

HSR training entitlements

Health and safety representatives

October 2012

Background

Health and safety representatives (HSRs) play an important role in making Victorian workplaces safer. If workers are represented by HSRs, employers must involve the HSRs in consultation about health and safety matters.

As the elected representatives of a designated work group (DWG), HSRs provide workers with a means by which their views and concerns about health and safety are heard by their employer.

To exercise powers and rights as a HSR effectively, it is essential that HSRs (and if applicable, deputy HSRs) receive training. Such training aims to provide the appropriate skills, knowledge and confidence to represent the people HSRs work with and to help make their workplace safer.

Who can do the training?

All elected HSRs are entitled to undertake occupational health and safety (OHS) training. This training must be approved by WorkSafe. Visit worksafe.vic.gov.au/hsr for a list of approved providers.

What sort of training is available?

There are three different training courses available to HSRs under the Victorian *Occupational Health and Safety Act 2004* (the OHS Act).

1. Initial training (section 67)

When a HSR is first elected, it is recommended they undertake an initial five-day HSR training course as soon as possible. Deputy HSRs also have an entitlement to this training.

When HSRs have completed the initial HSR training course, they should be able to:

- understand the legal framework for OHS
- describe the duties and responsibilities of other key workplace parties in the OHS Act
- understand the representation role of HSRs and their legal powers and entitlements
- understand the role and representative powers of a HSR in the identification of hazards and risk controls at the workplace, and
- utilise their skills to represent members of their DWG and participate in workplace consultation, issue resolution and negotiation.

2. Refresher training (section 67)

A HSR and deputy HSR have an entitlement to attend an annual HSR refresher training course, one day in duration.

The HSR refresher training course is an opportunity to revisit parts of the initial five-day HSR training course. Some HSR refresher training courses cover topics from the perspective of a particular industry.

3. Other approved training (section 69)

This is training other than the initial five-day HSR course and the HSR refresher training.

Other approved training includes HSR courses that are approved or conducted by WorkSafe and relate to OHS.

Deputy HSRs do not have an entitlement to attend this type of training.

Is an employer required to allow a HSR to attend OHS training?

Yes. An employer must, if requested by a HSR, allow the HSR time off work with pay to attend a WorkSafe-approved training course. This is provided the request is made no less than 14 days before the course date.

How much notice does a HSR give to an employer before attending an approved health and safety course?

At least 14 days notice is required, but ideally it is best to give your employer as much notice as possible. This is so they can ensure your absence is managed and does not cause unnecessary inconvenience to the business.

Do HSRs have the right to choose a preferred training provider?

Yes, however this needs to be done in consultation with their employer. It is desirable for HSRs and employers to agree on the course the HSR should attend. Before making a decision HSRs should visit the WorkSafe website to identify a course suitable for their industry.

What happens if an employer refuses to allow a HSR to attend training or does not agree with the choice of course?

If an employer refuses to allow a HSR to attend an approved initial or refresher training course, or there is no agreement on which course to attend, the HSR may request WorkSafe to determine an appropriate course.

The determination will be handled by WorkSafe (following initial contact to the WorkSafe Advisory Service on 1800 136 089). WorkSafe will first seek to gain agreement between the employer and the HSR about which course the HSR may attend.

Any determinations made by WorkSafe must be in writing and WorkSafe must ensure it is made more than 14 days before the course is about to start.

Who pays the HSRs wages for the days they attend training?

The employer must pay the HSRs normal/expected earnings, including pay entitlements relating to shift work, regular overtime, higher duties, allowances and penalty rates for the days they attend training.

All time a HSR spends attending a course (including casual workers) is treated as time at work and paid as if the HSR were at work.

Who pays the costs associated with attending the training?

The employer is required to pay the course fee and any other costs associated with attendance at a course.

Further information

Visit worksafe.vic.gov.au/hsr

Contact the WorkSafe Advisory Service on **1800 136 089** or info@worksafe.vic.gov.au

More information can also be found at: ohsrep.org.au

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