

Change the Rules for Working People

7. WORK HEALTH AND SAFETY, REHABILITATION AND COMPENSATION

INTRODUCTION

1. Every worker has a right to a healthy and safe work environment, so that all Australians can go to work and come home safely.
2. All parties must ensure there are laws, processes, and systems in place that mandate that no Australian worker be disadvantaged if they are injured at work. Injured workers' benefits or their access to safe working conditions must not be reduced.
3. Congress recognises the utmost importance of ensuring healthy and safe workplaces as a fundamental tenet of providing decent, secure jobs that will power the Australian economy.
4. Congress is committed to advocating for representation and organisation of health rights at work and stands against workplace violence, bullying and harassment and pursuing legislative protections which ensure there are decent, fair and appropriate work health rights for all workers.
5. Congress acknowledges that insecure work, in its many forms, is linked with poor safety outcomes and has negative impacts on the physical and psychosocial health of workers. Conversely, the provision of secure, ongoing work is a key factor in improving health and safety outcomes for workers. This has a particular impact on vulnerable sections of the workforce, including young workers, who face particular work health and safety risks due to their age and the generally low skilled nature of their work.
6. Although Australian unions are supportive of a nationally consistent legislative scheme for work health and safety matters, any changes to the current laws or jurisdictional coverage must not result in a diminution of the rights and entitlements of any worker, regardless of where they live and the location of their workplace.
7. Congress reaffirms that consistent arrangements are needed for all injured workers in terms of rehabilitation, return to work programs and compensation. While the long-standing aim of establishing a national scheme to deliver these outcomes remains valid, Congress acknowledges that this is not the only way to achieve this objective. As such, Congress affirms that achieving national consistency and world's best practice in these areas is of paramount importance.
8. Congress affirms the work health rights of every worker, in particular the right to privacy and autonomy in relation to their health.
9. Congress reaffirms its commitment to the Union Charter of Workplace Rights, as outlined in the 2012 Congress Policy, which sets out rights in relation to workplace health,

safety, compensation and rehabilitation.

10. Health and safety is a union issue and a basic human right of the utmost importance to Australian workers. The protection and promotion of health and safety is integral to union activity and growth. Australian unions will continue to campaign for increased rights and protections in all work health and safety laws.

TRIPARTITISM AND GOVERNANCE

11. This Congress acknowledges the importance of tripartitism and genuine consultation with workers' representatives. All work health and safety, compensation and rehabilitation laws must be developed in a tripartite manner. Changes to work, health and safety (WHS) and workers' compensation entitlements should only be made following genuine consultation and agreement with workers and their union representatives and a process of community review.
12. Congress endorses International Labour Organisation (ILO) Conventions No. 155, 161 and 187, which provide a framework for best practice on work health and safety matters, including a commitment to tripartitism and genuine consultation.
13. Workers' union representatives must be fully included in all governing and regulatory bodies that provide oversight and compliance into health and safety matters. Representation is best achieved through membership on relevant Boards or committees, so that workers have a voice in the procedures and administration that govern their health and safety at work.
14. Australian unions are represented on Safe Work Australia and on some State and Territory OHS Governance bodies. However, this tripartite approach does not extend to other bodies with similar, industry-specific roles. To this end, Australian unions shall seek to obtain legislative change to guarantee union representation on all relevant WHS bodies, including the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), Safe Work Australia (SWA), the Seacare Authority, the Australian Maritime Safety Authority (AMSA) and the National Industrial Chemicals Notification and Assessment Scheme (NICNAS).
15. To improve governance arrangements and transparency, and to encourage best practice and information sharing, SWA should also play a greater role in coordinating policy across all of the WHS regulators and Departments.
16. Congress endorses the Person in Control of a Business or Undertaking (PCBU) definition when dealing with the chain of responsibility as required under the model laws.. Congress is committed to engaging States and Territories who have adopted the Model Work Health and Safety Act and their Work Health and Safety Regulators, to start prosecuting breaches of their health and safety legislation in extended supply chains including chains with overseas elements, where the person controlling the business or undertaking is based within Australia. Where the model laws are not applied within the jurisdiction inspection powers of Australia's Work Health and Safety Act Regulators must be matched to the overseas reach of the duties of the relevant Work Health and Safety Act.
17. In order to deal with the unique risks associated with electrical work, States and Territories

should ensure there is separate legislation for dealing with electrical licencing and electrical safety with a standalone electrical safety regulator which is adequately resourced with appropriately trained and qualified electrical safety inspectors. Federal safety regulators should ensure that distinct electrical safety divisions are created within the regulator which are adequately resourced with appropriately trained and qualified electrical safety inspectors.

CORPORATE ACCOUNTABILITY

18. The spectre of death continues to haunt many workplaces where production is prioritised over safety. Employers who preside over such workplaces where unsafe systems and practices place workers' lives in jeopardy should be prosecuted to the fullest extent of the law, including the criminal law. Congress affirms that industrial manslaughter should be an offence under work health and safety legislation or other legislation as most appropriate. The elements of the offence should include:
 - a) Where a worker dies in the course of employment or at a place of work or is injured or contracts a disease, injury or illness in the course of employment and later dies;
 - b) Where the conduct (by way of act or omission) of an employer or PCBU caused the death, injury or illness; and
 - c) Where the employer or PCBU was reckless or negligent about causing serious harm or death to the worker.
19. Congress affirms that in order to ensure compliance with work health and safety laws, there needs to be effective enforcement of the legislation, including a more active approach to prosecutions by the relevant WHS regulators. To this end, Congress supports the right of unions to initiate prosecutions for breaches of work health and safety laws in all jurisdictions, (as existed in the *Occupational Health and Safety Act 2000* (NSW)).
20. Further, the model WHS legislation should be amended to include a provision in relation to personal liability, to hold to account individuals in decision-making positions of authority, such as company directors, for any instances of criminal negligence resulting in the death of a worker.
21. Congress notes the prevalence of employment in the so-called 'gig' economy. The basis of this economy is the transfer of risk from employers to workers; the risk includes threats to workers' health and safety and capacity to enjoy a safe and healthy work environment. To ensure that employers do not escape their responsibilities to all workers in their employ, regardless of the form of such employment, Congress calls upon all jurisdictions to modify OHS and workers compensation and personal injury law to allow such workers to be covered by these laws as if they were regular workers.
22. Congress calls upon Government to investigate the impact of the 'gig' economy on workers' health and safety, and to involve trade unions in the creation of policies and laws which will protect all workers regardless of the form of their employment.
23. As a further deterrent, Congress resolves to lobby for higher fines for corporations and company directors found guilty of wrongdoing leading to the death of a worker, with

penalties tied to the company's size in such a way that it acts as an effective deterrent to wrongdoing and is linked to restitution to the worker, his or her family, and fellow workers.

24. Congress supports legislative change that would require Safe Work Australia to hold a register of corporate offenders under these provisions and to refer to the Australian Securities and Investments Commission or other corporate regulator, details of companies and their directors charged with offences under the various WHS Acts and other OHS Acts. This would ensure there is no unregulated resignation of directors or administration, liquidation and phoenixing of companies in the process of health and safety prosecution or paying subsequent fines. Safe Work Australia should play a coordinating role in gathering the necessary data from the health and safety regulators to provide to the Australian Securities and Investments Commission on a real-time basis. In the same way that ASIC and other regulators can restrict the rights of persons to be company directors or senior managers so there should be limits placed on the appointment and service of persons guilty of acts as described above which have led to deaths in the workplace.
25. Congress calls for the *Corporations Act (2001)* (Cth) to be amended to require that upon notification to a state regulator of a charge under health and safety legislation, or upon notification of a death, serious injury or disease, no corporate changes to the relevant employing entity or entities can be made, without an order of the relevant court of superior record, approving such change as having no bearing on potentially liable officers or potential corporate liability.

HEALTH AND SAFETY REPRESENTATIVES

26. Improved health and safety outcomes are achieved through good workplace organisation, with workers represented and supported by their unions.
27. Australian unions commit to improving our organising capacities by increasing the numbers, and improving the density of, union-trained and democratically elected Health and Safety Representatives (HSRs).
28. Congress reaffirms the right of workers to be effectively represented by an elected HSR, taking into account the number of workers in a work group, the nature of the work and work arrangements. HSRs must be easily accessible to the workers they represent and the employer must facilitate that access.
29. Congress affirms the right of all HSRs to seek assistance where desired from the union representative of their choice, and to issue Provisional Improvement Notices where an employer is in breach of health and safety laws.
30. If a work group is made up of multiple workplaces, HSRs should be provided with the means and transportation to physically attend any workplace in the Designated Work Group (DWG) at the request of a member of the DWG.
31. Working time should be made available and costs associated with travel to attend these workplaces should be covered by the employer.
32. Congress supports legislative change to allow for regional and roving HSRs.
33. Congress affirms that all HSRs have the right to access training as recommended and

endorsed by their union in paid work time, with all out of pocket expenses paid by the employer.

34. Completion of, and access to, training should not be a prerequisite for elected HSRs exercising their full range of functions and powers.
35. The minimum days training available to HSRs should be:
 - a) 5 days general introductory training in the first year of the three year term of office; and
 - b) 7 days over the following two years of the term. This may be refresher training or industry/topic specific training.
36. Congress opposes a competency-based approach for training of HSRs in accredited training courses under health and safety law.
37. Employers should be given at least 14 days' notice of intention by the HSR to attend the training of their choice, and the employer should facilitate this attendance.
38. Approval of a HSR training provider to deliver an HSR course in one jurisdiction should be mutually recognised in other jurisdictions (so that the provider does not need to obtain approval from each jurisdiction to deliver the same training course)
39. The mode of delivery of HSR training must be face-to-face as this is the only mode that ensures networking which promotes learning and knowledge transfer between participants with similar experiences from similar industries.
40. The focus of HSR training courses should be to provide the necessary knowledge and skills to assist HSRs in their functions and exercising of their powers under health and safety law. The paramount function is to represent the health and safety interests of the workers they represent.
41. Australian unions commit to campaigning for legislative change to reinsert broad health and safety matters, particularly in relation to HSRs, into awards and agreements.
42. Australian unions will develop clauses, for insertion in workplace agreements, to support and enhance union activity in workplaces, and strengthen the involvement and protection of HSRs and workers. Key elements of such clauses should include:
 - a) The role of union delegates in negotiation of work groups and election of HSRs;
 - b) Improved number of training days for HSRs;
 - c) HSR right to choose and attend, on paid leave, union approved training courses.

SECURE WORK

43. Congress acknowledges that insecure work, in its many forms, is linked with poor safety outcomes and has negative impacts on the physical and psychosocial health of workers. Congress notes the provision of secure, ongoing work is a key factor in improving health and safety outcomes for workers. Congress also notes that women and young people are

disproportionately affected by these realities, as women and young people are more likely than mature-age men to be in insecure or precarious work.

44. Research uniformly shows that insecure work is associated with increased risk of illness and injury, more severe injuries, is a contributor to psychological risk (including bullying, harassment and stress), and results in poorer health outcomes for workers.
45. Congress supports legislative change which recognises and improves outcomes by removing exposures to unhealthy and unsafe work arrangements, irregular and non-predictable patterns of work and insecure work. This could include, for example, a legislative provision for the election of HSRs specifically for casual workers.
46. Congress recognises the impact that insecure work can have on the right of ill and injured workers to access leave entitlements, workers compensation and suitable rehabilitation programs.
47. Congress acknowledges the importance of worker involvement and consultation in all forms of employment.
48. Congress will ensure that health and safety policies, campaigns and activities seek to improve the rights of workers in insecure work.

FOREIGN WORKERS

49. Congress notes that foreign workers are often provided with inferior access to safety training and workplace health and safety consultation. Congress also notes the particularly vulnerable position that foreign workers are often placed due to the reliance of the worker on their employer to maintain not only their employment but also their visa or residency. This makes safety consultation and issue resolution difficult and places too much power with the employer. It also sets a lower standard for all workers, and means that foreign workers are often under-represented by, or have no access to, unions.
50. Congress is committed to ensuring that foreign workers, especially temporary migrants with temporary and permanent illness or injury will be given support and income protection to ensure that illness and injury is not a pathway to poverty, or worse, expulsion from Australia.
51. Congress calls on the state, territory and Commonwealth governments to target regulatory action in workplaces where significant numbers of foreign workers are present, and specifically amend the immigration laws to prevent employers who threaten or terminate a worker for raising a safety issue, or who have a poor safety record from undertaking further use of international workers.
52. Congress notes that most workers' compensation jurisdictions terminate payments for international workers once they return or are returned to their home country. This creates an incentive to not rehabilitate the worker and also creates a cheaper category of workforce if they are injured. This reduced cost of injury has a potential to reduce the incentive to maintain a safe workplace with this vulnerable group of workers.
53. Congress calls on all jurisdictions to provide adequate workers compensation to foreign workers to at least the same level and duration as the local resident workers when injured, and to likewise provide adequate support to the worker's dependents in cases of workplace

fatality.

54. Further regulations should apply to employers who wish to employ foreign labour, and businesses should only be allowed to engage foreign labour if they have enjoyed a strong health and safety record with no major breaches and provide OHS training, consultation, and education to their migrant labour force in the appropriate language and format.

WORKERS' COMPENSATION

55. With extremely high levels of work-related injury, disease and death a shameful reality in Australia, Congress reaffirms its position that the rights of injured workers are of fundamental significance. Congress notes extensive research, which documents that workers in insecure employment are less likely to know their compensation rights, less likely to exercise them and more likely to face negative consequences if they do.
56. Congress recognises that effective rehabilitation and return to work programs, as well as the provision of economic security through workers' compensation arrangements, are critically important to injured workers, their families and the wider community.
57. Accordingly, Congress reaffirms its position that after sustaining a physical or psychological work-related injury, all workers are entitled to comprehensive and quality rehabilitation services and to return to suitable and decent employment. Further, injured workers are entitled to compensation that restores them to the position they enjoyed prior to their injury, including full access to superannuation and leave entitlements.
58. Congress reaffirms its position that improvements and consistent arrangements are needed for all injured workers in terms of rehabilitation, return to work programs and compensation.
59. Congress reaffirms its opposition to the current neoliberal use of competition between schemes to reduce benefits available to injured/ill workers. Workers compensation should be available on a no-fault basis where an injury "arises out of or in the course of employment", even where it is the aggravation of an existing injury or disease.
60. Australian unions call on all workers compensation jurisdictions to update their Deemed Diseases lists as per the Safe Work Australia (SWA) funded report, Deemed Diseases in Australia Report 2015. Current lists of Deemed Diseases are based on the International Labour Organization's List of Occupational Diseases under Convention 42 created in 1934.
61. Australian unions will:
 - a) In consultation with Trades and Labour Councils (TLCs) and affiliates continue the development of best practice elements of a rehabilitation and compensation system to be used as the benchmark for national and state based negotiations and campaigning;
 - b) Work with TLCs and affiliates to coordinate lobbying and activity at the State and other jurisdictional level to maintain and raise standards in each jurisdiction; and
 - c) Coordinate a campaign at the national level in partnership with TLC's and

affiliates in each jurisdiction to promote and secure fairer workers' compensation laws and policy.

62. Australian unions commit to supporting injured workers and to ensure that education about rehabilitation, return to work arrangements and compensation issues, are included in training for delegates, HSRs and union members.
63. Congress calls for improvements to be made in the form of:
 - a) Comprehensive coverage of the work relationship, including on journeys to and from work, and during recess breaks;
 - b) A return to a basis of 'no-fault' compensation for all workplace injury and diseases;
 - c) Abolition of the illegitimate use of 'whole of body assessments', which act to reduce compensation and limit access to statutory lump-sum payments and common law remedies via legislated minimum thresholds;
 - d) Introduction of genuine rehabilitation options, including full technical or tertiary retraining;
 - e) Removal of time limits and step downs on weekly payments that effectively shift the injured worker onto social security benefits;
 - f) Maximising the resources in a scheme by removing profit incentives to third parties, thus ensuring that benefits are distributed to workers; and
 - g) Fast and effective conciliation and arbitration of any workers' compensation matter in dispute by an independent tribunal.
64. Congress calls on the Federal Government to establish an inquiry as a matter of urgency to examine the extent of cost shifting by workers' compensation schemes and insurers onto injured workers and government services, including the public health system and social security.
65. Premiums must recover the costs of the system as well as encourage safe work practices.
66. All workers' compensation regulators must be properly resourced to carry out their functions properly, including through an increased emphasis on prevention and compliance.
67. The system of scheme agents and self-insurers should be abolished and all workers compensation functions should be internalised within the regulatory authority.
68. Trade unions must have the power to enforce non-compliance with workers compensation law together with rights of entry, inspection and other investigative powers.
69. The relevant tribunals or commissions should provide a quick, easy, effective and legally binding mechanism to resolve disputes about all aspects of the workers compensation system.
70. Return to work should be elevated as a central tenet of workers compensation by:

- a) placing an absolute obligation on employers to provide suitable duties;
 - b) preventing termination of employment unless the injury management plan states that the return to work goal is a different job and a different employer; and
 - c) providing incentives for the employment of injured workers.
71. Weekly payments should be set at a level equivalent to an injured worker's pre-injury average weekly earnings irrespective of their fitness for work and should not be subject to any caps or step-downs.
72. Costs associated with medical and all related treatment, as well as supplements to loss of income for child care or other expenses should be covered for workers compensation purposes with no arbitrary caps or limits.
73. Work capacity reviews and decisions should be removed from the workers compensation legislation. Consideration of a worker's functionality should be properly addressed as part of their rehabilitation plan.

Comcare

74. As well as properly resourcing regulators as outlined above, Congress opposes any attempts to expand access to self-insurance under the Comcare scheme. Australian unions will campaign against any proposals which will undermine the financial viability of State and territory workers compensation schemes and expand the number of workers covered by the current Comcare scheme, which is an under-resourced and ineffective health and regulator.
75. Australian unions will campaign to remove legislative and operational restrictions preventing proactive WHS representatives and WHS Regulators from acting in workplaces where multiple jurisdictions operate.
76. Australian unions will campaign for material improvements to the current Comcare scheme. Of particular concern is the lack of a timely and fair dispute resolution process and the lack of a well-resourced and proactive health and safety regulator.
77. Australian unions will campaign to return corporate self-insurers who entered the Comcare jurisdiction post-2006 to their relevant state or territory jurisdictions. In the longer term, if Comcare meets union principles of workers compensation, Australian unions may support a mechanism for private companies to become premium payers in the Comcare system

Self-Insurance

78. Congress opposes self-insurance for employers as it creates a conflict between profit generation and administration of workers compensation claims and generally limits access to benefits, compromises privacy, undermines the premium pool and discourages workers from exercising their rights. However, Congress recognises that self-insurance currently exists in all jurisdictions. Therefore, Congress acknowledges that existing self-insurance arrangements must only be continued if the employer have an exemplary record in health

and safety and a demonstrated commitment to workers' rights. Further, self-insurance licenses must be automatically revoked in cases where there is a workplace death or serious injury and/or repeated non-compliance.

79. Congress believes that the administration of workers' compensation by self-insurers must be conducted by arrangements that separate the insurer from the employer, in the same manner as the relationship between a private insurer and the employer as a client, to fully protect workers' privacy.
80. Congress calls for workers to have access to an independent body which can review an employer's self-insurance status. Further, employers seeking to become, or to remain, self-insurers must be able to demonstrate that the majority of their workers genuinely favour this option.

Seacare

81. Congress supports the retention of the SeaCare scheme of workers' compensation and occupational health and safety for Australian seafarers as an independent statutory authority operating under Commonwealth legislation. Congress opposes the absorption of the SeaCare Authority into the governance arrangements of the Safety Rehabilitation and Compensation Commission (Comcare) nor into a Department of State.
82. Congress notes that, for workers at sea who have been injured and are returning to work, it is often appropriate and desirable to place that worker with another employer to undertake rehabilitation. Australian unions support the development of group training approaches to ensure workers can be placed in meaningful jobs while rehabilitating.
83. Congress urges the Commonwealth Government to allocate budget funding to the Australian Maritime Safety Authority (AMSA) to enable it to properly perform its OHS Inspectorate functions under the Occupational Health and Safety (Maritime Industry) Act 1993 (OHS (MI) Act).
84. Congress calls on the Federal Government to harmonise the OHS (MI) Act and Regulations made under that Act with the model WHS Act 2011 and WHS Regulations as appropriate.

OFFSHORE SAFETY AND NATIONAL OFFSHORE PETROLEUM SAFETY AND ENVIRONMENTAL MANAGEMENT AUTHORITY (NOPSEMA)

85. Congress supports the retention of NOPSEMA as the appropriate national regulator of safety for Australia's offshore oil and gas industry, but opposes NOPSEMA's handling of its regulatory functions. Congress condemns this "hands off" approach and its impact on safety performance in the offshore oil and gas industry.
86. Until such time as NOPSEMA becomes a more effective, full service regulator, Congress opposes any attempts to introduce legislative change enabling the states to confer their oil and gas safety powers in state waters to NOPSEMA
87. Congress calls on the Government and NOPSEMA to ensure that the workforce and trade unions representing the workforce are actively involved in genuine consultation on OHS in the industry, aimed at improving safety performance. In particular, Congress calls on:

- a) NOPSEMA to establish a regular schedule of consultation with the ACTU and unions representing the offshore workforce;
- b) The Government to amend Schedule 3 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 to provide for the appointment of at least one representative from relevant trade unions to the NOPSEMA Advisory Board;
- c) The Government to align the OPGGS Act with the model WHS Act and the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 with the model Work Health and Safety Regulations 2011, unless there is a good reason not to do so;
- d) NOPSEMA to provide a range of support to HSRs including:
 - Funding of dedicated HSR Support Officers;
 - Better training for HSRs based on HSR courses accredited by NOPSEMA after a tripartite panel of key stakeholders including unions, has assessed the merits of proposed training programs and providers consistent with the current approach to approving training under Seacare and Comcare;
 - Maintaining a publicly available up-to-date register of all HSRs and the training they have received; and
 - Mandating the ability for HSRs to gain remote electronic access to the safety case for a facility.
 - Mandating rights of inspection of facilities prior to commissioning by accredited HSRs and relevant officials of offshore unions.

REHABILITATION

- 88. With extremely high levels of work-related injury, disease and death a shameful reality in Australia, Congress reaffirms its position that the rights of injured workers are of fundamental significance.
- 89. Congress notes extensive research, which documents that workers in insecure employment are less likely to know their compensation rights, less likely to exercise them and more likely to face negative consequences if they do.
- 90. Congress recognises that effective rehabilitation and return to work programs, as well as the provision of economic security through workers' compensation arrangements, are critically important to injured workers, their families and the wider community.
- 91. Accordingly, Congress reaffirms its position that after sustaining a physical or psychological work-related injury, all workers are entitled to comprehensive and quality rehabilitation services and to return to suitable and meaningful employment. Further, injured workers are entitled to compensation that restores them to the position they enjoyed prior to their injury.

92. Congress calls upon employers and governments to work with unions to provide rehabilitation services that achieve maximum recovery and prepare injured workers, wherever possible, to return to their previous position. In cases where this is not possible, then workers must be redeployed to the most suitable position in respect of their aptitude and capacity.
93. Congress calls upon governments to work cooperatively to ensure that existing rehabilitation services are properly accredited, coordinated and expanded so that they are accessible to all injured workers.
94. Congress recognises that in many cases the current rehabilitation practices applied to injured workers does not always facilitate their return to suitable and meaningful employment. As such, effective rehabilitation services and programs must also deliver genuine opportunities to meet this objective.
95. Congress believes that for rehabilitation services to be effective they must:
 - a) Be implemented properly and without regard to the insurers' cost assessments;
 - b) Ensure that employers health and safety management systems enable the immediate reporting of injuries;
 - c) Return workers to their full capacity in their workplace, community, family and life;
 - d) Return workers to safe, meaningful and durable employment as early as possible;
 - e) Actively involve unions and their members in consultation and decision making;
 - f) Have the commitment of the employer to the above aims; and
 - g) Be independent of the employer or insurance company.
96. Congress supports the development by unions and employers of rehabilitation policies and programs that are based on the following principles:
 - a) Voluntary participation by the injured worker;
 - b) Respect for the worker's privacy;
 - c) No loss of income while participating in the program, including the accrual of leave and employer superannuation contributions;
 - d) Eliminating or controlling the hazard that caused the injury;
 - e) Consistency with the medical advice of the worker's own doctor;
 - f) Employer cooperation in the provision of suitable duties, modified work environment and retraining of redeployment opportunities;
 - g) Access to the advice and assistance of multi-disciplinary professional teams;
 - h) The injured worker's right to choose their rehabilitation provider;

- i) That rehabilitation be provided to the injured worker at the closest possible location to their home or workplace;
 - j) The development of appropriate and effective individual return to work plans;
 - k) An individual assessment of the injured worker and their workplace;
 - l) The adaptation of the workplace to suit the injured worker's capacity;
 - m) The development of an appropriate timetable for returning the injured worker to their previous position, or the most suitable alternative, that is consistent with the level of their capacity;
 - n) The involvement of union representatives and injured workers in decisions concerning alternative duties, rehabilitation programs and retraining; and
 - o) The commitment by all parties to provide an environment in the workplace that is supportive of the injured worker with adequate training of workers, supervisors and management in the rehabilitation policies and procedures adopted.
97. The employer must ensure that participation in a rehabilitation program itself will not prejudice an injured person. Furthermore, an injured worker must not be dismissed or have their employment damaged because of a work-related injury or any resulting temporary impairment.
98. In the event of dismissal of the injured worker or damage to their employment, the applicable tribunal will be empowered to review and remedy the situation.
99. Regulatory authorities must enforce workers' rights to rehabilitation and to return to work.
100. All workers must be provided with a comprehensive statement detailing their entitlements regarding rehabilitation and return to work.

ASBESTOS

101. Asbestos in all its forms was finally banned in Australia after a lengthy campaign by unions and victims' groups on 31 December 2003. Despite this, asbestos-containing materials are still abundant and are present in many residential and commercial dwellings throughout Australia. Recent studies have shown that over 4,000 deaths per year can be attributed to the Australian context, making Australia one of the deadliest countries in the world, per capita, for asbestos contamination. Congress confirms its long-held position that position that asbestos in all its forms is a known hazard and persistent environmental carcinogen and that to prevent further exposures and hence asbestos related diseases, asbestos must be eliminated from the built environment.
102. Congress supports the ongoing role of the independent Asbestos Safety Eradication Agency and the Asbestos Safety and Eradication Council, and the adoption and implementation of:
- a) A national strategic plan for the elimination of all asbestos-containing material (ACM) from the built environment by 2030;

- b) Carrying out a national audit of asbestos containing materials (with government buildings and dump sites a priority);
 - c) The development and adoption of a prioritised removal program, starting with government –owned buildings;
 - d) Ensuring asbestos containing materials are only removed by licensed removalists;
 - e) The adoption of an ‘Asbestos Content Certificate’, identifying the location and condition of asbestos containing materials, obtainable by the owner of a private domestic residence at the point of lease, sale or renovation;
 - f) Coordinating education and awareness activities; and
 - g) Coordinating the removal of asbestos containing materials from the built environment.
103. Congress calls on all levels of government to work with the union movement and a broad spectrum of asbestos organisations in the establishment and ongoing work of the Council so that we can extend and implement successful and safe asbestos awareness, control and eradication programs across the nation.
104. Congress also welcomes regulations requiring licencing of asbestos removalists and asbestos removalists’ supervisors; regulations on demolition and the requirement for removalists to participate in nationally approved training.
105. The ACTU, TLCs, and affiliates will continue to lobby governments for the removal of ACMs from the built environment by 2030 and to raise awareness of the hazards of asbestos amongst members and the broader community, including documented, time-limited remediation/replacement plans.
106. Congress proposes the establishment of an asbestos eradication fund that is levied on all construction materials so that these functions of asbestos removal can be adequately resourced.
107. Congress proposes that all asbestos eradication be given full tax deductibility status to encourage asbestos removal from residential properties as is already available through current general tax deductibility mechanisms for commercial and investment remises.
108. The WHS Regulations should be amended to prohibit asbestos removal except by a licensed asbestos removalist.
109. Australian unions propose that a mandatory training package is developed and maintained for an asbestos awareness course with registration, regulation and oversight of those training organisations that can deliver the course. Asbestos awareness training should also be a mandatory component in all tertiary and other vocational training courses relating to the building and construction industry and allied industries with modifications made to enable identification and safe work methods for each occupation.
110. Following the development of the Asbestos Identification Training Course, it should be made compulsory through amendment to the Work Health and Safety Regulation 2011, for

all workers who stand a likelihood of being exposed to asbestos due to the nature of their work, to complete this training prior to engaging in such work. The regulator should be empowered to regulate who can provide the course.

111. Congress recommends that Federal, State and territory governments establish a standing committee, made up of representatives of the community, workers and government of all levels for the purpose of driving the management (including identification, warnings, removal, demolition, remediation, dumping) of asbestos from the built environment. Given its role in building regulation, it is critical that local government be actively engaged in this process. This may be similar in nature to the ACT Asbestos Response Taskforce Community and Expert Reference Group.
112. The committee should implement the above functions of the Asbestos Safety and Eradication Agency (ASEA) and coordinate the removal of asbestos from the built environment, to implement and make funding arrangements for asbestos removal activities (including Asbestos Content Certificates) and asbestos waste management.
113. The standing committee should be chaired by a person with accountabilities to the appropriate Minister and/or Premier/Chief Minister. This may entail the establishment of a position such as Asbestos Commissioner with the statutory authority to second and advocate for appropriate resources from the public sector.

Asbestos Removal Funding

114. Asbestos Management has been typically managed by reacting from one crisis to another. Asbestos is not being systematically removed from our environment except when an exposure occurs or public attention is drawn to the presence. A number of government reports have recommended significant action and funding yet no government is prioritising the removal of asbestos from the built environment due to funding shortfalls.
115. Congress proposes that jurisdiction asbestos waste levies be removed to minimise incentives for dumping.
116. Congress supports local governments and waste management organisations to build the infrastructure and personnel to safely receive small amounts of contained asbestos locally to avoid dumping.

Asbestos in Our Region

117. Despite the ban on asbestos in 2003, Australia is still receiving imports of asbestos. The inspectorial regime instituted to police this ban is inadequate. Due to the prevalence of asbestos in Asia, Australian workers are now frequently seeing asbestos-containing manufactured materials and plant components imported into Australia workplaces, reducing the effectiveness of the Australian asbestos ban. Congress calls on Australian Customs and WHS Regulators to work together to increase their efforts to stop the importation of asbestos products using greater inspection and compliance mechanisms than currently undertaken.
118. Further, for illegally imported materials containing asbestos, Customs must introduce “after-barrier” policing and be provided a specific head of power to enable notification and removal at the expense of the importer. The “mistake of fact” defence, which absolves

importers from responsibility after importation where they accepted the imported materials were asbestos-free when they were not, must be abolished.

119. Congress notes that the use of asbestos has escalated rapidly in the Asia-Pacific region. India, Indonesia, Thailand, Vietnam are some of the major consumers of asbestos, as asbestos industries in Russia and China seek new markets, following bans in Australia and Europe.
120. Congress commends the work of Australian unions and Union Aid Abroad-APHEDA to support workers, unions and communities in the Asia-Pacific region to ban asbestos and programs to educate and protect workers and families from exposure. Congress supports efforts by Union Aid Abroad-APHEDA to develop a regional asbestos prevention program, building on the important progress it has achieved in Vietnam, Laos, Indonesia and the Philippines. In concert with APHEDA and national unions in our region, the ACTU and affiliated unions will work to institute national bans in each country where possible, and to support control regimes as a first step towards a ban
121. Australian unions condemn the international asbestos industry's efforts to block the listing of chrysotile asbestos as a substance on the Prior Informed Consent list of the Rotterdam Convention. Australian unions believe that the Rotterdam Convention is deeply flawed because of its requirement for unanimity to have a substance listed. In addition, the process has now become corrupted due to the failure of the Rotterdam Secretariat to admit unions and NGOs as observers in the Contact groups, unique of all the UN Environmental Program Conventions
122. To this end, the Australian union movement will support the creation of a stand-alone treaty, modelled on the Minimata treaty, to regulate and where possible ban asbestos. In the absence of a listing under the Rotterdam Convention asbestos is not required to be notified in consignments at all. This must end.
123. Australian unions commit to increasing the capacity of and support our international partners, unions and civil society groups such as asbestos support groups, in their campaigns to ban the use of asbestos in their countries. Australian unions call on the Australian government to support the creation of a stand alone treaty regulating and banning asbestos and to use all the mechanisms available to see a global ban on chrysotile asbestos.
124. In addition to the above, and as part of a coordinated international campaign, the ACTU and Australian unions will work with the international workers' capital movement to encourage divestment in manufacturers of asbestos products and to ensure that construction companies are discouraged from using asbestos in countries where its use is still legal.

CHEMICALS AND CANCER

125. Australia's regulatory approach to chemicals is uncoordinated and differs across government and sectors of the workforce. The current regulatory system lags behind many international developments and reform is consistently stymied by vested industry interests. Under the neoliberal demand for "deregulation", worker and community health is jeopardised.

126. Australian unions note the cynical decision to transfer the Australian Pesticides and Veterinary Medicine Authority [APVMA] to shore up the re-election prospects of the Member for New England. This has led to the loss of skilled professionals from this critical agency. Australian unions call upon the Federal Government to reconsider this decision and to ensure that APVMA is situated at the optimal location to ensure professional assistance and regulatory services to the rural and agricultural sectors.
127. In order to protect workers and the community from the harmful effects of chemicals, Australian unions will campaign and lobby for the reduction in the use of toxic substances at work and associated risks by:
- a) Advocating that all chemicals, both those currently in use and 'new' chemicals introduced into Australia, undergo rigorous assessments;
 - b) Advocating that the relevant chemical regulators (in particular the National Industrial Chemicals Notification and Assessment Scheme [NICNAS] and the Australian Pesticides and Veterinary Medicine Authority [APVMA]) are adequately resourced, remain independent, and have genuine consultative structures which guarantee union participation and involvement;
 - c) Advocating for the adoption of a Toxic Use Reduction approach;
 - d) Progressive phase out of International Agency for Research on Cancer (IARC) Group 1, followed by Group 2A carcinogens linked to occupational cancer;
 - e) Modification of the European Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to Australian conditions; and
 - f) Promoting communication in the supply chain about the safe use of chemicals through Safety Data Sheets (SDS) provision and chemical safety alerts.
128. Australian unions will lobby and campaign for the establishment of a single regulatory chemicals body to develop and implement a cohesive policy on the assessment, registration and management of chemicals
129. Australian unions will also campaign for the development of an effective recognition of occupational cancer by workers compensation systems and the adoption of ILO Convention 121.
- #### NANO-MATERIALS
130. Nanomaterials can be hazardous because of their small size, large surface area and altered toxicity. Substances that are non-hazardous in larger form can pose new risks in nano-form. There is also evidence that some forms of carbon nanotubes that have a similar shape to asbestos fibres can cause the onset of mesothelioma, which has resulted in these being classified as 'hazardous'. Concerns regarding the health risks of nanomaterials are greatest for workers, who are more likely to be exposed more routinely, and at higher doses than the general public.
131. Congress affirms it is the right of every worker to know what hazards may be present in the

work environment and that this right includes the potential hazards of nanomaterials. Congress calls for products containing manufactured nanomaterials to be clearly identified in both Safety Data Sheets (SDS) and labels, to ensure implementation of effective identification and control measures. Consistent with this, where products are produced in nano form, SDS must relate to that nano form - rather than to its bulk counterpart.

132. The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) introduced new guidelines for the nano-specific regulation of the health and environmental effects of nano-forms of new industrial chemicals, commencing 1 January 2011. While a welcome development, these new measures apply to a small fraction of the manufactured nanomaterials in commercial use. Some manufacturers/distributors refuse to disclose detailed chemical lists in products on the basis it is commercially-sensitive information. Therefore Congress calls for the introduction of specific regulation of nano-forms of existing substances by Health & Safety and other regulators.
133. Congress calls on government to develop effective legislation incorporating the precautionary principle for nanomaterials. Specifically, Congress calls for:
 - a) The classification of nanoscale chemicals as new chemicals under NICNAS and other regulators;
 - b) The development of new standards for the handling of nanotechnology;
 - c) Mandating the labelling of all commercial products containing nanomaterials;
 - d) The establishment of a tripartite body to oversee implementation of this regulatory framework;
 - e) Development and improvement of hazard identification, assessment and control mechanisms for nanomaterials;
 - f) Enforcement of the requirement to disclose all chemicals and the labelling of all commercial products, new exposure standards, including via a well-resourced inspectorate; and
 - g) Monitoring of the health impacts on Australian workers involved in nanotechnology and investment in related medical research.

134. The ACTU, TLCs and unions will lobby governments for effective protections for people exposed to nanomaterials.

NOISE AND HEARING LOSS

135. Occupational noise-induced hearing loss (ONIHL) is a significant health and safety and economic problem in Australia. The economic burden of ONIHL loss is mainly borne by workers and their families and the wider community with workers' compensation being fairly limited with a high threshold for eligibility.
136. Exposure to occupational noise is associated with many adverse effects besides loss of hearing. It has also been linked to fatigue, stress and hypertension. Proper workplace and equipment design and adequate management practices can control occupational noise

levels and workers' exposure, thereby reducing the risk of hearing loss and other adverse effects yet appears that the employers' usual preferred method of control is personal hearing protection which should be the last resort.

137. Excessive noise should always be reduced at source where practical. 'Buy Quiet' policies should be introduced in all noisy workplaces.
138. Australian unions will campaign to have a first action level for noise to be at an LAeq or the sound level in decibels of 80dB(A) at which detailed assessment must take place as well as the provision of information, training and health monitoring to workers.
139. The whole person binaural impairment compensation threshold for hearing loss should be set at 1% in all jurisdictions in accordance with best practice research and guidelines.

BIOLOGICAL HAZARDS

140. Congress recognises that there are a growing number of workers who come into contact with animal and human vector biological hazards. Congress calls on all governments to amend the harmonised WHS laws to include a chapter on risk management of biological hazards.

PSYCHOSOCIAL HAZARDS

141. The union movement recognises the damaging effect that psychosocial hazards and both primary and secondary psychological injuries (for example, workplace stress, gendered violence, fatigue, violence, and bullying) pose to the mental and physical wellbeing of workers.
142. Congress acknowledges that modern working arrangements create a heightened exposure to psychosocial hazards. Outsourcing, privatisation, corporatisation and competitive tendering of previously stable full-time jobs has led to a large increase in the number of workers in insecure employment arrangements. Workers lacking secure employment face significant difficulties in raising health and safety complaints due to the nature of their employment arrangements and conditions. These risks are especially heightened in the so-called "gig" economy, where the rights accruing to regular workers as employees are routinely denied, exposing such workers to heightened risk of injury and often removing their capacity to seek compensation or damages.
143. Congress recognises the significant impact of secondary psychological injuries that occur as a result of deficient responses to a primary injury, including the management of rehabilitation and return to work plans. Unions support the review of rehabilitation and return to work processes in order to minimize the risk of secondary psychological injuries.
144. Congress recognises that workers who develop injuries, or illness, as a result of exposure to workplace psychosocial hazards, are likely to suffer stigmatisation and discrimination. As a consequence, disclosure and discussion of these injuries/illnesses may prove difficult for workers, and Health and Safety Representatives.
145. The continued failure of employers and regulatory agencies to control exposure to psychosocial risks continues to have flow-on effects to workers' families and the general community. This contributes to disparities in health, and over time, to social inequality.

146. To redress this imbalance, Congress recognises that model Work Health and Safety laws present an opportunity to address the hitherto piecemeal approach by employers and regulatory agencies to prevent workers' exposure to psychosocial risks. In this regard, Congress calls for:

- a) Legislation that provides for the control of risks arising from psychosocial hazards, including a regulation and supporting codes of practice to address psychosocial hazards, which must include an obligation on employers to assess and control psychosocial hazards;
- b) An adequately resourced and qualified inspectorate capable of taking action to ensure that employers control psychosocial risks; and
- c) Decent and ongoing workers' compensation entitlements for injured workers and their families.

147. Workers must be treated with respect and dignity. Australian unions will continue to oppose any program that seeks to shift responsibility onto workers.

148. Congress recognises that in order to improve the psychosocial work environment for workers, a genuine tripartite approach is needed from all governments, (including OHS and workers' compensation bodies) industry and unions. Congress will advocate for:

- a) Harmonised WHS laws to be amended to include a chapter on psychological risk management including the risks of violence (gendered and otherwise), bullying, work overload, work design, and other occupational stressors, including shift work;
- b) Genuine consultation and engagement of workers and their representatives in the identification, assessment and control of psychosocial hazards;
- c) Training of HSRs, workers and supervisors;
- d) Workplace policies and procedures that ensure confidentiality in dealing with individual issues;
- e) Research through Safe Work Australia into the influence of systems of work on psychosocial risks and mental health issues associated with workers compensation processes;
- f) Training to ensure that health and safety inspectorates can address psychosocial hazards; and
- g) The removal of 'reasonable management action', and like provisions, from all jurisdictions' workers' compensation provisions.

WORKPLACE VIOLENCE

149. Violence in the workplace is a WHS risk management issue as well as potentially a conventional criminal activity. Congress calls on amendments to appropriate legislation to include a WHS psychological risk management chapter that includes provisions to assess and control violence.

150. A specialist inspectorate should be established and tasked with reducing violence through higher order controls such as Crime Prevention Through Environmental Design (CPTED) research.
151. Congress opposes the increasing acceptance by employers of violence in the workplace, particularly where workers work alone and/or where exposure to anti-social and violent behaviour was once the responsibility of police or trained security.
152. Australian unions support a Regulation and specific Codes of Practice to cover workers in the public service, local government, law enforcement, security, banking, health, welfare, education, transport, retail, finance, human services and customer service-related sectors which are vulnerable to random and regular attacks at work.

Gendered Violence

153. Gendered violence is physical, sexual, psychological or economic harm directed at a person because of their gender, gender identity, sexual orientation or because they do not adhere to dominant gender stereotypes or socially prescribed gender roles.
155. Gendered violence includes:
 - a) violence directed at women because they are women;
 - b) violence directed at a person because they identify as LGBTIQA;
 - c) violence directed at a person because they don't conform to socially prescribed gender roles or dominant definitions of masculinity or femininity.
156. Examples of gendered violence include (but are not limited to) behaviours and actions such as:
 - a) stalking
 - b) intimidation
 - c) threats
 - d) verbal abuse
 - e) ostracism
 - f) rude gestures
 - g) offensive language and imagery
 - h) put downs
 - i) mobbing
 - j) sexual innuendo/insinuations
 - k) sexual suggestions or unwanted sexual advances

- I) sexual assault and rape.
157. Gender inequalities, sexism, homophobia and transphobia at work drive gendered violence at work. Gendered violence can be perpetrated by those who are strangers/external to the workplace, and those that are internal to the workplace clients (including inmates, patients, students, and customers), work peers and managers.
158. Congress calls on unions and employers to take positive steps to:
- eliminate gender inequalities that exist in the workplace
 - overcome gender segregation where it exists
 - eradicate cultures of sexism
 - eradicate homophobia and transphobia; and
 - promote the benefits of gender equality and workplaces that are inclusive of workers from a range of backgrounds, experiences and identities.
- Workplace Bullying**
159. Congress acknowledges that workplace bullying is a work health and safety issue which must be identified, assessed and controlled in the same way as other hazards. In addition to strategies which deal with complaints of workplace bulling, employers must be made accountable to work health and safety regulators for adopting strategies which ensure consultation with workers to identify, assess and control the risks associated with bullying.
160. Congress supports the anti-bullying laws in the Fair Work Act to stop bullying as early as possible and supplement other OHS/Workplace Bullying codes and regulation.
161. Congress acknowledges the Fair Work Commission's initiatives to maintain and resource this separate and discrete function of the tribunal.
162. Congress advocates that all workers, not just those employed by constitutional corporations, should have access to the jurisdiction, and that once a complaint has been made, it should continue to be heard under the FWC jurisdiction even if the worker's employment is terminated.
163. In addition, Congress supports varying the legislation to ensure applicants include unions seeking to stop systemic bullying rather than the current focus on individual complainants having to make public applications for anti-bullying orders. This would allow unions to make complaints on behalf of their members who have been bullied at work but are too afraid to speak up.
164. Congress also supports legislative amendments to empower the industrial tribunal to award a more comprehensive suite of remedies than presently available. This includes a regime of pecuniary penalties and compensation or damages orders.
165. Congress rejects the use of the "reasonable management action taken in a reasonable manner" defence as a means for employers to cover workplace bullying.

HEALTH RIGHTS AT WORK

166. Congress opposes the misuse of ‘duty of care’ by employers as a discriminatory mechanism against workers. Congress opposes the use of medical examination and ‘fitness for work’ testing or examination - either as a punitive measure or as a means of limiting access to employment.
167. Congress expresses grave concern for the widespread and systemic incidence of ill and injured workers being subjected to a range of coercive, intrusive, inappropriate and discriminatory practices by employers, such as:
- a) Employers, insurers and employer representatives attending medical consultations/ appointments with ill and injured workers;
 - b) Employers forcing ill and injured workers to attend company doctors rather than allowing workers to choose their own doctor;
 - c) Workers who have previously sustained an injury being subjected to constant medical assessments and functional capacity assessments even though their treating doctor has cleared them to return to work;
 - d) Medical information being used by third parties and without the consent of workers;
 - e) The growth and use of corporate doctors; paid for by the employer and providing for care more aligned to the employer’s rather than the injured person’s benefit;
 - f) Failure by employers to properly implement and comply with workers return to work plans;
 - g) The use of the ‘lawful and reasonable’ direction to force workers to reveal medical information and attend unnecessary “independent” medical assessments;
 - h) Medical certificates and suitable duties/ return to work plans not being adhered to and workers are being forced to return to work prematurely;
 - i) Injured workers being informed by their employer that as a result of a past or present injury, they pose a ‘risk’ to the business or organisation and consequently face the termination of their employment;
 - j) Employers’ inappropriate use of the “inherent requirements of the job” exemption to justify terminating workers’ employment;
 - k) Employers and third parties are engaging in private discussions with workers’ treating doctors without the worker’s knowledge or consent;
 - l) Employers and third parties are requesting workers’ full medical history which goes well beyond the information needed to effectively deal with a workplace injury or disability;
 - m) Workers being required to attend 6 monthly medical assessments with

- company doctors when they are not ill or injured;
 - n) Reasonable accommodations and adjustments are not being made to allow injured workers to return to work; and
 - o) Employers are insisting on ‘fit for work’ or ‘full clearance certificates from workers after a period of personal leave or annual leave.
168. Australian unions will continue to pursue legislative protections which ensure there are decent, fair and appropriate work health rights for all workers.
155. Australian unions will seek to have research commissioned which explores the nature, scope and scale of work health rights issues occurring in Australian workplaces and identifies the gaps in the current legal framework.
156. Congress recognises there are specific health and safety issues relating to reproductive health, pregnancy, breastfeeding and return to work after childbirth and supports specific reference to these issues being included in the model Work Health Safety regulations and commits to the development of a dedicated workplace health and safety Code of Practice for reproductive workplace hazards.
157. Congress supports the development of a union campaign in relation to work health rights.

ALCOHOL AND OTHER DRUGS

158. Congress notes the harmful effects that alcohol and other drugs (AOD) can cause workers, their families, and fellow workers. Congress notes that there is no place for drugs of abuse or alcohol-related impairment in the workplace. Congress calls on employers and governments to work together using a preventative harm minimisation approach which focuses on the rehabilitation of those with substance abuse and provides education and assistance to those whose substance use can lead to impairment at work.
159. Congress notes there is little evidence of the link between AOD usage and workplaces accidents to justify the growth in testing regimes across Australian industries, and calls on governments and industry to consider the broader health, work and social context of AOD usage in preference to focussing on punitive action against individual workers, as a deterrent, which may compound the damage.
160. Congress notes the increased reliance of business on the testing of workers for the presence of drugs and alcohol under the guise of improving health and safety outcomes. Congress reaffirms its strong opposition to the use of testing for alcohol and other drugs (AOD) outside the purpose of the impairment-based approach.
161. Congress notes the unreliability of testing mechanisms, including oral, urine and breath testing. Where alcohol and other drugs testing is conducted, it should only be considered as a last resort. Impairment due to AOD can be effectively managed through direct observation and supervision.

MATERNAL HEALTH AND SAFETY

162. Congress acknowledges there are specific health and safety issues relating to reproductive

health, menopause, pregnancy, breastfeeding and return to work after childbirth. Congress supports the inclusion of a specific reference to reproductive health, pregnancy, breastfeeding mothers and mothers returning to the workplace after giving birth in the model Work Health and Safety Regulations. It is the responsibility of the employer to undertake risk assessments and to control any risks that may arise in the course of employment as a result of a pregnancy. All such risk assessments must be done in consultation with the affected worker.

163. Congress supports the development of a Code of Practice which details the specific workplace health and safety hazards and risks which can arise in relation to reproductive health, pregnancy, breastfeeding mothers and mothers returning to the workplace after giving birth. The Code of Practice should provide information on the reproductive hazards associated with manual and ergonomic tasks, night work, biological agents, and the provision of appropriate facilities and equipment.
164. Congress supports the development of educational material and a union campaign in relation to the specific workplace health and safety hazards and risks which may arise in relation to reproductive health, menopause, pregnancy, breastfeeding mothers and mothers returning to the workplace after giving birth.

MINE SAFETY

165. Congress supports the retention and strengthening of separate, industry specific risk-based WHS legislation for mining.
166. Congress supports the “check inspector system” of worker participation at both workplace and industry level in the black coal mining industry.
167. Congress supports the establishment and maintenance of independent, properly resourced, stand-alone mines inspectorates in the mining states and territories of Australia.
168. Congress calls on the Australian Government to take immediate steps to ratify the International Labour Organisation (ILO) Safety and Health in Mines Convention, 1995 (ILO C 176).

REMOTE WORKPLACES AND OFFSHORE SAFETY

169. Congress supports the harmonisation of occupational health and safety laws in sector specific schemes covering seafarers and offshore oil and gas industry workers. Congress acknowledges current jurisdictional overlap and some regulatory gaps in these sectors, and in stevedoring, and is committed to work with industry and Government for the elimination of regulatory uncertainty and dual jurisdictional involvement in these sectors. In particular, Congress is committed to ensuring that International Maritime Organisation (IMO) Conventions and International Labour Organisation (ILO) Conventions to which Australia is a signatory are restored in the offshore oil and gas sector. Congress is committed to improving safety in the national stevedoring industry, and in particular supports the implementation of improved regulation of stevedoring safety and a national stevedoring safety code of practice.
170. Australian unions will pursue improvements to the current legislation to ensure that union

officials have right of entry and access to remote workplaces, with employers required to facilitate transport to and from the worksite for the purpose of meeting with members to discuss health and safety matters.