



How to submit a course to become a WorkCover NSW approved provider of health and safety representative training

Effective 1 January 2013

Disclaimer

This publication may contain work health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website (www.legislation.nsw.gov.au).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

©WorkCover NSW

Contents

Introduction	4
Purpose	4
Training course development resource guide	5
Part 1: The approval process	5
Who can apply?	5
Fees	5
What should be submitted?	5
How will the application be assessed?	6
Period of approval	6
Can applicants be approved to offer training in more than one jurisdiction?	6
Part 2: Trainer qualifications	7
Part 3: Conditions of approval	7
Part 4: Application for renewal of approved provider status	7
Part 5: Compliance monitoring and enforcement	7
Attachment 1: Application form and checklist	8
Attachment 2: Training course development resource guide	14

Introduction

The entitlement of health and safety representatives (HSRs) to undertake a course of training is outlined in the *Work Health and Safety Act 2011* (WHS Act).

The WHS Act provides that HSR training must be provided through a course of training that is approved by WorkCover NSW.

In considering an application to conduct HSR training, WorkCover may have regard to all relevant matters including:

- the content and quality of the course, including its relevance to the functions and powers of an HSR
- the capability and capacity of the applicant to be a provider of training
- the qualifications, knowledge and experience of each person who is to deliver the course.

To assist in these arrangements there are two options for WorkCover approval:

- **Option 1 – use of the WorkCover approved course materials.**

WorkCover has developed and approved a standard five day HSR initial training course and a one day HSR refresher course for delivery in NSW by WorkCover approved training providers (ATPs). Please refer to *How to become an approved provider of health and safety representative training using the WorkCover NSW course materials* (catalogue no. WC03614)

- **Option 2 – development of own course material for WorkCover approval.**

Applicants may submit their own course for approval rather than use the standard WorkCover courses.

An applicant for approval to provide HSR training may be a training organisation, a company or a sole trader.

As training can only be delivered to HSRs in the state, territory or Commonwealth in which the approval has been granted, WorkCover approved course material may only be delivered to elected NSW HSRs, in NSW.

Purpose

This document is intended to assist training providers to apply for approval to conduct initial and refresher HSR training under the WHS Act and develop a HSR training course for approval by WorkCover via option 2.

This document outlines the process to apply for approval to conduct HSR training and includes information about:

- how to submit an application for approval
- the course development process
- the approval process including the conditions of approval
- minimum trainer qualifications
- monitoring and quality assurance processes.

The information in this document (including the requirements and conditions of approval) apply to applications made to WorkCover for approval of both initial and refresher HSR training under the WHS Act from 1 January 2013. In the interests of continuous improvement and to ensure national consistency, these conditions and requirements will be reviewed as and when considered necessary by work health and safety regulators.

Training course development resource guide

To support the development of harmonised courses of training for HSRs under option 2, a training course development resource guide has been created. This will enable course developers to design and write course content focused on developing the skills, knowledge and understanding of HSRs in performing their functions and exercising their powers.

The training course development resource guide consists of:

- underpinning principles for the development of a regulator approved HSR training course
- learning outcomes for the initial and refresher course for HSRs.

Note: The refresher HSR training course content can cover any of the learning outcomes from the initial course. This could be as a general update on work health and safety legislation or address risk management on a specific hazard or HSR skills development.

The underpinning principles and learning outcomes have been endorsed by a Safe Work Australia advisory body which includes work health and safety regulators, and union and employer representatives.

The training course development resource guide is available in attachment 2.

Part 1: The approval process

An application must be made to WorkCover for approval to deliver the following HSR training in NSW:

- **Initial HSR training** which must be a minimum of 35 hours face-to-face training over a period of five days.
- **Refresher HSR training** which must be a minimum of seven hours face-to-face training over a period of one day.

Who can apply?

A training organisation, company or sole trader may apply for approval to deliver the course of training developed for initial and/or refresher HSR training.

The applicant must possess, or have access to, sufficient resources and infrastructure to undertake all administrative activities necessary to comply with all general and any specific conditions of approval.

Fees

A non-refundable fee of \$6800 is required for applicants who wish to submit their own course for approval.

What should be submitted?

1. A completed application form (see attachment 1) with all associated documentation.
2. The proposed training course materials, including:
 - course timetable
 - session plan (content, delivery approach, duration of exercises and activities etc)
 - participant exercises and activities
 - supplementary material (handouts, powerpoint presentations etc)
 - course evaluation processes
 - course evaluation form
 - course certificate.

A checklist to assist new applicants in completing an application is provided in attachment 1.

The training course development resource guide to assist with the design of the course content is available in attachment 2.

How will the application be assessed?

In assessing an application, WorkCover may have regard to all relevant matters including:

- the alignment of content of the initial and refresher courses against the underpinning principles and learning outcomes, the content and quality of the training materials
- the extent to which the training materials are relevant to the powers and functions of an HSR
- the qualifications, knowledge and experience of the trainer(s) who will deliver the training.

When assessing an application, WorkCover may make enquiries to verify information provided by the applicant and take into consideration information provided by other relevant regulators (eg work health and safety regulators, and vocational education and training (VET) regulators). Assessment of an application by WorkCover is conducted in line with procedural fairness requirements. As such, applicants will be provided with an opportunity to provide further information in relation to enquiries made by the regulator.

If, after considering an application, WorkCover refuses to grant approval for the course or the trainer, WorkCover will notify the applicant and provide the applicant with a reasonable opportunity to provide any further information. Following receipt of further information or the expiration of the period within which the applicant was invited to provide further information, WorkCover will make a final decision on the application.

Period of approval

Approval will be granted for a period of up to five years and will be subject to the ATP continuing to satisfy all the conditions of approval, including trainer qualifications and course requirements.

Can applicants be approved to offer training in more than one jurisdiction?

Applicants can be approved to deliver training in more than one state/territory or the Commonwealth. Applicants who wish to be approved to deliver training in more than one state, territory or the Commonwealth, should make an initial application to the work health and safety regulator in the state, territory or the Commonwealth in which they intend to conduct the majority of HSR training or where their head office or registered business address is located. Information about any other state, territory or the Commonwealth in which an applicant intends to deliver HSR training should accompany an initial application for approval.

Once approval has been granted in one jurisdiction, an applicant may apply for approval in other jurisdictions. The application, assessment and approval information, and any decisions regarding approval or otherwise of an applicant by WorkCover, may inform the assessment of an application undertaken in other jurisdictions. Applicants must, however, meet any specific requirements particular to any jurisdiction in which they apply. For example, in Western Australia and Queensland, training providers must be registered training organisations and in NSW all training providers must comply with the WorkCover *Conditions for approved training providers delivering health and safety representative training in NSW under the Work Health and Safety Act 2011* (the Conditions) (catalogue no. WC03612).

Note: Approval to deliver HSR training in one jurisdiction does not guarantee that approval will be given in another state, territory or the Commonwealth. An applicant must gain approval from WorkCover prior to delivering HSR training in NSW.

Part 2: Trainer qualifications

This section sets out the required qualifications, knowledge and experience of the person or people who will be delivering the training for the applicant following approval.

All trainers who wish to deliver HSR training in NSW must first be approved by WorkCover.

All trainers must have:

- a minimum Certificate IV in Training and Assessment – TAE40110 and TAA40104 (or equivalent) and:
 - a. a minimum of two years relevant experience in an occupational or work health and safety role, or
 - b. relevant tertiary or vocational qualifications in a field related to occupational or work health and safety, eg a Graduate Diploma of occupational health and safety.

Once an application is approved, the training provider must ensure that their trainers have a thorough knowledge and understanding of the work health and safety legislative framework including the entitlements, functions, powers and protections of an HSR. In addition, providers must ensure that their approved trainers undertake professional development activities that maintain the currency of their occupational or work health and safety industry experience and facilitation/training skill set.

Part 3: Conditions of approval

In addition to the requirements outlined in part 2 above, applicants who wish to be approved to deliver HSR training courses in NSW must comply with the Conditions. The Conditions apply to all WorkCover approved HSR training providers.

The purpose of the Conditions is to ensure industry confidence in training through a consistent approach to the administration and delivery of HSR training courses in NSW.

All applicants and their trainers should read the Conditions prior to completing the application form and ensure that they are able to comply.

The Conditions document is available on workcover.nsw.gov.au or by contacting the Third Party Management (3PM) Unit.

Third Party Management (3PM) Unit
WorkCover NSW
Locked Bag 2906
Lisarow NSW 2252
Phone: 1800 855 969
Email: thirdparty@workcover.nsw.gov.au
Fax: (02) 9287 5994

Part 4: Application for renewal of approved provider status

An application for renewal of an approval must be made at least three months prior to the expiration of an approval. If assessment of an application by WorkCover takes longer than three months, the approved provider will retain their approved status until such time as the assessment is finalised, or the approved provider is deemed not to have complied with the conditions and requirements, and their approved status is suspended and/or cancelled.

Part 5: Compliance monitoring and enforcement

To ensure that HSRs are receiving high quality approved training, WorkCover will conduct post approval monitoring and quality assurance activities.

Failure to comply with the Conditions or reasonable requests from WorkCover may result in the suspension or cancellation of the provider's approval status.

Information regarding WorkCover's compliance monitoring can be found in the Conditions.

January 2013

Application for approval of course materials for the delivery of health and safety representative training under the *Work Health and Safety Act 2011*

Introduction

Applicants who wish to apply for WorkCover NSW approval of course materials for the delivery of health and safety representative (HSR) training are required to complete the following application form under the WHS Act. As training can only be delivered to HSRs in the state, territory or Commonwealth in which the approval has been granted, WorkCover approved course material may only be delivered to elected NSW HSRs, in NSW. Applicants are required to declare that they will comply with the WorkCover *Conditions for approved training providers delivering the WorkCover NSW HSR training courses under the NSW Work Health and Safety Act 2011* (Conditions) (catalogue no. WC03612). The conditions require the training provider to adhere to specific requirements including a code of conduct, administrative processes such as notifications of scheduled training, and advertising guidelines. Non-compliance with the conditions may result in suspension or cancellation of approval status.

Collection of personal information

Privacy statement

Information provided in this form will not be used or disclosed except in accordance with the requirements of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and/or *Government Information (Public Access) Act 2009* (GIPA Act).

This information is collected by WorkCover for the purposes of undertaking the evaluation, assessment and processing of this application for delivery of approved HSR training in NSW as required by the WHS Act, and for the purpose of ensuring compliance with that legislation.

WorkCover may also use this information for the purposes of confirming applicant details and to establish and maintain a database. The information may also be used to assist the WorkCover inspectorate with their work generally and may also be made available to other NSW state Government agencies, other state or territory training authorities or the Commonwealth, state or territory work health safety regulatory authorities.

Except for the purpose of prosecution or the purposes referred to above, and unless such disclosure is otherwise required or permitted by law, the information will not be otherwise accessed by any third parties in a way that would identify the individual, without the consent of that individual.

Applicants are able to gain access to personal information held by WorkCover pertaining to this application. You may also apply to WorkCover to access and correct any of your own personal information that WorkCover may hold if that information is inaccurate, incomplete, irrelevant or out of date. Applications must be made in writing to the Privacy Contact Officer, WorkCover NSW, Locked Bag 2906, Lisarow, NSW 2252.

Directions to the applicant

Prior to submitting an application please:

- read the Conditions and ensure you are able to comply with all requirements
- complete the application and attach all requested documentation, including one copy of all course notes and materials including:
 - course timetable and delivery format
 - topic and content areas for each segment of the course
 - duration for each segment of the course

ACCEPTANCE OF APPROVAL CONDITIONS AND DECLARATION

To be completed by the Authorised Officer(s)

Have you read, and can your training organisation meet, the approval conditions referred to in this application? Yes No

Do you agree to comply with the ongoing obligations of approval as defined by the approval conditions, including the code of conduct and advertising specifications? Yes No

Do you consent to your training provider's name and office contact details being listed on the approved training provider public register on the WorkCover website? Yes No

Have each of your nominated trainers completed the nominated trainer declaration? Yes No

Does each nominated trainer meet the requirements detailed in part 2 of the document *How to submit a course to become a WorkCover NSW approved provider of health and safety representative training* (catalogue no. WC03816)? Yes No

Have you attached certified copies of each nominated trainer's formal qualifications and evidence of identity, as well as details of their work experience with references? Yes No

Do you acknowledge that any breach of the approval conditions may result in the suspension or cancellation of WorkCover's approval to deliver HSR training and/or prosecution? Yes No

As Authorised Officer(s) I/we declare:

- The information contained in this application is true and correct in every particular.
- I/we have not been suspended or cancelled as a work health and safety/occupational health and safety service provider in any state or territory.
- I/we have not been suspended or cancelled as an RTO by any STA.
- I/we have never entered into an enforceable undertaking under the WHS Act or under the work health and safety/occupational health and safety law of another state, territory or the Commonwealth.
- I/we have not been convicted of any work health and safety/occupational health and safety offence under any Australian work health and safety/occupational health and safety legislation or any criminal offence within the past five years.
- I/we consent to the making of enquiries, and the exchange of information, with any STA or any Commonwealth, state or territory work health and safety regulatory authority regarding my activities relevant to this application and any approval provided by WorkCover in respect of it.
- Where I/we provide personal information to WorkCover in connection with this application about any other individual, I am/we are authorised to provide that information, the information has been collected in accordance with applicable privacy legislation and the individual has been or will be made aware of WorkCover's identity and how to contact it, and of the other matters which an individual is required to be made aware of when personal information is collected about them.

Name

Position

Authorised Officer signature

Date (DD/MM/YYYY)

Name

Position

Authorised Officer signature

Date (DD/MM/YYYY)

It is an offence under the Crimes Act and the WHS Act to make a false or misleading statement in this form, heavy penalties apply.

Attachment 2: Training course development resource guide

Introduction

HSR training should provide guidance on the powers and functions of HSRs as provided in the WHS Act and *Work Health and Safety Regulation 2011* (WHS Regulation).

The following materials should be used when applying to become an approved HSR training provider and developing an HSR training course:

- *How to submit a course to become a WorkCover NSW approved provider of health and safety representative training* (catalogue no. WC03816).
- Underpinning principles for the development of a WorkCover approved HSR training course.
- Learning outcomes for the initial five day course.

Learning resources

Additional resources to be used in the development and delivery of HSR training include:

- Worker representation and participation guidance (which contains a template provisional improvement notice).
- Guide to the model WHS Act.

Codes of practice

- *Work health and safety consultation, co-operation and co-ordination: Code of practice* (catalogue no. WC03568).
- *How to manage work health and safety risks: Code of practice* (catalogue no. WC03565).

Interpretative guidelines

- The meaning of 'person conducting a business or undertaking'.
- The health and safety duty of an officer under section 27 of the WHS Act.
- The meaning of 'reasonably practicable'.
- Discriminatory, coercive or misleading conduct.

Fact sheets

- Health and safety representatives.
- Protection from discrimination, coercion and misrepresentation.

These resources and more are available on the Safe Work Australia website at safeworkaustralia.gov.au

Jurisdictional resources

Resources published by the Commonwealth and each state or territory can also be used to support the development and delivery of HSR training. A list of work health and safety regulators is available on the Safe Work Australia website at safeworkaustralia.gov.au

Underpinning principles for the development of a WorkCover approved health and safety representative training course

Background information

One of the aims of introducing model work health and safety legislation in 2012 was to ensure consistency across jurisdictions.

Part 5 of the WHS Act outlines the workplace consultative arrangements between a person conducting a business or undertaking (PCBU) and workers. The workplace consultative arrangements encourage consultation, representation and participation to jointly monitor work health and safety issues and work together to improve work health and safety standards. These mechanisms include:

- the formation of work groups and health and safety committees
- the election of HSRs with a range of rights and powers
- duties of PCBUs to consult with HSRs on work health and safety issues in certain circumstances.

The consultative arrangements are enabling in character and are designed to provide a broad and flexible framework to facilitate workers and PCBUs in addressing work health and safety issues.

Through the establishment of work groups and the election of HSRs, the aim is to provide a mechanism for consultation and discussion about health and safety in the workplace to facilitate the identification and control of risks. Under the model WHS Act, a PCBU has the duty to consult with workers to ensure there is a mechanism by which workers are involved in decisions on work health and safety or proposed changes to the workplace that may affect the health and safety of any member of the work group. The formation of work groups and the election of HSRs are to facilitate the representation of workers in this process.

Background information about HSRs:

- HSRs play a key role in the prevention of workplace injury/illness and in the promotion of good work health and safety practice by representing their work group on work health and safety matters.
- Work health and safety legislation does not impose obligations as such on HSRs, however, an HSR can exercise powers and functions, varying from consulting with PCBUs to resolve issues, to investigating work health and safety complaints and issuing provisional improvement notices (PINs).
- There are no pre-requisites to be an HSR, other than to be an elected member of the work group.

Agreed approach to training

Training is not compulsory, however, an HSR will not be able to exercise all their powers if they have not completed the approved course of training (ie issuing PINs). If they request training, a PCBU must allow this to occur, in line with the requirements of the WHS Act.

The following underpinning principles have been identified and adopted by work health and safety regulators to ensure an effective and consistent approach to the development and delivery of HSR training across jurisdictions.

1. HSRs are not formally assessed

The intent of HSR training is to enable HSRs to develop skills to represent their work groups and exercise their powers and functions under the WHS Act. The HSR training course is not intended to train HSRs to be health and safety professionals or to fulfil a PCBU's obligations in relation to work health and safety.

While HSR training is non-competency based and not formally assessed, it is acknowledged that participation in an HSR training course approved under the WHS Act may provide an HSR with the motivation and/or confidence to pursue more formalised training, or seek recognition leading to a vocational qualification, should they wish.

HSRs may choose to undertake an assessment of their skills and knowledge. However, the assessment is not part of the approved course of training and HSRs are not required to undertake an assessment process.

2. Adult learning principles

Adults learn in different ways and bring to the learning environment a range of experiences from diverse backgrounds and workplaces. The HSR training course content and activities must be designed to build on this experience and diversity to provide HSRs with the skills and knowledge to represent their work groups.

It is expected that the training will be responsive to the input of adult learners and training delivery will have to have the capacity for the participants to contribute and reflect upon their own workplace experience.

3. Context

The majority of adults like to see the relevance of what they are learning to their work and life. Therefore, it is important that content is framed in such a way to enable participants to understand or make a link between the course content and their workplace experience/situation. Activities need to allow time for individual participants to relate their skills and knowledge to industry specific work health and safety issues.

4. Inclusivity

Factors such as age, gender, culture, disability, language and literacy, numeracy need to be considered and accommodated when developing and delivering the HSR training course. Content and activities need to enable participation from groups with special needs (eg those with low literacy levels or from a culturally diverse background).

The principles of plain English and gender neutral language need to be adopted in the training materials and training delivery to ensure participants feel comfortable and confident to interact with one another and participate fully in training activities.

5. Activity-based

The majority of adults are more likely to learn in circumstances where they are actively involved rather than passively observing. A range of interactive activities (eg group work, case studies and workplace simulations) should be utilised to provide opportunities for participants to further develop and practice the required knowledge and skills. Participants should be encouraged to actively engage with other participants to develop consultation skills and the ability to co-operate and co-ordinate with other people in their role.

6. Accommodates differences in learning styles

The course content caters for differences in the learning styles or special needs of the participants. A variety of media (eg print, digital, audio etc) and activities (eg trivia quizzes, games, role plays) are able to be utilised to ensure all learning styles can be accommodated.

7. Learner-centred

A learner-centred approach underpins the development and delivery of the training course, where the focus is on the achievements of the participant, rather than the intentions of the trainer. Participants are encouraged to engage with other HSRs and share their various perspectives and experiences, including opportunities for self reflection.

8. Commitment to safety

Training content and activities are developed and delivered with the safety and welfare of participants being of primary concern. Applicants must ensure that they meet the work health and safety legislative requirements in the approved training guide and commit to providing a safe and positive learning environment. The participants should be encouraged to interact, question and challenge in a non-judgemental environment.

9. Delivery mode

Training should be delivered in a way which maximises participant participation and engagement in the course. To achieve this, training must be delivered in a 'face to face' format where HSRs can interact with and learn from other HSRs. 'Face to face' mode of training delivery is defined as participants being in the same physical location, ie in the same room.

Training can be delivered over five consecutive days, or spread over a longer period of time with training delivered in 'blocks' of time no less than one day in duration. The time period for the course must be seven hour days excluding breaks. It is suggested that there is one hour of breaks spread throughout the day as appropriate for the group's needs. Seven hours of training per day must be delivered (35 hours over the five days).

Learning outcomes for the initial five day course

This document contains information on the learning outcomes for an initial five day course of training for HSRs. Following completion of an initial five day course, an HSR is entitled to attend one day of refresher training annually. Refresher training should provide HSRs with an overview of the learning outcomes. A refresher course should specifically cover developments in work health and safety legislation (if relevant) and HSR skills development.

The learning outcomes should be read in conjunction with the underpinning principles, as both documents provide context about how to design and write the course content.

The learning outcomes have been grouped under several learning objectives, which collectively represent the knowledge and skills that would support elected HSRs in fulfilling their representative role, performing their functions and exercising their powers.

The learning objectives are presented in no particular order and are not intended to suggest a linear sequence of course delivery or content. The course content should be written with a holistic and integrated approach so that the development of participants' knowledge and skills is achieved through a range of complementary learning methods and activities.

The HSR is an elected, voluntary role. Undertaking the initial five day course is not intended to make an elected HSR a qualified or expert OHS specialist, but rather to provide them with support, knowledge and skills so that they can represent their workgroup in work health and safety matters.

The expected learner application for each learning outcome provides guidance on how to write course content such as activities, case studies, discussions and skills practice sessions. It specifies what an HSR could be reasonably expected to do or know as an elected representative of their work group at the conclusion of the initial five days of training.

Learning objective	A. Interpreting the work health and safety legislative framework and its relationship to the HSR	Key legislative provisions
Description	Information about the historical antecedents that have informed and shaped current work health and safety principles and legislation will assist HSRs understand the legislative context and purpose of their function. HSRs need to understand the legislation (and other legislative framework components) as well as be able to explain how and why they have referenced the legislation when exercising their powers.	
Learning outcomes	Expected learner application	
1. Understand the context of work health and safety legislation and practice	<p>1a. Discuss key concepts in the evolution of occupational health and safety within Australia including: the careless worker theory; the influence of the Roben's Report (UK), relevant (jurisdictional based) legislative reviews and work health and safety harmonisation within Australia.</p> <p>1b. Identify some key impacts (social and economic) arising from workplace injury and illness.</p> <p>1c. Identify data on workplace injuries, illness and incidents relevant to their work group and industry sector.</p>	Background knowledge and context
2. Understand the objects and principles of the WHS Act	<p>2a. Identify the key objects and principles of the WHS Act and the significance of these to work health and safety.</p> <p>2b. Explain key concepts underpinning the principles that apply to all duties persons have under the WHS Act.</p> <p>2c. Identify and use key terms contained within the WHS Act, relating to their role and workplace.</p> <p>2d. Draw links between the role of the HSR and the WHS Act objectives.</p>	WHS Act sections: 3, 4, 13, 14, 15 and 16
3. Identify various elements of the legislative framework	<p>3a. Identify work health and safety legislation (WHS Act and WHS Regulation), codes of practice, relevant industry/Australian standards, regulator specific guidance materials/interpretive guidelines and explain their legal status, purpose and relevance to each other.</p> <p>3b. Explain using the work health and safety legislation (WHS Act and WHS Regulation) and approved codes and guidance material key sections of relevance for their industry sector/workplace.</p> <p>3c. Explain the links between work health and safety, workers compensation and rehabilitation of injured workers.</p>	WHS Act sections: 274 and 275
4. Understand the role and functions of (the regulator) and their interaction with HSRs	<p>4a. Provide examples of regulator functions and powers and how these are used to facilitate compliance with work health and safety legislation.</p> <p>4b. Explain how to access the support services and resources for HSRs provided by the regulator.</p> <p>4c. Outline the role of an inspector and how they can assist HSRs.</p> <p>4d. Identify when an HSR may have contact with or seek assistance from an inspector.</p>	WHS Act sections: 82 and 160
5. Understand the safe work approach to work health and safety issues	<p>5a. Using workplace scenario(s), explain why a 'safe work' approach should be taken by a PCBU, rather than focusing on a 'safe person' approach when resolving work health and safety issues.</p> <p>5b. Identify the range of factors that would contribute to making a workplace a safe environment.</p>	Background

Learning objective	B. Identifying key parties and their legislative obligations and duties		Key legislative provisions
Description	HSRs should be able to identify key duty holders and their duties when representing the workers in their work group in relation to work health and safety. HSRs will be able to identify the legislative penalties of the main duty holders for not meeting their obligations under the WHS Act.		
Learning outcomes	Expected learner application		
1. Summarise the duties and responsibilities of PCBU's under the legislation	<p>1a. Explain and use the term PCBU in the context of their role.</p> <p>1b. Identify PCBU's of relevance to the HSR's work group and workplace and summarise their duties, with reference to the appropriate sections of the WHS Act as relevant.</p> <p>1c. Discuss what is meant by 'reasonably practicable'.</p> <p>1d. Discuss what is meant by 'risk management' using examples to explore measures in the hierarchy of control.</p> <p>1e. Discuss the duties and responsibilities of PCBU's under the work health and safety legislation including the management of risks to the health and safety of workers and other persons at the workplace.</p>	WHS Act sections: 18, 19, 20, 21, 22, 23, 24, 25, 26 and 36	
2. Identify the duties and responsibilities of officers, workers and other parties	<p>2a. Compare the duties and responsibilities of an 'officer' and those of the PCBU, as these relate to the workplace.</p> <p>2b. Explain what is meant by 'due diligence' in connection with the duties of an officer.</p> <p>2c. Explain the duties of workers in relation to health and safety at the workplace.</p> <p>2d. Identify officers, workers and other parties within the work group/workplace who would have a duty, as defined under the WHS Act.</p>	WHS Act sections: 4, 13, 14, 15, 16, 17, 19, 20, 21, 27, 28 and 29	
3. Identify and discuss the range of enforcement options	<p>3a. Describe the range of enforcement options available to the regulator for key duty holders for non compliance within the work health and safety legislation.</p> <p>3b. Identify the relevant offences and penalties under the framework.</p> <p>3c. Identify practical examples of the consequences that apply to key duty holders for not complying with the work health and safety legislation.</p>	WHS Act sections: 31, 32 and 33 WHS Act Parts: 10 and 11	

Learning outcomes 4. Understand and explain the entitlements, rights and protections of an elected HSR/ Deputy HSR	Expected learner application 4a. Explain the HSR's powers and functions as defined by the legislation. 4b. Identify any legislative restrictions on the functions of an HSR, if initial HSR training (ie five day course) is not undertaken. 4c. Explain the legislative protections for HSRs, including protection against discrimination for prohibited reasons. 4d. Explain the relationship between the elected HSR and the work group and management in matters relating to work health and safety. 4e. State the entitlements to training of an elected HSR. 4f. Explain the PCBUs obligations towards HSRs using examples. 4g. Explain in the legislation the exceptions to the PCBU's obligations towards an elected HSR, and give reasons for why these exceptions would exist. 4h. Explain when an HSR can have decisions made by a work health and safety inspector reviewed and the process the HSR would follow.	WHS Act sections: 66, 68, 69, 70, 71, 72, 73, 74, 76, 89, 102, 105, 106, 195, 198, 201 and 207 WHS Act part: 6, 12 WHS Regulation: 21
Learning objective Description	D. Participating in consultation and issue resolution HSRs should be able to participate in consultation and negotiation processes by exercising communications skills and representing their workers. The HSR should understand the role of consultation in the workplace, the PCBU duty to consult, and how the HSR is able to represent workers in those consultations, using appropriate skills to achieve positive outcomes.	Key legislative provisions
Learning outcomes 1. Describe the nature of the consultation process with workers as required of the primary PCBU by the WHS Act	Expected learner application 1a. Describe what effective consultation between PCBUs and workers means in relation to work health and safety and why it is important in fostering cooperative and consultative relationships. 1b. Identify when the PCBU is required to consult with workers and elected HSRs. 1c. Identify the various forms/ways information can be shared to enable effective consultation between PCBUs and workers. 1d. Provide examples to illustrate reasonable opportunities for workers (including those with special needs) to express their views had been provided. 1e. Identify any confidentiality requirements pertaining to information collected from, or provided to, HSRs, and have a basic understanding of the importance of record keeping. 1f. Discuss why an HSR might keep copies of records relating to their workplace's work health and safety matters.	WHS Act sections: 46, 47, 48 and 49
2. Identify a range of strategies that support the consultation process	2a. Identify key duty holders that an HSR may consult with regarding work health and safety in the workplace. 2b. Describe the benefits of building and maintaining constructive relationships with management, health and safety committees, members of work groups and others.	WHS Regulations: 80, 81 and 82

Learning outcomes	Expected learner application	WHS Act sections: 80 and 81 WHS Regulations: 22 and 23
3. Use negotiation skills and strategies to resolve work health and safety issues	<p>3a. Describe the basic principles of negotiation.</p> <p>3b. Explain the issue resolution process.</p> <p>3c. Suggest various strategies/tools an HSR could use during the negotiation process, to help resolve identified work health and safety issues.</p> <p>3d. Identify resources available to an HSR when negotiating and resolving work health and safety issues.</p> <p>3e. Demonstrate, using negotiation and communication skills, how an HSR could represent a relevant party or stakeholder, based on an appropriate case study or scenario.</p> <p>3f. Describe how to refer an unresolved issue to the regulator for resolution by a WorkCover inspector.</p> <p>3g. List the functions and powers of work health and safety inspectors in resolving work health and safety issues.</p>	WHS Act sections: 50, 51, 52, 53, 54, 55, 56, 57, 80, 81 and 82 WHS Regulations: 16 and 17
4. Represent workers on health and safety issues in a range of circumstances	<p>4a. Describe the circumstances under which an HSR is entitled to be present during an interview concerning work health and safety.</p> <p>4b. Explain the role of an HSR during such interviews.</p> <p>4c. Identify the ways an HSR could exercise their powers in relation to complaints concerning work health and safety.</p> <p>4d. Identify and use effective communication skills an HSR may use.</p>	WHS Act sections: 47, 48 and 49
5. Discuss the benefits of effective representation and constructive consultation between PCBU, other duty holders and workers	<p>5a. Discuss the benefits of effective consultation between HSRs and PCBUs and other duty holders, and the positive outcomes of engaging together in a consultative and participatory manner to identify and solve work health and safety issues in their workplaces.</p> <p>5b. Understand the requirements and explore examples of consultation, co-operation and co-ordination between PCBUs and other duty holders.</p>	

Learning objective	E. Represent members in the work health and safety risk management process undertaken by the PCBU		Key legislative provisions
Description	HSRs should have a basic understanding of risk management processes, including the hierarchy of controls, and be able to participate in and contribute to the risk management activities undertaken by a PCBU in relation to work health and safety risks. HSRs should be able to represent the views of their workers, providing insights into the nature of risks in the workplace and potential controls.		
Learning outcomes	Expected learner application		
1. Understand the duties and responsibilities of various PCBUs under the legislation to manage risks to the health and safety of workers and other persons at the workplace	1a. Identify key risk management terms and definitions. 1b. Explain why and when risk control measures should be revised and reviewed and when the HSR can request that this be done. 1c. Identify a duty holder's responsibility to eliminate or control risks 'so far as is reasonably practicable' under work health and safety legislation.		WHS Regulation: 22 WHS Act sections: 17 and 18
2. Understand how HSRs can use their functions and powers to contribute to risk management activities in the workplace	2a. Identify a range of hazards found within various workplaces and their impact on workers. 2b. Explain basic risk assessment procedure. 2c. Identify different methods a PCBU may use to identify work health and safety hazards and ways the HSR could contribute to that process. 2d. Identify the purpose of workplace inspections and identify the powers which allow an HSR to inspect the workplace. 2e. Demonstrate the HSR's role in participating in workplace inspections and when this should be done. 2f. Identify ways an HSR can represent, monitor, investigate and inquire into issues raised by their work group to ensure these concerns are addressed.		
3. Understand basic management concepts	3a. Use a risk assessment process to demonstrate basic risk assessment principles and the use of simple risk assessment tools. 3b. Describe the concepts of safe place rather than safe person, and the hierarchy of control. 3c. Explain the entitlements of an HSR to participate in the review of risk control measures affecting members of their work group. 3d. Identify in legislation or guidance material control measures for the identified risk or hazard. 3e. Explain how HSRs can contribute to the selection of control measures.		WHS Regulation: 22

Learning outcomes 4. Identify the PCBU's obligations in relation to incident notification	Expected learner application 4a. Provide examples of the types of incidents that could occur at work. 4b. Identify the duties placed on PCBUs in relation to notifiable incidents. 4c. Describe why an HSR should be advised by the PCBU of a notifiable incident that has occurred in the workplace. 4d. Identify tools and techniques that could be used in investigating incidents using learning activities, eg a simulated incident investigation.	WHS Act sections: 35 to 39 WHS Regulation: 699
5. Identify the type of assistance or support inspectors and entry permit holders can provide an HSR	5a. Identify who can provide assistance to an HSR and under what circumstances. 5b. Identify the conditions under which a representative, including an entry permit holder, may enter a workplace and any legislative conditions/constraints. 5c. Describe the role of an HSR when accompanying a WorkCover inspector on an inspection of a work location. 5d. Explain how accompanying a WorkCover inspector during an inspection would assist an HSR in performing their functions and/or exercising their powers.	WHS Act sections: 68, 71, 72, 73, 82, 117, 118, 120, 121, 130, 131, 132, 133, 134, 135, 136 and 137
Learning objective F. Issuing a Provisional Improvement Notice (PIN) and directing the cessation of work		Key legislative provisions
Description	HSRs will be able to use their knowledge of the provisions in the legislation which give HSRs their powers to perform various functions and to exercise their powers to issue a provisional improvement notice or a cease work direction. In both cases, the HSR should operate within the restrictions and requirements surrounding the exercising of these two powers and when each is appropriate.	
Learning outcomes 1. Provide an overview of PINs 2. Understand the features and contents of a PIN 3. Identify the range of actions arising once a PIN is issued and identify who would take these actions	Expected learner application 1a. Explain the purpose and function of a PIN. 1b. Identify the restrictions in the legislation that prevent an HSR from issuing a PIN. 1c. Identify to whom an HSR can issue a PIN. 1d. Describe the manner in which a person may be issued a PIN. 2a. Identify that a PIN must be in writing. 2b. Distinguish between what must be included in the contents of a PIN and what may be included. 2c. Identify the extent of any changes an HSR can make to a PIN once it has been issued. 2d. Undertake an activity to complete a PIN. 3a. Identify the alternative courses of action that the person can take when issued with a PIN. 3b. Describe the role and powers of a work health and safety inspector when reviewing a disputed PIN. 3c. Identify appeal provisions for appealing inspector decisions.	WHS Act sections: 90 to 102 WHS Act sections: 90 to 102

Learning outcomes	Expected learner application	WHS Act sections: 83 to 89
<p>4. Provide an overview of the right to cease, or direct the cessation of, unsafe work</p>	<p>4a. Explain the conditions or circumstances that would:</p> <ul style="list-style-type: none"> • cause a worker/workers to cease work • cause an HSR to direct the worker/workers to cease work. <p>4b. Identify any legislative restrictions placed on HSRs that prevents an HSR from directing a worker to cease work.</p> <p>4c. Outline the processes an HSR must follow after giving a direction to cease work to a worker/workers.</p> <p>4d. Outline the employment conditions that apply to a worker/workers who have ceased work.</p> <p>4e. Outline what the role and function of a WorkCover inspector would be following a request from either the PCBU or the worker to attend the workplace in these circumstances.</p>	

For further information please contact:

Third Party Management (3PM) Unit
WorkCover NSW
 Locked Bag 2906
 Lisarow NSW 2252
 Phone: 1800 855 969
 Email: thirdparty@workcover.nsw.gov.au
 Fax: (02) 9287 5994

Catalogue No. **WC03816** WorkCover Publications Hotline **1300 799 003**
WorkCover NSW, 92-100 Donnison Street, Gosford, NSW 2250
Locked Bag 2906, Lisarow, NSW 2252 | WorkCover Assistance Service **13 10 50**
Website workcover.nsw.gov.au

ISBN 978 1 74341 141 4 © Copyright WorkCover NSW 0812
