



Right of Entry laws for OHS purposes in Queensland

Amendments to the *Workplace Health and Safety Act (Queensland)*

For more information call the ABCC in QLD on: (07) 3223 1609

or write to: ABCC, GPO Box 9927, Brisbane QLD 4001

CAN A UNION OFFICIAL SPEAK TO THE OCCUPIER OF THE WORKPLACE?

ANSWER: YES Section 90I(2)(d) BUT only if:

- the official is investigating a suspected contravention of the *Workplace Health and Safety Act (Qld)* (Act)
- the official has a reasonable basis for suspecting the contravention and
- the discussion is about matters relevant to the suspected contravention.

CAN A UNION OFFICIAL ENTER ANY CONSTRUCTION WORKPLACE?

ANSWER: YES Section 90I(1) or 90J(1) BUT the official must:

- hold a valid identity card
- show the identity card upon request
- have at least one worker on the site who is an eligible member of the union
- tell the occupier of the official's presence as soon as practicable after entry
- either:
 - have a reasonable suspicion that a contravention of the Act is happening or has happened which relates to or affects an eligible member or
 - seek to hold discussions about matters relating to workplace health and safety with eligible members who wish to participate in those discussions

CAN A UNION OFFICIAL INSPECT ANY PLANT, SUBSTANCE OR OTHER THING AT THE PLACE RELEVANT TO THE SUSPECTED SAFETY CONTRAVENTION?

ANSWER: YES Section 90I(2)(a) BUT the official must:

- have a reasonable suspicion that a contravention of the Act is happening or has happened which relates to or affects an eligible member and
- provide written notice of the entry and reasons for the suspected contravention as soon as practicable after entry.

CAN A UNION OFFICIAL OBSERVE WORK CARRIED ON AT THE PLACE?

ANSWER: YES Section 90I(2)(b) BUT the official must:

- have a reasonable suspicion that a contravention of the Act is happening or has happened which relates to or affects an eligible member and
- provide written notice of the entry and reasons for the suspected contravention as soon as practicable after entry.

CAN A UNION OFFICIAL SPEAK TO A WORKER AT THE WORKPLACE?

ANSWER: YES Section 90I(2)(c) BUT only if:

- the official is investigating a suspected contravention of the Act
- the official has a reasonable basis for suspecting the contravention
- the employee is an eligible member of the union
- the employee wishes to take part in those discussions and
- the discussions are about the suspected contravention.

Otherwise, an official may only enter a workplace to hold discussions with employees if the official has given at least 24 hours notice. The discussions may only take place with eligible members who wish to participate and may only take place during work breaks.

The discussions may only be about matters relating to workplace health and safety at the workplace: Section 90J

CAN A UNION OFFICIAL REQUIRE THE PRODUCTION FOR INSPECTION DOCUMENTS RELEVANT TO A SUSPECTED CONTRAVENTION OF THE ACT?

ANSWER: YES Section 90I(2)(e) BUT only if:

- the official is investigating a suspected contravention of the Act
- the official has a reasonable basis for suspecting the contravention and
- if the documents are employment records, the official has given at least 24 hours written notice of his intention to do so and the reasons for doing so.

IS THE OCCUPIER REQUIRED TO GIVE REASONABLE HELP TO THE UNION OFFICIAL TO EXERCISE THE UNION OFFICIAL'S POWERS?

ANSWER: YES Section 90(2)(g) an occupier is required to give reasonable help must do so unless he or she has a reasonable excuse. AND, the union official must comply with reasonable request of the occupier to comply with any workplace health and safety requirement: Section 90M(2).

HINDERING OR OBSTRUCTION

A person must not obstruct an authorised representative in the exercise of these rights of entry powers. The maximum penalty is \$3,000: Section 173A.

An authorised representative must not unreasonably hinder, obstruct, intimidate or threaten a worker or other person at the workplace. A union official who contravenes this provision may face cancellation or suspension of the authorised representative's appointment or the amendment of conditions on that appointment: Section 90N.



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