

KATHERINE TOWN COUNCIL

WORKPLACE HEALTH & SAFETY REPRESENTATIVES POLICY



TITLE: WORKPLACE HEALTH & SAFETY REPRESENTATIVES POLICY

ADOPTED BY: COUNCIL

RESPONSIBILITY: CHIEF EXECUTIVE OFFICER

NEXT REVIEW DATE: 01/03/2019

Version	Decision Number	Adoption Date	History
1		28/02/2017	
2			
3			
4			

1. WORKPLACE HEALTH & SAFETY REPRESENTATIVE POLICY

The Workplace Health & Safety Representatives(HSRs) Policy relates to Katherine Town Council (Council).

2. COMMENCEMENT OF POLICY

This Policy will commence from 01/03/2017; it replaces all other guidelines, if any, relating to Health and Safety Representatives in the workplace (whether written or not).

3. SCOPE

These procedures establish the composition of the Health and Safety Representatives(HSRs) and method of selecting members, addressing operational matters, outline authority, reflect reporting and communication processes and describe the responsibilities of the HSRs and Council.

4. HEALTH & SAFETY REPRESENTATIVES PROCEDURE

The purpose of Health and Safety Representatives (HSRs) are to facilitate the flow of information about health and safety between Council and its workers.

Their function is to monitor the health and safety actions taken by Council, investigate workers' complaints and look into anything that might be a risk to the health and safety of the workers they represent.

If a HSR has completed the HSR approved training they can also direct unsafe work to stop if they have a reasonable concern that carrying out the work would expose a worker to a serious risk. They may also issue a Provisional Improvement Notice(PIN) to a duty holder once proper procedures have been followed.

5. HSR ELECTIONS & NEGOTIATIONS

Within 14 days of receiving a request from a worker, Council must commence negotiations with workers about the number and composition of workgroups that should be formed. If negotiations fail or have not commenced within 14 days, NT WorkSafe may be called to mediate the negotiations and determine workgroups.

The negotiations need to take the following matters into account:

- Number of workers within Council,
- number and grouping of workers who carry out the same or similar types of work, and
- the diversity of workers and their work activities.

As soon as reasonably practicable after the negotiations are completed, Council must advise workers of the outcomes and the workgroups determined.

A HSR will hold their office for three years unless during that period they:

- resign;
- cease to be a worker in the workgroup they represent;
- are disqualified as a HSR; or,

- are removed from the position by the majority decision of the workgroup.

There is no legal obligation for a HSR to perform any of the functions, or exercise any of the powers of a HSR.

6. HSR TRAINING

It is not mandatory for HSRs to be formally trained, however HSRs should be encouraged to accept their training entitlement to provide them with the skills and knowledge to perform their role effectively. Only HSRs who have undertaken the formal training have the power to issue PINs or direct work to cease. Untrained HSRs can perform all other functions.

If the elected HSRs request formal training then Council must allow them to attend the five day HSR training course; they are also entitled to attend an annual one day refresher course.

7. POWERS & FUNCTIONS

The powers and functions of HSRs are:

- To represent the workers in their workgroup in relation to WHS matters.
- To monitor the measures taken by Council to comply with the WHS (NUL) Act in relation to their workgroup members.
- To investigate complaints from workgroup members regarding WHS.
- To inquire into anything that appears to be a risk to the health and safety of workgroup members, arising from the conduct and/or operations of Council.

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

- Inspect the workplace where their workgroup works at any time after giving reasonable notice to Council management.
- Inspect a workplace after an incident or situation involving serious risk, or potential risk, to the health and safety of person/s within their workgroup; this does not require notification to Council management.
- Accompany an inspector during an inspection of any part of the workplace where their workgroup works.
- Attend interviews between one or more work group members and an inspector and/or Council, e.g., during incident investigations, return to work (RTW) plan purposes, conflict resolution, etc. A HSR can only attend interviews with the consent of the worker and the interview must be WHS related.
- Request the establishment of a Health and Safety Committee (HSC).
- Receive information concerning the work health and safety of workers in the workgroup, e.g. RTW plans.
- Direct a workgroup member to cease unsafe work or issue a PIN.
- Request a review of control measures where the duty holder has not adequately reviewed or consulted regarding the control measures.
- Whenever necessary, request the assistance of any person. This may be a person with additional knowledge of WHS either within the workplace or someone who does not work with Council. The aim of this power is to enable HSRs the ability to seek independent advice if required to assist in carrying out their powers and functions. For example, a HSR may require assistance about:

- How to perform inspections at the workplace,
- technical advice to deal with a particular hazard or issue, or
- how to negotiate agreed procedures.

Council is not required to pay the person who provides assistance.

HSRs are not personally liable for anything done or not done, in good faith, when exercising a power or performing a function.

8. PROVISIONAL IMPROVEMENT NOTICES (PINs)

A PIN is a directive that is issued to the relevant duty holder requiring health and safety issues to be remedied.

A HSR can only issue a PIN if:

- They have completed a NT WorkSafe approved HSR training course.
- All other consultative measures have been exhausted between the HSR and the potential recipient of the PIN and they have failed to find resolution.
- A HSR reasonably believes that a person is breaching WHS procedures or a provision of the WHS Act and it is likely the breach will continue or be repeated.

Before issuing a PIN, the HSR must consult the person who the HSR believes is breaching the WHS requirements; this means that the HSR should:

- Provide information, verbally or in writing, to the person about fixing the alleged breach or activities causing the breach.
- Allow the person an opportunity to express their views and give them adequate time to fix the breach, if a breach is confirmed.
- Take into account the views of the person before issuing the PIN.

N.B: The PIN does not have to be issued to a duty holder within Council, it can be issued to a supplier, manufacturer, designer of plant, buildings and structures etc.; has long as the breach relates to the workgroup the HSR represents.

A HSR cannot issue a PIN if NT WorkSafe has already issued (or decided not to issue) an improvement notice or prohibition notice in relation to the same matter.

If the person to whom the PIN is issued disagrees with the PIN or believes they will have difficulty complying with it, they should discuss this with the HSR who issued the PIN. They may also request an NT WorkSafe Inspector to review the PIN; however this must be done within seven (7) days of the ~~date~~ date of issue.

9. COUNCIL DUTIES IN RELATION TO HSRs

Council is required to keep a list of HSRs in a readily accessible, central location for Council workers to identify who can represent them if a WHS issue arises.

A current copy of the list should be displayed in Council main office and any other appropriate location relevant to the workgroups the HSRs represent. Council must also provide a copy of the up to date list to NT WorkSafe as soon as practicable after it is prepared.

Council has the following obligations to HSRs:

- Allow HSRs adequate time to carry out their duties at normal pay.
- Consult and discuss with the HSRs regarding WHS issues, e.g. proposing control measures to mitigate risks in the workplace.
- Allow the HSR access to information regarding hazards and risks at the workplace as well as information relating to the health and safety of workers (excluding confidential information).
- Allowing the HSRs to be present at an interview relating to WHS issues if a worker consents.
- Provide the resources, facilities and assistance that are reasonably necessary for them to perform their functions.
- Allow any person assisting the HSR access to the workplace as necessary and reasonable.
- Permit the HSR to accompany an inspector on a workplace inspection.
- Grant the initial five (5) day HSR training if requested and an additional one (1) day annual refresher if requested.

10. ACKNOWLEDGEMENT

I acknowledge:

- *receiving the Procedure;*
- *that I will comply with the Procedure; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

Name:

Signed:

Date:
