

# EMPLOYER REPRESENTATIVE COMPETENCIES

**1ST EDITION**

JULY 2005

The *Occupational Health and Safety Act 2004* (OHS Act 2004) requires that, if an employer nominates someone to represent them in relation to the resolution of OHS issues,<sup>1</sup> that person must have an appropriate level of seniority and be sufficiently competent. The employer must also ensure that the employer representative is not an elected health and safety representative or deputy health and safety representative.

It is not mandatory for employers to appoint a representative. In many cases, employers may be directly involved in the resolution of health and safety issues.

This information sheet is intended to inform employers, their representatives and others in the workplace in relation to the requirement that employer representatives have "an appropriate level of seniority" and be "sufficiently competent".

## **SENIORITY OF EMPLOYER REPRESENTATIVES**

The employer representative should have the necessary authority to resolve any OHS issue on behalf of the employer. This should be reflected in the employer representative's position in the organisational hierarchy and position description.

## **CHECKLIST OF COMPETENCIES FOR EMPLOYER REPRESENTATIVES**

WorkSafe Victoria considers the following range of competencies is required of an employer representative in order to carry out his or her role under the OHS Act 2004:

- A general knowledge of the OHS Act 2004;
- Understanding of the health and safety issue resolution process and the role of agreed procedures and regulations (sections 73, 74 and 75);
- Understanding of the employer duties under OHS legislation and the concept of reasonable practicability;
- Understanding of the role and functions of health and safety representatives and authorised representatives of registered employee organisations;
- Understanding of the role of WorkSafe Inspectors, their powers and issue resolution functions;
- Understanding of how the workplace operates;
- Communication, consultation and negotiation skills;
- Understanding of the process of resolution when a WorkSafe Inspector arrives on site;
- General understanding of OHS issues and systems specific to that workplace;
- Understanding of the hazard identification and risk assessment processes and in particular, the ability to identify appropriate risk control measures available to the employer; and
- Ability to get access (within the organisation and externally) to expert technical information and advice in relation to specific hazards.

*Note 1: A health and safety issue, as the term used in the Act, does not necessarily imply the existence of a dispute. Health and safety issues may include any number of concerns.*

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There are many ways in which employer representatives can attain these competencies. These include OHS training, general management training, work experience and mentoring programs. WorkSafe is assisting training providers who wish to offer training programs for employer representatives by providing them with recommended learning outcomes for training courses.

## FURTHER INFORMATION

WorkSafe Victoria publishes a wide range of guidance material to support compliance with the OHS Act 2004. For further information contact WorkSafe Victoria on 1800 136 089 or online at [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)

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