

**'It's No Accident' is the WHS newsletter of the AMWU.** Feedback and story ideas to [amwu@amwu.org.au](mailto:amwu@amwu.org.au)

**AMWU Contacts**

**National Coordinator**

Dave Henry 0419 403 389

**Victoria**

State Office (03) 9230 5700  
Sarah Ross 0425 784 817

**New South Wales**

State Office (02) 9897 4200  
Alan Mansfield 0418 638 425

**Queensland & Northern Territory**

State Office (07) 3236 2550  
Brian Devlin 0418 714 251

**South Australia**

State Office (08) 8366 5800

**Western Australia**

State Office (08) 9223 0800  
Glenn McLaren 0409 663 637

**Tasmania**

State Office (03) 6228 7099

**Support**



**AMWU Care**  
A counselling service for members and their families **1800 206 316**

**Join Us**

Our closed group for AMWU HSRs:  
[www.facebook.com/groups/amwuhsrs/](https://www.facebook.com/groups/amwuhsrs/)

**Made in Australia by AMWU Members.**

Authorised by Steve Murphy,  
AMWU National Secretary 08/22.  
Proudly printed by AMWU members at  
Kosdown Printing, Port Melbourne.

# Major breakthrough: work health and safety is our right



'Plenary sitting of the 110th Session of the International Labour Conference' by Crozet/Pouteau/Albouy/ILO from Creative Commons is licensed under CC BY-NC-ND 2.0.

**Working people around the world are set to benefit from a recent decision of the International Labour Conference to recognise workplace health and safety as the fifth fundamental principle and right at work. This is the first extension of workers' fundamental human rights in a quarter of a century.**

**It adds the right to a healthy and safe working environment to the four rights adopted in 1998:**

1. Freedom of association and the effective recognition of the right to collective bargaining.
2. The elimination of forced or compulsory labour.
3. The abolition of child labour.
4. The elimination of discrimination in respect of employment and occupation.

Over three million workers a year die because of their work and tens of millions more suffer injuries and ill health.

Unions are campaigning to increase the number of countries ratifying and implementing all International Labour Organization health and safety conventions. These conventions give workers the right to consultation over risk assessments, the eradication of toxic chemicals and work practices, including long hours, free protective equipment and training, and the right to refuse dangerous work. ●

# IT'S NO ACCIDENT

**AMWU Health and Safety News**



**August 2022**

## Alert: when was your HSR elected?

**If it was more than three years ago, they can't represent you as a Health and Safety Representative (HSR).**

Union HSRs are the cornerstone of organised, healthy, and safe workplaces. Workers are best placed to see the hazards in their workplace and, when they have a voice and powers to back it up, to prevent illness and injury – only then can there be confidence in a workplace's safety.

**But we're finding many members don't have the representation they think they do.**

HSRs are elected for a term of three years and must be re-elected to keep representing their workmates. If your HSR was elected three years and one day ago, they are no longer a HSR under health and safety laws.

Without a currently elected HSR, you do not have effective representation in the workplace and the rights and powers of HSRs under health and safety laws no longer apply. It also means the HSR is no longer protected by those laws when exercising their functions or powers, potentially jeopardising their employment and opening them up to fines.

**An out-of-term HSR cannot:**

- represent the interests of workers to the employer/PCBU or regulator
- conduct a safety investigation after an incident or complaint whilst protected from retaliatory behaviour by their employer/PCBU for not being on the job
- issue a Provisional Improvement Notice
- direct workers to cease work where there is concern of serious risk to workers' health or safety (which could otherwise lead to termination without the protection of WHS laws).

HSRs represent workers, not the bosses. It is not up to your employer to let you know when your HSR's term is ending or to be involved in the election of HSRs. You wouldn't expect a boss to advise workers they need to elect a union delegate – the same goes for HSRs.

**It's up to workers and union delegates to keep records of election dates and conduct elections to ensure our HSRs are always in term – every delegate should have a register of when all HSRs were elected.**



**For an organised, healthy and safe workplace, ask yourself:**

1. Do we have elected HSRs at work?
2. Are all workers represented by a HSR?
3. Were workers involved in creating the workgroups that elect HSRs?
4. Did a worker or union conduct the election of our HSRs?
5. Do we have records of the election dates of all HSRs?
6. Were the workers, employer/PCBU, and our union advised of the election outcome?
7. Have all HSRs at our workplace requested/completed (union) HSR training?
8. Do HSRs speak at our union meetings?

**FOR WORKPLACE NOTICEBOARD**