

Support for Health and Safety Representatives

Supporting Health and Safety Representative access to health and safety information via the internet

It is WorkSafe Victoria's policy to encourage, support and protect Health and Safety Representatives (HSRs). In an environment in which more occupational health and safety (OHS) information is being conveyed electronically - including WorkSafe information - WorkSafe supports HSRs having ready - meaning direct - access to a computer and the internet in their workplace to obtain such information.

This document outlines WorkSafe's policy position on HSR access to health and safety information within the context of section 69(1)(e) of the *Occupational Health and Safety Act 2004* (OHS Act), which states that:

An employer, any of whose employees are members of a designated work group must – provide such other facilities and assistance to a health and safety representative for the designated work group as are necessary or prescribed by the regulations to enable the representative to exercise his or her powers under this part.

Examples of what this might mean in practice are provided in *Employee Representation – a comprehensive guide to Part 7 of the Occupational Health and Safety Act 2004*, and covers access to e-information. This WorkSafe publication states:

The employer is required to provide necessary facilities and assistance to enable the HSR to exercise their powers under the OHS Act. What is reasonable in the particular circumstances will depend on a range of factors, including the nature of the work and the working environment, hazards present and the composition of the DWG (designated work group).

Such facilities may include:

- access to a private room, desk and chair for discussions or interviews
- facilities for filing, such as a lock-up filing cabinet and shelves
- access to word processing and photocopying facilities
- access to meeting rooms for meetings of HSRs and meetings of the DWG
- access to relevant technical equipment, such as a camera or noise meter, etc
- use of notice boards
- transport or travel expenses to commute between workplaces, if required, and
- **ready access to a telephone and internet/email.**

Where computers and internet facilities are already available in the workplace

Where the workplace already has computers and internet connections, an employer should provide HSRs, in paid time, with reasonable access to such facilities for health and safety related purposes. What is reasonable in the circumstances will depend on existing IT facilities in the workplace.

Such use must be in accordance with the organisation's electronic communications/internet use, provided it does not exclude HSRs from accessing the OHS internet sites identified below.

To facilitate HSR communication on OHS matters, HSRs should be provided with a workplace email address to enable them to receive and send emails, subject to the employer's email policy.

What is reasonable access to the computer/internet?

Where, when and for how long HSRs can access health and safety information via the internet in their workplace will depend on the circumstances. Factors include:

- the information needs of the HSR and his/her DWG, which will vary according to the complexity and scope of OHS issues the HSR is dealing with on behalf of the DWG
- the extent of internet access that is provided by the business to its employees
- how many computers exist in that workplace, and the times that they are used or not used by other staff
- whether HSRs can access computers as a normal part of their work or if special arrangements have to be made to enable the HSR to have access.

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Where special arrangements have to be made, WorkSafe recommends that the employer and the HSR negotiate where, when and for how long access to the internet will be provided. Where there are numbers of HSRs, a workplace Health and Safety Committee may develop a policy covering computer and internet access arrangements for all HSRs at the workplace.

If agreement on reasonable access to computer/internet facilities cannot be reached, actions available to the HSR, as for any other workplace issue, include:

- seeking the assistance of another person
- attempting to resolve the matter through an agreed issue resolution procedure or, if there is no agreed procedure, the procedure set out in Part 2.2 of the *Occupational Health and Safety Regulations 2007*
- issuing a provisional improvement notice (PIN)
- calling in a WorkSafe inspector by contacting the WorkSafe Advisory Service.

What if there are only a small number of computers available, being used by other employees?

In worksites with limited IT resources, WorkSafe encourages a negotiated agreement between the HSR and employer in relation to accessing computer/internet services. Ideally, the HSR and employer may agree on a planned regular schedule for IT access for OHS purposes.

There is no expectation for an employer to install additional computer services, or for employees to provide the HSR with access to their computers if that should interfere with the delivery of their work.

What are some internet sites suitable for providing HSRs with OHS information?

WorkSafe supports HSRs having access to health and safety internet sites and all of their links, including, but not limited to:

- the WorkSafe Victoria website, worksafe.vic.gov.au
- the Victorian Trades Hall Council's OHS reps@work website, ohsrep.org.au
- Australian union and employer association websites
- national and international OHS agency websites.

What if there are no computer/internet facilities available in the workplace?

There is no requirement for an employer to install computer services if they do not already exist in the workplace. In such circumstances, HSRs may obtain OHS related information/publications (in paid work time, as accessing such resources is part of the role of an HSR) from a number of other sources, including:

- hard copy information/guidance located at the workplace
- WorkSafe's Advisory Service, tel. 1800 136 089
- union OHS officers
- OHS Unit at the Victorian Trades Hall Council
- Health and Safety Representative Support Officers
- WorkSafe's library or public libraries.

If the HSR is required to leave the workplace for the purpose of accessing OHS information/resources, prior management agreement must be obtained by the HSR.