

# Health and safety representatives

## Information for workers, and prospective and current HSRs and deputy HSRs

Health and safety representatives (HSRs) play a key role in ensuring healthier and safer workplaces, by representing the views of their work group in matters of work health and safety (WHS). HSRs are elected by their work group and consult with employers to help support good WHS outcomes.

HSRs are not professional safety officers. They do not manage WHS and do not need WHS experience to be eligible. An HSR does not have an additional duty of care or statutory liability. Work health and safety legislation gives the HSR role special functions, rights, powers and training to enable them to undertake this voluntary role during their usual work hours. If you want to help your work colleagues have a healthier and safer workplace, being an HSR could be for you.

### Deputy health and safety representatives

The role of deputy health and safety representative (DHSR) is also established under work health and safety laws. DHSRs take the same training to ensure ready access to an HSR when they are unavailable (e.g. due to leave, illness or shiftwork). When this happens, the DHSR is deemed to be the HSR and may exercise HSR functions and powers for their work group.

### Why does the HSR role exist?

Worker consultation helps ensure that WHS risk management is informed and improved by input from workers with direct experience of the work undertaken and their work environment.

HSRs can make this consultation more accessible, efficient and effective, by representing their work group and taking their collective WHS concerns to the person conducting a business or undertaking (PCBU) or senior management.

### Protection and support

PCBUs are required to ensure HSR training, facilities and assistance to enable HSRs to undertake their role, and be reasonably available to discuss WHS matters.

An HSR is not personally liable for HSR functions or powers done (or omitted to be done) in good faith. Work health and safety laws prohibit discriminatory conduct against a worker having been, being or proposing to be a HSR. A court penalty of up to \$100,000 can be applied for discriminatory conduct.

Workplace Health and Safety Queensland (WHSQ) is responsible for providing information and advice, fostering cooperative relationships between PCBUs and HSRs, supporting HSR training, and monitoring and enforcing compliance with HSR matters.

### When do HSRs perform their role?

HSRs must be allowed reasonable time and access to the PCBU and work group members to discuss WHS matters. When exercising their powers or functions as an HSR and doing HSR training, HSRs must be paid as if at work, including shift or other allowances to which they would otherwise be entitled.

### Training

PCBUs must ensure that HSRs and DHSRs are provided with the five-day HSR training course within three months of election, so they can fulfil their roles effectively. A one-day refresher training is required at least every three years.

These training courses are run by registered training organisations (RTOs), and provide HSRs with the skills, knowledge and confidence to represent their work group.

## Election

HSRs and DHSRs are elected by members of their work group. PCBUs or managers cannot appoint or select them. Any worker can ask for an HSR election. Just one request triggers the following process:

- The PCBU has 14 days to start negotiations with workers to determine and agree on grouping staff into work groups and the number of HSRs (and any DHSRs) to represent each work group.
- Once these arrangements are agreed, work group members can nominate themselves or another member to stand for election.
- Work group members may also determine how the election will be conducted (e.g. with a show of hands, or more formal ballot). The PCBU must facilitate the election process.
- If the number of candidates equals the number of vacancies, each candidate is elected.
- The PCBU must ensure all work group members are informed of the election outcome, display a written list of current HSRs and DHSRs in the workplace, and provide this list (and any updates) to WHSQ.
- The term of office for HSRs and DHSRs is three years. They may re-nominate for election when their term of office expires.

WHSQ can provide help and dispute-resolution assistance if significant issues or delays arise in the above process.

## HSR functions and rights

- Consult with their work group about WHS matters and investigate their concerns.
- Inspect the workplace to identify WHS hazards and risks.
- Represent their work group when consulting with the PCBU or senior management and attempt to resolve WHS issues.
- Access information about WHS for their work group (except personal or medical information that could identify a worker).
- Monitor measures made by the PCBU to comply with work health and safety laws.
- Accompany a WHSQ inspector during a workplace inspection where a work group member works.
- If a member of their work group consents, attend interviews about WHS matters between the worker and a WHSQ inspector or PCBU.

- Request the establishment of a health and safety committee (HSC), to be actioned by the PCBU within two months.
- If the HSR consents, be a member of the HSC (which meets at least every three months, and enables a PCBU, senior management and workers to work cooperatively to develop policies and procedures to improve WHS).

## Powers

After an HSR has completed HSR training, they can use specific powers under work health and safety laws

- Direct work group members to cease unsafe work when the HSR reasonably believes there is a serious risk to health and safety from immediate or imminent exposure to a hazard. Consultation with the PCBU is required before enacting this power, except where the risk itself might quickly materialise.
- If consultation does not resolve a WHS issue with the relevant party and an HSR reasonably believes a person is or has contravened work health and safety laws, the HSR may issue a provisional improvement notice (PIN). The recipient of a PIN must either comply by the due date or contact WHSQ within seven days of issuance to dispute the PIN.

## Further information

This information is an overview and does not cover all requirements relating to HSRs and DHSRs, work group negotiations, elections and training.

Find out more at:

- [worksafe.qld.gov.au](https://www.worksafe.qld.gov.au) or 1300 362 128
- [Worker representation and participation guide \(Safe Work Australia\)](#).



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