
Manual:	Policies and Procedures – Volume 1, General	Ref. No.:	5.16
Section:	Occupational Health & Safety	Issue Date:	April 2006
Subject:	UNION RIGHT OF ENTRY – OH&S ISSUES	Revision No.:	0
		Page:	1 of 3

PURPOSE AND SCOPE

The purpose of this policy is to confirm Peter Mac's approach to the right of unions to access Peter Mac campuses and employees in relation to occupational health, environment and safety issues.

POLICY

Peter Mac is committed to open and transparent communication with its employees and with representatives of employee associations. In relation to OH&S issues, Peter Mac will adhere to both Federal and Victorian State legislative requirements and Victorian Government policy including the requirements of the Victorian WorkCover Authority.

Peter Mac recognizes the right of employee associations to legitimately represent their members in the workplace in relation to OH&S matters and for the union representatives to investigate suspected breaches of OH&S laws and other statutory requirements but in a framework where Peter Mac is able to conduct its business without undue interference and in a spirit of mutual co-operation.

Access to Peter Mac work locations for OH&S reasons will be in accordance with the procedures outlined below.

Definition

"Entry Permit" – A Union Employee/Officer who suspects a breach of the OHS Act is occurring at a workplace must produce a valid entry permit to the employer/management to obtain permission to enter company (I.E. Peter MacCallum) premises or grounds.

The entry permit is issued by a Magistrates Court. The permit is valid for a three year period and must be current.

PROCEDURE

The Victorian Occupational Health and Safety Act 2004 and related Federal industrial legislation provide the framework and authority under which unions and their officials and representatives may have access to workplaces in relation to OH&S issues.

Authorised Union Representatives

Entry to Peter Mac workplaces for OHS reasons is by an authorised union representative who are employees or officers of a registered employee organisation (a union), have satisfactorily completed a training course approved by WorkSafe and hold a current entry permit issued by a Magistrates Court.

Entry or Access

An authorised union representative can enter a workplace during working hours if they reasonably suspect a contravention of OH&S legislation or related regulations has or is occurring and subject to the union having the right to represent the employees affected by the suspected contravention. Their suspicions must be real and not for the purpose of unauthorised meetings with members or Workplace Delegates.

Manual:	Policies and Procedures – Volume 1, General	Ref. No.:	5.16
Section:	Occupational Health & Safety	Issue Date:	April 2006
Subject:	UNION RIGHT OF ENTRY – OH&S ISSUES	Revision No.:	0
		Page:	2 of 3

An authorised union representative has the right to represent employees in a specific work area or location of the suspected contravention if the breach of OH&S requirements affects or relates to work being done by:

- members of their union; or
- employees who are covered by a certified agreement that the union and work place are party to; or
- employees who are eligible to be members of the union they represent and are not covered by a certified agreement that binds the employees to any other union.

Other conditions relating to entry or access are as follows:

- authorised union representatives are to use the entrances to the workplace normally used by employees and/or the public;
- authorized union representatives are to present their credentials to a Peter Mac management representative from the area of the suspected OH&S breach in the first instance;
- Peter Mac will ensure Reception and/or Security staff and other point of entry staff are aware of the right of entry provisions and the need to contact a management representative as a first step;
- Authorised union representatives are expected to comply with reasonable security and safety requirements that apply within Peter Mac; and
- Upon entering the workplace, the authorised union representative will produce their entry permit and provide a Notice that describes the suspected contravention.

Management of the Suspected OH&S Breach

The local manager should assist the authorised union representative enquire into the breach including:

- The inspection of any plant, substance or any other thing at the location where the suspected breach has occurred;
- observing work;
- talk to consenting employees who are members of, or eligible to be members of the representatives union; and
- where a breach is identified, discuss a suitable remedy and agree a mutually agreeable outcome.

NOTE: If a number of suspected breaches are being put forward by the union representative, the above process is to be followed for each individual breach.

Unless the manager agrees, the authorised union representative cannot cause any work to stop provided that where the authorised union representative reasonably believes there is an immediate or significant risk of serious injury or death to one or more employees they can warn affected employee(s) of the risk even if giving the warning would involve the employee(s) stopping their work.

If there is uncertainty, or a dispute about the right of the authorised union representative to enter Peter Mac, or if consultations to resolve an issue fail at any stage in the process, either the authorised union representative or the management representative can ask WorkSafe for advice and/or for an inspector to attend.

Manual: Policies and Procedures – Volume 1, General
Section: Occupational Health & Safety
Subject: UNION RIGHT OF ENTRY – OH&S ISSUES

Ref. No.: 5.16
Issue Date: April 2006
Revision No.: 0
Page: 3 of 3

FURTHER INFORMATION

For further information you should contact Occupational Health and Safety on extension 1167 or Employee Relations on extension 3517. .

Approver OHS Manager/Employee Relations Manager

Authorizer Director of Human Resources