

## **Work Health and Safety and other Legislation Amendment Bill 2023**

**Submission No:** 3

**Submitted by:** United Firefighters' Union of Australia, Union of Employees, Queensland

**Publication:** Making the submission and your name public

**Attachments:**

**Submitter Comments:**



UNITED  
**FIRE  
FIGHTERS  
UNION**  
QUEENSLAND

8 January 2024

Committee Secretary  
Education, Employment and Training Committee  
Parliament House  
George Street  
Brisbane Qld 4000

*Delivered via email: [eetc@parliament.qld.gov.au](mailto:eetc@parliament.qld.gov.au)*

Dear Committee

**Re: Work Health and Safety and Other Legislation Amendment Bill 2023**

I refer to the above and attach submissions on behalf of members of the United Firefighters' Union of Australia, Union of Employees, Queensland.

Further information regarding these submissions can be obtained by contacting our office at [REDACTED] or on 07 3844 0366.

Regards



**John Oliver**  
**General Secretary**

**United Firefighters' Union of Australia, Union of Employees, Queensland  
(UFUQ)**



**UFUQ Response to the Work Health and Safety and Other Legislation  
Amendment Bill 2023**

**8 January 2024**

**Contact:** John Oliver  
General Secretary  
[qmail@ufuq.com.au](mailto:qmail@ufuq.com.au)

## **Introduction**

The United Firefighters' Union of Australia, Union of Employees, Queensland (the UFUQ) is an industrial organisation of employees registered under the Industrial Relations Act 2016, providing representation and coverage to professional and auxiliary firefighters, fire communications officers, and scientific officers employed by Queensland Fire and Emergency Services (QFES).

On 23 September 2022 the UFUQ provided several recommendations through our submission to the *2022 Review of the Work Health Safety Act 2011 (Qld)*.

This follow-up submission is made in response to the *Work Health and Safety and other Legislation Amendment Bill 2023*.

The UFUQ advises we intend to publish parts of this submission to our membership, and we support publication of our submission.

The UFUQ have consulted with the Queensland Council of Unions (QCU) regarding submissions to the review, and we are aware that several QCU affiliates have also made submissions.

## **Submissions in support of the Bill**

### **1. Obligation for a PCBU to provide relevant information to Health and Safety Representatives (HSRs) about hazards or the health and safety of workers in their work group**

In our original submissions, the UFUQ stated the importance of HSRs being adequately informed on what was going on in their workplaces to allow them to communicate and address issues within their regions in a consistent manner, to better improve the representation of our members.

We are pleased with and support the proposal placing an obligation on PCBUs to inform HSRs about a notice and the entry of a WHS Entry Permit Holder (EPH) or an inspector, provide copies of relevant notices (entry notices and compliance notices), notify HSRs about notifiable incidents in their workplace/work group, and permit HSRs to accompany a WHS EPH or an inspector while at the workplace.

These changes will enable our members to better inform themselves of current workplace health and safety matters at QFES (Queensland Fire and Emergency Services). We are supportive of the obligation to permit a HSR to accompany a WHS EPH or an inspector at the workplace as HSRs are best placed to improve health and safety in the workplace and effectively take on worker representation on WHS matters.

### **2. Prescribing a new right in the Act for a HSR to request to attend prescribed HSR training**

The UFUQ in our original submission reiterated the importance of HSR training, specifically stating that a new right in the Act should be prescribed for a HSR to request to attend prescribed training. We noted that this should not be controversial given the current obligation of a PCBU to train HSRs.

We are pleased that the Bill will amend the WHS Act to enable HSRs to choose their training provider and that the Bill provides that while attending training HSRs are entitled to receive payment of the usual remuneration they would have received if they had been at work instead of at training, including any overtime, penalties or allowances.

The UFUQ have previously noted that QFES manages HSR training through each region's Workplace Health and Safety (WHS) Coordinator and the WHS Coordinator answers to the Assistant Commissioner of their region. As there are inconsistencies between each region and there are often delays when the UFUQ HSR has attempted to enquire about training, the ability for HSRs to choose their own training course will allow our HSRs to be adequately trained without delay.

### **3. Providing jurisdiction to the Queensland Industrial Relations Commission**

The Bill will amend the WHS Act to move certain proceedings from the Magistrates Court to the Queensland Industrial Relations Commission (QIRC). These include failure to reach agreement about the failure of work group negotiations (if they do not agree with the decision of an inspector). The Commission's power to deal with WHS disputes has also been expanded to include:

- Access to information by a HSR,
- Notices or information to be provided to HSRs,
- Requests to access training for HSRs,
- Health and safety committee constitutions,
- WHS issues under the issue resolution process, and
- Issues about cessation of work.

We are hopeful that these changes will address the difficulties our HSR reps are met with at times when attempting to resolve issues relating to work groups. The UFUQ noted in our original submissions that despite our HSR reps engaging with negotiations, and at times almost reaching an outcome, their negotiations are cancelled or stalled right before the agreement stage due to a change in management at the workplace.

Providing jurisdiction to the QIRC would make achieving workplace health and safety outcomes for our members less restrictive by ensuring that QFES remain involved and focussed with WHS matters.

### **4. Issue resolution and civil penalty provisions**

In line with UFUQ submissions and the recommendations of the WHS Act Review, the Bill has accepted that streamlining and simplifying the dispute resolution process is intended to make the process clearer for parties and ensure that where matters are complex and require specialised expertise and skill to resolve, they can be referred in a timely manner for resolution in the QIRC.

UFUQ originally submitted that the WHS Act must better align with the *Industrial Relations Act 2016* (Qld) and the *Fair Work Act 2009*, given that WHS affects our members' employment, and we ought to be able to protect their interests in the same way.

We are pleased to see that the WHS Act will be amended to provide that a worker, a relevant union, or a WHS EPH may apply to the Commission for an order in relation to a contravention or an alleged contravention.

### **5. Relevant union**

We are pleased that the Bill will amend the WHS Act to clarify which entities or persons may assist workers and act as their representatives in relation to WHS issues by ensuring a relevant union whose rules entitle it to represent the worker's industrial interests may assist workers or act as their representatives in relation to a WHS issue.

The Bill has amended the definition of a *union* to mean an employee organisation registered under the *Industrial Relations Act 2016* (Qld) or the *Fair Work Act 2009*. This excludes associations of

employees or independent contractors which are not registered unions under the *Industrial Relations Act 2016* (Qld) or the *Fair Work Act 2009*. As such, the UFUQ agrees with this definition.

**Further information available upon request**

The UFUQ is available to provide further information regarding any matter contained in our submissions and would be willing to appear at any proposed hearing of the Committee regarding these submissions and/or the Bill.

UFUQ contact details for any further information sought by the Committee are contained within the cover page of these submissions.