

## Schedule 1

### Occupational Safety and Health Act 1984

<b>ISSUES THAT CAN BE REFERRED</b>	<b>WHO CAN REFER?</b>
<b>FURTHER REVIEW OF NOTICES</b>	
a further review of the WorkSafe Commissioner's decision following an appeal of <u>an inspector's improvement or prohibition notice</u>  [s 51A]	the person issued with a notice of a decision under s 51(6)  [s 51A]  application may be made within 7 days  [s 51A(2)]
<b>FURTHER REVIEW OF PROVISIONAL IMPROVEMENT NOTICE</b>	
a further review of the WorkSafe Commissioner's decision following an appeal of <u>an inspector's decision to affirm a provisional improvement notice with or without modifications</u>  [s 51A]	the person issued with a notice of a decision under s 51(6)  [s 51A]  application may be made within 7 days  [s 51A(2)]
<b>ENTITLEMENT TO BE PAID</b>	
whether employees (and/or contractors) ought be paid <u>and/or</u> receive an entitlement <u>where work has ceased</u> due to reasonable belief of imminent and serious risk of injury or harm to health  [s 28]	any person(s) party to the dispute  [s 28(2)]
<b>CONSULTATION ON ISSUES RELEVANT TO SETTING UP HEALTH AND SAFETY REPRESENTATIVES</b>	
any issue(s) to be discussed between employer and delegates at the workplace on the number of health and safety representatives that will operate, areas of operation, how vacancies occur and who will conduct the election remaining unresolved may be referred. If the WorkSafe Commissioner cannot resolve the matter to the satisfaction of the parties the issues must be referred to the Tribunal  [s 30(6)]	the WorkSafe Commissioner  [s 30(6)]

**CONSULTATION ON ISSUES RELEVANT TO ELECTION SCHEME FOR HEALTH AND SAFETY REPRESENTATIVES**

issues that remain unresolved when an ‘election scheme’ for health and safety representatives is set up, these may be referred. If the WorkSafe Commissioner cannot resolve the matter to the satisfaction of the parties the issues must be referred to the Tribunal

[s 30A]

the WorkSafe Commissioner

[s 30A(4)]

**CONDUCT OF ELECTION FOR HEALTH AND SAFETY REPRESENTATIVES**

any question(s) relating to the election process for health and safety representatives (unable to be resolved to the satisfaction of the parties concerned) by the WorkSafe Commissioner must be referred

[s 31(11)]

the WorkSafe Commissioner

[s 31(11)]

**DISCRIMINATION AGAINST HEALTH AND SAFETY REPRESENTATIVE(S)**

whether a health and safety representative(s) (employee and/or contractor) has been discriminated against in employment for carrying out their duties

[s 35A and s 35B]

the health and safety representative(s) claiming discrimination

[s 35C]

or an agent or legal practitioner on that person’s behalf

[s 35(3)]

**DISQUALIFICATION OF HEALTH AND SAFETY REPRESENTATIVE(S)**

whether a health and safety representative ought be disqualified

[s 34]

a health and safety representative’s employer, an employee from that workplace or the WorkSafe Commissioner

[s 34(2)]

**VARY PAID LEAVE FOR HEALTH AND SAFETY REPRESENTATIVE(S) FOR PERFORMING FUNCTIONS**

whether entitlements for health and safety representative(s)’ time for performing functions ought be varied

[s 35(3)(a)]

the health and safety representative(s)’ employer, the health and safety representative(s) or the WorkSafe Commissioner

[s 35(3)]

**VARY PAID LEAVE FOR HEALTH AND SAFETY REPRESENTATIVE(S) FOR ATTENDING TRAINING**

whether entitlements for health and safety representative(s) time for attending courses of training accredited under s 14(1)(h) ought be varied

[s 35(3)(b)]

the health and safety representative(s) employer, the health and safety representative(s) or the WorkSafe Commissioner

[s 35(3)]

**WORKPLACE HEALTH AND SAFETY COMMITTEE ARRANGEMENTS**

where the WorkSafe Commissioner has reviewed the arrangements for a workplace health and safety committee that decision may be referred for further review by the Tribunal.

[s 39G]

the employer, a health and safety representative(s) for the workplace or an employee from that workplace

[s 39G(1)]