

# OHS National Model Laws NOT GOOD ENOUGH!

Canberra and the States are planning to bring OHS laws around the country into 'harmony'.

Under the current proposals, Victorian workers stand to lose out.

## RALLY

### All Unions Mass Rally

10.00am

Tuesday 1 September 2009

Trades Hall

Lygon Street, Carlton



**Stand up against  
watering down  
Victorian OHS laws**

# DON'T RISK IT

# How the proposed national OHS laws will restrain Safety Reps and endanger Victorian workers

## 1. Weaken rights to attend training

Under the Victorian *OHS Act*, Reps have the right to attend five days' initial training, a refresher once a year, and additional courses if approved by WorkSafe. The Rep chooses training in consultation with their employer, who also pays.

The proposed national law is vague on the timing of training, and lets your boss determine how and when it will happen.

## 2. Restrictions on issuing PINs and directing a cease-work

Two important powers OHS Reps have to fix problems are the rights to:

- issue a PIN; and
- direct a cease-work if there is an immediate risk.

These rights can be exercised as soon as a Rep is elected.

Under the national recommendations, OHS Reps won't be able to do either of these until they have been fully trained. Together with the weaker training rights described above, this represents a grave threat to safety.

## 3. Asking for assistance

As the law stands, an OHS Rep has the ability to seek assistance from anyone in solving a workplace issue. The proposed law confuses this with the right of entry of union officials. In seeking to limit this, the proposal restricts a Rep's ability to enlist the help of others – inside and outside their workplace – to solve problems.

## 4. Disqualification of an elected OHS Rep

Currently, the only ways a Safety Rep can be forcibly removed is through a vote of the majority of workers, or if the employer obtains a court order on the grounds that the Rep intended to cause harm to the business.

Under the 'harmonisation' proposal, OHS Reps can be removed by a court or tribunal under very broad circumstances.

**Only workers should decide who represents them on safety!**

## 5. Issue resolution

The new laws would only allow Safety Reps to become involved in the resolution of an issue after consultation between workers and the boss has failed. Currently, no such limit exists in the Victorian Act.

Workers need their Safety Reps to be proactive, not called in as a last resort. This change would also remove the right to anonymity when reporting hazards.

**Victoria's OHS laws are among the world's best. They should be used by Labor governments to raise Australian safety UP to the best standard, not water it DOWN.**

