

Address by ACTU President Ged Kearney ACTU OHS and Workers' Compensation Conference Brisbane, 13 April 2011

I would like to acknowledge the traditional owners of the land on which we meet today and pay my respects to elders past and present.

Welcome to the 2011 ACTU OHS and Workers' Compensation Conference. This is an important annual event on the ACTU calendar, and it is great to see so many committed union officials here for this conference. It is particularly heartwarming to see Brisbane recovering strongly from the terrible floods that were experienced during Summer.

Thank you to the Minister for Workplace Relations, Chris Evans, for delivering the keynote address today, and for giving us that useful update on progress towards harmonisation of the OHS laws and the possible harmonisation of workers' compensation arrangements – important matters that will be discussed in great detail over the next two days.

As President of the ACTU, I want to reinforce to you all about how important we at the ACTU see OHS – and how important it is that we have people like you in our unions who work so hard to ensure OHS stays on the political agenda.

I know that you don't need to be reminded about just how vital it is that unions continue to influence changing public policy and workplace standards so that we can ensure Australian workers can go home to their families safely at the end of their work day.

We know that despite many changes to state and federal laws in recent years and despite a bigger and better focus on OHS, too many workplaces around the country remain unsafe.

That means too many Australians are not safe at work - too many children cannot be sure their mums and dads will come home safely after each work day.

Upper estimates of Safe Work Australia are that 7000 Australian workers die each year as a result of workplace injury or illness. That's **five times** the annual national road toll. It's 20 people a day.

Another 640,000 are injured at work each year.

These are shocking figures. The level of death and injury in this country is unacceptable.

We know that governments take this issue seriously because we have statutory work safety agencies across the country and many of them run public safety campaigns similar to road safety ads.

But the death and tragedies continue. And we have to shake our heads. In a country so wealthy, so clever and so advanced as Australia, why are we prepared to send people to unsafe workplaces every single day?

The personal cost is immeasurable, but the financial impact of workplace deaths is shocking enough – it costs the Australian economy \$57.5 billion a year. That will buy almost two National Broadband Networks.

And you know as well as anyone that it is workers and their families who bear the majority of these costs.

Access Economics estimate that workers and their families cop 49% of the costs. Communities bear 47%, which is an extra slug on workers who make up part of the community.

OHS harmonisation

I know we aren't 100% happy with the new harmonised laws that will come into effect next year and I know that in many respects we consider the outcome disappointing. But we shouldn't pack up and go home just yet.

Australians have to live with these laws and we have to make sure unions can work with them.

And we still have a fight on our hands to ensure that the harmonised regulations are not weakened to suit an employer agenda of cutting red tape.

You may have read last weekend that big business groups, led by the Business Council and the Australian Industry Group, are complaining that the regulations will be too much of a "compliance burden" for employers.

This is yet another example of business putting profits before safety.

These groups will never be satisfied until their obligations to provide a safe workplace are nil. Let me make this perfectly clear today: we will fight tooth and nail to prevent corners being cut on safety to suit the business bottom line.

Employer groups called for a national set of health and safety laws, so you would have thought that business would welcome a tough approach to OHS regulations.

This renewed opposition from big business has emerged despite a regulatory impact statement by highly-respected private consultancy, Access Economics, which found the new regulations would not increase compliance requirements or costs.

The ultimate aim of the regulations should be to protect workers' safety, not reducing the amount of work business must do to comply and it is baffling to think any business would want to risk the death of a mother, father, son or daughter for the sake of a little less paperwork.

We doubt anyone who has lost a loved one or a colleague at work would have any sympathy for the views of business on this issue.

This is another reminder of why it falls on us in unions to be vigilant about safe workplaces. Because we can't rely on governments, and we certainly can't rely on employers.

And I don't need to tell you that the legislation alone won't create change.

Too many workplaces try to cut corners when given the chance. Too often the "if it ain't broke don't fix it" mentality applies and it's not until something – or someone – is broken that something gets done. That's too late.

Academics can guide our thinking on safety, OHS specialists can measure hazards and Governments can legislate a framework for safety but the truth is workplaces will only get safer when workers have a collective voice. It's only through unions that they can find that.

'Productivity' and workplace safety

Part of the problem we have with safety in the workplace comes from a culture that has led to Australians working longer hours and working harder.

The culture of working harder, longer largely stems from a desire by employers to increase productivity.

Productivity is one of the most misused and abused words in the economic lexicon.

The meaning of productivity has been so misrepresented, that its original definition has become muddled and that means the public debate has been completely confused.

The reality is economic growth and higher productivity are not mutually exclusive from rights at work and having safe workplaces. The union movement shares the Government's aspiration to lift productivity after it languished as a result of the Howard years. But employees do expect to be fairly rewarded and treated with respect for their efforts.

But like that other workplace catchphrase – flexibility - productivity is a word that has been hijacked to suit an agenda that has been to the detriment of workers and is not linked to the real challenges of workers.

In fact, it has been so misused by employers that whenever workers hear it today they fear that it is all downside and no upside for them.

Unions welcome any form of national discussion about productivity and economic growth. But we will come to the table armed with facts and the concerns of workers from the factories, shops and offices of Australia.

There is strong evidence that fatigue and modern work arrangements (rotating or irregular shifts) aimed at lifting productivity raise the risk of workplace injury and in some instances lead to serious illness.

Night shift work has been associated with an increase in breast cancer in women who work rotating shifts for longer durations. There is also evidence that shift work has a moderate negative effect on fetal growth in pregnant women.

Thanks to the popular, simplistic definition of productivity, when the figures show low levels of productivity growth, the assumption is that employees are to blame — either they are slacking off in their work, or else they are getting greedy and asking for more pay for the same work.

Usually, employers will be quick to proffer their opinion that it is unions, or Australia's labour laws, or 'overly burdensome' OHS regulation, which have, in turn, encouraged this bad behaviour on the part of workers.

In fact, obsessive focus on a sole productivity measure of labour may detract from tackling the real source of the firm's poor performance, such as poor leadership,

inefficient management planning of work and internal communication problems, along with poor morale, long shifts, broken shifts, workplace injuries and employee turnover.

Unions can act as a bridge between management and the workforce.

They can help improve the way information flows from the top to the bottom in businesses – and how it flows back up.

By supporting workers, unions can help encourage them to bring good ideas to management about improving workflow. This applies equally to workplace safety.

Workers often have decades of experience in their company and industry – in sharp contrast to the modern management culture of limited tenure and short-term horizons.

Unions can also help drive genuine productivity and safety improvements in the workplace through enterprise bargaining.

The reality is that these improvements flow from workplace bargaining because of the improvements in workplace culture that flow from making the agreement.

That's the way bargaining drives improvements – not through cutting costs, or extracting 'offsets' for every extra dollar paid out in wages — but in the employer making a demonstrable commitment to fairness at the workplace.

More to do

As soon as unions start talking about more protections and, dare I say it, regulations to improve workplace safety, employers start jumping up and down about unions trying to stifle their profitability, flexibility and – yep, productivity.

What rubbish.

It's people like you here today who work tirelessly to make our workplaces safe – and productive. I couldn't stand up here and be proud of the union movement's record on OHS without knowing people like you are behind me.

You have a tough job – you're not invisible; we know the results of your work.

Take asbestos for example. We only have to think back to the James Hardie campaign in the mid-2000s to remember how part of our fight was to re-educate people about the dangers of asbestos.

We made sure that Hardies couldn't 'cut and run' to use a favorite phrase of a politician we retired. It was the work of unions during that and other asbestos campaigns that has allowed the Gillard Government to establish the Asbestos Management Review.

Despite our efforts, despite our education campaigns and despite our lobbying, asbestos remains a critical issue in Australian buildings. It's still there and as long as it is it will be a critical public hazard.

The death rate from asbestos-related diseases is yet to peak, and there is much to do to eradicate asbestos from Australian workplaces and houses.

The new Asbestos Management Review headed up by Geoff Fary will make recommendations to the Government on the future management of asbestos issues in Australia, including materials handling, education, reporting and public health issues.

Unions have a strong history of campaigning for the banning and removal of asbestos, better treatment and compensation for victims, and effective punishment for corporate neglect on this issue.

This review is an important and welcome development, and is consistent with the call from unions and asbestos diseases groups for a national approach to these issues.

Our work to date has given this Government the space to allow the Review it is now our job to create the space that will allow the recommendations to be implemented.

Today our members work with asbestos. Some of them are asked to remove it, some are asked to dispose it. Some uncover it when they are renovating. Some simply work in buildings that contain it.

And after they have finished work, a lot of our members go home to a house that made of it. Some of our members 20 years from today will develop asbestos related diseases they were exposed to 20 years before today. We owe our members nothing less than to see this blight removed.

Accidents and incidents in workplaces are devastating. This reality has a sharper focus for many of us in this room today as we think of our colleague and comrade Donna Hristodoulidis. Right now Donna should be part of this audience instead she is recovering from a serious motor vehicle accident she had last week.

Ever conscientious Donna was getting in to work early last Monday to finalise our submission on the model OHS regulations when this accident occurred. Donna is pretty knocked around and it looks at this stage that it will take a long period of rehabilitation for her to recover. My thoughts and I'm sure yours are with Donna and her family at this time and we wish her a speedy recovery.

One very positive element of the ACTU collective agreement is that we provide journey insurance to cover injuries incurred on trips to and from work.

But I would rather not offer it. We should not be in a position that this basic entitlement needs to be bargained for. I understand the reasons we have different workers compensation entitlements across Australia but I don't understand why it continues.

Why is the compensation to the family of a person killed at work more in Queensland than in Western Australia? Why do some injuries in some states get compensation and yet the same injuries in other places don't qualify?

Why do some compensation schemes cover journey claims and others don't? Just like the tricky language that is used around 'productivity', workers compensation is sometimes reduced to nothing more than a cost and burden on industry that at all times must be minimised.

Unions can help industry reduce workers' compensation costs. We will help identify and remove hazards that lead to injury, illness and death. However we will not be part of any

workers' compensation harmonisation that moves automatically to the lowest cost for industry by paying less to injured workers.

Conclusion

As President of the ACTU I want to tackle the public acceptance of workplace injury, illness and death. We immediately identify a car speeding in a suburban street as dangerous and wrong, do the public immediately identify an unguarded machine or unlabelled chemicals in workplaces as dangerous and wrong? Or do we just accept such things as necessary to get the job done?

7000 workers die each year due to their work. 640,000 each year are injured.

At some point, we have to say enough is enough.

And just quickly, to finish up, I'd like to quickly tell you about the Working Australia Census. You will have seen the flyers around the conference venue today.

This will be the biggest ever survey of union members in the Australian workplace, and it aims to give each and every union member a chance to have their say on issues that matter to them and contribute to the movement's agenda over the next ten years.

We hope that more than 50,000 workers will take part in this online census.

I'm excited about the census as a genuine opportunity to generate a two-way discussion with our members.

But I need your help. Once the survey is launched in May, union organisers and delegates will need to promote it to members to ensure maximum engagement.

I need you out in workplaces every day telling members about the census and encouraging them to spend 20 minutes to complete it.

There are benefits for you too, because what better conversation starter with members is there than a survey like this? It may even help you identify new activists in the workplace.

There will be a website where the survey will be housed: www.workingaustralia.org.au, so stay tuned for more.

Thank you, and good luck with your conference.