



Community and Public Sector Union, NSW Branch
Branch Secretary Stewart Little

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6 November 2020

Mr Glen Scholes
General Manager
Clarence Correctional Centre
313 Avenue Road
LAVADIA NSW 2462

BY EMAIL: glen.scholes@serco-ap.com

Dear Mr Scholes

RE: Workplace Health and Safety

The CPSU NSW writes on behalf of its members to inquire what, if any, process has been undertaken for election of Health and Safety Representatives (HSRs) by Serco at Clarence correctional Centre and whether it has been compliant with the statutory obligations.

Section 61 of the *Work Health and Safety Act 2011* (NSW) (hereafter referred to as 'the Act'), empowers the workers in a work group to determine how an election of a health and safety representative for the work group is to be conducted. The CPSU NSW is not aware of any such negotiation regarding the size nor composition of work groups.

Pursuant to section 62, a health and safety representative for a work group is to be elected by members of that work group and all workers in that work group are entitled to vote for the election of the health and safety representative. The CPSU NSW is not aware of any elections being conducted.

Further, clause 18 of the *Work Health and Safety Regulation 2017* (NSW) provides how such elections are to be conducted:

"(1) This clause sets out minimum procedural requirements for the election of a health and safety representative for a work group for the purposes of section 61 (2) of the Act.

(2) The person conducting the election must take all reasonable steps to ensure that the following procedures are complied with:

(a) each person conducting a business or undertaking in which a worker in the work group works is informed of the date on which the election is to be held as soon as practicable after the date is determined,

(b) all workers in the work group are given an opportunity to:

(i) nominate for the position of health and safety representative, and

(ii) vote in the election,

(c) all workers in the work group and all relevant persons conducting a business or undertaking are informed of the outcome of the election.”

Finally, the person conducting a business or undertaking (PCBU) is obliged to then consult and confer with elected HSRs, in accordance with s70 of the Act.

The CPSU NSW is aware of numerous concerns regarding workplace health and safety arising at Clarence Correctional Centre. It believes that the election of HSRs in accordance with the legislative requirements should be a matter of priority but is not aware of any steps being taken by Serco to ensure this is the case. We consequently request that Serco advise what, if any, steps have been taken to date, who (if anyone) was elected, how the work groups were formed and when any consultation with the elected representatives has or will be scheduled to occur.

A response within seven business days would be prudent and appreciated.

Yours sincerely



Troy Wright
Branch Assistant Secretary