



<b>Subject</b>	<b>Health &amp; Safety Representatives - Policy Positions</b>
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The purpose of this paper is to articulate the policy positions that underpin WorkSafe activities with and relating to Health and Safety Representatives (HSRs).

### **Importance of HSRs**

The OHS Act 2004 recognises the important role HSRs play in representing the health and safety interests of employees. HSRs have been an important feature of OHS in Victoria since 1985 and it is widely acknowledged that HSRs can make a real difference in having OHS issues addressed and can help achieve better health and safety outcomes.

WorkSafe believes the role of HSRs should be encouraged, supported and protected.

WorkSafe believes there should be more HSRs, and that the establishment of designated work groups and the election of HSRs should be encouraged.

### **WorkSafe Approach to Administering the OHS Act 2004**

WorkSafe will administer the OHS Act 2004 in a manner that best advances the Act's objects (section 2) and principles of health and safety protection (section 4).

Specifically, when providing policy and/or legal advice to WorkSafe Inspectors and other staff on issues concerning the interpretation and/or application of the OHS Act - including issues concerning HSRs - WorkSafe will seek to adopt the interpretation that best advances the OHS Act's objects (section 2) and principles of health and safety protection (section 4).

### **Consultation**

The experience and knowledge of employees can make a significant contribution to identifying and controlling hazards and risks, and developing preventative measures to address health and safety issues that arise at the workplace.

To advance this, the OHS Act 2004 requires employers to consult with employees. The Act also provides for the establishment of designated work groups (DWG) and the election of health and safety representatives (HSRs).

While the Act gives employers some flexibility in how they consult, WorkSafe believes that where employees have elected a HSR to represent them on health and safety issues, the most effective way to consult with those employees is with the assistance of and through that HSR.

## **Inspector Visits**

When an Inspector attends a workplace, the Inspector must take reasonable steps to notify the elected HSR and allow the HSR to be involved in the inspection. The Inspector will ask for and see the employee elected HSR (where one exists). The Inspector will ensure the time he/she spends with the HSR is reasonable, having regard to all the circumstances, including the amount of time spent with Management.

Inspectors must ask to see the list of elected HSRs, and confirm that it is displayed or made readily available to employees in accordance with the OHS Act 2004.

We expect Inspectors to support the role of elected HSRs, and to encourage employers to engage constructively and proactively with HSRs.

## **Protection of HSRs**

Section 76 prohibits an employer from dismissing an employee, discriminating against an employee, or treating an employee less favourably, because that employee is or has been an HSR. WorkSafe will investigate promptly and thoroughly allegations or complaints of discrimination against an HSR arising out of that HSR carrying out his or her role with respect to health and safety issues.

Dated: 17 May 2006