

D. Scutella

**Labor promised to improve 'Your Rights At Work'.
Julia Gillard promised no reductions in safety standards.
Workers have the human right to go to work and come home safely again.
The Model (Occupational Health & Safety) Act must make this happen without compromise.**

Dear Safe Work Australia,

I am writing to you to express my deep concern with proposals to change our workplace health and safety laws.

Despite the many improvements that have been achieved in this area, there are still too many Australians who are injured, become sick or die because of their work.

The proposed new 'harmonised' laws are a once-in-a-lifetime chance to have the best possible health and safety laws for Australians. They should not be used as an excuse to cut red tape for employers at the expense of workers.

The new health and safety laws need to:

1. Ensuring our human right to avoid unsafe work

For all workers to have the unfettered right to refuse work they consider unsafe without loss of pay.

2. Make employers and workplace controllers responsible

An unqualified duty on employers and workplace controllers to provide a safe and healthy workplace and when this duty is not met, the employer and workplace controllers must prove they did not break the law.

3. Election and powers of health and safety representatives

Allow only workers to directly elect and dismiss health and safety representatives (HSRs) - without management interference. That HSRs have the highest standards of rights, powers and protections to do their job, including the right to issue provisional improvement notices (PINs) and stop work notices with immediate effect. Rectifications demanded by any HSR in the PIN not to be prevented from being enacted by employer or regulator appeal processes. All HSR powers to be available on election and not reliant on the employer providing training. HSRs and OHS committee members to have access the training of their choice on paid time at the cost of the employer within reasonable timeframes.

4. Employer and workplace controllers penalties & prosecutions

Penalties for incidents that negligently expose workers, to the risk of (or actual) fatality, serious injury or disease, to include the option of lengthy gaol sentences for company directors (including government CEO's). For corporate fines to be based on a significant percentage of turnover or profit (similar to Trade Practices Act), with compulsory victim compensation and corporate rehabilitation orders - three million dollars as the proposed top fine means nothing to a large employer, or workplace controllers or government agencies.

5. Give workers a say

Employees should have the right to be consulted by their employer over all work-related matters that affect their health and safety.

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6. Respect the role of unions

The proposed new laws must ensure unions can represent workers effectively and employees can call on their union to immediately inspect suspected safety breaches without notice. This role for unions is important as there are often not enough government workplace inspectors.

7. Enable workers and unions to take court action

When government regulators fail to take action, the right for victims, with their unions, to take court action against employers for breaching health and safety laws is an important added protection.

Workers in Australia deserve to be able to go to work and come home safely again – this has to be a high priority for all governments, yours included.

I urge you to stand up for health and safety and ensure workers and their families do not lose out but gain additional rights and protections.

Yours Sincerely,
D. Scutella