

Profit before people: The CFMEU stepped in to avert a tragedy as these workers were left without fall protection on this Parramatta job

## OHS RIGHT OF ENTRY

### UNION HAS RIGHT TO INVESTIGATE SAFETY PROBLEMS

By CFMEU NSW OHS Co-ordinator  
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Since the operation of the WorkChoices legislation incorrect and misleading information has been given by bosses regarding the rights of union officials to access workplaces and investigate safety problems on behalf of workers.

Union officials under the NSW OHS Act still have the right to access sites *—without notice—* to investigate safety breaches. This right continues despite the WorkChoices legislation. If you are told that union officials have to give notice before they go on site, that's completely *wrong*.

When union officials conduct safety inspections they are permitted to take photographs, video or audio recordings and request relevant documents from the builder or employer, who must also provide assistance to the union official if requested. A union official can also request the assistance of WorkCover NSW. Under WorkCover workers are still protected from victimisation by bosses for raising safety issues.

The NSW Government has also recently proposed a law to allow union officials to enter sites to hold discussion with workers about OHS. This would further strengthen workplace safety by providing members with up to date safety information.

If you are being told the union no longer has the right to protect workplace safety *this is wrong!*

**If there is a safety problem on your site you should call the union!**

**Lidcombe 9749 0400  
Sydney 9285 5222  
Newcastle 49262188  
Wollongong 42262133**



## Standing firm on safety

**As if the construction industry** wasn't already dangerous enough, CFMEU organisers are discovering shonky bosses are throwing OHS manuals out the window as they seek to maximise profits.

And they are doing so quoting Little Johnny's new industrial laws trying to restrict the union's right of entry to sites.

However, the union will not back down where workers' lives are being put at risk.

Organiser Mal Tulloch was recently involved in two serious incidents where employers claimed incorrectly he had no right to enter their site to address serious safety issues.

Tulloch attended Bovis Lend Lease's job at Parramatta railway station in early May after calls from the public expressing concern about how painting work was being carried out. Tulloch said the workers had inadequate fall protection.

"There was no perimeter fall protection.

Incorrect length harnesses were being used that meant if a worker did slip he would have been left dangling in front of an oncoming train. The scaffold to access the work area was illegal. There was no recovery process if a worker did fall."

However, when Tulloch tried to enter the site, he was bailed up by management, and told he was not allowed entry. "They said I had to give 24 hours' notice, which was wrong. But they wouldn't listen. First I was verbally abused, and then a foreman actually pushed me out of the chair and I skidded

on to the ground. Mate, I can tell you, I feared for my safety."

The police were called and Tulloch made a statement. His safety concerns were vindicated when the company's OHS officer was called in – and ordered the painting stopped.

In another case, Tulloch was called to a concrete pour with little or no fall protection. In places it was a 10-metre fall on to rubble.

"Our members were expected to cop an unsafe workplace so this shonky boss could finish his job without meeting his obligation under safety laws. It was all in the name of profit.

"The concrete pour was stopped, but not before I was threatened to be shot and thrown off the building. The only thing that stopped him was I had the support of the men on the site. The police were called and WorkCover attended. The job was closed for over a week."

Tulloch said the Immigration Department had already arrested illegal immigrants working on the site. "If this is Howard's vision for building sites then we are going to see a lot of good working people killed before these anti-union laws are confined to the rubbish bin," Tulloch said.

"I have no doubt that if the union was not visiting sites regularly and encouraging members to agitate for better safety on the job, then we would have third rate, dangerous and deadly workplaces like this all over the country."

## Victory against taskforce bullies

### **The Howard Government's contempt**

for building workers and the taxpayer has been highlighted once again after its Building Industry Taskforce spent more than \$50,000 in a failed attempt to prosecute two union officials investigating safety concerns.

In March, the NSW Industrial Relations Commission cleared CFMEU Organisers David Glass and Martyn Wyer of claims they had misused their right of entry permits while they were investigating a MPM Constructions project in Bondi in December 2003.

Further the IRC found that "a number of safety

issues were raised by (Glass and Wyer) that were legitimate issues". CFMEU NSW Secretary Andrew Ferguson said it vindicated the union but raised serious concerns about the Howard Government's interest in workplace safety. "The Howard Government has shown complete disregard for the lives of working Australians by not only failing to improve workplace safety, but actively seeking to persecute the hard-working people whose job it is to protect the rights, entitlements and safety of building workers."

Despite winning the case the CFMEU is not entitled to reimbursement of its legal expenses.