

AT A GLANCE

Your Rights/Obligations: Western Australia OS&H Act 1984

Your Rights as a Worker	WA OS&H Act 1984
To have your health and safety ensured.	Section 19
Be consulted on health and safety issues that affect you including any proposed changes that the employer wants to make that may impact OHS.	Section 19
Be represented by a Health and Safety Representative elected by your group.. You can stand for election as a HSR.	Section 31
Be provided with safe systems of work, which includes plant or systems of work; the use, handling storage or transport of substances and plant [that includes equipment and machinery].	Section 19.1
Be provided with facilities for your welfare at work like toilets, lunchrooms, first aid.	Regulations 3.12 & 3.20
Be provided with the information, instruction, training and supervision you need to do your job safely.	Section 19 Regulation 2.1.2
Have the employer monitor your health and conditions at the workplace and be provided with facilities at work. [for certain exposures eg some chemicals and noise, employer has obligation to conduct health surveillance]	Section 23K the employer must respond to any hazards you report
Request that the employer discuss with workers the establishment of a Work Group to elect a HSR	Section 29, workers then appoint a delegate to represent them
Have the AMWU represent you in negotiations for the Work Group	Section 30. A union delegate can represent you in negotiation for work groups, the union organiser cannot be directly involved
Request the AMWU to run HSR elections [Remember AMWU could be delegate or union organiser or health and safety officer]	Section 30(5) The election is by secret ballot
Refuse to perform work you reasonably think would expose you to a serious risk that is also immediate and imminent	Section 26.1. Note: you cannot leave work area until you have notified the employer and/or the SHR, unless it is too unsafe to stay.
Ask for the help of your HSR to direct that unsafe work cease	N/A

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Have your HSR present at any interview between you and your employer/PCBU or a H&S Inspector	Section 35(b)
Protection from discrimination, coercion or threats in relation to a health & safety matters	Section 56
Have your HSR seek the assistance of any person such as the union to assist with any of your OHS matters.	Section 35(G)
Ask for the review of a Health and Safety Inspector's decision that affects you (including if the Inspector decides to do nothing). You need to get expert advice from the AMWU when exercising this right, as it does not apply to all decisions an Inspector makes	
Change your HSR, if the majority of members of the DWG resolve in writing but only if HSR has been in the role for more than 12 months.	
If needed, be provided with accommodation, which does not expose worker to hazards	Section 19

Your Obligations as a Worker	WA OS&H Act
Take reasonable care and not wilfully or recklessly endanger health and safety of yourself or others	Section 20
Cooperate with employer in respect to any action taken by the employer to comply with the Act or Regulations.	Section 20
Report health and safety issues to the elected H&S Rep/Deputy, including leaving your area of work to report the hazard/risk	Section 20A employees need to report any hazard or injury or ill health

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WHAT A SAFETY AND HEALTH REPRESENTATIVES [SHR] CAN DO	WA OS&H Act
Represent workers, in their Designated Work Group, on health and safety matters.	Section 30 Term is 2 years
Attendance at approved HSR training. Victoria: Contact AMWU office 9230 5700 for enrolment, and ComCare training. Western Australia: Contact Unity Training (08) 9227 7809 for enrolment and Comcare training.	Introductory within 12 months and if re-elected a post introductory course
Paid leave to attend training, the course is to be chosen by HSR, in consultation with Employer.	Section 35. Regulation 2, attend course within 12 months and if re-elected a post introductory course
Employer must consult with you about health and safety matters that affect member of your workgroup.	Section 19 & 35
<u>Direct work to cease</u> that is an imminent or immediate risk.	Does not apply
<u>Issue a Provisional Improvement Notice (PIN)</u> requiring the employer to take certain actions, after previously consulting with the employer about the H&S issue.	Section 51AB & AC A trained Safety and Health Representative can issue a PIN
<u>Request a review of control measures</u> because there has been a change or new risk/hazard has been identified or consultation indicates a review of risk controls is needed.	
You have <i>no duties</i> and are <i>not personally liable for health and safety matters</i>.	Section 33.3.
Enquire into any health and safety risk Be consulted on issues affecting H&S of work group members	Section 35
Inspect the workplace, immediately in case of immediate risk or at any time after giving reasonable notice [in WA, if there has not been an inspection in the previous 30 days].	Section 33
Accompany an Inspector.	Section 33, when asked by the inspector

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Monitor the measures taken by the employer.	Section 33 HSR to report hazards or potential hazards
Be present at an interview with inspector or employer and workers [you need workers consent].	Section 35
Request the establishment of a Health & Safety Committee.	Section 33-35
Receive information concerning hazards, Be allowed time off, with pay to perform your role.	Section 35
Request the assistance of any person. Note this could be another HSR, a fellow worker, union delegate or organiser.	Section 32, assistance from outside the workplace
Represent members of another work group if there is a serious risk, or you are asked and the HSR for that workgroup is not found.	Not applicable
Be provided with resources, facilities and assistance. Be provided with information on H&S matters.	Section 33
Employer must allow access to workplace to a person assisting you [eg union organiser or health and safety officer].	Not applicable
Be contacted when a H&S inspector visits your work group.	Section 45 It is the employers responsibility to contact HSR after the inspector has entered the workplace

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WHAT A UNION ORGANISER CAN DO	WESTERN AUSTRALIA
When invited by a worker, negotiate with the workers employer when setting up or changing work groups and numbers of HSRs and deputies.	A union official can't do this but the union delegate can. Section 30
A trained union official with an Entry Permit may enter a workplace for the purpose of inquiring into a <u>suspected contravention</u> of the law.	This is covered by industrial law: Section 49(i) Industrial Relations Act
A union official with an Entry Permit may inspect anything relevant to the <u>suspected contravention</u> ; consult with relevant workers and consult with the employer.	Section 49(i). Industrial Relations Act WA
A trained union official may with an Entry Permit may inspect or make copies of documents directly relevant to the suspected contravention.	Section 49(i). Industrial Relations Act WA. Note 24 hours notice is NOT required.