



Health and Safety Representatives and Committees Procedure

Brief description

This Procedure defines the election process, responsibilities and tenure for Health and Safety Representatives. It also outlines GPC's Health, Safety and Environment Committee structure and function.

Document information	
Current version	#903341v12
First released	15/01/2013
Last updated	29/07/2024
Review frequency	Every 3 years or as required
Review before	29/07/2027
Audience	CEO, Executive Leadership Team, Health and Safety Representatives and committee members, Employees

Document accountability	
Role	Position
Owner	Executive General Manager Safety and ESG
Custodian	Safety and Environment Manager

Endorsed by **Executive General Manager Safety and ESG on 31/07/2024**

If you require any further information, please contact the Custodian.

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1 Terms and definitions

In this Procedure:

“**Chairperson**” means a person who presides over a meeting, committee, etc.

“**Excluded Entity**” means the definition under the WHS Act which is, for representing or assisting a worker or the health and safety representative for a worker, the following entities:

- An entity, other than a union, that is an association of employees or independent contractors (or both);
- Another entity, other than a union or association of employees, that represents or claim to represent the industrial interest of the worker or representative;
- An entity that demands or receives a fee from another excluded body for representing or claiming to represent the industrial interests of the worker or representative;
- Individual connected with excluded entity; or
- A union that is not a relevant union for the worker.

“**Health and Safety Representative**” or “**HSR**” means a worker who is elected under Part 5 of the WHS Act to represent the health and safety interests of the work group which the worker is a member of.

“**HSE**” means health, safety and environment.

“**PCBU**” means persons conducting a business or undertaking.

“**PIN**” means Provisional Improvement Notice.

“**Representative**” means the definition under the WHS Act which is, in relation to a worker, the health and safety representative for the worker; or a suitable entity for representing the worker that is authorised by the worker to represent the worker.

“**Suitable Entity**” means the definition under the WHS Act which is, for representing or assisting a worker or HSR, a relevant union or another entity authorised by the worker or representative but is not an excluded entity under the WHS Act. Examples include an entity with technical expertise, such as an engineer or physiotherapist.

“**Work group**” means a group of workers who share a similar work situation. A group of workers may be represented by one or more HSRs. A worker or group of workers can request the PCBU they are carrying out work for to facilitate the election of one or more HSRs.

Terms that are capitalised and not otherwise defined in this Procedure are defined in the GPC Corporate Glossary Instruction (as listed in Appendix 1 – Related documents).

2 Introduction

2.1 Purpose

This Procedure reflects GPC’s commitment to facilitating effective health and safety representation for Workers, and providing a consultative forum which can effectively manage health and safety issues and opportunities at GPC.

This Procedure also defines the structure and function of Health, Safety and Environment (“**HSE**”) Committees.

The Procedure provides elected HSRs with the option to also consider environmental matters within their work group or committee. The purpose of including environment is to raise the profile of safe environmental practices, seek integration opportunities with safety and to enable improved communications and information sharing.

2.2 Scope

This Procedure applies to all GPC Employees working across any GPC work site.

The scope of responsibilities afforded to HSRs under the WHS Act do not extend to environmental matters.

The scope of committees extend to HSE with health and safety issues being the priority discipline.

2.3 Objectives

This Procedure aims to provide clarity of obligations and expectations in relation to:

- (a) functions of health, safety and environment committees;
- (b) Chairperson and committee secretary;
- (c) committee structure;
- (d) meeting frequency;
- (e) operational details;
- (f) election process;
- (g) responsibilities;
- (h) tenure of being a HSR; and
- (i) terms of attendance.

3 HSRs and committees procedure

3.1 Distinction between HSRs and HSE Committee roles

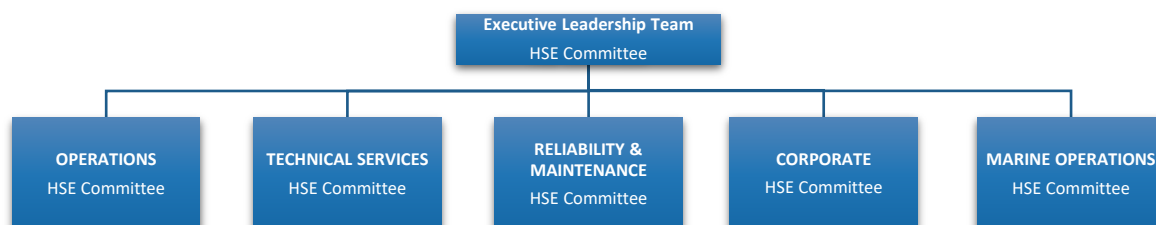
HSRs are involved with the specific health and safety issues relevant to the work group they represent.

A HSE Committee is the forum to:

- Facilitate cooperation between GPC and its workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work;
- Assist in developing standards and procedures relating to health and safety that are to be followed or complied with;
- Monitor and consult on the management of health and safety issues affecting the workgroup the committee is representing; and
- Raise awareness and provide opportunities to be involved in the environmental initiatives at GPC.

3.2 HSE Committee structure

The following HSE Committee structure is established at GPC:



3.3 Determining workgroups

Workers may request for a HSR to be elected to represent them. If this happens, work groups must be established to facilitate the election. A work group must be determined by negotiation and agreement among:

- GPC management;
- Workers proposed to form the work group or their Representatives (where requested by a Worker); and/or
- A relevant union for a worker who is proposed to form part of the work group if the union notifies GPC in writing that they want to be a party.

Negotiations to determine the work groups must be completed with the Workers of the impacted section/team within 14 days to:

- Determine how to best group Workers and establish a designated work group;
- Determine the composition of an existing designated work group; or
- Determine or vary the number of HSRs (including deputies) for a designated work group.

The relevant Leader is responsible for facilitating the negotiations at an agreed time and location in the workplace when Worker Representatives or relevant unions are parties to the negotiations. Support from the Safety Team can be requested. Section 52 and 53 of the WHS Act provides further details in conducting negotiations for agreement of work groups.

In determining the composition of a work group, consideration must be had to:

- The need for a HSR to be readily accessible to work group;
- Number of Workers;

- Views of Workers in relation to the determination and variation of work groups;
- Nature of each type of work performed by the Workers (e.g. HSR to carry out the same or similar type of work);
- Areas where work is performed;
- Nature of any hazards; and
- Hours and pattern of work and any overtime or shift working arrangements.

The relevant Leader will notify all impacted Workers and the Safety and Environment Systems Team as soon as practicable after negotiations are completed of the outcome.

If there is a failure of negotiations, an Inspector from WHS QLD may be asked to assist in the matter in accordance with section 54 WHS Act.

3.4 Committee membership

Committee structure is to be determined in negotiation with work groups that are represented by the committee. Each committee is responsible for defining and documenting the persons who shall be a member of the committee in accordance with the following roles:

- Committee Chairperson
- Committee secretary
- Committee members (note, at least half of the committee membership must be Workers who are not nominated by GPC)
 - HSRs for GPC work groups
 - Management representatives (as nominated by GPC)
 - Work Health & Safety Officer

(a) Committee Chairperson

The Chief Executive Officer (“**CEO**”) of GPC shall be the Chairperson of the GPC Executive Leadership Team (“**ELT**”) HSE Committee.

The respective ELT member shall chair their department HSE Committee.

The respective Managers shall chair their section/team HSE Committee.

In the event an ELT member, Manager or the CEO is unavailable to chair their respective HSE Committee, this can be delegated.

Special sub-committees formed to develop health, safety and environment systems or facilitate health, safety and environment improvements for identified issues are chaired by the subject matter sponsor.

(b) Committee secretary

GPC will provide secretarial support for the various committees. This role is only providing support to the committee and is not a voting member.

(c) Proxy (for absences)

Committee members may nominate a proxy to represent them in their absence. HSRs may only nominate their proxy from the pool of current elected HSRs at GPC.

3.5 Committee meeting conditions

(a) Quorum

A quorum for a HSE Committee meeting is at least 50% of the committee members in attendance that are not nominated by GPC (i.e. HSRs and Safety Officers).

The Committee Chairperson is responsible for verifying quorum has been met. The Committee secretary must ensure in meeting minutes that the roles of each attendee is captured (e.g. Chairperson, HSR, Proxy, Management Representative, Guest).

ELT members are responsible for ensuring a HSR from their department committee attends the ELT HSE Committee. Where possible, this should be agreed at the department committee meeting.

Managers are responsible for ensuring their elected HSRs are invited and authorised to attend the relevant section/department HSE Committees.

(b) Guests

Guests may include other Leaders, Management Representatives, Subject Matter Experts or other Employees. These persons may attend meetings at the request of the committee or at the request of the guest where they have a matter in which to address the committee in regards to.

Guests act in an advisory capacity and provide area/subject matter advice and assistance to the committee. They do not form part of the committee and are not able to vote on committee issues.

(c) Terms of attendance

Elected HSRs and members of HSE Committees are permitted to spend the time reasonably necessary to attend committee meetings and to carry out functions as an elected HSR or member of the committee.

Any time that a HSR or member of the committee spends attending committee meetings and carrying out the functions of an elected HSR or committee member must be with the remuneration that he or she would otherwise be entitled to receive for performing his or her normal duties during that period.

(d) Meeting frequency

All HSE Committees must meet at least every three (3) months. Additional meetings can be called at other times if necessary.

A meeting must be held at any reasonable time if requested by at least half of the members of the relevant committee.

(e) Standard meeting agenda items

The Committee Chairperson and secretary are responsible for ensuring their respective HSE Committees capture the following standard agenda items at a minimum:

1. Quorum Check

2. Safety Share
3. HSE Performance
 - Significant Incidents
 - Data Review / Trending Analysis
4. Consultation Activities
5. HSE Improvements / Initiatives
 - Team Specific
 - Business
6. HSR New Business / Discussion points (e.g. issues, questions)
7. Items for Escalation or Discussion at ELT HSE Committee
 - Nomination of HSR to attend ELT HSE Committee

3.6 Information and advice for the committee

Generally, information presented to, or considered by a committee, shall be made available to all Employees via minutes and/or presentations. HSE Committee meeting minutes will be made available via Neptune.

HSRs are not entitled to confidential, personal or medical information concerning Workers without the Worker's consent. All injury/incident data presented at HSE Committee meetings will be de-identified.

3.7 Information regarding HSRs

(a) Election process for HSRs and Deputy HSRs

Employees will be informed by the Safety and Environment Systems Team in writing on an annual basis, on the completion of a HSR tenure and when a HSR ceases to hold office of the following information:

- Their right to request the election of HSRs and establish work groups;
- The role, powers and functions of HSRs and process for electing them; and
- Who can represent them during negotiations about work groups.

An Employee is eligible to nominate as the HSR for a work group if they are a member of the work group.

A call for nominations for vacant positions is made to the work group by the Supervisor for the work group.

Where the number of candidates who nominate is equal to the number of vacancies, an election does not need to be conducted and the nominated candidates will assume the nominated roles.

Where the number of candidates who nominate exceeds the number of vacancies, an election must be held. Work groups may determine whether the election is to be conducted via a voting ballot or general meeting with verbal consensus.

Workers of the work group must be advised of the date of the election once it is determined. The election may be conducted with the assistance of a suitable entity (e.g. relevant union) if majority of the work group determine it to be necessary.

All Employees within the work group are entitled to vote for the election of a HSR.

The Supervisor must communicate outcome of an election to:

- (i) all Workers within the work group; and
- (ii) the Safety and Environment Systems Team.

A summary of the process for elections is outlined in Appendix 2.

(b) Length of tenure

HSRs (including Deputy HSRs) hold their position within their work group for three (3) years. After this tenure period the position is declared vacant and a call for nominations must be made by the Supervisor of the work group.

An outgoing HSR or Deputy HSR is able to re-nominate.

If no other nominations are received, their tenure is extended for a further three (3) years.

(c) Ceasing representation

A Worker may cease holding position as a HSR or Deputy HSR if they:

- (i) resign from the position by written notice to their Supervisor;
- (ii) cease to be an Employee in the work group they were elected for;
- (iii) are disqualified from acting as a HSR*; or
- (iv) are removed from the position by majority of members of the work group. If this occurs, members of the work group must sign a written declaration that the HSR should no longer represent the work group.

** Note: a HSR may be disqualified by the commissioner under the WHS Act 2011 if they find the HSR has exercised power or performed functions as a HSR for improper purpose or used or disclosed information they have acquired as a HSR for purposes other than with the role of HSR.*

Elected HSRs who choose not to undertake the required training within the specified time period will not be eligible to fulfill the role of HSR and will be replaced.

Cessations must be notified by the exiting HSR to the work group Supervisor so they can initiate a call for nominations.

(d) Training

HSRs and Deputy HSRs must attend a Workplace Health and Safety Queensland approved training course in health and safety. Training courses approved are an initial five (5) day training course and a one (1) day refresher course at least every twelve (12) months.

HSRs are entitled to choose the training they will attend. This should take place within twenty eight (28) days of being elected, unless a training course is not reasonably available within this period, then as soon as is reasonably practicable.

The HSR, when attending the training, will receive their usual pay they would receive if they were performing their normal duties and GPC will pay the course costs and reasonable expenses.

Elected HSRs who choose not to undertake the required training within the specified time period will not be eligible to fulfill the role of HSR and will need to be replaced. A HSR cannot issue a provisional improvement notice unless required training has been completed.

(e) Communication of HSRs

The Supervisor must notify the Safety and Environment Systems and Learning and Development Teams so the list of representatives can be updated with outgoing and incoming representatives.

A current list of HSRs and Deputy HSRs for each work group is maintained by the Safety and Environment Systems Team and is available on Neptune.

The Safety and Environment Systems Team will lodge the details of elected HSRs into the Workplace Health and Safety Queensland HSR Portal.

(f) Environmental representation

On being elected, a HSR can choose to take on the function of additional representation for their work group as an Environmental Representative. Powers and functions of a HSR under the WHS Act do not extend to environmental matters.

Environmental representation simply provides an additional mechanism at GPC to provide representation of the workers in their work group on environmental matters and to identify issues or opportunities through committee meetings. This is also clarified in the HSR Responsibility Statement.

(g) Responsibility Statement

The HSR Responsibility Statement outlines the role purpose, accountabilities, key relationships and qualifications required by HSRs. When elected, all HSRs should familiarise themselves with the role responsibilities at GPC.

3.8 Decision making process

HSE Committees are a consultative forum that perform the functions as outlined in section 3.1. The committee can vote on issues discussed and make recommendations for change, however, final decisions on such matters discussed by or voted on by the committee will remain with Management.

3.9 Issue resolution

Where there is a health and safety matter, it is expected that parties will first raise the matter with their relevant Leader, HSR, HSE Committee or through existing GPC meeting forums. It is expected that parties will communicate and consult to discuss the matter. If the matter is addressed to the satisfaction of all parties, there is no need to progress to the formal issue resolution process.

Incidents must be reported and managed in accordance with the Incident Management and Investigation Procedure, while hazards are to be reported and managed in accordance with the Hazard Management Procedure.

Only where the matter remains unresolved through initial discussions does the matter become an 'issue' and the GPC formal issue resolution process in accordance with the WHS Act and Regulation will apply.

The GPC formal issue resolution process prescribes the process for issues to be escalated when resolution cannot be reached. See Appendix 3 for the process flowchart to be followed.

The formal issue resolution process is commenced by any party to the issue formally advising in writing:

- that there is an issue to be resolved; and
- the nature and scope of the issue.

As soon as parties are informed, communication and consultation in relation to the issue must commence. The receiving party of the issue must also acknowledge in writing that they have received notification of the issue.

If the issue has an immediate risk to health and safety or parties have a concern around the nature of the threat or degree of harm, a directive to cease work may be given by any party working with the risk or potentially impacted by the risk. If such directive is given, the party should immediately notify their HSR, Safety Team or relevant Leader responsible for the work activity. The relevant Leaders, HSRs and Safety Team must consult and work to resolve the issue. Where HSRs issue a formal cease work notice, this must be in accordance with section 85 of the WHS Act.

On resolution of issues, details of the issue, agreed actions to resolve the issue, timeframes and persons responsible for completing action items must be documented and provided to all parties to the issue and relevant HSR (if requested).

If reasonable efforts have been made to resolve the issue and it remains unresolved, any party can request WHS QLD to appoint an Inspector to assist. Under section 102 of the WHS Act, some matters can be escalated direct as disputes to the Queensland Industrial Relations Commission without an inspector having first been appointed to assist.

3.10 Provisional Improvement Notices

An elected HSR may issue a Provisional Improvement Notice (PIN) as per section 90 of the WHS Act. There are requirements to be met if a PIN is issued by a HSR.

It is GPC's preference that all matters should be resolved effectively and a PIN would not be needed. A HSR must not issue a PIN unless they have first consulted with the leader and Safety Specialist/Safety Manager and agreement to remedy the concern is not achieved. Other requirements under the WHS Act must also be followed.

4 Roles and responsibilities

To assist GPC Representatives to better understand their responsibilities, key responsibilities and accountabilities are summarised below:

Role	Responsibilities
ELT HSE Committee	<p>To ensure that GPC complies with its obligations by:</p> <ul style="list-style-type: none"> • operating as a high level escalation point and management review for all the department HSE Committees; and • facilitating co-operation between GPC and its Workers in instigating, developing and carrying out measures designed to ensure Workers' and visitors health and safety at GPC workplaces.

Role	Responsibilities
Department HSE Committee	<p>To ensure that GPC complies with its obligations by:</p> <ul style="list-style-type: none"> • monitoring and consulting on the management of health and safety issues affecting the workgroup the committee is representing as well as assisting in the resolution of health and safety related issues arising at GPC; • reviewing information on workplace hazards, associated risk assessments and risk treatments; • reviewing incidents with a high potential to cause harm to Workers, visitors and the environment, including: circumstances giving rise to the incident, investigation findings and action plans; • facilitating cooperation between GPC and its workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work; • assisting in developing standards and procedures relating to health and safety that are to be followed or complied with; • raising awareness and providing opportunities to be involved in the environmental initiatives at GPC; and • performing any other functions prescribed under the WHS Regulation or agreed to between GPC and the committee.
Chairperson	<p>To ensure that GPC complies with its obligations by:</p> <ul style="list-style-type: none"> • presiding over the committee meeting; • facilitating the discussion throughout the committee meeting and allowing full participation; • ensuring all relevant matters are discussed according to the committee meeting agenda; and • ensuring that effective decisions are made and carried out.
Committee secretary	<p>To ensure that GPC complies with its obligations by:</p> <ul style="list-style-type: none"> • preparing agendas, issuing notices for meetings, and ensuring that all necessary documents requiring discussion or comment are attached to the committee meeting agenda; • distributing the agenda one week prior to the committee meeting; • taking notes of proceedings and preparing minutes of meetings;

Role	Responsibilities
	<ul style="list-style-type: none"> distributing committee meeting minutes to all committee members for approval and then ensuring that they are made available to all employees within the committee work groups; and providing committee meeting minutes to Safety and Environment Systems Team for upload to Neptune.
Committee members	<p>To ensure that GPC complies with its obligations by:</p> <ul style="list-style-type: none"> participating at committee meetings; assisting the committee in achieving its functions (section 3.1 of Procedure); offering help and support for any tasks that need completing; attending committee meetings; carrying out agreed actions set by the committee; making decisions within the committee's circle of control as a collective group and taking joint responsibility for decisions and actions taken by the committee; and ensuring that all decisions are taken in the best interests of the committee and that their role is carried out effectively.
Health and Safety Representatives (HSRs)	<p>The role of a HSR is generally limited to their own work group, unless:</p> <ul style="list-style-type: none"> there is a serious risk to health or safety (created by an immediate hazard) affecting workers from another work group; or a Worker in another work group asks for the HSR's assistance, and the HSR (and any deputy health and safety representative) for that other work group is found, after reasonable inquiry, to be unavailable. <p>An elected HSR is entitled to perform the tasks for the work group in accordance with section 68 of the WHS Act.</p> <p>Additional role responsibilities are outlined in the HSR Responsibility Statement.</p>
Leaders	<p>To ensure that GPC complies with its obligations by:</p> <ul style="list-style-type: none"> facilitating work group negotiations and HSR elections;

Role	Responsibilities
	<ul style="list-style-type: none"> notifying relevant parties / stakeholders of required information as outlined in this Procedure; and participating in issue resolution processes as required.
PCBU	<p>To ensure that GPC complies with its obligations by:</p> <ul style="list-style-type: none"> encouraging and supporting the election of HSRs; providing prescribed resources, facilities and assistances; consulting on work health and safety matters with any HSRs for the work group; paying all reasonable costs for relevant courses a HSR requests to attend; keeping a current list of all HSRs and Deputy HSRs, and displaying a copy at the workplace; providing copies of this HSR list and any PINs issued to the Regulator; providing resources, facilities and assistance to enable the HSR to carry out their functions (not financial – see s71(3) of the WHS Act); and allowing a HSR to exercise their entitlements during their ordinary working hours. <p>GPC must comply with all obligations of a PCBU as outlined in sections 70, 71, 72, 73, 74 and 79 of WHS Act.</p>

5 Appendices

5.1 Appendix 1 – Related documents

(a) Legislation and regulation

Key relevant legislation and regulation, as amended from time to time, includes but is not limited to:

Type	Legislation/regulation
State Acts	<p><i>Work Health and Safety Act 2011 (Qld)</i></p> <p><i>Work Health and Safety Regulations 2011 (Qld)</i></p>
Other	Work health and safety consultation, co-operation and co-ordination Code of Practice

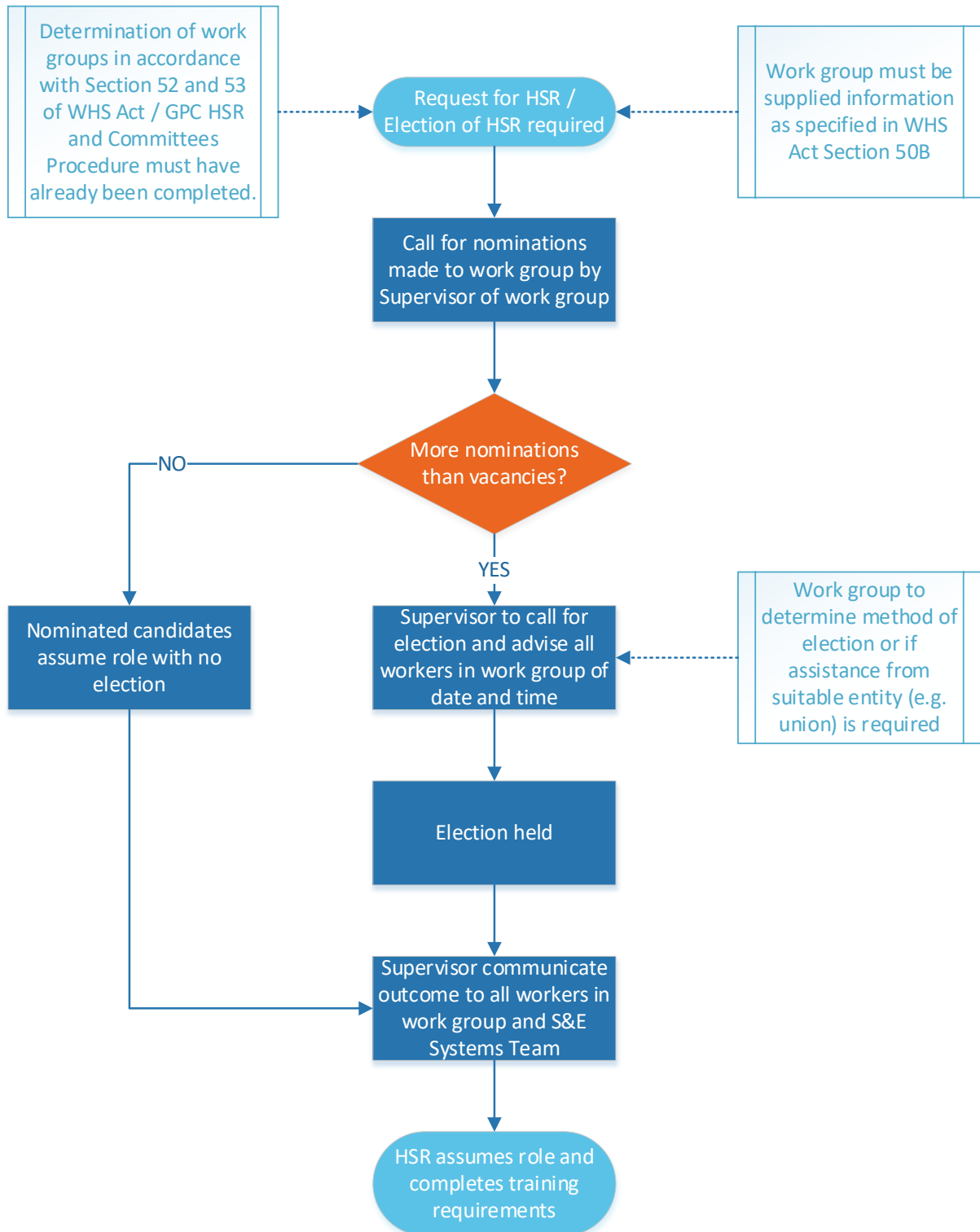
Type	Legislation/regulation
	ISO 45001: 2018 Occupational Health and Safety Management

(b) Gladstone Ports Corporation documents

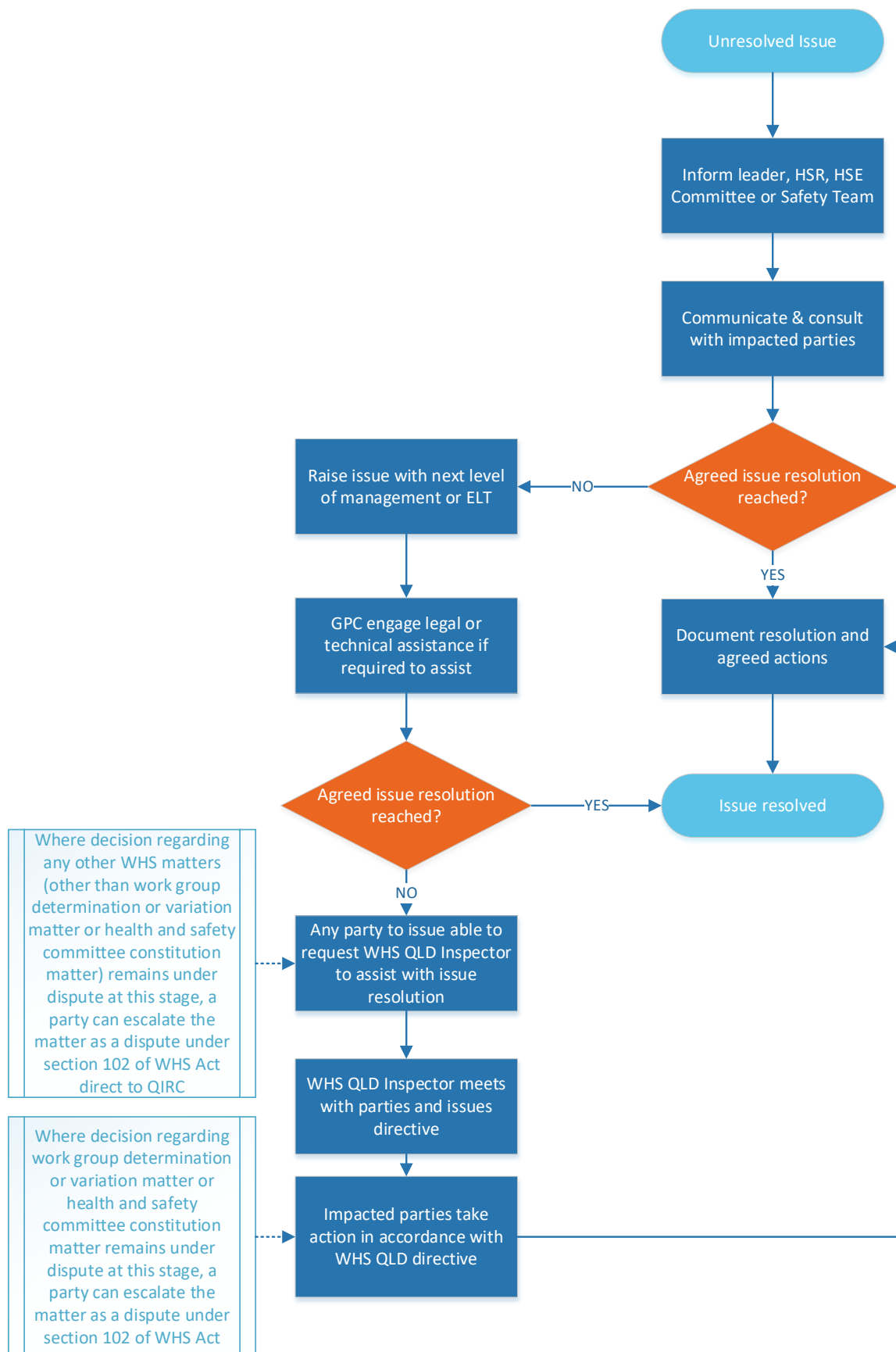
The following documents relate to this Procedure:

Type	Document number and title
Tier 1: Policy	#365624 Safety Policy
	#366016 Environment Policy
Tier 2: Standard/Strategy	#854303 Safety Management Framework Standard
	#809151 Environment Framework Management Standard
Tier 3: Specification/ Procedure/Plan	#697854 Safety Management System Plan
	#146256 Environment Management System Plan
	#1075526 Incident Management and Investigation Procedure
	#1528666 Hazard Management Procedure
Tier 4: Instruction/Form/ Template/Checklist	#1703442 Responsibility Statement – Health and Safety Representative
	#1621179 Corporate Glossary Instruction
Other	N/A

5.2 Appendix 2 – HSR Election process summary flowchart



5.3 Appendix 3 – Issue resolution process flowchart



5.4 Appendix 4 – Revision history

Revision date	Revision description	Author	Endorsed by	Approved by
17/06/2014	Review for currency and transition to Corporate Governance documentation	Alison Dickinson	John Sherriff, Safety Environment and Risk General Manager	John Sherriff, Safety Environment and Risk General Manager
25/09/2014	Review for compliance with GPC business requirements	Alison Dickinson	John Sherriff, Safety Environment and Risk General Manager	John Sherriff, Safety Environment and Risk General Manager
20/06/2016	Clarify quorum requirements	Kirsty Rach, Safety Environment and Risk Administration	John Sherriff, Safety Environment and Risk General Manager	John Sherriff, Safety Environment and Risk General Manager
29/07/2019	3 yearly review. Updated from GPC Work Health and Safety Committee Constitution to Health and Safety Representatives and Committees Procedure	Rebecca Devine, Safety Specialist – Systems & Projects	Rowen Winsor, People Community and Sustainability General Manager	Tony Young, Safety Manager
27/08/2020	Legal review by HSF (minor formatting changes accepted). No material change to context or intent.	Kirsty Iszlaub – Acting Safety Specialist – Systems & Projects	Rowen Winsor, People Community and Sustainability General Manager	Tony Young, Safety Manager
16/12/2021	Inclusion of environment, responsibility statement, determination of work groups and issue resolution process.	Kirsty Iszlaub – Safety & Training Specialist - Systems	Tony Young, Safety & Training Manager	Ged Melrose, Acting Operations General Manager
22/03/2023	Update to committee structure to align with new organisation structure.	Kirsty Iszlaub – Safety & Training Specialist - Systems	Tony Young, Safety & Training Manager	Richard Haward, EGM Safety & ESG

Revision date	Revision description	Author	Endorsed by	Approved by
22/07/2024	Update to comply with Work Health and Safety and Other Legislation Amendment Act 2024	Kirsty Iszlaub – Safety & Environment Systems Lead	Colin Simpson, Safety & Environment Manager	Richard Haward, EGM Safety & ESG
29/07/2024	Amendments in line with Work Health and Safety and Other Legislation Amendment Regulation 2024 (including updated training requirements)	Kirsty Iszlaub – Safety & Environment Systems Lead	Colin Simpson, Safety & Environment Manager	Richard Haward, EGM Safety & ESG