SafeWork SA works with HSRs, HSC members, employers and workers to help achieve improved consultation and representation in South Australian workplaces.

We can provide support, advice and information about:
- forming work groups
- determining appropriate HSRs
- selecting HSRs and deputy HSRs
- HSR training and entitlements
- HSR and HSC roles and functions
- establishing HSCs
- promoting the roles of HSRs and HSCs in the workplace.

SafeWork SA also:
- co-ordinates HSR network meetings in metropolitan and regional areas
- conducts information sessions for groups and workplaces on HSR and HSC roles and functions, and consultation processes for resolving safety issues
- evaluates HSCs by request, with documented findings and recommendations to improve the effectiveness of HSC systems
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Ask an inspector
SafeWork SA inspectors can telephone or visit a workplace to:
- determine the structure of a work group that has not been successfully negotiated or agreed upon between employers and workers
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Approved consultants
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Further information
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Consultation and representation at work
Guidelines for employers and workers

A safe workplace is more easily achieved when everyone talks openly about work health and safety issues and concerns, helps to identify hazards and risks, and works together to find solutions.

Consultation and representation
Consultation at work is a two-way process where information and views are shared between employers and workers. It is a requirement of South Australia’s work health and safety laws and an essential element in the proactive management of health and safety in South Australian workplaces.

Employers must consult with all affected workers and their representatives (including HSRs) before making decisions that may affect health and safety. Consultation should take place during the initial planning and implementation phases so that everyone’s experience and expertise can be taken into account.

Consultation should also include anyone else at the workplace who, or likely to be, directly affected. This includes contractors, subcontractors, labour hire workers, apprentices, work experience staff and volunteers, as well as other PCBUs (so far as is reasonably practicable) if their respective duty of care overlaps.

employees: regularly review and update your consultation arrangements.

safety: speaking up about work health and safety issues is important. Immediately report any potential hazards or unsafe work practices to your manager, supervisor or HSR.

The law prohibits discriminatory behaviour directed at anyone who raises work health and safety issues or carries out legitimate safety-related functions or activities.

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1300 365 255 safework.sa.gov.au
HSRs have particular functions and legal powers that include:

- Representing work groups) to elect Health and Safety representatives (HSRs) to represent their health and safety issues, and for employers when consulting with workers on health and safety matters.
- Electing and agreeing on members of an HSC.
- Ensuring that an HSR is able to adequately, effectively and conveniently represent its members.

Some of the benefits provided by HSRs include:

- SafeWork SA must be notified of the election results as soon as possible.
- HSR training time must be paid.
- You must provide reasonable resources, facilities and support to enable the HSR to carry out their role.
- If an HSR is entitled to attend approved HSR training and the employer does not provide reasonable resources, facilities and support to enable the HSR to carry out their role, the employer may be in breach of their obligations.
- The role of an HSC is to provide a forum for consulting on health and safety management across a whole workplace.
- To help develop the skills needed to effectively represent workers in their roles, HSRs are entitled to attend approved HSR training and should do so as soon as possible after being elected.
- HSR training entitlement days, with employer agreement.
- Attendance at these sessions may occur outside of the workplace.
- Second year – three days
- First year – five days
- Office are:
- The HSR must specify a time limit (at least eight days) for the employer to respond to the issue.
- The employer may cancel the PIN, by written notice, at any time.
- The PIN should be in writing and given directly to the PCBU.
- The HSR must notify SafeWork SA, of up to $100 or from a business with less than 100 workers may be eligible.
- If the number of candidates for election equals the number of HSRs to be elected, then the election will be conducted.
- If the majority of the work group agrees, the employer will be required to establish a work group or groups.
- If no date has been specified, as soon as possible.
- The employer may direct workers to carry out PAL tasks by ensuring that the PAL tasks are being carried out effectively.
- Employers should provide a copy of the decision to the HSR who issued the PIN, the PCBU and all workers affected.
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- The employer may take reasonable steps to remedy the identified contravention but the employer is not required to take action if it is impractical or impossible to do so.
- The employer must retain in for at least eight years.
- The employer may direct workers to carry out unsafe work if they reasonably believe that the work is necessary and that it could not be done safely, provided they do not direct workers to carry out unsafe work if they reasonably believe that the work is necessary and that it could not be done safely, provided that the employer has taken reasonable steps to ensure that the work is carried out safely.
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An HSR’s role is to provide a forum for consulting on health and safety management across a whole workplace. While HSRs represent groups of workers, an HSC should focus on all work health and safety issues affecting the organisation, rather than the concerns of individual workers or work groups.

Committee functions
Committees provide an effective means for employers and workers to collaboratively talk about work health and safety. They bring together practitioners’ knowledge of their workplaces, the employer’s overview of the workplace and work group.

The more specific functions of an HSC include:
• Helping develop and review health and safety policies, procedures and systems to ensure the employer is meeting their legal obligations.
• Dealing with any other health and safety matters, as agreed by the employer and committee members.
• Work groups should become involved in health and safety dispute resolution or individual worker issues.

Membership
Membership of an HSC, to be agreed between an employer and workers, should:
• Include at least 10% worker participation, not nominated by the employer.
• Include representatives, from senior management, with the necessary level of decision making and expert knowledge.
• Be reflective of the different areas of the workplace.
• Include representatives of stakeholders, not necessarily from work groups.

HSC members are entitled to attend meetings during work times. Any time spent voting or carrying out committee functions should be paid at your usual pay rate.

Although an HSC is an employer and workers may disagree with an HSC’s committee, such committees may be common in more complex large workplaces. Small workplaces that do not have an HSC should work on establishing such committees or other mechanisms to ensure policy and practice effectiveness in line with the employer’s responsibilities to consult with workers and health and safety representatives.

EB002.pdf must be notified of the election results as soon as possible.

SafetyWise training time must be paid.

HSR training time must be paid at the worker’s usual pay rate. Should the employer not pay for work done for consultation with your employer, you can choose the training provider and the approved training program.

The employer must enable access to information relating to hazards that may affect the health and safety of any group work.

HSR training is the training on health and safety provided to an HSR to enable them to perform their role.

You may direct workers to carry out suitable alternative work or the same work only if they are able to resume normal duties.

If you stop or refuse to carry out suitable alternative work, the employer must pay you for the time you were unable to perform the work and may not require you to work or to perform any other alternative work.

Provisional improvement notices
A provisional improvement notice (PIN) may be issued by an HSR when, in their opinion, the work health and safety laws are contravened.

The employer must consult with the employer before issuing a PIN. It will be considered that consultation has taken place even if there is no response from the employer within a reasonable time or no action has been taken on the contravention.

The PIN must state the reasons why the HSR considers the laws are being contravened, or the contravention is likely to continue or be repeated.

The PIN should be in writing and given directly to the employer, or their representatives, e.g. the person with management or control of the workplace.

An HSR can only issue a direct unsafe work stop or issue a PIN if they have completed an approved level one training course. You are not personally liable for discharging your duties in good faith.

Any HSRs present on the premises may issue a provisional improvement notice (PIN). You are not personally liable for discharging your duties in good faith.

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Some of the benefits provided by HSRs include:

- A single point of contact for workers, enquiring into anything that appears to pose a risk to health and safety.
- A forum for the development of workplace health and safety policies and procedures.
- A place for the election of a representative, or any other person they nominate to represent them, to serve as an HSC.
- The actual formation of a group may take longer.

HR functions and powers

HSRs have particular functions and powers that include:

- Representing work groups on health and safety matters
- Investigating complaints about health and safety
- Ensuring health and safety laws are complied with
- Entering premises and accessing records

Employers:

- You must ensure access to information relating to hazards that may affect the health and safety of any work group.

HSR elections

A list of SafeWork SA approved training providers and a training calendar is available on safework.sa.gov.au.

Employers training for HSRs in a high risk industry on a full-time basis will only be paid for an HSR training subsidy from SafeWork SA, if a $150 fee per day for each HSR.

Health and safety repercussions should not be involved in health and safety dispute resolution or individual work issues.

Membership

Agreed issue resolution procedures should:

- Be in writing and outline the steps for resolving an issue.
- Be effective.
- Be communicated to all workers.

SafeWork SA must be notified of the election results as soon as possible.

HSR training

Rhonda Solarz (Chief Executive Officer of SafeWork SA) said that the HSR training entitlement days, with employer agreement.

Attendance at these sessions may occur outside of the workday and work organisation.

HSCs provide an effective means for employers and workers to

- Help develop and review health and safety policies, procedures and systems to ensure the employee is meeting their duty of care obligations.
- Dealing with any other health and safety matters.
- For employers when consulting with workers on health and safety matters.
- A list of SafeWork SA approved training providers and a training calendar is available on safework.sa.gov.au.

Employers:

- You must take all reasonable steps to stop or issue a PIN if you have completed the health and safety of any work group.

The role of an HSC is to provide a forum for consulting on health and safety management across a whole workplace.

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South Australian legislation requires that reasonable efforts be made to resolve health and safety issues in the workplace that could result in injury or illness.

Agreed issue resolution procedures should:

- Be in writing and outline the steps for resolving issues.
- Be effective.
- Be communicated to all workers.

When an issue is raised, all parties must meet or communicate with each other to help resolve it, taking into account the

- Immediate of the risk
- Number and location of workers affected
- Resolution resources (temporary and permanent) that must be implemented and who will be responsible.

South Australia's work health and safety laws enable groups of workers (called work groups) to elect Health and Safety representatives (HSRs) to represent them and act on their behalf.

Their election is for a single point of contact, for workers raising health and safety matters.

A worker is someone who carries out work for an employer/employees:

See the work group, are disqualified, or the majority of the work group, they must first consult with their employer.

Although there is nothing to prevent a small business from setting up a workplace health and safety committee, it is recommended to set up a workplace health and safety management system.

HSR training

An employer can either be a sole trader, business representative, corporation, partnership, government organisation or trustee of a trust.

A workout group is the first step in enabling the election of one or more HSRs. A workout group should be structured to ensure that it is able to adequately, effectively and competently carry out its duties.

Work groups are determined based on factors such as size, type of work, hierarchy, and are decided through negotiation and consultation between an employer and employees.

If members of a workout group request that they be represented, or any other person they nominate to represent them, the majority of the workers must agree to the new formation of a group.

Work groups

Three different terms: First year – three days Second year – three days Third year – two days

A form of words that will be held by the HSR election will be held, and the person conducting the election agreed by or on behalf of the employer according to the election.

The person conducting the election must be in the workplace and play the election to be held, and issue a call for nominations. Someone outside from the workplace or the election if the majority of the workers agree.

Work group members nominated themselves or another member of the group, to be elected HSR.

If you are not a member of the group, you cannot be in the workplace until they are available to offer...
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- manages the approval process for HSR training providers and work health and safety (WHS) consultants
- subsidises HSR training.

Ask an inspector
SafeWork SA inspectors can telephone or visit a workplace to:
- answer your questions
- review of a disputed PIN
- resolve an issue arising from the cessation of unsafe work
- resolve disputes, despite reasonable efforts
- settle a disagreement or delay in the provision of HSR training
- resolve health and safety issues that are unlikely to be resolved, despite reasonable efforts
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Approved consultants
HSRs can seek the assistance of SafeWork SA approved WHS consultants who can provide advice on work health and safety issues.

Approved consultants can:
- access details.
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- can easily notify HSR election results, download reports and view HSR listings by site/location.
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Further information
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Consultation and representation at work
Guidelines for employers and workers

A safe workplace is more easily achieved when everyone talks openly about work health and safety issues and concerns, helps to identify hazards and risks, and works together to find solutions.

Consultation and representation
Consultation at work is a continuous process where information and views are shared between employers and workers. It is a requirement of South Australia’s work health and safety laws and an essential element in the proactive management of health and safety in South Australian workplaces.

Consultation should also include anyone else at the workplace who is, or is likely to be, directly affected. This includes contractors, subcontractors, labour hire workers, apprentices, work experience staff and volunteers, as well as other workers (so far as is reasonably practicable if their respective duty of care overlaps).

Consultation can be informal, or through any agreed arrangement (e.g. weekly tool-box meetings where decisions are made).

Consultation enables workers to respond and contribute to issues that directly affect them, before decisions are made.

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Health and Safety Representatives (HSRs)
Health and Safety Committees (HSCs)

Representation through HSRs or HSCs, in consultation with employers, enables workers to be involved in identifying issues, finding workable solutions and ensuring a safe workplace for everyone.

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Employees: regularly review and update your consultation arrangements.

HSRs: carry out legitimate safety-related functions or activities.

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Consultation can be informal, or through any agreed arrangement (e.g. weekly but bi-monthly meetings where health and safety are an agenda item). It can also be approached more formally through:
- Health and Safety Representations (HSRs)
- Health and Safety Committees (HSCs).

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