

WHAT SHOULD THE OPTIMAL STRUCTURE AND CONTENT OF A MODEL OHS ACT BE?

SPECIFIC COMMENTS

Consultation, Participation and Representation:

With reference to subparagraph 13(b) of the Terms of Reference and question 55 of the May 2008 Issues Paper:

Accredited or approved training for health and safety representatives and/or committee members is a feature of most if not all jurisdictions. The objectives of the training, which seem generally to be established administratively by the regulators, appropriately seek to develop knowledge and skill about occupational health and safety regulation, consultation in the workplace and hazard management. However, the scope available for methods of delivery of the training in order to achieve the learning objectives varies considerably.

Some accreditation guidelines are prescriptive about the delivery method, whereas in the Commonwealth jurisdiction the Comcare guidelines allow and encourage flexibility in delivery. This means for instance it is possible to offer a course including self-paced activities, workplace-based problem solving, engagement with and use of an organisation's safety systems, group activities, etc all within the context of a supported learning experience. It is therefore possible to conceive courses that provide learners with options to access different types of approaches to learning.

Training that is delivered entirely face to face will suit some learners. However others may not be engaged by this experience. It is the outcome that is important and providers should be encouraged to develop innovative learning deliveries and to provide a rich set of options for learners. The Comcare arrangements usefully provide such a model and allow for flexibility in delivery. This encourages providers to be innovative and to develop a range of learning experiences thus providing choice and flexibility for learners.

Encouraging innovation in delivering learning outcomes parallels the fundamentals of contemporary occupational health and safety regulation. The management of safety at work following the Robens innovations pivots around the codification of the common law duty of care in order to provide an adaptable approach that acknowledges changing hazards and solutions, encourages innovation and caters for individual circumstances. The delivery of learning experiences for health and safety representatives similarly should not be restricted to one model. They should allow for innovation in delivery to make use of contemporary learning practices, changing use of technology and the needs of learners.

It is therefore my humble submission that regulation and related administrative procedures such as course accreditation guidelines should allow and encourage flexibility and innovation in delivery of health and safety training for health and safety representatives and others.