

	HEALTH AND SAFETY REPRESENTATIVES	Document No:	WHS-PRO-004
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1. Purpose

The purpose of this procedure is to ensure that there is a process in place for the workers to be represented by Health and Safety Representatives chosen by them, to consult with the employer on matters relating to Work Health and Safety.

2. Scope

This procedure applies to all ACBC Agencies. It covers all workers at ACBC and ACBC controlled premises.

3. Related Documents

[ACBC Work Health & Safety Policy](#)

ACT : Work Health and Safety Act 2011

NSW : Work Health and Safety Act 2011

NT : Work Health and Safety (National Uniform Legislation) Act

QLD : Work Health and Safety Act 2011

SA : Work Health and Safety Act 2012

TAS : Work Health and Safety Act 2012

VIC : Occupational Health and Safety Act 2007

4. Definitions

Health and Safety Representative (HSR)

A Health and Safety Representative nominated and elected by employees at a workplace in accordance with the relevant State or Territory legislation.

Supervisor

The Supervisor is a Bishop, Priest, Agency Head, Director, Manager, Coordinator or Team Leader, who is responsible for the day-to-day supervision of workers.

Provisional Improvement Notice (PIN)

A Provisional Improvement Notice is a notice that is issued to a person requiring them to address a health and safety concern in the workplace.

PCBU

PCBU stands for Person Conducting a Business or Undertaking. Although the term refers to a 'person', it covers both individuals and organisations. For ACBC Agencies, the PCBU is the Committee of The Australian Episcopal Conference of the Roman Catholic Church, (which acts as the agent of the Australian Catholic Bishops Conference pursuant to the Deed of Agent's Appointment dated 15 July 1992).

Note: In jurisdictions which have not enacted the Model WHS Act, "PCBU" should be read as "employer"

5. Responsibilities

Health and Safety Representative (HSR)

The Health and Safety Representative (where appointed) should:

- Undertake the appropriate training
- Represent their work group on work health and safety
- Assist the employer in developing health and safety policies and procedures
- Participate in consulting with employers on health and safety issues
- Alert their supervisor of any hazards to health and safety in the workplace

Agency Heads

Agency Heads are responsible for:

- Making workers aware that they have the right to request a HSR for their work group
- Making arrangements for the election of a HSR (if one is requested)
- Consulting with HSRs on Work Health and Safety matters
- Allow HSRs to access any information relating to risks and hazards in the workplace

Supervisors

Supervisors are responsible for:

- Consulting with HSRs on Work Health and Safety matters
- Working with HSRs to address health and safety issues.
- Arranging the appropriate training and refresher training for their HSR
- Providing HSRs with the time and resources required to perform their role

Workers

Workers should:

- Participate in elections for HSRs
- Communicate health and safety concerns to HSRs
- Provide feedback to HSRs on policies and procedures

Employment Relations Advisor (Office for Employment Relations)

The Employment Relations Advisor will:

- Facilitate negotiations for determination of work groups
- Assist Agency Heads with arrangements for election of HSRs
- Provide advice on appropriate training for HSRs

6. Request for Health and Safety Representatives

Any worker or group of workers may ask their Agency Head or Supervisor to facilitate the election of one or more HSRs. The Agency Head must then facilitate the determination of one or more groups of workers.

A number of ACBC work groups have currently been established (see below).

Agency Heads are required to make an annual request to their workers to inform the Agency Head whether they would like to have a HSR for their work group. Workers may make this request by any other convenient means.

7. ACBC Work Groups

A worker may request their Agency Head or the Office for Employment Relations to form a work group to facilitate consultation on health and safety matters. Negotiations for the formation of a new work group must be commenced within 14 days of the receipt of the request. In forming a new work group, the Agency Head and Office for Employment Relations will take into consideration:

- The number of workers
- The views of workers in relation to the determination and variation of work groups
- The nature of each type of work carried out by the workers
- The number and grouping of workers who carry out the same or similar types of work
- The areas or places where each type of work is carried out
- The extent to which any worker must move from place to place while at work
- The diversity of workers and their work
- The nature of any hazards at the workplace(s)
- The nature of any risks to health and safety at the workplace(s)
- The nature of the engagement of each worker, for example, as an employee or as a contractor
- The pattern of work carried out by workers, for example, whether the work is full-time, part-time, casual or short-term work
- The times at which work is carried out
- Any arrangements at the workplace or workplaces relating to overtime or shift work

Australian Catholic Bishops Conference Work Groups

The following work groups have been established to facilitate consultation with ACBC workers on Work Health and Safety. ACBC work groups have been primarily based on location.

1. Braddon Precinct:
 - Dougherty Centre and Gilroy House, (General Secretariat, Finance and Administration, National Centre for Pastoral Research, Communications Office, Public Policy Office);
 - McGilvray House (Australian Refugee and Migrant Office, Catholic Redress Agency)
 - Favier House (Catholic Social Services Australia, Office for the Participation of Women, National Centre for Evangelisation)
2. Caritas Australia, the Office for Social Justice and Catholic Earthcare Australia
3. National Catholic Education Commission Secretariat
4. Remote Workers (Office for Employment Relations, Office for Youth, National Centre for Pastoral Research, National Office for Liturgy)

8. Election of Health and Safety Representatives

If a Health and Safety Representative is requested, the Agency Head must ask for nominations from that work group for the role. Nominations may be made via email.

If the number of nominations is the same as the number of vacancies for HSR, the nominee will be deemed the elected HSR. If there are more nominations than positions for HSR, then an election must be held for the position.

If an election is required, the Agency Head must:

- Consult with workers to determine a suitable way of electing a HSR (e.g. show of hands, secret ballot, electronic voting etc.)
- Inform the work group of the election date, nominees and method of voting
- Invite all relevant work group members to nominate a HSR and vote in the election

- Inform workers of the outcome of the request for HSR and any election
- Inform workers of the name and contact details of their HSR and display this information in a prominent place

9. Term of Office for a Health and Safety Representative

The term of office for a HSR will be up to three years. A HSR can be re-elected when their term is over.

A person ceases to be a HSR if:

- They resign as a HSR by giving the PCBU written notice
- They no longer work in the work group
- The person is disqualified from acting as a HSR
- The majority of members (half the number plus one) of the work group decide that the person should no longer represent the work group

10. Powers and Functions of a HSR

The powers and functions of HSRs are stated in the Work Health and Safety legislation in each state. They include:

- Representing workers in their work group in relation to work health and safety matters
- Monitoring the measures taken by the ACBC to comply with the Work Health and Safety Act in relation to their work group members
- Investigating complaints from work group members about work health and safety
- Inquiring into anything that appears to be a risk to the health or safety of work group members, arising from the work that they do

In exercising a power or performing a function, HSRs may:

- Inspect the workplace where their work group works at any time after giving reasonable notice to the Agency Head
- Inspect the workplace where their work group works at any time without notice in the event of an incident or any situation involving a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard
- Accompany an inspector during an inspection of any part of the workplace where their work group works. Inspectors must, as soon as practicable after entering a workplace, take reasonable steps to notify the relevant PCBU as well as any HSRs of the entry
- Attend interviews between one or more work group members and an inspector or the PCBU. For example, interviews may be required after an incident has occurred, for return-to-work purposes or as part of issue resolution processes. A HSR can only attend interviews with the consent of the worker and the interview must be about work health and safety matters
- Request the establishment of a health and safety committee
- Receive information concerning the work health and safety of workers in the work group
- Whenever necessary, request the assistance of any person
- In some circumstances, direct a work group member to cease unsafe work or issue a Provisional Improvement Notice (PIN). Note that a PIN may only be issued if a HSR has completed the appropriate training, and after consultation with the Agency Head
- In some circumstances, request a review of a control measure where the duty holder has not adequately reviewed the control measure as required under the WHS Regulations

11. Immunity from Prosecution

HSRs have the same duties as “workers” under work health and safety legislation. A HSR cannot be held personally liable and cannot be prosecuted for anything done or omitted to be done in good faith:

- When exercising a power or performing a function under the Work Health and Safety legislation, or
- In the reasonable belief that the thing done or omitted to be done was authorised under the Work Health and Safety legislation.

Acting in good faith means carrying out HSR powers and functions with honest and sincere intentions or beliefs.

12. Training of Health and Safety Representatives

All elected HSRs must initially complete a five-day course and a one-day refresher training each year after the initial training. The five-day training must commence within three months of the HSR being elected.

- The training course must be approved by the Regulator (WorkCover authority) in the applicable state or territory, and
- Be chosen by the HSR in consultation with the Agency Head (and the Office for Employment Relations).

13. Records

Requests for having HSRs
Records of HSR elections
Notification of outcome of elections