

Taking Safety Seriously

Melinda's story

21-year-old Melinda had only been with her employer, a fast food chain, for about five weeks. Melinda was cleaning a bacon fryer and steamer unit. One compartment (the fryer) held hot cooking oil, while the other (the steamer) contained hot water. She asked the cook and restaurant manager how to dispose of the oil and was told to "put it in the bain-marie", a metal bucket-like utensil located on the floor of the area. Melinda emptied the hot water from the unit into the bain-marie (under the impression it was hot oil) and then poured the hot oil from the unit into the same container. When the hot oil hit the hot water it started to explode. Melinda suffered severe burns to her body and was absent from work for more than four weeks as a result of her injuries.

Rick's story

Rick was an active, healthy teenager when he finally persuaded his reluctant parents to let him find a part-time job. His mother saw a scrawled note pinned up at the butcher shop in a nearby market saying: "Clean-up boys wanted". Rick started working three afternoons a week after school and Saturday mornings and began saving for the surfboard he dreamed of owning. The butcher had Rick doing various tasks including cleaning the shop's mincer. A few months later the regular mincing machine with safety guards was swapped for an old, rusty model without guards. Rick lost the four fingers on his right hand and his forearm was mangled.

Don't be a statistic – Take safety seriously at work

Melinda and Rick aren't rare examples of what can happen at work. Each year more than 8000 young people are injured at work in NSW - that's about 23 each day. Worse still, more than 1000 suffer a permanent disability, and some die.

For many young people their first job is in the fast food industry. Eighty-two per cent of workers in the industry are aged between 15 and 20. According to one report 46 per cent of these workers suffered an injury or illness at the workplace (mostly burns, cuts, sprains and strains, and back injuries) and more than 35 per cent experienced some form of workplace violence or bullying.

Taking safety seriously is very important. Unions have always viewed the health, safety and welfare of workers as their top priority. More than 2000 workers die each year from diseases and accidents in Australia and tens of thousands are maimed and disabled.

Many of these tragedies could be avoided if the employer had in place safe working practices as the law requires him/her to have. Others could have been avoided if the workers had been trained to work safe and still others avoided had workers spoken out about unsafe practices instead of remaining silent because of fear of being victimised by the employer. The law gives workers the right to raise safety concerns with their employer and the unions encourage them to do this.

Who is responsible for safety at work?

Under workplace health and safety laws, your employer is responsible for ensuring your health, safety and welfare at work. This means that it is the job of your employer to take action to remove any hazard (something that can harm you) from your workplace or minimise the risk (the likelihood of you being harmed by a hazard). For example, if you are working in a bread shop, your employer should ensure that the machine that slices the loaves is guarded to

minimize the risk of you being injured. The employer must also provide you with the information you need to undertake your work safely, give you appropriate training, and talk with you and your workmates about ways of making the workplace safer.

If someone is injured at work it is also the responsibility of their employer to ensure they are afforded care, with dignity and respect, to ensure they are able to make an early, safe and durable return to work. Melinda's and Rick's employers were fined by the courts for failing to ensure a safe workplace and for breaching workplace health and safety laws. But that didn't change the fact that Melinda and Rick had to live with serious injuries.

What can unions do?

Unions can provide you with valuable information about workplace safety and advise you about your safety rights. Being a union member can also be very important particularly if your employer doesn't take safety in the workplace seriously. Unfortunately, this is what happens all too often. Employers keen to maximise the amount of profit they make often seek to take safety shortcuts to minimise the amount of money and effort they have to put into ensuring the workplace is safe for their employees.

Unions and their members have campaigned for many years to strengthen Australia's safety laws and reduce the number of families who have someone killed or seriously injured at work.

Case study: Warringah Mall

History has shown that it is also not enough to have such laws introduced. Workers and their unions still have to take action to ensure that such laws are observed by employers and enforced in the workplace by government inspectors.

Workers have also had to put pressure on government as well as the courts to ensure that convictions are made and that high enough fines are imposed to act as a deterrent. A good example is the struggle of construction workers on the Warringah Mall shopping centre site in 1974 following the death of a workmate. More than 300 workers had been injured on the site prior to the death. This caused the workers to demand that a safety committee be established with regular site inspections as well as the right to refuse to work if the worker thought that it was unsafe. This was rejected by the company which regarded these demands as an attack on its managerial rights.

Employers have for decades argued that it is their right to decide safety matters because they pay for the cost of safety, whereas workers argue that it is their lives that are at stake so they should at least have the right to refuse to work in circumstances where the work is unsafe.

The employer's attitude resulted in the workers going on strike and demanding that government inspectors visit the project.

The employer sought to conceal the dangerous working conditions by rectifying the safety problems before the government inspectors inspected the site, but the workers prevented the company from doing this. The employer then sought protection by putting the matter before the court where the employer sought an order directing the workers back to work. The court was crowded with angry workers. The employer's application was rejected.

The court decided to inspect the project together with government inspectors who listed five full pages of breaches of safety laws by the employer.

This resulted in the court not only ordering the company to pay the workers for the strike but to rectify all safety breaches before work resumed. Under the influence of the workers the court also ordered the company to accept the workers' demand to negotiate a safety code for the project.

This code introduced the right of workers to have a health and safety committee in the workplace with workers having the right to elect its own direct representative and to hold the chairperson's position on the committee. The code also introduced the right of the committee to conduct regular health and safety inspections as well as the right of the worker to refuse to work where the WORKER thought that it was unsafe.

The fundamental human rights in the workplace that were enshrined in this code grew out of the struggle of workers and their unions following the death of a workmate. This enabled workers and their unions to not only succeed in spreading this code throughout the whole construction industry across Australia (often in the face of bitter opposition from employers), but also to have many of these rights incorporated into the NSW Occupational Health and Safety Act.

Summary

History has shown that the improvements to health and safety in the workplace have only been possible as a result of the existence of strong, well organised unions who can help workers to ensure their employers maintain safe workplaces and ensure they can stand up for their rights in the workplace.

Unions also struggle to establish new and better safety work practices and where these new practices have been implemented on the job and found to be working successfully, they then lobby governments to change the laws or regulations to make these new practices law.

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