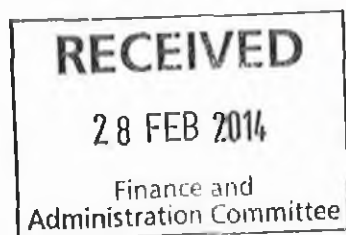


28 February 2014



The Research Director
Finance and Administration Committee
Parliament House
George St
Brisbane Qld 4000

007

Dear Sir/ Madam

Please find attached the submission from the Australian Manufacturing Workers' Union Queensland Branch in regard to the Work Health and Safety Amendment Bill 2014.

The submission has today been considered and endorsed by the Executive of the AMWU Qld Branch.

Yours sincerely

A handwritten signature in black ink, appearing to read "B. J. Devlin".

Brian Devlin
Assistant State Secretary/Secretary TSA Division

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Submission to the Finance and Administration Committee

Work Health and Safety and other Legislation Amendment Bill 2014

The following submission is made on behalf of the Australian Manufacturing Workers' Union Queensland Branch. It covers matters related to the introduction of the "*Work Health and Safety and other Legislation Amendment Bill 2014*".

The AMWU believes that if implemented, the matters covered in the Bill will lead to an increase in deaths, injury and illnesses of workers in the Manufacturing sector in Queensland. Overall, it will lead to a reduction in the rights of the sector's workers in regards to Health and Safety at work. This is of particular concern, given the enormous amount of effort and funds that has been expended in recent years to try and significantly reduce the injury and death rate, in the manufacturing industry in Queensland through initiatives such as the Zero Harm Campaign.

The following are particular comments on changes, which are proposed in the Bill:

1. Right Of Entry Without Notice

Within the Manufacturing Sector in Queensland, the use of Right of Entry without notice has only occurred as far as the AMWU is concerned, where there has been a risk of potential injury or accident involving employees, within the coverage of the AMWU.

Such action has only been taken, where the use of other means of notifying the issues, would have exposed workers to a continuing unacceptable risk of injury in the workplace.

Two examples of the use of such provision, clearly demonstrates why such a provision should not be removed.

a. A medium sized manufacturing business

This site was entered as a result of advice from members warning of breaches of the Work Health and Safety Act and Regulations, in regards to the storage of chemicals. This employer attempted to *hinder and obstruct the entry of the WHS entry permit holder*.

The entry confirmed that there were breaches of the Act and regulations:

- Storage of 'flammable 3' paint in 20L full tins in groups of 3, on a pallet 3x3 and 3 tins high
- The decanting of chemicals into unlabeled bottles (which resembled eyewash bottles)
- The general storage of hazardous chemicals was in adequate
- Electrical equipment which was out of test date by up to 3 years
- Fluorescent light tubes over a lathe without any form of cover

b. A Major State Government Hospital- Workshops

Fitter workshop

Equipment in walkways, fire fighting equipment obstructed/ covered, Switch board access restricted, general housekeeping non-existent, heavy tooling not secured to floor, gas bottles not secured oil left on the floors and in an exit walkway, welding cables left on the floor and gas bottles also not secured.

Electrical Workshop

Fire safety door obstructed by scaffold not in use, Fire equipment was obstructed by other equipment, large storage racks had no indication of load capacity and some racks appeared not to be secured to the floor.

In both cases, the use of the Right of entry without notice was able to quickly identify a number of potentially serious problems for the workers who had to work in the area. Having identified the problem, the AMWU has been able to work with the employer or management to get the problems rectified.

Under the proposed scheme, such problems would not be dealt with as there is no real imperative for the employer or management, to institute processes to correct the problems until a worker is seriously injured as a result. It is common place in some manufacturing workplaces, for issues to be reported and then simply given a very low priority until an injury occurs.

To suggest that these issues could have been resolved by notifying the PCBU or giving 24 hours notice of the entry is illogical. The problems in all cases were long standing and had been raised with management previously without effect.

2. Remove the power of health and Safety Representatives to direct workers to cease unsafe work

The removal of power of the Health and Safety Representative to direct workers to cease unsafe work, severely impacts on the ability of the Health and Safety representative to represent the workers in their work group, in regards to matters relating to health and safety.

This removal will undoubtedly lead to a situation, particularly within the manufacturing sector where having observed a dangerous or hazardous

situation, the HSR will not be allowed to take action to prevent immediate harm or injury. The HSR will now be limited, after observing a potentially dangerous situation, to simply advise the worker in danger of the danger and advising the PCBU via the normal channels.

By the time that the PCBU or the Health and Safety Committee responds, the injury may well have occurred. The AMWU notes the views expressed by The Office of the Queensland Parliamentary Counsel in regards to this particular change. We believe that this particular change will remove an existing protection for workers. For the most vulnerable workers in the manufacturing sector the remaining right to cease unsafe work will not sufficiently protect them. Such workers are often fearful of losing their jobs so will not question anything and will definitely not take a proactive action such as individually ceasing work.

3. Removal of the requirement for the Minister to consult with the Commonwealth and State and Territory governments and unions and employer organisation before varying or revoking a code of Practice

The harmonisation of WHS laws and codes was a long involved process which was designed to assist business by putting in place, one Model Act and Codes of practice that would be implemented across all jurisdictions. Part of the drive for this harmonisation process was to reduce the compliance costs for businesses. The AMWU believes that the removal of the requirement to consult the other states and stakeholders will over time lead to the implementation of codes which are different in Queensland. This will have a negative effect on business, by having to comply with different codes across Australia.

Overtime, if there is no requirement to consult we will again develop different laws in Queensland than what apply in other states of Australia.

This will not ultimately reduce the compliance costs of business but in fact lead to an increase particularly for the business which operates in Queensland and another State.

Overall, the Work Health and Safety Amendment Bill will not lead to an improvement in the health and safety of Queensland manufacturing workplaces.

Yours sincerely

A handwritten signature in cursive script, appearing to read "B. J. Devlin".

Brian Devlin

Assistant State Secretary/Secretary TSA Division

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