

***XIX WORLD SAFETY CONGRESS***  
***on***  
***HEALTH & SAFETY AT WORK***

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# Australian Council of Trade Unions

- Established in 1927.
- Single peak national body representing Australian unionists.
- Involves more than 50 unions.
- And around 2 million working Australians.

# OHS Jurisdictions



# Rights Based Approach?

Workers should have:

- A right to a safe and healthy working environment,
- A right to know what hazards they are exposed to,
- A right to refuse to do unsafe work,
- A right to be involved in how hazards at work are identified, assessed, eliminated or controlled, monitored and reviewed; and
- A right to act to protect their health and safety at work – including deciding who represents them.

# Worker Consultation

- Consultation in the law requires that:
  - *relevant information is shared with workers,*
  - *workers are given an opportunity to express a view, raise other relevant OHS matters and contribute in decision making on these matters,*
  - *workers views are taken into account; and that*
  - *workers are advised of outcomes.*
- If represented by a Health and Safety Representative (HSR), then consultation must involve HSR.
- Consultation is required at each stage of the risk management process.

# Participatory Structures

- HSRs are fundamental to achieving improvements.
- Workers can divide into work groups to facilitate representation on OHS matters.
- Workgroups may include workers at more than one workplace and engaged by more than one '*person conducting a business or undertaking*' (PCBU).

# Participatory Structures

The functions of HSRs are to:

- Represent workers in relation to work health and safety
- Monitor the measures taken by the PCBU to meet their duties
- Investigate complaints from members of the workgroup
- Inquire into risk to the health and safety of relevant workers
- Direct unsafe work to cease when necessary
- Issue of provisional improvement notices when necessary

# Participatory Structures

- A PCBU must also allow a HSR to take paid time off normal work to attend training in health and safety.
- Union right of entry to workplace performs a critical role in monitoring compliance with OHS legislation.

# Cease Work

*A worker may cease or refuse to carry out work if they have a reasonable concern that to carry out the work would expose them to a serious risk to their health and safety, emanating from an immediate or imminent exposure to a hazard.*

HSR are also able to direct that unsafe work cease.