



**UNDERPINNING PRINCIPLES &
PROPOSED LEARNING OUTCOMES
FOR THE DEVELOPMENT OF A
REGULATOR-APPROVED HEALTH
AND SAFETY REPRESENTATIVES
(HSR) TRAINING CURRICULUM
(INITIAL 5-DAY COURSE)**

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BACKGROUND INFORMATION

One of the aims of introducing model Work Health and Safety (WHS) legislation in 2011 was to ensure consistency across jurisdictions in relation to Work Health and Safety Regulation 2011, including workplace consultation, representation and participation arrangements.

Part 5 of the model Work Health and Safety Act sets out the workplace consultative arrangements between a person conducting a business or undertaking (PCBU) and workers to encourage consultation, representation and participation to jointly monitor work health and safety (WHS) issues and to work together to improve WHS standards. These mechanisms include:

- the formation of work groups (WGs) and Health and Safety Committees.
- the election of HSRs with powers to raise health and safety issues and entitle them to information; and
- duties on PCBUs to consult with HSRs on WHS issues in certain circumstances.

The consultative arrangements are enabling in character and are designed to provide a broad and flexible framework to facilitate workers and PCBUs to address WHS issues.

Through the establishment of WGs and the election of HSRs, the aim is to provide a mechanism by which WHS issues can be identified and resolved at a local level. The model WHS Act imposes on PCBUs a duty to consult with workers to ensure there is a mechanism by which workers are involved in decisions on WHS or proposed changes to the workplace that may affect the WHS of any member of the WG. The formation of WGs and the election of HSRs are to facilitate the representation of workers in this process.

There are no pre-requisites to be an HSR, other than to be an elected member of the work group. Once elected, HSRs are conferred with a range of powers and functions by the model WHS Act, some of which require completion of HSR training. The legislation does not impose obligations as such on HSRs.

HSRs play a key role in the prevention of workplace injury/illness and in the promotion of good WHS practice. An HSR's powers and functions vary from investigating work health and safety complaints to issuing provisional improvement notices (PINs).

AGREED APPROACH TO TRAINING

Under the WHS Act, HSRs, if they request to, are entitled to attend training as prescribed in the regulations. Training is not a requirement; however, HSRs will not be able to exercise all their powers if they have not undertaken the approved course of training (i.e. issuing PINs).

The following underpinning principles have been identified and adopted by WHS regulators to ensure an effective and consistent approach to the development and delivery of HSR training across jurisdictions.

- **HSRs are not formally assessed**

The intent of the HSR training curriculum is to provide HSRs with the knowledge and skills to represent their WGs and exercise their powers and functions under the WHS Act. The HSR training curriculum is not intended to train HSRs to be health and safety professionals or to fulfil a PCBU's obligations in relation to WHS.

While HSR training is non-competency based and not formally assessed, it is acknowledged that participation in an HSR training course approved under the WHS Act may provide an HSR with the motivation and/or confidence to pursue more formalised training or seek recognition leading to a vocational qualification, should they wish.

- **Adult learning principles**

Adults learn in different ways and bring to the learning environment a range of experiences from diverse backgrounds and workplaces. The HSR training curriculum content and activities are designed to build on this experience and diversity to provide HSRs with the skills and knowledge to represent their WGs.

It is expected that the training will be responsive to the input of adult learners and training delivery will have to have the capacity for the participants to contribute and reflect upon their own workplace experience.

- **Workplace focused**

The majority of adults like to see the relevance of what they are learning to their work and life. Therefore, it is important that content is framed in such a way to enable participants to understand or make a link between the curriculum content and their workplace experience / situation. Activities need to allow time for individual participants to relate their skills and knowledge to industry specific WHS issues.

- **Inclusivity**

Factors such as age, gender, culture, disability, language, literacy, numeracy need to be considered and accommodated when developing and delivering the HSR training course. Content and activities need to encourage participation from groups with special needs (for example, those with low literacy levels or from a culturally diverse background).



The principles of plain English and gender-neutral language need to be adopted in the training materials and training delivery to ensure participants feel comfortable and confident to interact with one another and participate fully in training activities. The use of the 'active voice' needs to be used in preference to 'passive voice' to engage participants by addressing them directly.

- **Activity-based**

The majority of adults are more likely to learn in circumstances where they are actively involved rather than passively observing. A range of workshop-based activities (such as group work, case studies and workplace simulations) can be utilised to provide opportunities for participants to further develop and practice the required knowledge and skills. The aim of all activities should be to ensure participants have the opportunity to interact with one another and find common solutions to workplace issues.

- **Accommodates differences in learning styles**

The course content caters for differences in the learning styles or special needs of the participants. A variety of media (e.g. print, visual, audio etc) and activities (trivia quizzes, games, role plays) are able to be utilised to ensure all learning styles can be accommodated.

- **Learner-centred**

A learner-centred approach underpins the development and delivery of the training course, where the focus is on the achievements of the participant, rather than the intentions of the trainer. Participants are encouraged to engage with other HSRs and share their various perspectives and experiences, including opportunities for self-reflection.

- **Commitment to safety**

Training content and activities are developed and delivered with the safety and welfare of participants being of primary concern. Training providers must ensure that all facilitators adhere to the approved training guide and commit to providing a safe learning environment, that encourages interaction, questioning and challenging in a non-judgemental manner.



PROPOSED LEARNING OUTCOMES FOR THE INITIAL 5-DAY COURSE FOR HEALTH AND SAFETY REPRESENTATIVES



This document contains information on the proposed learning outcomes of the Initial 5-Day Course for Health and Safety Representatives (HSRs).

The learning outcomes have been grouped under several learning objectives, which collectively represent the body of knowledge and skills that would support newly elected HSRs in fulfilling their representative role in an effective and capable manner.

The learning objectives are presented in no particular order and are not intended to suggest a proposed sequence of course delivery or content.



SUMMARY OF THE LEARNING OUTCOMES

Table 1 outlines the learning objectives and their intended learning outcomes. Table 2 details the expected learner application of the Learning Outcomes.

Table 1. The learning objectives and their intended learning outcomes.

Learning Objective	Learning Outcome
Interpreting the work health and safety legislative framework and how it relates to the role of an HSR	1. Provide an overview of the historical context and evolution of OHS legislation and practice 2. Outline the objectives of the WHS Act 3. Identify elements of the legislative framework as they relate to the role of the HSR 4. Describe the role and functions of the WHS Regulator 5. Articulate the safe work approach to work health and safety issues as presented in the legislation
Identifying key parties and their legislative obligations and duties	1. Summarise the duties and responsibilities of PCBUs under the legislation 2. Compare the duties and responsibilities of officers, workers and other parties 3. Describe the role and functions of an entry permit holder 4. Identify and discuss the range of penalties for offences of non-compliance as applied under the WHS Act
Establishing representation in the workplace	1. Outline the purpose and formation of a workgroup (or workgroups) within the workplace 2. Describe the process and formation of multiple business workgroups 3. Summarise the election process for Health and Safety Representatives (HSRs)/ Deputy HSRs and disqualification provisions 4. Explain the role and responsibilities of a Health and Safety Committee (HSC) and other mechanisms for representation 5. Identify the entitlements, rights and protections of an elected HSR/Deputy HSR
Participating in consultation and issue resolution as an HSR	1. Describe the nature of the consultation process with workers as required of the primary PCBU by the Act 2. Identify a range of strategies that support the consultation process 3. Use negotiation skills and strategies to resolve work health and safety issues 4. Use conflict resolution skills and strategies to represent a work group and consult with the PCBU 5. Provide an example of how an HSR can represent workers 6. Explain the benefits of effective representation and constructive consultation between PCBU, other duty holders and workers



Learning Objective	Learning Outcome
Monitoring PCBU's management of work health and safety risks	1. Summarise the legislative duties and responsibilities of various PCBU's to manage risks to the health and safety of workers and other persons at the workplace 2. Explain how a PCBU could identify WHS hazards within the workplace and how an HSR can monitor these activities 3. Identify different ways PCBU's can evaluate risk control measures and explain the role of an HSR in this process 4. Identify different ways PCBU's can monitor and evaluate risk control measures 5. Explain the PCBU's obligations in relation to incident notification 6. Identify the type of assistance or support HSCs and Inspectors can provide an HSR
Issuing a Provisional Improvement Notice (PIN) and Directing the Cessation of Work	1. Provide an overview of Provisional Improvement Notices 2. Explain the features and content of a PIN 3. Describe the range of actions arising once a PIN is issued and identify who would take these actions 4. Undertake a practical activity relating to the writing of a PIN 5. Provide an overview of the right to cease, or direct the cessation of, unsafe work





Table 2. The expected learner application of the Learning Outcomes.

Learning Objective	Interpreting the work health and safety legislative framework
Description	To understand the context and purpose of their representative function, HSRs, need information about the historical antecedents that have informed and shaped current work health and safety principles and legislation. Skills that HSRs need to develop include the ability to analyse and interpret a range of materials and explain their meaning to others in their workplace.

Learning Outcomes	Expected Learner Application
1. Provide an overview of the historical context and evolution of OHS legislation and practice	1a Explain key concepts in the evolution of OHS within Australia including: the careless worker theory; relevant State specific legislation / reviews, the influence of the Robens Report (UK) and the movement towards WHS Harmonisation within Australia 1b Discuss the range of social and economic costs associated with workplace injury and illness 1c Identify sources of data on workplace injuries, illness and incidents relevant to their work group's occupational classifications and/or industry sector
2. Outline the objectives of the Work Health and Safety (WHS) Act	2a Explain the underlying objectives and principle/s of the WHS Act and the significance of these to the health and safety of workers and other persons 2b Explain key concepts underpinning the principles that apply to all duties persons have under the Act 2c Identify and use key terms contained within the Act accurately, in accordance with their defined meaning 2d Explain how the role of the HSR relates to these objectives
3. Identify various elements of the legislative framework	3a Compare and discuss WHS legislation (Act and Regulations); codes of practice, relevant industry / Australian standards, Regulator specific guidance materials / position papers to demonstrate their legal status, purpose and relationship to each other 3b Locate, reference and appropriately apply key sections of the WHS legislation (Act and Regulations) together with approved Codes and guidance material, relevant to their industry sector / workplace





Learning Outcomes	Expected Learner Application
	3c Identify and explain the legislative and socio-economic links between work health and safety, workers compensation and the rehabilitation of injured workers
4. Describe the role and functions of (the Regulator)	4a Explain the role of the Regulator by listing practical examples of how the Regulator exercises its functions and powers to secure compliance with WHS legislation (Act and Regulations) 4b Identify and access the appropriate support services and resources provided by the Regulator of relevance to the functions, powers and entitlements of HSRs 4c Explain the role of an inspector 4d Identify the different circumstances under which an HSR would have contact with / receive assistance from an Inspector
5. Articulate the safe work approach to work health and safety issues as presented in legislation	5a Describe the preferred approach to resolving work health and safety issues, inclusive of a safe work approach, rather than a safe person approach 5b Identify the characteristics of a safe workplace culture 5c Explain the impact that the establishment of a safe workplace culture may have on reducing / minimising the socio-economic impacts of workplace injuries and illness





Learning Objective	Identifying key parties and their legislative obligations and duties
Description	To fulfil their role effectively, HSRs need to be able to critically evaluate their workplace environment and structure and distinguish between the differing legislative responsibilities and obligations of various parties. HSRs will be able to identify and explain to key parties the potential consequences of not meeting their obligations under the Act.

Learning Outcomes	Expected Learner Application
1. Summarise the duties and responsibilities of PCBU's under the legislation	1a Define the term PCBU 1b Identify all PCBU's of relevance to the HSR's WG / workplace/ industry sector, and summarise their duties, with reference to the appropriate sections of the Act as relevant. 1c Explain, by using examples of relevance to the WG, what is meant by "reasonably practicable" as it applies to a PCBU
2. Compare the duties and responsibilities of officers, workers, and other parties	2a Compare the duties and responsibilities of an "officer" and those of the primary "PCBU", as these relate to their workplace, and explain the differences between them 2b Explain what is meant by "due diligence" in connection with the duties and responsibilities of an officer 2c Identify all officers, workers and other parties within your WG/ workplace who would have a duty, as defined under the Act, of relevance to the functions and powers as an HSR
3. Describe the role and functions of an entry permit holder	3a Identify the ways in which an entry permit holder can provide assistance to an HSR 3b Identify the conditions by which an entry permit holder may enter a workplace 3c Summarise any conditions / constraints contained in the WHS legislation placed upon entry permit holders
4. Identify and discuss the range of penalties for offences for non-compliance as applied under the Act	4a List the range of penalties for breaches of the WHS legislation 4b Match a range of persons /parties in their workplace with hypothetical examples of non - compliance with work health and safety legislation / regulations and explain the particular legislative consequences that could be applied for each example



Learning Objective	Establishing representation in the workplace
Description	HSRs require knowledge of their entitlements and protections under the legislation to fulfil their role effectively. HSRs need to be able to explain the contribution their representative role can make, through raising work health and safety concerns of their work group. HSRs need to be able to utilise the representative processes outlined in the WHS Act and know where to access various support mechanisms available to them.

Learning Outcomes	Expected Learner Application
1. Outline of the purpose and formation of a workgroup (or workgroups) within the workplace	1a Explain the definition and purpose of a work group 1b Summarise the responsibilities of the PCBU in relation to the formation of work groups (i.e. From initial request to establishment) 1c Identify the range of matters / factors that must be taken into account by the PCBU when negotiating the establishment of work groups with workers or their representatives 1d Discuss issues that may affect fair and effective representation in the workplace, particularly for persons/groups with special needs 1e Identify and compare work health and safety matters that illustrate the range of circumstances under which work groups can be formed 1f Identify and explain the circumstances under which existing work groups could change, resulting in fresh negotiations to form new work groups in the workplace 1G identify the range of options available to the parties involved, if negotiations regarding the establishment of a work group, fail.
2. Describe the process and formation of multiple business workgroups	2a Explain the responsibilities of applicable PCBUs in relation to the formation and operation of multiple business workgroups 2b Identify the restrictions placed on negotiations for the agreement of multiple business workgroups
3. Summarise the election process for Health and Safety Representatives (HSRs) /	3a Summarise the respective obligations of workers in a work group and the PCBU when an election of an HSR is to be conducted



Learning Outcomes	Expected Learner Application
Deputy HSRs and disqualification provisions	3b Identify sources of assistance to conduct an election that can be obtained (if so, determined by the majority of work group members) 3c Suggest a range of election methods that work groups could adopt to elect their HSRs and Deputy HSRs 3d Confirm the term of office as an elected HSR or Deputy HSR 3e Identify the range of circumstances that would result in an HSR no longer being able to represent their work group or hold office 3f Identify under what conditions and the different processes that an application to disqualify an HSR can be made and by whom 3g Identify who is responsible for determining disqualifications of HSRs in [your jurisdiction] 3h suggest reasons why PCBUs are obliged to display and maintain lists of HSRs in their places of work/ business/ undertakings.
4. Explain the role and responsibilities of a Health and Safety Committee (HSC) and other mechanisms for representation	4a Outline the legislative basis for establishing an HSC 4b Describe the role, composition and functions of an HSC 4c Describe the obligations and duties of the PCBU in relation to: - the operation and function of an HSC and - provision of support to HSC members 4d Clarify, compare, and contrast the nature of the representative role of an HSR for their work group with that of a Safety Committee Representative on an HSC 4e identify particular groups of employees in the HSR's workplace and provide examples of various mechanisms for their representational needs to be met
5. Identify the entitlements, rights and protections of an elected HSR/Deputy HSR	5a State the various entitlements an elected HSR of a work group in regard to training 5b Identify any legislative restrictions on the functions of an HSR, if initial HSR training (i.e. 5-Day course) is not undertaken 5c Explain the legislative protections afforded an HSR in carrying out the role as an elected HSR



Learning Outcomes	Expected Learner Application
	5d Provide practical examples of how the PCBU's, with responsibilities for a workplace, could meet their various obligations towards an HSR (with reference to the Regulations if necessary) 5e Locate the exceptions to the PCBU's obligations towards an elected HSR, as listed in the legislation and give reasons for why these exceptions would exist 5f Explain the circumstances under which an HSR can seek to have decisions made by a WHS Inspector reviewed and describe the process the HSR would follow 5g Explain how an elected HSR is a key link between the work group and management in matters relating to work health and safety.



Learning Objective	Participating in consultation and issue resolution as an HSR
Description	To fulfil their role effectively, HSRs will need to practise interpersonal and communication skills (including active listening). These, together with analytical and problem-solving skills, will be required as HSRs negotiate for the resolution of any identified work health and safety concerns, using the consultative processes outlined in the legislation.

Learning Outcomes	Expected Learner Application
1. Describe the nature of the consultation process with workers as required of the primary PCBU by the Act	1a Define what effective consultation between PCBUs and workers on matters relating to work health and safety means 1b Identify when the PCBU is required to consult with workers and elected HSRs 1c Identify the sources of information a PCBU is required to provide an HSR under the WHS legislation 1d Identify the various forms / ways information (in general) can be shared to enable effective consultation to occur between PCBUs and workers 1e Provide examples to illustrate reasonable opportunities for workers (including those with special needs) to express their views had been provided 1f Identify and abide by any confidentiality requirements pertaining to information collected from, or provided to HSRs, HSCs, PCBUs or any other relevant persons
2. Identify a range of strategies that support the consultation process and issue resolution / negotiation processes	2a Identify the appropriate management personnel to engage in the consultation and negotiation process. 2b Identify strategies to build and maintain constructive relationships with management, health and safety committees, members of your work group and others. 2c Suggest ways for following established workplace (or default) procedures relating to consultation and issue resolution. 2d Provide a minimum two examples of effective consultation between workers and PCBUs to resolve a work health and safety issue. 2e Discuss the reasons why an HSR would keep records/ documents of relevance to work health and safety matters/ issues in your workplace.



Learning Outcomes	Expected Learner Application
	2f Identify the different types of records / documents an HSR would keep and the method/s to securely store them for ongoing / future reference
3. Use negotiation skills and strategies to resolve work health and safety issues	3a Provide a definition of negotiation 3b Discuss the principles and process of negotiation in general 3c Suggest various strategies/tools an HSR could use during the negotiation process, to help resolve identified WHS issues 3d Identify and source external resources / means of assistance available to an HSR when negotiating and resolving WHS issues 3e Use negotiation and communication skills to demonstrate how an HSR would represent a relevant party or stakeholder, based on an appropriate case study or scenario
4. Use conflict resolution skills and strategies to represent a work group and consult with the PCBU	4a Identify a range of factors/ barriers that could contribute to a WHS issue not being resolved 4b Describe in general terms the key elements and signs of conflict 4c Identify common causes of conflict within the workplace 4d Use an appropriate model of conflict resolution during consultation with a PCBU and negotiation processes 4e Describe how to refer an unresolved issue to the regulator for resolution by a WHS inspector 4f List the functions and powers of WHS inspectors in resolving WHS issues
5. Provide an example of how an HSR can represent workers	5a Describe the circumstances under which an HSR is entitled to be present during interview concerning WHS 5b Explain the role of an HSR, during such interviews 5c Outline under what circumstances an HSR can investigate complaints concerning work health and safety 5d Identify and practise various communication skills to use as an HSR
6. Explain the benefits of effective representation and constructive consultation between PCBU, other duty holders and workers	6a Evaluate the benefits resulting from PCBUs, other duty holders, and workers engaging together in a consultative and participatory manner to identify and solve WHS issues in their workplaces 6b Provide examples of and practice different ways in which an HSR could contribute to consultative and negotiation processes within the HSR's workplace



Learning Objective	Monitoring PCBU's management of work health and safety risks
Description	In order to fulfil their role effectively, HSRs will need to observe, analyse, monitor and inquire into the effectiveness of the mechanisms implemented by the primary PCBU to ensure that work health and safety issues have been appropriately addressed.

Learning Outcomes	Expected Learner Application
1. Summarise the duties and responsibilities of various PCBUs under the legislation to manage risks to the health and safety of workers and other persons at the workplace	1a Identify which PCBUs have the primary duty under the WHS Act for your workplace - to ensure the health and safety of workers (and other persons) - to manage risks 1b Identify and use key definitions / terms in relation to risk management accurately and appropriately in their context (for example, but not limited to hazard/s, risks, controls, incidents/s, incidence, investigations). 1c Explain a duty holder's responsibility to eliminate or control risks "so far as is reasonably practicable" under WHS legislation 1d List an example of a risk management process that PCBUs might undertake to create and maintain a safe workplace 1e Give examples of when a risk management process would be used by PCBUs
2. Explain how a PCBU would identify WHS hazards within the workplace and how an HSR can monitor these activities	2a Identify common hazards found within various workplaces 2b Describe the effects that different hazards can have on the human body over various time periods (i.e. late onset disease as a result of exposure) 2c Describe different methods for identifying WHS hazards that a PCBU might access and use 2d Outline the purpose and benefits of workplace inspections and the circumstances under which an HSR can inspect the workplace 2e Undertake a simulated workplace inspection activity, as an HSR, for identifying common workplace hazards 2f Determine what your next steps would be, as an HSR, based on the outcomes of that activity



Learning Outcomes	Expected Learner Application
3. Identify different ways PCBU's can evaluate risk control measures and explain the role of an HSR in this process	3a Summarise when there is a duty on PCBU's to review risk control measures 3b Discuss the various methods used by PCBU's to monitor and evaluate the effectiveness of implemented risk control measures 3c Describe the entitlements of an HSR to participate in the review of risk control measures affecting members of your work group 3d Identify in legislation or guidance material control measures for the identified risk or hazard (simulated) 3e Contribute to the selection of control measure (simulated) 3f Identify ways in which an HSR can monitor, and report concerns raised by members of their work group to PCBU's regarding work health safety risks and ensure these concerns are addressed 3g Demonstrate how an HSR can present a case to management/PCBU's to improve risk control measures 3i Explain how an HSR can monitor measures taken by PCBU's to comply with the requirements of the WHS legislation
4. Explain the PCBU's obligations in relation to incident notification	4a Provide examples of the types of notifiable incidents that could occur at work 4b Explain what the duties are placed on PCBU's in relation to notifiable incidents 4c give reasons why an HSR would need to be advised by the PCBU that a notifiable incident had occurred in the workplace. 4d Participate in an incident investigation (simulated)
5. Identify the type of assistance or support HSCs and Inspectors can provide an HSR	5a Explain how requesting the establishment of a Health and Safety Committee would assist an HSR in fulfilling their role 5b Describe the role of an HSR when accompanying a WHS Inspector on an inspection of a work location 5c Explain how accompanying a WHS Inspector during an inspection would assist an HSR in fulfilling their role as an HSR



Learning Objective	Issuing a Provisional Notice (PIN) and Directing the Cessation of Work
Description	HSRs will be able to use their knowledge of the provisions in the legislation to inform their decision making when evaluating the risk (immediate or otherwise) to workers arising from a work health and safety issue.

Learning Outcomes	Expected Learner Application
1. Provide an overview of Provisional Improvement Notices	1a Explain the purpose and function of a Provisional Improvement Notice (PIN) 1b Identify the restrictions in the legislation that prevent an HSR from issuing a PIN 1c Identify who an HSR can issue a PIN to 1d Summarise sections 95 and 209 of the WHS Act to explain the manner in which a person may be issued a PIN
2. Explain the features and contents of a PIN	2a Explain why a PIN must be in writing 2b Distinguish between what must be included in the contents of a PIN and what may be included 2c Explain the extent of any changes an HSR can make to a PIN once it has been issued
3. Describe the range of actions arising once a PIN is issued and identify who would take these actions	3a Describe the alternative courses of action that the person who has been issued the PIN can take 3b Describe the role and powers of an WHS Inspector when reviewing a disputed PIN
4. Undertake a practical activity relating to the writing of a PIN	4a Undertake activities to write a PIN in accordance with the conditions and requirements of the legislation, based on a range of workplace scenarios 4b Identify reasons why a PIN might not be upheld by a WHS Inspector
5. Provide an overview of the right to cease, or direct the cessation of, unsafe work	5a Explain the conditions or circumstances that would - cause a worker/ workers to cease work - cause an HSR to direct the worker/ workers to cease work 5b Explain any legislative restrictions placed on HSRs that prevents an HSR from directing a worker to cease work 5c Outline the processes an HSR must follow after giving a direction to cease work to a worker /workers



Learning Outcomes	Expected Learner Application
	5d Outline the conditions that apply to a worker / workers who have ceased work 5e Outline what the role and function of an WHS Inspector would be following a request from either the PCBU or the worker to attend the workplace in these circumstances 5f Discuss alternative issue resolution procedures as provided for in the legislation to resolve an issue arising in relation to the cessation of work

