



# SPEECH

## Occupational Health and Safety and Workers' Compensation Report to ACTU Congress 2015

Speech by ACTU Assistant Secretary Michael Borowick  
Tuesday, 26 May 2015

*\*\*\*check against delivery\*\*\**

I would like to begin by recognising the incredible job done by union members, delegates, and officials every hour of every day in striving to make workplaces healthier and safer for their co-workers, and for future generations.

People like those in the video we have just watched.

And could I also especially acknowledge the bravery of Maitea Medina, the widow we saw near the end of the video, and of her three children, Javier, Nadine and Jetaime.

Maitea lost her husband, Anthony – that was him in the photo over her shoulder, shaking hands with Nelson Mandela – to mesothelioma in 2008.

He was just 42, and had been exposed to asbestos when he was working in the domestic building industry in his late teens.

It will always be hard for Maitea to talk about losing Tony, but she does so because – as she says in the video – she does not want other families to go through what hers has.

It is for people like the Medina family that we, as unions, must always work hard and never give up to make workplaces healthier and safer.

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We can stand up and be proud of the union movement's record on OHS.

It's been proven that unionised workplaces - when people can act collectively, elect health and safety representatives from their own ranks that they trust, and get support from unions - are safer workplaces.

We have a storied history of great achievements in the field of workplace health and safety.

The eight hour day. The end of child labour. Safety standards and policies in workplaces which have become law.

The right to stop work when there is impending danger. Workers' compensation. Chemical regulations. The ban on asbestos.

And most recently, the establishment of a new bullying jurisdiction in the Fair Work Commission, which unions sought and won.

But none of these things came without a fight. None came without organisation and without collective action by workers united.

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

Today, all workers should be able to leave home in the morning knowing that they will be safe from danger, safe from injury, safe from work-related illness.

They should also be safe from bullying, harassment and violence in the workplace – although we know that often isn't the case.

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.

Last year, 185 people were killed in Australian workplaces – an average of almost three a week – and thousands more die each year from illness and disease acquired from work.

Each year, more than 125,000 workers' compensation claims are made for serious work-related injuries or diseases.

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

Business groups are on the march yet again, trying to water down health and safety laws under the pretence of "cutting red tape".

And they have found a willing friend in the Coalition government.

Over the years, conservative state governments have stripped their statutory work safety agencies of resources and overhauled their workers' compensation schemes to the detriment of workers.

Our hard-won rights, as union members, to speak up and say no to a dangerous or unhealthy workplace are constantly at risk of being eroded.

There have been attempts to force unions to give 24 hours' notice before they can enter a workplace to conduct a safety inspection.

Well, when there is an imminent risk to workers, that 24 hour delay could be the difference between life and death.

State governments are competing in a race to the bottom to drive down workers' compensation premiums.

What began in Victoria and New South Wales reached a new low when Campbell Newman slashed premiums in Queensland and boasted they were the lowest in Australia.

Insurance premiums act as a financial incentive for employers to proactively minimise risks and hazards in the workplace.

We don't want to see anyone injured at work, but when they are we want them properly looked after and rehabilitated and compensated.

As the financial costs to employers of providing safe and healthy workplaces fall, so do safety standards.

We say workers' health and safety is too important to be used as a selling point to business to invest in a state, and those states that do the right thing should not be penalised for refusing to take part in this race to the bottom.

There are other challenges for workers as well.

The rise of insecure work means less safe workplaces – workers who fear losing their job are unlikely to speak up about dangers; quite the opposite, their lack of security of employment makes them more likely to accept poor conditions at work, including unsafe ones.

The number of Australians dying from asbestos diseases is still climbing and is not expected to peak for some years.

By 2020, 18,000 Australians will have died from mesothelioma, with many of them being exposed at work.

And now, asbestos has moved to a new front: the family home.

Home renovators, whether qualified tradespeople or DIY enthusiasts, are equally at risk.

So far, unions have managed to keep at bay other Coalition changes which would further reduce health and safety in the workplace.

Their plans to bring back the Australian Building and Construction Commission have been well-documented. When the ABCC was last around, workers and unions were prosecuted simply for holding a stop work meeting over a safety issue, and the rate of death and injury in the construction industry grew.

The Asbestos Safety and Eradication Agency may have dodged a bullet so far, but its future is precarious.

Regulations are necessary and positive, but they can only see it as a burden on business.

So not only do they want to stop unions from doing our jobs in enforcing the rules, the Coalition want to weaken the rules themselves.

These are not abstract threats; these are real.

Because this is a federal government whose automatic philosophical position is that workplace health and safety is "unnecessary" red tape.

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As unions, we will respond to these challenges as we always do: by campaigning.

The enforcement of existing OHS standards and the push to improve them, along with training reps, liaising with regulators and reviewing legislation, will always be core business for unions.

Workers will respond positively to unions when they see us playing an active role in making their workplaces safer.

And to grow as a movement, we must redouble our efforts to organise in workplaces around health and safety.

There are already plenty of great examples out there of unions running OHS-related campaigns that have growth and organising elements as well.

One example is the CFMEU's *Speak out. Stand up. Come home.* campaign which is not only about educating about health and safety, but really a reinforcement of the entire reason we need to have strong unions in the construction, mining, and forestry sectors.

Another example I will mention is the TWU's *Safe Rates* campaign.

At its heart, *Safe Rates* is about health and safety, preventing driver fatigue, preventing carnage on the roads.

There are plenty of other examples out there, in healthcare, in education, in the public sector.

As officials in our movement, at a time when it faces some of the greatest challenges in its history, we all have a shared responsibility to engage our members as activists in unions, and health and safety issues are a great place to start.

There is no worker who doesn't suffer from some form of OHS issue, whether it be working with chemicals, staring at a bright computer screen, lifting heavy objects, operating dangerous equipment, or being burdened with an excessive workload.

Health and safety is an issue that unites all unions, whatever the industries we cover.

So we also need to think about how we can campaign together over health or safety issues which are common to our members.

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In the end, making workplaces safe and healthy comes down to how well organised we are as unions, how confident our members are in their rights and the knowledge that they will be supported by the union, and how we educate and train our delegates and health and safety representatives to enforce those rights.

Delegates, in your hands you will have the Work Health and Safety, Rehabilitation and Compensation Report for the 2015 ACTU Congress.

This is a comprehensive and forward-looking report – a real action plan for our movement.

Its starting point is that every worker has a right to a health and safe work environment, that no worker should be disadvantaged if they are injured at work, and any changes to current laws

must not result in a diminution of the rights and entitlements of any worker, regardless of where they live.

The policy reaffirms the importance of tripartism, consultation and agreement, and corporate accountability through lifting the corporate veil so those responsible for deaths or injuries cannot avoid punishment.

We will commit to increasing the numbers and improving the density of union-trained and elected health and safety representatives, including education about rehabilitation, return to work arrangements and compensation issues.

This Congress will call on the federal government to return Comcare to its original function as the scheme applying to federal public servants and to return all private sector participants to the applicable state or territory run schemes.

Companies should not be able to shop around for the cheapest workers' compensation premiums based on competition to reduce injured workers' benefits or access to effective safety.

And self-insurance should only be available to employers who have a perfect record on health and safety and a demonstrated commitment to workers' rights.

The report also canvasses the range of areas where unions will campaign and lobby for better health and safety, including asbestos, chemicals and cancer, nano materials, noise and hearing loss, biological hazards, psychosocial hazards, workplace violence and bullying, alcohol and drug testing, and maternal and child safety.

I wish to place on record my appreciation to the many affiliates who have contributed to this report and thank them for their input.

I commend the report for the adoption of this Congress.