Department File Ref:	23/198668 REC67007

Briefing Note

Director-General
Department of Education

Action required: For Noting
Action required by: 20 March 2023 **Routine**

SUBJECT: NEW TRIAGING PROCESS FOR CONSTRUCTION UNIONS

Summary of key objectives

- For the Director-General to note:
  - the proposed new process for triaging requests for regulator assistance from construction unions;
  - correspondence to be sent to construction unions and key stakeholders by the Deputy Director-General, Office of Industrial Relations (OIR), detailing the new process and requesting feedback on any critical impediments to its implementation (**Attachment 1**);
  - that consultation will be undertaken with OIR employees required to operationalise the new process before it is finalised; and
  - that subject to stakeholders identifying critical risks or impediments to the implementation of the new process, it will take effect 14 days from the date identified in the correspondence from the Deputy Director-General, OIR.

Key issues

1. Until recently, construction unions predominately utilised a single point of contact to lodge requests for regulator assistance.
2. This approach relied on direct contact with one person within OIR and was not consistent with the approved Events Management Policy (EMP).
3. The EMP outlines the manner in which OIR receives, triages and responds to health and safety complaints and incident notifications for workplaces throughout Queensland.
4. To ensure all complaints and incident notifications are managed consistently in accordance with the EMP, and to support the effective and efficient allocation of inspectorate resources, a construction union specific triage process has been developed.
5. Construction unions captured by the new process comprise of the:
   - Construction, Forestry, Maritime, Mining and Energy Union (CFMEU);
   - Electrical Trades Union;
   - Plumbing and Pipe Trades Employees Union Queensland; and
   - Australian Workers' Union.
6. Industry unions are less likely to lodge requests for assistance regarding imminent safety issues or urgent dispute resolution and will continue to refer matters via the public 1300 number and established triage process.
7. Under the new process, construction unions will lodge requests for regulator assistance with OIR's Assessment Services via a dedicated 1300 number (1300 323 180) and email.

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8. Introduction of a direct pathway for these stakeholders provides a clear point of delineation between requests made by individuals, and representations made on behalf of a broader membership group that plays a key role in advocating for health and safety standards in building and construction workplaces throughout Queensland.
9. Consideration will be given to extending the process to other representative bodies, such as the Queensland Building and Construction Commission, and industry groups such as Master Builders Queensland.
10. Requests will be lodged by Assessment Services and matters triaged to the regional inspectorate for response.
11. The regional inspectorate will review and assess the matter against a risk matrix; allocate to an inspector; send confirmation of receipt to the union representative; and undertake response assessment.
12. Assessment Services is predominately staffed by officers with previous field inspector experience who are well placed to understand the complexities of risks and issues in the construction industry.
13. To manage these requests, the operating hours of Assessment Services will be expanded to 6.30am to 5pm, Monday to Friday. Calls outside these hours will be directed to the after-hours service.
14. The process flow for the triaging model and allocation matrix can be found at **Attachments 2(a) and 2(b)**.
15. The new process will be supported by monthly reporting to increase the visibility of construction union requests, including the tracking of recurring issues, regulator response times and compliance action taken by the regulator.
16. Consultation with OIR employees required to operationalise the process will be undertaken before it is finalised.
17. Details of the new process will also be sent to construction unions and other key stakeholders, requesting they provide advice as to any critical impediments to its implementation within 14 days of the date of the letter. A list of recipients can be found at **Attachment 3**.
18. Correspondence to the CFMEU will be tailored to reference its letter to Ms Bancroft, dated 7 March 2023 (**Attachment 4**).
19. Subject to the identification of any critical impediments, the new process will come into effect 14 days from the date stakeholders were required to respond.

Implications

20. It is anticipated some union delegates will be dissatisfied with the new process and will make contact and/or request a meeting with the Director-General and Minister's Office.

Human rights

21. The new process does not restrict human rights under the *Human Rights Act 2019*.

Background

22. On 7 February 2023, Ms Kym Bancroft, Deputy Director-General, OIR, wrote to construction unions to advise of a temporary change in the reporting arrangements for the Construction Inspectorate and ask that they send operational requests for inspector attendance to the relevant Regional Director.

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23. Despite this advice, union representatives have adopted a practice of sending requests for regulatory assistance directly to Ms Bancroft. This is not an effective means of triaging these matters and is not consistent with the EMP.
24. On 7 March 2023, Mr Michael Ravbar, State Secretary, CFMEU, wrote to Ms Bancroft regarding notification of an incident and expressing dissatisfaction with the process arising from the temporary change in reporting arrangements (**Attachment 4**).

Recommendation

That the Director-General **note**:

- the proposed new process to triage requests for regulator assistance from construction unions;
- the correspondence to be sent to construction unions and key stakeholders by the Deputy Director-General, Office of Industrial Relations (OIR), detailing the new process and requesting feedback on any critical impediments to its implementation (**Attachment 1**);
- consultation with OIR employees required to operationalise the new process will be undertaken before it is finalised; and
- that subject to stakeholders identifying critical risks or impediments to the implementation of the new process it will take effect 14 days from the date identified in the correspondence from the Deputy Director-General, OIR.

NOTED / APPROVED / NOT APPROVED

Signature Redacted

MICHAEL DE'ATH
Director-General
Department of Education

16 / 03 / 23

☑ Copy to Minister's Office

Director-General's comments

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Date: 15/03/2023