

20 October 2009

CIRCULAR NO: PAN/IL32/2009

ALL MEMBERS IN THE ACT



NEW WORK SAFETY ACT 2008 BEGINS

Members should note the introduction of the new *Work Safety Act 2008* which replaces the old OHS legislation in the ACT.

Key aspects of the new Act include:

- **Extended coverage** to all people who have a “worker-like” relationship including employees, contractors, outworkers, apprentices, trainees, volunteers and visitors;
- **expanded safety duties** to all parties in a position of control (e.g. managers, employees, supervisors) and with the power to eliminate or minimise the generation of risks i.e. by providing safe systems of work, monitoring work safety, providing training and keeping adequate safety records;
- a **general duty on all employers** to consult all employees on matters which may affect their health and safety;
- a provision **granting workers a specific right to refuse work** where they reasonably believe there is a significant risk to their health and safety;
- a provision making **directors and senior officers liable** for potential criminal proceedings where it can be shown the officer was reckless as to whether the breach would occur;
- **penalties** for failure to comply with a safety duty of up to \$10,000 for individuals (or \$50,000 for corporations) and up to \$200,000 and/or imprisonment for 7 years for individuals (or \$500,000 for corporations) for failure to comply with a safety duty and recklessly causing serious harm; and
- an **express right of private prosecution** by unions and employer organisations not just inspectors.

Printing

Industries

Association of

Australia

25 South Parade

Auburn

NSW 2144

PO Box 234

Auburn

NSW 1835

Telephone

02 8789 7300

Fax

02 8789 7387

Toll free

1 800 227 425

info@printnet.com.au

www.printnet.com.au

Operative Date

The Work Safety Act 2008 commences on **1 October 2009**.

Any queries on this matter should be directed to *Printing Industries'* Employee Relations Department on (02) 8789 7300.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'ni gao'.

Ni Gao
Employee Relations Adviser