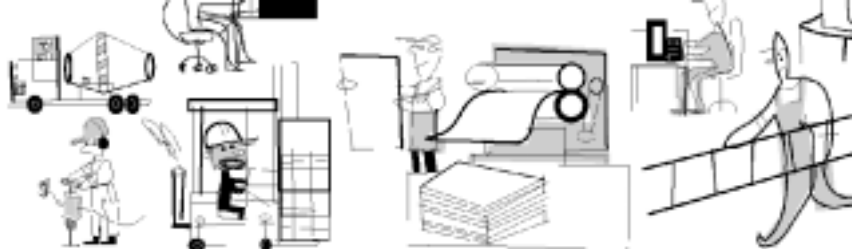




fact sheet



20 Dec 2002

Health and Safety Representatives

Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

The role of health and safety representatives

As part of the employee participation system that has been developed under the Act, employees may choose to elect a health and safety representative.

The elected employee will receive training, and their role is to represent the employees in their workplace in matters of health and safety.

FAQs

Below are the answers to some frequently asked questions, which illustrate how the Act applies to health and safety representatives:

Q: What is a health and safety representative?

A: A health and safety representative is an employee who has been elected to represent the views of employees on health and safety issues in the workplace.

Q: Is it compulsory to have health and safety representatives in my workplace?

A: No, there is no requirement to have health and safety representatives as part of an agreed employment participation system. They are, however, an effective way of achieving employee involvement in health and safety issues.

If, however, the parties cannot agree on an employee participation system within 6 months, the employees and their representatives, or by request the employer, must hold an election for one or more health and safety representatives.

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Q: What does a health and safety representative do?

A: The role of a health and safety representative is defined by employees, their unions, and employers as part of an agreed employee participation system.

If the parties are unable to agree on a participation system within 6 months, and a health and safety representative is chosen by election, the representative is required to:

- Foster positive health and safety management practices in the workplace;
- Identify and bring to the employer's attention hazards in the workplace, and discuss with the employer ways that hazards may be dealt with;
- Consult with inspectors on health and safety issues;
- Promote health and safety interests of employees, especially employees who have been harmed at work and who need assistance with rehabilitation;
- Carry out any functions referred to in a code of practice.

Anyone who works to develop an employee participation system may use the functions described above as a guideline for the role of health and safety representatives.

Q: Is there a limit to the number of health and safety representatives I can have in my workplace?

A: As part of an agreed participation system, there is no limit to the number of health and safety representatives you can have in a workplace.

Following an election for a health and safety representative, however, an employer may have a maximum of 5 representatives as part of a health and safety committee. The employee health and safety representatives must comprise at least half the committee.

Q: Do I have to provide training for health and safety representatives?

A: If you have health and safety representatives in your workplace, you must allow them training leave of up to 2 days per year, unless you have agreed otherwise with your employees and their unions.

The leave is available only to attend an approved health and safety training course. The entitlement to 2 days' paid leave each year is also limited

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Health and Safety Representatives, continued

to a total maximum number of days' paid leave that an employer is required to allow for all the employers health and safety representatives in total.

For example, if an employer employs 1-5 employees in a year, they must allow a maximum of 2 days' paid leave for *that year*. This means that one representative could attend an approved training course for 2 days, or 2 health and safety representatives could attend one day's training each.

The Act sets out the maximum number of days that employers must allow for health and safety training leave, depending on the number of people they employ.

Q: What is an 'approved training course'?

A: An approved course of occupational health and safety training is a course that is approved by the Minister of Labour.

Approved courses may be carried out in individual workplaces.

Further information

For further information on other aspects of employee participation systems, refer to:

Factsheet - Employee Participation

Factsheet - Employee Participation Systems

Factsheet - Hazard Notices

Factsheet information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call Workinfo on 0800 20 90 20, or visit their website at: www.workinfo.govt.nz
