



## Employment and Disasters Fact Sheet

### **Q: What are my employer's basic safety duties after a disaster?**

A: Employers must provide and maintain a working environment that is safe and without risks to health, so far as is reasonably practicable at all times, including during and after a disaster.

This includes providing and maintaining safe systems of work, safe workplaces and adequate welfare facilities, and providing the information, instruction, training and supervision necessary for employees to perform their work safely.

This duty also applies to independent contractors engaged by an employer and to the independent contractor's employees.

### **Q: What does reasonably practicable mean in the context of a disaster?**

A: Employers must first try to eliminate health and safety risks. This may mean stopping work where hazards are extreme. Most of the time, it will involve adjusting work in some way.

Where it is not reasonably practicable to eliminate a risk, for instance because a disaster or climate change has created ongoing or heightened risks and work needs to be done, the employer must reduce the risk as far as reasonably practicable. This may involve working with modifications or with controls in place.

In deciding what is reasonably practicable, an employer will consider the likelihood of the hazard or risk arising or continuing, the potential severity of harm, what is known about hazards and possible controls, the availability and suitability of controls, and the costs.

### **Q: What hazards are common with and after disasters?**

A: Common hazards include unstable structures, live or damaged electrical or gas systems, asbestos and other hazardous materials, contaminated water and sewage, poor air quality (smoke and dust), weather extremes, and fatigue and psychosocial risks.

### **Q: What should be in place before work resumes?**

A: Depending on the nature of the disaster and its impact on the workplace, employers may need to take specific steps to ensure workers' health and safety before they return to work. In the context of a disaster, examples of such steps might include restricting access to unsafe areas, arranging structural checks, isolating or disconnecting services, using licensed asbestos removalists, drying and disinfecting flood-affected areas, setting up exclusion zones, providing protective equipment, rotating tasks, and managing fatigue.

## Allied Justice

 FREECALL 1800 466 488  [help@alliedjustice.org.au](mailto:help@alliedjustice.org.au)

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### **Q: Do employers have to consult me about health and safety matters?**

A: If it is reasonably practicable, employers must consult with workers and Health and Safety Representatives on matters such as identifying and assessing hazards or risks, making decisions about controls, and proposing changes that may affect employees' health and safety.

Employers must share information, and workers must have a chance to give their views on the matters. The employer must take employees' views into account.

### **Q: What if I think work is unsafe during or after a disaster?**

A: If you have a health and safety concern about your workplace, it may be appropriate to take one or more of the following steps, depending on the circumstances:

- Tell your supervisor and/or Health and Safety Representative to try and resolve the concern.
- Refer to and follow your employer's issue-resolution procedures.
- Stop the activity or leave the dangerous area, then tell your supervisor and Health and Safety Representative.
- Ask a WorkSafe inspector to attend the site. If an inspector issues a prohibition notice or finds reasonable cause for concern, you are entitled to be paid for any period you did not work while the issue was being resolved, provided you would otherwise have been entitled to payment for that period.

### **Q: Can I be punished for raising safety concerns?**

A: No. It is an offence for an employer to dismiss an employee, injure an employee in their employment, or alter an employee's position to their prejudice (or threaten to do so) for reasons including that the employee has raised a safety concern, assisted an inspector or Health and Safety Representative, acted as a Health and Safety Representative, or exercised a power as a Health and Safety Representative.

### **General tips for work and leave**

- Start conversations with your employer about your safety, work hours, and leave options as early as possible.
- Submit any requests for changes to your work arrangements or leave in writing, and keep copies of notices and supporting evidence.
- If you need assistance or advice, consider contacting your union or Allied Justice.

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*This fact sheet is specific to the health and safety laws in Victoria (Occupational Health and Safety Act 2004 (Vic)). A reference to an employee of an employer includes an independent contractor engaged by the employer and any employees of that contractor.*

*This material does not replace legal advice. Laws can change. If you are unsure, seek advice from Allied Justice.*

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