

VICTORIAN TRADES HALL COUNCIL
SUBMISSION ON THE WORKPLACE EXPOSURE STANDARDS FRAMEWORK CONSULTATION
REGULATORY IMPACT STATEMENT

Victorian Trades Hall Council (VTHC) welcomes the opportunity to make a submission in response to the consultation regulatory impact statement (RIS) on workplace exposure standards.

Background

VTHC was founded in 1856 and is the peak body for unions in Victoria. VTHC represents over 40 unions and more than 400,000 workers in Victoria. These workers are members of unions that reach into every industry in the state, both in the public and private sectors.

Since gaining the Eight Hour Day in April 1856, VTHC has had a long history of fighting for and defending the rights of workers in Victoria. The importance of winning the eight hour day is significant not just in Australia but worldwide. Few advances in the quality of life for working people would have been achieved without the involvement of the Victorian union movement.

Over the last 160 years, VTHC and its affiliated unions have campaigned for and successfully won a range of important rights and entitlements for Victorian (and Australian) workers, including:

- Minimum wage
- Penalty rates
- Collective bargaining rights
- Occupational Health and Safety (OHS) protections
- Annual as well as sick (and carer's) Leave
- Maternity and parental leave
- Domestic violence leave
- Superannuation, and
- Protections from unfair dismissal and redundancy entitlements

VTHC will continue to campaign tirelessly for the rights, entitlements and protections of workers in Victoria, no matter their employment status, employer or workplace.

Today VTHC places a particular emphasis on our work regarding OHS. Too many Australian workers are killed or injured at work every year. The latest statistics from Safe Work Australia show that in 2016, 182 Australians lost their lives in work-related traumatic injury fatalities. [1]

Of particular relevance to this consultation RIS is the hidden toll of work related cancers. Research by world work expert Dr Jukka Takala shows that exposures at work cause between 5.3% and 8.4% of all cancers.[2] In 2018 the Cancer Council expects 138,000 new cases of cancer to be diagnosed, this means there will be anywhere between 7,300 and 11,500 new Australian's suffering from work related cancer by the end of this year.[3]

[1] Safe Work Australia, 2018, *Fatalitiy Statistics*, https://www.safeworkaustralia.gov.au/statistics-and-research/statistics/fatalities/fatality-statistics-stateterritory
[2] Jukka Takala, 2015, *Eliminating Occupational Cancer,* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4551060/
[3] Cancer Council, 2018, *Facts and Figures – Cancer in Australia,* https://www.cancer.org.au/about-cancer/what-is-cancer/facts-and-figures.html

A further 113,965 workers made serious claims as a result of injury or disease.[4] In many jurisdictions, the figures do not include fatalities of workers on the road.

VTHC makes this submission in support of the submission from the Australian Council of Trade Unions (ACTU).

The options

The consultation RIS identified three options to update current workplace exposure standards with the intention of ensuring that standards reflect current scientific knowledge and provide protection to workers from health impacts as a result of exposure to airborne hazardous chemicals.

The options proposed by the RIS are:

1. Maintain the status quo, updating workplace exposure standards in an ad hoc manner.
2. Maintain mandatory workplace exposure standards and implement a streamlined methodology to review and update standards.
3. Make workplace exposure standards advisory and implement a streamlined methodology to update standards.

The need for a change from the status quo

VTHC joins the ACTU in opposing the status quo remaining unchanged. The current system has consistently failed to provide Australian workers with the level of protection that Australian health and safety laws are designed to provide.

Supporting mandatory workplace exposure standards and implementing a streamlined methodology

VTHC joins the ACTU in strongly supporting option 2.

The ACTU submission provided a number of reasons in support of this position including;

- A reduction in the burden of disease,
- An improved quality of life of workers and their families,
- Provide clear obligations for employers, and
- Provide clarity to health and safety regulators on what constitutes compliance.

The ACTU also identified the need for updates to out of date and currently non protective exposure standards for hazardous substances. VTHC is particularly concerned about the failure of the current system to keep up with changing scientific knowledge in this area.

One example of this is the current exposure standards for silica.

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[4] Safe Work Australia, 2018, *Disease and Injury Statistics,* https://www.safeworkaustralia.gov.au/statistics-and-research/statistics/disease-and-injuries/disease-and-injury-statistics

Cancer Council Australia states that there is currently no conclusive evidence to support a safe level of exposure to silica dust. Silica dust is so fine it can enter the deepest parts of the lungs. Silica dust remains in the lungs and causes irreversible scarring. Exposure to silica dust can lead to fatal diseases including silicosis and lung cancer. There is no known cure for silicosis – it can be a death sentence.

Internationally, the European Scientific Committee on Occupational Exposure Limits (SCOEL) assessment of respirable silica dust concludes that there is sufficient evidence from epidemiological studies to indicate that silicosis, the main effect in humans after occupational inhalation of respirable silica dust, is associated with the development of lung cancer.

According to the SCOEL assessment of crystalline silica, a dose-response curve for silicosis indicates that maintaining the respirable exposure below 0.05 mg/m^3 would reduce the prevalence of silicosis in exposed individuals. Therefore the SCOEL committee has recommended that the occupational exposure limit (OEL) is below 0.05 mg/m^3 TWA of respirable silica dust (SCOEL, 2003).

The United States have implemented a silica dust exposure standard of 0.025mg/m^3 as an 8 hour time weighted average (TWA). However, the Association Advancing Occupational and Environmental Health (ACGIH) has recommended that the silica dust exposure limit be 0.025mg/m^3 as an 8 hour TWA.

In Australia the workplace exposure standard for silica remains at the alarmingly high rate of 0.1mg/m^3 as an 8 hour TWA. This is just one example of a standard which has failed to keep up with scientific knowledge. The standard for silica has not been updated since January 1, 2005 and shows the need for a streamlined methodology to review and update standards.

For more information on VTHC's campaign to address the silica standard please visit ohsrep.org.au/hazards/chemicals/silica/

Opposing the adoption of advisory standards

VTHC joins the ACTU in opposing the adoption of advisory standards. As a result VTHC opposes option 3 which provides for a self-regulation model with an advisory standard.

The ACTU identified several key reasons for this position. VTHC would like to draw particular note to the following issues identified by the ACTU under a proposed advisory standard:

- It would implement a dangerous policy position that if compliance is not achieved then the decisions made to improve health and safety are incorrect and the standards applied by law must be lowered. This effectively creates a race to the bottom on safety standards. This approach is designed to increase the risks faced by workers,
- Lead to further variation across jurisdictions, as individual state regulators would be likely to adopt selected mandatory standards or maintain the current WES as mandatory,
- It would devalue the exposure standards and remove the current ceiling provided by mandatory standards.

Conclusion

VTHC strongly supports reforms that increase the health and safety of Australians at work. As highlighted in the introduction to this submission 182 Australians lost their lives in work-related traumatic injury fatalities in 2016 alone. This is the known toll. The hidden toll of work related

cancers, a toll that impacts between 7,000 and 11,500 workers a year, is an area where tighter regulations and stronger enforcement is needed. Option two proposed in the consultation RIS is the only option that takes action to strengthen Australia's health and safety regime. For this reason it is the only option VTHC can support.

If you have any questions or would like further information, please do not hesitate to contact [redacted] on [redacted]