



CFMEU WA SAFETY ALERT

29/11/2016

Employees - your rights and responsibilities

In Western Australia, the law requires your employer to provide a high standard of safety and health at the workplace and ensure that you are not injured or harmed because of your work.

Your employer has a responsibility to provide and maintain, as far as practicable, a safe working environment, under section 19(1) of the *Occupational Safety and Health Act 1984*. This is called the employer's 'duty of care' and it applies regardless of the terms or type of your employment and includes casual workers.

The employer's 'duty of care' includes protecting you from both physical hazards (for example, slippery floors, heavy loads, unguarded machinery and hazardous substances) and 'psychosocial' workplace hazards (for example, workplace bullying, violence and aggression).

The employer's 'duty of care' means that your employer must, as far as practicable:

- provide and maintain workplaces, plant and systems of work so that you and other workers are not exposed to hazards;
- provide information about the hazards and risks from your job;
- provide you with instruction, training (including an induction) and supervision so you are able to work safely;
- consult and co-operate with safety and health representatives (if any) and employees about safety and health;
- where it is not practicable to avoid the presence of hazards, provide adequate personal protective clothing and equipment without any cost to you; and
- ensure your safety and health in relation to plant and hazardous substances at the workplace so you are not exposed to hazards.

To meet their 'duty of care', the employer must take into account any individual needs an employee may have to ensure they are able to work safely.

Your employer also has a responsibility to inform you about;

- how to resolve any complaints or concerns about safety and health at work;
- what to do in an emergency;
- what to do if you are injured; and
- your rights to workers' compensation if you are injured.

You also have the right to:

- be represented by a safety and health representative (Sections 29-32 of the OSH Act) and/or have a safety and health committee (Sections 36-41 of the OSH Act) – *you can request your employer holds an election for safety and health representatives and/or sets up a safety and health committee;*
- be notified about the outcome of investigations into hazards or injuries that you have reported (Section 23K of the OSH Act); and
- refuse to work where you have reasonable grounds to believe there is a risk of imminent and serious injury or harm to health – *before considering this, it is advised that you refer to the requirements that must be met* (Section 26 of the OSH Act).

You also have a duty of care responsibility in relation to safety and health at the work. This includes working safely and not affecting the safety and health of others.

Authorised Mick Buchan State Secretary CFMEU WA 80 Beaufort Street Perth

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