

CHIEF MINISTER'S DEPARTMENT



OCCUPATIONAL HEALTH AND SAFETY COUNCIL

REVISED GUIDELINES FOR THE APPROVAL
OF HEALTH AND SAFETY REPRESENTATIVE
TRAINING PROGRAMS

August 2006

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INTRODUCTION

The *Occupational Health and Safety Act 1989* (the Act) provides a statutory framework for promoting and improving the standards of occupational health, safety and welfare of private sector and ACT public sector employees in the ACT. Health and safety representatives (HSRs) are central to workplace arrangements established under the Act for consultation, representation and participation in at the workplace in relation to work safety.

Section 61(1)(f) of the *Occupational Health and Safety Act 1989* (OHS Act) provides that employers shall permit health and safety representatives (HSRs) to take time off work without loss of remuneration or other entitlements to undertake a training program approved under the Regulations. Section 60A of the Act as modified by Schedule 3 of the *Public Sector Management Act 1994* in relation to the ACT Public Service provides that HSRs shall undertake a course of training approved under the Regulations. Similar provisions apply to deputy health and safety representatives.

The OHS Act was amended in June 2004 to provide rights-of-entry to workplaces for authorised representatives of organisations. Under section 75(2)(b) of the new provisions, a representative must have completed a course of training approved under the regulations before being authorised. An approved course of training for HSRs has been prescribed under section 3 of the Occupational Health and Safety Regulation 1991 as necessary for authorisation.

Part 2, section 3 provides that the Council may approve a program for the purposes of HSR training. To meet its responsibility under part 2, the Council has issued these guidelines setting out the process of approval for a program of training for HSRs and authorised representatives in the ACT. The guidelines provide information on the application and assessment process, and direct potential applicants to sources of further information to aid in the development of an application.

When considering a request to approve or reapprove a training course for HSRs, the Council will accept applications for the approval of training programs for HSRs from training organisations that meet the requirements set out in these guidelines. The Council may take into consideration policy issues when determining approvals, for example, national consistency and developments, national standards and industry best practice, tripartite support and any other relevant matter.

Additional copies of these guidelines are available through the Council secretariat (c/- the Office of Industrial Relations) or the Office website at:
<http://www.psm.act.gov.au/ohscouncil.htm>

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OVERVIEW OF THE APPLICATION PROCESS

STEP ONE: SUBMISSION OF A WRITTEN APPLICATION

You must submit a detailed written application with appropriate supporting evidence that addresses the approval criteria set out in the guidelines. If you propose to deliver training to a specific industry or occupational grouping, this should be made clear in your application and be appropriately reflected in your proposed program documents. All applications must include copies of educational qualifications and/or other supporting evidence detailing relevant learning and experience. You must provide six (6) complete sets of your application and supporting documentation.

Upon receipt of an application for approval, the Council will send you an acknowledgment slip stating the date the application was received and a contact name and phone number should you require information regarding progress of the application. All applicants will be notified about the outcome of the Council's determination within three (3) calendar months of receipt of the application.

STEP TWO: ASSESSMENT PANEL

Once your application is received, it will be scheduled for review by an assessment panel. You may be asked to attend a session of the assessment panel to respond to questions concerning your application including your course materials and methods.

The assessment will be made in accordance with the Council's agreed guidelines. The panel will determine whether the application should be recommended to the Council for approval. If additional documentation is required before the panel can make a full assessment, you may be asked to provide it to enable the application to be properly assessed. Applicants should note that if additional documentation is required, it may cause a delay in the processing of their application.

STEP THREE: APPROVAL BY COUNCIL

Following the assessment by the panel, its recommendation will be forwarded to the OHS Council for consideration. Once the Council has considered the recommendation, the applicant will be notified in writing of the outcome. Approvals will be for a period of three (3) years. To be reapproved, you must submit an application at least three (3) months before the current approval expires. You will not be able to deliver training if your program's approval expires and has not been reapproved.

REGISTRATION AS A TRAINING ORGANISATION (RTO)

The OHS Council requires that all providers be Registered Training Organisations (RTOs).

In the ACT, the process for registering is managed by the ACT Accreditation and Registration Council (ARC). This registration process recognises training organisations which have the capacity to deliver, assess, and issue qualifications for nationally recognised training. As part of this application, a training organisation must demonstrate compliance with the Standards from the Australian Quality Training Framework (AQTF) which was adopted nationally by all states in June 2001.

Further information on the registration of training organisations can be requested from the ACT Accreditation and Registration Council.

PROGRAM ACCREDITATION

The Council has put in place processes to move to the accreditation of programs in line with the AQTF processes for course accreditation. Within three (3) years of the Council's approval, a provider is required to accredit the program for inclusion in the organisation's scope of registration.

TRAINING QUALIFICATIONS

The Council requires approved programs to be delivered by trainers who hold qualifications consistent with the AQTF Standard 7 in relation to assessment and workplace training. Where courses are not accredited, Council requires approved programs to be delivered by trainers who hold a minimum qualification of a Certificate III in Occupational Health and Safety or recognition by an appropriate training organisation of prior learning/experience equivalent to a Certificate III in Occupational Health and Safety.

CRITERIA FOR APPROVAL

Applications will be assessed based on the following conditions:

- evidence of registration as a Registered Training Organisation (RTO);

- course content which successfully meets the required criteria set out in these guidelines; and
- evidence of course accreditation or, for courses which are not accredited, evidence of trainer qualifications at the minimum level of Certificate III in Occupational Health and Safety or recognition by an appropriate training organisation of prior learning/experience equivalent to a Certificate III in Occupational Health and Safety.

COURSE CONTENT

The OHS Council ensures that all programs meet the content required under the guidelines. The course design must meet the delivery conditions listed below.

The course must:

- Be flexible in its delivery options. Delivery should indicate an assessment of the needs of the participants and encompass flexibility as well as block training and/or sole reliance on classroom learning. The Council encourages flexibility in delivery modes to take into account adult learning needs, and out-of-classroom learning methods, for example, project work to support formal training on prescribed topics.
- Have a minimum duration of 28 hours in order to ensure sufficient time to adequately cover the course content. The course should be delivered over a period of no more than eight (8) weeks to ensure maximum effectiveness. (It should be noted that where operational requirements of the employer prevent this from being met, the trainer may give approval for a further four (4) weeks for completion of the course. This decision must be made on an individual case by case basis and specific details must be included in the annual returns submitted by the approved trainer)
- Attach a module of no less than seven (7) hours to act as a refresher course suitable for the training of HSRs at the end of the second year of their term or for re-elected HSRs. The contents of the refresher course should focus on the provision of opportunities for existing HSRs to refresh the basic knowledge and skills of the original training, as well as providing an update of the legislative, regulatory and skills based information since the basic training was undertaken.
- Provide all participants with certificates of participation. The Council recognises that HSRs are elected by their co-workers to perform this role. Accordingly, it is not appropriate to treat skills/knowledge required by occupational health and safety representatives as formal competencies, although the merits of competency-based training as a training method are recognised.
- Include a system of feedback and evaluation mechanisms that are commutable to a quality assurance program.
- Utilise training methods that are suitable for people from a non-English-speaking background. The training methods should also incorporate a competency approach which balances theory and practical activities.

The key performance indicators for a successful program include:

- the provision of knowledge and skills so that participants can apply principles of risk management as an integral part of an effective OHS management system;
- the provision of detailed information about ACT OHS legislation and a summary introduction to workers compensation arrangements (including workplace injury management) to the participants; and
- the provision of training which supports the development of skills and confidence to enable employees to effectively participate in the prevention of workplace injuries and illnesses.

It should be noted that the following list is not exclusive, and the OHS Council maintains the right to request additional information be included based on changes in Territory legislation or regulations.

INITIAL COURSE OUTLINE

	PERFORMANCE CRITERIA
BACKGROUND TO OHS	<ul style="list-style-type: none"> • Outline the development of OHS legislation and practices in Australia including the modern approach to the management of workplace safety and related issues
OHS AND RELATED LEGISLATION	<ul style="list-style-type: none"> • Explain the <i>Occupational Health and Safety Act 1989</i> and related work and safety legislation (such as the <i>Scaffolding and Lifts Act 1912</i>, the <i>Machinery Act 1949</i>, and the <i>Dangerous Substances Act 2000</i>) as well as award and agreement provisions • Provide summary information on the <i>Crimes (Industrial Manslaughter) Act 2003</i> • Provide a summary information on the <i>Workers Compensation Act 1951</i> and/or the <i>Safety, Rehabilitation and Compensation Act 1988</i>, and on occupational rehabilitation • Provide information about and examples of OHS relevant policies, programs, and procedures

	PERFORMANCE CRITERIA
WORKPLACE HEALTH AND SAFETY ARRANGEMENTS	<ul style="list-style-type: none"> • Identify the roles and duties of employers, supervisors, employees, health and safety representatives and unions • Outline the role of OHS inspectors • Explain workplace arrangements for OHS Committees, establishment of Designated Work Groups (DWGs), election of HSRs, meeting procedures and records • Explain the provisions for authorised representatives and rights to enter workplaces
HEALTH AND SAFETY REPRESENTATIVES	<ul style="list-style-type: none"> • Explain the powers and responsibilities of HSRs • Explain the purpose of conducting workplace inspections and accident/incident investigations • Provide information on the purpose and use of Provisional Improvement Notices (PINs), and the roles of OHS inspectors in relation to review of PINs • Provide information on emergency procedures and processes for consultation and cessation of work in emergency situations
OHS CONSULTATION	<ul style="list-style-type: none"> • Identify methods of consulting and negotiating with an employer on implementing corrective actions • Outline the process of communication and teach basic communication skills • Explain dispute resolution procedures • Demonstrate conflict scenarios • Develop negotiating skills
HAZARD IDENTIFICATION AND RISK MANAGEMENT	<ul style="list-style-type: none"> • Outline the process of hazard identification, risk assessment and development of risk control methods, including the Hierarchy of Controls and the development and implementation of safe work methods • Develop an understanding of the applications of Codes of Practice and relevant OHS policies within the organisation as a means of identifying inadequate risk control • Explain the process of hazard reporting • Provide awareness of specific health and safety issues such as manual handling, chemical hazards, workplace stress, noise, and working with plant • Explain the use of personal protective equipment

	PERFORMANCE CRITERIA
ACCIDENT/INCIDENT MANAGEMENT AND INVESTIGATION	<ul style="list-style-type: none"> • Provide procedures for dealing with accidents, incidents, and near misses • Identify the role and process for the involvement of HSRs in investigation of accidents, incidents and near misses • Provide an understanding of how to develop strategies to prevent recurrence of accidents, incidents or near misses
REPORTING	<ul style="list-style-type: none"> • Explain requirements and benefits for keeping OHS records • Demonstrate how OHS records can be used to monitor hazards and risks • Provide information on accident reporting under OHS and workers compensation legislation, and on injury and dangerous occurrence reporting and investigation • Explain the function of safety audits
ASSESSMENT OF COMPLIANCE	<ul style="list-style-type: none"> • Explain how to determine relevant evidence for establishing OHS competence • Provide advice on selection of appropriate assessment methods for monitoring maintenance of OHS competence • Identify situations where OHS competence may be required and how to determine consistency with OHS performance requirements

REFRESHER COURSE OUTLINE

CONTENT	PERFORMANCE CRITERIA
OHS AND RELATED LEGISLATION	<ul style="list-style-type: none"> • Explain changes made to the <i>Occupational Health and Safety Act 1989</i> and related work and safety legislation over the last two years • Provide summary information on the <i>Crimes (Industrial Manslaughter) Act 2003</i> and overview any changes or details of precedent cases heard in the last two years • Provide a update of information on the <i>Workers Compensation Act 1951</i> and/or the <i>Safety, Rehabilitation and Compensation Act 1988</i>, and on occupational rehabilitation • Provide updated information about and examples of OHS relevant policies, programs, and procedures
WORKPLACE HEALTH AND SAFETY ARRANGEMENTS	<ul style="list-style-type: none"> • Review the roles and duties of employers, supervisors, employees, health and safety representatives and unions • Review the role of OHS inspectors • Discuss workplace arrangements for OHS Committees, establishment of DWGs, election of HSRs, meeting procedures and records • Revise the provisions for authorised representatives and rights to enter workplaces • Provide an update of changes to the management of Occupational Health and Safety as a result of technology and/or changed legislative, regulatory or best practice approaches.
HEALTH AND SAFETY REPRESENTATIVES	<ul style="list-style-type: none"> • Revise the powers and responsibilities of HSRs • Review the purpose of conducting workplace inspections and accident/incident investigations including discussing experiences that the HSRs have had over the last two years • Provide updated information on the purpose and use of Provisional Improvement Notices (PINs), and the roles of OHS inspectors in relation to review of PINs • Provide updated information on emergency procedures and processes for consultation and cessation of work in emergency situations

<p>OHS CONSULTATION</p>	<ul style="list-style-type: none"> • Review methods of consulting and negotiating with an employer on implementing corrective actions • Review the process of communication and basic communication skills and provide opportunity for participants to detail experiences related to communication with management and members in the DWG • Review dispute resolution procedures • Demonstrate conflict scenarios and give participants the opportunity to display conflict resolution skills • Develop negotiating skills and allow participants to demonstrate negotiation skills in an OHS environment
<p>HAZARD IDENTIFICATION AND RISK MANAGEMENT</p>	<ul style="list-style-type: none"> • Revisit the process of hazard identification, risk assessment and development of risk control methods, including the Hierarchy of Controls and the development and implementation of safe work methods • Review the understanding of the applications of Codes of Practice and relevant OHS policies within the organisation as a means of identifying inadequate risk control • Examine the process of hazard reporting • Provide updated awareness of specific health and safety issues such as manual handling, chemical hazards, workplace stress, noise, and working with plant • Review the use of personal protective equipment and the experience of HSRs in the safe use of this in the workplace.
<p>ACCIDENT/INCIDENT MANAGEMENT AND INVESTIGATION</p>	<ul style="list-style-type: none"> • Review procedures for dealing with accidents, incidents, and near misses • Review the role and process for the involvement of HSRs in investigation of accidents, incidents and near misses • Provide participants with a facilitated opportunity to talk about their experiences related to the development and implementation of strategies to prevent recurrence of accidents, incidents or near misses over the last two years

APPLICATION FORMAT

CONTACT/ORGANISATION DETAILS	<ul style="list-style-type: none"> • Contact person • Name of organisation • Postal address, phone number, and email address
OVERVIEW OF THE COURSE	<ul style="list-style-type: none"> • Goals/aims of the course • Identification of regulations, national standards and codes of practices utilised in developing the course
TRAINING ORGANISATION REGISTRATION	<ul style="list-style-type: none"> • Evidence of registration as a Registered Training Organisation
PROGRAM ACCREDITATION	<ul style="list-style-type: none"> • Evidence of program accreditation and inclusion in the organisation's scope of registration where this has been obtained.
TRAINER QUALIFICATIONS	<ul style="list-style-type: none"> • Where programs are not accredited, evidence of minimum trainer qualification of a Certificate III in Occupational Health and Safety or recognition by an appropriate training organisation of prior learning/experience equivalent to a Certificate III in Occupational Health and Safety.¹
COURSE DETAILS	<ul style="list-style-type: none"> • Intended audience (e.g. group or industry) • Duration of course and delivery methods • Proposed location(s) • Learning outcomes: <ul style="list-style-type: none"> – Must identify skills and knowledge base that participants will gain – Should be addressed in the criteria
COURSE PROGRAM	<ul style="list-style-type: none"> • Course plan & outline <ul style="list-style-type: none"> – Identify delivery methods – Provide all resources that will be utilised (e.g. handouts, videos) – Provide the trainer's notes (content, approach, duration of each activity)

¹ Note that as a Registered Training Organisation, trainers must have qualifications consistent with the AQTF Standard 7 in relation to assessment and workplace training.

<p style="text-align: center;">COURSE CONTENT</p> <p style="text-align: center;">NOTE: SEPARATE COURSE OUTLINES ARE TO BE PROVIDED FOR INITIAL AND REFRESHER TRAINING</p>	<ul style="list-style-type: none"> ● Meet legislative and regulatory requirements (e.g. agency-specific OHS policies) ● Demonstrate a quality management focus ● Maintain a monitoring and audit process ● Provide an Adaptable Content and Structure ● Provide competencies/objectives and performance criteria ● Create measures to promote access and participation
<p style="text-align: center;">EVALUATION AND ASSESSMENT</p>	<ul style="list-style-type: none"> ● Provide method for: <ul style="list-style-type: none"> – Identification of whether course outcomes have been achieved – Course assessment tools (e.g. program evaluation methods for quality assurance) – Obtaining feedback of participants ● Maintain a record of participants

NOTIFICATION & REVIEW OF DECISIONS

Notification

You will be kept informed about the progress of your application. The Council will notify you of its decision in writing within three (3) months after receiving your application if no further documentation is required.

Review of Application

The Council reserves the right to refuse approval to an applicant on any relevant grounds. However, if you disagree with the decision about your application, you should submit a written request for a review to the Council.

The Council will arrange for review of its decision through a person independent of the assessment panel and the Council. You will be advised of the reviewer's decision in writing within 30 days of your request.

CONDITIONS OF APPROVAL

Reporting

Approved providers of training must maintain records of the following information:

- name of course;
- number of participants with a summary of the numbers of participants in the course, and the numbers of those who subsequently completed the course;
- names and work addresses of those trained; and
- name of the employer.

Providers are required to provide an annual return to the Council in July of each year on training activities over the previous financial year. Providers are also responsible for distributing an approved course evaluation form to all participants at the end of each training program. The training provider is required to keep records for a period of no less than thirty years after the completion date of the course consistent with the recordkeeping requirements of registration for training organisations.

These records and evaluation forms are subject to audit.

Certification

The approved provider must print on any certificate issued to a participant that the training course has been approved by the ACT Occupational Health and Safety Council. Any person or organisation falsely issuing a certificate stating that the course has been approved by the OHS Council will be subject to legal action.

FURTHER INFORMATION

<p>OHS Council Secretariat c/- Office of Industrial Relations ACT Chief Minister's Department GPO Box 158 Canberra ACT 2601</p> <p>Tel (02) 6207 5922 Website: http://www.psm.act.gov.au/</p>	<ul style="list-style-type: none"> • Provide you with information about making a submission for approval. • Advise you on how your submission is progressing. • Discuss with you significant changes which may require that the course be re-submitted. • Discuss with you monitoring/evaluation issues.
<p>ACT WorkCover Level 3, Block B, Callam Offices, Easty St Woden ACT 2606</p> <p>Tel (02) 6205 0200 Email: workcover@act.gov.au Website: www.workcover.act.gov.au</p>	<ul style="list-style-type: none"> • Provide you with information on work and safety legislation.
<p>Industry, Professional and National Bodies</p> <ul style="list-style-type: none"> • Australian Safety and Compensation Council • Safety Institute of Australia • ITABs or other appropriate bodies 	<ul style="list-style-type: none"> • Provide input into the development of courses, and input into the continuous improvement of occupational health and safety training.
<p>ACT Accreditation and Registration Council PO Box 985 Civic Square Canberra ACT 2608</p> <p>Tel (02) 6205 8555 Website: www.decs.act.gov.au/services/TrainingARC.htm</p>	<ul style="list-style-type: none"> • Provide you with advice on the registration of training organisations and the accreditation of courses in the ACT.