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Our approach to worker engagement, participation and representation

About this position

This position outlines our expectations for a person conducting a business or undertaking (PCBU) in relation to worker engagement, participation and representation to help create safer and healthier workplaces.

Why are worker engagement, participation and representation important?

When workers are involved, engaged, and represented, it leads to healthier and safer work. It also boosts business performance and productivity because it helps businesses make better decisions. Workers who help create safer work systems often suggest practical, cost-effective ideas and are more likely to put them into use.

What does the law require?

The Health and Safety at Work Act 2015 (HSWA) requires that a PCBU:

- engage with workers
- have practices that provide reasonable opportunities for ongoing worker participation in improving health and safety, and
- on request from a worker, initiate the election of health and safety representatives (HSRs).

Additionally, the Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016 (the Regulations) have more detailed requirements about work groups, the election and office of HSRs, training requirements for HSRs, and Health and Safety Committees (HSCs).

A PCBU should regularly discuss health and safety issues at their work with workers. There are extra requirements for worker engagement, participation and representation in the mining, petroleum, and major hazard facilities sectors.

What is worker engagement, participation and representation?

Each PCBU determines the best way to meet its duties subject to any requirements under HSWA and the Regulations. What is reasonable and effective will depend on many factors, including workers' views and needs, the size of the organisation and the nature of its risks. However, HSWA also requires engagement in certain circumstances, such as when identifying hazards and assessing risks to work health and safety arising from the work carried out by the PCBU.

Engagement with workers requires PCBUs to:

- share relevant information with workers and advise them of outcomes in a timely manner
- give workers a reasonable opportunity to express their views, raise health or safety issues, and contribute to decision-making processes, and
- take into account workers' views.

Participation is a way for workers to raise health and safety issues, suggest improvements, and contribute to decisions about workplace health and safety. A PCBU that has good worker participation will:

- frequently give workers chances to raise issues or suggestions
- ensure workers know how to participate and make use of these opportunities, and
- have decision makers who listen to and act on workers' issues or suggestions.

Representation refers to workers electing one or more workers to be their HSR to represent them and carry out different functions in relation to health and safety matters. The HSR needs to undertake certain training before they can exercise some of their powers (such as issuing a provisional improvement notice) and the PCBU must allow HSRs to attend such training. The HSR doesn't need to be part of a union.

What are our expectations about worker engagement, participation and representation?

Engagement, participation and representation are connected duties. Actions taken to fulfil one of those duties also often help fulfil the others. In essence, the duties involve starting and keeping up a conversation about health and safety at work.

Every worker must have a reasonable opportunity to express their views and the PCBU must take those views into account when decisions are made.

We expect PCBUs to:

- have deliberate and effective plans for involving workers and supporting their participation
- encourage workers to ask questions about how well their engagement and participation practices are working
- empower HSRs to effectively support worker engagement, and
- hold elections for an HSR, if a worker requests it. Likewise, all PCBUs must set up an HSC if it is requested by an HSR or five or more workers.

What's our approach to worker engagement, participation and representation?

We assess a PCBU's engagement, participation and representation practices when working with them.

When our inspectors visit a workplace, we ask questions, provide relevant information and, if needed, require the PCBU to make improvements.

We may consider enforcement

We may consider an enforcement response if:

- a PCBU doesn't have the necessary processes for worker engagement, participation and representation in place, or
- worker engagement and participation aren't working effectively, and the PCBU shows no evidence of addressing the issue properly.