



INFORMATION SHEET

Electing health and safety representatives

A health and safety representative (HSR) is elected by their work group under the *Work Health and Safety Act 2020* (WHS Act) to represent workers in work health and safety (WHS) matters.

A worker can ask their person conducting the business or undertaking (PCBU) to conduct an election for one or more health and safety representatives (HSRs).

The PCBU must then begin negotiations to determine one or more work groups of workers within 14 days.

Work groups

A work group is determined by negotiation and agreement between the PCBU and workers (or workers' representative/s). Work groups may be formed for workers carrying out work for more than one PCBU at more than one workplace. Each work group will be represented by one or more HSR.

This negotiation will decide the:

- number of work groups
- composition of the work groups
- number of HSRs and deputy HSRs in each work group
- workplace/s the work groups will apply to
- businesses or undertakings the work groups will apply to (where there are multiple businesses).

Negotiations should aim to group workers in a way that:

- effectively represents the WHS interests of workers
- makes an HSR readily accessible to each worker in the work group
- considers the:
 - number of workers
 - views of workers
 - types of work carried out
 - number and grouping of workers who carry out the same or similar type/s of work
 - areas/places work is carried out, and how much workers move from place to place while at work
 - diversity of workers and their work
 - nature of hazards and risks to health and safety at the workplace
 - employment arrangements (whether workers are employees, contractors, full-time, part-time, casual or short-term, and any overtime or shift work arrangements)
 - times work is carried out.

The PCBU must inform workers of the outcome of the negotiations, and the determined work groups.

If negotiations fail, anyone affected may ask the regulator to appoint an inspector to determine the work groups.

Election procedure

The workers in a work group may decide how the election of HSR/s for the work group is conducted.

The person conducting the election must take all reasonable steps to ensure:

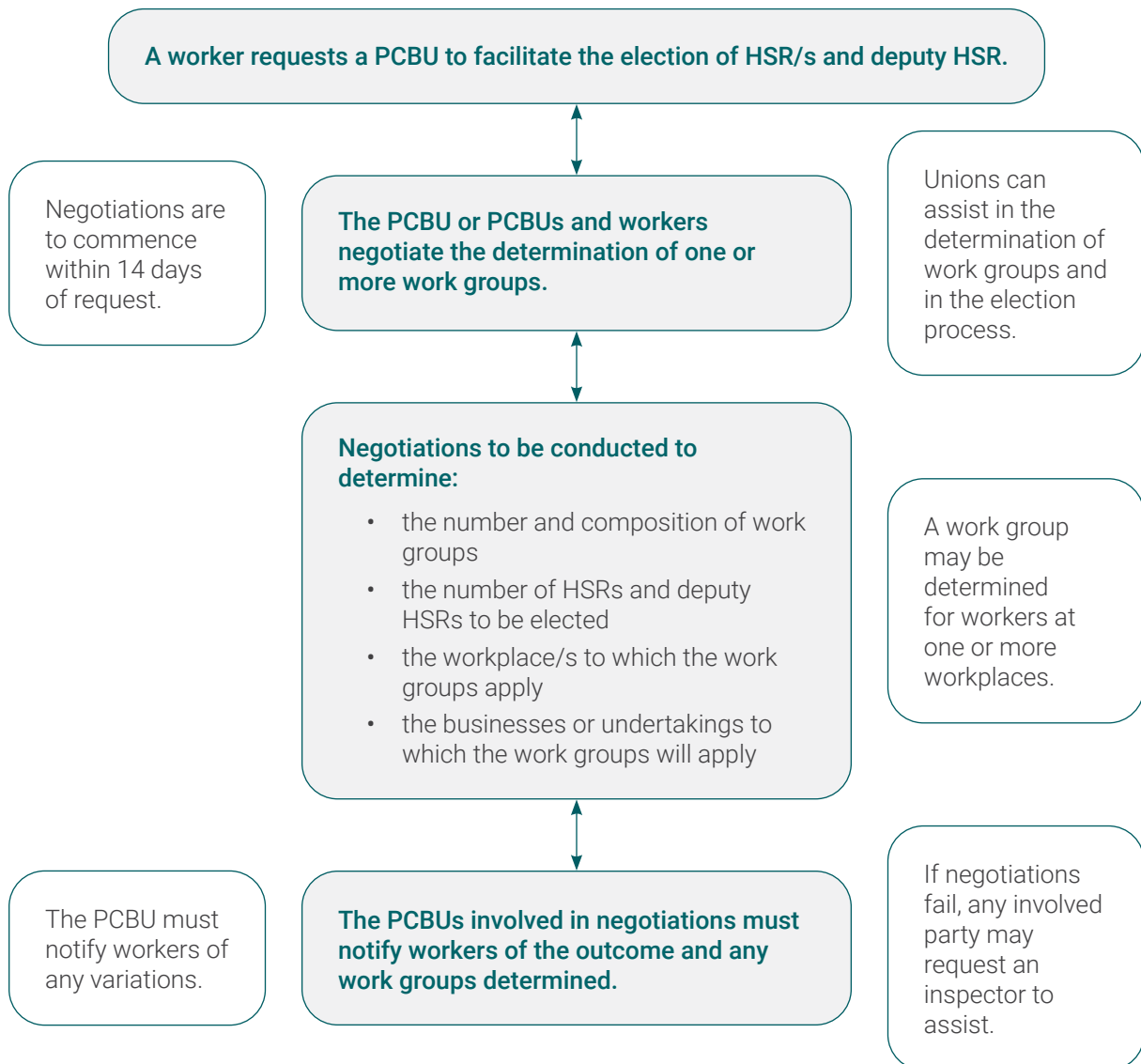
- the relevant PCBU/s are informed of the election date as soon as practicable after it is decided
- all workers in the work group have the opportunity to:
 - nominate for the position of HSR
 - vote in the election
- all workers in the work group and relevant PCBUs are informed of the outcome of the election.

A worker is eligible to be elected as an HSR for a work group if they:

- are a member of that work group, and
- have not been disqualified from being an HSR under s. 65 of the WHS Act.

If the number of candidates for election as an HSR equals the number of vacancies, the election does not need to be held and each candidate is taken to have been elected as an HSR for the work group.

Determination of work groups of a PCBU



Term of office

An HSR for a work group holds office for three years unless they:

- resign from the HSR role by giving the PCBU written notice
- stop being a worker in the work group
- are disqualified under section 65 of the WHS Act
- are removed from the position by a majority of the members of the work group.

Deputy health and safety representatives

Deputy HSRs are elected in the same way as an HSR for the work group.

A deputy HSR may exercise the powers or perform the functions of an HSR if the HSR of the work group ceases to hold office or is unable to fulfil their role (e.g. due to absence).

Transitional provisions

A person elected as a safety and health representative under the *Occupational Safety and Health Act 1984* (OSH Act) or *Mine Safety Inspection Act 1994* (MSI Act) before the WHS Act commenced is considered an HSR and holds office until one of the following:

- their term expires, if there are less than 12 months remaining of their term
- the close of 30 March 2023
- a member of the work group makes a request for the election of a HSR.

If an election process is started before the WHS Act commenced, the election must continue and be completed within three months. The HSR then holds office for one year from commencement of the WHS Act.

If a safety and health representative is disqualified under the OSH Act, they are also disqualified under the WHS Act.

These transitional provisions also apply to deputy HSRs.

Need more information?

Contact WorkSafe on 1300 307 877 or safety@dmirs.wa.gov.au