

Statement of Michael Quinlan B.Ec(hons.) PhD FSSA Emeritus Professor, IRRC UNSW Sydney

Background and qualifications

1. From 1981 to 1994, I was a full-time academic at Griffith University in Brisbane.
2. From 1994 to 2018, I was a Professor of Industrial Relations at the University of New South Wales.
3. Since my retirement in 2018, I have been an emeritus professor at the University of New South Wales. I also hold a visiting post in the Business School, Middlesex University.
4. During my career, my major field of research and teaching was occupational health and safety (OHS) especially in the areas of changing work organisation, risk management and regulation. In addition to published research I have undertaken projects (or acted as an expert witness) for both unions and employers/industry groups (about 6 for each since 1994).
5. I have also authored/co-authored OHS reports (including inquiries/investigations) for governments (state and federal) in Australia, New Zealand and the European Union as well as international agencies (WHO and ILO). Six of these reports pertained to the mining industry.
6. I am currently a NSW Director of Mates in Construction and an independent director of TEACHO as well as a member of the New Zealand Extractive Industries Advisory Group.

Literature review

7. Between 2 July and 29 July 2020, I prepared a literature and information review on a number of matters at the request of the Board of Inquiry.

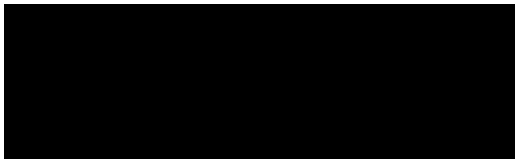
8. In that review, I referred to concerns over elevated OHS risks, including fatalities, associated with the use of contract labour. Such concerns have been around for some considerable time, reinforced by growing bodies of research as well as evidence submitted to, and the conclusions reached, by a number of inquiries/investigations.
9. More research would be valuable but there is enough to indicate concern is warranted that could, in conjunction with knowledge of specific incidents in the industry (both recent and longer term), justify further measures.
10. Employers and government have undertaken a number of initiatives but as yet it is not clear, to say the least, these are adequate. Workplace fatalities and disasters entail multiple causes, and may not occur immediately after risk factors change. Nonetheless, contract labour was seen to contribute to the Pike River Coalmine disaster, and a more significantly related incident could be just a matter of time.
11. These concerns extend well beyond the coalmining industry and some disastrous events in manufacturing, aviation and on oil-rigs for example demonstrate the potential of these arrangements to contribute to catastrophic events. Lessons from other high-hazard industries should not be ignored.
12. There is also a question of reduced worker voice associated with the use of labour hire/contract labour. There is mining and indeed Queensland coalmining specific evidence on this problem which is significant given the importance of representative participation of mineworkers to the regulatory regime, and evidence attesting to the valuable and effective role it plays. Information about this was provided in part c) pages 115-141 of the report I prepared for the Board.

Recommendations for improving safety for labour hire workers in coal mines

13. In my view, possible remedies to the problems identified by the review would include amendments to the *Coal Mining Safety and Health Act 1999* to strengthen the existing provisions dealing with contractors (sections 42 and 43) by:
- a. Requiring labour hire organisations and major contractors to keep detailed documentation regarding:
 - i. how they manage OHS including the induction and placement (including risk assessment prior to placements) of workers;
 - ii. training;
 - iii. supervision;
 - iv. monitoring of placements;
 - v. management of HPIs; and
 - vi. mechanisms for workers to report OHS issues.
 - b. Requiring labour hire companies and major contractors to prepare and issue an independently audited annual report covering the issues above and, additionally, the number of OHS issues raised by their workers and how they were responded to. This report should be provided to the regulator, ISHRs/unions and other interested parties.
 - c. Requiring mine owners/operators to prepare an audited annual report on contractor management covering key controls, safety issues, HPIs identified, training and induction. This report should be provided to the regulator, SSHRs/ISHRs/unions and other interested parties.
 - d. Requiring the Regulator to strengthen inspections and conduct targeted campaigns regarding labour hire and contractor management more generally, including auditing documented plans and reports indicated above with the results of this to be made available to the SSHRs/ISHRs/union and published. While these arrangements (apart from the new reports suggested

above) are presumably already subject to inspectoral audits (desktop and workplace inspection) the adequacy of current measures may warrant review. Considerations should be made to ensure the current industry levy is adequate to fund additional tasks. Whether three ISHRs are adequate to cover all Queensland coalmines is also worthy of consideration.

14. Finally, to better inform prevention measures into the future, detailed research should be undertaken in the coalmining industry into the relationship of employment status in terms earnings and entitlements and OHS including DIDOW/FIFO and their capacity to raise OHS issues.

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Signed:

Dated: 18 August 2020