



# HEALTH AND SAFETY REPRESENTATIVE TRAINING COURSE

## COURSE PRE READING AND TASK



SafeWork NSW

## WELCOME

Welcome to the five-day approved training course for Health and Safety Representatives (HSRs) under the NSW Work Health and Safety (WHS) legislation.

HSRs play an important role in facilitating consultation between workers and employers, addressing safety issues and contributing to safer workplaces throughout Australia.

Thank you for committing to this important role in workplace health and safety. As an HSR, you will represent workers in your work group on health and safety matters.

To aid in your learning throughout the course, you are asked to undertake a task prior to attending your training. This document outlines what you need to do and what you will need to bring to your training.

## PRE-COURSE TASK

Your task is to complete a hazard inspection in your work area. You will need to document your inspection using your organisation's hazard inspection documentation or the checklist provided in Appendix A of this document. Print it out and use it to help identify hazards in your workplace.

When conducting your inspection keep in mind the definition of a hazard:

**Hazard refers to a situation or thing that has the potential to harm a person.**

**Hazards at work may include noisy machinery, a moving forklift, chemicals, electricity, working at heights, a repetitive job, bullying and violence at the workplace.**

Don't worry if you have never conducted a hazard inspection before. Try identifying some hazards in your work area or speak to your co-workers about hazards that they can identify. There is no right or wrong answer.

Once you have completed your hazard inspection checklist, keep it with this document and bring it to the first day of the course.

On the following pages you will find a hazard inspection checklist you can use to guide and document the inspection. However, if your organisation already has an inspection checklist, it is preferred you use theirs.

If you decide to use the checklist template provided with this document, you will need to populate it to relate to the tasks in your workplace or work area.

## COURSE OVERVIEW

This course is delivered over five days with the content of each day building on the previous. Below is an overview of the five-day program.

- **Day one** has an overview of the WHS legislative framework; duties of various parties and key terminology. The role of SafeWork NSW and penalties for non-compliance are also discussed.
- **Day two** covers the requirements for consultation in the workplace on work health and safety issues and the mechanisms available. The role of HSRs and Health and Safety Committees (HSCs) and other available mechanisms are discussed as well as entitlements and protections.
- **Day three** of the course examines the consultative approach that can be used in resolving workplace health and safety issues through negotiation and conflict resolution and the skills HSRs can utilise to achieve successful outcomes.
- This day's training also aims to provide participants with the skills and knowledge to identify hazards and ways in which they can be eliminated or minimised.
- **Day four** builds on the outcomes of day three with several practical exercises. Incident notification is discussed and activities demonstrating how HSRs can contribute to incident investigation are also undertaken.
- **Day five** provides learners with the information and skills HSRs require regarding the issuing of Provisional Improvement Notices (PINs) and directing unsafe work to cease where negotiation and issue resolution has been unsuccessful or immediate action is required.

The course concludes with a summary and review of the course learning outcomes and discussion on sources of information that can assist HSRs in the continuous learning process.

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## OVERALL COURSE OBJECTIVES

Learners will be provided with information and skills that will assist them to carry out the role and function of an HSR in line with WHS legislation.

By the end of the course learners will be able to:

- **Interpret** work health and safety legislation and its relationship to the role of an HSR.
- **Identify** key parties, legislative obligations and duties.
- **Establish** representation in the workplace.
- **Participate** in consultation and issues resolution.
- **Represent** members in the WHS risk management process undertaken by the Person Conducting Business or Undertaking (PCBU).
- **Issue** a provisional improvement notice (PIN) and directing the cessation of work.

## PRE READING

### EVOLUTION OF WORK HEALTH AND SAFETY AND THE WHS LEGISLATIVE FRAMEWORK

#### History of WHS in Australia

The WHS Act 2011 is the overriding legislation that covers all NSW workplaces and describes the general requirements to ensure a healthy and safe workplace. Its purpose is to reduce the number of injuries and illness in the workplace and is administered by SafeWork NSW.

The WHS Act was introduced following a review of previous existing legislation which had origins as far back as the early 19th century.

#### Robens review

Work health and safety legislation (previously called occupational health and safety) evolved in the UK in the early 19th Century. The British Factories Act 1833 – 1844 and the Victoria Factories Act 1873 were laws made by parliament and they remained virtually unchanged until the 1970s.

In 1970 the British Government set up an inquiry, chaired by Lord Robens, to review the provisions made for the safety and health of persons during their employment.

In 1972, the Robens Report proposed changes to the OHS regulatory model in the United Kingdom, which ultimately were also adopted in Australia (and throughout many countries).

These changes were proposed in response to the following criticisms of the traditional model:

- It had resulted in too many detailed and technical rules which were difficult to understand and keep up to date, and ad hoc standard-setting that resulted in uneven coverage across workplaces.
- It did not encourage locally innovative solutions to OHS problems.
- There was insufficient involvement by workers or unions.

The report proposed legislation that created broad 'general duties' for employers, the self-employed, occupiers, manufacturers, suppliers and designers of plant and substances and employees, complemented with standards in regulations and codes of practice.

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A unified OHS inspectorate was to have new administrative sanctions (i.e. improvement and prohibition notices) to supplement prosecution. Prosecutions were to be brought against corporate officers, as well as the corporate employer.

The Robens Report proposed a system that was less prescriptive and more self regulating. Cooperation between employers and employees was identified as crucial to success. Specifically:

'There should be a statutory duty on every employer to consult with ... employees or their representatives at the workplace on measures for promoting safety and health at work, and to provide for the participation of employees in the development of such measures.'  
(Robens 1972, para. 70).

The Robens model also envisaged that:

- health and safety representatives would be consulted by employers
- employees would be represented on health and safety committees
- there would be greater co-operation between the OHS inspectorate and employee representatives
- employers would be obliged to develop OHS policies and rules
- there would be a requirement for Boards of Directors to lodge prescribed OHS information with corporate regulators.

Each of the Australian jurisdictions enacted legislation consistent with this framework, although there were significant differences between jurisdictions in the exact content and expression of the law.

Jurisdictional differences in Australia have been identified as problematic and the Productivity Commission has said that it is essential that uniform national legislation and regulations should be adopted and enforced (Productivity Commission 2004, p. xxviii).

## Traditional approach – pre Robens report

The traditional response to workplace hazards was to adapt worker behaviour to the workplace and shift the responsibility of safety to employees. Employees were traditionally not consulted about or involved in work health and safety.

This lack of consultation led to general apathy amongst workers regarding work health and safety, and the pursuit of allowances for bad working conditions and environments. The government traditionally approached health and safety problems in the workplace by passing legislation after major events, imposing duties and penalties and policed by an inspectorate.

## Modern approach – post Robens report

Today, there is a focus on a safe workplace rather than simply working safely. Employers must take reasonably practical steps to make the workplace safe and not place the onus on workers to work safely in a hazardous environment.

Recognition was given to the fact that accidents and/or incidents are a result of a series of events or contributing factors, rather than a one-off event or an employee not behaving safely.

Consequently, the focus is now on preventing system errors rather than training employees to perform safely. Similarly, accident/incident investigation is focused on identifying the 'root causes' of an incident as well as identifying all the contributing factors that brought about a sequence of events that led to the final incident.

Strategies to influence worker behaviour are still used, particularly where a safe workplace is not reasonably practical for the employer to achieve. This is particularly relevant where the employer doesn't have control of the workplace such as in relation to emergency service workers.

## APPENDIX A

### WORKPLACE INSPECTION TEMPLATE

Workplace:		
	Yes	No