

At a Glance

Your rights/obligations: **Off shore**

Your Rights As A Worker	OPGGs 2006 & Regulations Schedule 3
To have your health and safety ensured.	Schedule 3 Clauses 9, 10 and 11
Be consulted on health and safety issues that affect you.	Clause 9 and Regulation 2.11 To be consulted on development or revision of safety case
Have your union representative involved in the development of a OHS policy, that policy must include arrangements for continuing consultation.	Schedule 3 Clause 9
Be represented by a Health and Safety Representative, which includes standing yourself as a HSR. Determine how the election of HSR & Deputy is to be conducted. Vote in the election of Health and Safety Representative & Deputy.	Part 3 schedule 3 Clauses 25 -28 How the election is to be conducted is prescribed by Regulations
Be provided with safe systems of work.	Schedule 3 Clause 9
Be provided with the information, instruction, training and supervision you need to do your job.	Schedule 3 Clause 9
Have the operator monitor your health and conditions at the workplace and be provided with facilities at work.	Schedule 3 Clause 9
Request that the employer discuss with workers the establishment of a Work Group to elect a HSR.	Schedule 3 clause 19 Note: an operator can establish work groups without being asked by workers
Have the Union represent you in negotiations for the Work Group [remember union could be delegate or union organiser]	Clause 19 & 21
Seek the help of your HSR to direct that unsafe work cease.	Clause 45
Have your HSR present at any interview between you and your employer/PCBU or a H&S Inspector.	Clause 34/44
Protection from discrimination, coercion or threats in relation to a health & safety matters.	Schedule 3 Part 5 Clause 88
Request the review of a Health and Safety Inspector's decision that affects you (including if the Inspector decides to do nothing).	Schedule 3 Part 5 Clause 89
Change your HSR.	-
If accommodation is required, such accommodation is to be without risks to health and safety.	Schedule 3 Clauses 4 & 7

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Your Obligations as a Worker	OPGGS 2006 & Regulations Schedule 3
Take reasonable care and not wilfully or recklessly engender health and safety of yourself or others.	Clause 15
Comply with reasonable health and safety instruction.	Clause 15 Use equipment in accordance with instructions [HSR must be consulted about use of equipment]
Cooperate with reasonable health and safety policy and procedures about which you have been notified. Note the employer/PCBU must consult with workers <u>and</u> their HSR about policies and procedures.	Clause 15

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What a Health & Safety Representative can do	OPGGs 2006 & Regulations Schedule 3
Represent workers on health and safety matters	Powers and function for the purpose of promoting or ensuring the H&S of work group members Clause 9
Attend an approved HSR training course, initial 5 days and then one day per year Contact your organiser for information about NOPSEMA approved courses	Clause 30 HSR must undertake training Powers and functions commence as soon as elected
Paid leave to attend training, the course is to be chosen by HSR, in consultation with the operator.	Clause 30 The course must be approved by NOPSEMA
<u>Employer must consult</u> with you about health and safety matters that affect member of your workgroup	If HSR request employer must consult on any changes: Clause 40. If there is no H&S committee, Clause 34(1)(a) and Clause 9(2), in accordance with any agreement reached between operator and workforce Clause 15 HSR must be consulted about choice and use of equipment.
<u>Direct work to cease</u> that is an imminent or immediate risk	Clause 44 If HSR has reasonable cause must direct cease work [have to speak with supervisor, if available]
<u>Issue a Provisional Improvement Notice (PIN)</u> requiring the PCBU to take certain actions, after previously consulting with the employer about the H&S issue	Clause 34 & 38 Regulation 3.30
<u>Request a review of control measures</u> because there has been a change or new risk/hazard has been identified or consultation indicates a review of risk controls is needed	Clause 34 & 40
Time off, with pay to perform your role	Clause 40(1)
Investigate complaints	Clause 34 and 38
Monitor the measures taken by the PCBU	Clause 34 HSR able to examine records of H&S committee

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What a Health & Safety Representative can do ¹	OPGGS 2006 & Regulations Schedule 3
Inspect the workplace, after giving reasonable notice and without notice if there is serious risk	Clause 34(1)(a)(i) & (ii)
Accompany an Inspector	Clauses 34 and Clause 44
Be present at an interview	Clauses 34-38 and Clause 44
Request the establishment of a Health & Safety Committee	Clause 41
Receive information concerning matters that may affect health and safety of members of your work group	Clauses 34 and Clause 40
Request the assistance of any person Note: this could be another HSR	Clause 35 Assistance from consultant but consultant has to be approved in writing by NOPSEMA. If the HSR is a union member, the union's OHS officer is a potential consultant.
Represent members of another work group if there is a serious risk, or you are asked and the HSR for that workgroup is not found.	Clause 44
You have no duties and are not personally liable for health and safety matters	Clause 37
Be provided with resources, facilities and assistance	Clause 40 (1)
Allow access to workplace to a person assisting you [eg union organiser or health and safety officer]	Clause 35, the union official has to be approved, in writing, by NOPSEMA. There is potential for any H&S policy to make arrangements for assistance from a union official
	In certain circumstances HSR and workers representatives may request that NOPSEMA prosecute for a breach of the law, Clause 89

¹ Note: Health and Safety Representatives still have rights and obligations as workers

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What a Union Organiser Can Do	OPGGs 2006 & Regulations Schedule 3
When invited by a worker, negotiate with the workers employer/PCBU when setting up or changing work groups and numbers of HSRs and deputies	Clause 19 and 21
Negotiate resolution of WHS issues, as a representative of workers [employer organisations can do the same for the employer]	Clause 9 be involved in negotiations of the OHS policy and consultation arrangements
Assist HSRs (when invited by a HSR)	Clause 35 Ask NOPSEMA/OHS inspector to conduct an inspection of the work where there is a disagreement between a HSR and employer about an immediate risk
A trained union official with an Entry Permit may inspect anything relevant to the suspected contravention; consult with relevant workers and consult with the operator.	Clause 35 A union official could be approved by NOPSEMA as a consultant to assist a HSR