

We Jail Drink Drivers who Kill but What About Bosses who do the Same?

Joel Exner was so excited about his new job as an apprentice roof plumber that jumped out of his bed at 5.30am on Wednesday 15 October 2003 and took a taxi to work. He only had to travel a short distance from Doonside in Western Sydney to Eastern Creek. Joel had just left school and was only 16 years of age. It was his third day at work.

Unbelievably, Joel was placed to work 15 metres above the ground, building the roof of a giant storage shed factory complex. Just over one hour later Joel fell to the ground below. He later died in Nepean Hospital. When he fell he was chasing a piece of plastic that came loose and he lost his balance.

His supervisor had not ensured he was wearing a safety harness. There were no perimeter hand rails or scaffold and an inadequate mesh system to protect him and his work mates.

Joel's uncle, Charlie Williams said that Joel, the youngest of three brothers, "was a loveable kid, a talented footballer and respected by everyone". Joel had been a keen footy player from Blacktown Rugby Club and attended Evans High School.

This was not the first workplace tragedy involving a young worker. A few years earlier Dean McGoldrick, 17 years of age, had been killed on another re-roofing job in Sydney next to McDonalds on Broadway. It was, according to the Construction Forestry Mining Energy Union (CFMEU), a "copy cat killing". Dean had only been at work for 11 days.

Like Joel, there was inadequate supervision, no safety harness and no scaffold. The boss, who saved money by cutting corners and not building a scaffold, paid only \$ 1800 of a pathetic \$20,000 fine before the CFMEU launched a major campaign for tougher laws.

The CFMEU, with the support of the families and friends of young workers killed wanted industrial manslaughter laws. Industrial manslaughter laws specifically deal with deaths caused by the employers' negligence. The Union argued if it was good enough to jail drink drivers who killed, then it should be fair enough to jail employers who deliberately cut corners to maximise profits causing workers to be killed.

On Monday 27 October 2003 an estimated 20,000 building workers marched on State Parliament. The mother of Joel Exner and the parents of Dean McGoldrick led the march with hundreds of other families and friends of workers who had been killed at work.

The teenage mates of Joel Exner, some of whom were still at school, took the day off to march and protest.

The streets of Sydney echoed with the chant "strong unions - tougher laws - better safety now". Thousands of building workers who stopped work and took strike action passionately joined the chant. Arising from the rally the State Government agreed to a NSW Parliamentary Inquiry into workplace fatalities and appointed a panel of experts to examine the need for tougher laws. The Labor Council of NSW, representing all trade unions and the CFMEU successfully lobbied the Inquiry which, along with the panel of experts, recommended in support of new provisions in NSW legislation to

allow courts to jail employers who recklessly cut corners and kill workers. In 2004 the NSW Occupational Act was amended. The threat of a jail sentence makes employers think twice about cutting costs. The threat to the welfare and safety of workers continues but strong unions and community support for improved standards are ensuring the battle to protect workers continues. Dean and Joel are not just remembered by friends and families, but by tens of thousands of others determined to ensure that these tragedies are not repeated.

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