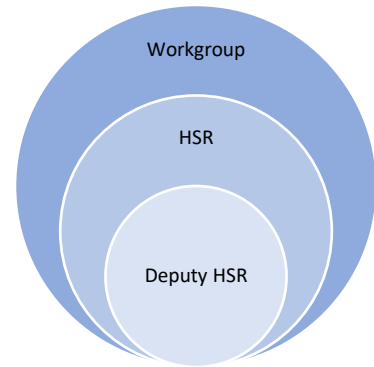


The Role of the Health and Safety Representative ~ An Overview

A health and safety representative (HSR) is elected by members of a workgroup to represent and advocate in good faith for the workgroup in relation to work health and safety matters. A workgroup may also negotiate with a Person Conducting a Business or Undertaking¹ (PCBU) to elect a Deputy HSR² to the workgroup.



A workgroup may consist of workers employed by the same PCBU or may incorporate workers from other PCBUs.

HSRs have legislatively prescribed powers, functions and entitlements as outlined below.

Powers, Functions and Entitlements of the HSR

HSRs have significant discretion about the exercise of their powers, functions and entitlements. The legislation states that no obligation can be placed on the HSR, simply because they are the HSR (WHS Act; S. 68 (5)).

Powers	Functions
<p>On completion of the “<i>Representation and Participation</i>” component of the HSR training (Year 1), the HSR may, in relation to their workgroup;</p> <ul style="list-style-type: none"> • Direct that unsafe work cease (WHS Act; S. 85), and • Issue a Provisional Improvement Notice to the PCBU (WHS Act; S. 90 (2)). 	<p>In matters relating to work health and safety of the workers in their workgroup (WHS Act; S. 68), the HSR may;</p> <ul style="list-style-type: none"> • Represent workers • Monitor measures of the PCBU • Investigate complaints from their workgroup • Inquire into anything that appears to be a risk to health and safety <p>In exercising a power or performing a function, the HSR may;</p> <ul style="list-style-type: none"> • Inspect the workplace after giving reasonable notice to the PCBU (unless there is an imminent and serious risk to the health and safety of workers) • Accompany a SafeWork SA Inspector during an inspection • With the permission of a worker (or a group of workers), be present at a discussion with that worker or workers • Request establishment of a WHS committee • Receive (non-confidential) information about workers in the work group • Request the assistance of any (usually external) person
Entitlements	
<p>HSRs and Deputy HSRs are entitled to;</p> <ul style="list-style-type: none"> • Receive their allocation of SafeWork SA approved training (Year 1 – 5 days; Year 2 – 3 days; Year 3 – 2 days) (WHS Act; S. 72) • Be consulted and conferred with by the PCBU regarding any WHS matters relevant to the HSR’s workgroup (WHS Act; S. 70), and • Be provided with any resources, facilities and assistance that are reasonably necessary or prescribed (WHS Act; S. 70) 	

Immunity and Disqualification of a HSR

HSR’s have immunity from disciplinary and legal consequences of actions undertaken in good faith (**WHS Act; S. 66**).

The workgroup can vote to remove the HSR from office, if a majority agree. The PCBU can request the *SA Employment Tribunal* disqualify an HSR where they have not acted in good faith (e.g. inappropriate use of confidential or commercially sensitive information; using WHS measures to further non WHS industrial negotiations, etc.)

¹ PCBU includes employers, contractors, and other legal entities responsible for running a business.

² Deputy HSRs can only exercise powers and functions when the HSR is absent but have the same entitlements.