

OCCUPATIONAL HEALTH AND SAFETY POLICY

ACTU CONGRESS 2000

1. Introduction

- 1.1. Occupational Health and Safety (OHS) is consistently ranked as a priority concern by union members. Often health and safety is held by them to be more important than wages and other working conditions.
- 1.2. The involvement of the union movement in OHS is essential to improvements in health and safety at work. Effective union involvement in OHS, both directly and through links to wages, conditions, and other union policies and activities is a key test of union relevance to members and potential members.
- 1.3. This policy aims to focus the activities of the union movement in preventing work-related deaths, injury and disease, through:
 - (i) supportive activities by the ACTU, TLCs and unions, consistent with their roles and responsibilities;
 - (ii) advocating for essential improvements in the OHS legislative and supportive infrastructure; and
 - (iii) reflecting priority health and safety issues.

2. Enhanced Union Involvement in Health and Safety

- 2.1. Active participation by unions and workers in decisions on health and safety is critical to achieving safe and healthy workplaces and safe systems of work.
- 2.2. In order to strengthen union participation in OHS, the following actions will be carried out:
 - (i) The ACTU, TLCs and unions will continue to participate in and enhance tripartite and industry-based OHS bodies to promote improved health and safety performance at all levels;
 - (ii) The ACTU, TLCs and unions will defend and promote the extension of the roles and powers of elected OHS representatives where they are provided for in legislation, and campaign for their introduction where they are not provided for in current legislation;

- (iii) Unions will encourage and support their members to be active as health and safety representatives and/or on health and safety committees;
- (iv) Unions will ensure that, as far as is possible, unionised workplaces have trained health and safety, and/or trained representatives on workplace health and safety committees;
- (v) TLCs and unions will ensure, as far as is possible, that young workers are educated and trained about health and safety, including the right to refuse to undertake work which is unsafe;
- (vi) The ACTU, TLCs and unions will defend the right of union officials to enter and inspect workplaces, and to assist in negotiations with employers on OHS consultative arrangements;
- (vii) TLCs and unions will provide union organisers and workplace representatives with training, information and advice on OHS matters;
- (viii) The ACTU, TLC and unions will conduct conferences and seminars on health and safety issues for officials, delegates and health and safety representatives;
- (ix) TLCs and unions will maintain and where possible expand OHS training, including campaigning for government support and funding for OHS training of delegates and health and safety representatives;
- (x) The ACTU, TLC and unions will conduct hazard- and/or industry-based OHS campaigns, including the annual ACTU National OHS Campaign;
- (xi) The ACTU will support TLCs and unions by providing OHS resources, including guidelines on OHS hazards, and by disseminating OHS information;
- (xii) TLCs and unions will encourage and support officials to participate in ACTU and TLC OHS Committees and working groups;
- (xiii) The ACTU, TLCs and unions will initiate in 2000 / 2001 a biennial national survey of health and safety representatives; and
- (xiv) The ACTU, TLCs and unions will promote Commonwealth, State and Territory Governments the legislative rights for compulsory training for OHS representatives, provided through their unions and paid for by the employer.

2.3. The ACTU, TLCs and unions will report to the Executive before the end of 2001 on progress with the implementation of this policy.

3. Legislation, Awards and Enterprise Agreements

- 3.1. The ACTU, TLCs and unions will advocate that fundamental rights with respect to health and safety at work be included in legislation, and will oppose legislative provisions which could have adverse impacts on OHS.
- 3.2. The ACTU, TLCs and unions will advocate for the right of OHS representatives to issue Provisional Improvement Notices (PINS) where that right does not exist, including the right to appeal against dismissal or variation of a PIN.
- 3.3. The ACTU, TLCs and unions will ensure that OHS is advanced through provisions in legislation, awards and industry/enterprise agreements.
- 3.4. The ACTU, TLCs and unions will support and advocate improvements to OHS legislation to reflect changes in work organisation and hazards.
- 3.5. Unions will ensure that provisions in awards, industry/enterprise agreements do not result in risks to health and safety.

4. National OHS Improvement Framework

- 4.1. The ACTU, TLCs and unions will support the strengthening and implementation of the National OHS Improvement Framework, which sets out national infrastructure requirements, and lists actions which the various parties, including unions, should pursue to improve health and safety performance in Australia.
- 4.2. Actions under the Framework, particularly those of governments and their regulatory authorities, need to be more focussed and tied to measurable targets. The ACTU, TLCs and unions will monitor implementation of the Framework at the national and state/territory level.

5. Nationally Uniform OHS Standards

- 5.1. The ACTU, TLCs and unions will continue to promote effective regulation of OHS and to support the development and implementation of national OHS standards and codes of practice.
- 5.2. ACTU, TLCs and unions will pressure governments to require completion of the national standards and codes of practice *for construction, demolition, and prevention of falls from heights*, in the first instance, and to progress other components of the National Uniformity Program, which were dropped by National Occupational Health and Safety Commission (NOHSC) in 1997.
- 5.3. ACTU, TLCs and unions will campaign for national standards where they are required for OHS hazards.

- 5.4. TLCs and unions will advocate that state and territory governments adopt national standards in a consistent way to provide Australian workers with equal protection irrespective of where they work.
- 5.5. ACTU, TLCs and unions will continue to challenge the notion that OHS standards should be solely 'performance-based' standards, and will campaign for prescriptive provisions in OHS standards where required to protect health and safety.
- 5.6. ACTU, TLCs and unions will advocate that NOHSC reinstate tripartite industry specific committees.

6. Inspection and Enforcement of OHS Legislation

- 6.1. TLCs and unions will pursue with state and territory governments a range of methods to promote the effective implementation of OHS standards and codes across industries and workplaces.
- 6.2. TLCs and unions will continue to pressure state governments to upgrade the capacity of government inspectorates, including raising inspectors' knowledge and awareness of the full range of hazards at work.
- 6.3. Unions and TLCs will push for state and territory governments to conduct ongoing enforcement campaigns, across industries, including campaigns targeted at specific hazards or industries.
- 6.4. TLCs and unions will continue to pressure state and territory governments to broaden the scope and range of penalties, including through public exposure, the introduction of 'on the spot fines' and criminal sanctions where appropriate, and through raising the *minimum* as well the maximum penalties imposed for OHS breaches.
- 6.5. TLCs and unions will campaign for the right of unions to initiate prosecutions for breaches of OHS laws.
- 6.6. The ACTU, TLCs and unions will monitor penalties imposed for OHS breaches, and advocate increased understanding in the courts of the human impact of OHS breaches which cause deaths, injuries and disease.
- 6.7. The ACTU, TLCs and unions will pressure governments to apply lessons learned from effective enforcement in other areas, such as transport safety, to occupational health and safety.

7. Rehabilitation and Compensation

- 7.1. TLCs and unions will continue to campaign for adequate compensation for victims of workplace death, injury and disease, including access to common law remedies.

7.2. The ACTU, TLCs and unions will campaign for improved rehabilitation services and appropriate return to work programs.

8. Information / Education / Training

8.1. The ACTU will promote development by NOHSC of advice and guidelines on the integration of OHS into industry training packages, New Apprenticeships, and into the education and training of managers, designers and OHS professionals.

8.2. TLCs will encourage increased emphasis by State Training Authorities on OHS aspects of registration of training organisations.

8.3. Unions will pursue the integration of OHS into industry training packages, including into standards and assessment instruments.

8.4. The ACTU, TLCs and unions will pursue increased OHS skills of teachers and other training professionals.

8.5. Unions will negotiate delivery of appropriate induction and ongoing training at the industry and enterprise level.

9. OHS Research

9.1. The ACTU, TLCs and unions will continue to press for independent and ongoing OHS research, in order to identify significant current and emerging OHS problems and solutions.

9.2. The ACTU, TLCs and unions will continue to raise current and emerging OHS issues requiring research and lobby for the research to take place.

9.3. The ACTU, TLCs and unions will advocate for an increased research capacity within NOHSC and the coordination of national research efforts. We call on the Federal Government to provide a real funding increase to NOHSC to undertake this and other important research work.

9.4. The ACTU, TLCs and unions will advocate Commonwealth, state and territory government funding of OHS research.

10. OHS Data and Analysis

10.1. The ACTU, TLCs and unions will advocate improvements in the collection and analysis of OHS statistics and data, through:

- (i) consistent national implementation of the improved National Data Set (NDS) of workers' compensation statistics;
- (ii) improved use of other data sources such as the Australian Bureau of Statistics, Australian Workplace Industrial Relations Survey,

National Coronial Information System, and enhanced medical practitioner and hospital injury and illness data;

- (iii) a focus on improved collection of information on work-related disease, particularly diseases of long latency and psychosocial illnesses;
- (iv) upgrading the scope of OHS data to reflect the changing labour market;
- (v) improving the availability and accessibility of OHS data to users such as unions and employers; and
- (vi) analysis of data to support OHS policy development and implementation, including the development of targets.

11. International OHS activities

- 11.1. The ACTU, TLCs and unions will continue to develop and strengthen links with international unions, peak union councils and worker health and safety organisations to raise international health and safety standards.
- 11.2. The ACTU, TLCs and unions will oppose organisations based in Australia adopting poor health and safety practices in their overseas operations.
- 11.3. The ACTU, TLCs and unions will monitor international developments in OHS problems and solutions.
- 11.4. The ACTU, TLCs and unions will continue to observe the International Day of Mourning on 28 April each year and encourage the involvement of interested community organisations.
- 11.5. The ACTU, TLCs and unions will participate in other international health and safety events, such as the International RSI day in February each year, and the International Call Centre Day in November.

12. Duties of Employers

- 12.1. The ACTU, TLCs and unions will promote compliance by employers with their legal duty of care to provide a safe and healthy working environment and safe systems of work, and with their responsibilities to consult with workers and their representatives on health and safety matters.
- 12.2. The ACTU, TLCs and unions will continue to work with employer organisations at the national, state and industry level to develop solutions to health and safety problems.

- 12.3. TLCs and unions will advocate that employers have in place effective consultative arrangements in workplaces.
- 12.4. TLCs and unions will advocate that health and safety representatives and/or union representatives on health and safety committees are trained, and provided with appropriate information and resources to participate fully in OHS and related decisions.
- 12.5. The ACTU, TLCs and unions will advocate increased emphasis on assessment of the OHS performance of managers, and the inclusion of OHS performance as an integral component of decisions to hire, promote, or discharge managers.
- 12.6. The ACTU, TLCs and unions will advocate that OHS performance, including convictions, be published in company annual reports.
- 12.7. The ACTU, TLCs and unions will promote OHS performance of employers as a relevant consideration for investment decisions by industry superannuation funds.

13. Occupational Health and Safety Management Systems (OHSMS)

- 13.1. The ACTU, TLCs and unions will pursue analysis related to the effectiveness of Occupational Health and Safety Management Systems (OHSMS).

14. Priority OHS Issues

- 14.1. The ACTU, TLCs and unions will advocate for the prevention of work-related deaths, injuries and disease through the elimination or reduction of OHS hazards, and the application of the 'hierarchy of controls' at work.
- 14.2. In the period from Congress 2000, the ACTU, TLCs and unions will direct attention to the following priority OHS hazards, by undertaking, among other things, the specific actions listed.
- 14.3. Stress at Work
- (i) The ACTU will produce "Guidelines for the Prevention of Stress at Work" for use by unions, health and safety representatives and delegates;
 - (ii) The ACTU, TLCs and unions will continue to pressure NOHSC and the state and territory authorities to increase their attention to 'psychosocial risks at work', including the development of a national code of practice for the prevention of stress at work.

14.4. Work-Related Violence and Bullying

- (i) The ACTU, TLCs and unions will continue to pressure governments to increase their focus on the growing problem of workplace violence, especially in those industries where people work with cash, in isolation, and/or are required to relate with members of the public, clients, students or patients in difficult situations;
- (ii) The ACTU, TLCs and unions will conduct a national OHS Campaign on bullying at work, focusing on the increase in 'systemic' violence and bullying, which has accompanied the deregulation of industrial relations.

14.5. OHS and Labour Market Changes

- (i) The ACTU, TLCs and unions will promote analysis and action at the national, state and industry levels of OHS impacts of changes in the labour market;
- (ii) The ACTU, TLCs and unions will give particular attention to casual work, part-time work, contracting out, labour hire, home-based work, call centres and organisational downsizing;
- (iii) The ACTU, TLCs and unions will pursue regulatory, enforcement, information and work organisation issues associated with the OHS impacts of changes to the labour market.

14.6. Working Hours

- (i) The ACTU, TLCs and unions will pressure governments to set standards for:
 - (a) maximum daily and weekly working hours based on health and safety principles;
 - (b) absolute minimum breaks while at work, and between the cessation of one work period and the beginning of another, and
 - (c) access to annual and other leave provisions for all workers.
- (i) The ACTU, TLCs and unions will raise awareness of the OHS consequences of the increased 'spread' of ordinary hours and the growing use of annualised salaries, which have led to:
 - (a) an increase in unpaid overtime in many industries and occupations;
 - (b) the removal of penalty rates for shift work; and
 - (c) pressure by employers (and governments) to treat (and pay for) all hours the same;
- (ii) The ACTU, TLCs and unions will raise awareness that from a health and safety perspective, all hours are not the same. Night work and

extended hours, particularly hours which extend into the night period, are more hazardous to health and safety than are 'normal' day hours;

- (iii) Unions will pursue adequate staffing in the public and private sectors to prevent dangerous hours and work overload;
- (iv) The ACTU, TLCs and unions will advocate through the appropriate forums that employers do not allow employees and persons under their control, including those working from home to work hours which are detrimental to their health, safety and welfare;
- (v) The ACTU will develop a health and safety policy on working hours, based on the ACTU Health and Safety Guidelines for Shift Work and Extended Working Hours and on the European Working Time Directive;
- (vi) TLCs will pressure state and territory governments to actively pursue policies and strategies to eliminate or control the OHS hazards of shift work and extended working hours;
- (vii) Unions, including organisers and officials, will establish and maintain safer working hours as a priority issue, and facilitate debate within unions about working time issues; and
- (viii) Unions will ensure that the health and safety implications of shift work, and extended working hours are always considered when negotiating agreements.

14.7. Chemicals at Work

The ACTU, TLCs and unions will campaign for:

- (i) the removal of known lethal chemicals from work environments and the use of safer chemicals at work;
- (ii) the increased awareness by workers of the hazards and the safe use of chemicals at work;
- (iii) a ban, at the earliest practicable time on the manufacture, importation and/or use of chrysotile asbestos in Australia;
- (iv) better assessment and labelling of chemicals, and improved registers and provision of information on chemicals, including Material Safety Data Sheets;
- (v) government recognition of and research into the synergistic effects of chemicals, and the associated health effects of multiple chemical exposures;

- (vi) government recognition of, and research into, chemical sensitivity;
- (vii) increased attention to the link between health and safety and environmental issues with regard to chemicals, particularly in relation to contaminated sites, industrial air and water pollutants, and the transport and disposal of hazardous wastes.

14.8. Electro-Magnetic Radiation (EMR)

The ACTU, TLCs and unions will:

- (i) provide submissions to the 2000 Senate Committee Inquiry into electro-magnetic emissions (including from mobile phones);
- (ii) monitor the report of the Senate Committee Inquiry and the activities of the authorities which are charged with setting human exposure standards for EMR;
- (iii) push for adoption of the precautionary principle with respect to EMR exposures, including radio-frequency radiation from mobile telephones.

14.9. Smoke Free Workplaces

- (i) The ACTU, TLCs and unions will work towards implementation of the right of all workers to a smoke free working environment, including through comprehensive legislation.

14.10. Impairment issues at work (including alcohol and drug testing at work)

- (i) The ACTU, TLCs and unions will produce ACTU Guidelines for Addressing Impairment Issues at Work, (including Policy for Alcohol and Drug Testing at Work), for use by unions, delegates and members.

14.11 Offshore safety in oil and hydro carbon industry

- (i) The ACTU supports the key recommendations of the Australian Offshore Petroleum Safety Case Review (2000);
- (ii) Specifically, the ACTU and unions are to lobby state and federal governments to create a single well-resourced offshore petroleum HSE regulator.

15. Congress 2000 - Key Focus areas

15.1. The ACTU, TLCs and unions recognise that union delegates and activists are integral to effective union involvement in health and safety,

and that OHS is a key area activity by delegates and activists in the workplace, including for recruitment.

15.2. In order to strengthen and support participation of delegates and activists in OHS, TLCs and unions will:

- (i) encourage, support and train members to be active as health and safety representatives and/or on OHS committees
- (ii) provide delegates and officials with OHS information and materials, including through seminars, conferences and other forums.

15.3. The ACTU, TLCs and unions recognise that there are OHS hazards which are of particular concern to women, in particular in industries and occupations where women are concentrated. Pregnant women and nursing mothers may face additional dangers to their health and safety.

15.4. The ACTU, TLCs and unions will consider the OHS implications of ACTU and union policies and activities affecting women, and raise awareness of OHS issues for women through providing information and through seminars, conferences and other forums.

15.5. The ACTU, TLCs and unions recognise that the duty of care which employers owe to all workers entails increased obligations with respect to young workers, who require additional attention in terms of training and supervision.

15.6. In order to ensure that young people are fully aware of their right to work in a safe and healthy environment, TLCs and unions will pressure governments and employers to ensure that:

- (iii) young workers are appropriately inducted, trained and supervised;
- (iv) young workers are not subject to intimidation, bullying or any other forms of harassment or violence at work;
- (v) young workers are not placed in dangerous working environments;
- (vi) employers who are negligent in their duty of care with respect to young workers are held to account; and
- (vii) young persons who may be bystanders at work are not placed in dangerous situations.

15.7. The ACTU, TLCs and affiliates will raise awareness among young people that unions can provide advice and assistance in matters of health and safety.