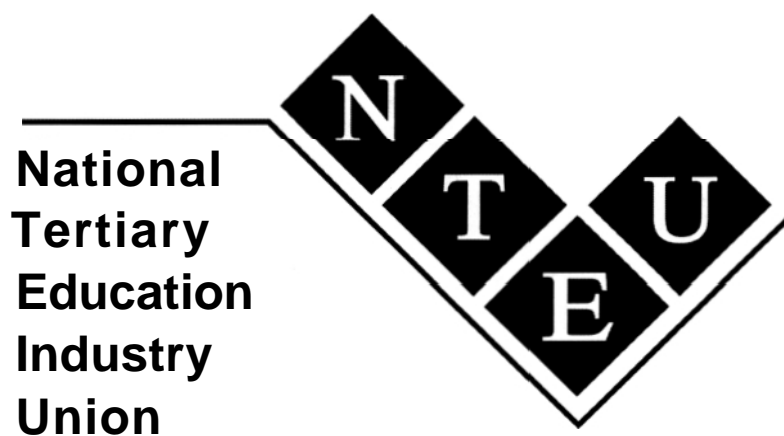


Submission by the  
**National Tertiary Education Union**  
to the public inquiry into  
National Workers' Compensation  
and Occupational Health and Safety  
by the Productivity Commission

**June 2003**



## **INTRODUCTION**

The **National Tertiary Education Industry Union** ("the NTEU") represents approximately 26,000 staff in tertiary education institutions around the country. Approximately 17,000 of our members are academic staff employed in universities, and around 9,000 are "general staff", (mainly professional, administrative and technical staff involved in areas such as libraries, research and administration) employed in TAFE, Universities and Adult Education.

The NTEU represents the professional and industrial interests of its members through:

- improving and protecting conditions of employment through industrial negotiations at local, state and federal levels
- promoting the work of universities and colleges and, in particular, their independence and integrity
- defending the rights of academic staff to teach, research and disseminate knowledge without fear or reprisal, and to defend the professional standing of general staff members
- working with other stakeholders to lobby for a strong, publicly funded tertiary education sector, and participating in relevant policy debates.

A central part of the NTEU's role in protecting its members' interests is its work in the fields of Occupational Health and Safety and Workers' Compensation. In relation to the former, the NTEU is involved through formal OH&S delegates and general union delegates, as well as its participation in University and TAFE College Institutional Health and Safety committees. The Union also routinely represents members who have suffered workplace injuries and illnesses, in the various State and Territory jurisdictions.

## **BACKGROUND**

The working environment in tertiary education presents hazards which are commonly found in other industries, such as manual handling injuries, chemical and radiological hazards, agricultural machinery hazards and other specific to particular academic disciplines or work areas.

The NTEU, however, would not wish to address the Inquiry in relation to these, as other unions and peak councils are probably better placed to do so. However, in relation to stress, the NTEU has taken a leading role in undertaking its own research in this area, and has also been an industry partner with a team of researchers who undertook a major project on Occupational Stress. [See - NTEU; *Unhealthy Places of Learning: Working in Australian Universities*, July 2000 and Winefield A.; *Occupational Stress in Australian Universities: A National Survey*, July 2002]

These studies indicate that the large increases in workload, particularly for staff whose workloads are not effectively regulated by their contracts of employment or by industrial instruments, are having a detrimental effect on health and safety.

#### Recommendation

That as part of its review of the national framework of legislation affecting the health and safety of employees, the Commission should recommend that the Workplace Relations Act 1996 should be amended so that its objects include:

*"ensuring that employees are not working excessive hours of work"*

and that the powers of the Australian Industrial Relations Commission are enhanced to guarantee that it has the power to ensure that employees are not working excessive hours, and that all Certified Agreements (and, while they remain, Australian Workplace Agreements) be required to pass a test, for certification, that they

*" included effective measures to ensure that employees covered by the Agreement will not work excessive or unreasonable hours of work".*

The NTEU broadly endorses the thrust of the position of the Australian Council of Trade Unions (ACTU) to this Inquiry.

Moreover, the NTEU does not see the issue of national versus state regulation of OH&S or Workers' Compensation as the central issue in the context where, according to an employer representative quoted in the Australian Financial Review (14/4/03; p.6), commenting on the possibility of a national workers' compensation scheme:

*"You would have to ensure it was the lowest common denominator"*

The NTEU sees this as the real agenda of the Commonwealth Government and therefore is opposed to moves to dismantle existing state schemes or allow certain employers to opt out of the existing arrangements.

Recommendation:

That, in the absence of a framework agreed between government, employers and unions covering:

- obligations of employers,
- penalties for breach of health and safety laws,
- rights of employees, individually and collectively through unions, and workplace OHS delegates
- appropriate increased resourcing of the National Occupational Health and Safety Commission
- benefits for injured workers

there should be no further consideration of a move to national regulation of workers' compensation or occupational health and safety.

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CAROLYN ALLPORT  
**National President**