

Health and safety representatives and committees

This guidance is for persons conducting a business or undertaking (PCBUs) on ships, major ports or the Cook Strait ferry terminals. It includes information about health and safety representatives, work groups, health and safety committees and health and safety representatives' elections.

This factsheet does not specifically explain your legal obligations. You can find out more about those in our factsheet 'PCBU duties for worker engagement and participation' and by reading the Health and Safety at Work Act 2015 (HSWA) and Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016.

The Health and Safety at Work Act 2015 (HSWA) and the Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016 set out detailed requirements for:

- health and safety representatives (HSRs)
- work groups
- health and safety committees (HSCs).

This factsheet provides you with information about what HSRs, work groups and HSCs do and what you are required to do when you have them as part of your business.

1. Health and safety representatives

Workers can elect one or more HSRs to speak or act on their behalf.

As outlined in HSWA Schedule 2 Part 1, HSRs do the following:

- represent workers on health and safety matters
- investigate health and safety complaints and risks
- if a worker asks them to, represent the worker in a matter relating to health and safety
- monitor health and safety measures that you have taken
- make health and safety recommendations
- give feedback to the business about whether it is complying with health and safety requirements
- promote the interests of workers who have been harmed at work, including arrangements for rehabilitation and returning to work.



1.1 Health and safety representative elections

Any worker can ask you to organise and hold an election for one or more HSRs.

When a worker asks for the election of a HSR, you must hold an election within two months of the date when you receive the request.

You must provide resources, facilities and assistance for the election. You do not have to conduct an election if there are no candidates for the positions, or if the number of candidates is less than or equal to the number of positions.

You can choose to begin an election for a health and safety representative even if no worker requests one. Doing so can help you meet your worker engagement and participation duties.

1.2 Your obligations to health and safety representatives

Once one or more HSRs have been elected in your workplace, you must:

- pay for their HSR training
- allow them paid time to perform their HSR functions
- consult and confer with them on matters of health and safety, and provide them with relevant information
- allow them to be present at health and safety interviews between workers and inspectors or the PCBU (this could be you or anyone who represents the PCBU)
- provide them with the resources, facilities and assistance that are reasonably necessary to perform their functions, and allow a person assisting them to have access to the workplace if necessary
- permit them to accompany an inspector during an inspection
- consider recommendations they make and, if you don't adopt them, provide written reasons why.

2. Work groups

Any time your business has HSRs, they represent a **work group**. HSWA says that the standard is that all workers in a workplace make up a single work group. Where this is the case, there must be a minimum of one HSR for every 19 workers.

However, some businesses have workers with very different needs. If the structure of your business makes a single work group inappropriate – for example, if you employ workers at very different worksites or to do very different types of work – you can set up separate work groups for the different groups. This means that all workers can elect HSRs who are familiar with their situation and who can represent them effectively on health and safety matters. If your business is large or has multiple locations or work activities, having more than one work group may be useful.

Example

A major port has workers who are land-based and workers who are sea-based (including personnel working on tugboats). When they set up their work groups, they choose to have a work group for the land-based workers and a work group for the sea-based workers. This means that each group has one or more health and safety representatives who understands their situation and can support them effectively.

If you decide you need more than one work group, you must make sure that the workers are grouped so that:

- the HSRs can effectively represent the interests of the workers in their work group
- Workers can access the HSR that represents them.

Consider grouping your workers by:

- task
- risk
- location
- shift.

When you are determining work groups and deciding how many HSRs are required, there are some specific points you must consider. (HSWA and the Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016 call these prescribed requirements.) You must take into account:

- what the workers think about work group arrangements and the number of HSRs to be elected
- the nature of your workplace, including:
 - the kinds of hazards or risks it includes
 - the total number of workers, and the number and grouping of workers who carry out similar types of work
 - the diversity of workers and work
 - the number of different workplaces
 - the distance between workplaces
 - the nature of the places where each type of work is carried out
 - how much workers must move from place to place while at work
- the nature of your employment and working arrangements, including:
 - whether the work is full-time, part-time, casual, or fixed-term
 - the times at which work is carried out
 - overtime or shift work arrangements.

You must consider the views of workers when deciding how to group them. Set up a process for consultation and feedback to receive feedback from workers about the proposed work groups before you finalise them.

If there are two or more PCBUs in a workplace, they can agree to have a shared work group. For example, this could apply to a loading area on a port, where workers from many different businesses are all working together.

3. Health and safety committees

A HSR, or any five workers, may ask you to establish a HSC. You must establish such a committee when you are asked to do so.

You can choose to establish a HSC even if no workers or HSR ask you to. Doing so can help you meet your worker engagement and participation duties.

You must agree with workers or their representatives on the membership of the HSC. You must authorise one of the members you appoint to the committee to make decisions on health and safety issues on your behalf.

At least half of the members of the HSC:

- must be workers, and must represent the workers at the workplace
- must not have been nominated by you.

Each HSR is eligible to be a member of the HSC.

3.1 The jobs of a health and safety committee

Schedule 2, Part 2 (clause 20) of HSWA identifies the main jobs of a HSC. They are:

- to make it easy for the PCBU and workers (including HSRs) to cooperate on ways to make sure workers' health and safety is protected at work
- to help to develop standards, rules, policies and procedures for work health and safety
- to make recommendations on workplace health and safety
- to carry out other tasks that are agreed between the PCBU and the HSC or set down in the Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016.

3.2 Your duties towards health and safety committees

If an operation has a HSC, you and any other business that works for that operation must:

- consult with the HSC on health and safety matters
- provide the committee with information they need to perform their functions
- consider the committee's recommendations and, if you do not adopt them, give written reasons why
- allow paid time for committee members to meet.

4. Information from WorkSafe

WorkSafe has more detailed information about HSRs and HSCs. If you need more information than this factsheet provides, check out the [WorkSafe website](#). In particular, their [Health and Safety Representatives](#) page has links to resources.