

CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 2 OF 1991

ENTITLEMENTS OF HEALTH AND SAFETY REPRESENTATIVES WHO ATTEND COURSES UNDER OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATIONS

The Department of Occupational Health, Safety and Welfare (DOHSWA) has been receiving an increasing number of enquiries in relation to the entitlements of health and safety representatives under Occupational Health, Safety and Welfare Regulations 203, applying to introductory courses.

To clarify the position in relation to the main areas of concern, the Government has approved the following provisions to apply to representatives attending such courses.

1. ROSTERED DAYS OFF

Where a health and safety representative attends a training course under Regulation 203 on a day which would ordinarily have been rostered as a day off had they worked their scheduled work time, that health and safety representative shall be entitled to time off in lieu equivalent to the rostered day which was forgone as a result of attending the course or where agreed by the employer and employee, the representative shall be entitled to payment as if it were time worked, with payment at ordinary time rates.

2. SHIFT EMPLOYEES

The entitlements specified under point 1 above, similarly applied to a health and safety representative who ordinarily works a shift arrangement and attends a training course under Regulation 203 on a day/s which would ordinarily have been rostered as a shift day/s off had the health and safety representative worked their scheduled work time.

3. PART TIME

Where a health and safety representative is a part time employee and attends a training course under Regulation 203, that health and safety representative shall be entitled to pay, calculated at their ordinary rate of pay, for such time as they attend the course.

4. TALLY EMPLOYEES - MEAT INDUSTRY

Where a health and safety representative is a tally employee and attends a training course under Regulation 203, that health and safety representative shall be entitled to receive a rate of pay that reflects their average weekly earnings ie. including overtally. It would seem appropriate that the formula currently applied across the industry for determining the wages paid to tally workers whilst on annual leave, also be applied to determine the pay entitlements for such a worker attending a training course under Regulation 203.

Notwithstanding the entitlements outlined in points 1,2,3 and 4 above, nothing excludes a health and safety representative's entitlements to additional payments or alternative conditions that may be prescribed in an award, order, or industrial agreement that is made by, or registered by, the Western Australian Industrial Relations Commission or the Australian Industrial Relations Commission or agreed between the employer and health and safety representatives as being

applicable.

By applying these entitlements, a uniform interpretation and application of Regulation 203 will be achieved across the public sector.

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CHIEF EXECUTIVE OFFICER

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Ref: (sjldqp)ras

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