

# SESLHD PROCEDURE COVER SHEET



<b>NAME OF DOCUMENT</b>	Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines
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<b>KEY TERMS</b>	Health and Safety Representative (HSR) Work Group
<b>SUMMARY</b>	This guideline outlines the requirements and process of electing a Health and Safety Representatives in a work group.

## 1. POLICY STATEMENT

The purpose and focus of this guideline is to outline the process for nominating and electing Health and Safety Representatives, including the facilitation and associated forms that SESLHD will provide to work groups to assist in conducting elections for HSRs and Deputy HSRs. Workers in a work group may determine the election process however; the organisation is required to offer assistance with an appropriate documented election process ([WHS Act 2011, Part 5 - Subdivision 2](#)).

## 2. BACKGROUND

All workplaces must provide options for consultation and communication between workers and management on health and safety issues. Under the [Work Health and Safety Act 2011](#) several methods of consultation are available in the workplace:

- workers can choose to elect Health and Safety Representatives (HSRs) within a workgroups
- workers and the management may establish a Health and Safety Committee (HSC)
- workers and the management of the organisation may decide to have both Committees and HSRs
- other agreed arrangements

**Note:** Further information on HSR and HSC duties are found in [SESLHDGL/019 Work Health and Safety – Consultation Guidelines](#)

## 3. PRINCIPLES

Principles guiding the election of a HSR:

- A HSR and Deputy HSR must be elected by members of the work group they will represent.
- All workers in a work group must be provided with every reasonable opportunity to nominate a HSR and vote in the election.
- Workers from the work group may determine how an election is to be conducted (if one is needed).
- The Person Conducting a Business or Undertaking (PCBU) must be informed of the election date as soon as practicable.
- Members of the work group and relevant PCBU must also be informed of the election outcome.
- The election process may be informal (for example with a show of hands or sufficient nominees for the positions available), or formal (such as the use of ballots).

# SESLHD PROCEDURE

## Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines

**SESLHDGL/020**

- If the majority of workers in a work group agree, the election may be conducted with the assistance from the PCBU, union or another organisation.
- If there is more than one work group, there needs to be a separate process to elect a HSR for each.

### 4. DEFINITIONS

**4.1. Health and Safety Committee (HSC) member** – is a representative of a work group nominated for the period of two years. This process can be formal or informal and should be documented.

- A one day training program is provided by SESLHD to HSC members.

**Note:** Further information, see section 6 of this document, or contact the [local WHS&IM Unit](#)

**4.2. Health and Safety Representative (HSR)** – is a person elected by the work group using the formal and documented election process (this document, SESLHDGL/020) to represent the workers on work health and safety matters for a term of three years.

- It is recommended the HSR attends an accredited five day [SafeWork NSW approved training](#). On completion of the training, the HSR will be registered on the SafeWork NSW database.

**Note:** For further information go to section 7 of this document, or contact [local WHS&IM Unit](#).

**4.3. Health, Safety and Wellbeing (HSW)** – is the strategic unit responsible for the SESLHD WHS Management System contact details

**4.4. Officer** – is a person who can make decisions that significantly affect the organisation (such as Directors).

**4.5. Other agreed arrangements** – an alternative process for consultation on work health and safety matters agreed between the PCBU and its workers. Other agreed arrangements may include regular scheduled meetings or team meetings where work health and safety is an agenda item, shift start-up meetings, or briefing sessions.

These arrangements must be planned and developed in consultation with the workers. Once agreed these arrangements must be followed as the method for work health and safety consultation.

**Note:** For further information please contact the [local WHS&IM Unit](#)

**4.6. Person conducting a business or undertaking (PCBU)** - includes organisations and individuals conducting a business or undertaking. SESLHD is a PCBU.

## SESLHD PROCEDURE

### Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines

SESLHDGL/020

- 4.7. **WHS&IM Unit** – Work Health and Safety and Injury Management Unit, working within facilities across SESLHD.
- 4.8. **Worker** – includes any person who carries out work for SESLHD.  
This can include any person who works as a:
- employee
  - trainee/ apprentice
  - volunteer
  - clinical or work experience student
  - contractor or subcontractor
  - employees of a contractor or sub-contractor
  - employees of a labour hire company (agency) assigned to work for SESLHD
- 4.9. **Workgroup** – an identifiable group of workers, who perform similar types of work and have similar health and safety concerns and conditions within the workplace i.e: department, unit or service.

## 5. RESPONSIBILITIES

- 5.1. **Health and Safety Committee (HSC) member** focus is on the health and safety matters across the service or facility and will facilitate cooperation between management and workers.
- 5.2. **Health and Safety Representatives (HSR)** represent the members of the work group (ward/department/service) regarding work health and safety matters.
- The HSR must provide leadership and information to workers of the work group.
  - The HSR will deal directly with all stakeholders to resolve health and safety risks to the work group.
  - A HSR can also elect to join the site HSC, or can request the formation of a HSC where one does not exist at a SESLHD site.
- 5.3. **Health Safety and Wellbeing Service** will establish and maintain work health and safety consultation procedures to meet legislative requirements and to achieve SESLHD work health and safety objectives.
- 5.4. **Line managers** will
- implement and comply with work health and safety consultation procedures
  - support and assist in the HSR election process
  - at the request of the HSR arrange the approved training (see Section 6.8).

## SESLHD PROCEDURE

### Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines

SESLHDGL/020

#### 5.5. Work Health Safety and Injury Management Unit will

- assist if required, in the HSR election process
- establish and maintain work health and safety consultation between workers and managers
- at the request of the line manager assist with booking of HSR training.

5.6. **Officers** will ensure work health and safety consultation procedures are in place to meet legislative requirements to achieve the work health and safety consultation objectives.

5.7. **Workers** will comply with work health and safety policies and procedures including consultation arrangements to ensure health and safety at work.

**Note:** For further information please contact the [local WHS&IM Unit](#)

## 6. HSR PROCESS

This section outlines the requirements for elections of HSRs and the support/facilitation SESLHD will provide to work groups if requested, to assist in conducting elections for Health and Safety Representative (HSR and Deputy HSR).

### 6.1. Worker representation

A worker or group of workers may determine the work group require representation by a HSR to resolve a health and safety matter. Under the [WHS Act 2011](#), workers may conduct an election to determine the work groups HSR.

### 6.2. Determining a workgroup

When a request for a HSR election has been made in writing and provided to the department/service manager, then consultation between the PCBU and workers will occur and agree on the composition of the workgroup.

The department/service manager must notify the local WHS&IM Manager within one business day of the pending election.

The PCBU must commence negotiation process with workers within 14 days of receiving the request to facilitate a HSR election ([WHS Act 2011, part 5, division 3](#)).

The purpose of negotiations is to determine the number of HSR to be elected and the workgroup to be represented. The PCBU must notify the workers of the outcome of the negotiations.

**Note:** The work group members can at any time request to renegotiate a variation of the work group agreement. This could be triggered by changes to the work group composition through restructure, or change to services provided.

# SESLHD PROCEDURE

## Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines

**SESLHDGL/020**

The workers may also request a representative (eg. a union delegate or official) to assist in negotiations with the PCBU regarding the establishment of the workgroup.

### 6.3. HSR election

Once the negotiations to determine the work group have been finalised, then the election process can commence.

The work group may request the PCBU to assist in this process by providing a representative to facilitate the election of a HSR. This request must be made in writing to the department/service manager.

Once the request for assistance to facilitate the election is received, the department/service manager will notify the local WHS&IM Manager to appoint (in writing) a delegate (a WHS Coordinator) to negotiate on behalf of the PCBU. The nominated delegate will assist and oversee the election process.

The workers may also request a representative (eg. a union delegate or official) to assist in the election process.

### 6.4. Nominations for HSRs and Deputy HSRs

Any worker is eligible to be elected as a HSR or Deputy HSR for the workgroup, the only exception is a person disqualified under [Section 65 of the WHS Act 2011](#) from being a HSR.

The nominated WHS Coordinator will act as Returning Officer. The Returning Officer will issue a call for HSR nominations in writing to the workgroup members using the [Call for Employee Health & Safety Representative \(HSR\) Nominations Form \(Appendix 1\)](#).

The [Health & Safety Representative Nomination Form \(Appendix 2\)](#) will be issued with this communication. Nominations will only be received on the nomination form and must be supported by a worker of the workgroup. The Returning Officer will collate and ratify all responses, and develop a listing of nominees.

### 6.5. Election process

*For workgroups with one HSR position*

- If there is one nomination received, the candidate is declared elected as the HSR.
- If there is more than one nomination received, an election will be held.

*For workgroups with more than one HSR position (including Deputy HSR position)*

- If there are fewer nominations received than there are vacancies, the Returning Officer will appoint the candidates received.
- If the number of nominations received and the number of vacancies are the same, the candidates are declared elected as HSRs.
- If there are more nominations received than there are vacancies, an election will be held.

## SESLHD PROCEDURE

### Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines

**SESLHDGL/020**

The Returning Officer administers the ballot [HSR Voting Paper Template \(Appendix 3\)](#) on behalf of the workgroup. A “first past the post” voting system is used (only one vote per worker is allowed). Return addressed envelopes are distributed with the ballot, and only votes received on the ballot paper will be counted. Any candidate wishing to withdraw from the election must do so in writing to the Returning Officer. After the election period is completed, the votes shall be counted.

#### **6.6. Determining election outcome**

*For workgroups with one (1) HSR position*

The candidate who polls the highest number of votes is declared elected as the HSR of the workgroup.

*For workgroups with more than one (1) HSR position (including Deputy HSR position)*

The first candidate securing the highest number of votes is declared elected as the HSR of the workgroup. The remaining positions will be determined based on the next highest number of votes.

#### **6.7. In the event of a tie**

The Returning Officer will notify the workgroup of the tied result and will initiate a further ballot [HSR Voting Paper Template \(Appendix 3\)](#) involving only the candidates who are tied. This subsequent ballot will adhere to the same principles as the initial ballot, being a “first past the post” voting system (see 4.5 above). In the event of a tied result from the subsequent ballot, the Returning Officer will establish an appropriate method for determining the elected candidate.

The Returning Officer will announce the outcome of the election to the workers of the workgroup, the department/service manager and the facility WHS&IM Manager and a welcome letter is sent to the new HSR by the Returning Officer.

The facility WHS&IM manager will notify Health, Safety & Wellbeing Service of outcome including name of HSR and the work group the HSR to be represented. This information will be registered on the Health, Safety & Wellbeing web page and with SafeWork NSW. The name of the HSR is also to be displayed on the noticeboard in the workgroups workplace.

#### **6.8. Training for a HSR to obtain full power of the role**

A HSR can request (this is recommended) to attend an accredited five day WorkCover approved training. This training provides the HSR with the additional powers to fully exercise the role. On completion of the training, the HSR will be registered on the WorkCover data base.

Trained HSRs are entitled to attend an annual one day HSR refresher course.

Elected HSRs interested in training should initially consult with their Manager. The HSR and their Manager should work together in agreeing timing of attendance and which course the HSR should attend. Coordination of attendance should be determined by each Manager and paid for through their cost centre.

## SESLHD PROCEDURE

### Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines

SESLHDGL/020

This training currently is only provided externally. For further information, please contact the local WHS&IM Unit or refer to [SESLHDGL/019 Work Health and Safety – Consultation Guidelines](#)

#### 6.9. Term of office

Elected HSRs will hold office for a three year term and are eligible for re-election.

#### 6.10. Termination of HSR term

Elected HSRs will hold office for a three year term and are eligible for re-election.

A HSR ceases to hold office if:

- they leave the work group
- they are disqualified from being a HSR by SafeWork NSW under [Section 65 of the WHS Act 2011](#)
- any person adversely affected by a decision or action of a HSR can apply to WorkCover to have the HSR disqualified
- the HSR resigns, the HSR must advise the SESLHD in writing of the resignation and provide this letter to the workgroup manager.

The notification process:

- the work group manager notifies the local WHS&IM Manager
- the local WHS&IM Manager notifies Health Safety and Wellbeing of the resignation
- Health Safety and Wellbeing contact SafeWork NSW to remove the HSR from the register.

#### 6.11. Process for removal of the HSR

The HSR is removed from the position of representation when:

- the majority of work group members sign a written declaration that the HSR should no longer represent work group, the workgroup representative informs the HSR.

The notification process:

- the workgroup notifies relevant manager of this decision and the local WHS&IM Manager
- once the outcome is confirmed, the local WHS&IM Manager contacts Health Safety and Wellbeing for action
- Health Safety and Wellbeing contact SafeWork NSW to remove the HSR from the register.

If a HSR ceases to hold office before the end of the term, the department manager is to consult with the workgroup regarding the consultation arrangements for the workgroup or if required to implement the election process as stated in Section 6.5.



**7. ELECTION FLOWCHART**

## Election Flowchart

**Request for SESLHD to facilitate the election of a HSR**

Where a request is made in writing to the manager of a department /service for facilitation of a HSR election, the manager will notify the local WHS&IM Manager (within 1 business day) of the request



**Facilitating the HSR Election**

Once the request for assistance to facilitate the election is received, the department/service manager will notify the local WHS&IM Manager to appoint (in writing) a delegate (a WHS Coordinator) to negotiate on behalf of the PCBU  
The nominated delegate will assist and oversee the election process



**Call for nominations**

Returning officer nominated by local WHS&IM Manager will call for nominations for HSR  
[Call for Employee Health & Safety Representative \(HSR\) Nominations Form](#)



**Nomination Period**

Nominations received on the nomination form [Health & Safety Representative \(HSR\) Nomination Form](#) before the closing date of the nomination period to the returning officer



**Conduct Election**

Election held where number of nominations exceed number of vacancies  
The returning officer will create a list of candidates and provide [HSR Voting Paper](#) on behalf of the workgroup



**Counting of votes**

If a draw occurs then the successful candidate is determined by returning officers process.  
Results of the ballot are advised by the returning officer to the candidates, workgroups and employer



**Notification of elected HSR**

Returning officer will ensure that the HSRs information is updated and re-distributed as required and notify the department/service manager and the local WHS&IM Manager of the result  
The local WHS&IM Manager will forward the results including HSR name and work group to Health Safety and Wellbeing to action and update registers and notify [SafeWork NSW](#)

# SESLHD PROCEDURE

## Work Health and Safety – Health and Safety Representatives Nomination and Election Guidelines

**SESLHDGL/020**

### 8. DOCUMENTATION

[Appendix 1 - Call for Employee Health & Safety Representative \(HSR\) Nominations Form](#)

[Appendix 2 - Health & Safety Representative \(HSR\) Nomination Form](#)

[Appendix 3 - Template HSR Voting Paper](#)

[Appendix 4 - Election Envelope Labels](#)

[Appendix 5 - HSR Welcome Letter](#)

### 6. AUDIT

2 yearly WHS Facility Audit

### 7. REFERENCES

#### External

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulation 2017](#)

[SafeWork NSW - Codes of Practice](#)

[SafeWork NSW - Health and Safety Representatives Information](#)

#### Ministry of Health

[Work Health and Safety: Better Practice Procedures](#)

#### Internal

[SESLHDGL/019 Work Health and Safety – Consultation Guidelines](#)

### 9. REVISION AND APPROVAL

Date	Revision No	Author and Approval
November 2012	1	Dieter Schultejoann WHS Officer. Approved Director Workforce Services
December 2012	1	Approved SESLHD DET
August 2015	2	Ron Taylor – WHS Consultant – Health Safety and Wellbeing. Endorsed by Executive Sponsor.
March 2016	3	Putri Ferraro, WHS Consultant – Health Safety and Wellbeing. Endorsed by Manager Health Safety & Wellbeing
September 2017	4	Desktop Revision and Links Update - John Parkinson, WHS Consultant
October 2017	4	Updates endorsed by the Executive Sponsor

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**Work Health and Safety – Health and Safety  
Representatives Nomination and Election Guidelines**

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**SESLHDGL/020**

April 2018	5	Document title changed – Catherine Johnson, WHS Consultant
January 2019	6	Document title changed – Catherine Johnson, WHS Consultant

**SESLHD PROCEDURE****Work Health and Safety – Health and Safety  
Representatives Nomination and Election Guidelines****SESLHDGL/020****Appendix 1: CALL FOR WORKER HEALTH & SAFETY REPRESENTATIVE (HSR)  
NOMINATIONS****Election of worker in {Insert workgroup name} work group to the position of worker Health & Safety Representative**

A request arising for an elected worker Health and Safety Representative (HSR) in the {Insert Workgroup Name} Workgroup, is seeking nominations from existing work group members for {Number (O)} person/s to represent the work group and become a HSR. The term of office of the HSR will be three years.

Further information about the role of a HSR is available Consultation Guideline – Work Health and Safety.

HSR of {Insert Workgroup Name} Workgroup is elected by the work group members. Any work group member at the opening of nominations { :\_\_ am/pm Day \_\_ Month \_\_ 20 \_\_ } is eligible to be nominated as a HSR of the Workgroup.

Any work group member of the {Insert WG Name} at the opening of nominations is entitled to vote in the election.

Nominations must be supported by two of the work group members. Nominations must be made on the nomination form provided.

Nominations close on {Day \_\_ Month \_\_ 20 \_\_} and must reach the office of the Returning Officer, {Returning Officer's Location} by { :\_\_ am/pm } on that day. Late nominations will not be accepted.

A nomination form is included and further details may be obtained from {Returning Officer name>, {email address@ }, telephone { \_\_\_\_\_ }.

If the number of nominations exceeds the number of vacancies, ballot papers will be posted to all eligible voters for a postal ballot on {Day \_\_ Month \_\_ 20 \_\_} and the election will close on {Day \_\_ Month \_\_ 20 \_\_}.

Workers that are unable to access the forms should advise {Returning Officer name} by email or telephone and a nomination form and details will be forwarded. In the event of an election, ballot papers will be posted by {Day \_\_ Month \_\_ 20 \_\_} and must reach the office of the Returning Officer, {Returning Officer name>, Location, Department} by {Day \_\_ Month \_\_ 20 \_\_} at { :\_\_ am/pm }. Late ballots will not be accepted.

{NAME}  
Returning Officer  
{Contact details}

# SESLHD PROCEDURE

Work Health and Safety – Health and Safety  
Representatives Nomination and Election Guidelines

SESLHDGL/020

## Appendix 2: HSR NOMINATION FORM

Worker in the Work Group of {Insert Workgroup name} to the position of worker Health & Safety Representative (HSR) for a term of three years

Each nominee must be supported by two members of the {Insert workgroup name} Workgroup.

Proposer: I

\_\_\_\_\_ (Print name)

\_\_\_\_\_ (Telephone number)

\_\_\_\_\_ (Department name)

\_\_\_\_\_ (Email address)

Seconder: and I

\_\_\_\_\_ (Print name)

\_\_\_\_\_ (Telephone number)

\_\_\_\_\_ (Department name)

\_\_\_\_\_ (Email address)

Signature of PROPOSER \_\_\_\_\_ Date: \_\_\_\_\_

Signature of SECONDER \_\_\_\_\_ Date: \_\_\_\_\_

Being members of the workgroup {Insert Workgroup Name}, hereby nominate as an worker Health & Safety Representative (HSR) for a term of three (3) years

Nominee:

\_\_\_\_\_ (Print name)

\_\_\_\_\_ (Telephone number)

\_\_\_\_\_ (Designated Work Group name)

\_\_\_\_\_ (Email address)

### CONSENT OF NOMINEE:

I consent to the above nomination

Signature of NOMINEE \_\_\_\_\_ Date: \_\_\_\_\_

This nomination form must reach the office of the Returning Officer, {Returning Officer location}, by { : \_\_ am/pm } on { Day \_\_ Month \_\_ 20\_\_ } and may be accompanied by an electoral statement made by the candidate. An electronic copy of this statement, if provided, must be forwarded to {address@ >. If more nominations are received than the number of vacancies, a ballot will be held. In this instance eligible voters will be advised on { Day \_\_ Month \_\_ 20\_\_ } of the need for an election. Ballot papers will be posted to all eligible voters. Votes must be cast by { : \_\_ am/pm > on { Day \_\_ Month \_\_ 20\_\_ }.

# SESLHD PROCEDURE

Work Health and Safety – Health and Safety  
Representatives Nomination and Election Guidelines

SESLHDGL/020

## Appendix 3: HSR VOTING PAPER

**Election of a (insert Facility, Service, Department name) work group member in {work group name} to the position of worker Health & Safety Representative (HSR) for a term of three years**

### Voting instruction – simple majority

Indicate your preference by writing the number (1) or placing a tick (✓) in the square opposite the name of the candidate you wish to elect.

#### Voting Procedure

1. Voting paper is to be placed in the envelope marked 'VOTING PAPER'.
2. Voters must print their name and sign the back of the envelope addressed to THE RETURNING OFFICER.
3. The envelope marked VOTING PAPER should be placed inside the envelope addressed to THE RETURNING OFFICER and mailed so that it is received by the Returning Officer no later than \_\_:\_\_ \_\_am/pm , Date: \_\_\_\_ \_\_\_\_ 20\_\_

The following persons have been nominated and the order of listing has been determined by lot.

**Candidate 1:** \_\_\_\_\_

**Candidate 2:** \_\_\_\_\_

**Candidate 3:** \_\_\_\_\_

**Candidate 4:** \_\_\_\_\_

{DEPARTMENT} {Number} issued of {Number}

**Appendix 4: ELECTION ENVELOPE LABELS**

**VOTING PAPER**

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## SESLHD PROCEDURE

Work Health and Safety – Health and Safety  
Representatives Nomination and Election Guidelines

SESLHDGL/020

### Appendix 5: HSR WELCOME LETTER

#### Confirmation of election as Health & Safety Representative (HSR)

In election of {insert name} in the {Insert workgroup name} Work Group to the position of  
worker Health & Safety Representative

Dear {Successful candidate name}

As Returning Officer for the nomination and election of worker Health and Safety Representative (HSR) for {Insert work group name}, I am pleased to advise that you have been elected as the HSR for {Insert Workgroup Name}, in accordance with conditions of nomination, for the term until {\_\_ Month \_\_ 20\_\_ = election date + 3 years}.

#### Management Representative

The management you should be consulting with for {Workgroup Name} is {Managers Name}.

#### Designated Work Group (DWG) Information

A list of work group and HSRs are published on the [Health Safety and Wellbeing web site](#). You can request a printed copy for your information and use.

#### Training

Elected worker HSRs are entitled to paid leave to attend one WorkCover approved five day training program for a HSR, including an annual one day refresher course in subsequent years. Please consult with your Manager initially, for further information contact the facility WHS&IM Unit.

#### Meetings

As a HSR you are invited to attend the local Work Health and Safety Committee meetings held on {Day, Date, Time, Location}. There may also be other planned meetings with fellow HSRs.

#### Further Information

Further information about the role of a HSR is available in [Work Health and Safety - Consultation Guidelines](#) and by contacting the local [WHS&IM Unit](#)

Regards

{Insert Name}  
Returning Officer

{\_\_ Month \_\_ 20\_\_ }