Federal Government initiative to deal with bullying complaints

It is expected that from July 2013 victims of workplace bullying will be able to take a complaint to the Fair Work Commission. The Fair Work Amendment Bill is currently before Federal Parliament. The Fair Work Commission will be able to make an order to stop the bullying and will be required to deal with the matter within 14 days of an application from a worker making a complaint. This is an important reform as too often victims of bullying wait months, even years, for health and safety regulators to investigate or act on their complaints.

A world first - the Asbestos Safety and Eradication Agency

The National Declaration for an Asbestos Free Future in June 2010 - AMWU/ACTU, Cancer Council Australia and Asbestos Support Groups – has seen results. The May budget allocates funds for the establishment of the Asbestos Safety and Eradication Agency on July 1, 2013. One of the first tasks for the Asbestos Safety and Eradication Agency will be the implementation of a plan to tackle illegal dumping, to encourage safe disposal across Australia and to develop a strategy for the staged removal of Asbestos Containing Materials (ACMs) from government and commercial buildings.

In announcing the budget funds, Minister Shorten said that, “Asbestos is a cruel, indiscriminate killer, and because of its widespread use over much of the 20th century, it remains a persistent threat to Australians.”

The signatories to the National Declaration are continuing to lobby for the Agency to address the problem of asbestos in residential homes built before 1987.

Hearing Workers’ Voices

Health and safety laws require employers to consult with workers and elected Health and Safety Representatives (HSR) when making decisions about health and safety. Discussing health and safety with workers and their elected representatives is essential for good health and safety outcomes - after all, it’s those doing the work whose health suffers from accidents or unhealthy work. Independent research shows that involving workers, including through their union representatives, improves workers’ awareness, knowledge and contribution to good solutions.

For South Australian members:

Join National Secretary Paul Bastian and others for a free Asbestos Awareness Seminar

June 27, 2013
1.00 - 3.30 p.m.

West Adelaide Football Club
For further details contact Richard Wormald on (08) 8366 5800 or 0409 651 892.

Effective consultation involves seeking views on relevant safety and health issues from those at the workplace and engaging in common discussion to achieve accepted outcomes. (Guidance Note: Formal Consultative Process at the Workplace, 2006. Western Australia)

Turn over for details on employers’ obligations to consult and 2013 Workers’ Memorial Day.

Open and place on noticeboard
On Workers’ Memorial Day 2013, Employment and Workplace Relations Minister Bill Shorten said, "We are here as a mark of respect from civilised society, an expression of failure and regret." Minister Shorten was opening the new National Workers’ Memorial for those who die or are injured as a result of their work.

AMWU ex National Secretary and now Labour Senator Doug Cameron was a driving force in the establishment of the memorial. Senator Cameron said, "Let us honour those who have died building this nation, not just with this memorial, but with a country in which workplaces are free from accident, misadventure and disease."

These tragedies highlight the need for the voices of workers to be heard, good union organisation and an active government inspectorate which enforces good regulations.

**It’s industrial homicide**

1,127 workers were killed at Rana Plaza, outside Dhaka in Bangladesh, when a building containing six garment factories collapsed on April 24, 2013. Global clothing brands contract out the production of their products to small, financially strapped businesses which then exploit workers and their families (child labour). Until this tragedy, the global brands have refused to be responsible for the conditions they help create in their supply chains.

But on May 15, the international union movement and non government agencies signed an agreement with some key brands. Signatories to the binding agreement have committed to underwrite improvements in dangerous factories and properly confront fire safety and structural problems. The binding program is based on independent inspections, worker-led health and safety committees and union access to factories. Importantly the Accord grants workers the right to refuse dangerous work, in line with ILO Convention 155.

The National Workers’ Memorial features eight stone columns to represent the states and territories. From the base of each column, concentric circles radiate out representing the ripple effect of the impact of work related deaths. The metal baseplate at the foot of each column is engraved with a value - for example, respect, dignity, prevention, representation. The series of rings lead to a second engraved inlay with quotes from people affected by workplace deaths – “we can never be complacent”. This Workers’ Memorial Day came just days after the worst ever industrial accident in Bangladesh which has killed over 1,100 workers.

The tragedy in Bangladesh was preceded by the loss of 14 lives in a fertiliser plant explosion in the United States.

Employers have obligations under health and safety laws to consult with workers and their Health and Safety Representatives (HSR).

All States and Territory governments, except Western Australia, explain employers obligations on consultation in Codes of Practice and guidance material. This is summarised here. For Western Australia and offshore workers this information below does not have formal status, but can help you in deciding what a ‘good’ employer should be doing.

Employers must consult with workers and their Health and Safety Representatives when:

- Planning to make changes
- Proposing changes that may affect the health or safety of your workers
- Proposing making decisions about procedures for consulting with workers and resolving health or safety issues
- Proposing monitoring and monitoring the conditions at the workplace and
- Proposing consultation does not mean telling workers about decisions or action after it has been taken.

It’s important to remember that consultation does not mean telling workers about decisions or action after it has been taken.

The law does not require agreement, but clearly if agreement is reached decisions will be more effective and supported.

Employers need to:

- **Talk** about health and safety matters
- **Listen** to concerns
- **Seek** and share views and information
- **Consider** what workers and HSRs say before decisions are made.

**Employers must:**

- Making decisions about the adequacy of facilities for the welfare of workers
- Proposing changes that may affect the health or safety of your workers
- Making decisions about procedures for consulting with workers and resolving health or safety issues
- Monitoring health and monitoring the conditions at the workplace
- Providing information and training.

Consultation is a two-way process between employers, HSRs and workers. Consultation is a two-way process where knowledge and ideas are taken seriously.

Employers need to:

- **Consult** when:
  - Changing work systems such as shift work rosters, work procedures or the work environment
  - Developing a new product or planning a new project
  - Purchasing new or used equipment or using new substances
  - Re-structuring the business.

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