

Health and Safety Participation

Model worker participation agreement

The Royal Commission on the Pike River tragedy reported that worker participation is essential to keeping workplaces healthy and safe. The effectiveness of worker participation systems should be regularly reviewed and problems should be addressed.

Extensive research in worker participation has shown that collective representation through elected health and safety representatives ensures better outcomes for health and safety. Workers in this process are not passive recipients of information but have some chance to influence decision making.

This procedure shall cover all workers. All participants shall act in good faith.

Health and Safety Representatives

Health and Safety Representatives (HSRs) will be elected by their fellow workers both union and non-union.

Appendix A lists the work groups in which elections will be held and the number of representatives for that workgroup.

Appendix B sets out the process that will be followed for inviting nominations and conducting elections.

Functions of HSRs

- Issue PINs (Provisional Improvement Notices)
- Direct unsafe work to cease
- Support workers where there is an immediate and serious danger
- Investigate complaints
- Represent a worker including in relation to a complaint
- Monitor measures taken by the PCBU
- Inquire into anything that appears to be a risk arising from the conduct of the PCBU
- Make recommendations
- Provide feedback to the PCBU
- Promote interests of workers who have been harmed at work including arrangement for rehabilitation
- HSR may attend interview with consent of worker with PCBU or Worksafe inspector
- May enter and inspect workplace
- Can be accompanied/assisted by another person
- Can request information
- May assist another HSR
- May accompany and consult Worksafe inspector or regulator

Obligations of PCBU towards elected HSRs

- Consult and confer about health and safety matters.
- Allow the HSR reasonable paid time to carry out their duties.
- Provide information.
- Allow the HSR to be present at the workers request in all health and safety related interviews.
- Provide resources, facilities, assistance necessary for the HSR to fulfil their obligations (see Appendix C).
- Allow any person assisting the HSR to have access to the workplace.
- Permit the HSR to accompany a Worksafe inspector.

The PCBU agrees to be available to discuss issues with HSRs as they arise.

Agreed additional functions of HSRs

- Participate in the investigation of accidents in their area and preparation of reports
- Must be advised of any inspection, visit, monitoring or audit undertaken in relation to health and safety
- Must have an opportunity to participate in the ACC partnership Programme audit
- Must be given an opportunity to meet with the person undertaking the inspection, visit, monitoring or audit
- The HSR must be given an opportunity to meet with any new employees, temporary employees or contractors who will be working in the relevant designated work area
- Regularly inspect and investigate their designated work area
- Regularly assess the suitability of health and safety information for their designated work area
- Request outside expertise to investigate and assess hazards
- Inform workers of the outcome of inspections and investigations
- Regularly inspect the contents of first aid kits
- Support workers in their rehabilitation and return to work as requested

Each elected HSR shall be entitled to two days paid leave per year to attend a training course provided by the CTU at the PCBU's expense.

Health and Safety Committees for larger worksites

The employer shall establish a Health and Safety Committee with representatives from:

- Worker HSRs
- Delegates
- Management

The Health and Safety Committee will not have more management representatives than worker representatives.

The Health and Safety Committee shall meet regularly. These meetings shall have an agenda and occur during normal work time. Should a HSR or delegate have to attend outside their normal or scheduled rostered work time, they will be entitled to time in-lieu or overtime. All workers must be notified of upcoming committee meetings and must be given a reasonable opportunity to provide input.

The functions of the Health and Safety Committee are:

- Developing and reviewing the effectiveness of health and safety policies and procedures.
- Monitoring arrangements for rehabilitation and return to work.
- Receiving reports on accidents and potentially hazardous incidents.
- Receiving suggestions from the workers and PCBU regarding health and safety.
- Receiving reports on health and safety inspections and audits.
- Monitor compliance with legislation, codes of practice, guidelines and standards relevant to the company.
- Request monitoring of the work environment including workplace design and procedures.
- Make recommendations on the establishment, maintenance and monitoring of safety systems.
- Receive proposals from the employer on new or changed machines, or work methods.
- Recommend programmes to eliminate, isolate or minimise hazards in the work place.
- Recommend programmes to reduce particular accidents in the workplace.
- Monitor suitability of safety equipment and clothing.
- Be regularly informed about management of hazardous substances or equipment in the workplace.
- Request and provide feedback on safety training programmes.
- Be informed of or request employee health monitoring programmes in relationship to risks.
- Ensuring safety communications systems are adequate.
- Ensuring emergency response procedures are adequate.
- Request information on health and safety issues in similar industries.

Members of the Health and Safety Committee will receive training in health and safety legislation, hazard management and accident investigation.

The committee will elect a chairperson for a specified period of time agreed by the committee and the committee will keep accurate records of all matters that come before it and report regularly.

Worker representatives shall meet before each committee meeting.

Review of agreed worker participation procedures

The employer, HSR and the Health and Safety Committee shall review the worker participation system, ideally every 12 months, but no longer than 24 months. But may also review and make recommendations about specific aspects of the system as the committee thinks appropriate.

Involvement of the union in health and safety matters

Minutes of the Health and Safety Committee meeting will be provided to the union. The union may raise concerns or suggestions with the employer and may ask for issues to be placed on the health and safety committed agenda. The employer recognises the unions representative role and its shared interest in health and safety and will engage with the union. The union organiser may attend Committee meetings.

Appendix

Election of Health and Safety Representatives (HSRs)

- (a) There shall be at least one HSR for each workplace or designated work area at a ratio of no less than one HSR to 19 workers.
- (b) HSRs may exercise functions and powers outside their work group when there is a serious risk to health and safety arising from an immediate or imminent exposure to a hazard that affects or may affect a member of another work group.
- (c) They may also assist or accompany another HSR when requested, and may act in the capacity of another HSR when requested by a worker when an HSR is absent or has asked another HSR to cover for them.
- (d) The election of HSRs will be held every 3 years on the anniversary of the signing of this agreement.
- (e) The union and the employer will jointly manage the election process. Each HSR is to be elected by secret ballot by those workers in the work group they will represent.
- (f) If there is only one candidate for the position of HSR the candidate must be endorsed by the workers they are going to represent.
- (g) When an HSR position becomes vacant another election shall be held.
- (h) If the majority of workers in a particular work group ask for an election a new election shall be held.

Health and Safety Representative training

- (a) Each elected HSR will be required to attend union-based training provided by Worksafe: see www.worksafereps.co.nz. If this is not available, training will be carried out by a provider of the worker's choice following consultation with the union and the Health and Safety Committee.
- (b) Initial training will take place within 6 months of the election of the HSR. Level 2 training will take place within the 2nd year after the election. Attendance at Level 3 will be required if the HSR remains in the position for 3 years or more. There will be a training entitlement of 2 days every year.
- (c) At least 14 days' notice must be given to the PCBU of the leave required to attend the training, and taking the leave should not be unduly disruptive to the PCBU's business. The PCBU will pay wages, as well as travel and accommodation if necessary.

Resources for Health and Safety Representatives

HSRs will have sufficient time to carry out their duties. They will have access to the internet and if a specialist or auditor has been engaged, they will be given the opportunity to discuss any relevant issues with them. Access to photography equipment will also be provided.