

CONSULTATION

Worker Representation

This information bulletin provides guidance for employers and workers on the provisions of the [Workplace Health and Safety Act](#) that relate to worker representation on health and safety matters. Please refer to Part 4 of the Act for more detail.

Worker Representation

A major feature of the *Workplace Health and Safety Act 2007* is the creation of a right for workers to be represented and to be consulted on health and safety matters. Part 4 of the Act sets out the entitlement of workers to be represented to their employer on health and safety and the duties of an employer to consult with workers.

Under the Act, workers have a legal right to:

- have a safe and healthy workplace
- to raise concerns or ask questions about things related to their health or safety
- be represented – to elect one of them to represent them to their employer on OHS matters
- be consulted about decisions that may affect their health and safety and to be
 - *told* what is proposed *before* decisions are made
 - *given* the *information* they need to understand what is proposed
 - have their concerns and ideas *listened to and taken into account*
 - *told* about the final decision before it is implemented
- be consulted after action is taken if there was an immediate risk and urgent control action was needed

Under Part 4 of the Act, there are a number of ways in which workers can be represented:

- If there are 10 or more workers at their workplace they have a right to form one or more work groups and each work group can elect a person from within the group to be their Health and Safety Representative. For more information see NT WorkSafe bulletins [18.01.03](#) Work group and [18.01.05](#) Health and safety representative (HSR) election.
- In a small workplace (less than 10 workers), workers cannot form a workgroup at that workplace but can join another workgroup consisting of workers from two or more employers if their employer agrees. If no workgroup is formed the employer still has an obligation to consult with the workers on OHS matters.
- If there is a Health and Safety Committee at the workplace, in addition to elected Health and Safety Representatives, workers may also elect Committee Members (worker representatives) to represent them on the Committee. Refer to publication [A guide to health and safety committees](#).
- Workers may also be represented by a Union of which they are a member and the Union may raise health and safety concerns with the employer, or in some circumstances, an Authorised Union OH&S

Representative may have a right of entry into a workplace to investigate health and safety breaches. For more information see bulletin [18.01.06](#).

Health and Safety Representatives (HSR)

If workers decide to elect a HSR to represent them this has the following advantages:

- sometimes workers are reluctant to approach their employer with concerns or problems about health and safety - the HSR can do this on their behalf and the HSR comes from their workgroup and so is likely to have a good understanding of their issues;
- there may be language or other communication difficulties – workers can elect a HSR who understands their language and is better able to communicate their concerns to their employer and to provide information back to them;
- the employer has a legal duty to consult with workers about decisions that may affect their health or safety. A HSR can be the mechanism to provide information from the employer to workers and to feed back their issues or concerns in the consultation process. A HSR can also help to make sure that workers' health and safety is protected in actions the employer proposes to take;
- HSRs have a legal right to receive training on health and safety and how to perform their representative role and if they take up the opportunity to be trained they will have a greater understanding of health and safety and be better able to recognise and raise health and safety issues;
- the Act gives HSRs the power to inspect the workplace and have access to information from the employer about the health and safety of workers to assist them to perform their role;
- HSRs also have the power to issue a Notice of Safety Hazard to the employer if necessary to require health and safety problems to be fixed. If these problems are not dealt with, a Workplace Safety Officer will look into the issue and take whatever action they consider is required to ensure that people are not placed at risk;
- A HSR also has the power to direct a worker to stop work if they reasonably believe that the worker is exposed to a serious and immediate risk to their health or safety.

Authorised Union OH&S Representatives

If a worker is a member of a Union or is entitled to be a member of a particular union because of the kind of work they do, the Act gives an Authorised Union OH&S Representative (AUOHSR) a right of entry to their workplace to discuss health and safety matters with workers during their breaks. The AUOHSR can also discuss concerns and issues with the employer on behalf of workers.

If there is a situation at a workplace where the Act may not have been complied with and it involves a member of their Union, a AUOHSR for that Union has a right of entry into the workplace to investigate the situation and can refer matters to NT WorkSafe if necessary.

For further information contact NT Worksafe on 1800 019 115 or go to www.worksafe.nt.gov.au