facilities and assistance to enable them perform their functions;
- accompany an inspector of SafeWork SA during an inspection of the workplace at which a worker in the workgroup works;
- with the consent of worker(s) that the HSR represents, be present at an interview concerning WHS between:
  - the worker(s) and a SafeWork SA inspector; or
  - the employer or the person's representative;
- receive information concerning the WHS of workers in the workgroup;
- where necessary, request the assistance of any person.

After receiving approved training, HSRs can:

- direct the cessation of work where there is a serious or imminent risk to a member of their workgroup;
- issue provisional improvement notices (PINs) to address a contravention of the [WHS Act 2012](#).

**Q3 Are elected Health and Safety Representatives (HSR) entitled to an allowance?**

No, HSRs act in a voluntary capacity representing their workgroup on HSW issues. There is no allowance for undertaking HSR duties however HSRs and deputy HSRs are entitled to undertake training. All reasonable costs of attending the course and all time to attend the training must be paid by the School/ Branch/ Faculty/ Division.

Any time that a HSR spends for the purposes of exercising his or her powers or performing his or her functions including training must be with the pay that he or she would otherwise be entitled to receive for performing his or her normal duties during that period.

**Q4 What protections do I have in performing my role as Health and Safety Representative (HSR)?**

Although a HSR has the ability to exercise certain powers and functions, HSRs can choose to exercise them. The [WHS Act 2012](#) does not impose mandatory obligations or duties on a HSR to carry out their powers and functions.

The [WHS Act 2012](#) states that employers cannot discriminate against a HSR for performing any of their functions. HSRs are immune from prosecution under the [WHS Act 2012](#) when performing their role. They cannot be held personally liable and cannot be prosecuted for anything done or omitted to be done in good faith when exercising a power or performing a function under the [WHS Act 2012](#), or in the reasonable belief that the thing done or omitted to be done was authorised under the [WHS Act 2012](#). Acting in good faith involves carrying out HSR powers and functions with honest and sincere intentions or beliefs.

However, a HSR may be removed from their position by a majority of the members of the workgroup or may be disqualified by the SA Employment Tribunal if they have exercised a power or performed a function as a HSR for an improper purpose.

It is recommended that HSRs attend training as soon as possible after being elected to enable them to be more effective in their functions.

**Q5 How are Health and Safety Representatives (HSRs) and Deputies elected?**

The first step is to form a workgroup and then call for nominations for health and safety representatives. Workgroups must be agreed through negotiation by Faculty/Divisional management with workers, and workers' representatives (for example, union representatives) must be involved in these negotiations if asked by a worker. Negotiations should determine:

- the number and composition of workgroups to be represented by health and safety representatives;
- the number of health and safety representatives and deputy health and safety representatives (if any) to be elected; and
- the work areas to which the workgroups will apply.

It is recommended that larger workgroups be considered, and multiple HSRs be elected to represent the workgroup. In consultation with staff, The University of Adelaide has a number of established designated workgroups.

As Deputy HSRs have the same entitlement to training, it is recommended that sufficient numbers of HSRs be elected to represent a workgroup rather than electing Deputy HSRs.

Depending on the numbers of nominations, an election may need to be held by the workgroup. Refer to the [Health & Safety Representatives and HSW Consultation Chapter](#) for further information on the election process.

**Q6 When are elections necessary?**

As the Representative has a term of office of three years, elections will need to occur every three years. The outgoing HSR is eligible for nomination. A new election will also be needed if:

- a HSR resigns or ceases to be a member of the workgroup that elected them (through transfer, dismissal, promotion, leaving the job, or any other reason);
- the workgroups are re-organised or their composition changes significantly;
- a majority of members of the workgroup decide to remove the HSR from the position to elect a new representative.

The HSW Team monitor the term of expiry for HSRs (three years) and will advise the workgroup when a new election process is required. A subsequent election should be organised so the time the workgroup is unrepresented is minimised.

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**Q7 Can I resign as Health and Safety Representatives (HSR)?**

Yes, a HSR can resign from the HSR role at any time. HSRs will also need to stand aside if:

- they cease to be a worker in the workgroup for which he or she was elected as a HSR; or
- the person is disqualified through a Court or tribunal from acting as a health and safety representative; or
- the person is removed from that position by a majority of the members of the workgroup signing a written declaration that the HSR should no longer represent the workgroup.

Note: in this event, the declaration is to be provided to the HSR involved and the Local HSW Team or Senior HSW Advisor, Central HSW Team. As soon as possible after resignation, SafeWork SA must be notified of a HSRs resignation via the [SafeWork SA HSR Portal](#).

**Q8 What can I do if my work area is not covered by a HSR?**

If the current [Health and Safety Representative \(HSR\) network](#) in the University does not cover your area, talk to your Local HSW Team. Your area may be covered, or there may be the opportunity to revise the workgroup to ensure your area has representation. Workers in the workgroup must be advised on variations.

**Q9 How do I book into Health and Safety Representatives (HSR) training?**

HSRs are entitled to attend approved HSR training to help develop the skills needed to effectively carry out their role. It is recommended that HSRs attend their training as soon as possible after being elected. HSRs who have not completed the required training cannot issue PINs or direct the cessation of unsafe work.

A HSR's training entitlements during their three-year term of office are First year - five days; Second year – three days; Third year – two days. A list of SafeWork SA approved training providers and a training calendar is available at [SafeWork SA](#) website.

As soon as possible after an election, via the [SafeWork SA HSR Portal](#) the Local HSW Team or Faculty/Division Nominee will provide SafeWork SA with information about elected HSRs. SafeWork SA will then send the HSRs their own HSR ID which gives them access the portal and can be used when they apply for HSR training with an approved training provider.

**Q10 Where can I find more information on HSW Consultation requirements?**

Refer to the [Health & Safety Representatives and HSW Consultation Chapter](#), the [Health and Safety Consultation Information Sheet](#) and the University of Adelaide [HSR Portal](#) for further information.

If you require further information, please contact a member of the [HSW Team](#)

**Authorisation**

Authorised by the Director HSW

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