

What rights do H&S reps have to select their course - especially initial training?



A health and safety representative may choose a training opportunity (whether initial or additional training) in consultation with the PCBU about the time, date, and location of, and the costs (including training fees) relating to, the training.
Reg 23

Can you clarify what a H&S rep can request in terms of additional training if:

a) they have not yet attended any training course



There is no requirement for an HSR to undertake training in any particular order. Reg 22 simply states an HSR “may use his or her annual training entitlement to attend initial training, additional training, or transition training.” Which training the HSR attends is up to the HSR. Reg 23

There is another important point about additional training. It is defined in Reg 3 as: **additional training** means training about work health and safety, or an aspect of work health and safety,—

- (a) that is within the occupational health and safety subfield of the New Zealand Qualifications Framework; or
- (b) that the PCBU and the health and safety representative agree is relevant to the health and safety representative's role

So training that falls within the [OHS subfield](#) can be taken by right whereas other training must be by agreement (*rather than consultation*).

b) they have already attended a course that does not include unit standard 29315



There are two issues here. First, initial training is defined in Reg 3 as “training that covers the content required to achieve the New Zealand Qualifications Authority unit standard 29315.” Training which does not cover the content required is not initial training and should not be advertised as such.

Second, Reg 24(3) states that the PCBU must pay the HSR's training fees and any other reasonable expense incurred in attending training. Our view is that refusing to pay for the HSR to sit the unit standard may be a breach of the duty to provide reasonable opportunities to participate in workplace health and safety.

c) they have attended a course that does include unit standard 29315



Provided they have also been assessed to US 29315, they have therefore attended initial training and can use their entitlement to undertake additional training

Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016

Search within this Legislative Instrument

SEARCH

By clauses

View whole (83KB)

Versions and amendments

Print/Download PDF [424KB] 

Contents



Previous clause

|

Next clause



Untag clause



Remove



Previous hit

|

Next hit



Part 1 Preliminary provisions

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the [Health and Safety at Work Act 2015](#)

additional training means training about work health and safety, or an aspect of work health and safety,—

- (a) that is within the occupational health and safety subfield of the New Zealand Qualifications Framework; or
(b) that the PCBU and the health and safety representative agree is relevant to the health and safety representative's role

annual training entitlement means the training entitlement that a health and safety representative has under [clause 12 \(1\)\(a\)\(i\)](#) of Schedule 2 of the Act

initial training means training that covers the content required to achieve the New Zealand Qualifications Authority unit standard 29315

transition training means training defined in [clause 1\(4\)](#) of Schedule 1.

- (2) Unless the context otherwise requires, terms and expressions that are used, but not defined, in these regulations have the same meanings as in the Act.

Training

21 Training required for purposes of sections 70(a) and 85(a) of Act

- (1) For the purposes of [sections 70\(a\)](#) and [85\(a\)](#) of the Act, a health and safety representative must complete initial training.
- (2) A health and safety representative has **completed initial training** when he or she is assessed as having achieved the New Zealand Qualifications Authority unit standard 29315.
- (3) This regulation is subject to [clause 1](#) of Schedule 1.

22 Types of health and safety representative training

A health and safety representative may use his or her annual training entitlement to attend initial training, additional training, or transition training.

23 Choice of training

A health and safety representative may choose a training opportunity (whether initial or additional training) in consultation with the PCBU about the time, date, and location of, and the costs (including training fees) relating to, the training.

24 Duty in relation to access to training for health and safety representatives

- (1) A PCBU must make a decision on a request from a health and safety representative to use his or her annual training entitlement to attend initial or additional training—
- (a) as soon as practicable; and
(b) in any event, at a date no later than 3 months from the date of receiving the request for training from the health and safety representative.
- (2) Subclause (1) is subject to the maximum total number of days' paid leave specified in [regulation 26](#).
- (3) The PCBU must—
- (a) pay the health and safety representative's training fees; and
(b) pay for any other reasonable expenses that the health and safety representative may incur, or has incurred, in attending training (including the cost of travel and accommodation that may be booked or paid for in advance, or both).

Compare: Model Work Health and Safety Act s 72 (Aust)