

BULLETIN

Information for Workers

Overview of your rights to a healthy and safe workplace.

The Work Health and Safety laws (WHS laws) aim to provide all workers with a healthy and safe workplace. It also aims to ensure you are fairly represented and consulted about health and safety issues in your workplace.

This information sheet outlines what you can expect from a person who engages you in work and how you can contribute to improving health and safety at your workplace.

Who is a worker?

A worker is anyone who works for a person conducting a business or undertaking, whether paid or not.

A worker can be:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company assigned to work in a business or undertaking
- an outworker
- an apprentice or trainee
- a student gaining work experience
- a volunteer.

Who is a person conducting a business or undertaking?

A person conducting a business or undertaking (PCBU) is a new term that replaces 'employer' in the Northern Territory's old health and safety laws. In many cases PCBU still refers to an employer but it is also used to describe others such as contractors, designers, manufacturers, suppliers, importers, persons who install, construct or commission plant or structures, franchisees and self-employed people. It's a broad concept that aims to capture all types of working arrangements.

A PCBU is the main duty holder and may work alone or with others, and for profit or not-for-profit.

Your duties

As a worker, you must:

- take reasonable care for your own health and safety, and that of people who may be affected by your work (e.g. by not taking shortcuts that may expose you or others to risks to their health and safety)
- follow reasonable instructions given by a PCBU (e.g. attending health and safety training and following instructions given in the training)
- cooperate with reasonable work health and safety policies and procedures (e.g. use equipment supplied such as adjustable workstations, or protective gear such as safety boots, hearing protection or a high visibility vest).

Duties of a PCBU

A PCBU has a duty to protect your health and safety at work and eliminate risks that may cause you harm, so far as is reasonably practicable. If it isn't practicable to eliminate risks, they must be minimised using appropriate control measures. A PCBU must consult you on the measures being taken to ensure work is healthy and safe.

More than one PCBU might have this responsibility. For example, if you are a labour hire worker, you can expect both the labour hire company and the host employer to work together to ensure you are not exposed to health and safety risks.

Consultation

Your PCBU must consult with you, so far as is reasonably practicable, on issues affecting your health and safety. This includes when identifying hazards and assessing risks arising from work, and proposing changes that may affect your health and safety.

Your PCBU must also consult with you and take your views into account when making decisions about:

- ways to eliminate or minimise risks
- the adequacy of facilities for your welfare
- procedures for consulting with you
- resolving health and safety issues
- monitoring your health and safety, and workplace conditions
- how to provide you with health and safety information and training.

Consultation must involve:

- sharing relevant health and safety information with you
- giving you a reasonable opportunity to express your views, raise issues and contribute to the decision making process
- taking your views into account
- providing information on the results of the consultation.

Worker representation

Workplaces have better outcomes when workers have the opportunity to input before decisions are made. Worker representation mechanisms, listed below, give you a voice on health and safety matters and facilitate the duty PCBU's have to consult with you.

Work groups

A work group is a group of workers who share similar health and safety conditions and concerns. Any worker or group of workers can ask their PCBU to set up a work group at one or more workplaces by requesting the election of a health and safety representative (HSR).

If a request is made for the election of an HSR, a PCBU must start negotiations with workers within 14 days.

Health and safety representatives (HSRs)

An HSR represents the health and safety interests of a work group. A work group can have as many HSRs and deputy HSRs as agreed after

consultation, negotiation and agreement between you and your PCBU's.

An HSR can:

- inspect the workplace or any area where work is carried out by a worker in the work group
- accompany an inspector during an inspection of the area the HSR represents
- be present at an interview about health and safety issues with a worker they represent (with their consent) and the PCBU or an inspector
- request a health and safety committee be established
- monitor compliance measures by the PCBU
- represent the work group in health and safety matters
- investigate complaints from members of the work group
- inquire into any risk to the health or safety of workers in the work group.

An HSR is not personally liable for anything done, or not done, in good faith while carrying out their role.

Health and safety committees

A health and safety committee (HSC) facilitates cooperation between a PCBU and workers in developing and carrying out measures to ensure health and safety at work. This includes health and safety standards, rules and procedures for the workplace.

A PCBU must set up an HSC within two months of being requested to do so by an HSR, or by five or more workers in a workplace or when required by the Work Health and Safety Regulations 2012 (WHS Regulations). At least half the members of an HSC must be workers that have not been nominated by the PCBU. An HSR can also be a member of an HSC.

An HSC must meet at least once every three months and at any reasonable time at the request of at least half of the committee members.

Ask your PCBU or HSR for more information about how you can get involved or seek assistance and advice from work groups, HSRs and HSCs at your workplace.

Resolving work health and safety issues

Issues should be attempted to be resolved by using agreed internal procedures or those outlined in the WHS Regulations. This process may involve you, your HSR and PCBU.

If the PCBU delegates a representative, they must be sufficiently senior and competent. You (or your HSR) are also entitled to have a representative, such as a union official.

If the issue can't be resolved in a reasonable time, an inspector may be requested to assist.

For specific advice, call us on 1800 019 115 or go to worksafe.nt.gov.au.