

# HEALTH AND SAFETY REPRESENTATIVE TRAINING COURSE

## One-day Refresher Course

Participant Activity Handbook

Version 4.3 November 2024



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## TABLE OF CONTENTS

ACTIVITY: WHS Terminology	5
ACTIVITY: Health and Safety Duties	6
Activity: Navigating the WHS Website	7
ACTIVITY: HSR duties under the WHS Act	8
Activity: Roles and Duties of HSRs and HSCs	10
Group Discussion	13
ACTIVITY: Conflict Resolution	14
Risk Matrix	16
Discussion.	17
ACTIVITY: Role of the HSR	19
Discussion	21
GROUP ACTIVITY: Issuing of Provisional Improvement Notices (PINs)	22
INDIVIDUAL ACTIVITY: Issuing of Provisional Improvement Notices (PINs)	23
Workers right to cease work	28
ACTIVITY: Directing unsafe work to cease	29
<b>Representation and Participation Review</b>	<b>31</b>
<b>Course Review</b>	<b>32</b>

# **Session 1**

# **Legislative Framework and Duties**

## ACTIVITY: WHS Terminology

Purpose: To have participants familiarise themselves with key terminology of the WHS Act and WHS Regulation.

Guide participants to the terminology exercise in their notes and ask them to connect the terms with the correct description using their course information if required

WHS Act Terminology						
WHS Term		Description				
1.	Person Conducting a Business or Undertaking (PCBU)	<b>A.</b> 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>B.</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	<b>C.</b> 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	<b>D.</b> 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)	<b>E.</b> 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)	<b>F.</b> 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	<b>G.</b> 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 -

## ACTIVITY: Health and Safety Duties

Have the group brainstorm one of the following scenarios. Responses can be recorded.

*Scenario 1: Consider a building construction site. The Principal contractor of the site has their own employees, but also engages various sub-contractors and regularly receives deliveries from suppliers.*

*Scenario 2: Consider a Hospital. The hospital has their own employees, but they also utilise a labour hire company for temporary roles, outsource cleaning to an external company and regularly receive deliveries from suppliers.*

Under WHS legislation:

- Who has duties and to whom? **See s.19 of WHS Act (2011)**
- Who are workers what are their duties and to whom do they owe them? **See s.28 of WHS Act (2011)**
- Who are 'others' in the workplace and what are their duties? **See s.29 of WHS Act (2011)**

## Slide 20

### Activity: Navigating the WHS Website

You will be shown how to navigate WHSQ website

[www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au) (Note: This website is shared with WorkCover Queensland)

The facilitator will now guide participants through key areas of the WHSQs website including:

- Laws & Compliance (tab)
  - WHS laws
  - Codes of Practice
- Safety and Prevention (tab)
  - Incidents and Notifications
  - Mental Health (Mentally healthy workplaces toolkit)
- Resources (tab)
  - Publications
  - Videos
  - PIN Form
- Popular Links
  - Workplace concern
- News and Events
  - Newsletters (eSAFE)
- Health and Safety Representative Portal
- Licensing & Registrations

## Slide 25

**When might a HSR request assistance from another suitable entity?**

**How might HSRs monitor the measures taken by the PCBU?**

## Slide 26

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

**What assistance can you provide as a HSR of another work group?**

**What challenges may occur in doing so?**

## Slide 28

### **ACTIVITY: HSR duties under the WHS Act**

Have participants discuss the answers to questions below.

**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?**



## Slide 32

### **Discussion:**

**How can workers be involved in identifying and assessing risks?**

**How can workers contribute to the ways in which risks are to be eliminated or minimized?**

**When consultation is required, what is the role of the HSR?**

## Slide 36

**How do these functions differ from those of the HSR?**

## Activity: Roles and Duties of HSRs and HSCs

Discuss with participants how the roles of a HSC member and a HSR differ, and the activities they may be involved in, in both roles. Divide into smaller groups to discuss the scenario in your workbooks then report back to the larger group with your findings.

- What is the role of a HSR?
- Are the duties of a HSC member the same as those of a HSR?
- Can a HSC member be personally responsible for mistakes?
- What activities am I likely to be involved in as both a HSR and a HSC member?



# **Session 2**

## **Work Health and Safety Culture Risk Management**

## Slide 46

### Encourage a Positive Safety Culture

As a safety leader, write down at least:

- one thing you will start doing
- one thing you will stop doing
- one thing you will keep doing.

## Slide 52

### Group Discussion

*A member of your workgroup has noticed that other workers in their work area are leaving the area untidy after their shift and they consider that there is potential for trips and falls in the area. It is an ongoing problem. They have come to you as their HSR for assistance.*

**How should you approach that matter?**

**You are also a member of the HSC. How could you use their assistance?**

## ACTIVITY: Conflict Resolution

**The facilitator is to divide the group into smaller groups to discuss the scenario below. Participants are to record answers in their workbook before reporting back to the larger group.**

*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 paperwork regarding the products in the file.*

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

**What are the issues?**

**Identify the problem solving steps.**

- **What authority does the HSR have to act in this situation?**

How could this matter be raised and addressed with the PCBU?

Slide 56

# **Session 3**

## **Monitoring Health and Safety Risks**

### **Notifiable Incidents**

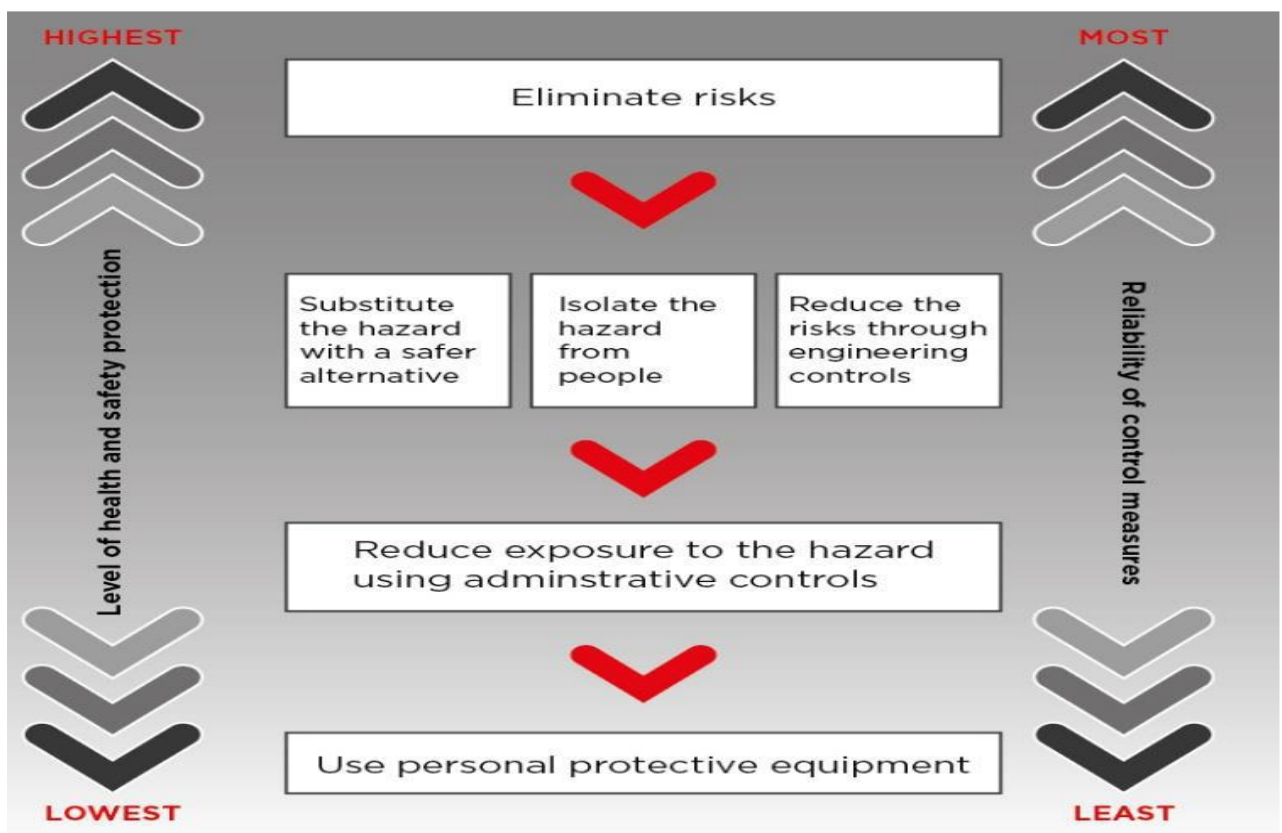
## Risk Matrix

		LIKELIHOOD				CONSEQUENCES	Risk Rating
		Very Likely	Likely	Unlikely	Very Unlikely		
Fatality		1	1	2	3		
Major Injury		1	2	3	4		
Minor Injury		2	3	4	5		
Negligible Injuries		3	4	5	6		

1-2 = Extremely High / High risk

3-4 = Medium risk

5-6 = Low Risk / Minimal risk





## Slide 62

### Discussion.

As a group, discuss the below hazards and how the hierarchy of controls could be applied also using the risk matrix to give the hazards risk rating:

- Machine Operation
- Manual Handling
- Use of Chemical Substances

## Hazard identification and consultation record

(information obtained through observation and consultation with workgroup)

Inspected by:

Date:

Location:

Issued Identified	Location	Potential harm (consequences)	Likelihood	Suggested Controls/Corrective Action	Review Timeframe
Fire door blocked by boxes	Fire exit South side	Fatality	Very likely	Remove boxes and place in storage	ASAP

## **ACTIVITY: Role of the HSR**

Have the group brainstorm the following questions. Responses can be recorded on flip chart paper

**Why does a HSR need to know when there is a notifiable incident?**

**What actions is the HSR permitted to take under the WHS Legislation?**

# **Session 4**

## **Provisional Improvement Notice (PIN) Ceasing Unsafe Work**

## Slide 71

### Discussion

**As a group discuss if you could form a reasonable belief that there may be a risk to workers health and safety**

*PCBU purchased a new piece of machinery from overseas for the workplace. The Manufacturers Manual and instructions are not written in English. The PCBU provided training on how to operate the machinery in the form of a toolbox meeting. The PCBU was aware that not all workers were present at the time of the meeting. Workers were told, they would need to show other workers who did not attend the meeting, how to operate the machinery as there would be no additional training or supervision provided*

## Slide 72

### Discussion

**As a group discuss the following:**

**When would it be appropriate to issue a provisional improvement notice (PIN) in their workplace?**

**And when wouldn't it be appropriate to issue a provisional improvement notice (PIN) in their workplace?**

## GROUP ACTIVITY: Issuing of Provisional Improvement Notices (PINs)

Activity – In small groups, complete scenario 1

- Use the Form 44 Provisional improvement notice (PIN).
- You will need to discuss the scenario and make assumptions as to other actions that have taken place that have led your decision to issue a PIN. Write down your assumptions and then complete the PIN.
- You will need to locate the provision in the WHS legislation that is being breached.

### Scenario 1

*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.*

### Details required for PIN

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

HSR - **Stephen House** elected as the HSR for *Laboratory staff*

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

The breach is occurring at: **256 Young Street, Lutwyche 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 s. 93 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.*

In accordance with s. 92 (d) **Matt Blanch** is required to rectify the contravention or

likely contravention

## Slide 80

### INDIVIDUAL ACTIVITY: Issuing of Provisional Improvement Notices (PINs)

As an individual complete scenario 2

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

#### Scenario 2

*A 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 HSR 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, Lutwyche 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 measures can be taken to help minimise potential incidents occurring 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).*

In accordance with s.92 (d) Sue Fernley is required to rectify the contravention or likely contravention.





## V29 July 2024

This provisional improvement notice (PIN) is issued under section 90 of the *Work Health and Safety Act 2011* (the Act). This PIN requires the duty holder to whom it is issued to remedy a contravention, prevent a likely contravention from occurring or remedy the things or operations causing the contravention or likely contravention of the Act or Regulations. Depending on the particular contravention, the duty holder may be an individual natural person or an organisation such as a company or public authority. Section 97 of the Act requires that the person to whom a PIN is issued must, as soon as practicable, display a copy of the PIN in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the PIN. There are a number of things that must be done or taken into account before a PIN is issued by a HSR - see reverse side of this form for relevant information.

## Name: \_\_\_\_\_

First name:

**Abstract:**

Contact number:

Work group represented:

## Name of duty holder:

(i.e. individual natural person or an organisation such as a company or public authority as relevant)

Address:

State / territory:

Postcode:

## Name: \_\_\_\_\_

First name:

Last name:

**Position:**

Contact number:

☐ Yes    ☐ No

Site location:

I, Health and safety representative's name reasonably believe on date at time

that you ☐ are contravening a provision or ☐ have contravened a provision in circumstances that make it likely that the contravention will continue or be repeated; of the:

☐ *Work Health and Safety Act 2011, section* ☐ *Work Health and Safety Regulation 2011, regulation*

Brief description of how the provision is being or has been contravened:

*Note:* The HSR may, but is not required to, specify measures, in accordance with section 93 (1) of the *WorkHealth and Safety Act 2011*, that they believe should be taken to remedy or prevent the contravention or likely contravention or matters or activities causing the contravention or likely contravention:

## 6: Compliance:

Date PIN issued  / /	Date compliance with PIN required  / / <i>(Minimum of 4 calendar days after date PIN issued)</i>	Signature of HSR
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Note: Work Health and Safety Regulators have developed this sample form that may be used by health and safety representatives to issue a provisional improvement notice. There is no requirement that a PIN be in this form, provided that the PIN is in writing and meets the requirements of Division 7 of Part 5 of the Work Health and Safety Act 2011.

### General information about provisional improvement notices (PINs)

Work Health and Safety Act 2011

1. A health and safety representative (HSR) may issue a PIN if they reasonably believe that a provision of the *Work Health and Safety Act 2011* (WHS Act) or any regulation is being contravened or has been contravened in circumstances that make it likely that the contravention will continue or be repeated.
2. A PIN is issued to the relevant duty holder to remedy a contravention or likely contravention of the Act or Regulation. The duty holder may be an individual natural person or an organisation such as a company or public authority. The duty holder does not necessarily have to be in the workplace where the HSR works - for example, they could be a designer of plant, buildings and structures; or a manufacturer or supplier of plant or substances. However, the contravention must relate to the work group the HSR represents.
3. An HSR can issue a PIN to the relevant duty holder by one of the methods listed in section 209 of the WHS Act. For example:
  - delivering it personally to the duty holder, or
  - leaving it for the duty holder at the workplace to which the PIN relates with a person who is in management or control of that workplace (for example, leaving it with the area manager).

If the above methods of delivery are not possible, the HSR can send it by post, fax or electronic transmission to the home or business address of the duty holder or leave it for the duty holder at their home or business with a person over 16 years who lives or works there.
4. The HSR must consult with the duty holder about remedying the contravention prior to issuing the PIN (see section 90(3)) of the WHS Act).
5. An HSR cannot issue a PIN unless the HSR has completed an approved initial HSR training course or completed that training when acting as a HSR for another work group or completed training equivalent to HSR training under the WHS Act.
6. An HSR cannot issue a PIN in relation to a matter if an inspector has already issued (or decided not to issue) an improvement notice or prohibition notice in relation to the same matter (see section 90(5) of the WHS Act).
7. The duty holder to whom the PIN is issued is responsible for fixing the identified contravention by the date written in 'Date compliance with this PIN is required'. It is an offence under section 99 of the WHS Act for the person not to comply with the PIN by the 'Date compliance with the PIN is required' - penalties apply.
8. If the PIN recipient wishes to dispute the PIN, they can contact the regulator and request an inspector to review the PIN - this must be done within **3 days** of the 'Date of issue' of the PIN. The inspector will review and inquire into the circumstances that are the subject of the PIN up to and after the compliance date for the PIN has expired. An inspector can confirm, confirm with changes or cancel the PIN. A copy of a decision by an inspector must be given to the applicant for the PIN review and the HSR who issued the PIN. If the PIN is confirmed (with or without changes), the PIN is taken to be an improvement notice issued by the inspector.
9. For urgent issues that are an immediate threat to the health and safety of any person, a PIN may not be an appropriate means to address the situation. Refer to section 84 of the WHS Act regarding the right of a worker to cease unsafe work and sections 80-82 of the WHS Act regarding issue resolution.
10. If there is more than one contravention, a separate PIN should be written for each contravention.
11. If the PIN contains formal irregularities, defects or fails to use the correct name of the person to whom the PIN is issued, the PIN may still be valid. The PIN will not be valid, however, if the formal irregularity or defect causes or is likely to cause substantial injustice to the PIN recipient or if the PIN fails to sufficiently identify the PIN recipient (see section 98 of the WHS Act).
12. A reasonable time should be allowed between the 'Date PIN issued' and the 'Date compliance with PIN required', to enable compliance to be achieved. However, the date for compliance must be at least **4 days** after the date of issue. [Amendment to s 94\(2\) WHS Act](#) - a HSR can change the day by which the person is required to remedy the contravention or likely contravention with the agreement of either the person to whom the notice was issued, or, if that person is a worker, the PCBU of the workplace.
13. The HSR should retain a copy of the completed PIN for their records.
14. If the issue has not been remedied by the 'Date compliance with PIN required' and an inspector has not already attended the workplace, the regulator should be contacted.
15. The PIN recipient must as soon as practicable, display a copy of the PIN in a prominent place at or near the workplace, or part of the workplace that is affected by the PIN.
16. A person must not intentionally remove, destroy, damage or deface a PIN that is displayed during the period the PIN is in force.
17. Failure to do any of the things referred to in points 15 and 16 is a contravention of the WHS Act and penalties apply.
18. If the person to whom the PIN is issued disagrees with the PIN or believes they will have difficulty complying with it, they should discuss this with the HSR who issued the PIN. They may also request an inspector to attend (see point 8 above).

For queries about PINs or other health and safety matters, visit [worksafe.qld.gov.au](http://worksafe.qld.gov.au) or phone 1300 362 128.

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Workplace Health and Safety Queensland

[worksafe.qld.gov.au](http://worksafe.qld.gov.au)

1300 362 128

## **Workers right to cease work**

**As a worker, have you previously experienced situations where you needed to stop work?**

**As a HSR what actions would you take immediately after a worker has stopped or refused to undertake unsafe work?**

## ACTIVITY: Directing unsafe work to cease

Divide participants into groups and ask each group to review the following scenarios. The groups should discuss what would be the most appropriate actions to undertake in the circumstances.

- 1. 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?*
- 2. 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.*
- 3. A worker for a transporting 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?*

**In any of these above scenarios, you are able to seek guidance from the regulator, industry bodies, unions etc.**

# Course Review and Evaluation

## 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. 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.			
3. 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.			
4. A HSR could be personally liable for exercising a power or function in good faith			
5. 'Risk management' means taking action to eliminate health and safety risks so far as is reasonably practicable			
6. A WHSQ inspector is entitled to inspect any item or document and take samples.			
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.			



## 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

- |  |     |     |     |     |     |
|--|-----|-----|-----|-----|-----|
| 1. I understand what a duty holder in the workplace is and who they are. | [ ] | [ ] | [ ] | [ ] | [ ] |
|--|-----|-----|-----|-----|-----|



How do you feel about the following statements?	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
2. I understand the definition for workers.	[ ]	[ ]	[ ]	[ ]	[ ]
3. I understand the responsibilities of workers and others.	[ ]	[ ]	[ ]	[ ]	[ ]
4. I understand the responsibilities of persons conducting a business or undertaking (PCBU).	[ ]	[ ]	[ ]	[ ]	[ ]
5. I understand who officers are and their responsibilities.	[ ]	[ ]	[ ]	[ ]	[ ]

### Representation and participation under WHS laws

1. I understand the difference between the role of a HSR and a HSC.	[ ]	[ ]	[ ]	[ ]	[ ]
2. I understand who can issue a provisional improvement notice (PIN) and a direction to cease unsafe work	[ ]	[ ]	[ ]	[ ]	[ ]
3. I understand the process for issuing of a PIN	[ ]	[ ]	[ ]	[ ]	[ ]
4. I understand the issue resolution process.	[ ]	[ ]	[ ]	[ ]	[ ]