

# DON'T RISK

# 2ND RATE SAFETY

9 different OHS Laws in Australia

1 Model OHS Law will replace these

Your OHS Rights under threat

Your State Minister needs to hear from you

## Join the campaign

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[www.ohsrep.org.au](http://www.ohsrep.org.au)

## Don't sit by while:

- Workers lose the right to raise OHS issues anonymously
- OHS Reps are shut out of fixing issues – until it becomes a 'dispute'
- OHS Reps have duties imposed and can no longer seek the assistance they need
- Rights and protections are downgraded to regulations
- An employer duty to find and fix hazards (risk assessment) is left out
- A proper tripartite body (union, government and employer) is left out
- Union right to prosecute is left out



The Honourable Tim Holding MP,  
Minister for WorkCover  
Level 26, 121 Exhibition St,  
Melbourne Vic 3000

Dear Minister

## Re 2nd Rate Model Occupational Health and Safety Laws

I urge you and your government not to adopt a number of recommendations of the above report. This request is made as the Review Panel has not met one of the key principles set by the minister for Employment and Workplace Relations, the Hon Julia Gillard MP on 4 April 2008 namely:

The observance of the directive of the Council of Australian Governments that in developing harmonised OHS legislation there be no reduction or compromise in standards for legitimate safety concerns.

The Review Panel has also not met the commitment given by the Victorian government that *There will be no reduction on OHS standards for Victorian workers.*

If all of the recommendations of the Review Panel are accepted, health and safety standards and rights will be reduced. It would take us backwards 30 years, which I know is not our government's intention. Injuries in Victorian workplaces will only rise.

Active worker and OHS Reps participation contributes towards good health and safety. If the 'fine print' of the Review Panels recommendations were adopted this basic tenet would be undermined.

Issues of concern include:

- A worker would first have to raise an OHS issue with their employer, and then only be able to raise the issue with their OHS Rep after an issue has become a dispute. This would just lead to more disputes. As well, some workers will not raise issues directly with their employer, particularly in the current economic climate.
- Elected OHS Reps, who perform a voluntary role, would have obligations and duties placed on them. OHS Reps are representatives of workers - not the employer. It is the employer's obligation and duty to provide a safe and healthy workplace. Fewer workers would be willing to take up an already challenging voluntary role.

- OHS Reps would not be able to seek the assistance of any person they choose (both from inside and outside the workplace) in performing their role. This would take us backwards and again make a challenging role that much more difficult.
- The Review Panel's recommendations to not include a duty to find, assess and fix the problem (risk management) in Model Law must not be supported. To do so would continue to make it less likely that employers will identify hazards - and get rid of them!
- The Victorian Act currently details provisions about consultation, training and the rights of OHS Reps. If a Model Act downgrades these things to regulation, it would be a loss for Victorian workers. Regulations can be changed at whim. An Act is more open to public scrutiny and can only be changed by Parliament. Employers take more notice of the OHS Act than what is in regulations.
- The Objects of Victoria's OHS Act currently recognise the importance of unions, employer associations and government being involved in OHS (tripartism). A proper tripartite body, reflecting international standards, needs to be an Object included in the Model Law.

The 'lowest standards' approach of the Review Panel in the areas of Onus of proof' on employers, Union right to prosecute and some Right of entry recommendations should also be rejected by Victoria as they will make Australian workers worse off.

I request that at the meeting of the Workplace Relations Ministers Council, 18 May 2009 you ensure the Victorian government's commitments to all Victorian workers, their families and their communities are met. Please don't support 2nd rate health and safety laws.

Yours Sincerely