

Attachment 12 - Mandatory workplace obligations/training

Table 1: Mandatory workplace obligations – examples from other jurisdictions

Scheme	Mandatory workplace obligations/training
Fair Work Ombudsman (FWO)	Employers must give every new employee a copy of the Fair Work Information Statement before, or as soon as possible after, they start their new job. The Statement provides new employees with information about their conditions of employment. The Statement provides information on; the National Employment Standards, right to flexible working arrangements, modern awards, making agreement under the Fair Work Act, individual flexibility arrangements, freedom of association and workplace rights (general protections), termination of employment, right of entry and the role of the Fair Work Ombudsman and the Fair Work Commission. The Statement can be given to new employees; in person, by mail, by email, by emailing a link to the Fair Work Ombudsman website and by fax.
Queensland Government Business and Industry Portal	The Queensland Government's Business Queensland (Business and Industry Portal) brings together information from a range of Queensland Government departments relevant to businesses. The website provide advice on employing people and where to access the support and tools required.

Table 2: Proposed methods to determine mandatory workplace obligations/training requirement – submission to the Issues Paper

Submission	Comments
Anti-Discrimination Commission Queensland	<p>Submitted that information should be readily accessible to labour hire workers so that they can provide this information to their workers, including relevant legislation that they need to comply with and their obligation to provide appropriate induction training and information to workers.</p> <p>Noted that the Queensland Government Business and Industry Portal provides information for people seeking to establish a business in Queensland and that a link to this website ought to be part of the information provided to people seeking a licence.</p> <p>Submitted that additional information should be provided about all relevant legislation and regulations that labour hire providers need to comply with.</p>
Australasian Meat Industry Employee's Union	Submitted that the Queensland Government should not be required to effectively subsidise the training of labour hire providers and that any costs should be borne by the labour hire companies themselves.
Construction, Forestry, Mining and Energy Union	Submitted that labour hire companies would be responsible for the cost of training. Submitted that licensees should demonstrate understanding of the Australian Labour Law system including an understanding of the National Employment Standards and the relationship between awards, enterprise agreements and contracts.
Master Builders Queensland	Noted that the Queensland Building and Construction already regulates the building and construction industry and submitted that all QBCC licensed operators should be excluded from any additional licensing. Noted that trade contractors must complete an approved managerial qualification.

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<p>Ai Group</p>	<p>Submitted that additional formal workplace rights and entitlement training should be voluntary and not a mandatory requirement. Noted that they are well placed to assist the Queensland Government with providing education and training to the industry and is open to collaborating with the Queensland Government on developing educational material to participants within the industry.</p>
<p>Australian Manufacturing Workers' Union</p>	<p>Submitted that education and information delivery should be provided by the compliance unit. This would be funded by the licensing fee and would include the production of information provided to labour hire employees and companies and would include the mandatory delivery of training to providers.</p>
<p>National Union of Workers</p>	<p>Submitted that material about rights and obligations should be produced in a variety of languages. The mandatory training would be provided by the compliance unit and for the training to be cost neutral, the cost of training can be covered in the licensing fee. Where the training is not undertaken, the punishment would attract a civil penalty.</p> <p>Submitted that the labour hire company provide workplace rights and training to their employees. They submitted that the worker receive information about; minimum wages and conditions, relevant workplace health and safety laws and discrimination and harassment laws, compliance unit and the Fair Work Ombudsman, laws that relate to freedom of association and collective bargaining and a representative of a trade union</p> <p>Upon completion, the labour hire company would be required to provide the compliance unit with a statutory declaration confirming that workers have received the mandatory workplace rights and entitlements training.</p>
<p>Lockyer Valley Regional Council</p>	<p>Suggested that there needs to be a phase in period for each industry which would allow LHPs to gain the training and skills needed to comply with general legislative and specific reporting requirements. They submitted that LHPs would also be required to undergo OH&S training not only for their specific worksite but also to be fully cognisant with what is required to individual licence applicant. The applicant would need to meet Workplace Health and Safety minimum requirement for a health and safety representative. Safety training modules are available at relatively low cost across Queensland. These range from Certificate IV and Diploma levels via online or onsite training organisations to Health and Safety representative one day refresher training sources through Worksafe Queensland website https://www.worksafe.qld.gov.au/licensing-and-registrations/work-health-and-safety-training/health-and-safety-representative-training.</p>
<p>Electrical Trades Union</p>	<p>Submitted that mandatory training developed and approved by the compliance unit, should be provided to labour hire employees by accredited trainers. It would need to be provided in a means appropriate to the recipient (culturally and linguistically). The information should include information about rights, entitlements and obligations to labour hire employees and companies. They supported the QCU submission. They proposed that the training be done at the commencement of their employment and an annual refresher course. If they fail to undertake the training, it can attract the suspension or revocation of the licence and a civil penalty.</p>
<p>Queensland Horticulture Council</p>	<p>Submitted that a one-off induction on their right and obligation should be provided to all employees as well as written information on where to seek assistance and support.</p>

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Dr Elsa Underhill	Submitted that information should be provided in other language and provided in paper and electronic format. Information should be provided about relevant community and ethnic group from whom workers can seek support. Like other employers, labour hire providers should also offer appropriate health and safety training consistent with their legal obligations.
Local Government Association of Queensland	Supported the issue of Fair Work Information Sheets specifically designed for labour hire workers. Suggests that providing information electronically would be more effective and suggests that a Phone Application which covers the material in the FWIS would be useful.
Maurice Blackburn Lawyers	Proposed that the licensing body has a stakeholder engagement and education role including producing and disseminating information regarding employer and worker rights, entitlements and obligations. The information should be available in a variety of languages. The licensing body would provide mandatory workplace rights training to the labour hire company, and in order to make the training cost neutral, cost of training to be covered in licensing fee. Failure to undertake or complete training should be subject to a civil penalty.
Queensland Council of Unions	<p>Submitted that training should be provided in a culturally and linguistically appropriate fashion to all employees and include the various rights and obligations of employers and employees and who is the employee's actual employer. In particular, the training should include information about:</p> <ul style="list-style-type: none"> - Industrial instruments; - National Employment Standards; - Unfair dismissal laws; - Workplace Health and Safety and Workers Compensation laws; - Anti-discrimination and sexual harassment laws; - Superannuation; - Right to join a union; - Taxation; - Limitations of visas; - Complain mechanisms. <p>The training would need to be provided by an accredited trainer. They also suggested that the introduction to a union official would prove to be advantageous.</p>