

HEALTH AND SAFETY REPRESENTATIVE TRAINING COURSE

5-day Course

Participant Activity Handbook
Version 4.3 November 2024



Use of the material, including alteration, transmission or reproduction for commercial use is not permitted without written permission.

Any such permission of the copyright owner to use, alter, transmit or reproduce the material for commercial use should be sought through the Executive Director, Workplace Health and Safety Queensland.

TABLE OF CONTENTS

What do you know about workplace health and safety?	7
Introduction	7
Evolution of work health and safety and the WHS legislative framework	8
Activity: The WHS Act – Locating sections	9
Activity: The WHS Regulation – Locating sections	10
Activity: Key terminology of the WHS Act	12
Activity: Health and Safety Duties	14
The role and function of the Regulator	15
Consultation, representation and participation arrangements	17
Activity: Consultation and representation	18
Discussion: Powers and functions of a Health and Safety Representative	20
Activity: Role of HSRs	21
Obligations of a PCBU to HSRs, protections for HSRs and reviews of decision	22
Activity: examples of actions covered that may be particular to your workplace	23
Discussion: Does a HSR have duties under the WHS Act?	24
Activity: PCBU obligations towards HSRs	25
Other consultative mechanisms including health and safety committees	26
Activity: Identifying particular groups of workers in the HSR's workplace	27
Group Discussion: Barriers of communication	29
Activity: Outline of consultation processes being used in the workplace	30
Representing workers as an HSR – problem solving steps and issue resolution	31
Activity: Problem Solving Steps	32
ACTIVITY: HSR representing workers	33
Activity: Review WHS Act 2011 and WHS Regs	36

Activity: Hazard Identification	37
Activity: Determining risk rating	38
Activity: Determining risk controls	39
Activity: Review of Controls	40
Activity: Planning and preparing for Workplace Inspections	42
Planning for a workplace inspection	42
Activity: Identifying workplace checklists	44
Activity: Conducting a workplace inspection	45
Obligations in relation to ‘notifiable incidents’ and resources to assist	47
Activity: Role of the HSR following a notifiable incident	49
Activity: What are the objectives of an Incident Investigation	50
Reasons that incidents go unreported	51
Activity: Incident Investigation	52
Activity sample: Incident scenario	53
Environment	54
Work Method	54
Activity: One-way communication	56
Activity Debrief	57
Activity: Two-way communication	58
Activity Debrief	59
Activity: Negotiation Activity 1	60
Negotiation Activity 1 Debrief	61
Activity: Negotiation Activity 2	62
Activity: Negotiation Activity 3	67
Activity: One-way communication	72
Activity: Two-way communication	73

Reasonable belief and issuing a Provisional Improvement Notice	74
Activity: When might a provisional improvement notice be issued	75
Activity: Issuing of Provisional Improvement Notices	76
Direction to cease unsafe work	80
Activity: Directing unsafe work to cease	81
Course review and evaluation	83
Activity: Course review	84
Activity: Course review	88
Activity: Course evaluation	92

Day 1 - Session 1

Legislative Framework and Duties

What do you know about workplace health and safety?



Introduction

In order to understand the need for an integrated and systematic management of health and safety we need to first understand what health and safety is and acknowledge barriers that may exist.

How would you describe an unsafe and unhealthy workplace?

How do these issues affect people in the workplace?

What barriers might exist to having a safe and healthy workplace?

Day 1 - Session 2

Evolution of work health and safety and the WHS legislative framework

Activity: The WHS Act – Locating sections and how to use them (page 57)



Purpose: To become familiar with the layout and content of the WHS Act.

Area of interest	Section / chapter
Meaning of a worker	
Primary duty of care	
Reasonably practicable	
Category 1 offence	
Notifiable incident	
Powers and functions of health and safety representatives	
Duty to consult workers	
Definition of Volunteer	

Activity: The WHS Regulation – Locating sections and how to use them (page 60)



Purpose: To become familiar with the layout and content of the WHS Regulation.

Area of interest	Section / chapter
Provision to workers and use of personal protective equipment	
Procedures for election of health and safety representative	
Provision for information, training and instruction	
Duty to provide first aid	
Hierarchy of control	
Managing risk of hearing loss from noise	
License required to carry out high risk work	
Hazardous chemicals register	

Day 1 - Session 3

Terminology under WHS framework and key concepts

Activity: Key terminology of the WHS Act (Page 68)

Purpose: To familiarise yourself with key terminology of the WHS Act and WHS Regulation.



Match the terms (numbers and letters) with the correct description using their course information if required.

WHS ACT TERMINOLOGY						
WHS Term		Description				
1. Person conducting a business or undertaking (PCBU)		A. Described under the WHS Act means: (a) the death of a person; or (b) a serious injury or illness of a person; or (c) a dangerous incident.				
2. Enforceable undertaking		B. A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking.				
3. Worker		C. A legally binding agreement given by a person in relation to a contravention (or alleged contravention) of the WHS Act and has been accepted by WHSQ.				
4. Notifiable incident		D. A written notice from a Health and Safety Representative to a person or the PCBU, advising where they reasonably believe there either has been a breach of the WHS Act that is likely to be repeated, or there is a current breach of the WHS Act.				
5. Health and Safety Representative (HSR)		E. A person that conducts the business or undertaking alone or with others whether or not the business or undertaking is conducted for profit or gain.				
6. Provisional Improvement Notice (PIN)		F. Anyone carrying out work, in any capacity, for a PCBU including direct employees; contractors and subcontractors, and their employees; labour hire employees engaged to work in the business or undertaking; outworkers; apprentices, trainees and students on work experience; and volunteers.				
7. Officer		G. The person elected by members of a work group within the PCBU, or across a number of businesses (e.g. multiple workplaces) to represent that work group during consultation on work health and safety issues.				
Participants answers:						
1 -	2 -	3 -	4 -	5 -	6 -	7 -

Day 1 - Session 4

Key parties with WHS legislative duties or functions

Activity: Health and Safety Duties (page 76)



As a group consider the following scenario and issues. Responses can be recorded on flip chart paper

Consider a commercial building in the city with tenants such as legal firms, advertising agencies, financial agents and brokers some of whom use labour hire and who have clients regularly visiting the building. A sports association also has an office which volunteers visit. The property manager engages a variety of contractors, such as cleaners, tradesmen and security to maintain the building.

Under WHS legislation in this scenario:

- **Who has duties and to whom?**
- **Who are workers, what are their duties and to whom do they owe them?**
- **Who are 'others' in the workplace? What are their duties?**

Day 1 - Session 5

**The role and function of the
Regulator – Workplace Health and
Safety Queensland (WHSQ),
offences and penalties under the
WHS Act**

Activity: Match a range of persons/parties in their workplace with hypothetical examples of non-compliance with work health and safety legislation (Page 90)



Purpose: To gain an understanding of the range of penalties and their possible applications under the WHS Act

- Review the scenarios
- Find sections of the legislation that may be relevant for each scenario
- Discuss your findings

Example 1: A PCBU doesn't consult with workers or their HSR about a change that will require additional training in safety measures before introducing the change.

Example 2: A supervisor knows that the reversing sensors on truck are not working and the PCBU has failed to implement a program of regular inspection of vehicle checks. A person is fatally injured in the loading dock when they are crushed by a reversing truck.

Example 3: A Labour hire employee fails to clean up after a spill at the host company work premises and fails to report the matter as required under the host employer procedures.

Day 2 – Session 1

Consultation, representation and participation arrangements under the WHS Act

Activity: Consultation and representation (page 100)



Discuss what is meant by the term ‘consultation’ and how representation and consultation could contribute to the management of health and safety risks in the workplace.

Relate the ideas raised back to the objectives of the legislation and the Consultation, Co-operation and Co-ordination Code of Practice 2011.

Day 2 – Session 2

Learning Outcomes and Expected Learner Applications

Discussion: Powers and functions of a Health and Safety Representative (page 120)



Discuss situations where a HSR might become aware of another worker being exposed to a serious and imminent threat to health and safety.

How might a HSR monitor a PCBU's compliance with the WHS Act in relation to the following:

- Safe work environments,
- Safe systems of work
- Safe plant and structures
- Safe substances
- Provision of facilities
- Provision of information, instruction, training and supervision
- Monitoring of workers' health and workplace conditions
- Provision of workers' accommodation (an additional requirement) where provided/required for work.

Activity: Role of HSRs

In small groups discuss the following scenario and then report back to the larger group. (page 122)

You are one of the HSRs for your organisation, a distribution warehouse. There have been several incidents in the loading area resulting in a minor back injury and sprains to members of your workgroup. There has also been similar incidents reported by contract drivers working in the area and they have asked for assistance.

What activities would you undertake in your role as the HSR?

Day 2 – Session 3

Obligations of a PCBU to HSRs and protections for HSRs and reviews of decision

Activity: discuss examples of each of the actions covered that may be particular to your workplace (page 129)



Provisions are also in place to ensure that persons with powers do not abuse them (WHS Act s. 104 – s. 115).

What type of behaviour may be considered as (record your examples)?

Discriminatory?

Coercive?

Misleading?

Discussion: Does a HSR have duties under the WHS Act (page 131)?



Discuss the answers to questions below and respond in your handbook.



Indicative time –15 minutes

Is the HSR a duty holder under the WHS Act?

Can a HSR be personally responsible for mistakes?

What can I do if I feel my manager is discriminating against me because I'm a HSR?

Activity: PCBU obligations towards HSRs (page 132)



In small groups or pairs research a PCBU obligation in respect of HSRs.



Indicative time 20 minutes

Research and report back to the group:

- the relevant section of the legislation
- the duty of a PCBU towards the HSR
- a practical example of how that duty may be met; and
- any dispute/appeal processes.

Day 2 – Session 4

Other consultative mechanisms including health and safety committees (HSCs)

Activity: Identifying particular groups of workers in the HSR's workplace and examples of various mechanisms for their representational needs to be met by the PCBU (page 140)



In small groups discuss the following scenarios and then report back to the larger group.

Discuss and determine the most effective consultative arrangements, including possible workgroups, for the following. Your answers should reflect the reasons for your decisions and give reference to the sections of the WHS Act and Regulation where appropriate.

1. You are a small organisation with around 25 direct employees. You occasionally engage temporary staff and use subcontractors, such as electricians. You currently have a small HSC.
2. A large manufacturing organisation has plants operating in the city and two large regional cities. Administration and sales staff are located in the city. Sales reps travel throughout the country. Plant operators (from diverse cultural backgrounds with English as a second language) work shift work and in some areas undertake hazardous work.
3. A community organisation runs a variety of facilities generally in rented premises. Employees of the PCBU travel between sites to provide supervision to contract workers and volunteers. Some workers have overnight stays and occasionally are required to work overtime.
4. A large warehouse distribution centre is currently undergoing major renovations (likely to take 12 months) and has engaged a principal contractor. Contract transport drivers constantly access the site and part of the renovations involves the loading and entrance area.

Day 3 – Session 1

Strategies and skills for HSRs to support effective consultation

Group Discussion: Barriers of communication

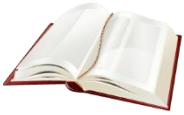
- 1. What are the barriers to communication in your workplace?**

- 2. How could you overcome these barriers?**

- 3. Why it is necessary to have a code of practice on WHS consultation, cooperation and coordination?**

- 4. How is the role of the HSR perceived**
 - **by management?**
 - **by workers?**
 - **What do you think makes effective and meaningful consultation?**

Activity: Outline of consultation processes currently being used in the workplace (Page 158)



This exercise is designed to develop an understanding of the various mechanisms for consultation already taking place. Read and answer the questions below.

1. **What types of WHS concerns may need investigating in your workplace?**

2. **What types of consultative forums are used in your workplace?**

3. **How do workers participate in these forums?**

4. **What authority do you have as the HSR to participate?**

5. **Are there groups with special needs in your workplace who require representation?**

Day 3 – Session 2

Representing workers as an HSR – problem solving steps and issue resolution

Activity: Problem Solving Steps (page 175)



Discuss the following scenario. Responses can be recorded in notebooks

This exercise is designed to provide you with an understanding of the problem-solving steps. You may be able to apply these steps to their own workplace situations.

You are the HSR of the warehousing staff. You have been hearing rumours that the cleaners are complaining of headaches when using the new chemical floor cleaner that was recently introduced. You have also been talking with the manager of the floor and he has suggested that there is some information regarding the product in the file.

Discuss the WHS issues and work through the problem, identifying the steps of problem solving and noting what authority HSRs have to take action (if any).

If you make assumptions regarding the workplace or the floor cleaner, identify those assumptions up front

ACTIVITY: HSR representing workers (page 182 – 183)



Work in small groups and discuss with the group the following scenario. The groups will then report back to the larger group.

Read and discuss the role of the HSR, and the communication required, for the following scenario.

Groups will be presenting their communication and consultation plan of action to the other groups (who will be acting as Management).

Scenario

You are the HSR in a warehouse. The people in your workgroup have to pick stock from racking. One of the items they need to pick is a large speaker for shipping to bulk electrical stores. This item is in a box approx. 50 cm square and is approximately 150 cm high. The box weighs 48 kgs and the boxes are stacked two high on a pallet (four on the bottom and four on top). The pallets are on the ground and the workers have to reach up to get the second level boxes off the pallet.

The organisation has completed a number of Hazardous Manual Task Risk Assessments throughout the warehouse, and this particular item was included in the assessments as there had been 3 workers injured getting these boxes down (one of which is on long term sick leave). The risk assessments were carried out by the WHS Coordinator and you know that they have been carried out, as the register of hazardous manual task risks was tabled at the health and safety meeting.

The recommended controls were that two people should be used to get the boxes down (however it is rare that two people are available to do the job). What tends to happen is the strongest person on the floor gets the job of getting the box down. As a result of the Hazardous Manual Task Risk Assessments, all of the workers underwent hazardous manual task training.

One of the young fit workers approaches you and says, 'I have just had to get one of those large speakers down from the pallet. I think that I have pulled a muscle in my back. I think that it will be OK. My back's a bit sore but it will be alright if I do not have to lift another one of those today. Is there anything you can do to help us?'

You approach the immediate supervisor and inform him of the incident. He says to you, 'We

have done an assessment on that task. We have made it a two man lift and have given everybody training. I don't see that we can do anymore'

What is the HSR's role in this situation?

Does the HSR have authority to act in this situation?

If so, what action would you take as the HSR?

Day 3 – Session 3

HSR monitoring of work health and safety risk management

**Activity: Review Work Health and Safety Act 2011
(s. 68 – s. 69 and WHS Regs s. 38(4)) (page 189)**



One important source of health and safety information in the workplace comes from direct observation, what is actually going on. HSRs need their own source of information about what is happening in the workplace. As we have seen in previous sessions, the WHS Act gives HSRs powers to promote or ensure the health and safety of members of their workgroup.

Activity: 'Hazard Identification' (page 192)



In the table on the following page, list two (2) examples of hazards from your workplace. You will also need to list the means by which such a hazard could cause harm i.e. injury or illness or property damage

Category	Hazard	How the hazard can cause harm
Gravity		
Manual tasks		
Machinery & equipment		
Sources of Energy		
Hazardous chemicals and biological		
Psychosocial Hazard		

Activity: Determining risk rating (page 199)

Use the two examples of particular hazards from your workplace. Using the Risk Matrix, determine the risk rating. Justification is to be provided for each rating.

Hazard	Likelihood	Consequence	Rating
Gravity			
Manual tasks			
Machinery & equipment			
Sources of energy			
Hazardous chemicals and biological			
Psychosocial hazard			

Activity: Determining risk controls (page 206)



Using the hierarchy of control, record what level of controls you might use to minimise the risk associated with these hazards identified in previous activities.

Hazard	Control	Level of control
Gravity		
Manual tasks		
Machinery & equipment		
Sources of Energy		
Hazardous chemicals and biological		
Psychosocial Hazard		

Activity: **Review of Controls** (page 212)



This activity is designed to demonstrate the requirements under legislation when determining when controls of hazards should be reviewed



Indicative time - 20 minutes

Method

1. In small groups review the scenarios below
2. Consult within your group as to whether the controls measures should be reviewed.
3. Responses can be recorded on flip chart paper for presentation to the group
4. Record your responses on the handout, after discussion in the larger group

Listed below are some typical workplace hazards. When would you review controls?

A detergent in a restaurant kitchen has been substituted after complaints of skin irritation from workers. The problem still exists, the PCBU has been informed but orders are still in place for detergent.

Noisy compressor in the workshops replaced with a new one but new equipment was also placed in the area that is considered noisy by the workers

A report that improper lifting techniques in the despatch section that were causing back problems are still being practiced even after training in new procedures has been undertaken.

Shift workers have complained about additional hours worked leading up to peak season. Changes in the roster have resulted in some members of your workgroup working less shifts but others have more.

Day 4 - Session 1

Workplace inspections and recording findings

Activity: Planning and preparing for Workplace Inspections (page 220)



How do you think a HSR could plan and prepare for a workplace inspection?

Planning for a workplace inspection

Before undertaking an inspection, where possible the HSR needs to be thoroughly prepared. This requires planning and preparation at two levels:

1. Preparation for inspections generally where HSRs are monitoring controls implemented by the PCBU that impact on their workgroup.
2. Preparation for specific inspections e.g. as a result of a complaint or an issue being raised by the workgroup

The number and frequency of monitoring inspections will be a matter for the HSR to decide in consultation with the workers they represent and the PCBU who must be given reasonable notice prior to planned inspections (i.e. not those that result from an imminent risk). The frequency of inspections will depend on the nature of the work being conducted. For example, in an office where the tasks are predominantly administrative, inspections may be less often whereas in a more high-risk workplace such as a construction site where the site is regularly changing, more frequent inspection may be justified.

It is good practice to do some forward planning where possible and also to involve other parties who will be impacted by workplace inspections. As we have seen from our discussions on the power and functions regarding inspections, the HSR needs to consult with management to set the ground rules for inspections, be they routine, accident/incident or any other type. The result of the consultation should be documented within the organisation.

Some things that a HSR might like to consider in planning for an inspection and deciding on the format and practicalities are detailed below. These points are not requirements but HSRs may find the information helpful in providing a starting point for their preparation.

- **Determine the purpose of the inspection** – i.e. inspections being undertaken to monitor controls that have been implemented
- **Plan a programme of inspections** – a HSR may choose to plan a programme of inspections in advance. The advantage of doing this is that the HSR would be providing the PCBU with early notification of planned inspections. If the workplace has a HSC, a plan of inspections could be addressed through the committee meeting. Any changes to the planned inspections should also be made by agreement.

If the HSR is to participate in regular inspection programs that cover issues that may impact on their workgroup, they should consult and agree which parts of the workplace

are to be inspected

- **Format of inspections**

- Checklists for each area/risk/issue
- Procedure for dealing with immediate risks – an inspection is likely to be required before directing unsafe work to cease or issuing of a PIN
- Recording of findings after inspection
- Reporting back to management and the workgroup on the findings and what actions are likely to be taken.

- **Agree the number of parties to participate in the inspection** – it may be helpful to have a management representative or supervisor present if the inspection is in relation to a specific issue. A HSR may decide to seek the assistance of another party such as a WHS entry permit holder, an expert in the work area being inspected or a WHS manager. Consider the nature of the inspection and circumstances in the workplace to judge what is suitable.
- **Coordinate inspections** – in a workplace where there are multiple HSRs, it may be beneficial to plan inspections together to avoid unnecessary duplication e.g. of common areas.
- **Inspect together** – in line with the above point, where there is more than one HSR at a workplace, consideration could be given to conducting inspections together.
- **Consult specialists** - if there is a safety officer or specialist advisers available at the workplace, then they should be available to give technical advice on health and safety matters that may arise during an inspection.
- **Break down tasks**- What will be inspected
 - Areas where workgroup members are exposed to risk – this may be at another workplace
 - Equipment or substances involved and relevant information
 - Policies and procedures e.g. if in relation to a welfare issue

If a HSR represents a large workplace, it may be necessary to break the inspection up into several sessions. Consideration could be given to inspecting by department by floor/level.

- **Review/Evaluation procedures for inspection policy/procedure** – Learn from each inspection experience and gather feedback from parties involved to determine areas for improvement.

Activity: Identifying workplace checklists (page 225)



What types of checklists are available in your workplace? List your responses below.

What checklists are available are available in your workplace?

Are the checklists relevant to your workplace and areas being inspected?

What items/categories/issues are contained within the checklists?

What do they believe should be included in a checklist which isn't already identified?

What could be done to improve the checklist?

Activity: Conducting a workplace inspection - Practical exercise (page 230)

We have detailed the necessity for work health and safety to be managed in a systematic manner. This includes PCBU's developing policies and procedures, undertaking risk management activities and monitoring and reviewing what has been put in place.

This activity has been developed to put the theory into practice within the workplace.



This activity requires you to undertake a work place inspection in your workplace (or a simulated workplace) and record your findings and recommendations.

Focus on making recommendations to improve work health and safety controls and management systems. These should be based on the result of the inspection and consultation with workers or other relevant parties, in a formal way that can be submitted as recommendations to management.

As part of the workplace inspection review any relevant safe work procedure (SWP) or safe work method statement (SWMS) for work that may be undertaken at the time of the inspection. The SWP or SWMS should identify hazards associated with the task, risk and controls that have been selected. The information obtained can be incorporated in the inspection report.

Think about how you will discuss issues with your workgroup and how any systems could be changed to ensure that a hazard or issue doesn't recur.

Activity Aim

To familiarise HSRs with workplace inspections as one form of hazard identification and monitoring the effectiveness of risk controls that have been put in place by the PCBU.

Method

You may work individually or in small groups. You must take into account any relevant WHS consultation policies and procedures for requesting information and consulting with management and workers.

You are to undertake an inspection of the workplace to identify hazards. Once identified, assess the risk associated with at least 5 hazards and then decide on appropriate control measures taking into account the hierarchy of control.

Activity

1. Undertake an inspection of a specified area within the workplace to identify hazards. Tools to assist in inspections are included in your workbooks. They include a hazard prompt list, a hazard identification and consultation record and an example of an inspection checklist (if one has not been available from your workplace).
2. Assess the risks associated with each hazard and review the control measures put in place by the PCBU.
3. Decide if the control measures are appropriate by referring to the hierarchy of controls and taking into account relevant workplace factors such as cost, staffing, training, procedures etc.
4. Outline any implications you see for your work groups health and safety e.g. any system deficiencies
5. Prepare a report to management on your recommendations following the inspection.

Debrief of practical workplace inspection activity

After the practical exercise the group will debrief on their experience and work through their findings together.

Day 4 – Session 2

Obligations in relation to ‘notifiable incidents’ and resources available to assist HSRs

Activity: Notifiable Incidents (page 255)



Activity to be undertaken in two groups

Method

Group 1: Research and report back on what types of incidents are notifiable, including practical examples.

Group 2: Research and report back on what the PCBU obligations are in relation to notifiable incidents, including timeframes.

Activity: Role of the HSR following a notifiable incident (page 260)



In pairs discuss the scenario below and determine if this is a notifiable incident and the role of the HSR. List your response below:

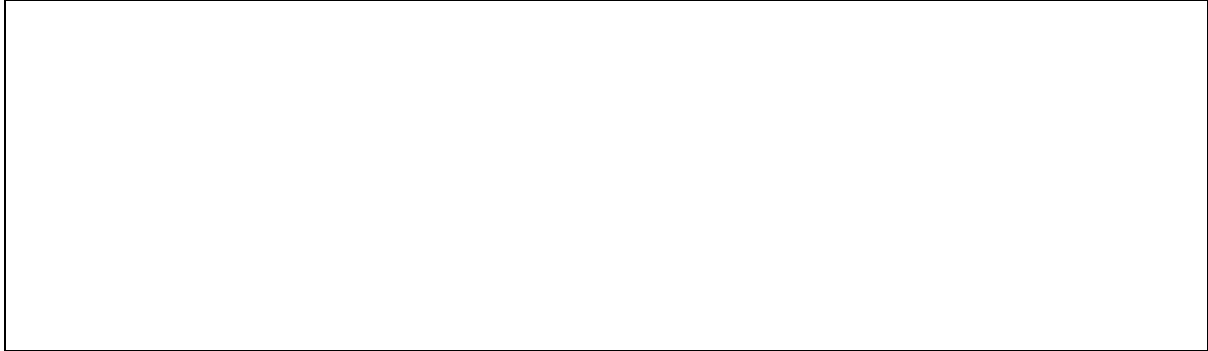
Scenario

As the HSR you have become aware through a member of your workgroup of that a worker has received an electric shock from plant in their work area. The PCBU has been informed but no immediate action has been taken.

Activity: What are the objectives of an Incident Investigation (page 262)

What are the objectives of the following stakeholders in an incident investigation?

PCBU/Senior Management



Managers and Supervisors



The HSR and/or Health and Safety Committee



WHSQ Inspector

--

The primary objective of an incident investigation is to identify all of the factors that contributed to the incident. Secondary objectives are related to prevention, improving WHS management systems, assisting in any insurance claims, and compliance with legislation. This is an important distinction if preconceived ideas are to be avoided but it also leads to one of the major human factors that can compromise an effective investigation.

As most of the evidence describing the events will not be present after the event, a large part of the evidence will rely on eyewitness accounts of the predisposing events and conditions. We are therefore dealing with people.

If people know that the intent of the investigation is to attribute blame.

- a) They will not voluntarily offer the information.
- b) If asked, they will reply selectively to the questions. If the questioning is inadequate, they will possibly avoid giving all the information they have consciously available.
- c) If blame is an intended outcome and sufficient time has elapsed, their recollections will be distorted by unconscious mental processes of self-preservation and rationalisation.

Reasons that incidents go unreported:

- Fear
- Work interruption
- Lack of time
- Personal reputation
- Illiteracy
- Cultural
- 'Red tape'.

It is therefore essential that such human factors be considered before initiating and during the investigation.

Activity: Incident Investigation (Page 273)



This activity is designed to promote discussion and demonstrate the need for investigation and analysis of the facts.

Instructions

1. Read through scenario provided below
2. Identify and discuss if the 'systems' or persons were at fault
3. In small groups review the incident in detail
4. Note on flip chart paper:
 - The sequence of events
 - Use the box form of the 'fishbone' tool to review contributing factors and help determine the system failure/s that caused the incident to happen
 - Determine and record possible corrective actions that would be recommended to management
5. Report back on your findings.

Activity sample: Incident scenario

In August 2014, an incident occurred at a Prep to Year 12 school. It was science week, and some practical demonstrations were organised to be conducted during school assembly to encourage children to become interested in science. One of the science teachers was allocated to choose the experiments to be demonstrated, in consultation with the head of the science department. One particular experiment chosen involved the use of sodium hydroxide (caustic soda).

On the morning of the demonstration, a generic risk assessment was signed by both the teacher and the head of science. It correctly identified that the main chemical being used was hazardous and the risk assessment nominated some control measures. It identified sodium hydroxide as a hazardous substance that was extremely corrosive to skin and eyes. The risk of using this chemical without controls was deemed 'high'. The risk assessment identified that controls should consist of a protective screen, safety glasses, chemical gloves and a laboratory coat. It further suggested that consideration should be given to the control of any fumes given off, and that care should be exercised in the handling of the chemical. The generic risk assessment also recommended that the safety data sheet (SDS) for the chemical be consulted before undertaking any experiment. Both teachers briefly discussed the risk assessment, agreed with and signed it off, that with those controls in place and the experiment being managed by 'routine science procedures in the classroom', the overall risk was reduced to 'medium' which they alone deemed acceptable. The two teachers did not discuss this experiment with any other science teachers, or senior school management, and did not review the SDS.

Subsequently, the school did not have a protective screen, and in its absence, the teacher undertaking the demonstration decided on an informal exclusion zone was an appropriate substitute (approximately two metres between him and the first row of students).

The entire school population was present at assembly that day (including the head of science, who was watching from the side of the assembly), which was being conducted outdoors on a concrete floor, and under the roof of an open sided sports shed. The demonstration was performed on some plastic collapsible tables, as this was an impromptu location. During the demonstration some of the younger students moved closer to get a closer look at the experiment, but no teachers present addressed the encroachment of the students into the informal exclusion zone.

During the experiment, one of the bottles containing chemicals fell over because of the instability of the portable tables being used. Because of this, the teacher decided to secure the lids on all the bottles in use (including the bottle which now contained the sodium hydroxide and aluminium). A short time later that bottle burst, causing its contents to spray out over the students at the front of the demonstration.

Approximately 60 students reported contact with the hazardous chemical. Emergency services were called while teachers washed students down with water.

Environment	Plant/Equipment	People
Work Method	Materials	Information

Day 5 – Session 1

Workplace Culture, Practical Consultation, Issuing A Provisional Improvement Notice (Pin) And Directing The Cessation Of Unsafe Work

Activity: One-way communication (page 286)



In pairs, complete the following activity. Allocate roles so that one of you is the instructor and the other is the receiver.

Activity instructions:

With both of you sitting back to back, the instructor is going to ask the receiver to draw a picture, consisting of some shapes. The receiver is not allowed to ask the instructor any questions, repeat or clarify anything said from the instructor. The receiver is allowed to say 'ok, or yes' to acknowledge that they have completed that set of instructions and is now ready to receive the next set of instructions. The aim is for the receiver to replicate the exact picture (sight unseen) that the instructor has. Once the instructor has completed the instructions, the activity is over, and the receiver can show the picture they have drawn.

Receiver: use the blank page overleaf to produce your drawing. Ensure that you cannot see the instructors image, and that they cannot see your drawing.

Instructor: turn to page 317 of this handbook. That is the exact picture (including the same size) that you need to communicate to the receiver. Ensure that the receiver cannot see this image, and that you cannot see their drawing.

Debrief amongst yourselves.

Activity Debrief. (page 288)

Debrief between yourselves, and then as a class.

- How did you both go? How hard was it for the instructor to relay the exact information, with only minimal acknowledgement from the receiver?
- How frustrating was it for the receiver to get mixed messages from the instructor?
- What does your drawing look like?
- How close to an exact match is it? How desperate were both of you to ask questions of each other to clarify information?

What you have just experienced was communication; but it was an example of poor communication, where ideas, concerns and clear information was lacking. A HSR that is trying to communicate to stakeholders, but doesn't ask questions or clarifies information will struggle to remain effective in workgroup representation.

Activity: Two-way communication (page 288)



In pairs, complete the following activity. **SWAP** your previously allocated roles so that one of you is the instructor and the other is the receiver.

Activity instructions.

With both of you sitting back to back the instructor is going to ask the receiver to draw a picture, consisting of some shapes. This time, both of you can talk, ask questions, repeat instructions or clarify anything. The aim is for the receiver to replicate (sight unseen) the exact picture that the instructor has. Once the instructor has completed the instructions, the activity is over and the receiver can show the picture they have drawn.

Receiver: use the blank page overleaf to produce your drawing. Ensure that you cannot see the instructor's image, and that they cannot see your drawing.

Instructor: turn to page 318 of this handbook. That is the exact picture (including the same size) that you need to communicate to the receiver. Ensure that the receiver cannot see this image, and that you cannot see their drawing.

Debrief amongst yourselves.

Activity Debrief. (Page 289)

Debrief between yourselves, and then as a class.

- How did you both go this time?
- Did you both find it easier because of the ability to ask questions and clarify information?
- Was there less mixed messages from the instructor?
- What does your drawing look like? How close to an exact match is it?
- Were there any new frustrations or developments that occurred in this activity that you didn't expect?

What you have just experienced was communication; but hopefully it was an example of good communication, where ideas, concerns and clear information was being sought and exchanged. Despite this second activity allowing questions to be asked and a free range of questions to be exchanged, the drawing still might not be an exact match. This demonstrates the principal that even when we have open and clear communications, it doesn't always result in what either stakeholder thought or wanted.

Communication between stakeholders can take many forms (eg, meetings, consultation, toolbox talks, negotiations, conflict resolution, forums, performance reviews) and regardless, effective communication is of paramount importance. As a HSR, a common form of communication will be negotiation. Negotiation is a communicative process that occurs between two or more parties and it is intended to reach an understanding of a problem or resolve an issue. Often we associate negotiation with 'winning at all costs'. This approach, based on competition and that one person or persons have power over others, can work in some situations but often intensifies the conflict and can impact negatively on the working relationship.

Activity: Negotiation Activity 1 (Page 301)



In pairs, complete the following scenario. Allocate roles so that one of you is the PCBU and the other is the HSR. You will need to negotiate positive outcomes in the scenario.

Scenario 1.

Both HSR and PCBU notes;

The business is a medium sized manufacturing workshop. It's an older building with no wall or ceiling insulation, the workplace is cold in winter and hot in summer. It's mid-spring, and although working conditions are currently comfortable, the workers are already grumbling about what is in store in the coming months as summer approaches and how the workers are affected by the heat and conditions in the workplace.

An area of known angst is the refrigerated water bubbler located in the actual workshop area. Although it tries to refrigerate the water, it struggles to do so, for several reasons, including that there is only 1 of these bubblers, and that the water supply to it is black plastic 'poly pipe' tubing, most of it which is run on the outside of the building (in the sun). There is a second bubbler located in the general lunch room, however, you must remove your boots to enter this room (because of the dirt on the bottom of the boots), and the workers feel this is too much effort just to fill a drink bottle.

Note: the HSR is to lead and drive this negotiation.

HSR only read your notes. PCBU only read your notes.

HSR only notes;

- Workers have approached you about their concerns over the temperature of the drinking water.
- You have a good relationship with the owner of the business, your concerns/ideas are usually well received and actioned reasonably quickly.
- They usually have a positive outlook on safety, but the business is just too small to have a formal safety committee.

As HSR you may need to think about;

- A second refrigerated water bubbler
- The black plastic poly pipe water supply to be re-routed out of direct sunlight
- Consider purchasing some bags of ice, to be stored in the lunchroom

PCBU only notes;

- You have a good relationship with the workers including the HSR, you are a hands-on owner and you care about their concerns.
- Your business is too small to have a formal safety committee, and any safety issues that are noticed or brought to your attention are fixed.
- Along with safety concerns, consider the budget accordingly.
- The HSR has come to you with a safety concern as summer approaches.
- You listen to the HSRs concerns and suggestions (which you like and will agree to), some additional ideas you suggest back to the HSR for discussion are;
 - You are prepared to hire a water chiller unit to cool the water down before it reaches the water bubbler.
 - You are prepared to purchase a bottlebrush boot scraper (to clean workers boots without removal), located it just outside the lunchroom door.
 - You are willing to buy and make available in the lunchroom Electrolyte powdered sachets to help in worker hydration.
 - You are willing to hire a fridge for the workshop to allow the workers to keep their own additional cold water and if successful purchase one next year.

PCBU Note: for the purposes of this scenario, you (the PCBU) are to be an approachable, agreeable and cooperative PCBU.

Negotiation Activity 1 Debrief.

Participants debrief between themselves and then as a class. How apprehensive was the HSR at raising the issues? What did the PCBU think about implementing the HSRs suggestions? Were there any difficulties encountered or any unexpected outcomes?

There should have been an underlying theme of openness, willingness and cooperative communication between both parties to resolve the identified issues. This is an ideal example of effective communication and issue negotiation resolution in practice.

It is unfortunate that this type of issue negotiation with the desired outcomes that HSRs want will not always occur. The reality is that there are a number of circumstances that can, and will, affect the ideal process and outcomes HSRs desire. This can include our own mannerisms and human nature, the businesses current priorities, budget and work demands, the workplace politics and interpersonal working relationships, the workplace's culture and perceptions, morale of the workers and management. In most workplaces there may never be a 'good time' for a HSR to wait to raise an issue, however, being aware of the workplaces idiosyncrasies will inadvertently contaminate our ideal communication expectations.

Activity: Negotiation Activity 2 (Page 307)



In pairs, completed the following scenario. Allocate roles so that one of you is the PCBU and the other is the HSR. You will need to negotiate positive outcomes to the identified WHS issue/s.

Scenario 2.

The business is a Call Centre where high volumes of both phone conversations and live data entry notes are undertaken by the workers. The Call Centre operates 5 days a week, with shifts being 7 hours a day. The business has been going through a difficult time for the last 18 months and has a high staff turnover. The business owners, who now rarely visit the workplace, appear stressed and tired whenever they do. Office furniture owned by the business is in poor condition. Most of the chairs are damaged including; missing and broken wheels, base damage due to the broken wheels, fraying and arm rest damage. Some broken wheels are still being used, due to base damaged new wheels can't be fitted. Other furniture issues include a number of the workstation tables damaged and starting to fall apart. Workers stockpile broken chairs in a corner, these chairs are an eyesore and is creating a hazard. When a worker needs a chair, they rummage through this pile and choose the least damaged one.

Note: the HSR is to lead and drive this negotiation.

HSR only read your notes. PCBU only read your notes.

HSR only notes;

- Some of the workers have approached you about the state of the office furniture.
- You know that a number of the workers have received scratches and grazes from the damaged tables and armrests and often complaints of sore backs and headaches.
- You have raised these issues twice before with your supervisors, but because of the staff turnover, including supervisors, nothing gets done.
- You did email the PCBU about 6-months ago and didn't receive a reply.
- You are aware that the company is in trouble, and the prospect of downsizing makes you hesitant to pursue the issues, but you are also aware the state of the furniture is causing you and others real issues that need to be addressed.

Again, you mentioned to the supervisor these concerns and he said "why don't you raise it with the Boss when they are here onsite tomorrow".

Issues to raise;

- Ask if the PCBU is aware that the chairs are in poor condition/ broken and causing health issues? (Topics to raise: chairs are 10 years old, excessive use of chairs)
- Ask the PCBU if they have received your email or been approached by any of the supervisors on this issue, as you have raised it with them on a number of occasions.
- You are aware of budget restraints therefore, you suggest that an audit be done on the chairs to determine the budget for repair (using available parts from other chairs), replace and disposal.
- You suggest that the broken and unsalvageable chairs be disposed of.
- You are aware that this audit and repair process will still result in not enough chairs.
- You also need to discuss that a number of the desks are also in a poor state.
- You ask the PCBU to come for a walk around and look at the state of the furniture.
- You explain that the poor condition is affecting the posture and health of the workers (headaches and sore backs), and that productivity could be increased with addressing these issues. You are aware that the company is financially struggling, but you need to find a way to work with the PCBU to try to improve the workplace conditions.
- As the HSR, what other suggestions do you have to progress these issues?

Note: as the HSR, you need to drive this meeting and try to achieve some results and resolution to the issues facing your workgroup.

PCBU only notes;

You're tired, the demands of running the business, especially the last 18 months have really taken its toll on you, but you still make an effort to try to visit the workplace. You don't enjoy talking to the workers, because all they ever want is to do is complain about everything or aren't interested in talking to you at all. You really only pay them 'lip service' because you know there is a turnover of the staff and most of them won't be here for very long. You know that there are a few safety related issues but there haven't been any serious injuries, and you prefer to know less than more. You know that the HSR has requested to meet with you, and you reluctantly agree to meet with them, but only because you know you have to.

You haven't really had too many dealings with the HSR.

You listen to the HSR, your body language is neutral, your tone is firm, but polite. After listening to the HSR, you;

- Are aware that the furniture is old, and some of it is broken, but work still seems to be happening.
- Do recall a supervisor mentioning something about the chairs, and they said they would look into it on your behalf, but they left the business and you had forgotten about it.
- There haven't been any serious injuries that you have been told about, but you aren't sure what kind of injuries broken furniture could result in. – You are surprised and skeptical to hear that people are getting headaches and sore backs from the chairs.

- HSR has requested to do a chair audit to see what is broken and what isn't. The HSR explains that there are a lot of chairs that need repairing. Your concerns – Who is going to do this audit? Who is going to do the repairs and how long will this all take? You're not convinced that the chairs will be able to be repaired but you agree to let 'them' do an audit.
- The HSR is really concerned that the leftover and really broken chairs (in a pile somewhere) should be disposed of. You don't see the need to hire a skip bin, but you are happy for the really broken chairs to be tossed into the industrial bin (over time), but only after the supervisor checks to ensure that the chair really is broken and cannot be repaired or salvaged in any way.
- The budget is really tight, and you haven't allocated any money to purchase new chairs, especially the number of chairs that the HSR keeps talking about. You are prepared to purchase some good condition **secondhand** chairs from an auction site. You feel that this is a good compromise. You have no intention in the to commit to purchasing any new chairs, as you just can't afford it.
- Whilst looking at the auction site, you will also see if you can purchase a couple of desks to replace some of the more damaged ones presently in use.
- You know that the HSR means well, and has both your and the workers best interest, and you appreciate that, but you are stressed about the financial strain.

PCBU Note: for the purposes of this scenario, you (the PCBU) are to be an approachable, however somewhat skeptical of the issues, elusive in your commitment to action all the solutions, but provide some 'wins' for the HSR, but no (or vague answers) to some of the HSRs other suggestions. **You** may need to end the scenario if discussions stall.

End of scenario

Activity 2 Debrief. (page 310)

Debrief between yourselves, and then as a class. How well did the HSR raise the issues? How did the HSR handle the vagueness of the PCBU? How did the PCBU feel about not being overly concerned by the HSRs issues? Were there any unexpected developments or emotions during the negotiations?

Despite having different scenarios, there should have been an underlying theme that the PCBU was skeptical, willing to comply with some resolutions, but elusive at committing to a number of the HSRs suggested measures.

In these examples, the HSR may have resolved some issues, but there are other issues that have not been resolved. It is important to follow these up. Maybe consider an email to the PCBU, where you clarify the discussion points and who is responsible for what action. Maybe a more casual secondary follow-up meeting is required to cover off on what was left undecided. Have you or the PCBU got some follow up research to undertake, that can resolve or clarify any outstanding items? The theme of this scenario is most common, and it is important for the HSR to know what the issues are that the workgroup is expressing concern over, as well having time to think about some positive suggestions or solutions to the issue. Of critical importance is knowing 'when the best time is' for all stakeholders to meet to discuss.

Again, in these circumstances, the most effective negotiation style is cooperation (focus on trying to understand each person's underlying interests or needs, rather than their wants or positions). Potentially, this type of negotiation can become demanding, even with the cooperation style, and this is where attitudes can be formed surrounding conflict resolution and negotiations, which can be very hard to change after time. As a HSR, at times you may need to be assertive in the HSR role, to ensure that your workgroups issues are being raised, and that the PCBU is fulfilling their obligations towards the HSR as outlined in legislation.

Assertiveness is a critical skill in life. Without assertiveness we run the risk of either being steamrolled into a situation we don't like or coming at the other person too hard and destroying the relationship. Our personality is a big driver of our assertiveness. Some of us are naturally more passive in nature and happy to 'go with the flow'. Others are more aggressive and quicker to anger, meaning that we challenge other people in ways that could be unhelpful or create conflict. Others may be assertive naturally. The good news is that we can all learn how to improve our assertiveness skills.

Some people confuse assertiveness with aggressiveness or getting what you want. If you are confused about assertiveness, the following description might be of help.

When we are passive, we allow others to take advantage of us or to continue on doing what

they want, even if it causes us some inconvenience or discomfort. An example might be voicing a concern to a co-worker who is working unsafely and backing down if they become angry or aggressive.

At the other end is an **aggressive approach**, where we end up disrespecting others and potentially damaging the working relationship. At times, a situation may make us feel angry, frustrated, or even upset. If we show this to the person we are speaking with, it may result in conflict or disagreement, and an outcome that may be even worse than the original situation we were trying to fix. An example might be where someone takes a piece of safety equipment without asking, and responding angrily or abusively, which ultimately results in a poor working relationship that may affect future work tasks where you need to work together or rely on each other for success.

Activity: Negotiation Activity 3 (Page 311)



In pairs, with the following scenario, allocate roles so that one of you is the PCBU and the other is the HSR. The HSR will need to try to negotiate positive outcomes to the identified WHS issue/s in this scenario.

Scenario 3.

The business is a mobile home handyman operation. It owns a small fleet of vehicles and employs a variety of workers including administration staff and qualified trades people.

Most days it's the same personnel using the same car, but occasionally the cars can be reassigned to other people. Due to the varying type of work, each of the cars have different types of tools and appliances. The office also has an 'unmanned' tool store where spare, infrequently used and specialised tools are kept. At times the limited tools available can be quite stressful for all workers due to delays with some cars returning to the office that are carrying tools needed by other workers.

There are two job coordinators who are responsible for trying to organise and streamline all these requirements, but because the business is so busy, the two coordinators are also acting in a sales and purchasing roles, leaving no or little time oversee this daily hectic process. A lack of accountability in this area has developed, and an 'every person for themselves' culture is emerging with the workers responsible for making sure that their car is ready for the next day's work.

As a result of the above behaviour:

- Workers taking another's tools
- Electrical power tools left in an unsafe state e.g. Recently there was a serious near miss incident where a portable angle grinder disc exploded upon start-up because it had been dropped the day before, and no one did anything about it
- The business is always looking for ways to cut corners and costs wherever it can.

Note: the HSR is to lead and drive this negotiation.

HSR only read your notes. PCBU only read your notes.

HSR notes;

- You have a volatile and strained relationship with the PCBU from previous safety discussions.
- Workers have approached you about their concerns over the safety and condition of the portable power tools. Only about half of the power tools have an 'electrical safety test tag'.

- Some of the power tools have damaged leads and large cracks on the plastic housing of the tool, exposing the internal components.
- Each of the cars were issued a portable residual current device (RCD) safety switch, but some have gone missing.
- The angle grinder incident is another in a string of recent serious near misses within the business.
- The PCBU has a reputation of being impetuous, hot headed and business focused 'at any cost'. Getting a meeting with them to discuss these issues will be difficult. The PCBU tolerates safety but only to the minimal standard required and even that is hard work.

Raise the following points for their consideration:

- A number of electrical power tools that are in electrically unsafe condition – the damage to the power tools is a result of no accountability by workers.
- The majority of the electrical power tools do not appear to have been electrically tested and tagged in recent months – the PCBU didn't think it was necessary anymore because of RCDs in the cars, and that this negates testing and tagging – you have doubts that this course of action is correct. Furthermore, not all cars have an RCD.
- The recent angle grinder incident could have been a lot worse but highlights your concerns (personal injury). The damaged angle grinder was not addressed by the person who damaged it but placed back for the next user.
- There is no process for identifying any damaged power tools or equipment or subsequently having it repaired by an authorised person.
- You are concerned with the developing negative culture in the workplace in this regard.
- You feel that the two coordinators need to spend less time on the other tasks they are doing, and more time on their coordinating role within the tool store.

After discussing your concerns with the PCBU, you hope to negotiate/ resolve the following;

- Electrical test and tagging be scheduled and completed, and faulty/damaged power tools are repaired or replaced as soon as possible.
- Audit – to determine how many portable RCDs are in the cars and then clearly marked so that they stay with the allocated cars, checking the condition of the tools assigned to each car is undertaken regularly
- Spare RCDs be purchased and made available at the office
- The tools and equipment assigned to each car, are clearly marked and stays with that vehicle
- That the two job coordinators begin to focus back on their coordination role – and potentially staff the tool store at peak periods
- Tag out system be implemented for unsafe or defective tools

Note: as the HSR, you need to drive this meeting. It may be a difficult meeting, but you will need to try to achieve some results and resolution to the issues facing your

workgroup.

PCBU only notes;

You're a shrewd business owner, you feel the pressures to keep the business profitable. It has its busy and quiet periods. At times making 'unpopular' and hard decisions to keep the business afloat, which contributes to your reputation as a hot head. As far as you're concerned, it's 'your way or the highway'. You know there are issues in the workplace, especially concerning your trades people, but you expect there to be issues because no workplace is perfect.

You think your HSR is a bit overzealous with safety. The relationship is strained over previous safety discussions. You're irritated that the HSR has requested to meet with you to discuss some safety concerns. You don't have a good record at addressing safety concerns, but you agree to hear what the HSR has to say.

The HSR will likely raise the following points;

- electrical power tools that are in a poor and/or electrically unsafe condition. (You are not aware of this because they are the workers tools, how are you expected to know this, as you work in the office; not on the tools.)
- Test and tag has not taken place. (You're aware of this as you bought some portable RCDs for each of the cars, eliminating the need for testing and tagging. The HSR may claim that they are not sure if this RCD solution negates the requirement of testing and tagging)
- They claim not all cars have an RCD, and there are no spares available. (You are further annoyed because you spent about \$1200 purchasing RCDs for this purpose. You suspect worker theft, but you have done your bit, and if the RCDs are now missing, that's the worker's problem)
- The HSR mentions the recent incident with the angle grinder, as an example of the careless nature and lack of accountability for the tools.

HSR believes:

- Tools are being damaged due to no worker accountability
- No system in place for tools being loaned out from tool store
- No system to report damaged or broken tools
- Co-ordinators need to return to their original job, and less time in sales and purchasing.

You believe:

- HSR comments are a bit of a stretch
- As far as you're concerned about the angle grinder incident, it's just that worker and he is accident prone
- You have no idea about broken tools, but that is why you have co-ordinators. You assume they look after it.
- Workers are adults and should be looking after the tools of their own accord

- Co-ordinators returning to their original role will not be considered as it's contributing to profits.

This scenario is specifically designed for the PCBU not to cooperate or yield to the HSRs suggestions, making it a 'failed negotiation' discussion, where the HSR walks away with no or very little resolution to the issues. You need to display standoff (but not hostile) behaviour, and essentially you are not to commit or agree to any of the proposed HSR solutions or resolutions, however; the HSR has been instructed to try to resolve all these issues.

After hearing what the HSR has had to say, you (the PCBU) decide;

- That it's not necessary to clarify electrical testing and tagging requirements. You've bought and issued portable RCDs for each car; you don't need to audit them.
- Damaged or faulty power tools, workers should know to report it to the coordinators. If you remember, you will mention this to the coordinators at the meeting next week.
- You don't think that a formal system to track, test or tag out equipment is needed. It's not a big issue. Too many tools to track and not that many broken.
- You might consider buying one or two spare RCDs.
- Even though you don't believe that there is an issue, you're not prepared to commit the coordinators back to their organising roles or manning the tool shed without further discussion with them.
- Furthermore, you tell the HSR that you're not impressed that these issues even exist, and that you're not very happy that HSR has spent work time on these 'trivial' issues. If these issues continue to exist then the workers had better figure it out amongst themselves, because if you step in, you will deal with it indifferently.

It is expected that the HSR will terminate the discussion after considerable discussion, or if the HSR is unable to continue the discussion because of your stance, **you may** have to end it by stating something similar to "Well, that concludes our meeting, let's both get back to work now". The HSR may end the meeting as well, although this is less likely as they have been prompted to try to resolve these issues with you.

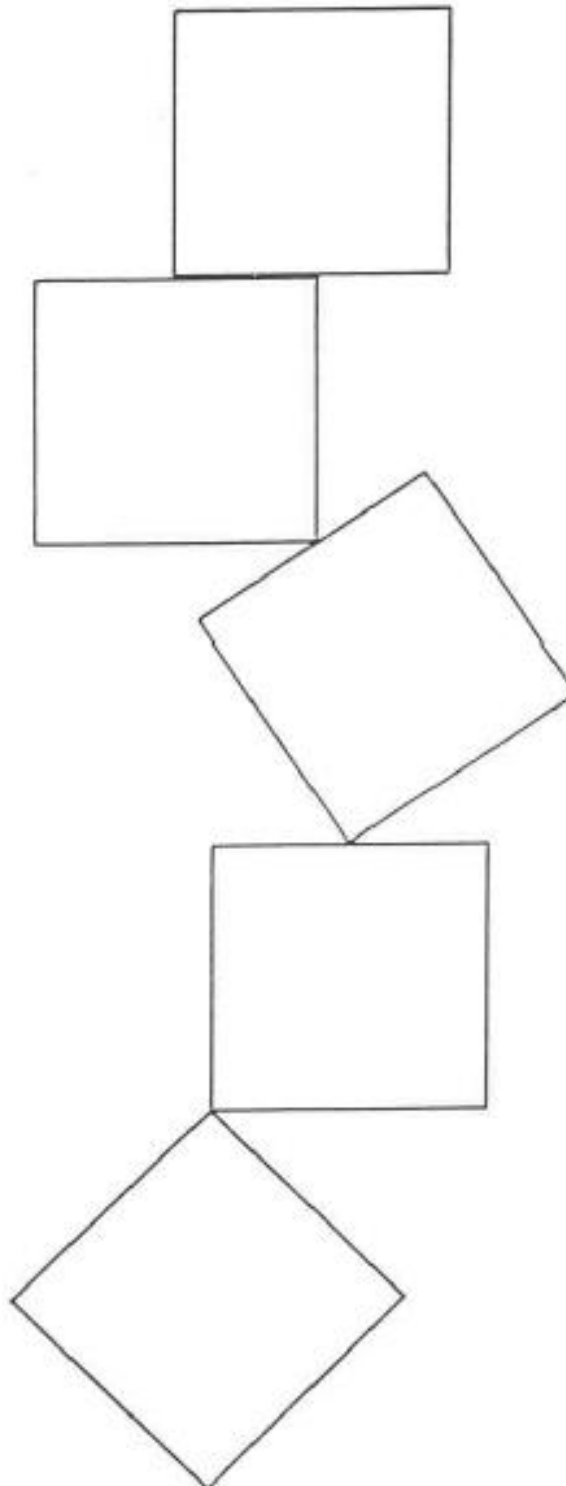
End of scenario

Activity 3 Debrief (Page 315)

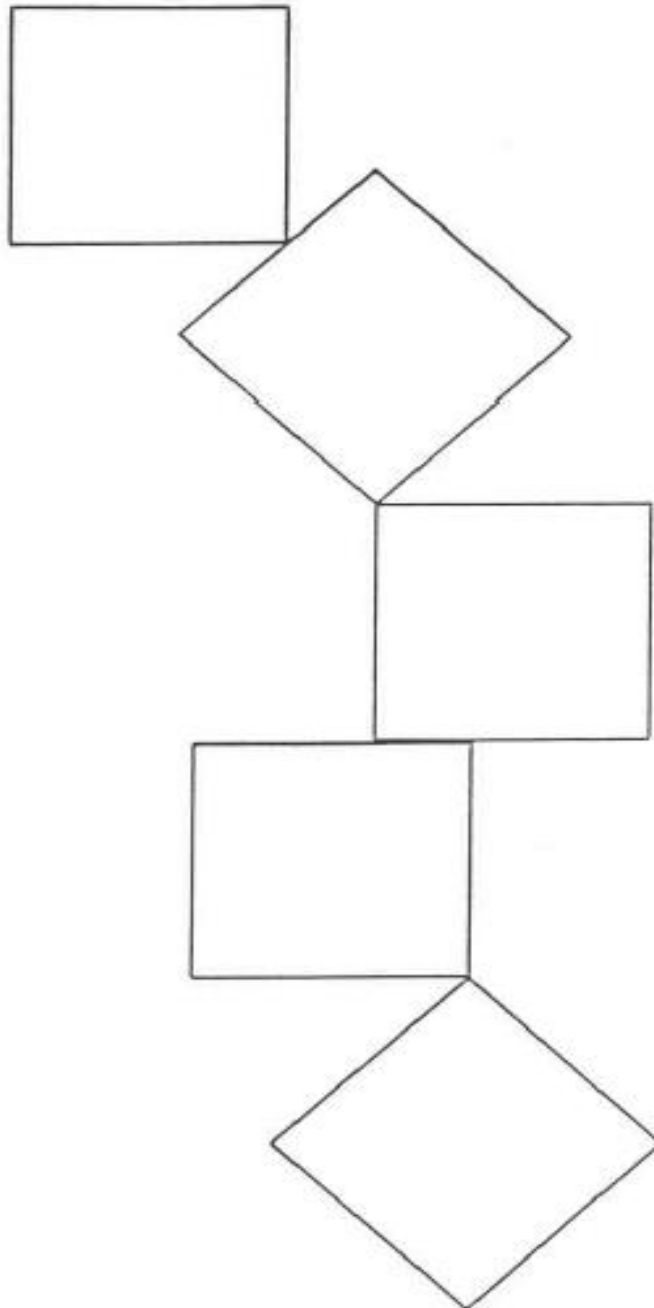
Debrief between yourselves, and then as a class. Discussion points could include;

- How well did the HSR raise the issues?
- Did the HSR try different ways to try to engage with the PCBU?
- How did the communication style change over the course of the scenario?
- Was the HSRs frustration becoming apparent or did the HSR choose to disengage?
- How did the scenario conclude (who terminated the discussions)?
- As the HSR, what would you do different next time?
- Were there any unexpected developments or emotions during the negotiations?

Activity: One-way communication (Page 317)



Activity: Two-way communication (Page 318)



Day 5 - Session 2

Reasonable belief and issuing a Provisional Improvement Notice

Activity: When might a provisional improvement notice be issued (Page 324)



Brainstorm the following question. Responses can be recorded on flip chart paper

When would it be appropriate to issue a PIN in your workplace?

When wouldn't it be appropriate to issue a PIN in your workplace?

Activity: Issuing of Provisional Improvement Notices (PINs) (Page 329)



Complete all 3 PIN Scenarios.

Scenario 1

As a class complete—Trainer guided PIN completion

The facilitator will explain and guide you through the completion of this PIN. (Refer to Page 330 for scenario)

Scenario 2

In small groups complete—Group Guided PIN

discuss and make assumptions as to other actions that have taken place that have led to your decision to issue a PIN. Write down your assumptions and then complete the PIN. (Refer to page 331 for scenario)

Scenario 3

As a individual complete – Independent PIN

- Use the Form 44 Provisional improvement notice (PIN handouts) to complete one PIN for each scenario
- Whilst details of the issue is provided, you will need to locate the provision in the WHS legislation that is being breached.

(Refer to Page 332 for scenario)

Refer to Page 333-334 of your handbook for an example copy of a PIN (Form 33)

Scenario 1

A new metal press has been installed in the workplace where many of the workers have limited English skills and literacy levels in general are low.

Training was provided in the form of a toolbox talk and workers provided with a Safe Work Method Statement (SWMS) written in English only. Two workers from the night shift crew have been given the job of testing the press but have very limited English skills.

Details required for PIN

The person responsible within the meaning of WHS Act Part 2 - Martha Smith,
ph 0500 017 717

HSR - Jack Langley elected as the Health and Safety Representative under s. 60 – s. 67 of the WHS Act for the night shift crew

The breach is: The PCBU has failed to provide for the health and safety of workers by not providing training and instruction that is appropriate to their level of literacy in a format they can understand and use.

The breach is occurring at: 540 Ferntree Gully Road, Bowen Hills, QLD

The reasons for the opinion are as follows: Instruction and training for testing of the new metal press were presented verbally at a toolbox meeting where not all workers were present at the time. The SWMS were printed in English using a new format and provided to workers at the meeting. No additional supervision was provided for the testing.

In accordance with s93 of the Act it is recommended that the following action should be taken: The testing of the metal press should be stopped until all workers in the area and required to use the equipment have had the appropriate training. All instructions, SWMS and associated materials should be provided in the appropriate languages using photos where applicable to assist understanding for workers on or near the machine. Training must be held so that all workers from all shifts can attend. Adequate supervision should be provided for the testing.

Scenario 2

The machinery in the lab is aging and the noise being generated has increased significantly over the last couple of years. Workers now have to leave the area to have a conversation. Workers are working in this area for a full shift on a rotating basis. The supervisor has provided workers with earmuffs however no noise testing has been carried out.

Details required for PIN

The person responsible within the meaning of Part 2 of the WHS Act - Matt Blanch

HSR - Stephen House elected as the Health and Safety Representative under s. 60 – s. 67 of the WHS Act for Laboratory staff

The breach is: Management has failed to take appropriate action regarding the noise emitted from the equipment used within the laboratory.

The breach is occurring at: 256 Young Street, Bowen Hills, QLD

The reasons for the opinion are as follows: Attempted consultation with management regarding monitoring the noise level, providing audiometric testing for workers and the investigation of permanent measures including the replacement of equipment over time but to date no action has been taken. Further attempts at consultation have been rejected by management who clearly state that there is no provision in this year's budget.

In accordance with s93 of the Act it is recommended that the following action should be taken: The noise level within the Lab should be tested and if found to exceed the recognised levels all efforts should be made to either eliminate or minimise the noise to acceptable levels. Audiometric testing of affected workers should also occur. Consultation with other relevant workers e.g. maintenance workers and contractors on other forms of minimization could be initiated.

Scenario 3

A contract care-worker has been on overnight stays at an accommodation facility. There has been several incidents involving client violence and workers have asked for additional training in skills to deal with these types of situations. To date there has been no response from management and workers are becoming increasingly on edge.

Details required for PIN

The person responsible within the meaning of WHS Act Part 2 - Sue Fernley

HSR - Bruce Goodman elected as the Health and Safety Representative under s. 60 – s. 67 of the WHS Act for the Contract care workers

The breach is: Workers are being exposed to potentially violent situations without having received adequate training to respond. Other security measures have also not been put in place e.g. communication procedures. Workers also have limited understanding of assistance that is available to them after an incident has occurred (e.g. access to counseling).

The breach is occurring at: 57 Russell Street, Bowen Hills, QLD

The reasons for the opinion are as follows: Workers have raised concerns for their safety and appear apprehensive in discussions. A number of small incidents have occurred involving different clients over a period of time. No training in response to potentially violent incidents has been provided to date and the training schedule for this year does not include any such training. Workers when asked had little knowledge that they were entitled to access counseling if they were having trouble coping or after an incident.

In accordance with s. 93 of the Act it is recommended that the following action should be taken: Appropriate training should be provided as soon as possible. A new risk assessment should be completed to determine if other measure can be taken to help minimise potential incidents occurring e.g. review of staffing levels, client behaviour management plans, communication and response procedures. Information on worker support should be included in induction to all workers and information be made readily accessible to existing workers (perhaps include an update in team meetings).

Day 5 - Session 3

Direction to cease unsafe work

Activity: Directing unsafe work to cease (Page 347)



Review the following scenarios and discuss what would be the most appropriate actions to undertake in the circumstances.

A contract worker enters a workplace to undertake work on behalf of their PCBU to find that the equipment that they have been given to work with is unsafe, with obvious damage, and could possibly cause an electric shock. What can you do as the HSR for this worker who is a member of your workgroup?

A worker in a factory finds guarding is continually being removed from some equipment that they regularly work with and is not being replaced. That matter has been reported to the supervisor, but no actions appear to have been taken and it continues to happen.

A worker for a transport company arrives at a distribution centre to find mobile equipment is being used in the loading area making it unsafe to unload. As the worker's HSR you are called to the area. What actions can be taken?

Day 5 – Session 4

Course review and evaluation

Activity: Course review (Page 355)

Complete a Provisional Improvement Notice (PIN)

Participants are to use a Form 44 provisional improvement notice to complete the PIN for the scenario detailed below. All areas must be completed.

Details

Duty holder/PCBU: David Doe

Name of business: Doey's Warehouse

Address of workplace: 222 Avocado Street, Parkwood, Queensland 4214

Participant: Elected HSR

Contact Number: 12345

HSR workgroup: Back Room

Scenario

A worker from your workgroup has raised concerns regarding chemicals being stored in the work area. After closer inspection you identify these chemicals are hazardous. After conducting research on hazardous chemicals, you identify that the PCBU must have and maintain a Hazardous Chemical Register if storing hazardous chemicals on-site.

You approach DOE and ask to see the register. DOE tells you he doesn't have one. You inform DOE it's a requirement under legislation. DOE promises he'll organise one within the week. After the conversation you forward DOE an email confirming what was discussed and a friendly reminder of the responsibilities of the PCBU.

A week later you approach DOE and ask to see the Hazardous Chemicals Register. DOE states he's been too busy, but just give him a couple more days and he'll have it organised. You again follow this conversation up with an email to DOE.

After 3 days you approach DOE, he again tells you, he still hasn't had time to organising the register because work's been busy, dog's been sick and drove Aunty Florence to the airport, but when things settle down he'll create a Hazardous Chemicals Register.

Knowledge Questions: (Page 356)



Read through the following questions and answer accordingly. You may consult with members of your group as well as review relevant course information. All responses will be reviewed in large group discussion.

Relevant points

Throughout the course there has been a great deal of information provided to you. It is important that we review the principals involved and answer any questions you may have before we conclude the course.

We have learnt that an effective consultative process is an important part of an integrated systematic approach to managing WHS.

It is important that HSRs, HSCs and other representatives are familiar with their function or role.

Q1. What are the functions of a HSR and a HSC as outlined in the legislation?

The powers and functions of a health and safety representative for a work group are:

The functions of a health and safety committee are:

Q2. What are some of the activities or functions that a HSR may perform in exercising a power or performing a function?

Q3. List some of the ways hazards could be identified?

Q4. What is the Hierarchy of Controls?

We established that our first method of control was to **eliminate the hazard** or work method that creates the risk.

Q5. When can a HSR issue a Provisional Improvement Notice (PIN)?

Q6. What requirements must be met to enable the HSR to issue a PIN?

Q7. When may a HSR give a direction to cease unsafe work?

Q8. What must a HSR do prior to giving this direction?

Activity: Course review (Page 359)



Discuss the following statements and determine whether they are true or false. Record your answers on the table and they will be discussed with the facilitator and the wider group.

(You may review information in the WHS Act and WHS Regulation if needed)

REPRESENTATION AND PARTICIPATION REVIEW

Discuss with your group members the following statements and determine whether they are true or false. Record your answers and they will be discussed with the facilitator and the wider group.

STATEMENT	TRUE	FALSE	PROVISION
1. A worker can only cease work if directed to by a Health and Safety Representative (HSR).			
2. A WHS entry permit holder is not permitted to warn persons other than workers from the workgroup they represent of a serious and immediate risk to health and safety in the workplace.			
3. Consultation under the WHS Act requires relevant information to be shared with workers and that workers be given reasonable opportunity to express their views, have their views taken into account, raise WHS issues and contribute to decision making processes. If there is a HSR they must be involved in the consultation.			
4. A worker who ceases work or does not commence unsafe work must notify the relevant PCBU of the workplace as soon as possible and then remain available for alternative work.			

STATEMENT	TRUE	FALSE	PROVISION
5. A WHSQ inspector may only be requested by the PCBU to help resolve an issue about unsafe work.			
6. A PIN can be issued by a suitably trained HSR if they believe a provision of the WHS Act has been breached and may continue to be breached.			
7. A PIN can still be issued by a HSR if an inspector has reviewed the matter and decided not to issue an improvement or prohibition notice.			
8. Discriminatory, coercive and misleading behaviour is prohibited in order to protect people with various roles (including HSRs) and functions under the WHS laws.			
9. A HSR who disclosed a person's medical information to others without the person's permission could be disqualified			
10. A HSR could be personally liable for exercising a power or function in good faith			
11. A HSR has a duty to manage health and safety risks for their work group			
12. 'Risk control' means taking action to eliminate health and safety risks so far as is reasonably practicable			

ENFORCEMENT MEASURES

Discuss with your group members the following statements and determine whether they are true or false. Record your answers and they will be discussed with the facilitator and the wider group.

Statement	True	False	Provision
1. WHSQ's role as the regulator is to provide advice and information on work health and safety; foster cooperation and consultation; and monitor and ensure compliance with the WHS legislation.			
2. Inspectors can only enter a workplace when invited by the PCBU or worker.			
3. WHSQ Inspectors can assist in resolving work health and safety issues and those relating to access and entry rights at a workplace.			
4. A WHSQ inspector is entitled to inspect any item or document and take samples.			
5. You do not have to answer questions from an inspector when they are investigating as it could be used against you in court.			
6. A WHSQ inspector is not entitled to request your name and residential address when at the workplace.			
7. A person is not permitted to hinder, obstruct, threaten or intimidate an inspector or encourage another person do so and can receive serious fines and possibly jail time if they do so.			
8. A PIN can be issued by a trained HSR, be reviewed by an inspector and be enforceable.			
9. The court can order a person to undertake or arrange for workers to undertake specific training.			

Activity: Course evaluation (Page 363)



Please complete the course evaluation form and provide an **honest** assessment of the course.

The evaluation of this training course will assist WHSQ and the training provider to further develop the package to the benefit of future participants.

Further information

This course has been designed to give persons the necessary skills and knowledge to enable them to operate effectively as an HSR.

Should you have any questions once you return to the workplace you can contact the WHSQ Advisory Services (HSR Direct Line) on **1300 633 419 or lodge a safety question on the website.**

Link to Ask a Safety/Legislative question:

<https://fswgap.worksafe.qld.gov.au/whsq-enquiry/>

COURSE REVIEW

NOTE: Participants are to be given this page separately to complete

How do you feel about the following statements?	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
---	------------------------------	-----------------	----------------	--------------	---------------------------

Work Health and Safety (WHS) laws

- | | | | | | |
|---|-----|-----|-----|-----|-----|
| 1. I know what the work health and safety laws are and where to find information on them. | [] | [] | [] | [] | [] |
| 2. I understand my employers' responsibilities under WHS laws. | [] | [] | [] | [] | [] |
| 3. I understand my responsibilities as a worker under WHS laws. | [] | [] | [] | [] | [] |

Current involvement in safety in the workplace

- | | | | | | |
|--|-----|-----|-----|-----|-----|
| 1. I know what the arrangements for consultation are in my workplace. | [] | [] | [] | [] | [] |
| 2. I know how hazards and incidents are identified and reported in my workplace. | [] | [] | [] | [] | [] |
| 3. I understand how hazards are to be managed in my workplace. | [] | [] | [] | [] | [] |

Duties in the workplace under WHS legislation

How do you feel about the following statements?	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1. I understand what a duty holder in the workplace is and who they are.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. I understand the definition for workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. I understand the responsibilities of workers and others.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. I understand the responsibilities of persons conducting a business or undertaking (PCBU).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. I understand who officers are and their responsibilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Representation and participation under WHS laws

1. I understand the difference between the role of a HSR and a HSC.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. I understand who can issue a provisional improvement notice (PIN) and a direction to cease unsafe work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. I understand the process for issuing of a PIN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. I understand the issue resolution process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>