

Australia: Grieving families lead march against construction site deaths

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In one of the largest demonstrations of construction industry workers in New South Wales in many years, an estimated 10,000 marched through the Sydney central business district on October 27 protesting deaths on building sites and demanding the state Labor government introduce industrial manslaughter laws.

A central factor in the large turnout was the widespread outrage following the death of 16-year-old Joel Exner, who plunged 15 metres to his death on October 16 at the Eastern Creek Australand construction site in Sydney's west. The teenager, employed by sub-contractor Gary Denson Metal Roofing, had been on the job for just three days and was not wearing a safety harness when he slipped from a roof.

The march was led by the families and friends of construction workers who had been killed on the job. These included Susan Baxter, Joel's mother and Robin McGoldrick, whose 17-year-old son Dean was killed in a fall on a Sydney construction site nearly four years ago. Dean had started work only days before and had not been advised to wear a safety harness. Karen Boland and her three children carried a banner inscribed with the name of her husband, 32-year-old electrician Mick Boland, who was killed at work in February this year.

As the march wound its way through city streets to state parliament, thousands of angry construction workers yelled out Joel's name and chanted, "No more deaths". Absent, however, were any official slogans, chants or banners indicting the state government of Premier Bob Carr. Only hours before, Labor's Industrial Relations Minister John Della Bosca ruled out the introduction of industrial manslaughter laws when he met with union officials and the mothers of the two dead teenagers.

During the march, officials deliberately channeled the pent-up anger of building workers into denunciations of the federal Liberal government and Prime Minister John Howard for planned new industrial reform legislation

attacking workers rights and the unions.

While the Howard government's free market program has certainly laid the basis for the deepening attacks on working conditions, including the deregulation of industrial safety, all its policies have been actively supported by the state Labor governments, which have systematically attacked the conditions of workers in their own state domains.

Several leading trade union officials addressed the rally outside the state parliament, but it was not until Robin McGoldrick and Susan Baxter spoke that the Carr government's role was even mentioned.

Before mounting the platform, McGoldrick broke down in tears when a union official suddenly announced that her dead son's employer had paid only \$1,800 of his \$20,000 fine for negligence. Speaking with difficulty, she thanked workers for their support, saying the unexpected news had made her more determined to fight. "They will never shut me up now." She pointed out that the state government could "introduce industrial manslaughter legislation with the flick of a switch, but refused". She also demanded that the Howard government drop industrial legislation that "will restrict workers taking industrial action over safety".

Speaking next, Susan Baxter challenged Premier Carr to come out "and tell this rally why you will not introduce laws to protect workers". Her call immediately brought cheers from the crowd and shouts directed against the government, such as "cowards", "scum" and "get out here Carr, you dog". When the noise receded, Baxter said: "What I don't understand is why we all have to be here at all. Why do we have to rally for safety? It should be automatic."

NSW Labor Council secretary and Australian Labor Party (ALP) member John Robertson attempted to placate the crowd saying that "Bob" was at a caucus meeting elsewhere in the city and called on workers to rally again

“if necessary”.

The Labor Council is carrying out the same role it played in 2001 when it worked to divert a clash between workers and the Carr government over a savage offensive on workers’ compensation rights. Robertson was central in dismantling widespread opposition to the government’s attacks, calling off an industrial campaign after a protest by construction workers, intended to be low-profile, turned into a 15-hour blockade of state parliament.

The Labor Council, supported by all its union affiliates, then brokered a deal that included measures ensuring workers could no longer pursue common law actions against employers to obtain lump-sum settlements for injuries. This flowed from the unions’ support for the actions of the Carr government following the release of the Hilmer report in 1995, which recommended the deregulation of state-run services and infrastructure.

Since then, with the backing of the various state-based union organisations—which have been anxious to maintain their own base of operations—state governments have vied with each other to attract investment by slashing workers’ conditions, as well as business operating costs.

At the rally on October 27, the WSWs asked Robertson what the Labor Council would do if Carr continued to refuse to introduce industrial manslaughter laws. He replied there were a number of options. These included “talking to ALP branches to ensure they talk to their local members” and calling on union members to “write to and lobby state government members”.

Asked if the Council would be organising any campaign outside the parliamentary and Labor Party framework, Robertson replied, “I am a great believer in the democratic process”. He was forced to admit, however, that Carr had ignored a resolution passed earlier this month at the NSW state Labor conference that industrial manslaughter be made an offence under the Crimes Act, providing for jail sentences of up to 25 years for employers found guilty of negligence resulting in a fatality.

Even though Della Bosca has acknowledged that, on average, there is one fatality every week in the NSW construction industry, the Carr government is adamant that the present laws under the Occupational Health and Safety Act are adequate to deter employers from engaging in unsafe practices.

Despite this claim, not a single employer in NSW has ever been jailed for causing the death of an employee, even when found guilty of negligence. Most receive only

minimal fines. Medium-sized and large contractors happily factor these into their cost structures, rather than outlaying resources on expensive safety measures and equipment.

The Carr government is specifically ruling out the new legislation because it would enable negligent managers or executives to be charged with manslaughter and to face the possibility of stiff jail sentences.

Under the current laws, for a manslaughter charge to be brought, a single person must be identified as the “directing and guiding will” of the company, a requirement that is literally impossible to fulfill because of the complex structure of large modern corporations. According to a 2002 Australian Manufacturing Workers Union (AMWU) bulletin, the executives of small companies avoid prosecution under the present laws by simply placing their firms into voluntary liquidation.

There are already signs that the unions are moving to dump the demand for industrial manslaughter legislation and preparing to stitch up a deal with the government. On the eve of the October 27 mass protest, Della Bosca announced that the government would set up a “taskforce” to “review” the current occupational health and safety framework to make sure it “adequately accounts for any matter which involves industrial fatalities”.

This completely empty announcement was immediately “welcomed” by the unions. An AMWU spokesman declared the union “hopes that the taskforce will quickly conclude that the laws covering workplace deaths are inadequate”. Workers may recall that Della Bosca set up a similar taskforce in 2001, also with the support of the unions, and it played the pivotal role in enabling Carr to make his draconian changes to workers’ compensation rights.



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