

15 September 2009

The Hon. Julia Gillard MP
Deputy Prime Minister
Minister for Employment and
Workplace Relations
PO Box 6022
House of Representatives
Parliament House Canberra

Dear Deputy Prime Minister,

As a group of workplace injury support services and unions, we write to you to express our concerns about the current status of the proposed harmonisation of occupational health and safety laws.

We see the creation of national laws as an opportunity for Australia to have world's best standards of workplace health and safety. Workers in Australia deserve to be able to go to work and come home safely again – there can be no higher workplace priority.

We must take this opportunity to prevent workplace injuries and illness as much as possible, and when prevention fails, to provide victims and their families with justice.

We know first hand the devastating effects workplace injuries, illness, and in the worst case, death has on victims, their family, and our communities. We have contributed to the government process, but remain concerned that the issues important to workers, particularly victims and their families, are not being acted on.

The death of a family member is always tragic, but to know it was preventable is something you can never come to terms with. There is hope that better health and safety standards, and more stringent enforcement of them, will help prevent similar deaths in the future.

We recognise that the model OHS laws provide for increased penalties in some jurisdictions. This is a positive move to elevate workplace safety as a priority in the way employers conduct business.

However, the model OHS laws fall short of providing world's best practice. Deputy Prime Minister, your government finds itself in a unique situation of being able to hand pick the very best of state, territory, and federal laws that have already been thoroughly tested.

Injuries occur at the workplace and the best prevention will always be workplace based. In our experience workplaces with an employee or committee trained and with powers to address safety issues supported by their union, are safer and have dramatically fewer injuries. We want to see the strongest provisions for health and safety representatives.

Further we believe the right for unions to investigate safety breaches and advise workers prevents workplace injury and illness. Unions not only bring expertise, but are experienced advocates for workers who may not feel confident to take issues directly to their boss, lack skills and knowledge, or fear retribution. We believe the laws must facilitate workers receiving advice and information about safety from their union in the workplace.

The consequences of workplace injuries, illness, and death are severe. Dealing with a serious injury or the death of a family member is difficult, particularly if there is no sense of justice. Employees must be able to seek justice against employers who do the wrong thing. While this does not bring the person back, or undo a life changing injury, it does provide for the victim and/or their family closure and the knowledge that the responsible person or organisation has been held to account.

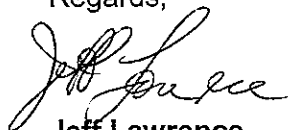
Prosecution of breaches of the law also promote cultural and practical changes in workplaces and/or industries that eliminate risks and prevent similar accidents occurring again. We understand that the regulators bear the responsibility to prosecute breaches, but we do not believe this should be an exclusive role. Safe workplaces are a shared responsibility; the compliance process should reflect this.

On a final note, providing Australians with the world's best standards in occupational health and safety will not only save lives, it will also have significant social and economic benefits. We know the effect of workplace injury is ongoing and often multiplies; it can reduce quality of life, restrict social and family activities, affect relationships and reduce job prospects and earning capacity. The more accidents that can be prevent, the better it is for everyone.

We must all work together to prevent workplace injuries and illness, strong and fair laws would go a long way to supporting our collective efforts.

We look forward with ongoing engagement with the government on this important issue.

Regards,



Jeff Lawrence
ACTU Secretary



Deanne May
Convenor, Industrial Death Support
and Advocacy Inc (Victoria)

Cheryl Romer
Convenor, Workplace Death
Family Support Group - NSW

Andrea Madeley
President, Voice of Industrial
Death - (VOID), South Australia