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Protections and rights for workers must be over-riding priority of national workplace health and safety laws

Proposed national workplace safety laws must ensure that the highest standards and protections are provided to all Australian workers, says the ACTU.

Today's announcement by the NSW Government that it will seek to preserve higher protections for workers currently in state legislation supports the union position that a national workplace safety system should put employee welfare above all else, said ACTU Secretary Jeff Lawrence.

The ACTU has been campaigning since the first moves were made towards uniform OHS laws more than two years ago to ensure that workers did not lose out. Mr Lawrence said the national occupational health and safety system should always have included a right for third party prosecutions over serious accidents and an onus on employers to prove they provide a safe workplace.

"Unions have always maintained it was a major oversight for the proposed national laws not to include these rights from the outset," Mr Lawrence said.

"The NSW laws contain these two elements and unions are pleased to see the Keneally Government is determined to maintain them. Today's announcement by the NSW Premier opens the door for a rethink about the uniform OHS system for all states and territories.

"We have always said that harmonisation of the various state and territory systems provided a once-in-a-lifetime chance to ensure that workplace standards were lifted to world's best practice.

"As they stand, the draft national laws would reduce rights and protections for workers in some states, particularly in NSW and Queensland. This is unacceptable. Workplace health and safety laws must put the interests of employees first, not those of business.

"The right for workers to take court action against negligent employers where the workplace safety authorities have failed to prosecute has been in place in NSW for more than half a century, and while rarely used, has resulted in improved and safer working environments.

"Reverse onus of proof focuses employers on identifying and controlling risks in the workplace. Both should be part of a national system that puts employee health and safety above all else."

Mr Lawrence said the announcement that Easter Sunday would become a public holiday in NSW would help workers, particularly in the retail sector, to better balance work, family and community interests, and put a few extra dollars into the pockets of employees required to sacrifice one of the most important family days of the year.

"NSW has taken the lead on this issue, and other states and territories should also mandate Easter Sunday as a public holiday," Mr Lawrence said.

Mr Lawrence also welcomed the NSW Government's support for more appropriate guidelines on project agreements for major construction projects.

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