

## **Work Health and Safety and Other Legislation Amendment Bill 2015**

### **Submission to the Finance and Administration Committee - Queensland Parliament**

NECA is the peak electrical and communications industry body across Australia and is very active in the Queensland construction industry. NECA members also regularly tender for public works for the construction and installation of electrical and cabling services.

NECA members have recently completed electrical works on the Lady Cilento Hospital, Brisbane City Hall Redevelopment, Griffith University, Cairns and Sunshine Coast Hospitals, Garden City and Indooroopilly Redevelopments and are currently working on Pacific Fair and number 1 William St.

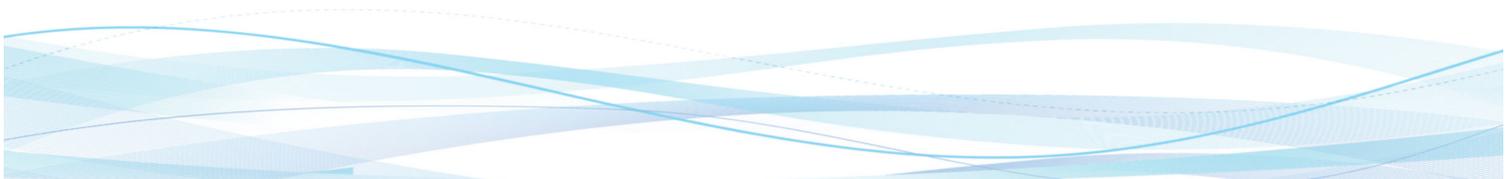
The biggest issue facing NECA members at present is the uncompetitive pressure being put on construction businesses by unions such as the Electrical Trades Union and others to pay wage increases of up to 7% per annum for the next three years through the 2015 Enterprise Bargaining process in an economic climate which can't sustain these rises. An electrician on a building site is currently earning \$43 per hour as ordinary time before any overtime penalties or site allowances apply.

These absurd outcomes have occurred previously in 2012 during a time before the 24 hour restriction on union right of entry at building sites was introduced in the Work Health and Safety Act.

During these negotiations and at other times outside the bargaining period NECA members had work disrupted by stoppages called by WHS entry permit holders over specious health and safety issues which were subsequently found to be non-issues by Workplace Health and Safety Inspectors.

Examples given by members include toilets blocked with toilet paper and power outlets smashed with hammers being used as health and safety issues as a pretext to work stoppages on entire building sites.

The result of these disruptions was delays in completion of works which incurs penalties on electrical contractors by principal contractors and puts them under duress during the enterprise bargaining process. NECA members report being told by union officials that the disruptions will cease when they agree to their inflated wage bargaining demands.



This is resulting in businesses having to capitulate or face bankruptcy in the face of project delays and contractual penalties and delayed milestone payments.

NECA supports workplace health and safety measures and assists its members in fulfilling their obligations in this regard. NECA supports all aspects of this Amendment Bill other than the restoration of the right of entry powers allowing WHS entry permit holders to gain immediate access to a workplace to enquire on a suspected contravention of the act and the empowerment of a HSR to direct workers to cease work.

The rationale for NECA's objection to this amendment is as follows:

1. They are un-necessary as the rate of workplace injury is falling in Queensland;
2. The Workplace Health and Safety Inspectorate is adequately resourced with around 300 inspectors with the power of immediate access to workplaces to undertake these activities; and
3. Recent member reviews into previous stoppages by HSR's on construction sites have revealed that very few if any were legitimate.

If this amendment were to be considered at all by Parliament NECA suggests that effective safeguards against abuse of these entitlements be made to sit alongside any reintroduction of immediate access and power to stop work.

NECA would also recommend restrictions on permit holders conducting activities other than addressing the safety issue whilst on site with large penalties for those who flout these safeguards and an effective enforcement regime to underpin these safeguards.

In summary NECA members want to be left to bargain with their workforce without duress to avoid excessive wage demands making their businesses uncompetitive in the market and blowing out the cost of construction for taxpayers and private investors. We urge the Parliament not to return to the previous Workplace Health and Safety laws which applied in 2012 which helped deliver such devastating wage outcomes in our industry over the last 3 years.

