

CFMEU

CONSTRUCTION

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Safety Issues Raised with WorkCover

We have lost faith in having WorkCover Inspectors attend site to address issues because of an inherent consistency in failing to enforce the duties upon PCBU's as set out in WHS legislation. Some of which are set out below.

On site safety concerns

The CFMEU had repeated safety concerns at a site through 2013 (**attached as MP1**). When it was apparent that the particular company was continually unwilling to address safety issues WorkCover were asked to intervene. An inspector attended the site and despite multiple systematic breaches of the WHS Act, issued only an Inspection Report (**attached as MP2**). Most notable of the breaches was that work was being done to remove asbestos from the site, without the presence of a written Asbestos Management Plan, a requirement as set out under s429 of the WHS Regulations 2011 and carrying a penalty of \$6,000 for an individual and/or \$30,000 for a body corporate.

The CFMEU had safety concerns at another site throughout 2013 where multiple serious incidents had occurred and the PCBU had failed to notify WorkCover of such serious incidents as is required under Part 3 of the WHS Act 2011. Failure to do so can result in penalties of up to \$10,000 for an individual and/or \$50,000 for a body corporate. The notifiable incidents included; a tower crane on site catching fire, a worker falling approximately 10 metres, a concrete slab collapsing during a pour, multiple collisions involving cranes on site, and a piling rig rolling over. During the fire involving the tower crane, it was also noted that the site was also not preserved, another duty under the WHS Act 2011 s39, with penalties of up to \$10,000 & 50,000 for individuals and body corporates respectively. Despite the contraventions only an improvement notice was issued to the PCBU (**attached as MP3**).

There is yet another site where multiple serious incidents occurred, yet only resulted in minimal action from WorkCover throughout 2013. After continual failures from the PCBU to cooperate with the CFMEU, WorkCover were called for assistance. One issue raised on this occasion was that the plywood being used with the formwork did not meet the requirements as set out in the relevant Australian Standard - 6669, some samples were sent for testing and the results (**attached as MP4**) showed multiple failures, the tests were supplied to the inspector yet no action was taken.

On the same occasion issues surrounding the mistreatment of asbestos and the absence of any paperwork relating to the management of asbestos in the workplace were conveyed to the attending inspector. The Inspectors entry report (**attached as MP5**) identifies the issues raised and that the inspector was happy with what was in place, as is evidenced in the correspondence (**attached as Greenwich Asbestos Management Plan**). The appropriate paperwork was not in place

until after a week later than the inspector was on site. Furthermore the measures put in place by the PCBU were established after a considerable amount of asbestos related work had been undertaken, furthering the attitude of PCBU's to sidestep regulations as little enforcement usually follows. This site was responsible for numerous serious incidents, with our enquiries establishing that WorkCover attended the site no fewer than seven times for serious incidents, sent three letters in response to dangerous incidents, and handled one incident via a phone call throughout 2013 alone (attached as MP6 & MP7).

Under MP8 I have attached a letter we sent mid last year, I don't have the official copy though.

Barangaroo

At a site safety committee meeting at Barangaroo following the fire it was asked of a WorkCover what he intended to do about the breakdown in the emergency evacuation process. The inspector said he needed further advice and would request documentation from the PCBU. The breakdown being the length of time it took to evacuate the site and confirm that all personnel were accounted for, and also why it was not possible for contact to be made with key representatives of the PCBU.

It was made clear to the Inspector, that this was viewed as a breakdown of the Emergency Evacuation procedure of the site and in accordance with the WHS Act 2011, must be reviewed prior to its implementation. The union expressed concern about allowing workers back on the site without a proper emergency evacuation procedure putting them at risk.

Following the reigniting of the fire and a subsequent bungled evacuation of workers on site as was admitted by a representative of the PCBU, it was again put to the WorkCover Inspector what he intended to do about the inadequate procedures for evacuating workers from site in an emergency, where the site HSR and head of the safety committee outlined all the concerns and that it was putting workers at risk by allowing work to continue without proper procedures in place. The Inspector did not wish to make any rulings and walked away from the HSR and went to the site office with representatives of the PCBU.