



## **Appendix G. HSR Functions and Powers**

The Work Health and Safety Act 2011 (Cth), states that a group of workers may elect a person to represent them on health, safety and welfare issues. The group of workers is called the work group and the person they elect to represent them is a Health and Safety Representative (HSR).

HSRs have a vital role to play in assisting workers to have health, safety and welfare issues raised. Through their own experience in the workplace, representatives have a practical understanding of the health and safety issues that workers may experience and can contribute suggestions about ways to resolve these problems. HSRs have legal rights and functions to assist them to carry out their powers and functions effectively. The WHS Act states that a Person Conducting a Business or Undertaking (i.e. The University) cannot discriminate against HSRs for performing any of their functions.

### **A Health & Safety Representative is entitled to:**

- Inspect the workplace at any time after giving reasonable notice to the PCBU or immediately if there is an incident, dangerous occurrence, imminent danger or risk to the health, safety or welfare of a member of the representative's work group. The representative must be advised immediately by the PCBU if any of these things happen;
- During an inspection of the workplace, discuss any matter affecting health, safety or welfare with any worker at the workplace and carry out appropriate investigations;
- Be accompanied by a consultant (approved by the Minister, the PCBU or a relevant health and safety committee) in an inspection of the workplace;
- Accompany an inspector of Comcare during an inspection of the workplace;
- Investigate complaints on health, safety or welfare made by workers in the work group;
- Have access to information about risks to health and safety that may arise, in any work or from any plant or substances, which may affect members of the representative's work group;
- Have access to information about the health and safety of workers with the worker's consent;
- Raise any issue affecting the health, safety or welfare of members of the work group, with the PCBU;
- If requested by a worker in the work group, be present at any interview about health and safety between the worker and the PCBU or the worker and a government inspector;
- Be consulted about proposed changes to the work, the workplace, plant or substances used, which may affect the health, safety or welfare of workers in the Representative's work group;
- Be consulted about policies, practices and procedures on WHS, and on any proposed changes to these;
- Be consulted about any proposed application to Comcare for modification of requirements of any regulation.
- Issue a provisional improvement notice to require that action is taken to resolve a health and safety problem;
- Direct that work cease if there is an immediate threat to the health and safety of a worker in the work group until adequate measures are taken to protect the worker; and
- Be provided with facilities and assistance to enable them to perform their functions under the Act.

**Health & Safety Representatives do not have any legal liability** for their actions, or lack of action on any matter in their role as Health & Safety Representative. However, if a representative is found guilty of using their powers or information obtained, for an improper purpose, the representative may be fined under the legislation.

It is recommended that HSRs attend training as soon as possible after being elected to enable them to be more effective in their functions. HSRs can find assistance with their role through Comcare [HSR Online Portal](#), the WHSMS Handbook Chapter 3.20 or the [Work Environment Group](#).

### **Resolution of HSW issues**

The University's process for resolution of issues is outlined in WHSMS Handbook Chapter 3.17.

### **Further Information**

For further information see Part 5 Division 3 of the [WHS Act 2011 \(Cth\)](#) or contact the [Work Environment Group](#).