

SafeWork NSW Validates the Rights of Health and Safety Representatives

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Bulletin 40 - 2016

To: All RTBU Members

For over 18 months Unions have been fighting Sydney Trains Management over their refusal to allow HSRs their right under Section 72 - WHS Act 2011, to choose the Registered Training Organisation (RTO) to provide their HSR training.

SafeWork NSW have finally validated the rights of HSRs to choose who delivers their health and safety training by directing Sydney Trains to facilitate the provision of HSR training by the RTO of the HSRs' choice.

Sydney Trains Management have stubbornly refused stating that Government guidelines required them to only allow the training to be provided by an RTO that has been through Sydney Trains' procurement process.

The decision by SafeWork NSW vindicates the stance taken by the Unions that Government and Employer procurement requirements **do not** override the WHS Act.

It is expected that Sydney Trains will seek an appeal through the State Industrial Relations Commission in an attempt to have this decision overturned. Members will be advised if and when this happens and any impacts that could occur as a result of an appeal.

We would like to congratulate and thank our fellow AMWU members for their dedication and determination in pursuing this matter. The SafeWork decision has set the precedent for ALL Unions and HSRs by affirming the right of the HSRs to choose under Section 72 – WHS Act.

If there are Members who are elected HSRs and are yet to receive their HSR training they should exercise their right under section 72 WHS Act and choose to have this training through an ACTU and SafeWork accredited RTO, for example HOSTA.

Members should respectfully decline to attend a Management chosen RTO.

Issued by:

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