## 1. Representation – Health and Safety Representatives and Work Groups

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<td>1.1 When is a HSR required for a Laing O’Rourke workplace?</td>
<td>• A Worker may ask Laing O’Rourke to facilitate an election for one or more HSRs to represent Workers who carry out work for Laing O’Rourke.</td>
<td>• A Worker is someone who carries out work in any capacity for a PCBU, including an employee, a contractor or subcontractor, an employee of a labor hire company, an outworker, an apprentice or trainee, a work experience student, or a volunteer.</td>
<td>• take all reasonable steps to commence negotiations with Workers within 14 days of the request;</td>
<td>• Each HSR needs to have undergone requisite training as prescribed by legislation;</td>
<td>• To represent Workers in the Work Group in matters related to WHS.</td>
<td>• The election method and results will be recorded in the Health and Safety Committee Minutes</td>
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<td>1.2 How are Work Groups established?</td>
<td>• A Work Group is to be determined by negotiation and agreement between Laing O’Rourke and the Workers who will form the Work Group or their HSRs. The HSC is then responsible for ratifying any Work Groups.</td>
<td>• Work Groups may be determined for Workers at one or more workplaces.</td>
<td>• When negotiating about a Work Group, a variation to an agreement or when determining unresolved particulars or details of a Work Group, the following matters will be taken into account:</td>
<td>• OHS Act 2004 (Victoria) Part 7, Section 67 &amp; 68</td>
<td>• To monitor the measures taken by Laing O’Rourke and other PCBUs in relation to WHS.</td>
<td>• A HSR for a Work Group holds office as a HSR for 3 years and can be re-elected.</td>
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<td>1.3 Who is eligible to be appointed as a HSR?</td>
<td>• If a Worker requests that a Work Group be established, Laing O’Rourke must:</td>
<td>• Facilitate the determination of one or more Work Groups of Workers;</td>
<td>• A HSR ceases to hold office as a HSR if the person:</td>
<td>• WHS Act 2004 (Victoria) Part 1, Section 2a &amp; 2b</td>
<td>• To investigate complaints from members of the Work Group relating to WHS.</td>
<td>• A HSR ceases to hold office as a HSR if the person:</td>
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<td>Who is eligible to be a HSR?</td>
<td>• take all reasonable steps to commence negotiations with Workers within 14 days of the request;</td>
<td>• The number and composition of Work Groups to be represented by HSRs;</td>
<td>• If there is a failure of negotiations, any party may ask the Regulator to appoint an inspector to assist in the negotiations.</td>
<td>• OSH Act 1984 (WA) S 35 1b, 2a &amp; 2b</td>
<td>• To investigate complaints from members of the Work Group relating to WHS.</td>
<td>• Is disqualified for exercising a power or performing a function as a HSR, or using or disclosing information acquired as a HSR, for an improper purpose;</td>
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<td>1.4 What is the election process for a HSR?</td>
<td>• if requested by the Worker, negotiate with the Worker’s representative; and</td>
<td>• The number and composition of Work Groups to be represented by HSRs;</td>
<td>• When negotiating about a Work Group, a variation to an agreement or when determining unresolved particulars or details of a Work Group, the following matters will be taken into account:</td>
<td>• WH&amp;S Act 2011 (Qld, NDW, ACT, NT) 2013 SA Part 5 Section 72, 73</td>
<td>• To investigate complaints from members of the Work Group relating to WHS.</td>
<td>• If a majority of Workers in a Work Group require, the election may be conducted with the assistance of an officer or other person/organisation.</td>
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<td>1.5 What is the term of office for a HSR?</td>
<td>• as soon as possible after negotiations are completed, notify Workers in writing of the outcome and of any Work Groups determined by the agreement; and</td>
<td>• The number and composition of Work Groups to be represented by HSRs;</td>
<td>• Workers in a Work Group may determine how an election of a HSR is to be conducted; this may be by ballot, show of hands or other method as agreed by the Work Group</td>
<td>• OHS Act 2004 (Victoria) Part 1, Section 2a &amp; 2b</td>
<td>• To investigate complaints from members of the Work Group relating to WHS.</td>
<td>• If requested by the Worker, the HSR ceases to hold office or is unable to exercise the powers or functions.</td>
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<td>1.6 What are the functions of a HSR?</td>
<td>• notify Workers in writing of any variation to the agreement.</td>
<td>• The number and composition of Work Groups to be represented by HSRs;</td>
<td>• If a majority of Workers in a Work Group require, the election may be conducted with the assistance of an officer or other person/organisation.</td>
<td>• WH&amp;S Act 2011 (Qld, NDW, ACT, NT) 2013 SA Part 5 Section 72, 73</td>
<td>• To investigate complaints from members of the Work Group relating to WHS.</td>
<td>• If a majority of Workers in a Work Group require, the election may be conducted with the assistance of an officer or other person/organisation.</td>
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*WHS = work health & safety  •  HSC = Health & Safety Committee  •  HSR = Health & Safety Representative  •  PCBU = person conducting a business or undertaking  •  Laing O’Rourke = Laing O’Rourke Australia Pty Ltd & its related companies*
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<td>• To inquire into anything that appears to be a WHS risk to the Work Group, arising from the conduct of the PCBU.</td>
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<td>• To request the establishment of a HSC.</td>
<td>• the HSR has completed requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law).</td>
<td>• To issue a Provisional Improvement Notice (PIN) (which may contain directions to remedy a contravention or likely contravention):</td>
<td>• To confer with a HSR, when reasonably requested by the HSR, for the purpose of ensuring WHS of the Workers in the Work Group.</td>
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<td>• HSRs cannot be personally liable or be prosecuted for anything done or omitted to be done in good faith.</td>
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<td>• To receive information concerning WHS of Workers in the Work Group. However a HSR is not entitled to have access to personal or medical information about a Worker without the Worker’s consent, unless the information does not, and could not reasonably, identify the Worker.</td>
<td>• the HSR reasonably believes a person is contravening a provision of the WHS Act, or has contravened and the contravention is likely to continue or be repeated; and</td>
<td>• the HSR has completed the requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law); and</td>
<td>• To allow the HSR access to information on hazards/risks and WHS of Workers at the workplace (but not to allow the HSC access to any Worker’s personal or medical information without the Worker’s consent, unless the information does not and could not reasonably identify the Worker).</td>
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<td>1.7 What are the powers of a HSR?</td>
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<td>• To request assistance of any person (e.g. WHS Consultant or union official) where necessary, for example, regarding:</td>
<td>• an Inspector has not already issued (or decided not to issue) a PIN in relation to the same matter.</td>
<td>• the HSR has completed the requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law); and</td>
<td>• To allow a HSR to be present at a WHS-related interview between a Worker (or group of Workers) and an Inspector or the PCBU.</td>
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<td>• A HSR for a Work Group may only exercise powers and perform functions in relation to matters that affect, or may affect, Workers in that Work Group, except if the HSR for another Work Group is found, after reasonable inquiry, to be unavailable and:</td>
<td>• how to perform inspections.</td>
<td>• To request the establishment of a HSC.</td>
<td>• the HSR reasonably believes a person is contravening a provision of the WHS Act, or has contravened and the contravention is likely to continue or be repeated; and</td>
<td>• the HSR has completed the requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law); and</td>
<td>• To provide resources, facilities and assistance to a HSR as is reasonably required to exercise its powers or functions.</td>
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<td>• there is a serious WHS risk emanating from an immediate or imminent exposure to a hazard that affects, or may affect, a member of the other Work Group; or</td>
<td>• technical advice regarding hazard or issue.</td>
<td>• To receive information concerning WHS of Workers in the Work Group. However a HSR is not entitled to have access to personal or medical information about a Worker without the Worker’s consent, unless the information does not, and could not reasonably, identify the Worker.</td>
<td>• the HSR has first consulted with the person before issuing the PIN; and</td>
<td>• the HSR has completed the requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law); and</td>
<td>• To provide a HSR with access to information on hazards/risks and WHS of Workers at the workplace (but not to allow the HSC access to any Worker’s personal or medical information without the Worker’s consent, unless the information does not and could not reasonably identify the Worker).</td>
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<td>• a member of the other Work Group asks for the HSR’s assistance.</td>
<td>• how to negotiate agreed procedures.</td>
<td>• To request assistance of any person (e.g. WHS Consultant or union official) where necessary, for example, regarding:</td>
<td>• To request the establishment of a HSC.</td>
<td>• To issue a Provisional Improvement Notice (PIN) (which may contain directions to remedy a contravention or likely contravention):</td>
<td>• To allow a HSR to be present at a WHS-related interview between a Worker (or group of Workers) and an Inspector or the PCBU.</td>
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<td>• To inspect the workplace of the Work Group at any time:</td>
<td>• To direct a Worker in its Work Group to cease work if:</td>
<td>• how to perform inspections.</td>
<td>• the HSR has a reasonable concern that the Worker is exposed to serious WHS risk emanating from an immediate or imminent exposure to a hazard; and</td>
<td>• the HSR reasonably believes a person is contravening a provision of the WHS Act, or has contravened and the contravention is likely to continue or be repeated; and</td>
<td>• To provide a HSR with access to information on hazards/risks and WHS of Workers at the workplace (but not to allow the HSC access to any Worker’s personal or medical information without the Worker’s consent, unless the information does not and could not reasonably identify the Worker).</td>
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<td>• after giving reasonable notice to the PCBU; or</td>
<td>• the matter is not resolved after the HSR has:</td>
<td>• technical advice regarding hazard or issue.</td>
<td>• to the workplace if necessary.</td>
<td>• the HSR has first consulted with the person before issuing the PIN; and</td>
<td>• To provide a HSR with access to information on hazards/risks and WHS of Workers at the workplace (but not to allow the HSC access to any Worker’s personal or medical information without the Worker’s consent, unless the information does not and could not reasonably identify the Worker).</td>
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<td>• without notice, if there is a serious WHS risk to emanating from an immediate or imminent exposure to a hazard.</td>
<td>• consulted with the PCBU of the Worker; and</td>
<td>• how to negotiate agreed procedures.</td>
<td>• To allow a HSR to accompany an inspector during an inspection of the workplace.</td>
<td>• the HSR has completed the requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law); and</td>
<td>• To provide a HSR with access to information on hazards/risks and WHS of Workers at the workplace (but not to allow the HSC access to any Worker’s personal or medical information without the Worker’s consent, unless the information does not and could not reasonably identify the Worker).</td>
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<td>• To accompany an inspector during a workplace inspection.</td>
<td>• attempted to resolve it under the Issue Resolution procedure (see E-T-8-0954 HSC Constitution); or</td>
<td>• To direct a Worker in its Work Group to cease work if:</td>
<td>• To allow a HSR to accompany an inspector during an inspection of the workplace.</td>
<td>• the HSR has completed the requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law); and</td>
<td>• To provide a HSR with access to information on hazards/risks and WHS of Workers at the workplace (but not to allow the HSC access to any Worker’s personal or medical information without the Worker’s consent, unless the information does not and could not reasonably identify the Worker).</td>
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<td>• To attend, with the consent of a Worker (or group of Workers), an interview concerning WHS between the Worker (or group of Workers) and an inspector or PCBU.</td>
<td>• alternatively, the risk is so serious and immediate or imminent that it is not reasonable to consult with PCBU before giving the direction, but the HSR must consult with PCBU as soon as practicable after giving the direction; and</td>
<td>• the matter is not resolved after the HSR has:</td>
<td>• To allow a HSR to spend time (with normal pay) as is reasonably necessary to attend meetings and perform functions as a HSC member.</td>
<td>• the HSR has completed the requisite training under WHS Act and WHS Regulations (or equivalent under corresponding WHS law); and</td>
<td>• To provide a HSR with access to information on hazards/risks and WHS of Workers at the workplace (but not to allow the HSC access to any Worker’s personal or medical information without the Worker’s consent, unless the information does not and could not reasonably identify the Worker).</td>
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#### 1.8 What obligations do Laing O’Rourke and other PCBUs have to a HSR?

PCBs must facilitate the role of HSR by carrying out the following obligations:

- To consult, so far as is reasonably practicable, with a HSR on WHS issues, including in relation to changes that may affect the WHS of Workers at the workplace;

  - To consult, so far as is reasonably practicable, with a HSR on WHS issues, including in relation to changes that may affect the WHS of Workers at the workplace;

- To keep, display and provide to the regulator an up-to-date list of HSRs and deputy HSRs.
2. Health and Safety Committees

2.1 When is a HSC required?

- Laing O'Rourke will establish a HSC for every project (at project start-up) and for every workplace (including corporate offices).
- The WHS Act requires PCBUs to establish a HSC within two months of a request by a HSR or five or more Workers at the workplace.

2.2 How is a HSC established?

- Laing O'Rourke to facilitate a meeting of Workers to establish HSC members.
- Membership will comprise representatives of Workers, representatives of PCBU, and the elected HSR if he or she consents.
- If more than one HSR, Workers can choose one or more HSRs to be members.
- At least half of HSC members must be elected by Workers.
- Existing HSC established before the WHS Act will continue.

2.3 How does the HSC run?

- Laing O'Rourke and Workers must agree the terms of the HSC Constitution. If agreement is not reached within a reasonable time, any party may ask an Inspector to decide (and that decision will be binding). Laing O'Rourke should seek to agree within 14 days.
- Meetings are held every week (for projects), and at any reasonable time at the request of at least half HSC members.
- A formal agenda (based on the Minutes of Health and Safety Committee Meeting template) is prepared jointly by Chairperson and Secretary, with input from HSC members as needed.
- A quorum of two worker representatives and one Laing O'Rourke representative will be required to conduct a meeting.
- Minutes will be recorded at each meeting (using the template E-T-8-0953 Minutes of Health and Safety Committee Meeting), and circulated to members and posted on Site noticeboards within two days after the meeting.

2.4 What are the functions of the HSC?

- To facilitate co-operation between Laing O'Rourke and Workers in instigating, developing and carrying out measures designed to ensure Workers' WHS.
- To implement and support, including to assist in developing, Laing O'Rourke’s HSE Management System.
- To facilitate election of HSRs and determine HSR training requirements.
- To ratify, review and update if necessary, the composition of Work Groups for Laing O'Rourke projects.
- To carry out safety inspections for project sites weekly (or as determined by the HSC) with a record of the inspection recorded on E-T-8-0970 Safety Inspection. HSC issues not immediately rectified must be reported to Laing O'Rourke and recorded on the HSEQ Corrective Action Register.
- To assist in the resolution of WHS issues and improving the WHS of workers, including by reviewing safety inspection reports, site audits, incident reports, risk assessment, operational procedures, Safe Work Method Statement, and making recommendations,
- To consult, cooperate and coordinate with workers regarding WHS issues.

2.5 What are the duties of Laing O'Rourke and other PCBUs?

Laing O'Rourke and other PCBUs must:

- Allow each member of the HSC to spend time (with pay) as is reasonably necessary to attend meetings/carry out functions.
- Allow HSC access to information on hazards/health and safety.
- Not allow HSC access to any worker's personal / medical information without worker's consent, (unless the information does not identify the worker and could not reasonably expected to lead to the identification of the worker).
3. Consultation with Workers and between PCBUs

3.1 When does a duty to consult arise?

- Laing O’Rourke must, so far as it is reasonably practicable, consult, cooperate, and coordinate with Workers who are, or are likely to be, directly affected by a WHS matter. Consultation is required when:
  - identifying hazards and assessing WHS risks arising from the work carried out/to be carried out by the PCBU.
  - making decisions about ways to eliminate or minimise those risks.
  - making decisions about the adequacy of facilities for the welfare of Workers.
  - proposing changes that may affect the WHS of Workers.
  - developing and documenting procedures for:
    - consultation with Workers.
    - resolving WHS issues at the workplace.
    - monitoring Workers’ health.
    - monitoring conditions of any workplace under the PCBU’s management or control.
    - providing information and training for Workers.

- PCBU must, so far as reasonably practicable, consult, cooperate, and coordinate activities with all other PCBUs who have the same duty.

3.2 What is the procedure for consultation?

- Consultation requires:
  - relevant information about a matter to be shared with Workers.
  - Workers to be given reasonable opportunity to express their views, raise WHS issues, and contribute to the decision-making process.
  - views of Workers to be taken into account.
  - Workers to be advised of the outcome in a timely manner.
  - involvement of the HSR.
  - procedures to be developed for Workers who have special language and literacy needs.

- Consultation procedures may be agreed on a project by project basis.

- See the Safe Work Australia Code of Practice Work Health & Safety Consultation, Co-operation and Co-ordination.

4. Issue Resolution

4.1 How are health and safety issues resolved?

- Parties must make reasonable efforts to achieve a timely, final and effective resolution of any issue in accordance with the agreed procedure.

- The agreed procedure for Laing O’Rourke is set out in the HSC Constitution.

- The issue resolution provisions as set out in HSC Constitution must be displayed for all Workers.

- As soon as reasonably practicable after the resolution of an issue, Laing O’Rourke must ensure that details of the agreement are brought to the attention of affected Workers and a copy of the agreement is sent to the relevant HSR.

- Who are the parties?
  - PCBU.
  - If more than one PCBU, each PCBU or its representative (ie union or employer group).
  - If Workers are in a Work Group, HSR for that Work Group or his or her representative (ie union).
  - If workers are NOT in a Work Group, the Worker(s) or their representative (ie union).

4.2 What if the issue has not been resolved after reasonable efforts?

- A party may ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

- On attending the workplace, an inspector may exercise any of its compliance powers.

Right of Entry

Right of entry varies in each jurisdiction. Contact your Regional HSE Manager or Employee Relations Manager.