

OBJECTIVE

To provide information and guidance to RMIT staff on Health and Safety Representatives (HSRs).

BACKGROUND

SCOPE

This process applies to all RMIT staff.

Note that this process will be applicable in Victoria, Australia only; however, it does not restrict other campuses adopting a similar process.

WHAT MUST GO RIGHT?

The expected outcomes – known as ‘what must go right’ – will be that:

- Health and Safety Representatives (HSRs) (and Deputy Health and Safety Representatives (DHSRs)) are nominated and elected in accordance with this process
- Health and Safety Representatives (HSRs) (and Deputy Health and Safety Representatives (DHSRs)) understand their role and responsibility
- Staff have an effective forum to raise and address unresolved HSW issues.

PROCEDURE

1. Health and Safety Representatives (HSRs)

What is a Health and Safety Representative?

A HSR is an employee who has been elected by the members of their Designated Work Group (DWG) to represent their health and safety views in any formal discussions with management.

Legislation in Victoria, Australia (***Occupational Health and Safety Act 2004 (The Act)***) enables a HSR to raise issues to management that require resolution and provides them with a mechanism to take unresolved issues further, if necessary.

What is a Deputy Health and Safety Representative?

A Deputy Health and Safety Representative (DHSR) may be elected to support the HSR carry out their functions. The DHSR can also perform the role of HSR if the primary HSR leaves the workplace or is unable to perform their functions and powers.

Why should workplaces have an HSR?

Staff representation through an elected HSR assists in facilitating consultation between management and staff. RMIT values employee input into understanding and improving health, safety and wellbeing and safe systems of work.

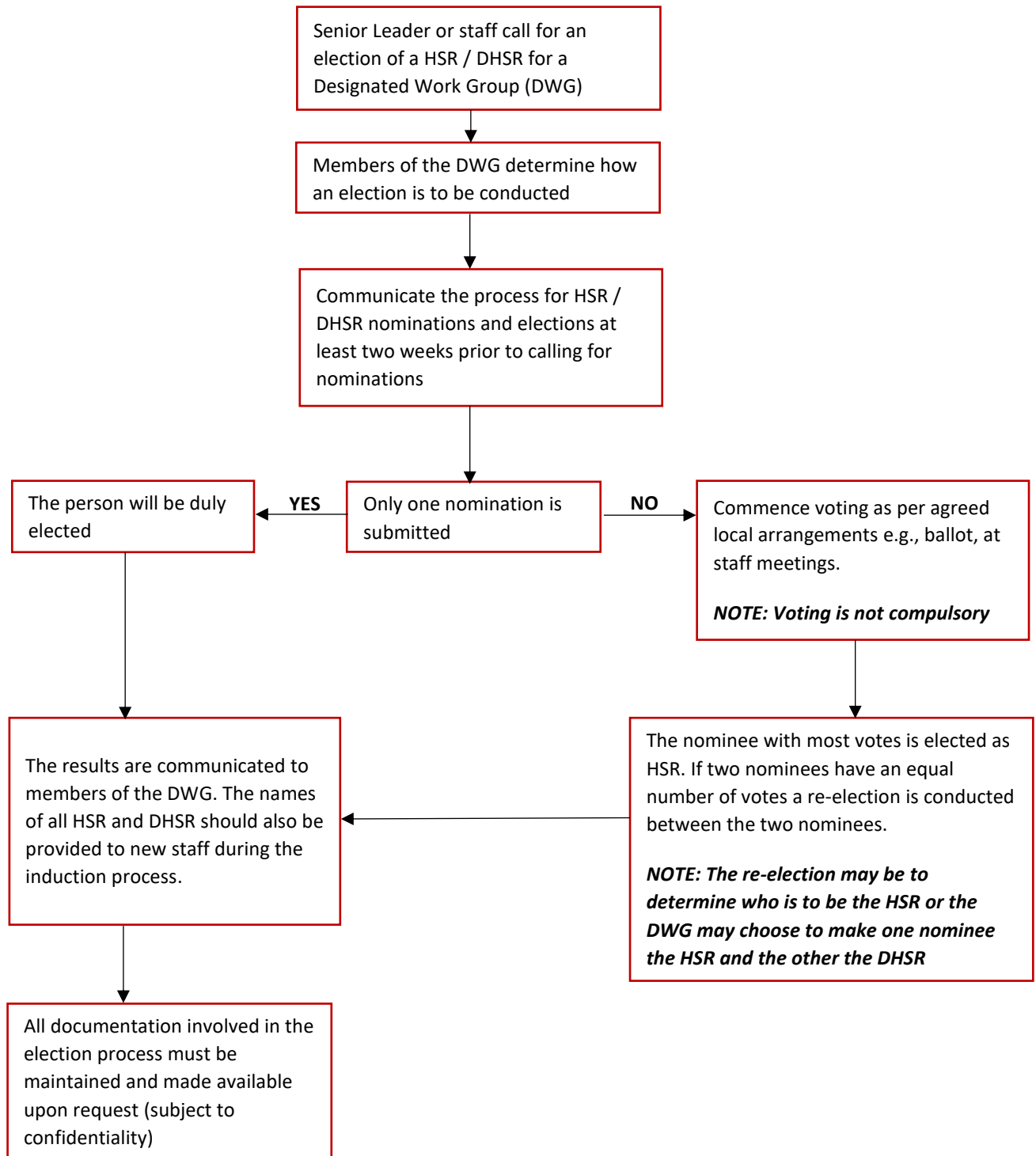
Election of HSR and DHSR

HSR and Deputy HSR elections should occur:

- after the establishment or change to a DWG
- when a HSR or DHSR ceases to hold office
- when the term of office expires

- when there is more than one candidate for each HSR or DHSR role
- when requested in the absence of existing HSR/DHSR

To be eligible for election as a HSR (or DHSR) for a DWG, the staff member must be a member of the DWG and not have been previously disqualified. All members of the DWG are entitled to nominate themselves, to vote and may determine how an election is to be conducted. A DHSR for a DWG is to be elected in the same way and may exercise the same powers in the absence of an HSR.



Calling for Nominations for HSR / DHSR

In consultation with the DWG, the workplace is to determine the process for staff to nominate themselves for consideration for a HSR or DHSR position. The workplace is to communicate this process at least two weeks prior to calling for nominations.

Staff wishing to nominate for HSR/DHSR are to complete **HR - HSW-PR08-FR01 - HSR / DHSR Nomination Form**.

Election of a HSR when there is more than one DWG

If there is more than one DWG in the workplace, separate elections should be held to elect one or more HSRs using the above process.

What if there are no nominations for an HSR?

If there are no nominations for HSRs, the Senior Leader and/or Management HSW Representative is to:

- record that no nominations were received
- communicate to all staff that no nominations were received
- schedule another call for nominations in twelve months, or within an agreed timeframe.

In the absence of a HSR, the Senior Leader will need to ensure that:

- information about alternative avenues of support is provided to all staff (e.g., WorkSafe, EAP, HSW Team etc.)
- staff are fully aware of the HSW Issue Resolution Flowchart and processes (**HSW-PR07-FC01 - HSW Issue Resolution Flowchart** and **HR - HSW-PR07-WI01 - HSW Issue Resolution**)
- internal communication processes are in place, and utilised, in relation to the ongoing identification and management of hazards and risks and their associated controls.
- Staff are consulted on HSW matters as detailed in **HR-HSW-PR07 – Consultation and Communication**

What if there is a challenge to the election process after an election?

In the event there is a challenged election result, a decision to accept the current election results or conduct another election should be made by a majority DWG decision. This can be informal (show of hands) or via a formal ballot. Alternatively, contact the HSW Team to assist in the election.

Functions and powers of an HSR/DHSR

The Act does not impose any responsibility or duty on an HSR. However, a HSR for a DWG may:

- inspect any part of a workplace in which a member of their DWG works, on reasonable notice, or without delay if there is an incident or immediate risk to health or safety
- request a health and safety committee to be established
- if a member of their DWG consents, attend interviews on health or safety matters between that person and an inspector (WorkSafe) and/or RMIT Senior Leader(s)
- if the HSR is authorised to represent an independent contractor and they consent, attend interviews on health and safety matters between that person an inspector (WorkSafe) or employer
- attempt to resolve health and safety issues within in their DWG
- issue a Provisional Improvement Notice, if they reasonably believe there has been a contravention to **The Act**, and the issue cannot be resolved using the agreed issue resolution process.

Note: HSR powers can only be used to represent members within their represented DWG. Exceptions exist where there is an immediate risk to a member of another DWG, or when a person in another DWG asks for assistance and the matter cannot be referred to their own HSR.

The powers of a HSR and DHSR are summarised below:

A HSR must be given the opportunity to:	<ul style="list-style-type: none"> attend the WorkSafe Approved five-day Health and Safety Training and annual one-day refresher participate in health and safety training relevant to their role and as per their entitlements under OHS legislation represent their DWG in local health and safety communication and consultation processes assist in resolving local health, safety issues using the HSW issue resolution process participate in workplace inspections, including visits by WorkSafe Victoria inspectors, and inspections following a near miss or identification of an immediate risk be present at interviews concerning OHS matters between DWG members and Senior Leader(s) or inspector (WorkSafe), if the staff member consents be a member of the Health and Safety Committee (where applicable) assist in complying with the requirements of OHS legal notices (e.g., Provisional Improvement Notices (PIN), Improvement Notices and Prohibition Notices)
A HSR Cannot:	<ul style="list-style-type: none"> be a Workplace Manager be a Management OHS Nominee be a Volunteer be a Contractor be an external union representative (an employee that is also a union representative is allowable) be made to implement or manage the workplaces Health and Safety Management System in place of RMIT Senior Leader(s) or the Management HSW Nominee (they can agree to work with the management team as long as they receive appropriate time allocation)

HSR and Deputy HSR Training

HSRs and DHSRs may commence representing their DWG’s as soon as they are elected.

The Senior Leader is to ensure that the newly elected HSR/DHSR is provided with information about attending the WorkSafe approved initial five-day HSR training and subsequent annual one-day HSR refresher training. Records are to be maintained about the provision of this information to the HSR/DHSR.

The HSR/DHSR request to attend training must be made at least fourteen days before the training is due to start and, if so requested, the Senior Leader must allow the elected HSR and DHSR to attend the WorkSafe approved training.

The initial five-day HSR training should be completed within the first three months of being elected. HSRs/DHSRs who are re-elected do not need to complete the initial five-day HSR training again but do need to complete the subsequent annual one-day HSR refresher training

The Senior Leader must give the HSR/DHSR paid time off work to attend the course and must cover the cost of the course. Prior to attending the training, discussions must be had with the Senior Leader to ensure there is role coverage for the days at training, if required.

Term of Office for HSR/DHSR

An HSR/DHSR for a DWG holds office for a period of three years. After this period, the Senior Leader is to initiate the election process again. However, an election may be held prior to the three-year period expiring if:

- the current HSR transfers to another DWG or leaves RMIT
- the HSR resigns from their position
- after a minimum of twelve months, the majority of the members of the DWG resolve in writing that the HSR no longer represent them
- there is a variation or change to the composition of a DWG due to organisational change or restructure
- disqualification of a HSR under Section 56 of **The Act**.

Providing HSR time to perform their functions and powers

The Senior Leader is to allow a HSR to spend a reasonable amount of time as deemed necessary to carry out their HSR duties. The amount of time allocated for a HSR to perform their role will vary between workplaces, however, a minimum time allocation in **a range between 28 hours to 32 hours per calendar year** is required to enable attendance at:

- Quarterly H&S committee meetings (2 hours per meeting x 4 meetings per annum);
- Quarterly inspections (2 hours – 3 hours per meeting x 4 meetings per annum); and
- Monthly meeting (1 hour per meeting x 12 meetings per annum).

The HSR and the Senior Leader are to discuss and agree on the estimated amount of any other working time in addition to the minimum allocation (as identified above), needed to perform any anticipated HSR functions (**HR – HSW-PR08-FR04 - HSR Time Allocation Template**). When agreeing on how much time is needed for a HSR to fulfil their role, the HSR and Senior Leader are to consider:

- the type of work or proposed work in the workplace
- the level of risk involved in the work
- the effectiveness of risk controls
- the individual needs of staff in the DWG, including:
 - > employees with language barriers
 - > employees with disabilities
- attendance at meetings, for example, Health and Safety Committee meetings, HSW working group meetings
- the size and complexity of the DWG
- the size and complexity of the workplace
- the number of HSRs in the workplace and in the DWG.

HSR involvement in workplace inspections

Upon request, the Senior Leader must allow a HSR to participate in workplace inspections. These inspections can take various forms, including:

- regular inspections of the workplace
- regular inspections of activities or processes
- specific inspections arising from complaints or concerns by members of the DWG
- inspections before and following change to the workplace
- inspections after an incident, injury or near miss
- inspections conducted by a WorkSafe Inspector.

A HSR may choose to conduct inspections on their own, or jointly, with an RMIT representative. During the inspection, the HSR is entitled to discuss health and safety issues with the staff in their DWG.

Provisional Improvement Notices

A Provisional Improvement Notice (PIN) can only be issued by a HSR after consulting with the person responsible for a breach, or likely breach of the legislation (The Act or Regulations). Breaches may include, but are not limited to:

- excessive noise levels in the workplace
- high levels of staff stress
- a requirement to manually lift heavy objects
- exposure to chemicals used in the workplace
- unguarded machines
- inadequate workplace amenities for and/or working environment.

The PIN must include:

- the HSR's belief as to what the breach or likely breach is
- the section of the **OHS Act 2004** or **OHS Regulations 2017** that has or is likely to be breached
- date by which the person is required to correct the breach or likely breach (at least eight days after the day the PIN is issued).

The PIN may also contain directions about how to remedy the breach.

The PIN is to be communicated in the workplace.

PINs are legal instruments so it is important to fill them out correctly. If you have concerns about how to fill a PIN in correctly, you can seek assistance from, for example, the WorkSafe Advisory line on 1800 136 089, other HSRs or your union.

Further information is available from [WorkSafe](#).

Resolving or Disputing a PIN

If a PIN is issued and not disputed, it is to be resolved as per the process outlined in **HSW-PR07-FC01 - HSW Issue Resolution Flowchart**. If a PIN is disputed, the recipient of the notice has seven days to contact a WorkSafe Victoria Inspector for a review. Contact the HSW Team to assist with this review process.

Disqualification of an HSR

An application to the Magistrates Court is to be made to disqualify on the following grounds as per Section 56 of the **OHS Act 2004**:

- issuing a PIN where they could not have reasonably believed there were grounds for issuing the notice
- issuing a direction to cease work or exercising any other power causing harm to RMIT (the employer)
- using information from RMIT (the employer) for a purpose that is not connected with the exercise of their powers as an HSR.

The Workplace Manager is to contact the HSW Team for advice.

Management HSW Representative

Management HSW Representatives in the areas with elected HSRs have a responsibility to:

Consult with the HSR and the DHSR(s) to which a health and safety issue has arisen (**HR - HSW-PR07-FC01 - HSW Issue Resolution Flowchart** and **HR - HSW-PR07-WI01 - HSW Issue Resolution**).

- Meet with the HSR by inviting them to consult about health and safety matters that relate to their DWG and meet with the HSR where a meeting has been requested by the HSR.
- Provide the HSR with relevant information about health and safety matters that RMIT provides or intends to provide to staff in the DWG.
- Provide information to the HSR a reasonable time before providing it to staff, unless it is not reasonably practicable to do so.
- Give the HSR a reasonable opportunity to express their views about the matter.
- Consider the HSR's views about the matter.
- If there is no HSR or DHSR available, consultation must involve the relevant staff and attempts to resolve any issue in accordance with the agreed process.
- Inform the HSR in their area as soon as possible of any incident, injury or illness or near miss occurring in their DWG area.
- Include the HSR in consultation, of all proposed changes to the workplace, the plant or substances used at the workplace or the conduct of work at the workplace that may affect the health, safety and wellbeing of the DWG.
- Allow HSRs/DHSRs to take reasonable and agreed time with pay to perform their functions.
- Provide information to HSRs/DHSRs on health and safety matters relevant to their DWG members.
- Provide facilities and assistance as necessary or prescribed to enable them to perform their functions.

2. Records

All records relating to HSRs, DWGs and HSCs are to be maintained as detailed in **HSW-PR04 - HSW Records Management**.

3. Responsibilities

Senior Leaders

- Supporting the role of the HSR by way of allocating the required resources
- Ensure HSRs and staff representatives active participation in HSC meetings
- Providing guidance to HSRs and staff representatives
- Ensuring the release from the work and learning environment of HSRs and staff representatives to attend Committee duties
- Chair of the relevant OHS committee for the DWG that the HSR reports to

Health and Safety Committee Members

- Ensure all staff are responsible for applying HSW considerations to daily tasks performed in the workplace
- Responsible for detecting hazards in their operational area of control and within their level of authority and taking prompt remedial action
- Responsible for their personal safety, safety of fellow staff, students, third parties, volunteers, visitors and all property & equipment used in the workplace.

Health Safety & Wellbeing Team

- Responsible for maintaining **HR - HSW-PR08-RG01 - Register of HSRs & HSCs** after being notified of election results.
- Provide HSRs/DHSRs and HSCs with HSW advice and assistance when required

4. Definitions

Defines any key terms and acronyms relating to the process where they apply.

Term / acronym	Definition
Area	College / School or Portfolio
DHSR	Deputy Health and Safety Representative
DWG	Designated Work Group
HSC	Health and Safety Committee
HSR	Health and Safety Representative
HSW	Health, Safety and Wellbeing
PIN	Provisional Improvement Notice
The OHS Act	Victorian Occupational Health and Safety Act 2004
Senior Leader	This includes leaders within schools and department, and includes senior school managers, heads, deans and their deputies, program director, assistant directors, discipline heads, senior managers, professors and associate professors.

5. Supporting Documents

- HR - HSW-PR08-RG01 - Register of HSRs & HSCs
- HR - HSW-PR08-FR01 - HSR / DHSR Nomination Form
- HR – HSW-PR08-FR04 - HSR Time Allocation Template
- HR - HSW-PR51 – Designated Work Groups
- HR – HSW-PR50 – Health and Safety Committees
- HR - HSW-PR07 - Consultation & Communication
- HR - HSW-PR07-WI01 - HSW Issue Resolution
- HR - HSW-PR07-FC01 - HSW Issue Resolution Flowchart
- HR - HSW-PR04 - HSW Records Management.
- Occupational Health and Safety Act 2004 (VIC)