



HSR

Your voice counts



**Australian Nursing
& Midwifery Federation**
SA Branch

Working with you at work and in practice

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Authorised by AcJ, Assoc. Professor Elizabeth Dabars AM, CEO/Secretary, ANMF (SA Branch), Ridleyton SA 5008 / Incorporating the Australian Nursing and Midwifery Education Centre, NTIS 40064

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Dear Health & Safety Representative

On behalf of ANMF members I thank you for taking on the role of Health and Safety Representative (HSR).

HSRs are uniquely placed to make a real difference to the working lives of their colleagues.

Statistics show that, with effective and involved HSR's, unionised workplaces are safer.

This booklet contains information to ensure that you know how to find out about your rights under the Work Health and Safety Act 2012 (SA) and the resources available to you.

As a HSR you have the full support of the ANMF. Do not hesitate to contact us for help and advice.

Yours sincerely

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Elizabeth Dabars.

Adj Associate Professor Elizabeth Dabars AM
CEO|Secretary
ANMF (SA Branch)

Being a Health and Safety Representative

The union movement has a proud history of campaigning for improvements in the health and safety of working people, including workplace health and safety legislation.

Health and Safety Representatives play a vital role in protecting the health and safety of education staff by ensuring that employers meet their obligations under the Work Health and Safety Act. They act as important lookouts and advocates for their colleagues. They cannot be held liable for incidents and accidents that occur — that liability rests with employers. The Act gives HSR's responsibilities and powers to carry out their job with confidence and support and to make a difference to people's lives.



Adj Professor Elizabeth Dabars
CEO | Secretary

“Health and Safety Representatives are uniquely placed to make a real difference in people’s lives.”

The Legal Framework

The Work Health and Safety Act 2012 (SA) sets out the duties, rights, and responsibilities of all parties in the workplace and the consequences of breaching or ignoring those duties.

Key objectives of the Act are:

- a. Protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks.
- b. Providing for fair and effective workplace representation, consultation, co-operation, and issue resolution.
- c. Encouraging unions to take a constructive role in promoting WHS and to assist workers to achieve a healthier and safer working environment.
- d. Promoting the provision of advice, information, education, and training in relation to work health and safety.

The sections governing the election of HSR's and their statutory rights and functions are found in Part 5, Division 3. This includes deputy HSRs.



“Participation and consultation are the most effective ways to securing health and safety improvements at work.”

Designated Work Groups

Any workplace can establish a Designated Work Group (DWG). It is not mandatory but must be established if requested. In multi-site workplaces it may be appropriate to have one DWG at each site. DWGs ensure staff representation on health and safety issues.

DWG members may elect one or more people to be HSR's. Employers and employees can negotiate the composition of DWGs but normally all staff are part of the DWG.

The ANMF officers can support you to ensure that the Nurses, Midwives and Personal Care Workers are appropriately represented in a DWG, and they take account of shift work.

The provisions relating to DWGs are contained in Part 7, Divisions 1-3 of the Act.

“Union involvement and participation will mean better outcomes and improvements in health, safety, and wellbeing.”

Electing a Health & Safety Representative

HSR's and Deputy HSRs working with the ANMF elected Worksite Representatives play a key role in W&HS at any site.

All employees are entitled to vote in the election for the HSR. The Act does not require the HSR to be an ANMF member but it is preferable.

Only DWG members can select a HSR. Ensure that they are properly elected to represent their DWG and that the Manager decides who will be Management's OHS Representative.

No ballot is required if there is only one nomination for one HSR position. Nominations can be sought at a staff meeting or by posting the nomination form on a staff noticeboard. If only one person nominates, the principal or manager needs to be informed in writing who that person is.

There are several benefits to having a Deputy HSR. Deputies can support the HSR, act in their absence or fill in for them should they resign.

The ANMF can assist members with the election process and make sure the election decision is dated and recorded.

The role of the HSR

The HSR acts on behalf of the DWG and is entitled to:

- a. Represent workers in matters relating to work health and safety
- b. Monitor measures taken to address WHS under the Act
- c. Investigate complaints from members of the DWG relating to WHS
- d. Inquire into anything that appears to be a risk to WHS

To do this a HSR may:

- a. Inspect any part of the workplace where DWG members work
- b. Accompany a Safe Work SA inspector during their inspection
- c. Be present at any interview between an inspector or the employer and an employee who requests their support
- d. Be present at any interview between an inspector or the employer and a group of employees where one of whom requests their support
- e. Request the establishment of a Health and Safety Committee
- f. Receive information concerning the work health and safety of workers (but not personal information unless the employee consents)
- g. Bring in outside assistance – for example an ANMF Officers

A HSR can:

- Issue a Provisional Improvement Notice if they have received training and after consultation with the person to whom the notice is to be issued (Division 6 WHS Act 2012)
- Direct that work cease in the event of an immediate threat or danger (Division 7 WHS Act 2012)

To undertake their role a HSR can:

- Take time off work to perform their functions
- Take time off work to attend approved training courses of their choice
- Not be dismissed or otherwise discriminated against for carrying out their role

The WHS Act (2012) clearly sets out the rights and responsibilities of the HSR. These should not be confused with the legal obligations of the management OHS nominee.

The following table summarises the differences between the elected HSR and management OH&S officer.

Health & Safety Representative	Management OH&S Nominee
Called the Work Health and Safety Representative (HSR).	May be called health and safety officer/manager/ adviser/coordinator but NOT representative to avoid confusion with the HSR.
Elected by members of the Designated Work Group (DWG).	Nominated by the manager.
Represents all members of the DWG.	Represents the employer.
Has important role in bringing health and safety issues to the attention of the employer.	Is responsible for ensuring compliance with the Work Health and Safety Act 2012 (SA).
May be any member of staff but should not be a member of senior management.	Should be the manager or assistant manager.
Is not required to physically repair or remove hazards or solve health and safety issues.	Is responsible for organising repairs and removing hazards and ensuring that safety procedures and regulations are followed.
Is entitled to attend an accredited five-day training course and annual refresher training.	Should be sufficiently competent to fulfil role. No entitlement to training.
Is entitled to appropriate, paid, time off work to undertake role.	Undertakes role as part of management responsibilities.
Has prescribed rights and powers under the Act but no duties.	Has no specific rights or powers under the Act but a range of duties and liabilities.
May issue a Provisional Improvement Notice (PIN) after consultation with the manager.	May receive a PIN and must act on it or appeal against it but cannot issue a PIN.
Cannot be directed to undertake any task relating to health and safety but can be required to consult with the manager before undertaking certain activities.	Required to consult with the HSR on a range of activities (for example, changes to workplace arrangements, inspections and investigations)
No liability for health and safety in the workplace as no duties imposed under the Act.	Liable for health and safety as manager or representative of manager.

Health and Safety Committees and the consultative process

Every workplace should have a process for discussing and resolving health and safety issues.

Workplace-based consultative arrangements may provide a useful mechanism, but this model would only be appropriate where good relationships exist and where health and safety is a standing agenda item. Alternatively, workplaces can establish a Health and Safety Committee in accordance with the WHS.

A HSR, in consultation with DWG members, can request the formation of a Health and Safety Committee.

They consist of equal numbers of employer and employee representatives and must be established within three months of the HSR's request.

“Raising the profile of health and safety among members will help to bring about significant change.”



Duty of employers to consult:

(S49) Consult with employees when:

- a. Identifying or assessing hazards or risks
- b. Making decisions about control measures to eliminate or minimise risk
- c. Making decisions about adequacy of facilities for the welfare of Employees
- d. Proposing changes that may affect the health and safety of workers
- e. Making decisions about procedures for: resolving OHS issues, consulting with employees, monitoring the health of employees, providing information and training
- f. Carrying out any other activity prescribed by regulation for the purposes of consultation

What is consultation?

(S48) Consultation requires sharing of information, reasonable opportunity to express views and contribute to the decision-making process. That views are taken into account and that workers are advised of outcome.

Tip

It is important for HSRs to be part of any visit by a Safe Work SA inspector to your workplace. If this does not occur, request to see the site visit paperwork and follow up with a call to the relevant inspector.

Legal Liability

Newly appointed HSRs sometimes worry the job will make them legally vulnerable. This is not the case. Section 68 (5) says that nothing in the Act imposes, or is taken to impose, a function or duty on an HSR. Section 66 states that a WHS Representative cannot be liable for anything done or omitted to be done in good faith.

The only liabilities they face are those imposed on all employees. This section relates to the general duty of care placed on all employees for their own health and safety and that of colleagues and to cooperate with their employer on health and safety issues in the workplace.

Responsibility for complying with the Act lies with the employer.

It is illegal to discriminate against anyone exercising a WHS right (Section 106).

“A union relies on strong organised workplaces and trained confident Health and Safety Representatives to defend members’ interests.”



Training

Approved training for beginning HSRs is an entitlement under the WHS Act. It is recommended that HSRs and deputies attend an approved five-day training course soon after their election. They can choose their course. You should inform your manager of the course you wish to attend at least 14 days before the course starts.

The SA Union runs approved courses. The ANMF has worked with SA Unions to offer a SafeWork SA approved Work Health and Safety Representative Stage One course, tailored to the needs of the Nursing, Midwifery and Care workforce in the Health and Aged Care sectors.

Research clearly shows that elected and trained HSRs are key to ensuring safer workplaces. Training relevant to your needs and ongoing collaboration and support are integral to that success. We invite elected HSRs to enrol in a course that has been designed for you via this link [ANMFSA Training Courses](#).

This five-day course is run in two parts and includes:

- WHS Legal Framework
- The role of the HSR
- Resolving WHS issues
- Consultation
- Hazard Management
- Inspections
- Action Plans

Subsequent training and refresher courses are also available from [SA Unions](#). HSRs and their deputies are entitled to attend one-day refresher courses each year after the initial five-day course. Call the ANMF if you have trouble accessing training.

No one should be prevented from attending training courses on financial grounds.

“A well trained HSR is an empowered representative for their DWG. All HSRs should access approved training and refresher courses.”

Collective campaigning on health and safety

Improving health and safety at work is the responsibility of all union members, not just the Health and Safety Representative. Improving health and safety in the workplace is a victory for everyone, so remember to publicise and celebrate your successes so that others can learn from them.

For help with campaigning, contact your local Professional Liaison Officer.



Guide for new Health & Safety Representatives

1. Notify your manager that you have been elected
2. Inform the ANMF of your election and subscribe to the ANMF
3. Check the availability of an accredited five-day training course with the SA Unions
<https://www.saunions.org.au/training-courses/state-hsr-training/>
4. Arrange a meeting with your manager or, where responsibility has been delegated, with the management OH&S person to:
 - Talk about your role - use the HSR/HSO information sheet on page seven
 - Advise him/her of your planned training course
 - Obtain a copy of any workplace policy and other written health and safety material
 - Ascertain what arrangements are in place for staff to be consulted on health and safety; to report and record incidents or health and safety concerns to undertake regular inspections.
 - Advise him/her of your proposed meeting with staff
 - Ensure you have internet access so that you can go to the ANMF and other relevant websites for support materials
5. Arrange a meeting with staff or time at the staff meeting to:
 - Ensure they understand your role as a representative, and that fixing problems is management's responsibility - use the HSR/HSO information sheet on page seven
 - If no consultation process exists, discuss what process staff would like and submit a proposal to the management OH&S person
 - Establish a mechanism whereby staff can raise any health and safety concerns with you
 - Establish how you will report back to staff

Once you work your way through the above steps you will have established a good framework and excellent resources for the job. Depending on the system you inherited, all this may take some time

Incident reporting

You have a right to a safe workplace.

Every employer is required to have a system for recording injuries, incidents and near misses. Every incident that occurs at a workplace, whether an injury or illness, including psychological injury, must be entered into the injury register. Workplaces may have different reporting systems including SRS and Riskman. Aged Care often has individual reporting systems specific to their worksite.

The system for reporting must be known to all staff and it must be available at any reasonable time for any staff member to register an injury or illness resulting from an incident at work.

The minimum details required for the incident record are:

Name of injured staff member

- Date of birth
- Address
- Time and date of incident
- Location of incident
- Cause of injury
- Nature of injury
- Name of witness(es), if any
- Date of entry of incident in register
- Category of the Incident

Incident reporting (continued)

Under Part 3 of the Work Health and Safety Act SA 2012, employers have a duty to notify certain types of incidents.

Any incident that occurs in a workplace should be recorded, regardless of how minor it is.

The incident record is an integral part of a successful system of reducing workplace hazards and risks. It provides:

- Valuable information about potential causes of injury and illness
- Proof that an injured person has suffered an illness or injury at work
- Proof of incident trends, such as manual handling or occupational violence
- An opportunity to identify plant or substances that require investigation
- An opportunity to identify training needs for staff

The Health and Safety Representative has a right to access the incident register as part of their role while recognising that the privacy of staff members should be respected.



Resources

ANMF support

ANMF officers can assist members with WHS concerns, from PPE queries to staffing issues. Contact your Professional Liaison Officer or Duty Officer.

We have a range of tools to assist members addressing violence, fatigue and safe staffing. These can be found on the website at:

[https://www.anmfsa.org.au/Web/Your Workplace/](https://www.anmfsa.org.au/Web/Your_Workplace/)

[Workplace Issues Reporting Tool/Web/](#)

[Workplace Issues Reporting Tools.aspx?hkey=d5a11070-fe38-45d4-a9af-b40d84a829d9](https://www.anmfsa.org.au/Web/Your_Workplace/Workplace_Issues_Reporting_Tools.aspx?hkey=d5a11070-fe38-45d4-a9af-b40d84a829d9)

[https://www.anmfsa.org.au/Web/Fatigue%20Issues%20Reporting Tool.aspx](https://www.anmfsa.org.au/Web/Fatigue%20Issues%20Reporting_Tool.aspx)

[https://www.anmfsa.org.au/Web/Violence Reporting Tool.aspx](https://www.anmfsa.org.au/Web/Violence_Reporting_Tool.aspx)

[https://www.anmfsa.org.au/Web/Staffing Reporting Tool.aspx](https://www.anmfsa.org.au/Web/Staffing_Reporting_Tool.aspx)

Other useful contacts

Safe Work SA — SafeWork SA | SafeWork SA

Phone: 1300 365 255 Email: help.safework@sa.gov.au

SA Unions: <https://www.saunions.org.au/>

Australian Council of Trade Unions: www.actu.org.au

Safe at work campaign: www.safeatwork.org.au

World Day for Safety & Health @ Work:

<https://www.ilo.org/global/lang--en/index.htm>



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