



Health and Safety Representatives

**UNDER THE HEALTH AND
SAFETY AT WORK ACT 2015**



WORKSAFE
NEW ZEALAND | MAHI HAUMARU
AOTEAROA

A HEALTH AND SAFETY REPRESENTATIVE IS A WORKER ELECTED TO REPRESENT THE MEMBERS OF THEIR WORK GROUP ON HEALTH AND SAFETY MATTERS.

HEALTH AND SAFETY REPRESENTATIVES PLAY AN IMPORTANT ROLE IN KEEPING WORKPLACES HEALTHY AND SAFE AND PROVIDE A VOICE FOR WORKERS WHO MIGHT NOT OTHERWISE SPEAK UP.



WHAT DO HEALTH AND SAFETY REPRESENTATIVES (HSRs) DO?

HSRs are a way for workers to have a say about health and safety at work.

While the responsibility for providing a healthy and safe workplace rests with the business, HSRs play an important role in keeping workplaces healthy and safe.

By representing workers, HSRs provide a link between workers and management.

The functions of HSRs include:

- > representing workers (or individual workers, on request) on health and safety matters
- > investigating health and safety complaints and risks
- > monitoring health and safety measures
- > making health and safety recommendations
- > giving feedback to the business about whether health and safety requirements are being complied with.

HSRs are eligible to be members of any Health and Safety Committee at their workplace.

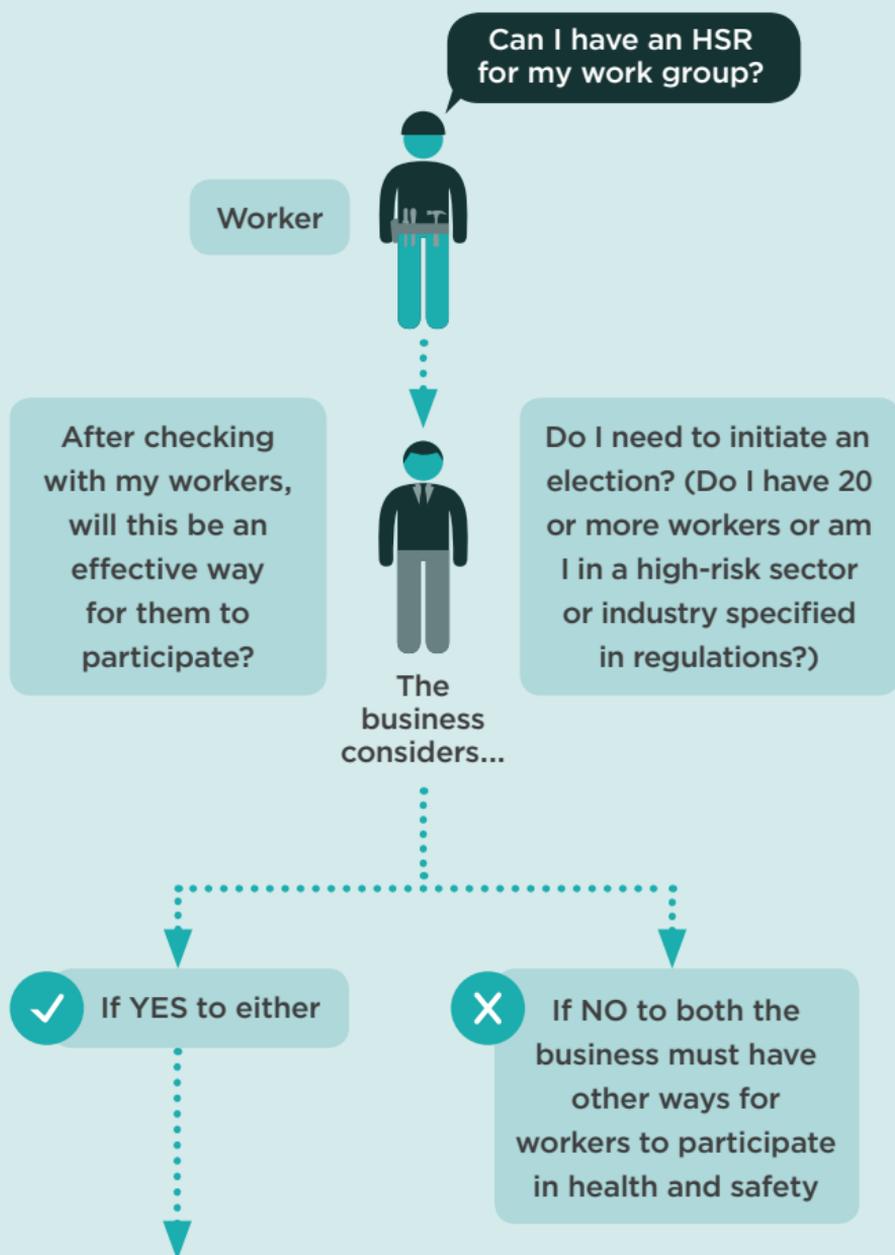
An HSR represents their work group. By default, a work group includes all the workers of a business. However, the business could also group workers by task, risk, location, or shift (after taking workers' views into account).

ELECTIONS

Any worker can ask for an HSR and any business can choose to have an HSR.

There are some businesses that **must** arrange an election for an HSR if asked. These are businesses with 20 or more workers, or those in a high-risk sector or industry specified in regulations.

WHAT HAPPENS WHEN HSR(S) ARE REQUESTED?



The business starts the process to elect HSRs.

The election must be initiated within two months of receiving the request. The business provides the resources to run the election.

For more information, see WorkSafe's Interpretive Guidelines *Worker representation through Health and Safety Representatives and Health and Safety Committees*.

POWERS OF HSRs

HSRs' functions and powers enable them to effectively represent the interests of the members of the work group.

It is up to each HSR to decide when and whether they perform or exercise their functions or powers.

For the members of their work group and their workplaces, HSR powers include being able to:

- > enter and inspect workplaces
- > request any information from the business needed to perform their HSR role
- > accompany an inspector during an inspection
- > consult with WorkSafe or an inspector about any health and safety issue
- > with worker consent, attend interviews about health and safety matters between worker(s) and the business or inspectors.

The following two powers can only be used after HSRs have completed initial training (see next page):

- > A trained HSR can issue provisional improvement notices (PINs). A PIN is a written notice issued to a person, telling them to address a work health and safety matter that breaks the law.
- > Trained HSRs can direct workers to cease unsafe work where there is a serious risk to health and safety from an imminent or immediate exposure to a hazard.

For more information about HSR functions and powers, see the WorkSafe website www.worksafe.govt.nz and WorkSafe's Interpretive Guidelines *Worker representation through Health and Safety Representatives and Health and Safety Committees*.

TRAINING FOR HSRs

Initial training is:

- > HSR transitional training provided by Safety n' Action until June 2016. This is only for HSRs trained under the previous Health and Safety in Employment Act **or**
- > the NZQA unit standard 29315.

Only HSRs that have completed **initial training** can issue PINs and direct unsafe work to cease. HSRs do not need to be trained to perform other HSR functions.

The HSR may choose the training in consultation with the business. The business pays for HSR training and any reasonable expenses to do with training.

Generally HSRs get two days' paid leave each year to attend training. However, the exact amount of leave will depend on how many HSRs the business has.

HSRs should be encouraged to take their training entitlement.

See WorkSafe's Interpretive Guidelines *Worker representation through Health and Safety Representatives and Health and Safety Committees* for training requirements.

SUPPORT

HSRs, workers and businesses can ring the WorkSafe Contact Centre on 0800 030 040 for information and advice. You can also use this number – in confidence or anonymously – if you are concerned about an unsafe or unhealthy work situation that could lead to death or serious harm.

WHAT MUST THE BUSINESS DO FOR HSRs?

Generally, the business has to:

- > consult and talk with HSRs about health and safety matters
- > give HSRs the information needed to perform their HSR role
- > respond to HSR recommendations by either adopting them or explaining why not in writing
- > allow HSRs to be present at health and safety interviews and accompany inspectors
- > allow HSRs to be assisted by another person (eg an occupational health nurse)
- > provide time and resources for the role
- > allow HSRs to carry out their HSR role as part of their paid work
- > allow HSRs to attend approved training.

The business must not allow HSRs to have access to a worker's personal information without that worker's consent **unless** all identifying information has been removed.

WorkSafe can be asked to:

- > help resolve issues (including issues related to ceasing work) **but only** after parties have made reasonable efforts to do so, without success
- > review a PIN
- > remove an HSR who is acting improperly.

To request WorkSafe's help, call the Contact Centre on 0800 030 040 or fill in the relevant online form at www.worksafe.govt.nz

WHERE CAN YOU FIND MORE INFORMATION?

For more information about worker engagement, participation and representation see the following WorkSafe resources:

- > Good Practice Guidelines *Worker Engagement, Participation and Representation*
- > Interpretive Guidelines *Worker representation through Health and Safety Representatives and Health and Safety Committees*
- > *Worker Representation* pamphlet
- > *Health and Safety Committees* pamphlet.

These resources and other information can be found on the WorkSafe website www.worksafe.govt.nz