

## YOUR HEALTH, SAFETY AND WELFARE RIGHTS AT WORK

Updated September 2018 - Section numbers refer to the Occupational Health and Safety Act 2004 - [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

### 1. Workers

You have a right to:

- A safe and healthy workplace [Section 21];
  - Expect to travel to and from places of work in safety;
  - Expect to return home from work free of injury or illness;
  - Expect to enjoy retirement without suffering adverse consequences of workplace injury or illness;
  - Protection from injury, illness and disease [Section 21];
  - Cease unsafe or unhealthy work [Common Law]; and
  - Discuss, negotiate and be consulted and involved in all issues affecting your workplace health, safety and welfare [Section 35 & 36].
- Call in government inspectors;
  - Direct workers to cease work where there is a belief of immediate risk to health and safety;
  - Seek resolution of health and safety issues;
  - Perform all OHS activities on paid time and have adequate facilities to perform those activities;
  - Be assisted by any person with relevant OHS knowledge at any time;
  - Be protected by law from discrimination, harassment, bullying, intimidation and prosecution;
  - Access OHS training of their choice in paid work time; and
  - Appeal any decision regarding any health and safety, matter through HACSU [Part 10 – Section 127 – 129].

### 2. Representation

You have the right to be represented on health, safety, compensation, rehabilitation and return to work issues, by your elected Workplace Health and Safety Representative and your union.

You have the right to elect health and safety representatives [Section 54 (4)].

Your union, HACSU, has the right to:

- Enter your workplace on health and safety issues;
- Investigate breaches of health and safety laws;
- Represent members and prospective members;
- Initiate investigations of occupational health and safety breaches;
- Initiate cessation of work in unsafe areas; and
- Access all relevant information and reports.

Your Workplace Health and Safety Representatives have the right under Section 58, 60, 67, 69, 73, 74, 76 and 78 to:

- Be democratically elected by a process determined by their colleagues in conjunction with HACSU;
- Utilise legal rights and powers to represent you on health and safety matters;
- Inspect your workplace;
- Access relevant information and be informed of all incidents;
- Be consulted by your employer before changes occur that may affect health and safety in your workplace;
- Issue notices when breaches of OHS laws are detected;

### 3. Discrimination and Bullying

You are protected by law from discrimination, harassment, bullying or detriment to your employment that may result from you raising a health and safety issue, lodging a compensation claim or being involved in consultation on workplace health and safety matters [Section 76, 78 (a) & 78 (b)].

### 4. Employer Responsibilities

Persons who control, manage or own workplaces have a duty of care to provide and maintain a safe and healthy work environment for you and a safe and healthy system of work [Section 21 (2), 21 (2)d and 39].

### 5. Compensation and Rehabilitation

Under Victorian Compensation and Rehabilitation Law, following any workplace injury, you have the right to compensation and effective rehabilitation that facilitates a safe return to work and offers genuine job security.

You have a right to return to safe, suitable, meaningful and sustainable work following rehabilitation.