



## INFORMATION SHEET

# Health and safety representative powers, functions and rights

A health and safety representative (HSR) is elected by their work group to represent workers in work health and safety (WHS) matters. HSRs have powers under the *Work Health and Safety Act 2020* (WHS Act). A person conducting a business or undertaking (PCBU) has obligations to consult with and assist HSRs.

### Health and safety representative powers

A trained HSR has powers to represent their work group in WHS matters and can:

- inspect the workplace:
  - after giving the PCBU notice
  - without notice if there has been a WHS risk or incident
- accompany an inspector during an inspection
- attend a meeting between a worker (or group of workers) and the PCBU or an inspector (with the worker's consent)
- request the PCBU form a health and safety committee
- receive WHS information that affects the work group (a worker's personal or medical information must not be provided without consent)
- request the assistance of another person
- issue a provisional improvement notice
- direct workers to stop unsafe work.

An HSR can only use these powers for the work group they represent, unless the HSR for another work group at the workplace is unavailable and:

- there is a serious risk to the safety and health emanating from an immediate or imminent exposure to a hazard, or
- a member of another work group asks for assistance.

An HSR is not personally liable for anything done or omitted in good faith while performing their role.

## Health and safety representative training

An HSR is required to attend a five-day initial training course approved by the Work Health and Safety Commission.

The PCBU must allow an HSR to attend this course, and pay course fees and other reasonable costs. The HSR is entitled to their usual pay while they attend the course.

## PCBU obligations to HSRs

The PCBU must:

- consult with HSRs on WHS matters
- give the HSR WHS information that affects the work group (a worker's personal or medical information must not be provided without consent)
- allow the HSR to accompany an inspector during an inspection of the workplace
- allow the HSR to attend a meeting between a worker (or group of workers) and the PCBU or an inspector (with the worker's consent)
- provide reasonable resources and assistance to HSRs
- allow a person assisting the HSR reasonable access to the workplace
- allow the HSR to spend reasonable time performing their role
- pay the HSR their usual wage while they perform their role
- display an up to date list of HSRs and deputy HSRs at the workplace.

It is an offence to discriminate against an HSR for any action they take while performing their role, or to threaten them to discourage them from exercising a power.

## Provisional improvement notices (PINs)

A PIN is a written notice a trained HSR can issue to a person, requiring them to address a WHS issue. The HSR must consult with the person before they issue a PIN.

## Stopping unsafe work

A trained HSR may direct a worker in their work group to cease work if the HSR has a reasonable concern that doing the work would expose the worker to a serious risk arising from an immediate or imminent exposure to a hazard.

Before issuing the direction, the HSR must consult with the workers' PCBU to attempt to resolve the matter.

Consulting with the PCBU does not apply if the risk is so serious, immediate or imminent that there is no time. In this case, the HSR must consult as soon as practicable after giving the direction to cease work.

The HSR must always inform the PCBU of any direction to cease unsafe work.

### Need more information?

Contact WorkSafe on 1300 307 877 or [safety@dmirs.wa.gov.au](mailto:safety@dmirs.wa.gov.au)