



Queensland Council of Unions

**OCCUPATIONAL HEALTH AND SAFETY
POLICY**



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1 Introduction

- 1.1 A safe, healthy and stress-free work environment is fundamental to a just industrial relations (IR) policy.
- 1.2 Occupational health and safety (OHS) is a legitimate IR issue, with links to other IR matters such as hours of work and rest breaks.
- 1.3 Union members consistently rank OHS as a priority. Often OHS is rated higher than wages or other working conditions.
- 1.4 The QCU and unions reaffirm their commitment to a preventative OHS strategy based on the following principles:
- every worker has a right to work in a safe and healthy work environment and to know the hazards to which they may be exposed
 - employers have an obligation to provide a safe and healthy workplace and to protect workers' health and safety at work
 - government has a responsibility to develop, review and enforce basic standards that define a safe and healthy work environment
 - victims of occupational injury and disease should be cared for by no-fault financial compensation, access to unrestricted common law action and by readily available rehabilitation and health care services
 - unions have a right of unions to be involved in OHS on behalf of their members
 - Active participation by unions and workers in decisions about OHS is critical to achieving safe and healthy workplaces and safe systems of work.
- 1.5 This policy aims to focus the activities of the union movement in preventing work-related deaths, injury and disease through:
- supportive activities by the QCU and unions, consistent with their roles and responsibilities
 - advocating for essential improvements in the OHS legislative and supportive infrastructure
 - reflecting priority health and safety issues.
- 1.6 The QCU will report to Executive before the end of 2001 on progress with implementation of this policy.

2 Enhanced Union Involvement in OHS

2.1 Union involvement is essential to improved OHS. Effective union involvement - both directly and through links to wages, conditions, and other union policies and activities - is a key test of union relevance to members and potential members.

2.2 In order to strengthen union participation in OHS, the following actions will be carried out:

- the QCU and unions will continue to participate in tripartite and industry-based OHS bodies to promote improved OHS performance at all levels
- the QCU Executive will seek commitment from union officers to attend all OHS tripartite and industry-based bodies
- the QCU and unions will seek mechanisms to improve the representation of union delegates to Industry Sector Standing Committees and to improve communication paths between these representatives
- the QCU will provide union organisers and industrial officers with training, information and advice on OHS matters
- the QCU will conduct conferences and seminars on OHS issues for officials, delegates and union OHS personnel
- the QCU will support unions by providing OHS resources, including guidelines on OHS hazards, and by disseminating OHS information
- unions will encourage and support officials to participate in QCU Committees and working groups
- the QCU and unions will conduct hazard and/or industry-based OHS campaigns, including participation in the annual ACTU National OHS Campaign
- unions will encourage and support their members to be active as Workplace Health and Safety Representatives (WHSRs) and health and safety committee members
- unions will ensure that unionised workplaces have trained WHSRs on workplace health and safety committees
- the QCU and unions will support a biennial national survey of WHSRs
- the QCU will encourage unions to appoint an OHS officer

2.3 Union delegates, WHSRs and activists are integral to effective union involvement in health and safety, and OHS is a key area of activity by delegates and activists in the workplace.

2.4 In order to strengthen and support participation of delegates and activists in OHS, the QCU and unions will:

- negotiate with employers to ensure workers elect WHSRs
- negotiate with employer about the frequency of WHSR inspections
- negotiate with employers to ensure that WHSRs attend the 4-day, accredited, union OHS training course developed by the QCU OHS Unit
- provide delegates, WHSRs and worker representatives on OHS committees with

OHS information and materials, including through seminars, conferences and other forums.

3 Awards and Enterprise Agreements

- 3.1 The QCU and unions will ensure that OHS is advanced through provisions in awards and industry/enterprise agreements.
- 3.2 Unions will ensure that provisions in awards and industry/enterprise agreements do not result in risks to health and safety.
- 3.3 The QCU will maintain a database of available clauses for industry/enterprise agreements for use by unions.
- 3.4 Unions will seek, wherever possible, to insert clauses that allow for paid time for OHS training, seminars and conferences for workers in awards and enterprise agreements.

4 OHS Data and Analysis

- 4.1 The QCU and unions will advocate improvements in the collection and analysis of OHS statistics and data, through:
 - consistent national implementation of the improved National Data Set (NDS) of workers' compensation statistics
 - improved use of other data sources such as the Australian Bureau of Statistics, Australian Workplace and Industrial Relations Survey, National Coronial Information System, Qstats and enhanced medical practitioner and hospital injury and illness data
 - a focus on improved collection of information on work-related disease (particularly diseases of long latency) and psychosocial illnesses
 - an upgrade of the scope of OHS data to reflect the changing labour market
 - improvements to the availability and accessibility of OHS data to users such as unions and employers
 - increased use of information collected as part of workers compensation activities, including notification by WorkCover to the Division of Workplace Health and Safety of all workplace claims
 - analysis of data to support OHS policy development and implementation, including the development of targets

5 OHS Research

- 5.1 The QCU and unions will continue to lobby for independent and ongoing OHS research on current and emerging OHS problems and solutions.
- 5.2 The QCU and unions will advocate for an increased research capacity within NOHSC and the coordination of national research efforts.
- 5.3 The QCU and unions will advocate that the state government funds OHS research.

5.4 The QCU and unions will support collaboration between the research efforts in different states and territories at government, union and workplace levels.

6 Duties of employers

6.1 Since employers have control of the workplace, the primary responsibility for ensuring health and safety at work must rest with the employer.

6.2 The QCU and unions will seek to increase the level of employers' compliance with OHS legislation, especially regarding their obligation to provide healthy work environments and safe systems of work, and the requirement to consult workers on OHS matters.

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6.4 The QCU and unions will continue to regard legislative OHS requirements as minimum requirements and to lobby for above-minimum standards and conditions in the workplace.

6.5 The QCU and unions will continue to work with employer organisations at the state and industry level to develop OHS solutions to safety problems.

6.6 The QCU and unions will advocate increased emphasis on assessment of the OHS performance of managers, and the inclusion of OHS performance criteria as part of an ongoing performance evaluation and an integral component of decisions to hire, promote, or discharge managers.

6.7 The QCU and unions will advocate that companies are required to publish OHS performance, including convictions, in company annual reports.

6.8 The QCU and unions will seek the recognition of employers that unions have a fundamental right to act on behalf of their members in the workplace.

6.9 The QCU and unions will continue to seek reexamination and clarification of employers' obligations.

6.10 The QCU will pursue and encourage analysis related to the effectiveness of Occupational Health and Safety Management Systems (OHSMS).

7 International OHS Activities

7.1 The QCU and unions will continue to develop and strengthen links with international unions, peak union councils, and worker health and safety organisations to raise health and safety standards.

- 7.2 The QCU and unions will oppose organisations based in Australia adopting poor health and safety practices in their overseas operations.
- 7.3 The QCU and unions will monitor international developments in OHS problems and solutions.
- 7.4 The QCU and unions will continue to observe the International Day of Mourning on 28 April each year.
- 7.5 QCU supports ILO Convention 155 and Recommendation 164 (Occupational Health and Safety), and calls for federal and state governments to ratify and adopt these.

8 Nationally Uniform OHS Standards

- 8.1 The QCU will continue to promote effective regulation of OHS and to support the development and implementation of national OHS standards and codes of practice.
- 8.2 The QCU and unions will campaign for national standards where they are required for new OHS hazards.
- 8.3 The QCU and unions will advocate that the state government adopts national standards in a consistent way to provide all Australian workers with equal protection, provided this does not entail a lessening of existing standards.
- 8.4 The QCU and Unions will advocate that NOHSC reinstate tripartite industry specific committees.
- 8.5 The QCU will support the implementation of the National OHS Improvement Framework and will monitor its implementation of the Framework at the state level.

9 State Legislation

- 9.1 The QCU and unions will advocate that fundamental rights with respect to health and safety at work be included in legislation, and will oppose legislative provisions which could have adverse impacts on OHS.
- 9.2 The QCU and unions recognise that National Competition Policy, subjecting legislation to Regulatory Impact Statements (RIS), and the requirement for the Department to remake all OHS standards every 5 years rather than on a needs-only basis, are major impediments to improved OHS.
- 9.3 The QCU and unions will support and advocate improvements to OHS legislation to reflect changes in work organisation and hazards.
- 9.4 The QCU and unions believe that policy and legislation are best developed in consultation with representatives from employer and union organisations nominated by the relevant peak councils and that representation on tripartite bodies developed

under the OHS legislation need equal numbers of worker and employer representatives, with experts invited in from time to time but being excluded as members.

- 9.5 The QCU and unions recognise the importance of gender, ethnicity and equal opportunity issues in regard to OHS, including the membership and representation on tripartite committees made under the legislation.
- 9.6 The QCU and unions will continue to advocate that all OHS legislation, guides and documents be prepared in plain English.
- 9.7 The QCU and unions will oppose the further introduction of performance-based legislation, and will seek to have existing performance-based standards replaced, where these are detrimental to improved OHS. That is, standards must be expressed in terms of what needs to be done to reach a particular OHS outcome, and not simply describe the outcome to be achieved.
- 9.8 The QCU and unions recognise that industry codes of practice/advisory standards are necessary to give guidance to those with OHS obligations on how these obligations may be met.
- 9.9 The QCU and unions will lobby for the Department responsible for OHS to publicise the role of advisory standards in the legislative framework, in particular the differences between advisory standards and guides and the onus on employer to follow advisory standards.
- 9.10 The QCU and unions will lobby for the Department responsible for OHS to publicise the role of WHSRs and consultation in the legislative framework.
- 9.11 The QCU and unions recognise that the term health, in relation to OHS, includes matters related to hygiene and that regulations in OHS legislation are necessary for adequate sanitary installations, washing facilities, facilities for changing and storing clothing, dining facilities, supply of drinking water, working space, ventilation and any other welfare facilities connected with OHS.
- 9.12 The QCU and unions will actively oppose the imposition of any expenditure for workers or members of the public in regard to OHS, including the use, maintenance or replacement of any personal protective equipment (PPE).
- 9.13 The QCU and unions recognise the central role of the WHSR and will actively seek the following improvements to the Workplace Health and Safety Act:
 - the compulsory election of at least one WHSR in every workplace, with at least one WHSR appointed for every 20 workers
 - the right of WHSRs to issue provisional improvement and prohibition notices (PINS) where there is reasonable cause to suspect an imminent danger to health

- or safety, including the right to appeal against dismissal of or variation to a PIN;
 - training for WHSRs to be compulsory under the Act, with employers required to pay for training under legislation, including any ongoing training required under the Act
 - training is to be government-accredited, and of sufficient length to ensure effective outcomes
 - refresher training provided every two years.
- 9.14 Elected workplace OHS representatives and committee members must be given protection from dismissal or other disciplinary measures prejudicial to them while exercising their functions under the legislation.
- 9.15 The QCU and unions recognise that it is the common law right of all working people to cease work where their health and safety is being jeopardised, and will lobby for the explicit inclusion of this right in the state OHS legislation.
- 9.16 The QCU and unions believe that workers' elected representatives in OHS matters must also have the legislated right to stop work where they have reasonable justification to believe that there is an imminent and serious danger to health or safety.
- 9.17 The QCU and unions believe that no measures prejudicial to a worker or their representative should be taken because they, with reasonable cause, stopped work, directed work to be stopped or complained of a perceived breach of statutory requirements or a serious inadequacy in the measures taken by the employer in respect of OHS.
- 9.18 The QCU and unions will defend the right of union officials to assist in negotiations with employers on OHS consultative arrangements.
- 9.19 The QCU and unions will also actively seek the following amendments to the legislation:
- legislative changes to enable unions to initiate prosecutions for breaches of OHS law
 - legislative change to enable union officials to carry out workplace health and safety inspections in workplaces where they have members, including the right to view and inspect OHS records or records relevant to OHS
 - introduction of a regulation to ensure that risk management activities are carried out, that risk management records are held and that unions have the right to inspect these records
 - new requirements that, following an incident involving equipment failure, the equipment or plant should be tested by an independent body
 - compulsory induction training, including periodic updates, for all workers.
- 9.20 The QCU and unions support the charge of Industrial Manslaughter for employers

who have caused the death of a worker or other person through breach of their obligation to provide a safe and healthy workplace.

10 Inspection and Enforcement of OHS Legislation

- 10.1 The QCU and unions will pursue with the state government a range of methods to promote the effective implementation of OHS standards and codes across industries and workplaces.
- 10.2 The QCU and unions will continue to pressure the state government to upgrade the capacity of government inspectorates, including increasing the number of inspectors, raising inspectors' knowledge and awareness of the full range of hazards at work and the introduction of industry teams so the inspectors with industry-relevant knowledge are used.
- 10.3 The QCU and unions will lobby for the continuation of government enforcement campaigns across industries, including campaigns targeted at specific hazards or industries.
- 10.4 The QCU and unions will continue to lobby the state government to broaden the scope and range of penalties, including through public exposure, the introduction of 'on the spot fines' and criminal sanctions where appropriate, and through raising the minimum as well the maximum penalties imposed for OHS breaches.
- 10.5 The QCU and unions will campaign for the right of unions to initiate prosecutions for breaches of OHS laws.
- 10.6 The QCU and unions will monitor penalties imposed for OHS breaches, and advocate increased understanding in the courts of the human impact of OHS breaches that cause deaths, injuries and disease.
- 10.7 The QCU and unions will advocate the introduction of specialist magistrates to hear OHS matters.
- 10.8 The QCU and unions will oppose self-auditing as a replacement for government inspection activities.
- 10.9 The QCU and unions will pressure governments to apply lessons learned from effective enforcement in other areas, such as road safety, to occupational OHS.
- 10.10 The QCU and unions will advocate for efficient departmental structures that deliver effective inspection and enforcement outcomes.

11 Rehabilitation and Compensation

- 11.1 The QCU and unions will continue to campaign for adequate compensation for victims of workplace death, injury and disease, including access to common law remedies.

11.2 The QCU and unions will continue to campaign for unrestricted access to common law for workers who have suffered injury or illness at work.

11.3 The QCU and unions will campaign for improved rehabilitation services and appropriate return to work programs.

12 Information, Education and Training

12.1 The QCU will encourage increased emphasis by State Training Authorities on OHS aspects of registration of training organisations.

12.2 Unions will pursue the integration of OHS into the curriculums of industry training packages, including into standards and assessment instruments.

12.3 The QCU and unions will pursue increased OHS skills of teachers and other training professionals.

12.4 The QCU and unions will support the continued accreditation of a suitable union-approved WHSR course by the state government in order to ensure suitable quality of training.

12.5 The QCU will lobby government to introduce an OHS component within school curriculums.

12.6 Unions will negotiate delivery of appropriate induction and ongoing training at the industry and enterprise level.

13 Priority OHS Issues

13.1 The QCU and unions will advocate for the prevention of work-related deaths, injuries and disease through the elimination or reduction of OHS hazards, and the application of the risk control hierarchy.

13.2 The QCU and unions will continue to monitor closely the high-risk areas of manual handling, electrical safety and noise in order to seek continuous legislative improvement and effective enforcement.

13.3 In addition to 13.2, The QCU and unions will direct attention to the following priority OHS hazards.

13.3.1 Stress at Work

The QCU and unions will continue to pressure NOHSC and the state authority to increase their attention to psychosocial risks at work, including the development of a national code of practice for the prevention of stress at work and the adoption of such a code at a state level to at least the advisory standard level.

13.3.2 Work-Related Violence and Bullying

The QCU and unions will continue to pressure governments to increase their focus on the growing problem of workplace violence and bullying, especially in those industries where people work with cash, in isolation, and/or are required to relate with members of the public, clients, students or patients in difficult situations.

13.3.3 **OHS and Labour Market Changes**

The QCU and unions will promote analysis and legislation at the national, state and industry levels of OHS impacts of changes in the labour market, giving particular attention to casual work, part-time work, contracting out, labour hire, home-based work, call centres, shiftwork and organisational downsizing.

13.3.4 **Working Hours**

The QCU and unions will pressure governments to set standards for (a) maximum daily and weekly working hours based on health and safety principles, (b) absolute minimum breaks while at work, and between the cessation of one work period and the beginning of another, and (c) access to annual and other leave provisions for all workers.

The QCU and unions will raise awareness of the OHS consequences of the increased 'spread' of ordinary hours, the growing use of annualised salaries which has led to an increase in unpaid overtime in many industries and occupations, the removal of penalty rates for shift work, and pressure by employers (and governments) to treat (and pay for) all hours the same.

The QCU and unions will raise awareness that from a health and safety perspective, all hours are not the same. Night work and extended hours (particularly hours which extend into the night) are more hazardous to health and safety than are 'normal' day hours.

Unions will pursue adequate staffing in the public and private sectors to prevent dangerous hours and work overload.

The QCU and unions will advocate through the appropriate forums that employers do not allow employees and persons under their control - including those working from home - to work hours which are detrimental to their health, safety and welfare.

The QCU and unions will pressure state governments to actively pursue policies and strategies to eliminate or control the OHS hazards of shift work and extended working hours.

Unions, including organisers and officials, will establish and maintain safer working hours as a priority issue, and facilitate debate within unions about working time issues.

Unions will ensure that the health and safety implications of shift work, and extended working hours are always considered when negotiating agreements.

13.3.5 **Chemicals at Work**

The QCU and unions will campaign for:

- the removal of known lethal chemicals from work environments and the use of safer chemicals at work
- the increased awareness by workers of the hazards and the safe use of chemicals at work
- a ban on the manufacture, importation and/or use of chrysotile asbestos in Australia
- better assessment and labeling of chemicals, and improved registers and provision of information on chemicals, including Material Safety Data Sheets
- government recognition of and research into the synergistic effects of chemicals, and the associated health effects of multiple chemical exposures
- government recognition of, and research into, chemical sensitivity
- increased attention to the link between health and safety and environmental issues with regard to chemicals, particularly in relation to contaminated sites, industrial air and water pollutants, and the transport and disposal of hazardous wastes
- increased information, research and legislation based on levels of chemicals not over an eight-hour period
- rigorous enforcement of the hazardous substances legislation
- additional legislation which helps stop the introduction of new hazardous substances
- the absolute right of workers not to work with unknown chemicals, or product where the chemical constants are unknown and the statement of this right in the state OHS legislation

13.3.6 **Electro-Magnetic Radiation (EMR)**

The QCU and unions will:

- monitor the report of the Senate Committee Inquiry and the activities of the authorities which are charged with setting human exposure standards for EMR;
- campaign to lower the present exposure standards for radiofrequency/electromagnetic radiation to take into account the non-thermal health effects of exposure
- campaign to have the exposure levels for workers set, at most, to the level adopted for members of the public.

13.3.7 **Impairment issues at work (including alcohol and drug testing at work)**

The QCU and unions will support the development and implementation of the ACTU Guidelines for Addressing Impairment Issues at Work, (including Policy for Alcohol and Drug Testing at Work), for use by unions, delegates and members.

13.3.8 **Women workers**

There are OHS hazards that are of particular concern to women, in particular in industries and occupations where women are concentrated. Pregnant women and nursing mothers may face additional dangers to their health and safety.

The QCU and unions will consider the OHS implications of ACTU and union policies and activities affecting women, and raise awareness of OHS issues for women through providing information and through seminars, conferences and other forums.

13.3.9 **Young workers**

The QCU and unions recognise that the duty of care which employers owe to all workers entails increased obligations with respect to young workers, who require additional attention in terms of training and supervision.

In order to ensure that young people are fully aware of their right to work in a safe and healthy environment, the QCU and unions will pressure governments and employers to ensure that:

- young workers are appropriately inducted, trained and supervised
- young workers are not subject to intimidation, bullying or any other forms of harassment or violence at work
- young workers are not placed in dangerous working environments
- employers who are negligent in their duty of care with respect to young workers are held to account
- introduce OHS training for school-aged people
- young persons who may be bystanders at work are not placed in dangerous situations
- young workers are educated and trained about OHS, including the right to refuse to undertake work which is unsafe

The QCU and unions will raise awareness among young people that unions can provide advice and assistance in matters of health and safety.