

# HSR TRAINING COURSE, FIRST YEAR (5 DAY): LEARNING OBJECTIVES AND OUTCOMES

**Note:** This session should include a visit to the SafeWork SA Library (for metropolitan courses) and a *Role of the Regulator* presentation.

Learning Objective	A. Interpret the work health and safety (WHS) legislative framework and its relationship to the health and safety representative (HSR).	
<b>Description</b>	<p>Information about the historical developments that have informed and shaped current WHS principles and legislation will give HSRs an understanding of the legislative context and purpose of their function.</p> <p>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.</p>	
Learning Outcome	Learner Application	Key Legislative Provisions
<b>1. Understand the context of WHS legislation and practice</b>	<p><b>A1a.</b> Discuss key concepts in the evolution of WHS within Australia including the careless worker theory, the influence of the Robens Report (UK), relevant (jurisdictional-based) legislative reviews and WHS harmonisation within Australia.</p> <p><b>A1b.</b> Identify some key impacts – social and economic – arising from workplace injury and illness.</p> <p><b>A1c.</b> Identify data on workplace injuries, illness and incidents relevant to their work group and industry sector.</p>	Background knowledge and context
<b>2. Understand the objectives and principles of the WHS Act</b>	<p><b>A2a.</b> Identify the key objects and principle/s of the WHS Act and the significance of these to WHS.</p> <p><b>A2b.</b> Explain key concepts underpinning the principles that apply to all duties persons have under the WHS Act.</p> <p><b>A2c.</b> Identify and use key terms contained within the WHS Act relating to their role and workplace.</p> <p><b>A2d.</b> Draw links between the role of the HSR and the WHS Act objectives.</p>	WHS Act, sections 3-9, 13-17
<b>3. Identify various elements of the legislative framework</b>	<p><b>A3a.</b> 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.</p> <p><b>A3b.</b> Explain using the WHS legislation, approved codes of practice and guidance material, key sections of relevance for their industry sector/workplace.</p> <p><b>A3c.</b> Explain the links between WHS, workers compensation and rehabilitation of injured workers.</p>	WHS Act, sections 274-275
<b>4. Understand the role and functions of the Regulator and its interaction with HSRs</b>	<p><b>A4a.</b> Provide examples of regulator functions and powers, and how these are used to facilitate compliance with WHS legislation.</p> <p><b>A4b.</b> Explain how to access the support services and resources for HSRs provided by the regulator.</p> <p><b>A4c.</b> Outline the role of a WHS Inspector and how they can assist HSRs.</p> <p><b>A4d.</b> Identify when an HSR may have contact with or seek assistance from an Inspector.</p>	WHS Act, sections 82 and 160
<b>5. Understand the safe work approach to WHS issues</b>	<p><b>A5a.</b> Using workplace scenario/s, explain why a 'safe work' approach should be taken by a Person Conducting a Business or Undertaking (PCBU), rather than focusing on a 'safe person' approach when resolving WHS issues.</p> <p><b>A5b.</b> Identify the range of factors that would contribute to making a workplace a safe environment.</p>	Background

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Learning Objective	B. Identify 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.	
Learning Outcome	Learner Application	Key Legislative Provisions
<b>1. Summarise the duties and responsibilities of PCBUs under the legislation</b>	<b>B1a.</b> Explain and use the term 'PCBU' in the context of their role. <b>B1b.</b> Identify PCBUs of relevance to the HSR's work group and workplace, and summarise their duties with reference to the appropriate and relevant sections of the WHS Act. <b>B1c.</b> Discuss what is meant by 'reasonably practicable'. <b>B1d.</b> Discuss what is meant by 'risk management' using examples to explore measures in the hierarchy of control. <b>B1e.</b> 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
<b>2. Identify the duties and responsibilities of officers, workers and other parties</b>	<b>B2a.</b> Compare the duties and responsibilities of an 'officer' and those of the PCBU, as these relate to the workplace. <b>B2b.</b> Explain what is meant by 'due diligence' in connection with the duties of an officer. <b>B2c.</b> Explain the duties of workers in relation to health and safety at the workplace. <b>B2d.</b> 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
<b>3. Identify and discuss the range of enforcement options</b>	<b>B3a.</b> Describe the range of enforcement options available to the regulator for key duty holders for non-compliance with the WHS legislation. <b>B3b.</b> Identify the relevant offences and penalties under the framework. <b>B3c.</b> 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

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Learning Objective	C. Establish 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.	
Learning Outcome	Learner Application	Key Legislative Provisions
<b>1. Outline the purpose and formation of a work group (or work groups) within the workplace</b>	<b>C1a.</b> Define a work group and describe its purpose. <b>C1b.</b> Identify the responsibilities of the PCBU in formation of work groups. <b>C1c.</b> Identify the matters that need to be taken into account when work groups are formed. <b>C1d.</b> Identify and explain the circumstances under which existing work groups could change, resulting in fresh negotiations to form new work groups in the workplace. <b>C1e.</b> Identify the range of options available to the parties involved, if negotiations regarding the establishment of a work group fail. <b>C1f.</b> Explain issues with the establishment of multiple work groups, possible impacts on the negotiation of work groups (if relevant) and how an HSR should represent multiple work groups.	WHS Act, sections 50-59  WHS Regulations 16-17
<b>2. Understand the election process for HSRs/deputy HSRs and disqualification provisions</b>	<b>C2a.</b> Explain the election processes and roles/obligations of relevant parties in the process. <b>C2b.</b> Identify the term of office for an HSR or deputy HSR. <b>C2c.</b> Identify circumstances that would result in an HSR no longer being able to represent their work group or hold office. <b>C2d.</b> Describe the disqualification provisions including conditions and processes, and the body responsible for determining disqualifications of HSRs. <b>C2e.</b> 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
<b>3. Understand the function of an HSC</b>	<b>C3a.</b> Outline the legislative basis for establishing a Health and Safety Committee (HSC). <b>C3b.</b> Describe the role, composition and functions of an HSC. <b>C3c.</b> Describe the obligations and duties of the PCBU to the HSC. <b>C3d.</b> Describe the role of an HSC and how this relates to the role of an HSR. <b>C3e.</b> Explain how an HSC can offer support to an HSR who is not a member of the HSC.	WHS Act, sections 75-79

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Learning Outcome	Learner Application (continued)	Key Legislative Provisions
<p><b>4. Understand and explain the entitlements, rights and protections of an elected HSR/deputy HSR</b></p>	<p><b>C4a.</b> Explain the HSR powers and functions as defined by the legislation.</p> <p><b>C4b.</b> Identify any legislative restrictions on the functions of an HSR, if initial HSR training (5-day course) is not undertaken.</p> <p><b>C4c.</b> Explain the legislative protections for HSRs, including protection against discrimination for prohibited reasons.</p> <p><b>C4d.</b> Explain how an elected HSR is a key link between the work group and management in WHS matters.</p> <p><b>C4e.</b> State an elected HSR's entitlements to training.</p> <p><b>C4f.</b> Explain, using examples, the PCBU's obligations towards HSRs.</p> <p><b>C4g.</b> Explain in the legislation the exceptions to the PCBU's obligations towards an elected HSR, and give reasons for why these exceptions would exist.</p> <p><b>C4h.</b> Explain when an HSR can have decisions made by a WHS Inspector reviewed and the process the HSR would follow.</p>	<p>WHS Act, sections 70-74</p>

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Learning Objective	D. Participate in consultation and issue resolution.	
<b>Description</b>	<p>HSRs should be able to participate in consultation and negotiation processes by communicating with and representing workers.</p> <p>HSRs should understand the role of consultation in the workplace, the PCBU's duty to consult and how an HSR is able to represent workers in those consultations and achieve positive outcomes.</p> <p>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.</p>	
Learning Outcome	Learner Application	Key Legislative Provisions
<b>1. Describe the nature of the consultation process between the PCBU and workers as required under the WHS Act</b>	<p><b>D1a.</b> Describe what effective consultation between PCBUs and workers means in relation to WHS and why it is important in fostering co-operative relationships.</p> <p><b>D1b.</b> Identify when the PCBU is required to consult with workers and elected HSRs.</p> <p><b>D1c.</b> Identify the various forms/ways information (in general) can be shared to enable effective consultation between PCBUs and workers.</p> <p><b>D1d.</b> Provide examples to illustrate how workers, including those with special needs, are provided with opportunities to express their views.</p> <p><b>D1e.</b> Identify any confidentiality requirements pertaining to information collected from, or provided to, HSRs, and have a basic understanding of the importance of record keeping.</p> <p><b>D1f.</b> Discuss why an HSR might keep copies of records relating to their workplace's WHS matters.</p>	<p>WHS Act, sections 46-49</p>
<b>2. Identify a range of strategies that support the consultation process</b>	<p><b>D2a.</b> Identify key duty holders that an HSR may consult regarding WHS in the workplace.</p> <p><b>D2b.</b> Describe the benefits of building and maintaining constructive relationships with management, HSCs, members of work groups, and others.</p>	
<b>3. Use negotiation skills and strategies to resolve WHS issues</b>	<p><b>D3a.</b> Describe the basic principles of negotiation.</p> <p><b>D3b.</b> Explain the issue resolution process.</p> <p><b>D3c.</b> Suggest various strategies/tools an HSR could use during the negotiation process to help resolve identified WHS issues.</p> <p><b>D3d.</b> Identify and source resources available to an HSR when negotiating and resolving WHS issues.</p> <p><b>D3e.</b> Demonstrate, using negotiation and communication skills, how an HSR could represent workers and their work group, based on an appropriate case study or scenario.</p> <p><b>D3f.</b> Describe how to refer an unresolved issue to the Regulator for resolution by a WHS Inspector.</p> <p><b>D3g.</b> List the functions and powers of WHS Inspectors in resolving WHS issues.</p>	<p>WHS Act, sections 80-82</p> <p>WHS Regulations 22-23</p>

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Learning Outcome	Learner Application (continued)	Key Legislative Provisions
<p><b>4. Represent workers on health and safety issues in a range of circumstances</b></p>	<p><b>D4a.</b> Describe the circumstances under which an HSR is entitled to be present during an interview concerning WHS.</p> <p><b>D4b.</b> Explain the role of an HSR during such interviews.</p> <p><b>D4c.</b> Identify the ways an HSR could exercise their powers in relation to complaints concerning WHS.</p> <p><b>D4d.</b> Identify effective communication skills an HSR may use.</p>	<p>WHS Act, sections 50-57,68, 80-82</p> <p>WHS Regulations 16-17</p>
<p><b>5. Discuss the benefits of effective representation and constructive consultation between a PCBU, other duty holders and workers</b></p>	<p><b>D5a.</b> 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.</p> <p><b>D5b.</b> Understand the requirements and explore examples of consultation, co-operation and co-ordination between PCBUs and other duty holders.</p>	<p>WHS Act, sections 47-49</p>

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

Learning Objective	E. Represent members in the WHS risk management process undertaken by the PCBU.	
<b>Description</b>	<p>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.</p> <p>HSRs should be able to represent the views of their workers, providing insights into the nature of risks in the workplace and potential controls.</p> <p>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.</p>	
Learning Outcome	Learner Application	Key Legislative Provisions
<b>1. 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</b>	<p><b>E1a.</b> Identify key risk management terms and definitions.</p> <p><b>E1b.</b> Explain why and when risk control measures should be revised and reviewed, and when the HSR can request that this be done.</p> <p><b>E1c.</b> Identify a duty holder's responsibility to eliminate or control risks 'so far as is reasonably practicable' under WHS legislation.</p>	<p>WHS Regulations 32-38</p> <p>WHS Act, sections 17-18</p>
<b>2. Understand how HSRs can use their functions and powers to contribute to risk management in the workplace</b>	<p><b>E2a.</b> Identify a range of hazards found within various workplaces and their impact on workers.</p> <p><b>E2b.</b> Explain basic risk assessment procedure.</p> <p><b>E2c.</b> Identify different methods a PCBU may use to identify WHS hazards and ways an HSR could contribute to that process.</p> <p><b>E2d.</b> Identify the purpose of workplace inspections and identify the powers which allow an HSR to inspect the workplace.</p> <p><b>E2e.</b> Demonstrate an HSR's role in workplace inspections and when this should be done.</p> <p><b>E2f.</b> Identify ways an HSR can represent, monitor, investigate and inquire into issues raised by their work group to ensure these concerns are addressed.</p>	
<b>3. Understand basic risk management concepts</b>	<p><b>E3a.</b> Explain the basic risk assessment principles and demonstrate basic risk assessment processes using a range of risk assessment tools as examples.</p> <p><b>E3b.</b> Describe the concepts of 'safe place' rather than 'safe person', and the hierarchy of control.</p> <p><b>E3c.</b> Explain an HSR's entitlement to participate in the review of risk control measures affecting members of their work group.</p> <p><b>E3d.</b> Use legislation or guidance material to identify control measures for the identified risk or hazard.</p> <p><b>E3e.</b> Explain how HSRs can contribute to the selection of control measures.</p>	<p>WHS Regulations 32-38</p>

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Learning Outcome	Learner Application (continued)	Key Legislative Provisions
<p><b>4. Identify the PCBU's obligations in relation to incident notification</b></p>	<p><b>E4a.</b> Provide examples of the types of incidents that could occur at work.</p> <p><b>E4b.</b> Identify the duties placed on PCBUs in relation to incident notification.</p> <p><b>E4c.</b> Describe why an HSR should be advised by the PCBU of a notifiable incident that has occurred in the workplace.</p> <p><b>E4d.</b> Use learning activities, such as a simulated incident investigation, to identify tools and techniques that could be used to investigate incidents.</p>	<p>WHS Act, sections 35-39, 70</p>
<p><b>5. Identify the type of assistance or support WHS Inspectors and entry permit holders can provide an HSR</b></p>	<p><b>E5a.</b> Identify who can provide assistance to an HSR and under what circumstances.</p> <p><b>E5b.</b> Identify the conditions under which a worker's representative, including an entry permit holder, may enter a workplace and any legislative conditions/constraints.</p> <p><b>E5c.</b> Describe the role of an HSR when accompanying a WHS Inspector on an inspection of a work location.</p> <p><b>E5d.</b> Explain how accompanying a WHS Inspector during an inspection would assist an HSR in performing their functions and/or exercising their powers.</p>	<p>WHS Act, sections 68, 70-73, 82, 117-121, 136</p>



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Learning Objective	F. Issue a Provisional Improvement Notice and direct the cessation of work.	
<b>Description</b>	<p>HSRs will be able to use their knowledge of legislation to perform various functions and exercise powers to issue a provisional improvement notice (PIN) or a cease work direction. HSRs need to operate within the restrictions and requirements surrounding these two powers.</p> <p>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.</p>	
Learning Outcome	Learner Application	Key Legislative Provisions
<b>1. Provide an overview of PINs</b>	<b>F1a.</b> Explain the purpose and function of a PIN. <b>F1b.</b> Identify the restrictions in the legislation that may prevent an HSR from issuing a PIN. <b>F1c.</b> Identify to whom an HSR can issue a PIN. <b>F1d.</b> Describe the manner in which a person may be issued a PIN.	WHS Act, sections 90-102, 209
<b>2. Understand the features and contents of a PIN</b>	<b>F2a.</b> Identify that a PIN must be in writing. <b>F2b.</b> Distinguish between what <i>must</i> be included in the contents of a PIN and what <i>may</i> be included. <b>F2c.</b> Identify the extent of any changes an HSR can make to a PIN once it has been issued. <b>F2d.</b> Undertake an activity to complete a PIN.	WHS Act, sections 90-102
<b>3. Identify the range of actions arising once a PIN is issued and identify who would take these actions</b>	<b>F3a.</b> Identify the alternative courses of action that the person can take when issued with a PIN. <b>F3b.</b> Describe the role and powers of a WHS Inspector when reviewing a disputed PIN. <b>F3c.</b> Identify appeal provisions for appealing Inspector decisions.	WHS Act, sections 100-102  WHS Act, sections 223-229
<b>4. Provide an overview of the right to cease, or direct the cessation of, unsafe work</b>	<b>F4a.</b> Explain the conditions or circumstances that would cause: 1) a worker/workers to cease work 2) an HSR to direct a worker or workers to cease work. <b>F4b.</b> Identify any legislative restrictions placed on HSRs that may prevent an HSR from directing a worker to cease work. <b>F4c.</b> Outline the processes an HSR must follow after giving a direction to cease work to a worker/workers. <b>F4d.</b> Outline the employment conditions that apply to workers who have ceased work. <b>F4e.</b> Outline what the role and function of a WHS Inspector would be following a request from either the PCBU or a worker to attend the workplace in these circumstances.	WHS Act, sections 83-89  WHS Regulation 24