



“ Have your say on workplace safety laws. ”



**Dear Safe Work Australia**

re Exposure Draft Model OHS laws

Poor workplace health and safety means that too many people have their lives cut short or made miserable due to preventable injuries and illnesses. The framework provided by health and safety laws is essential in providing protections and rights for workers and their representatives, as it is workers and their communities that bear the brunt of the costs, both financial and other (of employers only 3% of total costs). The presence of workers who are trained and participating in workplace health and safety, supported by unions is consistently shown in research to be one of the essentials for good health and safety performance i.e. workers participating in protecting their own health and safety. Therefore for both practical and rights based reasons the Model law must ensure there is no diminution in rights and protections currently held.

Unfortunately the draft Model falls short in a number of key areas which are currently available to workers and employers: these include

1. workers right to stop unsafe work (the Exposure Draft provisions are less than the rights we currently hold under the Fair Work Act and common law)
2. workers right to elect Health and Safety Representatives with powers, who can exercise those powers, as soon as they are elected.
3. workers right to elect Health and Safety Representatives who will not be subject to unfair disqualification laws
4. workers right to work for an employer who has an obligation to control at source health and safety risks; using the hierarchy of control for the minimisation of risks ( ie based on current laws and case law)
5. workers right to seek assistance from their union or the union which they are eligible for membership
6. workers and employers rights to have their representative organisations involved in standard and policy setting
7. injured/ill workers right to obtain assistance in launching a private prosecution when the Regulator fails to do so.

Yours sincerely

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