



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Safety and health representatives audit – guide

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Introduction

The scope of this audit is designed to include operating standards associated with the election, training, role, functions and duties of safety and health representatives at mining operations.

This audit was developed in 2016 and was trialled and assessed by the Department of Mines, Industry Regulation and Safety (DMIRS). This audit was updated in June 2017 based on initial trials and approved for publishing in August 2017. It was further updated in February 2018 following changes in the process for notifying election results.

Elected safety and health representatives (SHReps) are critical in managing safety in the mine. Once trained in their role they have a unique opportunity to assist management with safety and in mitigating hazards on site as they understand the legislation as well as site processes, practices and hazards.

SHReps are the key to good communication in the mine by making it easier to exchange ideas and concerns about safety between employers and employees. SHReps raise and discuss safety issues and concerns with employers so they can work together and arrive at solutions to make the mine safer. The *Mines Safety and Inspection Act 1994* encourages employers and employees to talk to each other about safety matters, particularly through SHReps. The commitment and efforts of SHReps have helped reduce occupational injury and disease rates in Western Australia in recent years.

This audit will assist site management in achieving compliance with the legislation:

- *Mines Safety and Inspection Act 1994* (MSIA), Parts 5 and 6
- Mines Safety and Inspection Regulations 1995 (MSIR), Part 2, Division 2.

Where, in the intent, the word “verify” is used, this means that it is a regulatory requirement, which is mandatory and has to be complied with. Where, in the intent, the word “ensure” is used, it is not a mandatory requirement, but it does set out a good practice.

Further information on the roles and functions of SHReps can be sourced from the Department’s *Safety and health representatives – handbook*.

List of abbreviations

| | |
|-------|-----------------------------------------------------|
| AS | Australian Standard |
| DMIRS | Department of Mines, Industry Regulation and Safety |
| ISO | International Standards Organisation |
| MSIA | <i>Mines Safety and Inspection Act 1994</i> |
| MSIR | Mines Safety and Inspection Regulations 1995 |
| SHRep | Safety and health representative |
| SRS | The Department’s online Safety Regulation System |
| r. | Regulation (of the MSIR) |
| rr. | Regulations (of the MSIR) |
| s. | Section (of the MSIA) |
| ss. | Sections (of the MSIA) |

Supporting documentation

Documentation referred to in this audit can be found via the links below:

- State Law Publisher, www.slp.wa.gov.au
 - *Mines Safety and Inspection Act 1994*
 - Mines Safety and Inspection Regulations 1995
- Department of Mines, Industry Regulation and Safety (DMIRS), mining safety publications, www.dmp.wa.gov.au/Safety/Mining-Safety-publications-16162.aspx
 - Safety and health representatives handbook
 - Toolbox presentations
- Department of Mines, Industry Regulation and Safety (DMIRS) web site information, including: *Notification of election of safety and health representative(s)*
<http://www.dmp.wa.gov.au/Safety/Notifying-result-of-election-of-5652.aspx>
http://www.dmp.wa.gov.au/Documents/Safety/MSH_MSIA_P_ElectedSafetyReps.pdf

1 Election of safety and health representatives

The process of compliance with Sections 54 to 57 of the MSIA.

| Point | Standard | Guideline |
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| 1.1 | When workers formally request a safety and health representative (SHRep) be elected, the employer has systems, policies and procedures in place to accommodate such nominations by an acknowledged election process. | <p>Intent:</p> <ul style="list-style-type: none"> To verify that workers can participate in managing safety in the mine. To ensure a SHRep nominee is representative of the work area and workers being represented. <p>Personnel:</p> <ul style="list-style-type: none"> Registered manager, supervisors, safety and health personnel, and site workers. <p>Method:</p> <ul style="list-style-type: none"> Review toolbox meeting minutes, employer policies and procedures where applicable site safety committee meeting minutes and interview site personnel, including current SHReps. Refer to MSIA s. 54. |
| 1.2 | A suitable election process where required has been established to meet the sites needs through a process of consultation by all parties. | <p>Intent:</p> <ul style="list-style-type: none"> To verify that the election process has been documented and meets the needs of the site. At smaller sites a consultation process has been applied to reach consensus for the proposed nominee. <p>Personnel:</p> <ul style="list-style-type: none"> Registered manager, safety and health personnel and SHReps. <p>Method:</p> <ul style="list-style-type: none"> Review election documentation and interview SHReps. Refer to MSIA s. 55. |
| 1.3 | There was prompt notification by the employer of the election results to the site's workers, the State Mining Engineer and those successfully elected to the position. | <p>Intent:</p> <ul style="list-style-type: none"> To verify that official notice is given to the State Mining Engineer no later than seven days after the election. <p>Personnel:</p> <ul style="list-style-type: none"> Registered manager, safety and health personnel, SHReps. <p>Method:</p> <ul style="list-style-type: none"> Confirmation that the SHRep has received the DMIRS resources package will verify that current SHRep details have been provided. Review site records. Review SRS Appointments module for notification of SHRep elections on site. Refer to MISA s. 56(10). |

2 Training

Compliance with regulation 2.6 of the MSIR.

| Point | Standard | Guideline |
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| 2.1 | SHReps have attended an accredited training course (designed for SHReps) in the first 12 months, preferably within 3 months of being elected. | <p>Intent: To verify that newly appointed SHReps have the training to be effective in their role and are fully aware of their roles and functions in a timely manner.</p> <p>Personnel: Registered manager, training officer, safety and health personnel, and SHReps.</p> <p>Method: Review site training records, review training records within SRS Appointments module, interview SHReps. Refer to MSIR r. 2.6.</p> |
| 2.2 | Re-elected SHReps have attended a refresher training course if mutually agreed upon. | <p>Intent: To verify SHReps who are re-elected for another term, or who have attended the SHRep introductory course are provided with training to update their knowledge and to be made aware of current legislation.</p> <p>Personnel: SHReps, safety and health personnel, training managers.</p> <p>Method: Review site training records, review appointments in SRS, interview SHReps. Refer to MSIR r. 2.6.</p> |
| 2.3 | SHReps are able to attend an accredited training course at no cost to them or loss of entitlement. | <p>Intent: To verify that SHReps are provided with the skills and knowledge to carry out the functions of a SHRep without financial penalty.</p> <p>Personnel: Registered manager, training managers, safety and health personnel and SHReps.</p> <p>Method: Review site training records, supplier statements/quotes, interview SHReps. Refer to MSIR r. 2.6.(9)</p> |

3 Role of the safety and health representative

Describes the role of a safety and health representative within an organisation.

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| 3.1 | SHReps are able to consult with workers and the employer to promote a positive safety culture at the mine. | <p>Intent:</p> <p>To ensure SHReps:</p> <ul style="list-style-type: none"> • Consult between workers and employers to promote safety on site. • Help identify hazards so that appropriate controls are implemented. • Assist with resolving safety and health issues that arise within the mine. • Participate proactively in toolbox meetings and committee meetings. • Distribute and promote safety and health information. • Assist with the development of safe work instructions and procedures for the mine. • Research leading practice safety systems applicable to the work area and site. <p>Personnel:</p> <p>Registered manager, SHReps, superintendents, supervisors, safety and health personnel.</p> <p>Method:</p> <p>Review toolbox minutes, site safety committee meeting minutes, interview SHReps and management. Review site Hazard ID register for SHRep input.</p> |

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| 3.2 | SHReps are able to participate in the site safety and health committee meeting to assist with safety across the entire site. | <p>Intent:</p> <p>To verify there is an effective safety and health committee that:</p> <ul style="list-style-type: none"> • Raise and discuss hazards. • Assist in the resolution of safety and health issues. • Assist in dealing with safety and health matters constructively and in a co-operative manner with the employer. • Identify standard safe work procedures that require review or introduction. • Review changes to site work practices. • Consult with the employer on intended site changes or work processes. • Support other SHReps with their roles and responsibilities. <p>Personnel:</p> <p>Registered manager, SHReps, safety and health personnel.</p> <p>Method:</p> <p>Interview site management and SHReps. Review site safety and health committee meeting minutes, review site safe work instructions. Refer to MSIA s. 53(1)(e)</p> |

4 Site functions of the safety and health representative

Safety and health representative functions as prescribed by the MSIA.

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| 4.1 | SHReps are able to carry out their role and functions on site. | <p>Intent:</p> <p>To verify that SHReps engage in the following site functions:</p> <ul style="list-style-type: none"> • Inspect their work area monthly or as agreed. • Inspect other parts of the sites operation. • Investigate accidents and dangerous occurrences. • Investigate serious risks that pose exposure to impending harm to health. • Maintain knowledge of safety and health matters. • Identify and report hazards to the employer. • Where issues exist refer such issues to the site safety and health committee. • Liaise with workers who they represent. • Consult and cooperate with the employer on safety and health matters. • Liaise with DMIRS inspectors, workers and employer on safety and health matters. • Maintain records. <p>Personnel:</p> <p>SHReps, registered manager and safety and health personnel.</p> <p>Method:</p> <p>Interview SHReps, safety professionals, review safety committee meeting minutes. Review area inspection sheets, hazard registers (hard copy and or data base), ICAM reports for SHRep activity. Refer to MSIA s. 53.</p> |

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| 4.2 | The set up and composition of the site's safety and health committee reflects work groups within the organisation and meets the intent of the legislation. | <p>Intent:</p> <p>To verify the structure of the safety and health committee, as a minimum, meets the following requirements:</p> <ul style="list-style-type: none"> • Half or more of the committee members are elected SHReps. • Management members of the committee should have sufficient authority to action safety issues identified by the committee. • Elected SHRep worker representation from permanent site based contractors are included and proportionate to the workforce. • Shift/roster workers should be accommodated to allow committee members to attend meetings, enabling continuity of process and information flow. <p>Decisions should be recorded and disseminated to workers.</p> <p>Personnel:</p> <p>Safety and health committee members, SHReps, safety and health personnel.</p> <p>Method:</p> <p>Review safety and health committee meeting minutes, interview committee members. Refer to MSIA s. 67B.</p> |

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| 4.3 | The safety and health committee reviews, recommends and assists the site employer to improve site practices, policies and procedures to reduce injury and disease, control hazards and promoting a positive safety culture. | <p>Intent:</p> <p>To verify the site safety and health committee carries out the following functions:</p> <ul style="list-style-type: none"> • Facilitate consultation and co-operation between the employer and workers in initiating, developing, and implementing measures to ensure safety and health of workers. • Keep informed of standards relating to safety and health recommended and prevailing in mines and making recommendations to the site's employer registered manager and workers. • Recommend to the manager, employer and workers the establishment, maintenance, and monitoring of programs, measures and procedures relating to safety and health of workers. • Keep and make available information regarding the hazards to persons that arise or may arise at the mine. • Consider any changes or intended changes at the mine that may affect the safety and health of workers and make recommendations as appropriate to the manager and employer. • Consider matters referred to the committee by SHReps. • Perform other functions as prescribed in the regulations or given to the committee. <p>Personnel:</p> <p>Safety and health committee members, registered manager, safety and health personnel and SHReps.</p> <p>Method:</p> <p>Review committee meeting minutes. Interview site safety committee members. Refer to MSIA s. 63</p> |

5 Employers duties to safety and health representatives

Employers duties as prescribed by the MSIA.

| Point | Standard | Guideline |
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| 5.1 | Information relating to hazards at the mine that expose workers to risks is made available to the SHReps. | <p>Intent:</p> <p>To verify SHReps have access to relevant information relating to hazards at the mine. This may be in the format of site based risk assessments and reference information such as standards, specifications, operating instructions, sample analysis of environment, safety data sheets (SDS), site and industry statistical data and accident/injury reports.</p> <p>Personnel:</p> <p>Registered manager, safety and health personnel and SHReps.</p> <p>Method:</p> <p>Review risk assessments and SDS provided for sites, review toolbox and site safety committee meeting minutes. Interview SHReps. Refer to MSIA s. 60(2) 60</p> |
| 5.2 | Where practicable, employers are to provide reasonable assistance and facilities to allow the SHRep to perform their duties. | <p>Intent:</p> <p>To verify SHReps have access to supporting facilities to conduct research, prepare for meetings/presentations, source data, record meeting minutes, maintain records, and communicate with each other and workers. This may include providing resources and aids, clerical equipment and access to training courses.</p> <p>Personnel:</p> <p>Registered manager, training manager, safety and health personnel and SHReps.</p> <p>Method:</p> <p>Inspect facilities available, review SHRep output, interview SHReps. Refer to MSIA s. 60(7).</p> |

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| 5.3 | A process is in place to inform SHReps of accidents, incidents and dangerous occurrences and allow them to assist with the incident investigation. | <p>Intent:</p> <p>To verify that:</p> <ul style="list-style-type: none"> • SHReps are informed of accidents, incidents and dangerous occurrences. • SHReps participate in the investigation of accidents and occurrences in their work area and contribute to the investigation findings. <p>Personnel:</p> <p>Registered managers, safety and health personnel and SHReps.</p> <p>Method:</p> <p>Review site incident reporting systems, cross check with DMIRS reported events, review site investigation reports and interview SHReps. Refer to MSIA s. 60(6).</p> |
| 5.4 | There is a process in place to ensure SHReps are consulted on mine changes. | <p>Intent:</p> <p>To verify that there is a consultation process between workers and employers when new systems of work, plant or substances are introduced into the mine.</p> <p>Personnel:</p> <p>Registered manager, safety and health personnel, SHReps.</p> <p>Method:</p> <p>Review change management systems/documents, review site safe work instructions, review site safety committee meeting minutes and interview SHReps and management team. Refer to MSIA s. 60(4).</p> |
| 5.5 | SHReps are provided the opportunity to accompany mines inspectors who attend site for the purpose of administering the MSIA. | <p>Intent:</p> <p>To verify that when requested by a mines inspector, a SHRep can accompany the inspector in the mine to assist in administering the MSIA and MSIR.</p> <p>Personnel:</p> <p>Registered manager, SHReps, safety and health personnel.</p> <p>Method:</p> <p>Review safety and health committee meeting minutes, interview SHReps. Refer to MSIA s 53(2)</p> |

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| 5.6 | SHReps are assisted by a suitably experienced escort when performing an inspection in an area foreign to the SHRep. | <p>Intent: To verify that SHReps are not exposed to mine hazards during an inspection in an area they are not familiar with.</p> <p>Personnel: Registered manager, safety and health personnel, superintendents and SHReps</p> <p>Method: Review inspection sheets, review any inspection risk assessments interview SHReps and site management. Refer to MSIA s. 58.</p> |
| 5.7 | Upon a worker request, a SHRep is made available during a safety and health related interview with management. | <p>Intent: To verify that when a worker is to be interviewed on a safety and health matter, the worker should be advised of their right for a SHRep to be present at such an interview.</p> <p>Personnel: Registered manager, safety and health personnel and SHReps.</p> <p>Method: Review past site investigation reports, interview safety professional and SHReps. Refer to MSIA s. 60(3).</p> |

6 Discrimination against safety and health representatives in the performance of their functions

Requirements of Sections 68A, 68B and 69 of the MSIA.

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| 6.1 | Workers are not discriminated against or disadvantaged by raising a safety and health issue with the site SHRep, safety and health committee or a mines inspector. | <p>Intent:</p> <p>To verify no discrimination against workers or prospective workers where they may have made a safety and health complaint or provided assistance or information to a mines inspector, a SHRep or the site safety and health committee.</p> <p>This includes contract workers and temporary workers utilised for shut down maintenance work.</p> <p>Unlawful discrimination is when a person is treated less favourably than another person in the same or similar circumstances. This can include taking workers off their normal operating machine, not allowing workers to perform their normal tasks, demotion, failure to obtain a job when applied for, and being asked to achieve unreasonable tasks set in the mine.</p> <p>Personnel:</p> <p>Registered manager, human resources (HR) manager, safety and health personnel, contract manager/coordinator, contractor representatives and SHReps.</p> <p>Method:</p> <p>Interview management team for employer and contractor representatives. Interview SHReps. Refer to MSIA s. 69.</p> |

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| 6.2 | There is a process to ensure a SHRep is not disadvantaged by any employer due to the past or present work functions performed as a SHRep. | <p>Intent:</p> <p>To verify SHReps can perform the functions of a SHRep on safety and health matters and not have adverse effects to his or her employment position, pay, potential promotions they may have been eligible for or re-employment elsewhere.</p> <p>To verify contractors are provided the same level of protection as prescribed for employees.</p> <p>Personnel:</p> <p>Registered manager, contractor managers, contractor representatives, safety and health personnel, HR manager and SHReps.</p> <p>Method:</p> <p>Interview employer and contractor SHReps, review discrimination policies from employer and contractors, conflict resolution procedures and interview management.</p> <p>Refer to MSIA s. 68A & 68B.</p> |

7 Safety and health resolution

Requirements of Sections 70 and 71 of the MSIA.

| Point | Standard | Guideline |
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| 7.1 | There is an agreed procedure to resolve any conflicting safety and health issues with the employer or manager of the mine. | <p>Intent:</p> <p>To verify that site has a resolution procedure for dealing with safety and health matters. The procedure should be relevant to the mine and the worker arrangement at the mine.</p> <p>A safety and health issue is defined where there is a difference of opinion between the employer and one of the workers, relating to safety and health at the mine. The safety and health matter can be a hazard, potential hazard or the controls applied to mitigate the hazard(s). Issues should be resolved as and when they arise and should be documented.</p> <p>To verify that the mine manager is involved in all resolutions for safety and health matters.</p> <p>Personnel:</p> <p>Registered manager, safety and health personnel, SHReps.</p> <p>Method:</p> <p>Interview registered manager and review issue resolution procedures. Review safety and health committee meeting minutes to identify issues from the past.</p> <p>Refer to MSIA s. 70 & 71.</p> |