

## Occupational Health and Safety Consultative Structures & Roles

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*Throughout this document, the term "Faculty Occupational Health & Safety Committee" also includes the Central Administration Occupational Health & Safety Committee, The Institute of Molecular Bioscience Occupational Health & Safety Committee and the International & Development Occupational Health & Safety Committee unless otherwise stated. Similarly, the term "Executive Dean" also includes the positions of Senior Deputy Vice-Chancellor, Deputy Vice-Chancellor and Secretary & Registrar, unless otherwise stated.*

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## 1. Background

1.1 The concept of Occupational Health and Safety Committees is based on the management philosophy which recognises that responsibility for safety rests with the creators of risks and those who work with the risks. It emphasises total involvement of the work force at the actual point where human activity is taking place.

1.2 Within the University the benefit of consultation with staff and students at the workplace level is well recognised. Staff and students in a Faculty or Organisational Unit are well positioned in that they have first-hand knowledge of the health and safety problems they face. Formal acknowledgment of these problems through a Committee ensures that preventative or remedial solutions can be promptly addressed.

1.3 Further, the number of workplaces and the scope of matters included in occupational health & safety, make it impractical for all responsibility for prevention and remedial action to be taken by the government inspectorate or the University's Occupational Health & Safety (Occupational Health & Safety) Unit. Workplace Occupational Health & Safety Committees working in consultation with the Occupational Health & Safety Unit enable the University to best meet the health and safety needs of all concerned.

1.4 Section 86 of the Queensland Workplace Health and Safety (WPH&S) Act (1995) makes provision for the establishment of Occupational Health and Safety Committees (Appendix 1). In December 1989 the Senate amended the University of Queensland Occupational Health and Safety Policy to state that "all University workplace shall be covered by the establishment of Occupational Health and Safety Committees".

1.5 The role of the University's Faculty Occupational Health and Safety Committees is to fulfill statutory obligations and to oversee the management of occupational health and safety resources and issues within the area of coverage. The School or Organisational Unit Occupational Health & Safety Committees fulfills organisational requirements and has an advisory role to Schools or Organisational Units for the management of occupational health and safety concerns as well as an advisory role to their Faculty Occupational Health & Safety Committee.

1.6 The occupational health and safety consultative structures and appointment of workplace health and safety officers and representatives do not relinquish the responsibilities of the Senior

Deputy Vice-Chancellor, Deputy Vice-Chancellors, Executive Deans, Secretary & Registrar, Heads of Schools, or Organisational Units, supervisors or staff under the Workplace Health and Safety Act. (see Appendix 2). Rather, the Occupational Health and Safety consultative structures are part of the strategy to assist all parties in meeting their legislative obligations.

1.7 The implementation of occupational health and safety matters should be the responsibility of the relevant senior manager whether -

- Senior Deputy Vice-Chancellor
- Deputy Vice-Chancellors
- Secretary & Registrar
- Executive Deans
- Director, Property and Facilities (to include work by outside contractors)
- Bursar (within the Bursar's area of control)
- Heads of School or Organisational Unit

1.8 Throughout this document, the term *Faculty Occupational Health & Safety Committee* also includes the Institute of Molecular Bioscience Occupational Health & Safety Committee, The International & Development Occupational Health & Safety Committee and the Central Administration Occupational Health & Safety Committee unless otherwise stated. Similarly, the term *Executive Dean* also includes the positions of Deputy-Vice-Chancellors, Secretary and Registrar and Pro-Vice-Chancellor (Academic) unless otherwise stated.

## **2. Occupational Health and Safety Consultative Structures**

2.1 The Faculty Occupational Health and Safety Committees fulfil statutory requirements under the *Workplace Health and Safety Act (1995)*. The requirements relate to the establishment, functions and membership of the Occupational Health and Safety Committees and the timings of meetings. (See Appendix 3 – organisational chart)

2.2 The School or Organisational Unit Occupational Health & Safety Committees have an advisory role to the School or Organisational Unit for the management of local occupational health and safety concerns and referral of unresolved matters to the Faculty Occupational Health & Safety Committee.

See Section 10.2 of this policy, “Communication and Linkages between the Occupational Health & Safety Council, Faculty Committees and School or Organisational Unit occupational health and safety committees” regarding strategies to ensure information from linkages between consultative structures.

## **3. Occupational Health & Safety Council**

### **3.1 Terms of reference of the Occupational Health and Safety Council**

- The promotion of safe working practices and environments throughout the University.
- To recommend to Senate guidelines for safe working practices in the University and to review Occupational Health & Safety policy in specific areas as required.
- To review Occupational Health & Safety initiatives arising from the Faculty Occupational Health & Safety committees and extant committees such as the Biosafety Committee, and report to Senate regarding these.

- The review of Occupational Health & Safety policy proposals and presentation to Senate for consideration and endorsement.
- The consideration of unresolved occupational health and safety matters referred to it by the Executive Manager, Occupational Health and Safety, by the unions, by Faculty Occupational Health and Safety Committees, by individual employees and students and by the administration, and by any other individual, and to make recommendations on such matters to the Vice-Chancellor.
- To review the activities of the Executive Manager, Occupational Health & Safety Unit.
- To report annually to the Senate on the state of Occupational Health & Safety within the University.
- To encourage the formation and maintenance of Occupational Health & Safety Committees throughout the University. Such Committees are at Faculty/School/Organisational Unit level, (Faculty level committees are required to meet at least once every three months).
- To establish and maintain communication and linkages with Faculty, School or Organisational Unit Occupational Health & Safety Committees.

### **3.2 Composition of the Occupational Health and Safety Council: (amended 23 May 2002)**

- One member of Senate (Chairperson)
- Executive Manager, Occupational Health and Safety Unit  
(Executive Officer to Council)
- Seven Executive Deans or nominees (one from each Faculty Occupational Health & Safety committee)
- Senior Deputy-Vice-Chancellor or nominee from the Institute for Molecular Bioscience Occupational Health & Safety Committee
- Deputy-Vice-Chancellor (International & Development) or nominee from the International & Development Occupational Health & Safety Committee
- Property & Facilities Division management nominee from the International & Development Occupational Health & Safety Committee
- Secretary & Registrar or nominee from the Central Administration Occupational Health & Safety Committee
- University Librarian or nominee from the Central Administration Occupational Health & Safety Committee
- Twelve workplace health and safety representatives (rotated amongst the workplace health and safety representatives on each Faculty Occupational Health & Safety committee):
  - one member from each Faculty Occupational Health & Safety Committee
  - one member from the Institute for Molecular Bioscience Occupational Health & Safety Committee
  - two members from the International & Development Occupational Health & Safety Committee, one member being from Property & Facilities Division
  - two members from the Central Administration Occupational Health & Safety Committee

- One postgraduate student representative (nominated by the Postgraduate Students Area Committee)
- One undergraduate student representative (nominated by the University of Queensland Union)
- President of the University of Queensland National Tertiary Education Union (or nominee)
- One person nominated by the University of Queensland General Staff Unions
- Specialist advisers to attend Council meetings in an advisory non-voting capacity:
  - The Director, University Health Service
  - The Occupational Health & Safety Advisers from the Occupational Health & Safety Unit
  - The Director, Property & Facilities Division, or nominee
  - The Manager, Security Section
  - Other specialist staff as required from time to time

3.3 The Occupational Health & Safety Council should meet four times per year in order to carry out its functions.

## **4. Faculty Occupational Health & Safety Committees**

### **4.1 Rationale**

4.1.1 The establishment and maintenance of Occupational Health and Safety Committees for all University Faculties, Senior Deputy-Vice-Chancellor, Deputy-Vice-Chancellors, and Secretary & Registrar areas, is required in accordance with the *Workplace Health and Safety Act (1995)*. These Occupational Health and Safety Committees fulfill both statutory and organisational requirements for the management of occupational health and safety matters.

4.1.2 The *Workplace Health and Safety Act* specifies that at least two Committee members must be any workplace health and safety officer and workplace health and safety representative for the workplace and that at least half the Committee members must be workers other than workers nominated by the University.

4.1.3 The basic philosophy underlying participatory Occupational Health & Safety Committees at the University is that staff should be actually involved in hazard assessment, the setting of safety standards, and policy formulation. The Faculty Occupational Health & Safety committees require balanced representation between management and workers to ensure that the latter can genuinely influence these processes. Senior management representation is paramount to ensure that decisions regarding resource allocation for Occupational Health & Safety issues can be made at the Committee level.

4.1.4 The Faculty Occupational Health and Safety Committees would have a legislative requirement to meet at least once every three (3) months.

### **4.2 Terms of reference for the Faculty Occupational Health and Safety Committees:**

- Provide a consultative forum for addressing broad issues across Faculty, Schools & Organisational Units or relating to the broader campus.
- Consider reports or references from extant Occupational Health and Safety Committees such as the Biosafety Committee, and, when appropriate, refer specific matters to such committees for consideration and advice.
- Refer important matters involving Occupational Health & Safety policy considerations to Executive Manager, Occupational Health & Safety and in appropriate cases, to the Occupational Health & Safety Council.
- Review and disseminate University Occupational Health & Safety policies and guidelines to Heads of Schools or Organisational Units, staff, Occupational Health & Safety Committees, and workplace health and safety officers and representatives.
- Circulate minutes of Committee meetings to members, Executive Deans, Heads of Schools and Organisational Units, and Executive Manager, Occupational Health & Safety Unit.
- Make recommendations regarding allocation of resources and long term planning for Occupational Health & Safety to the Faculty Board, and ensure that Occupational Health & Safety is an agenda item for the Faculty Board meetings.
- Chairperson (Executive Dean or nominee) to ensure Occupational Health & Safety is an agenda item at the Faculty Board meetings.
- Present to the University Occupational Health & Safety Council, Faculty, School and Organisational Unit, policies and initiatives which require review.
- Encourage and maintain an active interest in Occupational Health and Safety and make recommendations regarding training and educational needs for staff, students, and visitors.
- Facilitate cooperation between management and staff in the resolution of Occupational Health & Safety issues and in developing and carrying out measures to ensure workplace health and safety at a workplace.
- Provide information and advice to the Occupational Health & Safety Council, occupational health and safety committees of Schools, & Organisational Units, Heads of Schools and Organisational Units and staff about occupational health and safety.
- Ensure there is a structure for fire & emergency evacuation across the Faculty.
- Encourage and maintain at the workplace an active interest in occupational health and safety.

- Review the circumstances surrounding work injuries, work caused illnesses and dangerous events referred to the committee via accident/incident/injury report forms. Advise Heads of Schools or Organisational Units of the results of the review and make recommendations arising out of the review. The Faculty Committee may refer accident/incident/injury reports to School or Organisationa Unit working groups for review and intervention.

#### **4.3 Membership of the Faculty Occupational Health and Safety Committee:**

- Executive Dean or their nominee (chairperson)
- One Head of School (rotational on a 12 month basis)
- Workplace health and safety officers one of whom to adopt an executive officer role and their appointments should be overseen by the Executive Dean. (see Section 7 of this policy and Sections 91-98 of the *Workplace Health and Safety Act (1995)* for workplace health and safety officer legislative provisions)
- Three Workplace health and safety representatives (elected)
- One postgraduate student representative (nominated by the Executive Dean - postgraduate student members of School or Organisational Unit occupational health and safety committees should be considered for nomination)
- One Occupational Health & Safety Unit professional (Committee adviser)
- The Institute of Molecular Bioscience Occupational Health & Safety Committee and the International and Development Occupational Health & Safety Committee membership structures should parallel those for the Faculty Occupational Health and Safety Committee described above.
- The Central Administration Occupational Health and Safety Committee membership should parallel those for the Faculty Occupational Health and Safety Committee except that two additional positions are to be allocated to this committee, i.e. the University Librarian or nominee and a workplace health and safety representative elected by and from the University Library staff.

4.4 The committee should achieve a minimum minority gender representation of 25% in line with the Senate policy of gender equity in committee membership.

## **5. School and Organisational Unit Occupational Health & Safety Committees**

5.1 The formation of Occupational Health & Safety Committees should be considered in Schools and Organisational Units where:

- existing School or Organisational Unit Occupational Health & Safety Committees are functional
- the physical location of the School or Organisational Unit is remote from the larger Faculty Occupational Health & Safety Committee
- the coordinated management of risk is required by a working group at the School or Organisational Unit level

- the Faculty Occupational Health & Safety Committee assesses the requirement for a School or Organisational Unit Occupational Health & Safety Committee.

## **5.2 Terms of reference for the School or Organisational Unit Occupational Health & Safety Committees:**

- Interpretation and application of University Occupational Health & Safety policies and procedures at the School or Organisational Unit level
- Preparation of safety manuals for the School or Organisational Unit. In some areas this may require only circulation of University guidelines or policies, e.g. the policy on Screen-Based Equipment).
- Periodic surveys and inspections to detect hazards and make recommendations for change.
- Hazard reporting and accident/injury record keeping.
- Ensure investigation and implementation of control measures for those accident/incident/injury reports referred by the Faculty Occupational Health & Safety Committees.
- Facilitate cooperation between management and staff in the resolution of Occupational Health & Safety issues and in developing and carrying out measures to ensure workplace health and safety at a workplace.
- Refer important Occupational Health & Safety matters, not resolvable at the local level, to the Faculty Occupational Health & Safety Committee.
- Provision and maintenance of personal protective equipment and first aid facilities.
- Involvement in emergency evacuation (In some cases the working group may absorb the functions of the fire and emergency evacuation into their responsibilities. In all cases they should at least work with the building wardens).
- Educating staff and distributing occupational health and safety information.
- Recommend priorities for safety-related maintenance and works programs to the Faculty Occupational Health & Safety Committees.

## **5.3 Membership of the School or Organisational Unit Occupational Health & Safety Committee:**

- At least one Head of School or Organisational Unit or nominee (One of whom to act as Chairperson)
- Workplace health and safety officers from within the School or Organisational Unit, (one of whom to act as executive officer to the committee)
- Workplace health and safety representatives from within the School or Organisational Unit (elected by staff)
- One or more postgraduate student representatives

5.3.1 Where there is no workplace health and safety representative within the School or Organisational Unit, a staff representative should be elected for committee membership. The election procedure for the staff representative and postgraduate student representative should be determined by the head of School or Organisational Unit.

5.3.2 The Head of School or Organisational Unit may increase the membership of the committee to include more employee representatives, where this is considered appropriate.

## **6 Workplace Health and Safety Representatives**

### **6.1 Elections**

6.1.1 *The Workplace Health and Safety Act (1995)* requires workplace health and safety representatives to be elected in the workplace. The staff member does not need any experience or qualification to be a workplace health and safety representative.

6.1.2 The University requires the election of at least three (3) workplace health and safety representatives for each Faculty. At least one (1) academic staff member and one (1) general staff member should be elected as workplace health and safety representatives by their peers. It is the responsibility of the Executive Dean to determine whether the third staff nominee will be from a general or academic staff background. This decision will require consultation with staff and where appropriate, relevant unions. Factors to be considered include level of risk for duties undertaken by academic and general staff and the numbers of general and academic staff in the Faculty.

6.1.3 Workplace health and safety representatives' elections should be held once every three years (beginning of first semester), or in the event of casual vacancies due to retirement/resignation.

6.1.4 A workplace health and safety representative is eligible for re-election.

### **6.2 Executive Deans' responsibilities with regard to Workplace Health & Safety Representatives**

6.2.1 It is the responsibility of the Executive Dean to ensure facilitation of the workplace health and safety representatives' election. If the staff ask the union to conduct the election, it must conduct it for all staff at the workplace, and in this instance the Executive Dean should allow the union to conduct the election at the workplace during ordinary working hours.

6.2.2 Further information regarding the Executive Deans' responsibilities in the election process, in the case that staff formally request an election, is detailed in Section 67-85 of the *Workplace Health and Safety Act (1995)*.

6.2.3 The Executive Dean must negotiate with staff and relevant unions, if requested, regarding the workplace health and safety representatives' area of representation within the Faculty, election procedures, intervals at which a workplace health and safety representative is entitled to conduct inspections, and access by the representative to training. The Executive Manager,

Occupational Health & Safety Unit should be also consulted with regarding the area of representation for workplace health and safety representatives.

6.2.4 The workplace health and safety representative must be allowed to exercise their entitlements during the representative's ordinary working hours (see workplace health and safety representatives' entitlements).

6.2.5 An internal Faculty/School, Organisational Unit reporting procedure should be established in order to ensure that the workplace health and safety representative is notified in the case of work injury, illness or dangerous event which occurs in the representative's area of representation.

6.2.6 The Executive Dean is to ensure that the identity and role description of each workplace health and safety representative for the workplace is displayed on the approved state government form within 5 days after the representative is elected. The form must be displayed in a conspicuous position in the part of the workplace covered by the area of representation.

### **6.3 Workplace health and safety representatives' legislative entitlements**

Legislative entitlements of workplace health and safety representatives are as follows:

- To ask the employer to establish a workplace health and safety committee for the workplace
- To be a member of a workplace health and safety committee
- To inspect the workplace or the part of the workplace within the representative's area of representation
- To be told by the University of any work injury, work caused illness or dangerous event happening at the workplace (via the Faculty/School/Organisational Unit reporting procedures and the Occupational Health & Safety Committee notification)
- If a supervisor wishes to interview a staff member about a workplace accident /incident/injury - to be present at the interview if the staff member asks that the representative be present.
- To review circumstances surrounding work injuries, work-caused illnesses and dangerous events told to the representative by the supervisor (via agreed procedures within the Faculty/School or Organisational Unit e.g. representative to view copy of accident /incident/injury report for their area of representation and then promptly forward report onto the Faculty Occupational Health & Safety Committee)
- To advise the employer of the results of the review and to make recommendations arising out of the review
- To be consulted by the employer on any proposed change to the workplace, or plant or substances used at the workplace, that affects, or may affect, the workplace health and safety of persons at the workplace; and

- To help in the resolution of workplace health and safety issues within the representative's area of representation; and
- To be told by the employer of the presence of an inspector at the workplace, if the representative is at the workplace
- To report orally or in the approved form (Queensland Government hazard report form – copies available from the Occupational Health and Safety Unit) to the employer or workplace health and safety officer an issue that in the representative's opinion affects, or may affect the workplace health and safety of persons at the workplace
- To seek the employer's cooperation in remedying the issue and, if the issue is not remedied to the representative's satisfaction, to report the issue to an inspector; and
- To report orally or in the approved form state government form (copies available from the Occupational Health and Safety Unit) to an inspector an issue that has been reported previously to the employer or workplace health and safety officer and/or has not been satisfactorily remedied within a reasonable time;

6.3.1 Inspections may be conducted at weekly intervals or other intervals negotiated between the Executive Dean and staff.

6.3.2 The workplace health and safety representative must be allowed to exercise the above entitlements during the representative's ordinary working hours.

## **6.4 Workplace health and safety representatives' responsibility**

6.4.1 A staff member elected as a workplace health and safety representative must advise the Executive Dean of the staff member's election as soon as practicable after being elected.

# **7. Workplace Health and Safety Officers**

## **7.1 Background**

7.1.1 *The Workplace Health and Safety Act (1995)* requires the University to train and appoint Workplace Health and Safety Officers (WHSOs) to assist in the effective management of workplace risk. In Schools and/or Organisational Units where work activities present the potential for significant risk to the health and safety of staff, the training and appointment of a WHSO is considered essential.

## **7.2 Workplace Health and Safety Officers' Role**

7.2.1 It is recommended that the people selected for appointment as a WHSO have **supervisory responsibilities** as a component of their job at the University.

7.2.2 The following WHSO functions should be integrated with the employee's job description:

- Advise the head of School or Organisational Unit about responsibilities under the *Workplace Health and Safety Act* and the overall state of occupational health and safety at the workplace.

- Report identified hazards and appropriate risk control measures to the head of School or Organisational Unit.
- Assist in identifying appropriate training programs in occupational health and safety.

- Act as an executive officer for the Faculty Occupational Health and Safety committee. Appointment of the WHSO to the committee should be overseen by the Faculty Executive Dean.
- Participate in workplace audits to identify hazards and unsafe workplace conditions and work practices.
- Where the WHSO is also a supervisor they are required, for the area under their supervision, to review the circumstances of work injury, illness and dangerous events, identify any corrective action and request any additional resources or assistance required to undertake this corrective action (see the University policy on Workplace Injury, Illness, Incident, and Hazard Reporting [HUPP 2.10.7]).

7.2.3 Note: A workplace health and safety officer is not civilly liable because of the performance of, or the failure to perform, a health and safety function. (*Workplace Health and Safety Act 1995* section 184 (2)).

## **8. Heads of Schools and Organisational Units' Responsibilities**

- Nomination of employee(s) to undertake initial and updated WHSO training.
- Written appointment of employee as WHSO and integration of the WHSO role with the appointed employee's job description.
- Delegation of authority to WHSO to undertake specified role.
- Display of a notice advising the identity of the WHSO for the School or Organisational Unit.
- Ensure consultation with WHSO regarding workplace risk and proposed changes that may affect occupational health and safety at the workplace.
- Allocate physical and financial resources to enable the WHSO to undertake training and attend to occupational health and safety issues.
- When appropriate instruct the WHSO on action to be taken to ensure the health and safety of employees.

## **9. Occupational Health and Safety Unit Responsibilities**

- Facilitate the provision of advice to WHSOs regarding the management of workplace hazards and risks.
- Assist WHSOs to identify and access appropriate resources required to address occupational health and safety problems.
- Provide WHSOs with information regarding changes to the *Workplace Health and Safety Act*, Regulations and Codes of Practice and other relevant legislation and standards.
- Facilitate provision of updated training to the WHSOs.

## 10. Consultation

### 10.1 Reporting lines and communication

- Faculty , School and Organisational Unit Occupational Health & Safety Committees should have an advisory function to the Executive Dean , Head of School, and Organisational Unit respectively.
- The committees shall report to the senior manager who is responsible for safety within the area of coverage of the Committee.
- It is the responsibility of the Executive Dean to ensure that Occupational Health & Safety is an agenda item for the Faculty Board meetings to facilitate the integration of Occupational Health & Safety responsibilities into the management structure.
- A record of meetings should be taken. These do not need to be formal, detailed minutes but brief problem-action records. These records should be made available to all staff members and students (e.g. via a noticeboard or email system). Copies should be sent to the senior managers, and to the Occupational Health & Safety Unit.
- Where specific hazards or problems are identified, the Committee should immediately report these to the senior manager and to the Executive Manager, Occupational Health & Safety.

### 10.2 Communication and Linkages between the Occupational Health & Safety Council, Faculty Committees and School, Organisational Unit working groups (Appendix 3)

10.2.1 The two-way communication and linkages between the Occupational Health & Safety Council, Faculty , School and Organisational Unit Occupational Health & Safety Committees will ensure that resourcing and policy decisions address Occupational Health & Safety issues at the workplace level, and will provide a mechanism for aligning workplace practices with policy and strategic planning.

10.2.2 The information flow and linkages will be attained via the following strategies:

- The Senior Deputy vice-Chancellor, the Deputy-Vice-Chancellors, Executive Deans and Secretary & Registrar or their nominees, and a number of workplace health and safety representatives will have dual membership on Faculty Committees and the Occupational Health & Safety Council.
- Dual membership on School or Organisational Unit Occupational Health & Safety Committees and Faculty Committees will apply to a number of Heads of School and Organisational Units or their nominees, workplace health and safety officers/safety coordinators, and workplace health and safety representatives
- The postgraduate area of the University of Queensland Union will coordinate post-graduate student Occupational Health & Safety concerns between the Occupational Health & Safety Council and Faculty , School, and Organisational Unit workplace health and safety representatives.

- The terms of reference for the Occupational Health & Safety Council, Committees and working groups specify that Occupational Health & Safety policies, resourcing issues and hazards be communicated between all structures.

### **10.3 Training of Committee and working group members**

10.3.1 Training of Committee and working group members is provided by the Occupational Health & Safety Unit. Training will include:

- Familiarisation with the *Workplace Health & Safety Act (1995)* & Regulations, and compliance and advisory standards.
- Information on administrative aspects of the Committee and its functions.
- Familiarisation with the University's Occupational Health & Safety Policy, and with other health & safety-related policies of the University.
- An understanding of accident investigation and workplace inspection procedures.
- An understanding of workplace health and safety prevention practices

## **11. Occupational Health & Safety Unit (OH&S Unit)**

11.1 The Occupational Health & Safety Unit's role on the University Occupational Health & Safety Council and Faculty Occupational Health & Safety Committee should be an *ex-officio*, advisory one. The Occupational Health & Safety Unit will have a neutral position, but provide professional advice and other information stemming from their role in, and understanding of the workplace.

11.2 The Occupational Health & Safety Unit is able to provide professional advice to Occupational Health & Safety Committees at all levels when professional advice beyond the scope of the committee is required.

11.3 Advice regarding the application of general University Policies and Procedures to particular work areas and situations is also provided by the Occupational Health & Safety Unit.

**Section 86: The Workplace Health & Safety Act, 1995  
(Relating to workplace health & Safety Committees)**

*Division 4 - Workplace health and safety committees*

**86.(1)** An employer or principal contractor may establish a workplace health and safety committee for a workplace.

**(2)** An employer or principal contractor must establish a workplace health and safety committee for a workplace if

(a) a workplace health and safety representative for the workplace asks the representative's employer or the principal contractor to establish a committee; or

(b) for a workplace where work of a particularly hazardous nature is carried out - the chief executive directs by written notice given to the employer or principal contractor.

**(3)** An employer or principal contractor must establish the workplace health and safety committee within 28 days of the request or direction.

Maximum penalty 10 penalty units.

**(4)** However, if a workplace health and safety officer is appointed for a construction workplace, the principal contractor must establish the workplace health and safety committee within 7 days the appointment.

Maximum penalty 10 penalty units.

**(5)** More than 1 committee may be established for a workplace.

**Membership of committee**

**87.(1)** A workplace health and safety committee for a workplace consists of at least 2 members.

**(2)** The members are-

(a) any workplace health and safety officer and workplace health and safety representative for the workplace; and

(b) other members negotiated by-

(c) for a workplace other than a construction workplace employer and the employer's workers; and

(d) for a construction workplace-the principal contractor and workers at the workplace.

**(3)** A committee member must be an employer, principal contractor or worker at the workplace.

**(4)** At least half the committee members must be workers other than workers nominated by the employer or principal contractor.

(5) Workers may be represented during negotiations by the union of which they are members if they have told the employer or principal contractor that they want to be represented by their union.

(6) To remove any doubt, if the workers are members of more than 1 union, each of the unions asked may be involved in the negotiations.

### **Times of meetings**

**88. (1)** Meetings of a workplace health and safety committee are to be held at the times it decides.

(2) The times the committee are to meet are issues to be negotiated between the employer or principal contractor and the committee members.

(3) However, the committee may meet during ordinary working hours at the workplace and must meet at least once every 3 months.

(4) Also, the committee must meet when asked by the member who is the workplace health and safety officer.

### **Proceedings at meetings**

**89.** A workplace health and safety committee may conduct its proceedings in the way it decides.

### **Functions of workplace health and safety committees**

**90. (1)** The primary function of a workplace health and safety committee is to assist cooperation between employer, principal contractor and worker in developing and carrying out measures to ensure workplace health and safety at a workplace.

(2) Also, a workplace health and safety committee may give information and advice to an employer or principal contractor about workplace health and safety.

(3) Without limiting subsection (1) and (2), a committee may seek to discharge its functions by-

(a) encouraging and maintaining at the workplace an active interest in workplace health and safety;

(b) considering measures for training and educating persons at the workplace about workplace health and safety issues; and

(c) telling workers about the formulation, review and distribution, (in appropriate languages) of standards, rules and procedures about workplace health and safety at the workplace; and

(d) reviewing the circumstances surrounding work injuries, work-caused illnesses and dangerous events referred to the committee for review; and

(e) telling the employer or principal contractor of the results of review and making recommendations arising out of the review; and

(f) helping in the resolution of issues about workplace health and safety at the workplace.

## Staff Responsibilities for Occupational Health and Safety

(Date Approved by Senate: 15/8/1999)

1.1 Staff at all levels within the University of Queensland have specific responsibilities for ensuring OH&S. These responsibilities are principally based in the Queensland Workplace and Health and Safety Act 1995 and related legislation. The University of Queensland OH&S policy further reinforces these responsibilities. The specific OH&S responsibilities of staff are dependent on their role within the University.

1.2 The following descriptions of OH&S responsibilities should be incorporated into the job descriptions for the staff level as outlined. The accompanying performance criteria should be utilised in annual performance reviews to determine staff performance with respect to these OH&S responsibilities.

### Description

## 2. Executive Deans and Senior Managers

OH&S responsibility (to be incorporated into the job description):

Executive Deans and Senior Managers are to ensure the implementation and maintenance, within the faculty /division, of an effective system of management for occupational health and safety (OH&S) consistent with the Queensland Workplace Health and Safety Act and other legislative requirements. Performance criteria:

### 2.1 Set a clear OH&S policy

- \* Develop a written occupational health and safety policy statement for the faculty.
- \* Integrate OH&S management into all levels of management within the faculty.

### 2.2 Allocate responsibility for OH&S management and delegation of authority

- \* Integrate OH&S responsibilities into job descriptions for heads of organisational units.
- \* Evaluate performance of heads of organisational units with reference to occupational health and safety responsibilities and performance standards.

### 2.3 Establish a faculty/division occupational health and safety committee

- \* Ensure the appointment and election of members to the OH&S committee in accordance with the membership requirements outlined for the faculty/division.\* Facilitate the operation of the OH&S committee.
- \* Review the recommendations of the OH&S committee and take action as necessary.

### 2.4 Allocate sufficient resources for OH&S management

- \* Incorporate OH&S activities into faculty strategic plan.
- \* Set expenditure priorities and provide a budget allocation for OH&S.

### 2.5 Ensure implementation of risk management programs within Schools/Organisational Units.

- \* Ensure that Schools/Organisational Units establish systems for the risk management of all aspects of their work.

- \* Ensure appropriate documentation is maintained of procedures and interventions arising from risk assessments.
- \* Audit the performance and effectiveness of the risk management programs and other OH&S management systems within Schools/Organisational Units.

#### 2.6 Ensure implementation of a scheme for hazard and accident follow-up

- \* Ensure that Schools/Organisational Units implement a system for accident/incident/injury reporting and investigation.
- \* Ensure that Organisational Units establish a system for the reporting of workplace hazards.

#### 2.7 Ensure implementation of University procedures for workers' compensation claims and workplace rehabilitation.

- \* Ensure that Schools/Organisational Units implement University procedures for the processing of workers' compensation documents.
- \* Ensure that Schools/Organisational Units establish workplace rehabilitation procedures for injured or ill employees returning to work.

#### 2.8 Ensure that Schools/Organisational Units have effective systems for the provision of OH&S information, training and supervision

#### 2.9 Ensure that Schools/Organisational Units have effective emergency procedures

### **3. Heads of Schools and Organisational Units**

OH&S responsibility (to be incorporated into the job description):

Heads of Schools and Organisational Units are to implement and maintain, within the School/Organisational Unit, an effective system of management for occupational health and safety (OH&S) consistent with the Queensland Workplace Health and Safety Act and other legislative requirements. Performance criteria:

#### 3.1 Set a clear OH&S policy

- \* Develop a written occupational health and safety policy statement distributed to staff and displayed in the School/Organisational Unit.
- \* Develop procedures and guidelines relating to specific occupational health and safety issues within the School/Organisational Unit.
- \* Undertake a yearly review of OH&S policy, procedures and programs.

#### 3.2 Allocate responsibility for OH&S management and delegation of authority

- \* Integrate OH&S responsibilities into job descriptions for supervisors and individual staff.
- \* Where appropriate, appoint a Workplace Health and Safety Officer, first aid officer, rehabilitation coordinator, diving officer, radiation safety officer, and delegate authority to them to undertake their specific occupational health and safety duties.
- \* Evaluate staff performance with reference to occupational health and safety responsibilities and performance standards.
- \* Establish consultative processes regarding occupational health and safety issues between management and staff, including the establishment of an occupational health and safety committee where this is appropriate to the level of risk within the School/Organisational Unit.

### 3.3 Allocate sufficient resources for OH&S management

- \* Incorporate OH&S activities into the School/Organisational Unit strategic plan.
- \* Schedule time for the undertaking of training and other OH&S tasks.
- \* Provide a budget allocation for OH&S resources including hazard control measures, protective equipment, training, building and furniture modifications.
- \* Where applicable, prepare a statement of contractor and purchasing controls which requires contractors/suppliers to conform to the company's workplace health and safety standards and procedures.

### 3.4 Implement a risk management program

- \* Establish a system for the identification of hazards, evaluation of risks, and design and implementation of hazard control measures - applicable to research projects, teaching, field work, purchasing (plant, equipment or chemicals), service operations and minor or major works.
- \* Ensure appropriate documentation of procedures and interventions arising from risk assessments.
- \* Incorporate occupational health and safety considerations into the design specification, purchase, hire, lease and supply of new plant including equipment, materials, products and substances used in the workplace.
- \* Monitor the performance and effectiveness of the risk management program and other OH&S management systems.

### 3.5 Implement a scheme for hazard and accident follow-up

- \* Implement a system for accident/incident/injury reporting and investigation.
- \* Establish a system for the reporting of workplace hazards.
- \* Ensure implementation of corrective action arising from accident investigation and hazard reports.

### 3.6 Implement University procedures for processing of workers' compensation claims and workplace rehabilitation.

- \* Implement University procedures for the processing of workers' compensation documents.
- \* Implement University procedures for workplace rehabilitation for injured or ill employees returning to work.

### 3.7 Ensure provision of OH&S information, training and supervision

- \* Develop and periodically update School/Organisational Unit safety manual including relevant information on equipment, hazardous substances and work specific hazards. Ensure the dissemination of information to all staff.
- \* Ensure the provision of induction and refresher training to ensure ability of staff to discharge allocated occupational health and safety responsibilities. Maintain training and retraining records.
- \* Ensure supervision of the occupational health and safety aspects of work undertaken by staff and students.

### 3.8 Establish and disseminate emergency procedures

- \* Ensure the appointment of fire and emergency wardens for buildings occupied by the School or Organisational Unit.
- \* Ensure that training is conducted at least every year for fire and emergency evacuation procedures, and for the use of fire, emergency and other safety equipment.
- \* Ensure the appointment of trained first aid personnel and provision of first aid equipment appropriate to the needs of the work undertaken.

## 4. Supervisors

OH&S responsibility (to be incorporated into the job description):

Supervisors are to undertake effective occupational health and safety (OH&S) measures to ensure compliance with the Workplace Health and Safety Act and related legislative requirements.

Performance criteria:

### 4.1 Provide OH&S information, training and supervision

- \* Disseminate OH&S information to staff and students relevant to the specific work hazards of the area.
- \* Provide induction and refresher training to ensure ability of staff to discharge allocated occupational health and safety responsibilities including: hazards within the workplaces, safe operating procedures, use and maintenance of PPE and safety equipment and emergency response procedures.
- \* Supervise the occupational health and safety aspects of work undertaken by staff and students within the work area.
- \* Facilitate consultative processes regarding occupational health and safety issues between management and staff.

### 4.2 Undertake risk assessments

- \* Undertake, or directly supervise the undertaking of, the identification of hazards, evaluation of risks, and design and implementation of hazard control measures - applicable to research projects, teaching, field work, purchasing (plant, equipment or chemicals), service operations and minor or major works.
- \* Maintain appropriate documentation of procedures and interventions arising from risk assessments.
- \* Incorporate occupational health and safety considerations into the design specification, purchase, hire, lease and supply of new plant including equipment, materials, products and substances used in the workplace.
- \* Monitor the performance and effectiveness of the risk management program within the work area.

### 4.3 Ensure application of appropriate risk control measures

- \* Develop and periodically update OH&S procedures for management of risks specific to the work area.
- \* Ensure the provision of plant, safety systems and personal protective equipment required to control the risk of hazards in the work area.
- \* Ensure the maintenance of plant, safety systems and personal protective equipment required to control the risk of hazards in the work area.

### 4.4 Implement a scheme for hazard and accident follow-up

- \* Undertake investigations of injuries and illnesses arising from workplace activities. Recommend corrective actions to prevent or minimise the chance of recurrence.
- \* Facilitate the reporting of workplace hazards to the person(s) who can implement corrective action.
- \* Oversee the implementation of corrective action arising from accident investigation and hazard reports.

## 5. Individual staff

(to be incorporated into the job description):

Individual staff members are to comply with requirements of Queensland occupational health and safety (OH&S) legislation and related OH&S procedures developed by the University, School or Organisational Unit. Performance criteria:

### 5.1 Comply with safe working procedures

- \* Follow safe work procedures established by the University, School or Section.
- \* Follow the OH&S directions of the head of School/Organisational Unit or supervisor.

### 5.2 Use of appropriate personal protective equipment and safety systems

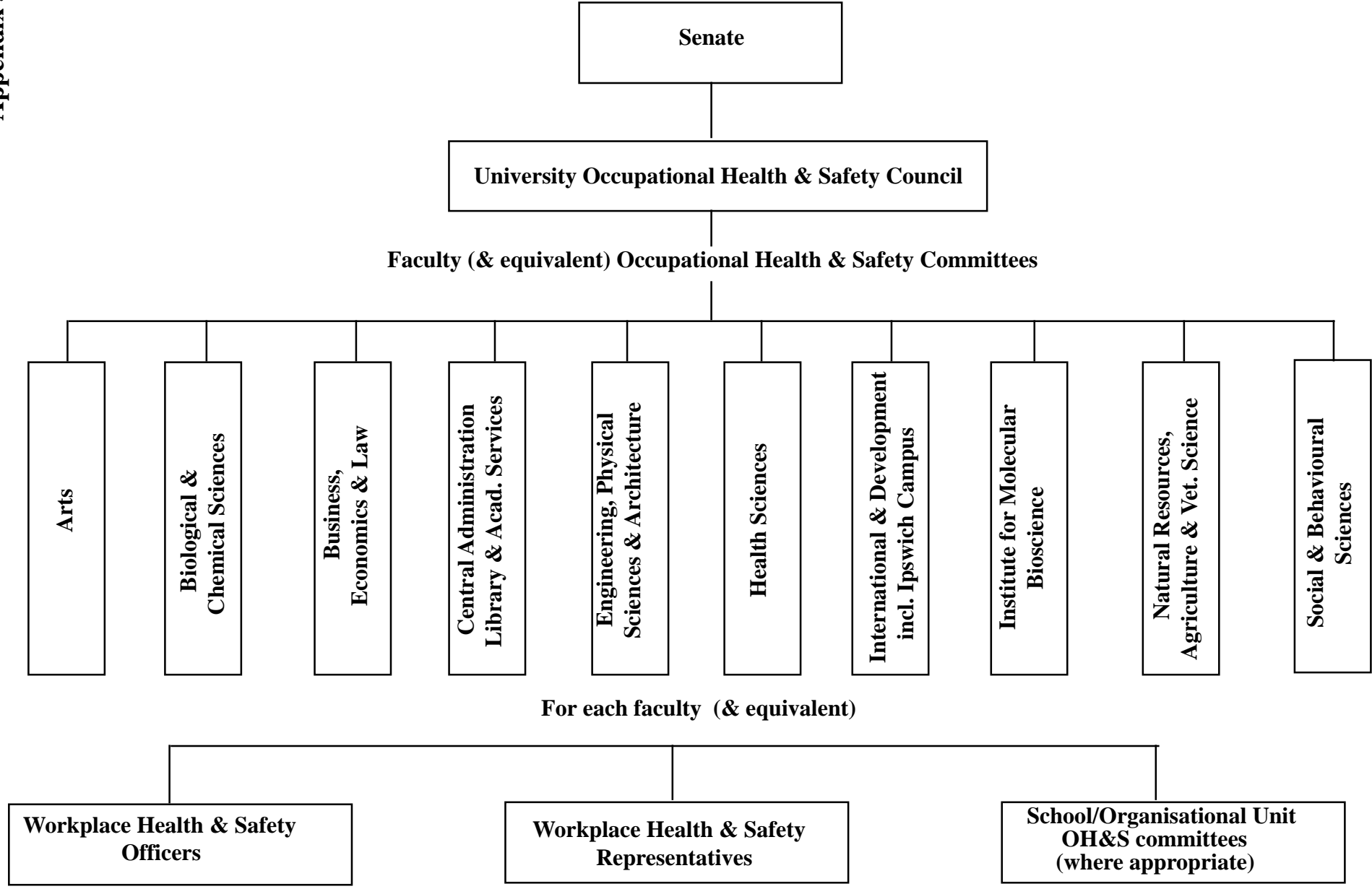
- \* Where personal protective equipment (PPE) is required to control exposure to hazards in the workplace, wear and maintain the PPE as directed or as required in OH&S procedures.
- \* Use other safety and emergency equipment provided in the workplace as directed or as required in OH&S procedures.

### 5.3 Assist with the preparation of risk assessments

- \* When requested, assist the supervisor and other workers in the risk assessment of workplace hazards.

### 5.4 Report OH&S problems

- \* Report workplace hazards to supervisor.
- \* Report injury or illness arising from workplace activities.



**Sections 67-85 The Workplace Health & Safety Act 1995**  
**Legislative provisions for**  
**workplace health & safety representatives**

*Division 3-Workplace health and safety representatives*

*Subdivision 1-Preliminary*

**Who is a workplace health and safety representative?**

**67. (1)** A "workplace health and safety representative" is a worker at a workplace who is elected as a workplace health and safety representative by the worker's co-workers at the workplace.

**(2)** An employer cannot appoint a workplace health and safety representative.

**(3)** A worker does not need - any experience or qualification to be a -workplace health and safety representative.

**How many workplace health and safety representatives can a workplace have?**

**68.** The workers at a workplace are entitled to elect 1 workplace and safety representative for the workplace, but may, as a result of negotiations with their employer, elect more than 1 representative.

Workplace health and safety representative "area of representation"

**69. (1)** A workplace health and safety representative's "area of representation" is-

(a) the workplace; or

(b) if a workplace has more than 1 representative the area of representation negotiated with the representative's employer under section 70.

**(2)** A workplace health and safety representative may exercise an entitlement under this part only for the workplace or the part of the workplace within the representative's area of representation.

**Negotiation between workers and employer about workplace health and safety representatives**

**70. (1)** Workers at a workplace may negotiate with their employer about workplace health and safety representatives for the workplace, including, for example

(a) the number of workplace health and safety representatives for the workplace; and

(b) the extent to which the employer will facilitate the election of 1 or more workplace health and safety representatives for the workplace; and

(c) if there is to be more than 1 workplace health and safety representative each representative's area of representation; and

(d) the intervals at which a workplace health and safety representative is entitled to conduct inspections; and

(e) access by the representative to training designed to help the representative in the exercise of the representative's entitlements.

*Examples of subsection (1) (c)-*

1. All of the workplace during a particular time.
2. A particular area of the workplace.
3. A particular process done at the workplace.

(2) Workers may be represented during negotiations by the union of which they are members if they have told the employer that they want to be represented by their union.

(3) To remove any doubt, the workers are members of more than 1 union, each of the unions asked may be involved in the negotiations.

*Subdivision 2 - Election process*

### **Electing a workplace health and safety representative**

**71.** The workers may elect a workplace health and safety representative own initiative or at their employer's suggestion.

### **Workers to tell employer of intention to elect workplace health and safety representative**

**72.** If the workers decide to elect a workplace health and safety representative for the workplace, the workers

- (a) must tell their employer of the decision; and
- (b) may tell a union that has members who are workers at the workplace of the decision.

### **Employer to facilitate election of workplace health and safety representative if asked**

**73. (1)** An employer must, if asked by the employer's workers, facilitate an election of a workplace health and safety representative for the workplace.

(2) The employer must tell all the employer's workers at the workplace of the pending election within 28 days after being asked to facilitate it.

(3) The employer must facilitate the election within 2 months after being asked to do so.

Maximum penalty-10 penalty units.

(4) The employer complies with the requirement to facilitate an election if, at the least, the employer-

- (a) does not hamper the election process; and
- (b) allows the employer's workers to conduct the election at the workplace during ordinary working hours.

## **Workers may ask the union to conduct election of workplace health and safety representative**

**74. (1)** The workers may ask any union with members at the workplace to conduct the election of 1 or more workplace health and safety representatives for the workplace.

**(2)** However, if a union agrees to conduct the election, it must conduct it for all workers at the workplace.

## **Employers to be told of elected workplace health and safety representatives**

**75.** A worker elected as a workplace health and safety representative must tell the worker's employer of the person's election as soon as practicable after being elected.

### ***Subdivision 3 - Employer's responsibilities***

**76. (1)** An employer must, if asked by the employer's workers, negotiate with the workers about workplace health and safety representatives for the workplace.<sup>21</sup>

Maximum penalty 10 penalty units.

**(2)** An employer must not exclude from the negotiations a union that has members who are workers at the workplace if the workers have told the employer that they want to be represented by the union.

## **Employer to help workplace health and safety representatives**

**77. (1)** An employer must consult a workplace health and safety representative about proposed changes to the workplace, or plant or substances used at the workplace, that affect, or may affect, the workplace health and safety of persons at the workplace.

Maximum penalty-10 penalty units.

**(2)** An employer must permit a workplace health and safety representative to make inspections allowed under section 81(2) or any negotiated agreement

Maximum penalty-10 penalty units.

**(3)** An employer must not hinder or obstruct access by a workplace health and safety representative to training for the representative agreed under section O(1)(e).

Maximum penalty-10 penalty units.

*21 Examples of some matters for negotiation may be found at section 70*

## **Employer to tell workplace health and safety representatives about certain things**

**78. (1)** An employer must tell each workplace health and safety representative at the employer's workplace about the following things if they are within the representatives area of representation-

(a) any work injury, work caused illness or dangerous event happening at the workplace;

(b) any proposed changes to the workplace, or plant or substances used at the workplace, that affect, or may affect' the workplace' health and safety of persons at the workplace;

(c) the presence of an inspector at the workplace if the representative is at the workplace;

(d) a notice given by an inspector about a matter.

(2) The employer must tell each representative as soon as practicable after the thing comes to the employer's knowledge.

### **Employer to display identity of workplace health and safety representative**

**79. (1)** An employer must display a notice advising the identity of each workplace health and safety representative for the workplace.

(2) The notice must be displayed within 5 days after the representative is elected.

Maximum penalty for subsection (2) 10 penalty units.

(3) If the workplace has only 1 workplace health and safety representative, a notice for the representative must be displayed in 1 or more conspicuous positions at the workplace in a way likely to come to the attention of workers at the workplace.

(4) If the workplace has more than 1 workplace health and safety representative, a notice for a representative must be displayed in a conspicuous position in the part of the workplace covered by the representative's area of representation in a way likely to come to the attention of workers in that part.

### **Employer to tell new workers and display notices about workplace health and safety representatives' provisions**

**80. (1)** An employer must display in a conspicuous position at the workplace a notice in the approved form giving information about provisions under this division about workplace health and safety representatives.

Maximum penalty-10 penalty units.

(2) The employer must also tell new workers employed by the employer about workplace health and safety representatives and workplace health and safety committees for the workplace.

Maximum penalty-10 penalty units.

### ***Subdivision 4 - Entitlements and areas of responsibility***

#### **Entitlements of workplace health and safety representatives**

**81. (1)** A workplace health and safety representative is entitled

(a) inspect the workplace or the part of the workplace within the representative's area of representation; and

(b) to be told by the representative's employer of any work injury, work caused illness or dangerous event happening at the workplace; and

(c) if a workplace incident has happened and an employer wishes to interview a worker about the incident to be present for the interview if the worker asks that the representative be present; and

- (d) to review circumstances surrounding work injuries, work caused illnesses and dangerous events told to the representative by the employer; and
  - (e) to advise the employer of the results of the review and to make recommendations arising out of the review; and
  - (f) to be consulted by the employer on any proposed change to the workplace, or plant or substances used at the workplace, that affects, or may affect, the workplace health and safety of persons at the workplace; and
  - (g) to help in the resolution of workplace health and safety issues within the representative's area of representation; and
  - (h) to be told by the employer of the presence of an inspector at the workplace, if the representative is at the workplace; and
  - (i) to report orally or in the approved form to the employer or workplace health and safety officer an issue that in the representative's opinion affects, or may affect the workplace health and safety of persons at the workplace; and
  - (j) to seek the employer's cooperation in remedying the issue and, if the issue is not remedied to the representative's satisfaction, to report the issue to an inspector; and
  - (k) to report orally, or in the approved form to an inspector an issue that-
    - (i) has been reported previously to the employer or workplace health and safety officer; and
    - (ii) has not been satisfactorily remedied within a reasonable time; and
  - (l) to ask the employer to establish a workplace health and safety committee for the workplace; and
  - (m) to be a member of a workplace health and safety committee; and
  - (n) to exercise other entitlements prescribed under a regulation.
- (2) inspections may be conducted at weekly intervals or other intervals negotiated between the employer and the employer's workers.
- (3) An employer must allow a workplace health and safety representative to exercise the representative's entitlements during the representative's ordinary working hours.
- (4) Subsection (1)(k) does not limit the right of any other worker at the workplace to report to an inspector an issue that in the worker's opinion affects, or may affect, the workplace health and safety of persons at the workplace.

### ***Subdivision 5 - General***

#### **Election of a workplace health and safety representative not to diminish employer's obligations**

**82.** An employer's workplace health and safety obligations are not diminished by

- (a) the election of a workplace health and safety representative; or
- (b) any act or omission of a worker acting in the capacity, of workplace health and safety representative.

#### **Workplace health and safety representatives may be re-elected**

**83.** A workplace health and safety representative is eligible for re-election.

**Term as workplace health and safety representative**

**84.** A worker elected as a workplace health and safety representative is a workplace health and safety representative for a term of 2 years from the day the worker was elected.

**Ceasing to be a workplace health and safety representative**

**85.** A worker stops being a workplace health and safety representative if the worker

- (a) tells the worker's employer that the worker resigns as workplace health and safety representative; or
- (b) stops being a worker at the workplace.

## Sample minutes of committee meetings

### "XYZ" Faculty Occupational Health & Safety Committee Minutes of meeting held on 1/5/89

**Present:** J. Smith, R. Hale, P. Brown, T. Matthews, J. Jones

**Apologies:** P. Finch, C. Jones

#### 1. Business arising from previous minutes

1.01 First aid certificates: Health Service advised courses to be run 4 times this year. It was recommended that at least 1 staff member from each floor to attend. All staff to be notified.

**Action: R. Hale**

1.02 Biological waste disposal: P. Brown advised that all Lab Supervisors have been informed of procedures and all bins labelled. However cleaners report further problems Labs 206 & 423 - P. Brown to follow up with supervisors and lab managers.

**Action: P. Brown**

1.03 Accident/Incident follow-up:

Incident involving fan falling off wall - Main Office.  
J. Smith reports bracket has been replaced and new fan installed.

#### 2. General Business

2.01 New University smoking policy - many students still unaware that they can't smoke in corridors. More signs to be acquired from Occupational Health & Safety.

**Action: T. Matthews**

2.02 Query raised by Dr Thomas on disposal of old waste chemicals from storeroom. Some corroding, some unlabelled - fire hazard. Committee to inspect Wed 7/5/89 12.30 p.m.

**Action: All**

2.03 Fire drills. The committee noted that no fire drills have been performed in last 2 years. J. Bloggs to liaise with building warden and Security. Aim to have drill before exam period.

**Action: J. Jones**

#### 3. Next meeting

The next meeting will be held at 10.15 a.m. on 3 June, 2001, in Room 364.

J. Jones  
Occupational Health & Safety Co-ordinator  
2 May 2001

Sections 91-98 The *Workplace Health & Safety Act, 1995* -  
Relating to WH&S officer legislative provisions

**PART 8 -WORKPLACE HEALTH AND SAFETY  
OFFICERS**

*Division 1-Purpose of part*

**Purpose of part**

**91.** The purpose of this part is to provide for the appointment and functions of workplace health and safety officers.

*Division 2-Definition for part*

**Meaning of "qualified person"**

**92.** In this part-

"**qualified person**" means a person who holds a certificate of authority prescribed under a regulation for appointment as a workplace health and safety officer.

*Division 3-Appointment of workplace health and safety officers*

**Appointment of workplace health and safety officer by employer**

**93 (1)** An employer must appoint a qualified person as workplace health and safety officer for a workplace prescribed under a regulation if 30 or more workers are normally employed at the workplace.

Maximum penalty-20 penalty units.

*Example of subsection(1)*

If, at a workplace, an employer normally employs 5 workers on Tuesdays, Wednesdays and Thursdays, but 30 workers in 3 shifts of 10 workers on Mondays and Fridays, the employer must appoint a workplace health and safety officer for the workplace if it is a workplace of a type prescribed under a regulation.

**(2)** Subsection (1) does not limit the ability of an employer to appoint a qualified person as a workplace health and safety officer for a workplace in other circumstances.

**(3)** An employer who is a qualified person may appoint himself or herself as workplace health and safety officer for the workplace.

**(4)** An employer may, with the chief executive's written approval, appoint a qualified person to be the workplace health and safety officer for more than 1 workplace if the person can reasonably perform the person's functions as workplace health and safety officer for each workplace.

(5) In this section-

**“30 or more workers are normally employed at the workplace”** means, during the current year, at least 30 workers are employed, or are likely to be employed, at the workplace for a total of any 40 days during the year.

### **Appointment of workplace health and safety officer by principal contractor**

**94. (1)** A principal contractor must appoint a qualified person as workplace health and safety officer-

(a) for a construction workplace if 30 or more persons work at the workplace during any 24 hour period; or

(b) if the principal contractor built at least 30 domestic premises during the previous financial year; or

(c) in another circumstance prescribed under a regulation. Maximum penalty 20 penalty units.

**(2)** Subsection (1) does not limit the ability of a principal contractor to appoint a qualified person as workplace health and safety officer in other circumstances.

**(3)** A principal contractor who is a qualified person may appoint himself or herself as workplace health and safety officer.

**(4)** A principal contractor may, with the chief executive's written approval, appoint a qualified person under subsection (1)(a) to be the workplace health and safety officer for more than 1 construction workplace if the person can reasonably perform the person's functions as workplace health and safety officer for each workplace.

### ***Division 4 - Identity of workplace health and safety officer to be displayed***

#### **Employer and principal contractor to display identity of workplace health and safety officer**

**95 (1)** An employer or principal contractor must display a notice advising the penalty of the workplace health and safety officer for the workplace.

Maximum penalty - 10 penalty units.

**(2)** The notice must be displayed within 5 days after the officer is appointed.

Maximum penalty - 10 penalty units.

**(3)** The notice must be displayed in 1 or more conspicuous positions at the workplace in a way likely to come to the attention of workers at the workplace.

Maximum penalty - 10 penalty units.

## ***Division 5 - Functions of workplace health and safety officers***

### **Functions of workplace health and safety officers**

**96** A workplace health and safety officer has the following instructions -

- (a) to tell the employer or principal contractor about the overall state of health and safety at the workplace
- (b) to conduct inspections at the workplace to identify any hazards and unsafe or unsatisfactory workplace health and safety conditions and practices;
- (c) to report to the employer or principal contractor any hazard or unsafe or unsatisfactory workplace health and safety practice identified during inspections;
- (d) to establish appropriate educational programs in workplace health and safety;
- (e) to investigate, or assist the investigation of, all work injuries, work caused illnesses and dangerous events at the workplace;
- (f) to help inspectors in the performance of the inspectors' duties;
- (g) if any work injury, work caused illnesses, dangerous event or immediate risk to workplace health or safety at the workplace happens - to report the injury, illness, event or risk to the employer or principal contractor;
- (h) another function prescribed under a regulation.

## ***Division 6 - Employer's and principal contractor's responsibilities***

### **Employer and principal contractor to help workplace health and safety officer etc.**

**97.** An employer or principal contractor-

- (a) must provide information in the employer's or contractor's possession about risks to the workplace health and safety of workers and other persons from workplaces, workplace activities or specified high risk plant to the workplace health and safety officer; and
- (b) must include the workplace health and safety officer at any interview about workplace health and safety between the employer and a worker if the worker agrees; and
- (c) must consult the workplace health and safety officer on any proposed change to the workplace that affects, or may affect, workplace health and safety at the workplace; and
- (d) must help the workplace health and safety officer to seek appropriate advice on issues that affect, or may affect, workplace health and safety at the workplace; and
- (e) may instruct the workplace health and safety officer on action to be taken to ensure workplace health and safety at the workplace.

*Division 7 - Appointment of workplace health and safety officer not to diminish employer's obligations*

**Appointment of workplace health and safety officer not to diminish employer's obligations**

**98.** An employer's or principal contractor's workplace health and safety obligations are not diminished by-

- (a) the appointment of a workplace health and safety officer; or
- (b) any act or omission of a person acting in the capacity of workplace health and safety officer