

'It's No Accident' is the OHS newsletter of the AMWU. Feedback and story ideas to amwu@amwu.org.au

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Support



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

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AMWU closed Facebook group for AMWU HSRs:
www.amwu.org.au/hsrgroup

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Is your term up?

The length of the term of Health and Safety Representatives is no more than three years (two years in Western Australia).

This is set out in our Health and Safety legislation(s).

If you or another HSR on your site was elected outside the maximum term, you're no longer recognised as a HSR by law.

This means our members are not effectively represented with regards to their health and safety, that the rights and powers of HSRs that are set out in Health and Safety legislation no longer apply, and you are no longer protected by those laws in exercising functions as an HSR.

If you think you might be approaching your term as a HSR, or you're concerned you've served longer without another election being held, get in touch with your State Branch or your Organiser. The AMWU recommends that our Delegates hold a register of all election dates of union HSRs. ●

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AMWU Health and Safety News



AMWU

February 2021

Health monitoring – know your rights.

What is health monitoring?

Health monitoring means monitoring of a person to identify changes in the person's health status because of exposure to certain substances in the workplace.

Health monitoring may include:

- consultation, for example, answering questions regarding previous occupational and medical history or lifestyle, for example dietary, smoking and drinking habits and discussing with the worker how this may affect their health.
- a physical examination, for example skin checks or a spirometry (lung function) test
- clinical tests, for example, urine or blood samples
- X-rays.

Health monitoring exists to protect workers who are exposed to hazardous substances, including asbestos, hazardous chemicals and lead risk work.

Health monitoring is subject to the provisions of the relevant Health and Safety Regulations, and is mandatory for certain exposures.

Can workers refuse health monitoring?

A worker must follow any reasonable instruction given by the PCBU/ employer to allow them to comply with their health monitoring duties. If they refuse, the worker may be contravening their duties under the Health and Safety Act. At a minimum, the PCBU/employer is likely to stop the worker working with the hazardous chemical.

The health monitoring program must have been developed in genuine consultation with workers directly affected and their HSR before engagement of a health monitoring doctor.

If a health monitoring program is being rolled out at your workplace without genuine consultation, get in touch with the union.

Can workers choose to see their own doctor for health monitoring?

Health monitoring must be performed by, or under the supervision of, a registered medical practitioner with experience in health monitoring. Although workers must be consulted about the choice of medical practitioner used for the health monitoring, in most cases it will not be their own medical practitioner unless they have the necessary experience to do the work.

Who can see a workers' health monitoring report?

The PCBU/employer must keep health monitoring reports as confidential records and must not disclose them to another person without the worker's written consent, except where they must provide the records under a law.

The health monitoring report should not contain confidential information on the worker's general health status. The report should not contain details of medical conditions which were disclosed to, or are diagnosed as having by the medical practitioner conducting the health monitoring if the condition has no relevance or bearing on the work been performed by the worker. Details of pre-existing medical conditions can only be included in the report with the worker's written permission.

Who covers the costs of health monitoring?

It is the responsibility of the employer/PCBU to cover all costs related to the health monitoring program.

That includes any travel expenses, and paid time off work to attend appointments.

Concerned about health monitoring in your workplace? Get in touch with the union immediately. ●

FOR WORKPLACE NOTICEBOARD

Health Monitoring – know your rights



Health monitoring is mandatory for certain exposures.



Health monitoring is to be done in paid time.



Health monitoring reports are confidential.



Workers must be consulted when setting up a health monitoring program.