



Health and safety representatives and health and safety committees

Health and safety representatives (HSR) and health and safety committees (HSC) provide the means to:

- give workers a voice in health and safety matters at the workplace
- involve workers through participation and consultation.

Health and safety representatives

An HSR represents the health and safety interests of a work group. There can be as many HSRs and deputy HSRs as needed, after consultation, negotiation and agreement between workers and the persons conducting a business or undertaking (PCBU).

A PCBU must keep a current list of all HSRs and deputy HSRs and display a copy at the workplace.

HSRs can issue a [provisional improvement notice](#) (PIN) for an issue affecting the work group they represent.

Work groups

What is a work group?

A work group is a group of workers who share a similar work situation; the HSR represents the health and safety interests of the workers in that group. A worker or group of workers can ask the PCBU they are carrying out work for to facilitate the election of one or more HSRs.

How many work groups can exist?

The [Work Health and Safety Act 2011](#) (PDF, 833 KB) allows for one, or more, work groups at each workplace. The workers and the PCBU can negotiate how many work groups are required for their workplace, based on factors such as:

- the nature of the hazards and risks of the work being carried out
- the areas where work is carried out
- the times when work is carried out.

Refer to section 17 of the [Work Health and Safety Regulation 2011](#) (PDF, 2.53 MB) (WHS Regulation) for a full list of factors.

Workers should be grouped in a way that allows the most effective and convenient representation of their health and safety interests. The HSR should be readily accessible to each worker in the group.

For example, a manufacturing workplace may decide that it will have two work groups, reflecting the different health and safety risks of each group:

- one consisting of all workers in the office
- the other consisting of all manufacturing workers.

Similarly, a work group might consist of workers of the same trade, or it might consist of all workers on the night shift. If agreed, workers from multiple businesses all working on a single site can be part of the same work group which could cover:

- contractors
- labour hire staff
- outworkers
- apprentices.

Negotiating to elect an HSR

If a request is made for the election of an HSR, the PCBU must start negotiations with workers regarding work groups within 14 days of that request being made. These negotiations will determine the:

- number and composition of work group(s) at the workplace
- number of HSRs and deputy HSRs
- workplace(s) to which the work group(s) apply.

A PCBU must involve a worker's representative (e.g. union) in the negotiations if asked by the worker. The PCBU must also notify workers as soon as practicable of the outcome of the negotiations. At any time, the parties to a work group agreement may negotiate a variation.

An inspector can be requested to assist this process by any person who is a party to the negotiations.

Election and eligibility

The members of a work group elect their own HSR. All members of the work group are able to vote in an election and the PCBU must provide resources and assistance to carry out the election.

To be eligible for election, a person must be a member of the work group and not be disqualified from acting as an HSR. Elections for a deputy HSR are carried out in the same way.

The term of an HSR/deputy HSR is three years. They cease to hold office if:

- they leave the work group
- they are disqualified from being an HSR
- they resign as an HSR
- the majority of members of the group agree the person should no longer represent them.

HSRs can be re-elected. Elections are not needed when the number of candidates is the same as the number of vacancies.

Training

An HSR does not need any experience or special qualifications but is entitled to attend a training course approved by WHSQ.

Powers and functions

The role of an HSR

The role of an HSR is generally limited to their own work group unless:

- there is a serious risk to health or safety (created by an immediate hazard) affecting workers from another work group
- a worker in another work group asks for the HSR's assistance, and the HSR for that other work group is found to be unavailable.

An elected HSR is entitled to perform the following tasks for the work group* :

- undertake workplace inspections
- review the circumstances of workplace incidents
- accompany a WHSQ inspector during an inspection
- represent the work group in health and safety matters
- attend an interview about health and safety matters with a worker from the work group (with the consent of the worker)

request that a health and safety committee be established
participate in a health and safety committee
monitor compliance measures
investigate work health and safety complaints from work group members
inquire into any risk to the health and safety of workers in the work group
issue **provisional improvement notices** (where the HSR has completed the approved training).

* Amendments to the *Work Health and Safety Act 2011* that came into effect on 16 May 2014 mean that HSRs no longer have the power to direct a worker to cease unsafe work. Workers retain the right to cease unsafe work if they have a reasonable concern that to carry out the work would expose them to a serious risk to their health and safety from an imminent or immediate exposure to a hazard. A worker can also raise concerns with their HSR for investigation.

An HSR is not personally liable for anything done, or not done, in good faith while carrying out their role. However any person adversely affected by a decision or action of an HSR can apply to the Queensland Industrial Relations Commission to have them disqualified.

The role of a PCBU

A PCBU must:

consult on work health and safety matters with any HSRs for the work group
pay all reasonable costs for relevant courses the HSR requests to attend
keep a current list of all HSRs and deputy HSRs and display a copy at the workplace
provide resources, facilities and assistance to enable the HSR to carry out their functions
allow an HSR to exercise their entitlements during their ordinary working hours.

Health and safety representatives elected under old legislation

HSRs elected under the repealed *Workplace Health and Safety Act 1995* will continue to hold their appointment for three years from the date they were appointed. HSRs who were qualified under the WHS Act 1995 have already completed PINS training and are not required to undertake further training on this matter.

Displaying a current list of health and safety representatives

Section 74 of the *Work Health and Safety Act 2011* (PDF, 833 KB) states that a person conducting a business or undertaking (PCBU) must ensure that a list of health and safety representatives and deputy health and safety representatives (if any) for the business or undertaking is prepared and kept up-to-date. A copy of the up-to-date list must be displayed in a way that is readily accessible to workers in the relevant work group or work groups:

at the principal place of business of the business or undertaking
at any other workplace that is appropriate taking into account the constitution of the relevant work group or work groups.

Health and safety committees (HSC)

An HSC facilitates cooperation between a PCBU and workers in developing and carrying out measures to ensure health and safety at work. This includes health and safety standards, rules and procedures for the workplace.

A PCBU must set up an HSC within two months of being requested to do so by an HSR, or by five or more workers in a workplace, or when required by the WHS Regulation.

A PCBU can also establish an HSC if they desire.

At least half of the members of an HSC must be workers that have not been nominated by the PCBU. An HSR can also consent to be a member of the committee and, when a workplace has more than one HSR, they can choose one or more to be members.

An inspector can be requested to assist this process by any person who is a party to the committee.

An HSC must meet at least once every three months and at any reasonable time at the request of at least half of the members of the committee.

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