

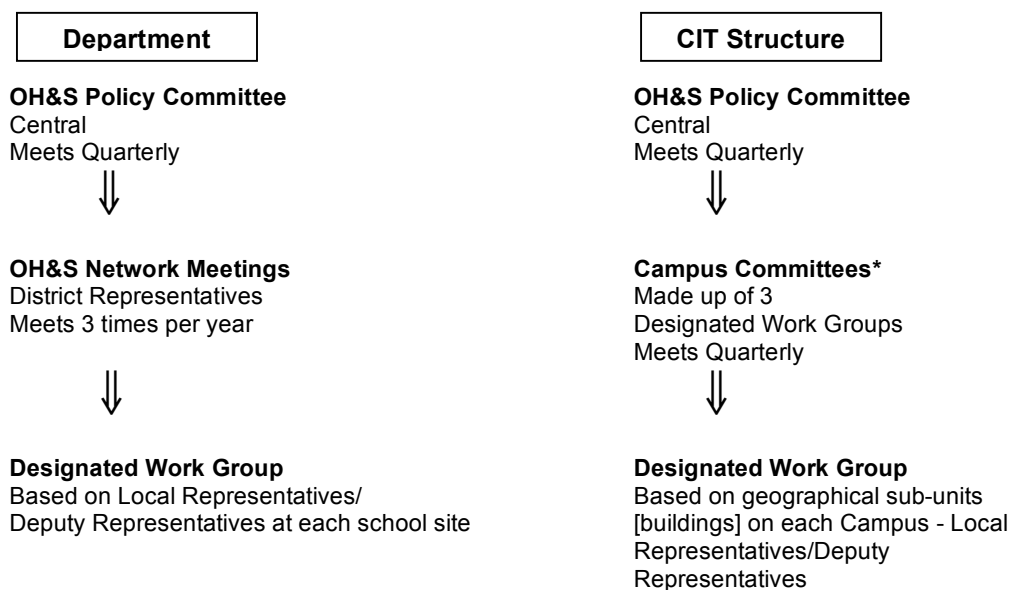
OCCUPATIONAL HEALTH AND SAFETY

1. Legislation Overview

All teachers and Schools Services Officers in the ACT are covered by the ACT Occupational Health and Safety Act of 1989 as modified by the Public Sector Management Act. Our Union and the DET are also signatories to a whole of Government OH&S Agreement which is unregistered.

The Act calls for workplaces to be organised into Designated Workgroups. These Workgroups may then elect one Representative and one Deputy Representative.

2. Department and CIT OH&S Structure



* Under review

3. Election of OH&S Representatives

Elections of OH&S Representatives are carried out every two years by the specified union for a Designated Workgroup. The specified union is the union with the largest membership in the Designated Workgroup. A Returning Officer [appointed by the specified union] calls for nominations from all staff within the Designated Workgroup.

The nominee, proposer and seconder must be from the same Sub-Branch or Designated Workgroup. All employees in the Designated Workgroup are entitled to vote.

All staff are to be given sufficient notice and time to nominate and to vote. Normally nominations will be called for in March, once every two years and the OH&S Representatives are able to serve more than one two year term. The voting cycle is 2000, 2002, 2004 in schools and in CIT 2001, 2003, 2005

Where casual vacancies occur, Representatives and Deputy Representatives may be elected to fill these vacancies at the workplace. A meeting must be called at the workplace with **all** Designated Workgroup members being invited to attend. An election, if necessary, will be held at that meeting to fill the casual vacancy. A formal notification in writing of the outcome of the meeting must be sent to the specified union office to ensure the validity of the election. If the specified union is not notified then the elected person is not recognised as the OH&S Representative.

OH&S Representatives who transfer to another Designated Workgroup do not automatically become the OH&S Representative or Deputy Representative at that workplace. They must be elected at that workplace through either method, whichever is appropriate at the time.

Note: OH&S Representatives are obliged to inform the AEU once they cease to fill an OH&S position and/or take up a new one.

4. Role of OH&S Representatives

The OH&S Representative should be informed of all OH&S issues. Therefore, all OH&S issues that arise at the workplace should be channelled through this person. The OH&S Representatives' responsibility is to represent the OH&S concerns of employees to Management. Therefore, they must be informed of issues as they arise and consulted to establish the most appropriate way of resolving the issue.

The Legislation requires employers to assist and/or comply with the following:

The OH&S Representative:

- can inspect the workplace at any time [they must inform in reasonable time the supervisor, ie Principal, Head of Department, Head of School].
- can report on the workplace at any time.
- can request the supervisor to take whatever steps are required to make the workplace safe and healthy.
- can expect that these requests are carried out as soon as practically possible.
- can inform the supervisor that workers should cease work, or in the absence of a supervisor, instruct workers to cease work if she/he believes the situation is dangerous to the workers' health and safety if they do not cease work.
- can issue a Provisional Improvement Notice if Management fails to make an area safe and healthy for workers [after due notification or if workers are in immediate danger if they do not cease work].
- should accompany any investigator [inspector] during any investigation at the workplace whether or not the OH&S Representative has requested the inspection.
- can expect that any inspection will be arranged at a time that is convenient for the OH&S Representative to allow the OH&S Representative to accompany the person inspecting.
- must be provided with a report to be written after the investigation has been carried out.
- must receive a copy of the report compiled by the investigator as soon as it is released.
- must be consulted by Management prior to all changes being made within the workplace which may have implications for the health and safety of the employees they represent.
- is to be informed of any accidents or dangerous occurrences at the workplace in order to enable them to carry out an inspection.
- must investigate complaints made by employees in the workplace concerning the health and safety of any of the employees at work.

The Legislation requires the OH&S Representative to comply with the following. The OH&S Representative must:

- inform Management, ie Principal/Director [if not available the next highest supervisor at the school] of a threat to health and safety.
- inform the Management/supervisor in reasonable time of her/his intention to carry out a workplace inspection.
- inform the Management/supervisor that there is immediate danger to the health and safety of workers and therefore they must cease work.
- give the responsible person a copy of a Provisional Improvement Notice when issued specifying a period not less than seven days in which the problem has to be addressed. It must also specify the action that the responsible person [supervisor] is to take during the period specified in the notice.

5. Training and Release Time for OH&S Representatives

To enable OH&S Representatives to fulfill their responsibilities in the workplace, they are provided up to five days of training. This training may be delivered by the UnionsACT OH&S Training Unit or some other training provider agreed to by the Union and the employer. It must be provided to a new OH&S Representative within six months of their election. Representatives will have relief provided to attend up to five days of training and reasonable time will be allowed to attend OH&S Committee meetings.

The Department and the Union have also agreed that:

- The Department will provide teacher OH&S Representatives with 40 hours per annum [approximately 1 hour per week] release time [Injury Prevention Agreement 2005.]
- This release time is for the use of the teacher OH&S Representative, or Deputy, to cover in school consultations and regular one off site inspections.
- OH&S Representatives require additional time to undertake their duties. As far as reasonably practicable, time should be made available to allow them to carry out their duties during non teaching time. Release time is not intended to compensate for the time spent on their duties but rather to assist the school to resolve difficulties of student supervision during detailed OH&S inspections and one off cases which require the release of the OH&S Representative from teaching duties.

- Each school is to be allocated OH&S hours through the CRS “E” day process.
- The Department will provide to all Representatives resources for initial training courses [release days and course costs], attendance at district meetings, day to day advice and dissemination of information around the system.

The Canberra Institute of Technology has agreed to provide one hour release time from teaching per week to perform OH&S duties. It is intended that these hours are to be used. No more than three hours can be accumulated if OH&S Representatives do not utilise this time each week.

If an emergency arises, teachers may utilise whatever time is required to resolve the issue. This may be teaching or incidental time.

6. Role of Employees

All employees have responsibilities under the Legislation as follows. Employees must:

- not take any action or by any omission that creates risk or increases risk to the health and safety of the employee or other persons at the place of work.
- use equipment in accordance with instructions that are consistent with safe and proper use.
- inform Management of the need for action if a situation arises that involves an unacceptable level of risk to their safety.
- remove themselves from immediate danger if the need arises.

7. Role of Employer

DET and CIT have an overriding responsibility to take all reasonable actions to provide a safe and healthy workplace. They are also required to assist the OH&S Representatives to perform their lawful functions under the Act.

8. Role of the Union

In the Union Office, the responsibility for OH&S is shared between the Assistant to the Secretary [Industrial], who is responsible for the policy aspects and co-ordination of our Union’s OH&S activities, and the Organisers who are responsible for the workplace issues as they arise.

Regular meetings of OH&S Representatives are convened by our Union to discuss relevant issues/problems. Organisers regularly visit schools and are able to assist OH&S Representatives to resolve any local problem.

Occasionally disputes arise between an OH&S Representative and other teachers within the school. While a OH&S Representative is legally entitled to take any action permitted under the OH&S Act with or without the approval of Sub-Branch members, it is strongly recommended that whenever there is a disagreement between the Sub-Branch members and the OH&S Representative, that:

- a Union Organiser is advised of the dispute;
- a Sub-Branch meeting with the OH&S Representative present be held to try to resolve the dispute, prior to any action being taken.

Our Union also represents teachers on the ACT Government OH&S and Rehabilitation Advisory Committee. Part of the function of this Committee is to review the implementation of OH&S issues in each agency and to develop OH&S policies applicable across the whole of Government.

9. Accident and Incident Reporting

The implementation of OH&S Legislation has forced employers to monitor very closely the level of safety in their workplaces. Accident and incident recording is a critical part of an accident prevention program. Therefore, employers must maintain a register and accurate statistics on the occurrence of accidents and incidents.

Employers play a significant part in this process and have an obligation under the Legislation to make certain that where an accident or incident has occurred, an Accident Report Form is completed. These report forms must be forwarded to Shared Services within 48 hours of the accident or incident occurring. The OH&S Representative must also be informed within 48 hours of an accident or incident occurring. The forms are now available online through the Shared Services portal on INDEX.

Notifiable Accidents

There is a requirement for mandatory reporting of notifiable accidents as soon as reasonably practicable and within seven days to the Office of Regulatory Services [ORS]. A notifiable accident is any accident, which results in five or more days of time lost from work or a dangerous occurrence which could have

resulted in five days of lost time. It is the supervisor's responsibility to report the accident/incident to ORS and the OH&S Representative. Accidents resulting in a death must also be notified to ORS as soon as reasonably practicable and within seven days.

Accident Report Forms

Accidents must be recorded on the ACT Government Service Accident Report Form ES8/10[7/91] 1/1677 for all employees of the Department and the CIT.

Student Accidents

Accidents should continue to be completed on current Accident Report Forms either by the student [depending on age] or the responsible supervising adult. Students of the CIT should complete the ACT Government Report Form. For up to date information on this matter contact the Union's Assistant to the Secretary [Industrial].

Comcare Claim Forms

If an injury occurs at work and a member wishes to make a compensation claim they must fill in a Comcare claim form as well as an Accident Report Form. The Accident Report Form does not generate a Comcare claim unless members tick the box on the Accident Report Form headed "Compensation will be claimed". A Comcare package will then be sent to members in the Department.

Members in the CIT should contact the Personnel Unit who will arrange for a form to be sent to them. **It is the responsibility of the member to ensure completion of the Comcare claim available @www.comcare.gov.au.**