



# Procedure

## Workplace health and safety representatives procedure

Version: 3.0 | Version effective: 09/07/2012

### Audience

Department-wide

### Purpose

The Health and Safety Representative's (HSR) role is separate to that of the Workplace Health and Safety Officer (WHSO), however the roles can function collaboratively to achieve improved health and safety at the workplace. The Health and Safety Representative (HSR) is also an additional resource for officer in charge of a workplace to facilitate health and safety improvement.

The *Work Health and Safety Act 2011* (Qld) also states that a qualified HSR can issue a Provisional Improvement Notice (PIN). A PIN is a written direction that requires health and safety issues to be remedied. A PIN can only be issued after other consultative measures that the HSR and the potential recipient of the PIN have failed to resolve. Processes to issue and action these notices are provided in this procedure.

A qualified HSR can also implement cease work processes according to regulatory requirements.

### Overview

The election of Health and Safety Representatives forms part of the consultative framework at departmental workplaces by providing a formal communication channel for the discussion of workplace health and safety issues between staff and the officer in charge of the workplace. The Health and Safety Representative role and entitlements are legislated in the *Work Health and Safety Act 2011* (Qld).

### Responsibilities

#### Director-General, Deputy Director-General, Assistant-Director General and Regional Director:

- Support and promote consultative processes within departmental workplaces.
- Ensure relevant training has been provided so that HSR can perform their function and exercise their powers under the WHS Act.
- Provide HSR with resources, facilities and assistance to enable them to carry out their functions.

- Provide a list of HSRs and Deputy HSRs to Workplace Health and Safety Queensland as soon as practicable after it is prepared.

### Management of Provisional Improvement Notices (PINS) and Cease Work:

- Implement processes to manage resolution of PINs and Cease Work processes.
- [Escalate](#) issues that cannot be managed locally or if the issue has state wide ramifications.
- Report quarterly to Department of Education, Training and Employment (DETE) Health, Safety and Wellbeing Committee on PINS that are issued within areas of management (e.g. region or branch).

### Officer in Charge:

- [Provide information](#) to all workers about the entitlement to elect a HSR.
- Facilitate the [election](#) including the negotiating workgroups if more than one HSR is to be elected. Workgroups may be staff grouping (e.g. cleaners, teachers or by workplace location).
- Negotiate a work group with a workers representative (e.g. union) if asked by workers and notify workers as soon as possible the outcomes of negotiations.
- [Display](#) a list of all HSRs and Deputy HSRs workplace.
- Maintain a list of current HSR and DHSR in a format that can be gathered and collated locally, and if required on a departmental level, to provide to Workplace Health and Safety Queensland. For example using MyHR WHS at available locations.
- If requested, support HSR and Deputy HSR to attend work health and safety course approved by Workplace Health and Safety Queensland.
- Within three months of the request give HSRs paid time off to attend a course and pay the course costs and reasonable expenses.
- Ensure HSR is included as a member of the Health and Safety Committee
- Fulfil [legislative responsibilities](#) of consulting, negotiating and informing HSRs in relation to health and safety issues.
- Support HSR skills and knowledge development e.g. through attendance at workplace health and safety training and network meetings.

### Management of PINS and Cease Work:

- If issued with a PIN display it in a prominent place in the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.
- Actively engage in consultation processes and the resolution of health and safety issues to minimise the need for a PIN to be issued by a HSR.
- Manage PIN process in accordance with PIN process flowchart – [Officer in Charge](#).
- Manage issues related to worker practices, procedures and training to facilitate compliance with a PIN issues to a workers. Refer PIN process flowchart – [worker](#).
- Provide a copy of the PIN to relevant ADG, RD, TAFE Institute Director or TAFE Executive Officer within 24 hours of receipt of the PIN.

- Negotiate with HSR regarding the [escalation](#) of a PIN that cannot be complied with at the workplace level.
- If there is a dispute or query regarding the PIN that cannot be managed at the workplace submit the [Request for a Provisional Improvement Notice enquiry form](#) to Workplace Health and Safety Queensland (WHSQ) within seven (7) calendar days of being issued with the PIN.
- If there is a dispute regarding the decision made by a WHSQ Inspector, lodge an [application for review of decision](#). Complete the application for review of a decision and lodge with WHSQ (also known as Fair and Safe Work Qld) office within 14 days after being told of the decision.
- Advise relevant ADG, RD, TAFE Institute Director or TAFE Executive Officer of lodgement of appeal.
- May request a WHSQ Inspector to attend to assist with issues arising from cease work directives.

### Health and Safety Representative (HSR):

- Represent the views, concerns and ideas about strategies to improve the health and safety of the staff group within their area of representation and present these to the officer in charge of the workplace.
- Communicate health and safety information from the officer in charge to the staff group.
- Consider completion of an approved HSR training course.
- HSRs elected under the repealed WHS Act 1995 will continue for the term of appointment (that is three (3) years from the date they were appointed).
- HSRs will be able to exercise all their powers under the Work Health and Safety Act 2011 (including issuing of PINS and the power to direct workers to cease work) for 12 months from the commencement of the Work Health and Safety Act 2011.
- Negotiate with the Officer in Charge regarding the number of HSRs to be formally trained if more than one HSR is elected.
- Undertake [legislative entitlements](#) to support the improvement of health and safety at the workplace
- Actively participate in the resolution of health and safety issues that relate to their area of representation, including as a member of the workplace health and safety committee.

### Management of PINS and Cease Work:

- Administer the issuing of a PIN in accordance with the PIN [Flowchart](#).
- Ensure a PIN is only issued within the HSR's area of representation.
- Use the PIN [template](#).
- Provide the PIN directly to the recipient (e.g. Principal, Institute Director) and if a worker is the recipient, a copy also to the officer in charge of the workplace.
- Provide a Provisional Improvement Notice enquiry form along with the PIN to the officer in charge for their information.
- Negotiate with the officer in charge of the workplace regarding escalation of the PIN if it cannot be complied with at the workplace level.
- If the PIN has not been complied with by the due date and further negotiation or escalation has failed to resolve the issue, contact WHSQ using the Request for a Provisional Improvement Notice enquiry form.

- If there is a dispute regarding the decision made by WHSQ Inspector, complete and lodge an [application for review of decision](#) at WHSQ office (also known as Fair and Safe Work Qld) within 14 days after being told of the decision.
- May direct a worker in their workgroup under their representation to cease work if there is a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.
- Before directing a worker to cease work the HSR must first:
  - consult with the Principal/Manager
  - attempt to resolve the issue under the issue resolution arrangements.
- A directive to cease work without first consulting with the Principal/Manager or attempting to resolve the issue under issue resolution arrangements may be possible if the risk is so serious that it is not reasonable to consult before the directive is given.
- Under the above circumstances, consultation must occur as soon as possible after directive is given.
- A HSR must have completed initial training under S 72 (1)(b) [Work Health and Safety Act 2011 \(Qld\)](#) or previously completed the training when relieving HSR or completed the training under previous WHS legislation.

#### **Regional and TAFE Health and Safety Consultants and Coordinators:**

- Provide advice and support to HSRs and officers in charge of workplaces to assist in the resolution of workplace health and safety issues including those related to PINS

#### **Workplace Health and Safety Officer:**

- Share information with the HSR, e.g. regarding incidents, new activities, processes or hazards on site, visits by WHSQ inspectors, and outcome of audits or investigations.

#### **Health and Safety Committee:**

- Ensure an update from the HSR is included as a regular agenda item at the workplace health and safety committee.
- Maintain a copy of any PIN issued at the workplace.

#### **All Staff:**

- It is not mandatory to elect a HSR at a workplace, however if the staff group does want a HSR, staff should request the officer in charge of the workplace to facilitate an election process.
- Engage in the process of electing a HSR for the workplace.
- Provide information, support and feedback to the HSR relating to health and safety issues at the workplace.

#### **Management of PINS and Cease Work:**

- If issued with a PIN, immediately provide a copy of the PIN to the officer in charge of your workplace and follow the PIN flowchart.

- May cease or refuse to carry out work if the worker has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.
- Must notify the Principal/Manager unless directed to cease work by HSR.
- Remain available to carry suitable alternative work.

## Process

Please refer to: Provisional Improvement Notice (PIN) Flowchart – [Overview](#).

## Definitions

Term	Definition
<b>DETE HSW Committee</b>	The corporate committee for the strategic management of health, safety and wellbeing issues and strategies for the department. For complete information please refer to <a href="#">Health, Safety and Wellbeing communication and consultation</a> .
<b>Officers in Charge of a Workplace</b>	<ul style="list-style-type: none"> <li>• a person who has the authority for the management of a departmental workplace e.g. school principals, TAFE institute directors and managers</li> <li>• has responsibility for, and decision making authority at a workplace for a range of issues e.g. supervision of staff, budget expenditure, facilities management</li> <li>• is an executive leader such as Senior Executive Services Officers, Senior Officers, Regional Directors and Assistant Regional Directors.</li> </ul>
<b>Health and Safety Committees</b>	A health and safety committee is the forum in which to discuss and raise health, safety and wellbeing issues. This may be a dedicated committee or it may be a standing agenda item within a broader meeting format. All workplaces need to establish a forum to discuss health, safety and wellbeing issues as required by <a href="#">Health, Safety and Wellbeing communication and consultation</a> .
<b>Health and Safety Representative (HSR)</b>	<ul style="list-style-type: none"> <li>• is a staff member elected by colleagues. It is not an appointed position</li> <li>• does not have to be affiliated with a union</li> <li>• is strongly encouraged to attend approved HSR training to improve skills and knowledge, however this is not a mandatory component of the position unless issuing a Provisional Improvement Notice (PIN) or Cease Work Instruction.</li> </ul>

Term	Definition
<b>Workplace Health and Safety Training</b>	<p>DETE is currently awaiting advice from Workplace Health and Safety Queensland regarding the approved training course for the Health and Safety Representative (HSR). The course will be 5 days in duration.</p> <p>It is not mandatory for a HSR to attend training to fulfil the role of a HSR. It is recommended however to increase skills and knowledge. If a HSR requests training their manager must support their attendance at training.</p> <p>It is important to note that it is a legislative requirement for a HSR to attend training to become qualified to issue a Provisional Improvement Notice (PIN) or to direct workers to Cease Work. Only elected and qualified HSRs are entitled to issue PINs.</p> <p>A HSR will be able to exercise all their powers under the <i>Work Health and Safety Act 2011</i> (Qld) (including issuing of PINS and the power to direct workers to cease work) for 12 months from the commencement of the <i>Work Health and Safety Act 2011</i> (Qld).</p> <p>After this time, if the HSR has not undertaken the requisite training, they will not be able to continue to direct workers to cease work. All currently qualified HSRs who have completed PINS training will not be required to undertake training on this matter.</p>

## Legislation

- [Work Health and Safety Act 2011 \(Qld\)](#)
- [Work Health and Safety Regulation 2011 \(Qld\)](#)

## Delegations/Authorisations

- Nil

## Policies and procedures in this group

- Nil

## Supporting information for this procedure

- [Example Escalation of Unresolved Provisional Improvement Notices \(PIN\)](#)
- [Provisional Improvement Notice \(PIN\) Flowchart – Officer in Charge](#)
- [Provisional Improvement Notice \(PIN\) Flowchart – Overview](#)
- [Provisional Improvement Notice \(PIN\) Flowchart – WHSR](#)
- [Provisional Improvement Notice \(PIN\) Flowchart – Worker](#)

## Other resources

- [Health, Safety and Wellbeing communication and consultation procedure](#)

## Forms

- [DETE - Provisional Improvement Notice template](#)
- [Request for a Provisional Improvement Notice enquiry](#)
- [Application for review of a decision \(Form 17\)](#)

## Supporting documents

- [Health and Safety Representatives – Information for Officers in Charge](#)
- [Health and Safety Representatives \(HSR\) – Election Process Options](#)
- [Health and Safety Representative Notification Poster](#)

## Contact

For further information, please contact:

[Regional and TAFE Health and Safety Consultants](#)

DETE employees, please contact:

[HSW@qed.qld.gov.au](mailto:HSW@qed.qld.gov.au)

Phone: (07) 3234 1583

## Review date

15/02/2013

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

Nil

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