

Know Your Rights: Reporting workplace hazards, incidents and safety concerns

Dear Member,

Having a workplace which is safe is the most important thing every worker deserves, and your workplace rights to this are protected under the NSW/QLD/ACT Work, Health & Safety Act (WHS Act) when it comes to reporting.

Under the Act, your employer must have a user-friendly health and safety reporting process as a pivotal element of their health and safety management system, so that you as a worker can report hazards, near misses and incidents without any fear of reprisal.

In addition, your employer must ensure that every worker is trained in how to use the health and safety reporting system as a key competency in every job description. This must be part of every induction for new workers.

Your employer must ensure that once a health and safety report is made, the consultative sections of the WHS Acts are followed. Affected workers, their health and safety representatives and HSU Delegates should be at the centre of the decision-making process to improve health and safety.

This means that you have an input into the decision-making process following a report, not just being told what the employer is planning to do in response.

As a worker you can choose to make a health and safety report via your health and safety representative, your HSU Delegate or HSU Organiser. In doing so, you have the right to privacy under the WHS Act and the right not to be victimised or discriminated against for making a report.

If you have been ignored, victimised or discriminated against for making a health and safety report, your HSU Organiser can use their powers under the WHS Act to inspect your workplace, copy documents relevant to any suspected breach of the WHS Act, and hold meetings with affected workers.

Your HSU Organiser can also use the formal WHS Act health and safety issue resolution procedures to force your employer to meet with you as soon as possible and make a written agreement about the reported health and safety issue. You have the right to be represented in this process by your HSU Organiser.

As a member of the HSU you have the right to speak to us about any WHS matters and your employer cannot stop you from doing so. Members will be supported through any process.

If you would like more information, contact your Organiser Brendan Roberts via brendan.roberts@hsu.asn.au or 0425 181 361.

Not a member and have concerns? The Union can only support its members. Join today at www.hsu.asn.au/join or by calling 1300 478 679.

In unity,

A handwritten signature in black ink, appearing to read 'Gerard Hayes', with a long, sweeping underline.

Gerard Hayes
Secretary, HSU NSW/ACT/QLD