

OCCUPATIONAL SAFETY AND HEALTH

Safety representatives (SRs)

IMPORTANT

In companies or workplaces which regularly have more than 10 employees, employers have to appoint a sufficient number of safety representatives (SRs).

TASKS OF THE SRS

- To inform, advise and support employees and employee's organisations on all issues related to occupational safety and health
- To represent the interests of the workers vis-à-vis employers and relevant authorities and other entities on issues of occupational safety and health issues (in consultation with the works council)
- To provide information, advice and support to the works council
- To cooperate with safety experts and occupational physicians
- To ensure that safety measures are applied, that the relevant equipment is available and in use, and that suitable precautions are taken
- To advise employers on the implementation of occupational health and safety measures
- To inform employers about existing deficits.

RIGHTS OF THE SRS

- Transfer of certain participatory rights from the works council to the SRs (if there is no works council, SRs have additional participatory rights)
- In all issues related to safety at work and the protection of health, SRs can demand that the necessary measures be taken and that deficits be eliminated
- SRs can draw up proposals for employers to improve working conditions
- SRs have a right to the time they require for their function, the necessary further training, aids and funding
- SRs have a right to act independently and are not subject to directives
- They have special protection from dismissal and redundancy.

APPOINTMENT OF SRS

- Duration of the function: 4 years
- In companies with a works council, their appointment is carried out only with the agreement of the works council. In companies without a works council, it takes place after all employees have been informed (> opportunity to object to the appointment),
- The appointment does not relieve employers of their responsibility to adhere to occupational health and safety regulations.

NUMBER OF SRS

Number of employees From - to		Number of SRs
11	50	1
51	100	2
101	300	3
301	500	4
501	700	5
701	900	6
901	1.400	7
etc.		etc.

- In companies with a works council, the number of SRs is calculated according to the total number of employees in the company
- Employees on building sites and at external work locations should be included in the calculation
- In companies without a works council, the number of SRs for the individual workplaces is calculated according to the number of employees working there.

SRS HAVE ACCESS TO THE FOLLOWING INFORMATION

- Safety and health protection documents
- Records (e.g. about accidents at work, agents, noise levels, information about when limit values have been exceeded etc.),
- Information about many other aspects of occupational safety and health, particularly when no employees' bodies have been elected.

CONSULTATION AND INVOLVEMENT OF THE SRS

- On all safety and health protection issues, particularly when no employees' bodies have been elected (e.g. in the selection of personal protective equipment, the introduction of new technologies etc.),
- Before the appointment or recall of occupational physicians, safety experts, firstaiders and fire protection officers
- If a prevention centre is used.

THE PERSONAL AND SPECIALIST REQUIREMENTS TO BECOME AN SR

- Training consisting of a course of at least 24 units in the field of occupational safety and health (before appointment or within the first year of office)
- The different divisions of the company and its regional branches should be suitably represented
- The SR should be able to provide support to all shifts in the case of a company with a shift system
- When choosing SRs, there should be a suitable level of representation of women and men in relation to the numbers of employees
- SRs have to be employees of the company in question
- First-aiders and fire protection officers can also be appointed as SRs
- Members of the works council may be appointed as SRs
- In accordance with Section 9 of the Administrative Penal Act (VStG), SRs may not be appointed as designated representatives
- Employers and their designated representatives may not be appointed.

NOTIFICATION OF THE APPOINTMENT OF SRS

- The relevant local office of the Labour Inspectorate has to be notified in writing of the appointment of SRs.
- The notification must include:
 1. The name(s) of the SR(s)
 2. Place of work and (if applicable) how the scope of responsibility of the SRs is divided up
 3. Beginning and end of their period
 4. Details about the possible appointment of a chairperson
 5. Signature of the employer or of their designated representative
 6. In the case of companies with employees' representatives, the signature of a representative of the responsible employees' organisation
 7. Information about the number of employees in the company or the workplace.

LEGAL BASIS

Occupational Health and Safety Act (ASchG), Federal Law Gazette No. 450/1994;
Regulation on safety representatives (SVP-VO), Federal Law Gazette No. 172/1996
Labour Constitution Act 1974 (ArbVG), Federal Law Gazette No. 22/1974
Act on the Adaptation of Employment Contracts (AVRAG), Federal Law Gazette No. 459/1993

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The competent Labour Inspectorate will be happy to advise you.

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