

Work Health and Safety and other Legislation Amendment Bill 2023

Submission No: 1

Submitted by: The Shop Distributive and Allied Employees Association Queensland Branch

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Submitter Comments:

Submission to the Examination of the Work Health and Safety and Other Legislation Amendment Bill 2023

Attention: Education, Employment and Training Committee

Introduction

The Shop, Distributive and Allied Employees' Association Queensland Branch (SDA) is one of Queensland's largest trade unions with over 33,000 members. The majority of SDA members are women and young people. Almost 60% of members are female, equating to approximately 20,000 women. The SDA has membership in retail, fast food, warehousing, hairdressing and pharmaceutical industries.

Ensuring safe and healthy workplaces has always been one of the fundamental roles of the SDA and we know that health and safety is very important to our members. The SDA has a long and proud history of assisting workers achieve great safety outcomes, particularly in Retail and Fast Food where there can be reluctance for workers to take issues up for fear of repercussion. The health and safety motto for the SDA is Safety Demands Action.

Submission for the review of the Queensland *Work Health and Safety Act 2011*

The SDA welcomed the opportunity to make a submission to the 2022 Review of the Work Health and Safety Act 2011 (Qld). Whilst also supporting the submission of the Queensland Council of Unions (QCU).

The SDA applauds the Queensland Government's acceptance of all 31 recommendations from the review, and appreciates the ability to make further submission in regards to the proposed recommendations outlined in the final report by the review panel.

The SDA would also like to use this opportunity to advocate on some recommendations provided through our submission that unfortunately are not covered in the final report.

Recommendations from the review of the Queensland *Work Health and Safety Act 2011*

The SDA broadly supports all 31 recommendations from the review, and would offer comments about the following specific recommendations.

Recommendations 1-6

The SDA supports the proposals in regards to HSRs, as this closely aligns with our submission. We would also prefer that further to a PCBU having to advise workers of their rights, they should also be required to proactively facilitate the establishment of working groups and therefore HSR positions in their workplace.

In the SDA's experience, retail employers simply do not promote or talk about HSR programs or the role of HSR's, even to the point of not referencing them in safety training or information. Unfortunately many retail employers actively avoid or discourage HSR's should workers make an enquiry of them. It is more typical in retail to see health and safety committees (HSC's) used as a means to avoid the election of HSRs and apparently act as a means of safety

consultation. We also see it as vitally important that a registered trade union is involved in the process, to maintain a balanced approach.

The SDA has received feedback from workers taking on a HSR role require more training which incorporates industry specific information and guidelines on appropriate conduct for meetings, not just relevant WHS information. It is the SDA 's experience that where there are HSR's in place they are often intimidated when they are new to the role, and in some cases, managers will give HSRs a lot of work related to safety (but not to the actual HSR role) to keep them busy, rather than allowing the person time for HSR inspections and other functions.

Recommendation 8, 18 and 19

The SDA strongly believes all references in the Act to unions, or union officials should be amended to reflect the recent changes to the Queensland Industrial Relations Act to have application to only Registered Trade Unions. The SDA believes this should also apply in any legislation that contains reference of or relevance to a union.

Recommendation 9 and 10

While the SDA agrees with the recommendations, the trend in retail is health and safety committees (HSC's) are used as a means to avoid HSRs and apparently act as a means of safety consultation. Usually these committee meetings are based on business agendas, run by management and workers who attempt raising legitimate safety concerns which are ignored and this leads to lack of engagement.

It is concerning that HSC members do not receive external training so that those workers sitting on these committees may have no real knowledge of safety and, realistically, have minimal impact on proceedings.

The SDA would recommend that there should be a requirement for external training provided by a Registered Training Organisation (RTO) for committee members, or simply change the requirement so that worker representation on a HSC needs to be by HSRs.

Recommendation 20

It is the SDA's suggestion that the WHSQ needs an inspectorate that has actual knowledge of the industry with at least one designated inspector for each major industry, and likely multiple in certain high risk industries.

While this recommendation doesn't specifically reference this idea, we feel it's important that all industries have access to skilled and relevant inspectors who are specialised.

We suggest the structure used for ISSC's could be the basis for this (aware that a review of them is also a recommendation), and it would also give the inspector the ability to attend ISSC meetings and engage with stakeholders directly on a quarterly basis.

Having industry based inspectors also means that when they aren't specifically called in to investigate potential safety breaches they can be visiting workplaces in the industry, by default requiring workplaces to be more vigilant with a potential visit at any stage.

Recommendation 22

Workplace injuries are a major concern for the SDA and the employees we represent. We support the recommendations as outlined, and would further add the SDA has observed a continued trend in the industries we have coverage of, for bonus incentive schemes to be implemented by companies and are connected to lost time injuries under the guise of improving safety.

The incentive schemes operate on a basis that the longer the workplace goes without a lost time injury (LTI), management and sometimes the workers receive a pay bonus or other benefits, such as a free lunch. This does not create safer workplaces, but (as the SDA has observed) created a culture of Workcover claims avoidance.

The SDA constantly observes and represents workers being required to come back to work unnecessarily early from an injury, sometimes without meaningful work, or not receiving correct information about their rights when injured in the workplace.

If incentive schemes centered around training and observing safe practices and reporting of safety issues, or actually improving safety in a workplace, that would actually have an impact on the potential to prevent an employee injuring themselves in the first place. By attaching an incentive to injuries, there is a missed opportunity for a PCBU to be proactive rather than reactive.

The SDA also questions, how an incentive scheme based around LTI's does not actually breach a PCBU's Primary Duty of Care under the Act.

Recommendation 28 (B)

The SDA welcomes the review into the current ISSC's as from our experience there are some problems with the current delineations.

The Retail and Wholesale Committee that the SDA is part of as a worker representative, has a number of other industries attached. These industries appear to have little or no representation, and therefore don't get discussed. More specifically these industries do not have any real connection to the Retail and Wholesale industry.

The Transport and Storage Committee, which the SDA is also a worker representative for, generally has focused discussion around transport. During the last term of the committee, the SDA was the sole party involved for the storage perspective. Based on this, storage based issues rarely get reviewed or discussed and it is an industry sector of high risk work that can have significant safety issues.

Further Concerns

While the SDA believes the improvements suggested by the review will be greatly beneficial, there are a couple of major safety issues from our industries we would also like to see addressed through WHS legislation, which were part of our original submission to the review panel.

Safe and Free Car Parking

The SDA considers that all retail and fast food workers have the right to have available to them, not only suitable and safe car parking, but parking provided free of charge.

Retail and fast food workers generally have limited incomes and usually have no choice in regards to parking and are frequently monetarily penalized for parking in shopping centres, that seek profit through paid parking.

These workers need to park somewhere safe and nearby to their place of work, particularly as their hours of work occur late at night or early morning when there is a greater risk to their safety.

Customer Abuse and Violence

Increasingly retail and fast food workers are faced with abuse and violence from customers on a regular basis. This is a serious workplace health and safety issue. Abuse shouldn't be a part of a days work, everyone has the right to a safe work environment.

In 2023 the SDA surveyed members to get further data on this scourge within our covered industries. Over 4600 workers responded, and the survey found that the prevalence of customer abuse and violence has not improved over the last few years since our previous survey in 2021. Indeed most forms of abuse and violence are experienced more frequently than before.

The following percent of workers surveyed have experienced the associated forms of abuse over the last 12 months:

- 87% verbal abuse, with 76% of this on a regular basis (ranging from monthly to daily)
- 12.5% physical violence
- 17% abuse of a sexual nature. Within this 34% were female workers under the age of 17
- 9% have been spat on
- 10% suffered online abuse, ie people from in store interactions seeking out workers on social media platforms and abusing them further
- 24% abuse based on race, ethnicity or cultural background
- 52% of workers reported that the same customer was abusive or violent towards them on multiple occasions

Unfortunately for workers this is having severe health consequences with 63% suffering from physical and/or mental health impacts from customer abuse and violence,

From a psychosocial health and safety perspective workers are experiencing the following:

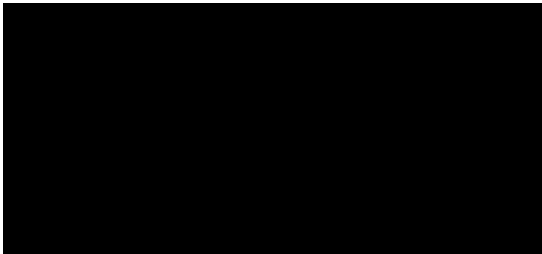
- 74% stress
- 73% anxiety
- 36% burn out
- 31% depression
- 37% loss of self esteem and confidence

Most alarmingly only 48% of workers surveyed stated they felt safe in their workplace due to customer abuse and violence.

The SDA is committed to stopping customer abuse and violence in the retail and fast food industries.

If there are any enquiries stemming from our submission please do not hesitate to contact either our Mr Justin Power (Branch Secretary) or Matthew Littleboy (W H & S Officer).

Kind Regards,



Justin Power
SDA Branch Secretary