



# THE **campus** **backbone**

CPSU - UTS Branch



THE **GENERAL  
STAFF UNION**

## Work Health & Safety bulletin

#1 January 2012

**From 1 January 2012, the new Work Health and Safety (WHS) Act came into force in NSW replacing the NSW Occupational Health and Safety Act.**

These new laws will provide greater consistency, certainty and clarity across Australia making it easier to understand your workplace health and safety duties.

However, thanks to the NSW Government, the provisions are a watered down version of the measures and protections that NSW workers previously enjoyed under the Occupational Health and Safety Act.

### **Purpose/Objectives of the Act**

The purpose of the new Work Health and Safety Act is to introduce a nationally consistent set of laws covering health and safety at work.

The main objective of the model Work Health and Safety Act is to:

***“provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces”.***

### **“HSRs” or Health and safety representatives**

Existing OH&S representatives and OH&S Committees can remain in place but will have different names and functions than those that currently exist.

HSRs will play an important role in representing the health and safety interests of workers. They have certain powers and functions relating to work health and safety such as:

- represent workers in relation to work health & safety
- investigate complaints from members of the workgroup
- inquire into anything that could be a health and safety risk to workers
- direct unsafe work to cease when necessary
- issue provisional improvement notices (PINs) when necessary

Some of the new terms in the legislation are outlined below.

### **“PCBU” or Person Conducting a Business or Undertaking**

A PCBU includes organisations and individuals conducting a business or undertaking. The University is a PCBU and has a primary duty of care to ensure workers and others are not exposed to risks to their health and safety while at work.

### **Reasonably practicable**

“Reasonably practicable” requires a PCBU to do what is effective and possible to ensure the health and safety of workers and others.

### **Officers**

“Officer” is a broad term that applies to people who can make decisions that significantly affect a PCBU. Officers must exercise due diligence to ensure the business fulfils its health and safety obligations.

### **Workers**

A “Worker” is any person who performs work in any capacity for a PCBU and includes labour hire staff, volunteers, work experience students, contractors, sub contractors, apprentices, trainees and outworkers.

## Ongoing Work Health & Safety activities of the CPSU

Your CPSU officials have certain powers under the Work Health and Safety Act, including:

- ✓ supporting HSRs and deputy HSRs in their roles
- ✓ negotiating agreements for work groups with the PCBU and for multiple businesses, including a variation of an agreement
- ✓ requesting assistance of an inspector where negotiations fail
- ✓ assisting with the election of an HSR
- ✓ consulting and advising on WHS issues to workers and PCBUs
- ✓ prosecuting a PCBU if necessary.

The CPSU will continue to work hard to ensure that your workplace is safe by providing expert WHS and workers' compensation advice, representation, and ensuring that laws are adhered to.

The CPSU is not afraid to prosecute employers for health and safety breaches.

**To assist workers prepare for the new laws, the PSA/CPSU is conducting training sessions for all members. For more info, contact your CPSU union delegate.**

### Speak Up for health and safety campaign

The CPSU is also part of a new national awareness *Speak Up* campaign to inform workers of their rights and employers of their obligations under harmonised health and safety laws.

A new website, [www.safeatwork.org.au](http://www.safeatwork.org.au), has been launched.

The website will be a hub of information for workers and WHS reps about common health and safety issues, rights and obligations, tips for safer workplaces, legislation, and news. Workers will also be able to post questions about health and safety and get advice from union experts.

**Do you want to learn more about your health and safety at work?**

**Do you want to be involved as a health and safety representative?**

**Then click here to JOIN the UTS Branch of the General Staff Union**

**or contact your UTS Delegate or Branch President William White.**