Partnering for OHS
Volume 2:
An Examination of the Health and Safety Workplace Partnership Program

Final Report

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Executive summary to Volume 2

This second volume of the report, Partnering for OHS, evaluates the first round of the South Australian Government’s three-year Health and Safety Workplace Partnership Program (2007 – 2010) (hereafter called the Partnership Program). This program funded employee associations (unions) for projects they devised aimed at increasing the number of health and safety representative (HSRs) in four Priority Industries: construction, transport and storage; manufacturing; community services; and wholesale and retail trade. The ultimate goal was to better manage the Priority Risks: body stressing; falls, trips and slips of a person; being hit by moving objects; and hitting objects with a part of the body. A focus on the priority industries and risks is expected to improve occupational health, safety and welfare (OHSW) in South Australia. Since the initial funding of this research project the first round of the Partnership Program has been completed, the decision to re-fund it has been taken, calls for participation in the next round were made and projects selected. In the meantime, too, the regulatory landscape for OHS is changing.

The method for this evaluation drew principally on interviews with representatives of each of the participating unions: Australian Manufacturing Workers' Union; Australasian Meat Industry Employees' Union; Australian Services Union; Australian Workers Union; Communications, Electrical, Electronics, Plumbing and Allied Services Union; Construction, Forestry, Mining and Engineering Union; Independent Education Union; National Union of Workers; Shop Distributive and Allied Employees' Association; Textile, Clothing and Footwear Union of Australia; Transport Workers Union; and United Voice (formerly the Liquor Hospitality and Miscellaneous Union). Further data were obtained from focus groups with HSRs held in Adelaide and regional centres, interviews with representatives from industry associations and SafeWork SA, and from the results of the survey that was reported in Volume 1 of this report.

This report builds on the progress reports and final report on each union’s project that have been presented to SafeWork SA (SWSA) by the participating unions; it does not seek to duplicate them. Rather this report examines the strategies that the unions used, comments on their success and identifies areas where improvements might be made in future rounds. There were identifiable commonalities in the projects, but each project varied because of the nature of the industries it covered and the health of industrial relations in those industries.

It is not possible to quantify the impact of the Partnership Program on HSRs and OHS outcomes; there are too many confounders to reliably identify a simple cause and effect relationship. However, qualitatively the Partnership Program has had important positive outcomes in the targeted industries.

Project strengths were: preparatory mapping exercises so that the scope of projects could be planned; the appointment of project officers to manage projects and provide OHS advice; efforts to find ways to collaborate with employers; using SWSA as a resource; finding innovative ways to make contact with employees; finding ways to reach culturally and linguistically diverse (CALD) workers; training existing union
officials in OHS; direct recruitment of HSRs; providing or facilitating training for HSRs; conducting seminars and conferences for diverse audiences including HSRs; and preparing information and dissemination materials.

Areas for improvement were identified in: the administration of the Partnership Program; the capacity for cross-fertilization between projects to improve project design, implementation and impact; the role of the regulator; the SWSA HSR Register and its capacity to assist projects, be updated by projects, and as a resource for enforcement; the capacity to consult with and influence employers; making HSR accredited training that is nationally recognised and portable; the capacity to provide HSR training in blocks to increase training uptake by making work-release easier to achieve; upskilling union officials in OHS so that they also have the capacity to identify potential HSRs; and improving projects that operate in the SME sector.

The report identifies nine recommendations for action by SWSA.
## Glossary of terms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AMWU</td>
<td>Australian Manufacturing Workers' Union</td>
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<tr>
<td>AMIEU</td>
<td>Australasian Meat Industry Employees' Union</td>
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<tr>
<td>ASU</td>
<td>Australian Services Union</td>
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<tr>
<td>AWU</td>
<td>Australian Workers Union</td>
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<tr>
<td>CALD</td>
<td>Culturally and linguistically diverse</td>
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<tr>
<td>CEPU</td>
<td>Communications, Electrical, Electronics, Plumbing and Allied Services Union</td>
</tr>
<tr>
<td>CFMEU – Construction</td>
<td>Construction, Forestry, Mining and Engineering Union</td>
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<tr>
<td>HREC</td>
<td>Human Research Ethics Committee (of UniSA)</td>
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<td>HSR</td>
<td>elected Health and Safety Representative</td>
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<tr>
<td>HSR Register</td>
<td>The database of HSRs that is held and maintained by SWSA</td>
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<tr>
<td>IEU</td>
<td>Independent Education Union</td>
</tr>
<tr>
<td>LHMU</td>
<td>Liquor Hospitality and Miscellaneous Union (now United Voice)</td>
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<tr>
<td>NUW</td>
<td>National Union of Workers</td>
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<tr>
<td>OHS</td>
<td>Occupational health and safety</td>
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<tr>
<td>OHSW</td>
<td>Occupational health, safety and welfare</td>
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<tr>
<td>SDA</td>
<td>Shop Distributive and Allied Employees’ Association</td>
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<tr>
<td>SISA</td>
<td>Self-Insurers of South Australia</td>
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<tr>
<td>SMEs</td>
<td>Small and medium enterprises</td>
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<td>SWA</td>
<td>Safe Work Australia</td>
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<td>SWSA</td>
<td>SafeWork SA</td>
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<tr>
<td>TCFUA</td>
<td>Textile, Clothing and Footwear Union of Australia</td>
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<tr>
<td>TWU</td>
<td>Transport Workers Union</td>
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<tr>
<td>UniSA</td>
<td>University of South Australia</td>
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<tr>
<td>UV</td>
<td>United Voice (formerly the LHMU)</td>
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<td>WHS</td>
<td>Work health and safety</td>
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1. Project background

This project was originally established to evaluate the first round of the South Australian Government’s three-year Health and Safety Workplace Partnership Program (2007 – 2010) (hereafter called the Partnership Program), which aimed to increase the number of health and safety representative (HSRs) in Priority Industries in order to better manage the Priority Risks (SafeWork SA, 2008) and improve occupational health, safety and welfare (OHSW)\(^1\) in South Australia. The program established a grants scheme to enable employee associations (unions) to assist in achieving the goals of the program. This is the subject of this second volume of the report.

The secondary goal of the research was to update our knowledge about worker participation in OHS in South Australia following the Working Together research that was conducted in 2001 (Blewett, 2001). In order to investigate these two areas we developed a survey instrument to enable quantitative investigation of worker participation in OHS. This is reported in Volume 1 of this report along with the outcomes of qualitative data collection through focus groups and interviews.

This research was funded by SafeWork SA under the Small Grant Scheme. Since the commencement of the research Safe Work Australia has initiated the harmonisation of work health and safety regulation in Australia and is interested in obtaining baseline data about HSRs prior to the enactment of national legislation in 2012. Safe Work Australia supplemented the funding of this project to enable the research to be extended to incorporate their needs. These were to include some questions in the survey about notifiable incidents, and to extend the survey to workers as well as HSRs and managers/OHS professionals.

Since the initial funding of this research project the first round of the Partnership Program has been completed, the decision to re-fund it has been taken, calls for participation in the next round were made and projects selected. In the meantime, too, the regulatory landscape for OHS is changing.

1.1 Partnership Program Participants

Four Priority Industries were covered by the Partnership Program. These industries contribute a large proportion of workers’ compensation claims and costs (80% in 2005):

- Construction, transport and storage
- Manufacturing
- Community services
- Wholesale and retail trade

 Twelve unions, those that covered these Priority Industries, were provided with funding in the first round of the Partnership Program and were included in this

\(^1\) In the new regulatory environment OHS and OHSW will become work health and safety (WHS) so these terms are used interchangeably in this report.
research:

1. Australian Manufacturing Workers' Union (AMWU)
2. Australasian Meat Industry Employees' Union (AMIEU)
3. Australian Services Union (ASU)
4. Australian Workers Union (AWU)
5. Communications, Electrical, Electronics, Plumbing and Allied Services Union (CEPU)
6. Construction, Forestry, Mining and Engineering Union (CFMEU – Construction)
7. Independent Education Union (IEU)
8. National Union of Workers (NUW)
9. Shop Distributive and Allied Employees' Association (SDA)
10. Textile, Clothing and Footwear Union of Australia (TCFUA)
11. Transport Workers Union (TWU)
12. United Voice (UV) (formerly the Liquor Hospitality and Miscellaneous Union (LHMU)).

Each of these unions has acquitted the funds for their projects and has made detailed reports to SafeWork SA throughout the Partnership Program and at its completion. These reports have informed this research, but this report does not seek to duplicate this effort. Instead this research looks more broadly at the activities undertaken by the unions to determine the lessons that can be learnt from the Program that might be applied in the future and that might influence OHS consultative processes.

1.2 This report

This report is Volume 2 of the report on the overall project, Partnering for OHS, which is presented in two volumes.

Volume 1: Health and Safety Representatives at Work, reports on the results of the HSR survey and the research questions about worker participation in OHS. It is presented in the following chapters:

1. Project background
2. Research questions
3. Literature review
4. Method – detailed description
5. Constructing the HSR Survey
6. Findings from the HSR Survey
7. Findings from the qualitative data
8. Discussion
9. Conclusion
10. Recommendations
11. References
12. Appendices
Volume 2: An Examination of the Health and Safety Workplace Partnership Program, reports on the Health and Safety Workplace Partnership Program 2007 and is presented in the following chapters:

1. Project background
2. Research questions
3. Method – a brief overview
4. The Partnership Program
5. Conclusion
6. Summary of recommendations
7. References
2. Research questions

The overall research project, Partnering for OHS, sought to establish baseline data on the role of HSRs in OHS in South Australia during the life of the Health and Safety Workplace Partnership Program 2007 (Partnership Program) and prior to the anticipated January 2012 implementation of national, harmonized legislation, the Work Health and Safety Act.

2.1 About OHS Consultation

The overall research is concerned with OHS consultation generally and the role of HSRs in particular. It defines a research agenda for consultation and worker participation in OHS in SA in seeks to answer the following broad research questions:

- What features of consultation and participation by HSRs are considered to help improve workplace health and safety?
- What features of consultation and participation by HSRs are considered to hinder workplace health and safety?
- How is the role of HSRs and OHS Committees perceived in the workplace?
- What are the research needs in the area of consultation and worker participation in OHSW in South Australia?

Although the four Priority Industries were the focus of the Partnership Program, data for the broader research project were gathered from all industries in South Australia that were covered by the Occupational Health, Safety and Welfare Act 1986. Thus the total population of HSRs in South Australia was the target population for the broader research.

2.2 About the Partnership Program

The evaluation of the Health and Safety Workplace Partnership Program 2007, which is the subject of this Volume 2 of the report, is a sub-project to the overall research and addresses the following questions about the Partnership Program.

- Has there been a change in the number of HSRs over the life of the Partnership Program in the industries covered by the Program?
- What perceived impact has the Partnership Program had on workplace health and safety in participating firms/industries?
3. Method – a brief overview

The overall research project used both qualitative and quantitative methods to obtain the data necessary for its completion. A survey instrument (the HSR Survey) was developed based on the key constructs about worker representation in OHS that emerged from previous research (Blewett 2001). Data were obtained through the following quantitative and qualitative means:

- An anonymous survey consisting of three matched questionnaires aimed at HSRs, manager/OHS professionals, and workers (quantitative data);
- A free text page on the anonymous survey (qualitative data);
- Focus groups with HSRs to obtain insight into the role and function of the HSR (qualitative data);
- Interviews with representatives from the unions that participated in the Partnership Program (qualitative data);
- Interviews with representatives from the industry associations and SafeWork SA (qualitative data);
- Documentation about the projects undertaken by the unions was also examined (qualitative data).

The quantitative data were analysed with standard statistical tests while the qualitative data were analysed using node analysis where common threads were identified. The various forms of data were used to triangulate the findings.

Each of these sources of data were used in both parts of the research – the evaluation of the Partnership Program, and the examination of OHS consultation – however they were used with differing emphasis as Table 1 illustrates.

<table>
<thead>
<tr>
<th>Data source</th>
<th>Survey</th>
<th>Free text</th>
<th>HSR focus groups</th>
<th>Interviews</th>
<th>Documents</th>
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<tr>
<td>Partnership Program</td>
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<td>OHS Consultation</td>
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The project proceeded in four overlapping stages:

1. Establish the project, define confidentiality and rules, obtain ethics approval;
2. Quantitative data collection;
3. Qualitative data collection; and
4. Data analysis, reporting and dissemination.

Ethics approval for this research was obtained from the University of South Australia’s Human Research Ethics Committee (HREC). The HREC required a significant level of confidentiality in this project, therefore the data have been
aggregated and de-identified. No individuals or unions are named in the body of the report or associated with particular activities or comments.

The detailed description of the overall project method can be found in Volume 1 of this report.
4. The Partnership Program

The aim of the Health and Safety Workplace Partnership Program 2007 was to improve the level of occupational health, safety and welfare (OHSW) training, resources and information for employees in South Australia\(^2\).

The first round of the Partnership Program has been completed and the second round commenced during the data collection for this report. This report refers only to the first round projects, but contains information that may influence the delivery of the second and subsequent rounds of the Program as well as influence changes to OHS consultative processes.

Each of the unions participating in the first round of the Partnership Program has reported extensively to SafeWork SA so this report does not seek to duplicate that reporting process. Instead it builds on these reports using qualitative data from interviews with each of the unions, peak industry associations and staff at SafeWork SA. This is supplemented by the information obtained from the HSR survey and focus groups. The data are gathered under the headings what works and what could be done better.

4.1 Overall impact of the Partnership Program

One of the goals of the Partnership Program was to increase the number of HSRs in key industries as a means of improving OHS in those industries and ultimately driving down work-related injuries and illnesses. Unfortunately, determining the impact of the Partnership Program quantitatively is not a simple matter. The HSR Register was not sufficiently accurate across the period of the Partnership Program to be able to determine if the number of HSRs increased overall in the key industries. We know from the unions’ reports that the numbers of HSRs increased in many of the workplaces that were targeted by the various projects, but what quantitative impact this has had at the industry level is unknown. Therefore the union data cannot be used to quantitatively assess the impact of the Partnership Program either. During the period of the first round of the Partnership Program, South Australia experienced an economic downturn accompanied by the loss or slow-down in work of some large employers, which had flow-on effects to suppliers/customers in many industries. These effects combine to make it impossible to answer the first research question. Despite this, each of the unions reported recruiting HSRs in many of the individual workplaces that they targeted, SWSA reported increased interactions with members of the participating unions, and some of the union Partnership Program project officers had significant contact with SWSA. These outcomes infer a growth in awareness of OHS and the role of HSRs during the life of the Program. The projects used a range of innovative means to raise awareness and assist in the recruitment and training of HSRs and appears to have had a quiet and sustained positive impact on worker participation in OHS in the targeted industries.

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4.2 The industrial context

An over-arching influence on the success of the projects funded by the Partnership Program was the industrial context. This influenced the degree of acceptance of the unions’ role in the Partnership Program, the degree of collaboration between unions and employers, the nature of the activities that unions could undertake, and ultimately the impact of the project on the perception of health and safety at enterprise and industry levels.

In some industries and firms there was little difficulty with managers accepting the role of HSRs. In these firms, management were very supportive and encouraging of HSRs and their activities. Workers and employers were more likely to adopt a consultative model that was based on mutual trust and there was good collaboration between the industrial parties.

Several of the industries covered by the Partnership Program were characterised by poor industrial relations where there were tensions between employers and their associations, and workers and their unions. There were suspicious attitudes about motives for decision-making, both sides operated on the basis that the other side was always ready to “rip them off” and the opportunities for collaborative effort that rely on trust were minimal. These characteristics were more likely to be found in industries where there was a high level of sub-contracting, immigrant labour, precarious employment relationships where workers felt vulnerable, and in hierarchical command-control style organisations. In these circumstances few workers were prepared “to be seen to stand out or stand up to the employer”. As the capacity to negotiate with employers and represent fellow workers is a primary characteristic of an effective HSR, recruiting HSRs in such hostile industries was difficult. Nevertheless, there were reported gains in representation and OHS awareness in these industries as a result of the Partnership Program projects.

Some organisations considered themselves as “caring of their employees” and saw no need to support a “non-compulsory” HSR role that would use precious training resources and that required time away from normal duties. Confusion of the HSR role with the OHS Coordinator role, combined with the perception of the enterprise as a “caring organisation”, diminished the importance of the HSR in the eyes of those employers who saw no real need for an employee advocate — regardless of the expressed needs and wants of the employees.

In some regional centres people observed that there is improved collaboration between employers and workers because businesses are under stress and in survival mode. There are limited alternative employment opportunities so “the relationship between employers and workers is becoming protective”.

The industrial context tended to set boundaries on the success of the Partnership Program projects. Each of the unions was able to rise to the challenges that the industrial context posed by adopting project strategies that enabled them to make gains within those boundaries. Thus, small gains in some industries were achieved with as much or more effort than large gains in others.

4.3 The best kept secret?

Although representatives in the unions were able to talk in detail about the Partnership Program, there was very limited knowledge about the Program amongst people in industry, the industry bodies, and even amongst HSRs who may have been
recruited and trained as part of the scheme. Several people told me that the Partnership Program was the “best kept secret”. This is unfortunate given the apparent impact that the program has had, and the potential to make a difference in the important area of worker participation in OHS decision-making.

Grantees should be given clear guidance on the marketing of the Partnership Program and individual projects. The Partnership Program and SWSA should be acknowledged as the funding body on any materials that are produced. The requirement to acknowledge the source of funding should be included in the grant contract. The Partnership Program is a scheme that SWSA can be proud of and more should be done to emphasise its role in improving health and safety. Dissemination activities could be included as a criterion in the selection criteria for grants, alternatively, SWSA could manage dissemination activities centrally. Effective management of dissemination could provide significant opportunities to share the lessons from the Program to organisations from the target industries that did participate in the projects. There is also potential to share the lessons in other industries.

**Recommendation 1**

In future rounds SWSA should consider how to effectively market the Partnership Program and disseminate information about its impact and progress during the establishment of the grants.

4.4  **What works**

There was a range of innovative strategies used by each of the unions to gain access to workers, to assist in the recruitment of HSRs, to assist in training HSRs, to raise awareness of OHS issues more generally and to work with employers to improve OHS at enterprise level. Across the various industries there were strategies in common, however the detail of their implementation varied with the industrial context.

4.4.1 **Mapping the industry**

Several projects started by mapping the industry to develop a clear picture of the variance in the industry and determine the size and nature of the market for the project. This activity identified the size of the sector and size and nature of the OHS problems they faced. Working out who is in charge of a business was particularly onerous in some sectors where numerous sub-contractors are used or where the workforce was dispersed across multiple worksites. In some projects the mapping exercise was more properly labeled as an audit of HSRs in the sector in which HSRs were located by industry sector and employer.

The audit/mapping exercise was generally carried out by phone, for example, one union asked about 200 employers in the sector: Do you have HSRs? Do you have an OHS Committee? Do you have other arrangements for consultation with workers? Would you like further contact about worker consultation in OHS? Through personal contact they received not only useful information, but also sowed the seeds for potential collaboration by deliberately being seen as helpful rather than adversarial. This range of questions was adequate for first contact in the industry, especially in sectors with many SMEs. For example, it allowed SMEs to indicate that the number of employees was very small and that OHS is dealt with in staff meetings (nearly a
quarter of respondents in one industry) or to ask questions about how consultation might best be dealt with in small organisations. The approach from the union was well received with organisations responding positively to the offer of further contact.

During the life of the first round of the Partnership Program many unions collected current data on new and existing HSRs and OHS Committees. The population of HSRs is fairly fluid; HSRs change jobs, change careers, move interstate, retire and often do these things without informing SWA. Thus at any point in time the database will not be 100% accurate. Data collected by unions during this program could be shared with SWA in order to clean the database; however, privacy provisions need to be kept in mind.

**Recommendation 2**

Given the fluidity of the HSR population, the direct access that the unions have with workplaces and the mapping that is done through the Partnership Program, SWA should give consideration to ways in which the information collected by unions could be used to help maintain the HSR Register, giving due consideration to privacy provisions.

Surveys were also run with HSRs and union delegates in workplaces to ask about strategies for improvement that they thought could be implemented. This enabled the project officer to be selective about priorities. Some considered it important to be able to show an impact quickly so chose to “pick the low-hanging fruit; to pick immediate winners” in order to make a difference with minimum effort and show quick success.

### 4.4.2 Project officer

Most of the Partnership Program projects supported the salary of a project officer to manage the project and provide OHS advice and assistance to officials and worksites. As one participant described it,

> *The Partnership Program funding allowed us [the union] to put other things aside and focus on OHS and HSRs. (Union participant)*

Most project officers were recruited as full-time on the project, a position that unions claimed they could not otherwise support. The experience of this position was so positive in the unions that some unions have chosen to establish an OHS position outside the funding of the Partnership Program; for example one union has established an OHS official who is also responsible for programs for young workers. They expect this position to have significant influence in embedding OHS principles in apprentices who are the future of the industry.

### 4.4.3 Collaboration with employers

A key plank in the projects was being able to build good working relationships with employers as a means to improving worker participation and ultimately workplace health and safety. Some project officers demonstrated considerable persistence in building relationships with industry associations and individual employers with good success. Some participants said that their time spent with employers to reduce their concerns about HSRs was time very well spent and helped to build supportive relationships in the workplace. Especially in SMEs, many managers multi-task because firms do not have specific resources dedicated to OHS; thus OHS can get
side-lined, delegated or left out – until someone is injured. Improving employers’ knowledge was marketed (to employers) as reducing the enterprise’s exposure to risk and this was a positive and acceptable message.

Some projects sought to apply positive lessons from large firms to SMEs. For example, one union arranged an industry seminar and organised a group of HSRs from a large firm to talk to HSRs, supervisors and managers from the same industry. This was effective because it was “peer training”, and it was reported that employers liked the idea because the union involvement was not overt. However, it helped to build a collaborative approach between the management and the union.

In more industrially hostile industries attempts to build or improve relationships with employers were on the whole unsuccessful. Approaches by the union were treated with suspicion or largely ignored.

4.4.4 Working with SWSA

The commencement of the first round of the Partnership Program was swift and there was limited time for SWSA to arrange management of the scheme, as is further discussed below. Despite the uncertain beginnings, several union project officers sought advice and assistance from SWSA in the establishment and maintenance of their projects. These relationships were regarded as positive by all parties concerned. One project called for and established a working group to provide direction for the project and invited a SWSA officer to provide input to the group from time to time.

Overall, the involvement of SWSA officers in individual projects varied in time and content and was driven by the project officers, rather than SWSA, so the projects were clearly the responsibility of the unions, not SWSA. This delineation was important in order to prevent potential conflicts of interest; but SWSA was in a position to provide advice about process and content of projects when called on.

4.4.5 Access to employees

In the absence of union right of entry provisions in South Australia, it was imperative for project officers to work with industry associations and employers to get access to employees. Some project officers negotiated access to lunch rooms, or during toolbox meeting or staff meetings, others were given more open access. During these times they provided information to workers about HSRs, their value to the health and safety of workers, and their value to the organisation.

Some employers (quite properly) checked the credentials of the union approach with their industry association before engaging with the union, so preliminary discussion and negotiation with the industry association for their support was critical as in some instances they acted as a ‘gatekeeper’. In negotiating access project officers encouraged employers to support HSRs, making workers feel it was less risky to stand for election and take on the role. Some project officers regarded this effort as providing breakthrough opportunities in improved relationships with employers that advanced the cause for HSRs.

Enterprise-level interventions resulted in HSRs being able to lead small changes in the workplace that improved OHS. In some industries these changes were very small in cost and time, described by one project officer as “baby steps”, but they had important impact for the workers in the area. In taking small steps HSRs learned how to generate change, got positive feedback and reported an increase in
confidence in their capacity to perform the HSR role.

Talking to employees was the predominant, most time-consuming, and most effective activity in most Partnership Program projects. This was followed with support for the next steps: HSR elections and training.

4.4.6 Culturally and linguistically diverse (CALD) workers

There were workers on S.457 visas in some of the industries covered by the Partnership Program. These workers were regarded as the most vulnerable of the vulnerable by participants in this research. There were reports of general exploitation of these workers that are worrying in themselves, but with respect to the topic of this research the reports about OHS were very concerning. Efforts to recruit S.457 visa holders as HSRs did not succeed because there was limited access to workers in the first instance, there were language barriers and limited access to interpreters, workers were reported to say they believed that taking on the HSR role would result in the loss of their job and repatriation, and workers were found to be unaware of their OHS rights and were not prepared to complain in any case. Some projects used multi-lingual project personnel to improve communication with CALD workers and encourage the appointment of CALD HSRs. Although this was a very valuable resource for raising awareness about OHS amongst these workers, it was not sufficient to allay the fears of S.457 workers sufficiently to enable their election to HSR positions.

4.4.7 Training union officials in OHS

Union officials have a face in industry and a presence in the workplace. It makes strategic and financial sense for a union to give its officials sufficient knowledge and skill to enable them to identify basic OHS hazards, to recognise and encourage potential HSRs, to know when to call in an expert, and to lead the way in collaborative decision-making with management. This is not an ideological stance, but about the public good; collaboration between industrial parties is one of the objects of the current OHSW Act, so using the existing vehicle of the union officials to advance collaborative and constructive approaches to OHS is in keeping with the spirit of the law and should be encouraged.

It is no surprise then that some of the projects included training for union officials in OHS. In these cases the project officer worked with officials to improve their “OHS eyes”. In turn officials, who spend most of their time on work sites were able to inform workers about OHS and HSRs and help the workers recruit new HSRs. One participant described this activity as “talent spotting”. Trained union officials also learned about the fit between OHS and IR. These people were the “feet on the ground” in workplaces and increased the reach of the Partnership Program. They were able to do the “ground-breaking” in specific enterprises so that the Partnership Program project officer could gain access to “sow OHS seeds” more readily later.

The training of union officials in OHS and the role of HSRs so they understand the importance of the role and could encourage it in workplaces was boosted in at least two the projects by the production of OHS information in their union officials’ training course and handbook.

4.4.8 Recruiting potential HSRs

By far the most common and effective strategy for increasing both awareness and
the number of HSRs was the direct approach. Project officers and trained union officials provided assistance to workers in the selection and election of HSRs. Some unions reported a doubling of the number of HSRs in the parts of their industries that they targeted during the life of their projects3 through this effort. This strategy relied heavily on union officials and project officers having direct contact with workers, as one participant described it, “… the real work was done sitting and talking with workers in lunch rooms and at toolbox meetings”.

Following the election of HSRs unions played a role in organising or providing HSR training. That is, they followed up the progress of the newly appointed HSRs and provided a mentoring and supporting role, albeit at a distance.

Many unions reported that workplace management were often supportive and even grateful for the union intervention in HSR recruitment. They reported that the process was useful in building improved relationships between union and management that gave the groundwork for working together because management saw the value in HSRs and their contribution to workplace improvement.

4.4.9 Training for HSRs

A key priority for Partnership Program projects was encouraging HSRs to attend approved HSR training. For newly appointed HSRs this meant Level 1 training in the first instance, but encouragement to attend subsequent years of training was also a priority. Those unions that were able to provide training offered their own services, other HSRs were trained by SA Unions, and Business SA and other providers, such as TAFE, also trained HSRs. The stated advantage of HSRs attending training offered by the various unions was that attendees received training that was designed for their industry sector and trainees had the opportunity to mix with HSRs with different experience but in their industry.

In addition to approved HSR training, some unions provided training sessions on specific issues: for example workplace bullying, manual handling, the psychosocial working environment, communication, consultation, shiftwork, sleep deprivation, and chemicals. Project officers were able to assist in arranging sector-specific training through their own union, another union or SA Unions.

Some employers sought assistance with establishing OHS Committees and this training and facilitation was provided as part of some projects. In these projects the project officer participated in the first few meetings to help set constructive and collaborative working relationships.

Some unions that provided HSR training covered the cost of training as part of their Partnership Program budget. That is, employers of HSRs in those industries were not charged a fee for the training. This applied to Level 1 and Level 2 training.

4.4.10 Conferences and seminars

Many of the projects included mass dissemination of information and networking opportunities for HSRs through conferences or seminars conducted by one or a group of unions. Some of these were held during Safe Work Week, although many

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3 Whilst some of the unions reported increases in HSRs in segments of their industries, these figures cannot be used to quantitatively assess the Partnership Program. Firstly, they may apply to specific sub-sectors within industries and so are not ‘across the board’; secondly, they are confounded by losses of workers and HSRs due to the economic crisis; and thirdly ‘doubling’ may represent very small numbers in industry sectors where HSR numbers were very limited to start with.
were conducted independently throughout the project lifetime. These events enabled HSRs in similar industries/organisations to get together to compare notes and learn from each other as well as learn from the content of the day. They were also an efficient way to enable the union to meet with HSRs, support them, raise awareness and tell them about their entitlements. Generally these events were free to HSRs and funded through the project budget. It was reported that employers generally allowed employees to attend in paid time, but if not, then some projects had budget allocation to recompense HSRs for their time.

4.4.1 Preparation of information materials

There was a wide range of industry-specific products produced as part of the Partnership Program. These included information materials specifically directed at HSRs:

- several detailed HSR handbooks,
- a shirt pocket-sized information booklet, and
- a DVD.

Other materials were directed at workers more broadly and included information on OHS and HSRs. These took the form of:

- leaflets and newsheets,
- posters using union members rather than actors for the images,
- flyers and brochures about the need and importance of HSRs,
- email mailouts, and
- websites.

Some of these efforts were directed to workers through their HSRs thus providing the HSR with additional support and information.

4.5 What could be done better

There are some important lessons that can be learned from the experience of the first round of the Partnership Program. Some of these relate to the scope, content and administration of projects. Others relate to OHS consultative processes more generally, particularly in relation to the changing regulatory environment.

4.5.1 Administration of the Partnership Program

Participants reported that the first round of the Partnership Program was administered carefully and well by SWSA. The effort within SWSA was split between the Policy area and the Workplace Consultation area. In the first round there was little opportunity for preparation for the Partnership Program by SWSA prior to the announcement of the scheme by the Minister, thus there was little support and guidance for prospective grant holders in the development of their projects. Union participants overwhelmingly praised the role that SWSA took, but would have appreciated more input to the development of projects and advice about content, collaboration with employers, and delivery. Realistically this could only be provided if additional resources were made available for the purpose within SWSA. There is a tight fit between the objects of the Partnership Program, the nature of the projects and the Workplace Consultation Help Centre, and it is here that dedicated resources could be expected to be placed. It would be reasonable to expect that some of the budget for the Partnership Program could be quarantined to fund SWSA’s support
role.

**Recommendation 3**

Unless other funds are forthcoming, SWSA should quarantine some of the budget for the Partnership Program to fund SWSA’s support role for the Program. The funds should cover both the administration of the Program and advice to assist unions with the development of effective projects.

**4.5.2 Cross-fertilization between projects**

During the Partnership Program first round some unions combined forces in the development of resources, the provision of training, and the conduct of conferences. There was general agreement that significant improvements in outcomes could be gained from a formally coordinated approach to projects. A simple way to arrange this could be in the form of regular seminars facilitated by SWSA for union participants to discuss what works and what doesn’t, the nature of their projects, and what helps or hinders progress. Seminars for both union participants and employer associations might also be considered as a means of advancing the potential for a collaborative approach to improving worker participation in OHS through the Partnership Program.

**Recommendation 4**

SWSA should organise seminars for union participants to enable them to learn from each other’s projects; and for unions and employer associations as a means of advancing the potential for a collaborative approach to improving worker participation in OHS through the Partnership Program.

**4.5.3 The role of the regulator**

Many of the identified failures of HSR-Management relationships in the workplace may arise from the lack of understanding of the HSR role by employers, lack of appreciation of the value of the role, combined with the failure of management to provide adequate resources to support the role. Some of these problems arise because OHS is delegated to a person in the organisation who has limited understanding of OHS and the legal obligations of management. Despite the HSR role being on the statute books for 25 years, these issues remain a concern.

The role of the regulator in providing guidance to HSRs and employers is key to improving understanding at industry and enterprise level. SWSA staff have been instrumental in providing training to OHS Committees and giving guidance to HSRs and employers when they have difficulties in consultative arrangements or seek advice about process. The regulator may determine the adequacy of default notices and endeavours to take a balanced view. They may provide assistance to HSRs to ensure that due process is followed and advise on how best to negotiate with employers to reach a satisfactory outcome. Participants in the focus groups praised the role of SWSA, and in particular the Workplace Consultation Help Centre for the quality and timeliness of advice they give.

From the regulator’s perspective, it is more difficult to deal with essentially intangible relationship and management matters than it is to deal with regulatory infringements in the tangible, physical working environment. However, many
respondents to this research identified the need for a more activist and interventionist regulator to assist firms to develop effective consultative processes and to take action when there is failure to comply with regulation. In industries with hostile industrial relations the role of the regulator is arguably more important and more difficult, and it is in these sectors that criticism about the effectiveness of the regulator in OHS consultation was most vocal. Several factors underpin the capacity of the regulator to act in this area. There would need to be: a systematic approach, the capacity to support the approach in time, staff and other resources, and an effective and well-maintained HSR Register. Without this infrastructure the capacity of the regulator to assist employers and HSRs and to use sanctions and act in this area is limited, as we see today.

Recommendation 5

SWSA should develop the infrastructure and capacity to improve the regulatory response in the area of OHS consultation. This needs a systematic approach, the capacity to support the approach with time, staff and other resources, an effective and well-maintained HSR Register, and the preparedness to use sanctions when appropriate.

4.5.4 The SWSA HSR Register

HSRs as well as participants from unions and industry were clear about the importance of maintaining the SWSA HSR Register. Concerns were expressed about the potential to lose this important resource following harmonisation. Other participants were concerned about the state of the existing HSR Register and considered that the onus should be on employers to advise SWSA of changes to HSRs and OHS Committees. As one participant put it,

*If effective participation is important to healthy and safe work places, then the system needs to be serious about collecting and maintaining information about HSRs and OHS Committees. Employers should be required to let the regulator know these details and this should be enforced.* (Union participant)

Some industries are characterised by large numbers of casual and contract workers or have fluid workplaces where workers work on site locations (eg construction workers on building sites, or carers in people’s homes). Participants in such industries found it difficult to be precise about the number of existing HSRs or their identity, but expected these people could be found on the HSR Register. Participants considered there was potential to lose the HSR Register following harmonisation and they looked on this as a gloomy prospect. They suggested that losing the requirement to report about consultative arrangements under harmonised law would be a significant loss. Some participants compared the maintenance of the HSR Register as being similar to checking on the various licenses that workers must hold in order to perform certain work; that is, not a difficult task, but one that provides basic information for the regulator and requires some resources.

A particular concern about the potential loss of the HSR Register is the impact the loss might have on HSR training and the restriction in the use of their powers. This is discussed further in Volume 1; suffice it to say here that participants perceived the need for HSRs’ election and training to be registered with the regulator given the forthcoming requirement that HSRs be trained before they are able to use their
powers. It was unclear to participants how a HSR proves they have been appointed on a particular date or trained unless such a register is maintained.

**Recommendation 6**
SWSA should maintain the HSR Register following harmonisation of OHS law. The HSR Register should provide an additional regulatory resource to support HSRs, HSR training, the HSR-management relationship, and provide evidence to enable the use of regulatory sanctions where appropriate.

**4.5.5 Consultation with employers**

The spirit of our OHSW legislation is to encourage constructive collaboration between the industrial parties, employers and employees. Some unions effectively provided services to employers under the Partnership Program and extended the capacity of their projects to achieve positive outcomes as a result. In these projects employers learned about the positive aspects of trained HSRs and learned the value of supporting the role. This experience could be incorporated into future rounds of the Partnership Program. Some unions identified lack of consultation with employers as a weakness in their projects, the ‘missing link’ that would have enabled better outcomes and improved industrial relationships.

Gaining access to workers was difficult in many industries, especially where there had been limited consultation with employers. For example, there would be qualified support for the union to attend a staff meeting held at the end of the working day, but on arrival they would find themselves scheduled at the very end of the meeting, or even after the meeting was formally closed when employees were keen to leave. In these circumstances a rallying point only existed if there was a current OHS issue that galvanized attention.

A major barrier for many Partnership Program projects at organisation-level was that employers failed to understand the HSR role or value it and provided no overt support to HSRs. In these circumstances there was little incentive for people to volunteer for the role and ‘put their head above the parapet’. Active consultation with employers in these circumstances could be a path to success.

**4.5.6 Accredited training**

Some HSRs liked the idea of gaining accreditation for HSR training and wanted the opportunity to undertake assessment activities. HSRs, union and industry participants considered that portability of the training from one organisation to another and national recognition of the training would be highly desirable. Some HSRs find the idea of accreditation for the effort put into training desirable because HSR training can be the first step on a path to a new career. There was support for the accreditation of HSR training to allow portability and to enable the studies to be counted towards relevant qualifications. Effort needs to be spent on alignment of HSR training with relevant VET qualifications. This could be divided into core, representative training along with optional electives that are industry-specific or hazard-specific.

**Recommendation 7**
SWSA should commence negotiation with SWA, other regulators, unions and industry associations to establish accredited, competency-based HSR training that
has national recognition and portability. HSRs should be able to choose to participate.

For some HSRs undertaking training was itself daunting and the very idea of assessment would be a disincentive to participate. Therefore, there was a clear caveat on the support of accreditation: being able to seek accreditation for HSR training should be voluntary so that people have to ‘opt-in’ to accreditation, rather than ‘opt-out’.

Recommendation 8
HSRs should be able to voluntarily choose to opt-in for assessment for any accredited HSR training program that might be developed.

4.5.7 Block training for HSRs

It was generally agreed that five days training in a row is a difficult prospect for workers and employers alike in many sectors. Workers may have limited experience of formal training and find the prospect a significant challenge. They may feel guilty about being away from work, often without being back-filled, and feeling as though they are increasing the work burden of their peers. The division of Level 1 training into a 3-day followed by a 2-day session is very common, indeed the norm and this was well received by participants. Some participants suggested that a division of training into core training and industry/role specific training might be a further refinement. There can be real benefit in undertaking core training on the law, the HSR role and powers, negotiation skills, and basic risk management in an undifferentiated group representing different industries. There is perceived benefit in workers being exposed to the experience of other industries. Training on industry specific risks could follow in the second training block. The networking with HSRs from other industries and their own industry was considered an invaluable adjunct to the formal content of the training.

4.5.8 Upskilling union officials

Those unions that put resources into training general union officials in OHS reported that they reaped significant rewards as discussed above. Although some unions specifically targeted union officials and trained them in basic OHS matters, there remains a gap in this area.

OHS is a basic need and right of workers and as such is a legitimate area of concern for unions. Indeed, some union participants asserted that unions have a responsibility to effectively deal with OHS issues because they affect their members; although most officials place their priority on the negotiation of enterprise agreements. OHS is a strategically important area where unions can make a difference in the workplace and can do this in a constructive manner, as our current legislation encourages. However, most of the unions involved in the Partnership Program did not continue to fund a dedicated resource for OHS following the conclusion of the first round, despite recognising its strategic importance. There is a mismatch between rhetoric and practice within some unions that espouse the fundamental importance of OHS to their members but fail to provide adequate resources to deal with it. Ironically, it is similar to the attitude of some senior managers in industry who emphasise the importance of OHS but fail to adequately resource it. The difference is that senior managers in industry have a regulatory
duty to provide a safe workplace, whereas for unions, a focus on OHS is about strategic service delivery to their members.

Union participants in several industries were concerned about under-reporting of injuries and incidents. Union officials have access to knowledge about this because they are in workplaces, build rapport with workers, and regularly talk to and listen to workers. In some industries the attitude that the risks of work and burn-out are “part of the job” continues to prevail, while in others self-less workers tend to put the needs of their customers and clients before their own. Trained union officials are well placed to hear these stories and take action that can make a difference.

4.5.9 Projects with SMEs

In general, the larger the workplace the more structure and formality that exists in OHS systems and the more capacity there is to support HSRs and OHS Committees. That said, some participants observed that larger employers are likely to have better paperwork but may not take action on the ground to improve OHS. However, participants agreed that SMEs are a prime target for improvement because they are generally more poorly equipped to deal with OHS matters, and there are many more SMEs than large organisations in South Australia.

SMEs were universally regarded as a group that requires labour-intensive effort to make a difference. Many small employers have no need for formal consultative or participative processes because effective communication can be simple and informal when few people are involved. However, there are many in the medium-sized category where formal processes are required but do not exist. SMEs exist in most of the industries covered by the Partnership Program and were identified as a group where it was more difficult to make a difference simply because of the numbers of enterprises and the time required to engage with them.

It is in the domain of SMEs where innovative provisions for employee engagement in OHS could be considered in the future, both in a regulatory sense and as part of a Partnership Program project. For example, HSRs could be ‘shared’ amongst similar workplaces (within a shopping centre for example) or occupational groups (such as different trades on building sites), or across locations in one enterprise. Various models could be pursued along the lines of ‘roving reps’ that have been used in Victoria and Sweden. Such systems could allow effective worker representation in highly disaggregated workplaces.

Recommendation 9

SWSA should, with the industry partners, pursue innovative models for worker participation in OHS in SMEs.

Some union participants planned to provide training for SME employers in future projects as part of a push to raise awareness and increase the number of HSRs. As part of that plan, the union would budget for the cost of training HSRs as part of the project.

SMEs were seen as the chief area of concern for participants in this research. Many large organisations, particularly those that are self-insured, have effective and formal OHS management systems and HSRs are seen as ‘part of the landscape’, HSRs’ legal status is understood and the organisation is regularly audited by WorkCover. In these organisations the HSR role is not as contested as it appears to be in smaller organisations.
5. Conclusion

Participants in this research expressed a high degree of pragmatism about the capacity to influence change. Overall, there was agreement that the majority of people in industry, on both sides of the industrial fence, want to achieve healthy and safe workplaces and are prepared to put some level of resourcing into achieving that end. As one industry participant summarised “the view from the board room”,

...what we need is a truly consultative model with a common sense approach and working from the basis that the employer is not out there to do the wrong thing. (Industry participant)

The Partnership Program demonstrates that there are many people prepared to give the benefit of the doubt to industry partners, take the plunge and work together to improve health and safety at work. The Partnership Program provides an important and effective means of achieving this through establishing improved, collaborative relationships. It provides an opportunity to nurture new HSRs, to train them, support them and encourage them to lead their peers to work together with their employer to achieve their common OHS goals.

On the other hand there are outliers, for whom legislation suggests unattainable goals and the thought of collaboration with industry partners is anathema. Where they are held, these views are significant barriers to change. During this research there were many stories about inappropriate management responses to apparently reasonable requests and ideas from workers and HSRs. As one person put it,

Some managers shouldn’t be allowed to manage other human beings because they don’t have the skill, and don’t know how to deal with power. (HSR)

Organisations and industries with toxic relationships, management hostile to worker engagement, and workers distrustful of management, can still benefit from the Partnership Program. It takes persistence, optimism, and time and effort, but the baby steps are worth taking because they move in the direction of improved work health and safety.

The Partnership Program has operated quietly in key industries in South Australia for the last three years. It has made a difference and will continue to do so with support from SWSA and the industry partners.
6 Summary of recommendations

Recommendation 1
In future rounds SWSA should consider how to effectively market the Partnership Program and disseminate information about its impact and progress during the establishment of the grants.

Recommendation 2
Given the fluidity of the HSR population, the direct access that the unions have with workplaces and the mapping that is done through the Partnership Program, SWSA should give consideration to ways in which the information collected by unions could be used to help maintain the HSR Register, giving due consideration to privacy provisions.

Recommendation 3
Unless other funds are forthcoming, SWSA should quarantine some of the budget for the Partnership Program to fund SWSA’s support role for the Program. The funds should cover both the administration of the Program and advice to assist unions with the development of effective projects.

Recommendation 4
SWSA should organise seminars for union participants to enable them to learn from each other’s projects; and for unions and employer associations as a means of advancing the potential for a collaborative approach to improving worker participation in OHS through the Partnership Program.

Recommendation 5
SWSA should develop the infrastructure and capacity to improve the regulatory response in the area of OHS consultation. This needs a systematic approach, the capacity to support the approach with time, staff and other resources, an effective and well-maintained HSR Register, and the preparedness to use sanctions when appropriate.

Recommendation 6
SWSA should maintain the HSR Register following harmonisation of OHS law. The HSR Register should provide an additional regulatory resource to support HSRs, HSR training, the HSR-management relationship, and provide evidence to enable the use of regulatory sanctions where appropriate.

Recommendation 7
SWSA should commence negotiation with SWA, other regulators, unions and industry associations to establish accredited, competency-based HSR training that has national recognition and portability. HSRs should be able to choose to participate.

Recommendation 8
HSRs should be able to voluntarily choose to opt-in for assessment for any accredited HSR training program that might be developed.
Recommendation 9
SWSA should, with the industry partners, pursue innovative models for worker participation in OHS in SMEs.
7. References
