



Offshore
Infrastructure
Regulator

Health and Safety Representative Handbook





Message from the CEO

Health and safety in the workplace is a shared responsibility, and Health and Safety Representatives (HSRs) play a crucial role in ensuring workers have a voice in safety matters.

This first edition of the HSR Handbook has been developed to support you in your role, providing guidance on your responsibilities and the powers available to help create a safer workplace.

At the Offshore Infrastructure Regulator, we recognise the importance of worker representation in health and safety. Experience shows that when workers are actively involved in identifying and addressing risks, workplaces become safer for everyone. Your role as an HSR helps drive that collaboration – ensuring concerns are heard, risks are addressed, and safety remains a priority.

This handbook outlines your responsibilities under the *Offshore Electricity Infrastructure Act 2021* applied work health and safety provisions, along with practical advice on how to fulfil your role effectively. It is also a valuable resource for those who work alongside HSRs, helping them understand their obligations and how to best support you.

Take the time to familiarise yourself with this guide, engage with your colleagues, and make use of the training and support available. If you have feedback or suggestions for future editions, we welcome your input – please reach out via offshorerenewables@oir.gov.au

Thank you for your commitment to making the workplace safer for everyone.

Sue McCarrey
Chief Executive Officer
Offshore Infrastructure Regulator



Contents

About this guide	3
Purpose of this guide	5
The role of the Health and Safety Representative (HSR)	6
Establishing HSRs in the workplace	8
How to become an HSR	9
Powers and functions of an HSR	10
HSR training	11
PCBU Obligations to HSRs	12
Workplace inspections	13
When can an HSR ask for a safety control measure to be reviewed?	14
Hazard identification, assessment and control	15
Provisional Improvement Notices	16
Stopping unsafe work	20
Resolving health and safety issues	21
Health and safety committees	22
Liabilities for HSRs	24
Length of office	24
Resources for HSRs	25
Where to obtain more information	26

About this guide

Consulting and talking with workers is key to keeping workplaces healthy and safe. Health and Safety Representatives (HSRs) help make sure workers can voice their concerns and be involved in decisions about their health and safety at work.

Experience shows that workplaces are safer when workers have a say in how things are done. This guide gives HSRs helpful tips and advice on how to do their job and use their powers to make the workplace safer.



Purpose of this guide

This handbook provides guidance on how to conduct your role and functions as an HSR under the *Offshore Electricity Infrastructure Act 2021* (OEI Act) including the applied provisions of the *Work Health and Safety Act 2011* (WHS Act) and the *Work Health and Safety Regulations 2011* (WHS Regulations).

It is also a useful guide for others who need to know what your role involves and what they must do to support you. For example, they might need to consult with you, give you access to workplaces, documents, and information, and provide you with the tools, support, and training you need to do your job well.

You can also find more information about your role by referring to the Offshore Infrastructure Regulator (OIR) website – oir.gov.au. In addition, further information is available from Safe Work Australia's Worker Representation and Participation Guide – safeworkaustralia.gov.au.

This handbook complements WHS laws but does not replace them. The specific procedures for your workplace, created through discussions with workers and in compliance with the legislation, will also apply.

The role of the Health and Safety Representative (HSR)

An HSR represents the health and safety concerns of a work group and brings up issues with the employer. HSRs are elected by their colleagues to voice the concerns of employees.

Their main tasks include:

- representing workers in health and safety matters
- monitoring health and safety measures at work
- investigating complaints about health and safety
- identifying potential health and safety risks in the workplace.

It is important that workers can easily reach their HSR, either in person or through other means like email or phone. HSRs should encourage their team members to ask questions about health and safety issues and report any problems they notice.

Workers benefit from having HSR representation because:

- The HSR is likely to understand workers' concerns and what they need.
- An HSR who has received relevant training can take on certain responsibilities and powers.
- A formal and organised way to bring up safety ideas and concerns to the person who conducts a business or undertaking (PCBU) can be more effective.



HSRs are not expected to be experts on workplace health and safety issues, and they are not responsible for solving all the safety problems. The PCBU is primarily responsible for making sure any health and safety risks are managed so far as is reasonably practicable.



In carrying out HSR functions, you may encounter a broad range of WHS matters including:

- electrical safety
- noise and vibration
- plant and machinery
- working at height
- drugs and alcohol
- manual tasks
- fatigue
- psychosocial health matters such as harassment and bullying.

Establishing HSRs in the workplace

A worker may ask a PCBU to conduct an election for one or more health and safety representatives.

To conduct the election of an HSR, the business will firstly need to identify workgroups.

Work groups are defined as groups of workers who are formed by agreement between the PCBU and the workers who requested an HSR.

The PCBU must take reasonable steps to commence negotiations with workers within 14 days after a request has been made.

Negotiations will determine:

- The number and composition of work groups to be represented by HSRs.
- The number of HSRs and deputy HSRs to be elected.
- The workplace or workplaces to which the work groups will apply.
- If workers are doing work for more than one business, which businesses the work groups will apply to.

Once negotiations are resolved, the PCBU must notify all workers of the outcome of the negotiations and of any work groups which have been agreed. The PCBU must also notify workers of any variation to these agreements.

If the negotiations are unsuccessful, or if the employer has not started negotiations within 14 days of a worker's request, anyone involved in the negotiation can ask for an OEI inspector to decide how the work groups should be formed.

Once the inspector makes a decision, it is considered final. However, if a worker does not agree with the decision, they can ask the OIR to review it.

How to become an HSR

The workers in a work group can decide how an election of an HSR is going to be conducted.

Election of HSRs and deputy HSRs

Workers in a work group choose their HSRs and deputy HSRs. Every worker must have a fair chance to nominate candidates and vote in the election.

Choosing an election process

The work group decides how they want to hold the election, but it must follow the rules in the WHS Act.

Support for elections

The PCBU must provide any resources or support needed to hold the election.

Who can help

If most of the work group agrees, they can ask someone else, like a union, to help with the election.

One vote per worker

Every member of the work group gets one vote in the election.

Uncontested elections

If the number of candidates is the same as the number of positions the candidates can be appointed to those positions without a vote.

You can become an HSR if:

- you are a member of the work group who elected you, and
- you have not been previously disqualified from performing the HSR role.

You can only be disqualified from the role if a court or tribunal decides you:

- used a power or carried out a function for an improper purpose, or
- used or disclosed information obtained for an improper purpose.



Powers and functions of an HSR

In accordance with WHS Act section 68, an HSR that has completed their accredited training has several important powers to make sure the workplace is safe for their work group.

Inspect the workplace

If there has been a recent accident or danger, or if there is an immediate risk, the HSR can inspect the workplace of the work group. They can also inspect the workplace at other times, as long as they give the employer reasonable notice.

Accompany inspectors

The HSR can go with an OEI inspector when they do an inspection at the workplace.

Represent workers in health and safety talks

If there is no health and safety committee, the HSR can represent workers in discussions with the employer about health and safety issues.

Check health and safety records

The HSR can review the records of the health and safety committee.

Investigate complaints

If work group members have health and safety complaints, the HSR can look into them.

Stop work in emergencies

If there is an immediate threat to anyone's safety and the supervisor is not available, the HSR can initiate emergency stop-work procedures.

Request an inspection

If the HSR and supervisor cannot agree on how to fix a health and safety hazard, the HSR can ask the OIR for an OEI inspector to inspect the workplace.

Consultant help

If the employer or the OIR agrees, the HSR can get help from a consultant or share information with one.

Consultant in interviews

The HSR can ask the employer for permission to have a consultant present during interviews between a worker and an OEI inspector or employer.



HSR training

Encouraging HSRs to attend training will help to make sure they have the skills and knowledge to perform their role effectively.

Five-day initial course

This is required if you want to fully exercise all your powers as an HSR, particularly related to certain sections of the WHS Act.

One-day refresher course

After completing the five-day course, HSRs should take this refresher course with an approved provider every year while in office. If you have been re-elected as an HSR, you only need to take the one-day refresher course if you have previously completed the initial five-day course. The PCBU must allow HSRs to attend a course approved by the OIR and pay course fees and other reasonable costs.

Once an HSR has made a request for training, the PCBU must allow them to attend their chosen course soon as practicable within three months after the request is made. The HSR is entitled to their usual pay while they attend the course.

Training is not mandatory for HSRs. However, without training HSRs are unable to direct workers to cease unsafe work or issue a provisional improvement notice (PIN).

PCBU obligations to HSRs

Section 70 of the WHS Act outlines the general obligations of PCBUs to HSRs.

The PCBU must:

- **Consult with HSRs**
Talk about workplace health and safety matters.
- **Provide information**
Give HSRs health and safety information that affects the work group (but not personal or medical information without the consent of the person to whom that information relates).
- **Allow accompaniment**
Allow HSRs to go with an inspector during workplace inspections.
- **Attend meetings**
Allow you to join meetings between workers (or a group of workers) and the employer or inspector, if the worker or workers give consent.
- **Provide resources**
Give you reasonable resources and support to do your job as an HSR.
- **Support**
Let someone who is helping you have reasonable access to the workplace.
- **Reasonable time**
Allow HSR to spend reasonable time on health and safety tasks without interfering with your main job.
- **Pay**
Keep paying regular wages while HSRs are performing HSR duties.
- **Display list of HSRs**
Keep an updated list of all HSRs and deputy HSRs visible at the workplace.

Workplace inspections

Workplace inspections are an important way to spot hazards and assess safety risks. In accordance with WHS Act section 68(2), an HSR has the right to inspect the workplace or any area where the work group members are working.

Types of inspections include:

- **With notice**
The HSR can inspect at any time after giving the PCBU reasonable notice.
- **Without notice**
If there is an incident or an immediate safety risk, the HSR can inspect the workplace without any notice.
- **Scheduled inspections**
Regularly planned inspections of the workplace or specific areas.
- **Activity or process inspections**
Inspections focused on certain tasks, activities, or areas.
- **Worker concerns**
Inspections requested because workers have raised safety concerns.
- **Pre and post-change inspections**
Inspections before or after major changes, like changes to equipment or work processes.

HSRs and PCBUs should discuss how many inspections are needed and what to do if any health and safety issues are found.

Workplaces with higher risks or frequent changes might need more inspections.





When can an HSR ask for a safety control measure to be reviewed?

In accordance with WHS regulation 38(4), an HSR can ask the PCBU to review a safety control measure if they reasonably believe that:

- The measure is not effectively controlling the risk.
- A change in the workplace could lead to a new or different safety risk that the current measure might not address.
- A new hazard or risk has been identified.
- Feedback from workers suggests a review is needed.

The HSR can request this review if they believe the situation impacts, or could impact, the health and safety of the workers.

Hazard identification, assessment and control

Risk management is the responsibility of the PCBU. This means they must have policies and procedures in place to find, assess, control, and monitor safety risks.

Identifying and assessing hazards

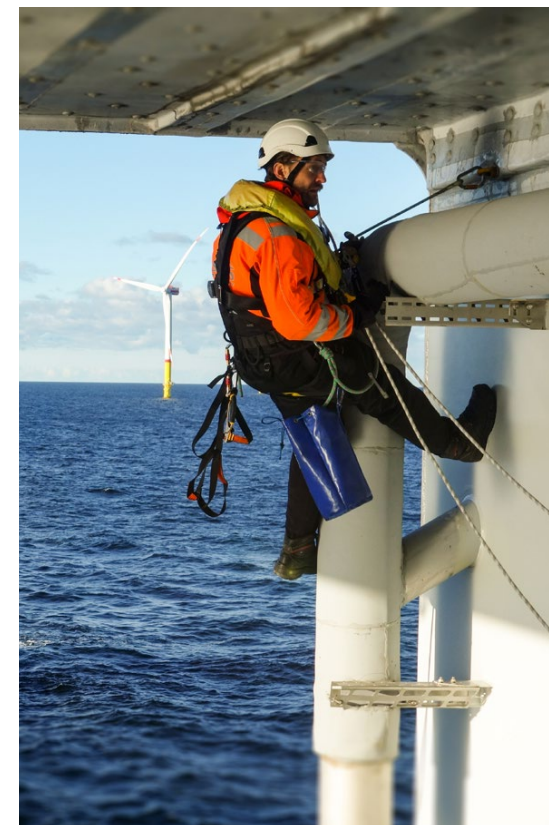
PCBUs must identify all potential hazards that could affect people's health or safety at or near the workplace, and either eliminate these hazards or reduce the risk so far as is reasonably practicable.

Before changes

PCBUs need to assess risks before introducing anything new to the workplace, like new equipment, chemicals, work practices, or processes. They also need to assess risks before making any changes to existing work practices or activities.

Right to information

Under the law, PCBUs must provide workers with information about the risks and hazards they might face, and workers have the right to access that information.





Provisional Improvement Notices

A Provisional Improvement Notice (PIN) is a written notice that a trained HSR can give to someone, requiring them to fix a health and safety issue in the workplace.

Consultation before issuing a PIN

The HSR must talk to the person responsible for the issue before issuing the PIN.

Who gets the PIN

The HSR should give the PIN to the person with the authority to fix the problem. If there is any doubt about who that is, the PIN should be given to the PCBU's representative, or the person in charge (PIC), as they have overall authority.

Before issuing a PIN, an HSR must:

- Have completed an approved HSR training course.
- Have consulted with the employer or person responsible for fixing the problem before issuing the PIN.

Contents of the PIN

To be legally valid, a PIN must state the following information:

- that the HSR believes the person:
 - is contravening a provision of the OEI Act which includes the applied WHS provisions, or is contravening a requirement of a management plan, or
 - has contravened a provision of the OEI Act or a requirement of a management plan, and it is likely that the contravention will continue or be repeated, and
- the specific provision that the representative believes is being, or has been, contravened, and
- briefly, how the provision or requirement is being, or has been contravened, and
- the day, at least eight days after the notice is issued, by which the person is required to remedy the contravention or likely contravention.

The PIN can also include:

- How the issue can be fixed.
- How to prevent the problem from happening again.

- Specific activities or matters causing the issue.
- Guidance based on a Code of Practice on how to fix the issue.
- Confirmation that you consulted with the responsible person before issuing the PIN.

How to comply with a PIN

After receiving a PIN, the responsible person has at least eight days to fix the issue. Once the responsible person receives the PIN, they must:

Take action

Fix the problem as required by the PIN.

Inform the HSR

Tell the HSR what actions have been taken to address the issue.

Notify workers

Let the workers know about the PIN and the issue it addresses.

Display the PIN

Keep the PIN visible until it is resolved or no longer applies.

Request a review of a PIN

A number of people may request a review of a PIN, including:

- the HSR who issued the PIN
- the responsible person that the PIN was issued to
- a worker, HSR, or PCBU whose interests are affected by the PIN

If the responsible person disagrees with the PIN, they may ask the OIR for an OEI inspector to inspect the workplace within seven days of receiving the PIN. If the responsible person requests an OIR inspection within seven days of the PIN being issued, the PIN is **suspended** during the inspection. The inspection will happen as soon as practicable after the request.

Disputing a PIN

If the person or organisation who received the PIN disagrees with it, they can request a review. This request must be made within seven days of the PIN being issued. Reviews can be requested via offshorerenewables@oir.gov.au

During the review

The PIN is paused while the review is happening. However, it should still be displayed until it is resolved, changed, or cancelled.

What happens during the review

An inspector will visit the workplace, investigate the situation, and decide if the PIN is valid.

The inspector can:

- **Confirm the PIN.** If confirmed, the inspector may then issue an improvement notice under the OEI Act. An improvement notice may reflect the content of the original PIN, or may require alternative or additional actions to be taken by the recipient of the notice; or
- **Cancel the PIN** altogether.

The inspector will then notify both the person who requested the review and the HSR who issued the PIN. This decision can be challenged under the work health and safety provisions of the OEI Act.

When a PIN ends

A PIN ends when:

- The responsible person fixes the problem listed in the PIN.
- The responsible person takes steps to prevent the issue from happening again, even if the HSR did not ask for specific actions.
- The HSR cancels the PIN.
- An OEI inspector cancels the PIN.

OEI inspector's role

During the inspection, the OEI inspector will decide what happens to the PIN by either confirming the PIN and issuing an OEI Act improvement notice or cancelling the PIN. The inspector will inform the responsible person and the HSR about the outcome. The inspection may involve meetings and checking records depending on the issue. The inspector has the authority to make decisions and take any actions they deem necessary during the inspection.





Stopping unsafe work

Stopping work

A trained HSR can stop a worker from continuing their work if they believe it is exposing the worker to serious, immediate, or imminent danger from a hazard.

Consulting first

The HSR should try to talk with the PCBU to resolve the issue before stopping the work.

Immediate action

If the risk is urgent and there is no time to consult first, the HSR must stop the work immediately and consult with the PCBU as soon as possible afterward.

Informing the PCBU

The HSR must always inform the PCBU about the work stoppage.

Resolving health and safety issues

The aim of the legislation is to encourage cooperation and consultation between the PCBU, workers, and their representatives on health and safety matters.

This can be achieved through:

- **WHS policy and agreements**
A WHS policy should be created through consultation with all parties.
- **Establishing work groups and committees**
The process for forming work groups, electing HSRs, and creating health and safety committees should involve cooperation and consultation.

The emphasis is on working together to address health and safety issues, with clear processes for issuing and reviewing PINs, stopping unsafe work, and resolving issues in a consultative manner.



Health and safety committees

Health and safety committees are designed to help licence holders, other PCBUs, and workers to cooperate and maintain a safe work environment.

The main tasks of health and safety committees are to:

- **Develop and review health and safety measures**
Help the PCBU create, update, and improve safety procedures to protect the workforce.
- **Promote cooperation**
Facilitate cooperation between PCBUs and workers on health and safety matters.
- **Distribute health and safety information**
Assist in sharing important safety information with the workforce.

The committee may also take on additional tasks that are agreed upon.

Committee membership

The committee should include an equal number of representatives from the PCBUs and the workforce.

Ideally, licence holder and other employer representatives should be senior managers with authority to make decisions and a good understanding of the workplace and operations.

Workforce representatives should represent the interests of workers.

Frequency of meetings

The committee must meet at least once every three months. However, they can meet more often if needed.

If meetings are held too often, it might mean the committee is focusing too much on routine safety issues, which could be better handled in regular safety meetings.

Health and safety committees should focus on broader, more strategic issues, while workgroup meetings or other safety meetings should handle day-to-day concerns.

The relationship between HSRs and committees

HSRs and committees have different roles but work together to improve safety:

- **HSRs** typically focus on specific health and safety issues within their workgroups.
- **Health and safety committees** look at broader issues, like patterns of accidents, root causes, and project-wide concerns.

- **HSRs and committees**

Even though HSRs are not required to be members of the committee, they can still review the committee's records and should communicate with workforce representatives on the committee to stay updated on the issues being discussed.

If there is no health and safety committee, HSRs can take on some of the committee's responsibilities for the workers they represent.

Many workplaces hold weekly safety meetings that help bridge the gap between the specific focus of HSRs and the broader goals of committees.

Liabilities for HSRs

As an HSR, you are not personally liable for any actions you take (or do not take) in good faith while carrying out your duties.

This means that as long as you are acting with honest intent and following the law, you **cannot be held personally responsible** for your actions in fulfilling your role.

Additionally, you have the **freedom to choose** when to exercise your powers as an HSR. There is **no legal obligation** to act as an HSR if you decide not to, and you are not required to perform every function or exercise every power under the OEI Act and the applied WHS provisions.

Length of office

If you are elected as an HSR, your term in office will last for three years, unless one of the following occurs:

- You resign from the position.
- You are no longer a worker in the workgroup you represent.
- The workgroup removes you by majority vote.
- You are disqualified from being an HSR.



Resources for HSRs

To help you effectively carry out your role, you may need access to certain resources.

These might include:

- Storage space for records, information, and books.
- Access to communication tools such as a telephone, photocopier, word processor, internet, and email.
- A dedicated space or room for meetings with your work group or other HSRs.

Given the challenges of working offshore, it might not always be possible to have dedicated space or equipment, but you should have access to shared resources. It is a good idea to discuss your resource needs with your PCBU. The agreement on these provisions could be written into your workplace's health and safety agreements.

To help you carry out your duties as an HSR, the PCBU must:

- Provide access to information that is relevant to health and safety when requested.
- Allow time to perform your HSR duties and attend training, ensuring that this time is paid, and your entitlements are maintained.

In summary, your role as an HSR is supported by both legal protections and the necessary resources to perform your tasks effectively, with your employer having a responsibility to help provide the tools and time needed.

HSRs should make themselves familiar with their powers and the requirements of the applied WHS provisions under the OEI Act, in particular Part 5 of the WHS Act.

Where to obtain more information

Speaking to your organisation's health and safety personnel or union representative is the first step to getting more information about work health and safety.

See websites listed below for further information

**Offshore Infrastructure
Regulator**
oir.gov.au

**Safe Work
Australia**

safeworkaustralia.gov.au

Comcare
www.comcare.gov.au

Worksafe Victoria
worksafe.vic.gov.au

Safework SA
safework.sa.gov.au

Worksafe WA
worksafe.wa.gov.au

Safework NSW
safework.nsw.gov.au

Scan the QR codes below for more information on:



*Work Health
and Safety
Act 2011*



*Offshore
Electricity
Infrastructure
Act 2021*



*Worker
Representation
and Participation
Guide*



**Offshore
Infrastructure
Regulator**

Contact details

P: +61 (08) 6188 8700

E: offshorerenewables@oir.gov.au

Head office

Level 10, Alluvion Building
58 Mounts Bay Road, Perth WA 6000

oir.gov.au