

## **Gosford: HSU issues a Cease Work notice over safety concerns in new hospital**

Dear Member,

Today members from the Patient Inquiries Department at the newly redeveloped Gosford Hospital have taken the courageous and extraordinary action of issuing a Cease Work notice under the *Work Health and Safety Act 2011*. This comes after Central Coast Local Health District (CCLHD) failed to consult with workers in the area about issues affecting their safety.

Members working in this area have been raising concerns since 2017 over the removal of a protective perspex screen from their new location. However, it appears these concerns have fallen on deaf ears.

As many of you may be aware, members working in Patient Inquiries have reported that they are subjected to physical or verbal abuse on a daily basis. The current arrangement of a perspex screen provides members with a much-needed safety barrier.

When management made the decision to remove the screen, without undertaking proper consultation as defined under the WHS Act, the HSU formally wrote to CCLHD Chief Executive Andrew Montague with these concerns. We requested to be provided with risk assessments, as well as an outline of what risk management strategies CCLHD will have in place to ensure members will continue to have a safe working environment. Instead it seems that CCLHD may not have acted without considering this matter. Members have stated to the Union they believe they will not be safe if forced to work in the new location without any barrier or protection in place.

Accordingly, the HSU has today issued CCLHD with a cease work notice advising that until our members' issues are resolved, and a mutually agreeable solution agreed to, members will not undertake any duties or tasks at the new location.

Work Health and Safety is an issue on which we will not compromise. Under the WHS Act, your employer's primary duty of care is to you as a worker. In addition, under the Act they are required to consult with workers and take whatever action is reasonably necessary to reduce and/or mitigate any safety issues raised by workers.

Attached to this newsletter is some information regarding your rights when issuing a cease work notice.

If you would like more information about WHS and your rights, please contact your Organiser Brendan Roberts on either 0425 181 361 or [brendan.roberts@hsu.asn.au](mailto:brendan.roberts@hsu.asn.au).

In unity,



Gerard Hayes  
Secretary, HSU NSW/ACT/QLD



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## Your right to cease unsafe work

### NSW Work Health & Safety Act 2011 (sections 84-89) –WHS Act

Under the WHS Act, if you have a reasonable concern about a serious risk to your health or safety from an immediate or imminent exposure to a hazard, then you have the right to cease or refuse to carry out work that would expose you to that hazard.

You also have the right to organise and act collectively, in refusing or ceasing work in this way.

The following situations could be cause for a health and safety cease work action:

- exposure to asbestos, live electrical wires, violence, toxic air or chemicals, unsafe buildings, dangerous machinery, a fall from height, fatigue, bullying or understaffing.

You must notify your employer as soon as practicable when you cease work in this manner. It is not necessary to give written notice, verbal will do. Although a collective signed cease work notice can be useful in some cases.

Convening in the lunch room is often the best way to start the cease work process and allows discussions with management to begin.

You can be redirected to suitable alternative work at your workplace or at another site until you can resume normal duties.

You, your employer, or a Health and Safety Representative may request a SafeWork NSW Inspector (131050) to attend the workplace to assist in resolving an issue relating to the cessation of work.

You cannot be discriminated against in your employment (for example have pay deducted) for exercising your right to cease unsafe work under the WHS Act.

The HSU has experience in working with our members through numerous successful health and safety cease work actions, many of which have also been backed up by the New South Wales Industrial Relation Commission.

Contact your HSU Organiser for further advice about your right to healthy and safe work.

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