

Queensland Parliament's Education Employment and Training
Committee Inquiry into the Work Health and Safety and Other
Legislation Amendment Bill 2023

Submission by Red Union Support Hub
30 January 2024

This Bill is another patently transparent attempt to secure cash flow for unions that give money and support to the Queensland Labor Party and ALP. This will simply be used as a tool by ALP-aligned unions to pressure those that don't like the ALP or the ALP unions back into the membership rolls of ALP-aligned unions, thus aiding the Government's re-election bid.

Sections 45A, 45B, and what they Mean for Workers, Associations and Other Entities

Inserted in the *Work Health and Safety and Other Legislation Amendment Bill 2023* are two key provisions which will, as detailed below, significantly curtail the ability for the majority of Queensland's workers to seek affordable and effective representation in Workplace Health and Safety matters. Of most note, s 45B:

45B Meaning of *excluded entity*

(1) Each of the following entities is an excluded entity for representing or assisting a worker or the health and safety representative for a worker—

(a) the following entities (each an excluded body)—

- (i) an entity, other than a union, that is an association of employees or independent contractors, or both;
- (ii) an entity, other than a union or an association mentioned in subparagraph (i), that represents, or purports to represent, the industrial interests of the worker or representative;
- (iii) an entity that demands or receives a fee from another excluded body, for representing, or purporting to represent, the industrial interests of the worker or representative;
- (iv) a union that is not a relevant union for the worker;

(b) an individual who—

- (i) is an officer or employee of an excluded body; or
- (ii) is acting as an agent of an excluded body; or
- (iii) is otherwise representing or purporting to represent an excluded body.

Starting with sub-paragraph (1)(a)(i), it is abundantly clear that the intention of this legislation is to prevent associations like the Nurses' Professional Association of Queensland (NPAQ), Teachers' Professional Association of Queensland (TPAQ), and other like bodies from representing workers in matters which concern their safety. It has the side-effect of also impinging on unincorporated associations who may be in the process of seeking registration.

Sub-paragraph (1)(a)(ii) obviously seeks to round-out the assault on freedom of association started in (1)(a)(i) by prohibiting a service provider entity, such as Red Union Support Hub, from representing workers in Work Health and Safety matters directly. With the very broad wording used, one wonders if a law firm may fall within the ambit of "*an entity, other than a union or association, that represents, or purports to represent, the industrial interests of the worker or representative.*"

Sub-paragraph (1)(a)(iii) has the immediate effect of not allowing a prohibited entity from even arranging for a lawyer for their members, and in that sense is analogous to one of the grossest provisions enacted in the *Industrial Relations and Other Legislation Amendment Bill 2022* (Qld), s 529(2).

Changes Make Representation a Luxury for the Majority of Queensland Workers

Limiting the representation of workers and workplace health and safety representatives in Workplace Health and Safety matters to those who are members of registered unions will directly impact the amount of workplace health and safety complaints that are brought. This is abundantly clear when one considers the marginal amount of Queensland workers who are represented by registered unions:

- 371,815 members of registered unions as at June 30 2023¹
- Compared to more than 2,879,746 employed workers as at December 2023²

¹ President of the Industrial Court, QIRC Annual Report 2022 - 2023 (January 2024), <https://www.qirc.qld.gov.au/sites/default/files/2024-01/a_report_2023.pdf>.

² Queensland Government Statistician's Office, Labour and Employment (18 January 2024), <<https://www.qgso.qld.gov.au/statistics/theme/economy/labour-employment/state>>.

In other words, Queensland Labor thinks it is okay for more than 2.5 million workers, or 87% of Queensland's workforce, to cough up thousands of dollars for a lawyer just for representation on workplace health and safety - a basic human right. Unless of course, they wish to pay (in some cases) more than \$1,000 in union dues.

By implementing this, the Labor party and their monopolised union mates think that they will be able to wedge workers into joining them, and leaving Red Union affiliated entities. This is a sick tactic, but as they will discover, will entirely be a swing and a miss at the expense of worker safety. Despite the severe limitations imposed by the last tranche of state IR reform in the *Industrial Relations and Other Legislation Amendment Bill 2022* (Qld), our members saw through the blatant bullying pushed by legacy unions and the ALP, and chose to stay with us.

Instead of looking inwards and reflecting on why workers don't want to be part of their movement, registered unions and the Queensland Labor Party have doubled-down on their mafioso-like tactics in an equally novel and vile fashion. Our members will not be scared by standover tactics and cynical approaches to get them back into the coffers of registered unions.

The Red Union Support Hub and its affiliated associations will work hard to find alternative ways of representing workers in workplace health and safety disputes if this legislation passes. We pray that no worker of ours is seriously injured or worse while serving the community. However, in the event that this happens and their workplace safety complaints were hindered as a result of this Bill, their blood will entirely be on the hands of this grotesque Labor government.

To this end, we see little point in responding to this Bill in any greater detail because it is clear that this Government is indifferent to worker safety when they're not keeping the lights on for their union paymasters.