

**Become a
Health and
Safety Rep**

H S R

Create change in your workplace.

www.nswnma.asn.au



HSRs are nurses, midwives and personal carers who create change to improve their health, safety and working conditions

WHAT DOES A HEALTH AND SAFETY REP (HSR) DO?

Health and Safety Representatives (HSRs) are the critical link between workers and their employer in raising and resolving OHS issues in the workplace. This link is underpinned and protected by the *Work Health and Safety Act 2011*, giving HSRs a voice in the workplace, a role in raising and resolving any WHS issues with their employer, and legislated powers to take issues further if unresolved.

HSRs have five key powers under the WHS Act:

1. Inspect any part of the workplace after giving reasonable notice, or immediately in the event of an incident.
2. Accompany a SafeWork NSW inspector during an inspection at your workplace.
3. Require a health and safety committee to be established and be a member of the committee.
4. Seek the assistance of any appropriate person on health and safety matters whenever necessary.
5. Issue PINs and directions to cease work.

Five rights of HSRs under the WHS Act 2011:

1. Be consulted about WHS matters in your workplace and be provided with hazard-related information by your employer.
2. Request a review of control measures under regulations (such as manual handling, noise, prevention of falls and confined spaces).
3. Take time off work with pay to attend training and to exercise HSR powers.
4. Be provided with necessary facilities and assistance in your role as HSR.
5. Ability to escalate an WHS matter that remains unresolved after consultation requirements have been followed.

IS THE HSR ROLE MUCH EXTRA WORK?

The HSR role is a voluntary position in your workplace and your colleagues and NSWNMA value whatever time and contribution you can make.

We understand that our members have varying amounts of time and energy to commit to the HSR role which is one of the reasons why we have a team of dedicated WHS professionals and experienced industrial officers and organisers, who can provide you with support and guidance every step of the way.

HSRs have the added advantage of legislated entitlements allowing them to take time off work with pay as necessary for exercising HSR powers.

What you don't have to do

If you choose to become an HSR, you are not expected to solve every workplace problem, or know everything in the WHS Act. In many situations, you would advise a member/colleague to report their incident or WHS concern via the workplace incident reporting system or call the NSWNMA to seek the support and guidance they require.

The HSR role is one of consultation and communication, and actively supported by the NSWNMA.

You can be both a NSWNMA Branch Official and an HSR.

WHAT IS A WORK GROUP?

A work group is a negotiated and agreed grouping of workers who share similar workplace health and safety interests and conditions.

NSW workers have a legal right to seek the establishment of a work group and to negotiate an agreed number of HSR positions to represent those work groups.

Work group negotiations must consider the following factors:

- the number of workers at the workplace
- the nature of each type of work performed at the workplace
- the number and grouping of workers who perform similar types of work or working under the same or similar working arrangements
- the areas at the workplace where each type of work is performed
- the nature of any hazards
- overtime or shift work arrangements
- whether other languages are spoken by the workers.

If you already have work groups but don't feel these are providing adequate representation or meeting the needs of the workers, these can be re-negotiated and/or varied.

Employees have the right to negotiate a variation of the work group agreement at any time, particularly if your workplace has changed over time, and the NSWNMA can be involved in all these negotiations.

How do I become a Health and Safety Representative?

To be an HSR, or Deputy HSR, there must be a vacant HSR or Deputy HSR position in your work group which is why it is critical that work groups are negotiated or renegotiated appropriately.

It is up to the members of the work group how they will elect HSRs/ Deputy HSRs. The process may be informal (show of hands) or follow a more formal process (ballot papers and ballot box).

If more than one employee is nominated for a vacant HSR or Deputy HSR position, an election needs to take place within the workplace.

All employees in the work group are eligible to vote in this election.

An employee can fill an HSR/Deputy HSR position for no longer than three years but they can choose to re-nominate at the end of their three-year term.

A key factor to remember is that HSRs are elected by workers, and an HSR represents the interests of the workers to management. It is not an appointed position, nor does it have any health and safety duties attached to it, like audits for example.

For assistance, contact the NSWNMA on 1300 367 962.

HSR TRAINING

An elected HSR is entitled to attend SafeWork NSW approved training of their choice, including a five-day HSR training course and a one-day refresher training course once a year. HSRs are entitled to time off work with pay and the costs associated to attend the course to be paid by the employer, in accordance with the *WHS Act 2011*.

The NSWNMA runs SafeWork NSW approved and HSR training to help you learn to become an effective HSR.

Contact the NSWNMA about HSR training courses.

ABOUT DEPUTY HSRs

HSR and Deputy HSR positions are negotiated, and elected into vacant positions, the same way. They are also entitled to the same training – the initial five-day training course and the one-day annual refresher course as per section 72 of the *WHS Act 2011*.

The key distinction between an HSR and a Deputy HSR: if the HSR of that work group is available, the Deputy cannot exercise any HSR powers. Deputy HSRs

effectively become the HSR of the work group with all the powers of that role, but only when the HSR is absent.

When negotiating or varying DWGs it is important to consider the above distinctions. In many cases, it would be reasonable and appropriate to increase the number of HSR positions, and not have Deputy HSR positions, in order to ensure adequate representation for all staff, especially for those who work outside business hours within the work group.

STEPS FOR ELECTING HSRs

If you do not have HSRs in your workplace, the NSWNMA can help you with:

1. Request the election of HSRs in your workplace (see pro forma letter below).
2. Confirm your work group(s) with your employer and agree upon the number of HSRs.
3. Nominations will be called.
4. If there is only one person nominates for one position, no election is necessary and the person is declared elected. If there are more nominations than positions then an election will be held to fill the position.
5. Elected HSRs should send a request for HSR training to their employer as soon as possible.
6. Let the NSWNMA know who is elected so we can support your HSRs to support you.

Proforma

<Date>

Dear ...

Re: Request for election of Health and Safety Representatives

We the undersigned nurses, employed at <Workplace>, employed in the following; <Area/Department> request the election of health and safety representatives (HSRs) under s50 of the *Work Health & Safety Act 2011* (the Act). In order to allow for the election of HSRs, we request that negotiations commence within 14 days of the date of this letter to establish Work Groups in accordance with Division 3, Subdivision 1&2, (section 50, 51 & 52) of the Act.

The purpose of the negotiations in accordance with section 52(3) is to determine:

1. The number and composition of Work Groups to be represented by health and safety representatives, and
2. The number of health and safety representatives and deputy health and safety representatives to be elected.

Optional: Further we have authorised <Organiser, mobile phone, email@nswnma.asn.au> to act as our representative in these discussions in accordance with Section 52(5) of the Act.

Yours faithfully,

<The undersigned>

Top reasons NSWNMA members should become HSRs

- 1** To represent members of your work group when it comes to health and safety matter in your workplace and have those views considered
- 2** To help keep your employer compliant with their WHS obligations under the *WHS Act 2011*.
- 3** To improve staff safety which is directly linked to patient safety in their workplace.

Everyone has a role to play in making workplaces safer and healthier, and as an HSR, you have the power to make real change in your workplace.



Let us know

If you are an HSR or Deputy HSR please let us know!
This will enable NSWNMA to provide you with support and advice in your role as HSR.



NSW Nurses and Midwives' Association
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