

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

## **Stakeholder Submission**

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

**5 June 2015**

**Contact:**

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State Secretary**



## **Work Health and Safety and Other Legislation Amendment Bill 2015 UFUQ Stakeholder Submission**

### **1. Request for permission to publish this submission.**

United Firefighters' Union of Australia, Union of Employees, Queensland (UFUQ) requests permission from the Finance and Administration Committee (FAC) to publish this submission, particularly for the interest of our members, interstate fire unions and Queensland unions affiliated with the Queensland Council of Unions (QCU).

We authorise the publication of this submission by the FAC and the parliament.

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

The UFUQ is an industrial organisation of employees registered under the *Industrial Relations Act 1999* (Queensland) (the Act), providing representation and coverage to our members employed in urban firefighting (both permanent full-time and auxiliary firefighters), as well as to scientific officers and communications officers.

Due to the services provided by firefighters, scientific officers and communications officers during emergency situations across Queensland, Australia and overseas as required, UFUQ members are frequently exposed to high risk occupational health and safety situations.

UFUQ members, due to their roles in preventing, suppressing and assisting in recovery from fires and many other emergency situations are amongst the most highly regarded members of their communities across Queensland.

The UFUQ currently has over 2500 members from the ranks of permanent and auxiliary firefighters, scientific officers and communications officers.

The UFUQ is bound by awards of the Queensland Industrial Relations Commission and is party to a number of certified agreements made and registered under the Act. UFUQ has a proud and strong history of representing our members across the state.

### **3. Opportunity to provide submission to the Bill.**

The UFUQ is pleased to be able to make this short submission to the FAC regarding the Bill and thanks the FAC for the opportunity.

UFUQ believe that the time period for public and stakeholder submissions to this Bill was appropriate and allowed for a fully considered submission, in contrast to the often unreasonably short time frames for submissions to the FAC and other parliamentary committees under the previous parliament.

#### **4. Policy objectives.**

UFUQ submit that the policy objectives of the Bill in its current form are appropriate and in the public interest, and in line with pre-election commitments made by the current government.

The amendments proposed by the Bill address the policy objectives and will reduce the risk of injury or illness when compared to the current provisions of the Act, and bring the Queensland Act into line with the national model work health and safety laws (the model laws).

#### **5. Background.**

National model work health and safety laws were developed across Australia through a consultative process by key stakeholders.

Stakeholders in Queensland were party to those consultations and the Queensland parliament enacted the laws in line with the agreed national model in 2011. The national model laws and therefore the Queensland Act have at their core, a risk management focus.

A key aspect of the risk management focus within the national model work health and safety laws, and therefore the *Queensland Work Health and Safety Act 2011*, was to allow WHSR's to –

- a) Identify hazards (which may require immediate assistance from someone external to the organisation), and
- b) Assess the risks (which may require immediate help from external expert opinion and assistance from an appropriately accredited person), and
- c) Implement controls that best mitigate the exposure to the hazards that put the workers at risk of injury or illness (which may include a decision that directing a worker or group of workers to cease work immediately).

In 2014, parliament made changes that restricted the effective function of WHSR's, limiting their ability to manage risk in their workplaces.

This had the direct effect of watering down the risk management focus of the national model laws in the Queensland Act.

The Hon. CW Pitt, during his speech when introducing the current Bill to the parliament, said the changes made by the previous government made it “*harder to take preventative action in the workplace.*”<sup>(1)</sup> and that amendments proposed by the current Bill “*improve safety at the workplace level*”<sup>(2)</sup>.

This submission focusses on the proposed amendments to re-establish, within the functions of a WHSR, (at Clause 23) the capacity for WHSR's to call in immediate assistance and, (at Clauses 17-22), to direct workers to cease working.

The proposed amendments have the effect of not only improving workplace health and safety at the WHSR's workplaces, but they also provide added benefits to UFUQ members in two important ways.

#### **6. Reduction in the likelihood of UFUQ members being required to attend emergency situations at workplaces in Queensland.**

As reported in FAC Report No. 39 of March 2014, UFUQ made submissions to the *Work Health and Safety and Other Legislation Amendment Bill 2014* that limitations on the ability of WHSR's to "quickly call on and call in expert opinion or assistance when they have identified something that may turn into an emergency situation that then requires UFUQ members to become involved"<sup>(3)</sup> potentially increased risk of injury and illness to our members, given the likelihood of an increase in the number of emergencies at workplaces across the state that they may be required to attend.

WHSR's who can perform the functions provided for in the national model laws and the Queensland Act, (if the proposed amendments are enacted), will be able to direct workers to cease work and to call in assistance in certain circumstances.

Restoration of these WHSR functions in the Queensland Act will undoubtedly contribute to an overall improvement in the work health and safety at the WHSR's workplace, but importantly they also have the potential to reduce the likelihood of hazards evolving into emergency situations requiring management and attendance by UFUQ members.

#### **7. Improvement in the work health and safety of workplaces attended by UFUQ members in emergency situations.**

As reported in FAC Report No. 39 of March 2014, UFUQ made submissions to the *Work Health and Safety and Other Legislation Amendment Bill 2014* that the restrictions put in place by that Bill would have the potential to increase the likelihood of our members being exposed to hazards when required to attend emergency situations at workplaces<sup>(4)</sup>.

UFUQ members, by virtue of the nature of their work responding to emergency situations, are called upon daily to respond to and manage these situations at workplaces across Queensland.

Almost any workplace in Queensland has the potential to become our members' workplace in an emergency situation.

Our members are required to respond to a variety of emergency situations, often facing unknown, unidentified, unassessed and uncontrolled chemical, fire, physical or other hazards until they arrive at the scene and commence assessing these hazards for themselves.

The ability to direct workers to cease work and then to call in assistance immediately means WHSR's at these workplaces has the capacity to lessen the risk of injury and

3. Report No.39 of the Finance and Administration Committee page 11.

4. Report No.39 of the Finance and Administration Committee, page 20.

illness not only for the workers are their workplace, but importantly for UFUQ members who enter that workplace.

Our members will benefit from entering a workplace where an effectively functioning WHSR has been able to manage the risks associated with known hazards prior to their arrival.

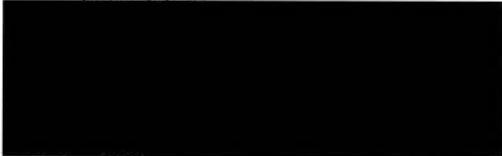
## **8. Summary.**

Improvements to work health and safety across workplaces in Queensland leads to an improvement in the work health and safety of UFUQ members.

UFUQ believe the proposed amendments provide for the likelihood of an improvement to work health and safety at workplaces and for our members.

The amendments also bring the Queensland Act back into line with the national model laws.

UFUQ support the proposed amendments contained in Clauses 17-22 and Clause 23 in particular.



John Oliver  
State Secretary  
United Firefighters' Union of Australia, Union of Employees, Queensland

