

# GUEST WORKERS/OHS

## Be our guest

There has been a 17 per cent increase in the number of migrants coming to Australia under the Howard Government's 457 guest worker visa scheme. In the first six months of 2006-07, 21,464 visa applications have been approved. However, the Office of Workplace Services claims it is compiling a hit list of rogue employers who abuse the system, who may be barred from employing foreign workers. We'll believe it when we see it.

## Backpay win

A Chinese labour hire firm has been forced to pay \$650,000 backpay to 38 workers who were underpaid while working on a Wetherill Park building site, in Sydney's west, between March and October. The workers were hired on 457 visas to work on the construction of a tissue-paper mill. The workers have been paid sums between \$16,000 and \$28,000 which compares with an average annual income in China of about \$2000.



## JUST NOT CRICKET

Four of the Indian guest workers who are now being paid correctly thanks to the CFMEU

## Win for Indian workers

**A bit of Bollywood** came to the Lidcombe offices of the CFMEU recently with a fundraiser to help a group of Indian guest workers ripped off by their boss.

The group of eight came to Australia on 457 visas after paying almost \$12,000 each to a Singaporean migration agent.

However within two weeks of arriving, they were asked to sign AWAs, with the boss telling them it was for "immigration" purposes.

CFMEU Organiser Stewart Edward said the company had been quite aggressive with the men, throwing chairs around the room and threatening them with deportation if they did not sign.

He said it was a credit to the men that they stayed strong.

They were also ripped off over their accommodation, paying \$100 a week each to live in the factory where they worked.

The men were working 60-70 hours a week on

a flat rate and were sometimes called to work at night. Edward said one worker had been earning more than \$1000 a week, but by the time deductions for accommodation, airfares and other items were taken out he was receiving \$100 in the hand.

A friend brought them to the CFMEU, and through its efforts they were re-employed with the company and re-housed. Recently the union won a settlement for the men in the AIRC, and they are now being paid correctly.

"The guys are delighted. They are probably the happiest members in the CFMEU," Edward said. He said the conditions the men were made to live in were unacceptable, so the union put them up until accommodation could be found for them.

In November a fundraiser was held at the Lidcombe office with saris and cricket dominating the event. Sydney-born Indian rocker Santhi Rajendren and a DJ brought the latest Bollywood beats to the Lidcombe office.

## OHS: What to do after a serious work accident

**When a death or a serious workplace** accident occurs, there are several legal procedures that must be followed. The first priority, after assessing for any danger is for the care and welfare of the injured workers(s) and then to make sure that nobody else is at risk.

Any death or serious workplace accident requires police as well as WorkCover NSW to attend the scene.

This is normal procedure and the role of the police is to take statements and gather evidence regarding the accident.

Their role is also to identify if the accident was simply a "workplace accident" or otherwise. All serious accident scenes, whether at

work or other places are considered "crime scenes" until they are investigated and the scene released by the police.

WorkCover's inspectors play a similar role and you must take instructions from them as well as the police. They can both give you permission to enter the scene or prohibit your entry.

The OHS Regulation, clause 344, defines what a non-disturbance occurrence is. The accident scene is not to be cleaned up or anything moved until police or WorkCover NSW give permission to do so.

You can move anything to treat the injured worker, but after that is finished, you must not remove anything or clean

up the scene. If it is safe to do so, the area surrounding the accident should be taped off approximately 4m around and nobody allowed in unless it is NSW Police or WorkCover NSW.

The police will give instructions as to what will happen next. Some death and accident scenes are "held" by the police and WorkCover NSW for some time, before they are released.

It is very important that evidence is not tampered with or removed as doing that can interfere with the police and WorkCover investigation and can be deemed an offence.

Maureen Buchtman,  
M&J Buchtman Consultants

## OHS BRIEFS

### Don't stand for noise

WorkCover NSW will promote noise management on construction sites over the next year as part of a plan to cut hearing loss among building workers.

Some of the State's biggest developers have signed on to the Noise Management on Construction Sites plan, which has the backing of the CFMEU and NSW Labor Government. Under the plan, WorkCover will visit sites and assess noise management strategies as well as hold educational seminars. Exposure to excessive noise can lead to lowered performance by workers and contribute to industrial accidents. For workers, excessive noise can lead to hearing loss and can result in a lack of social interaction.

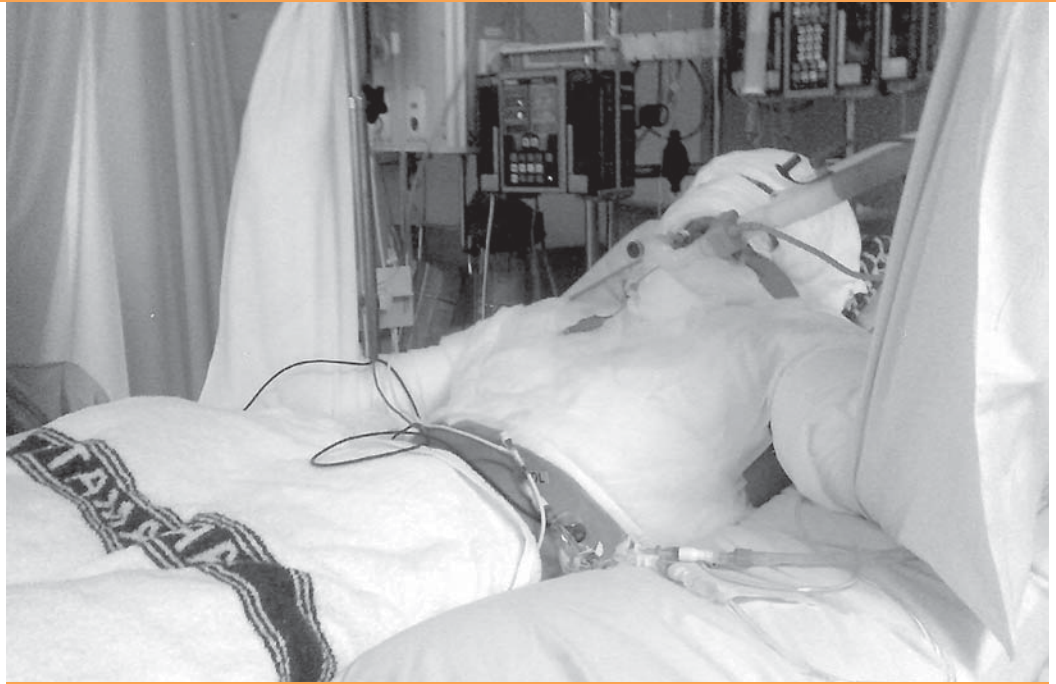
If you have any queries contact Dick Whitehead on 9749 0400.

### Crane warning

Owners of Favco 350 tower cranes have been warned not to lift personnel workboxes after an accident on the Gold Coast saw the hoist function of the crane go into freefall while two men were being lifted. The box dropped four floors before the brake came into operation and the two men received broken ankles and a broken heel. Metal contamination in the hoist relief valve block may have caused the accident and strategies to fix the problem are being developed.

### Unfair laws hit safety

A lack of unfair dismissal protection for workers in companies employing less than 11 people is taking its toll on OH&S, an academic has found. University of NSW Professor Michael Quinlan said he knew of a factory where the boss sacked the workforce for being trouble-makers. They were replaced by inexperienced workers and despite working with dangerous substances there was inadequate protective clothing. Workers were covered with toxic substances, and the showers were inoperable.



### MIRACULOUS SURVIVAL

WorkCover is investigating an accident which left labourer, Christian Nasr, 23, in the burns unit at Concord Hospital, after he was told to cut through an 11,000-volt cable, that was not checked to see if it was live

# Howard attacks safety

**John Howard** has found another way in which to turn work sites into death sites. Companies now have the right to self-insure under Comcare, the body that runs the Commonwealth workers' compensation scheme and workplace safety laws. This is a major blow to workers that has the potential to impact on site safety and put lives at risk.

In December three John Holland companies were granted the right to self-insure. And under Howard's changes, from March 15 companies that have joined Comcare will be exempt from NSW OH&S laws.

According to CFMEU Safety Co-ordinator Dick Whitehead, union officials and possibly WorkCover investigators will lose their right of entry under these changes.

"It's a nuclear weapon aimed at stopping our right of entry. We won't be able to access sites in cases of fatalities or unsafe practices," Whitehead said.

Whitehead said unsafe work places would become the norm as Comcare has only 33 inspectors nationwide, while WorkCover has 287 in NSW alone.

CFMEU senior legal officer Rita Mallia said the Commonwealth OH&S laws, which originally covered public servants, were "grossly deficient" compared with the NSW legislation which has a section dealing specifically with the construction industry.

Comcare payouts are also significantly less than those under NSW laws. Maximum lump sums for permanent incapacity under NSW legislation are

more than \$100,000 greater than those under the Comcare legislation and the weekly benefit for children double.

Howard also has a Bill before parliament that would strip workers of compensation benefits if they are injured while travelling to and from work, and tighten up the definition of what an injury is.

These changes are just another suck up by Howard to his business mates. But what they mean to workers is that if you have a heart attack at work while doing manual labour you might miss out on compensation. And if you are driving home, exhausted after a 10-hour shift, and have an accident you will get nothing.

"The CFMEU has seen many examples where its members have been seriously hurt, maimed and even killed going to work or coming home from work when fatigued," Mallia said.

"Howard says employers and their insurers should not pay for these claims because they are 'beyond their control'. Such an attitude is despicable."

**If you are employed by John Holland or find yourself working on a John Holland construction site, do not hesitate to contact the union for advice as to your rights and entitlements either under the Occupational Health and Safety legislation or the Commonwealth Workers' Compensation legislation.**

For a full report on the Comcare changes see [www.cfmeu-construction-nsw.com](http://www.cfmeu-construction-nsw.com)

**'It's a nuclear weapon aimed at stopping our right of entry.'**

# Your call could save a life

**A spate of falls from heights** resulting in deaths and severe injuries has highlighted the need for CFMEU members to “cop on” and start letting the union know if their workplace is unsafe.

On February 15, Tony Abuo Takka, 59, became the latest victim after he fell more than 6m off scaffolding.

He died in St George Hospital two days later. Initial investigations by CFMEU officials showed missing handrails and doubts over whether the scaffold was erected by licensed scaffolders.

Two months earlier, Aaron Rankmore died when he fell more than 5m from the second floor of an Albion Park site in Wollongong. Rankmore had celebrated his 21st birthday just two days earlier.

It is another tragic start to a year, and an echo of 2006 which began with the death on January 5 of scaffolder Paul Hughes, who fell nine storeys from the Energy Australia building in Sydney's CBD.

## Among other recent accidents:

**April 8, 2006:** Apprentice, 15, critically injured after falling 8m at Schofields, in Sydney's west.

**August 28, 2006:** A man, 23, falls 10m on to concrete in Nelson Bay and suffers head injuries.

**November 29, 2006:** Worker suffers head injuries after a fall near Tea Gardens, north of Newcastle.

**November 27, 2006:** Worker, 54, dies from head injuries when scaffolding collapses at Glenhaven.

**December 13, 2006:** Albion Park man in a coma after falling 6m from scaffolding at Sussex Inlet.

**February 15:** A 35-year-old man suffers serious leg injuries when he falls 3m through an open penetration in a slab.

**February:** A 19-year-old apprentice carpenter in critical condition after flooring joists collapse and he falls 3m on to concrete and 1.2 tonnes of flooring lands on him.

CFMEU OHS Co-ordinator Dick Whitehead said the toll from falls was “almost getting out of control”.

“To me the condition of safety on some sites is just criminal negligence,” he said. “You have builders so corrupted by greed for the quick job that they don't want to spend the money on things like safety rails and meshing – it's just out of control.”

Whitehead said members needed to “cop on” and tell the union if they saw or worked on an unsafe worksite.

“Your actions could mean the difference between whether someone comes home from work one night or not,” he said.



## A FAMILY'S ANGUISH

Frank and Hetty Hughes, and son Chris, with the plaque honouring Paul

## Paul's legacy a safer worksite

**A year after scaffolder Paul Hughes** fell to his death on an inner-city site, a crowd of family, workmates and unionists gathered to dedicate a plaque to his memory.

Organised by the CFMEU, Paul's parents, Frank and Hetty, unveiled the plaque on a hot January day after a blessing by Father Roy O'Neill.

While comforting his wife, Frank Hughes shared the pleasure of raising such a fine son – and the pain of losing him so suddenly. He also stressed the importance of having a powerful union to fight for safety.

“It's so hard to lose someone you love. The CFMEU has got to be able to do its work – and the Federal Government is doing all it can to stop this. If the union is not allowed to do its work, then there will be more plaques like this put up – and more families torn apart.”

CFMEU State Secretary Andrew Ferguson reminded the crowd that Paul was a father of two and his death would not be forgotten. “Unfortunately, the pain that is felt by the Hughes' family is shared by too many other

families. Last year there was a construction worker killed almost every week in Australia. The union will continue to fight to prevent such accidents from happening.”

Darren Greenfield, who is on the CFMEU's Scaffolding Committee, said Hughes's death had shocked the industry.

“Paul was well-known and well-liked. But we are determined not to let his death be forgotten,” he said.

Greenfield said the Scaffolding Committee had used his death as an impetus for introducing better safety standards.

“We are calling for the compulsory introduction of the two-metre lift. This means there would have to be boards installed every two metres as scaffolding goes up – not just in areas where people are working. If this had been in place, Paul would still be with us.”

Paul's brother Chris said the family wanted a coronial inquest. “There is more than enough doubt about the circumstances of the accident to justify this. But so far we have had no joy,” he said.

“You just have to make a phone call and the union can take it from there.”

WorkCover is also concerned about the prevalence of falls recently and has warned roofing contractors to pay more attention to safety standards after two serious accidents where workers fell more than 10m.

In both cases safety mesh had not been correctly installed.

For more information on minimum standards see the Safety Alert at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or the CFMEU website at [www.cfmeu-construction-nsw.com.au/healthandsafety.htm](http://www.cfmeu-construction-nsw.com.au/healthandsafety.htm)

## IN BRIEF

### Electrical hazards alert

WorkCover has issued a safety alert on electrical hazards for plumbers. For more information visit the website at [www.workcover.gov.au](http://www.workcover.gov.au)

### Tunnelling Code released

The Tunnelling Code of Practice, which was pushed by the CFMEU in the wake of Ronnie Shores' death while building the Cross City Tunnel, became effective in November. For a copy go to [www.workcover.gov.au](http://www.workcover.gov.au)

### Tower crane concern

The UK-based Health and Safety Executive has issued an alert to warn those who own, operate and hire tower cranes that they should ensure high tensile bolt connections, including those on masts, jibs and slew rings of their cranes are correctly installed and pre-loaded (tensioned). Failure to do so could lead to the bolt connection failing with "catastrophic consequences", the alert says.

### Powered tools review

WorkCover is reviewing the certification requirements for explosive powered tools and formwork/falsework and is seeking comments across the industry about the review. Members who have an opinion about certification requirements in this area should contact Dick Whitehead on 9749 0400.

### Formaldehyde warning

Formaldehyde should be reclassified as a category 2 carcinogen (may cause cancer by inhalation) under recommendations in the National Industrial Chemicals Notification and Assessment Scheme. NICNAS has recommended formaldehyde's occupational exposure standard be reduced to 0.3ppm (parts per million) eight-hour time weighted average and 0.6ppm short-term exposure limit. This should be declared within 12 months. For more information see [www.nicnas.gov.au](http://www.nicnas.gov.au)

## Victory as Hardie's bosses to face trial

**The battle is won** and the first payments from James Hardie to asbestos victims began flowing last month after a six-year battle for justice. And even better, the bastards who tried to deny asbestos victims compensation will face trial.

The Australian Security and Investments Commission (ASIC) is taking action against the company over its claims six years ago that there was enough money to meet its asbestos liabilities.

JH chair Meredith Hellicar, and several current and former board members and office bearers also face legal action. Defendants face penalties of up to \$200,000 for each breach of the corporations law and disqualification from managing a corporation.

CFMEU NSW State Secretary Andrew Ferguson said it was important that corporate misconduct was penalised. "This is long overdue - we've got a great victory for the asbestos victims and their families," he said. "If Hardie's bosses had been able to walk away it would tell big business you can



### A BATTLE WON

Asbestos campaigner Bernie Banton

do what you want in Australia and not personally pay for it."

Up to 50,000 people are expected to be diagnosed with asbestos-related diseases by 2020, with 13,000 of them to develop the mesothelioma.

Under the deal more than \$4 billion will be made available to asbestos victims over the next 40 years. Campaigner Bernie Banton said: "This result makes us realise that six years of hard slog has all been worth it."

Banton, who needs an oxygen tube to breathe and has been the public face of the campaign, said he was enormously relieved and the boycott against Hardie's could end.

"We need James Hardie to continue to grow and expand," he said. "Without the company flourishing they won't have the funds to pay the future victims. We've all got to move forward together."

For more on the Hardie's battle see [www.cfmeu-construction-nsw.com.au](http://www.cfmeu-construction-nsw.com.au)

## Women join construction industry

**In recent decades** the number of women entering the construction industry has been increasing. This is a welcome development and will improve the industry and our union.

The CFMEU has been continually supporting the entry of women into the construction industry, and, several years ago, the union was successful in obtaining a grant from the NSW Government to promote and assist the entry of women into the industry.

The union has been increasing the number of women officers employed by the union and has a woman elected to the Committee of Management and the State Council of the union.

### Amenities access

All construction workers, subcontract employers and builders need to be aware that they have responsibilities to ensure that there exists on site an appropriate environment free from discriminatory and/or sexually offensive material.

Builders must also provide amenities for women e.g. toilets, showers and change rooms. WorkCover NSW regulations pertaining to the provision of amenities for women in our industry are currently inadequate. There is no requirement to have amenities prior to women arriving to the construction site. The union is lobbying to improve standards.

It is extremely unfortunate that a very small

number of construction workers show no courtesy or decency to others in regard to the treatment of amenities. There have been cases where female toilets have been vandalised and misused.

To overcome this problem some builders have taken to locking the female toilets and having a key located at a central position.

This is also unacceptable. To resolve this problem, Union officials, delegates and safety representatives should ensure each female is issued with a key to their amenities upon being inducted on to the job site.

### Survey

The Union wants your views. Go to our website at [www.cfmeu-construction-nsw.com.au](http://www.cfmeu-construction-nsw.com.au) and complete a short survey about this issue. If you cannot access the website contact the Union on 9749 0480 for a copy to be sent to you.

### Support for female members

Should a female member have any problems in relation to these matters, they should immediately contact the union.

It will fully support you and assist you in forwarding your complaint to the Human Rights & Equal Opportunity Commission. Phone: 9284 9600 or 1800 620 241 and/or Anti-Discrimination Board of NSW, phone: 9268 5555 or 1800 670 812.