

Executive Summary

This submission to the Committee on Treaties addresses significant concerns regarding workplace health and safety (WHS) within the Australian Public Service (APS) and advocates for the ratification of ILO Convention No. 187 on a Promotional Framework for Occupational Safety and Health.

Key Concerns:

1. Inadequate WHS Protections in Commonwealth Departments: There is a systemic failure in certain Commonwealth departments to implement and enforce WHS protections as mandated by the Work Health and Safety (WHS) Act 2011. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. Violence and Harassment Targeted at Health and Safety Representatives (HSRs): HSRs face significant violence and harassment [REDACTED]
[REDACTED] which undermines their ability to ensure workplace safety. [REDACTED]
[REDACTED]

3. Inadequate WHS Incident Reporting [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Recommendations:

1. Ratify ILO Convention No. 187: Adopt the Convention to align Australia's WHS framework with international standards.
2. Enhance WHS Act 2011 Compliance: Improve adherence to WHS legislative requirements, codes of practice, and enforcement mechanisms.
3. Strengthen Protections for HSRs: Develop robust policies to safeguard HSRs from harassment and violence, including independent inspections and mandatory investigations.

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Establish a Multistakeholder WHS Body: Review and report biannually on APS WHS performance and treaty compliance.

[REDACTED]

[REDACTED]

Conclusion:

The submission underscores the urgent need for improved WHS practices within the APS and the ratification of ILO Convention No. 187. [REDACTED]

[REDACTED]

[REDACTED]

Submission to the Committee on Treaties: International Labour Organization (ILO) Convention No. 187: Promotional Framework for Occupational Safety and Health Convention

Introduction

This submission outlines significant concerns regarding workplace health and safety (WHS) within the Australian Public Service (APS), and underscores the pressing need for adherence to ILO Convention No. 187.

Issues Addressed

1. Commonwealth Departments and WHS Protections

- Concerns:

- Non-compliance: There are instances where Commonwealth departments have not fully adhered to the Work Health and Safety (WHS) Act 2011.ⁱ [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- Resource Allocation: There appears to be inadequate allocation of resources for WHS programs, training, and safety measures, with unfilled WHS posts and inexperienced officials failing to oversee and act on WHS issues in some Commonwealth department workplaces.

- Implications:

- Worker Safety: Increased risk of workplace injuries and illnesses due to inadequate WHS measures,ⁱⁱⁱ including some Commonwealth supervisors' failures; in investigating WHS incidents [REDACTED]

[REDACTED]
[REDACTED]

- Legal and Financial: Potential legal and financial repercussions could adversely affect the APS's reputation and operational costs.

- Governance: The lack of comprehensive oversight impacts Parliament's ability to address WHS implementation challenges, affecting policy oversight and governance [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- Ethics: Non-Disclosure Agreements in redundancy packages limit transparency, impacting accountability for workplace incidents and breaches of the APS Code of Conduct and WHS Regulations [REDACTED]

[REDACTED]

[REDACTED]

- Workforce Stability: Unsafe conditions leading to forced injuries and resignations resulting in loss of corporate knowledge and subject matter expertise, increasing recruitment costs and disrupting workforce continuity.

2. Workplace Violence and Harassment of HSRs

- Concerns:

- Prevalence of Harassment: Instances of violence and harassment in some Commonwealth departments [REDACTED] are undermining the effectiveness of HSRs and jeopardising workplace safety.

- Support: There is a need for improved support mechanisms for HSRs, including better reporting systems and follow-up actions, to prevent undue threats to HSR lives and livelihoods and to mitigate the risks for HSRs required to operate outside of the ILO framework of industry or vertical unions.

- Impact:

- Health and Safety: Harassment adversely affects the physical and mental health of HSRs, impacting overall workplace safety.

- Compliance and Enforcement: Reduced effectiveness of HSRs can deter the reporting of WHS concerns and contribute to increased WHS incidents and regulatory non-compliances.

- Right to Organise: Harassment undermines workers' rights to organise and foster a safe and healthy working environment as endorsed by Parliament.

- Governance: Lack of awareness in Parliament about these critical WHS implementation challenges undermines Australia's standing in promoting international labour standards within the Asia-Pacific region.

3. WHS Incident Reporting and Misuse of Information

- Concerns:

- Non-reporting: There are supervisor failures in reporting and investigating WHS incidents, including minor injuries and exposures, as mandated by WHS Regulations.

- Record Handling: Issues with the safeguarding of WHS records hinders effective management and responses to WHS incidents.

[REDACTED]

[REDACTED]

[REDACTED]

- Compensation Documentation: There are failures to provide essential documentation to Comcare, hindering the effective implementation of the WHS Act (2011) [REDACTED]

[REDACTED]

- Implications:

[REDACTED]

- Governance: Lack of information affects Parliament's WHS policy oversight, preventing continual improvement of WHS and contributing to negative outcomes [REDACTED]

[REDACTED]

- Trust: Erosion of trust [REDACTED]

[REDACTED]

4. Misleading Actions by Commonwealth [REDACTED]

- Concerns:

- Misconduct: There is evidence of misconduct undermining human rights standards and the Commonwealth [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Recommendations

1. Ratify ILO Convention No. 187: Adopt the Promotional Framework for Occupational Safety and Health Convention, as adopted in Geneva on 15 June 2006, to ensure alignment with international standards.

Following Ratification

2. Enhance WHS Act 2011 Compliance: Improve adherence to WHS legislative framework, codes of practice, and enforcement mechanisms.

3. Strengthen Protections for Commonwealth HSRs: Develop robust policies to safeguard HSRs from violence and harassment, incorporating clear reporting mechanisms, appointment of an independent HSR inspector, and swift disciplinary actions against perpetrators, including mandatory investigations and submission of briefs to the Commonwealth Director of Public Prosecutions (CDPP).

[REDACTED]

[REDACTED]

10. Establish a Multistakeholder WHS Body: Create a body to review and report biannually on APS WHS performance and treaty compliance.

[REDACTED]

Conclusion

This submission underscores the urgent need to ratify ILO Convention No. 187 and to continually improve WHS practices within the APS. Addressing these issues is crucial for ensuring workplace safety [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

iv **Destruction of HSRs and Hostile Environment:** A Lead Commonwealth Health and Safety Representative (HSR) and NSW Justice of the Peace (JP) reported to Comcare that the destruction of multiple HSRs in one division and the resultant damage to their health and careers was not a random occurrence. This hostile environment, characterised by the inability of HSRs to operate effectively free from reprisals, led to [REDACTED] the resignation of five HSRs due to retribution. [REDACTED]
[REDACTED] It is unclear if Comcare took any action [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]