

It's your
right!



What is a HSR?

Under the Work Health and Safety Act (2012) all school staff have the right to feel safe and protected when they come to work. The employer (Department of Education) must work to ensure that your mental and physical health is protected. HSRs are your voice in this process.

A Health and Safety Representative (HSR) is a worker elected by a work group to represent them in health and safety issues.

A HSR is the most powerful representative of staff health and safety concerns at work, and is the only worker who can instruct work to cease if it is unsafe.

Don't we have a OHS committee that does that?

The OHS committee is a group chosen by the employer to help manage issues with staff. These committees have no legal powers under the WHS act. They are not always representative.

HSRs are empowered under the act because they:

- Are fairly and freely elected by the workers
- Are trained in WHS legislation

The HSR may choose to create a committee to facilitate communication with the Principal.

Trained HSRs in workplaces will represent staff concerns and advise the Principal on strategies to promote staff safety.

"Is this more work?!?"

No. This means safer work and therefore less work.

Importantly, there is no legal duty or obligation for a HSR to perform any of the functions, or exercise any of the powers, of a HSR under the Act. The HSR must not be disadvantaged in any way for taking on the role.

A HSR is entitled to spend as much paid work time as is reasonably necessary to exercise their powers and perform their functions under the WHS Act.

Is a "work group" the same as a "committee"?

A work group is only responsible for electing one or more HSRs. There is no other responsibility. HSRs must be elected from the group of workers in the work group they represent. It may be desirable to divide a big school into multiple work groups so that HSRs are representative and accessible to staff.

Workers should seek the assistance of the AEU NT in negotiating the number of and make-up of work groups.

Can a HSR access training and resources?

Yes! Every HSR must be provided with 5 days of training by an accredited provider within 3 months if they request it. **The Department must provide a HSR with paid relief from their duties and no cost may be imposed upon a HSR.**

Importantly, a HSR is not able to exercise their full powers to protect workers' rights in the workplace until they have had the training.

What powers does a HSR have?

The HSRs in a workplace are provided with time (paid by the employer at their normal rate) to represent, investigate and advise on issues affecting workplace health and safety. The employer (the Department) and the manager (the Principal) must consult with the HSRs to resolve issues.

In the extreme situation that a teacher or educator is in an unsafe situation, a HSR has the power (once they have been through the training) to issue a Provisional Improvement Notice and insist that the problem is resolved before more work can continue.

Are HSRs in other similar workplaces?

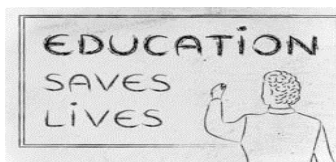
Yes! **Every single school in South Australia and Victoria have trained HSRs.** In hospitals HSRs are elected and trained for each floor. All NT staff can request the election of HSRs.

References and further information

AEU NT website: www.aeunt.org.au

NT Worksafe website: www.worksafe.nt.gov.au/

ACTU Safe At Work website: <http://www.safeatwork.org.au/>





STEPS to Elect a HSR

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***Negotiations with the Department usually occur through the Principal of the school.**

STEP 1: Request for a HSR

Any worker may ask the Department to facilitate elections for one or more HSRs.

STEP 2: The Department must commence negotiations for work groups within 14 days

HSRs represent work groups. Therefore work groups must be determined before a HSR can be elected.

Within 14 days of receiving request from a worker, the Department must commence negotiations with workers about the number and composition of work groups that should be formed. If a worker requests that their representative, for example a union official, be involved in these negotiations, they must be included in the negotiations.

The negotiations must take into account a number of matters including:

- The number of workers within the business or undertaking;
- The number and grouping of workers who carry out the same or similar types of work; and
- The diversity of workers and their work.

If negotiations fail, including that the Department or the Principal has not commenced negotiations within 14 days of a request from a worker, anyone who is or would be a party to the negotiations may request that an NT WorkSafe Inspector be called in to determine work groups.

STEP 3: Workers must be notified

As soon as reasonably practical after the negotiations are completed, the Department must advise workers of the outcome of negotiations and of the work groups determined.

STEP 4: Election of HSRs

The workers within each work group can determine the

procedure by which a HSR will be elected, but must comply with any requirements set out in the regulations.

The Department must provide resources, facilities and assistance that are reasonably necessary to enable the election to be conducted.

The election may be conducted by the work group or, if a majority of members agree, with the assistance of another person of organisation such as a union.

Each work group member is entitled to one vote in the election. However, if the number of candidates is equal to the number of vacancies, each candidate is taken to be elected as a HSR for the work group without an election.

STEP 5: Work group notified of election outcome

As soon as reasonably practical after the election, the person who conducted it must advise the members of the work group and the Department of the results.

Once elected a HSR must receive training in the legislation to exercise their full powers

If requested by a HSR, the Department must allow the representative to attend training that is:

- Approved by the regulator; and
- Which a HSR is entitled, under the WHS Regulations, to attend; and
- Chosen by a HSR in consultation with the Department unless agreement cannot be reached, in which case either party may ask the regulator to appoint an Inspector to decide.

Within three months of a HSR making the request the Department must allow a HSR time off work to attend the course.

The Department must pay the course fees and other reasonable costs associated with a HSR's attendance at the training. The Department must also pay a HSR what he or she would be entitled to if he or she performed his or her normal duties during that period.

If a HSR and the Department cannot agree on the course, timing or reimbursement for the reasonable costs within three months of a HSRs request, either party may request that an NT WorkSafe Inspector be called to determine the matter.



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