

# Australia: unsafe conditions cause another death on Sydney's construction sites

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The unsafe working conditions prevailing in many parts of Australia's construction industry have claimed their first victim for 2006. Paul Hughes, a 41-year-old scaffolder and father of three, was killed on January 5. He plunged more than 30 metres from the top floor of a nine-storey inner city Energy Australia substation under demolition in Sydney.

Workers on the site watched in horror as the man fell between the building and scaffolding to crash down onto a concrete slab below. The accident occurred at around 1 pm. When workmates reached him, Hughes was alive but unconscious. He died a short time later.

Hughes, an experienced scaffolder, was just three weeks into a casual job working for a company contracted by major demolition firm Delta Group. He was not wearing a safety harness at the time of the fall. A union spokesman suggested that fatigue may have contributed to the accident. Due to the failure of a hoist on site, workers had been carrying heavy tools and equipment up about eight floors.

Several hundred construction workers stopped work to join the deceased worker's father Frank Hughes, his mother Hetty and brother Chris and many friends at a funeral procession on January 12. They lined the pavement as the hearse carrying Paul Hughes's coffin draped in an Irish flag passed the demolition site where he had died.

In a statement issued by the Construction Forestry and Mining Union (CFMEU), Frank Hughes condemned the dangerous conditions in the construction industry and denounced the Howard government. "Every man's birthright is to come home safe from his job. Paul did not have to die like this, and there is nothing worse for us than knowing we outlived our son because the government has not made workplace safety enough of a priority."

Hughes slammed the Howard government for spending \$100 million on a Royal Commission into the construction industry in 2004. Under the guise of investigating corrupt practices, the inquiry prepared the ground for further attacks on workers' rights while dismissing calls for action to improve safety in an industry that, on average, records a death every week.

Hughes also attacked the government's \$50 million advertising blitz last year to sell its "WorkChoices" industrial relations legislation, which will give employers a free hand to dismantle workers' conditions while outlawing most industrial action. "This money should have been used to solve the most pressing workplace issues we have—the hundreds of workers like Paul who are killed every year," Hughes said.

Following Paul Hughes's death, the CFMEU served the Delta Group with several prohibition notices after doing a safety audit of the Energy Australia site. Ironically, the company's web site states: "We acknowledge that no other business practice is more important than the safety of our employees. Delta Group has set the benchmark for the industry with an exceptional health and safety record."

Like every other large construction and demolition company, however, Delta employs subcontractors to carry out work. When hiring subcontractors it is normally price, not safety records, that determines their selection.

The CFMEU called on the Howard government to redirect some of the \$450 million budgeted to implement its WorkChoices package to saving lives in workplaces. CFMEU NSW secretary Andrew Ferguson said the government, under its WorkChoices changes, was resuming responsibility for workplace safety and had already passed laws restricting union access to construction sites.

The CFMEU presented the tragedy as part of the Australian Council of Trade Unions' ongoing battle with the Liberal-National Coalition government over the WorkChoices legislation. The ACTU leadership is seeking to retain its role over the past two decades in enforcing employers' demands for ever-lower labour costs and greater output. It is this program, implemented under Labor and Liberal governments alike, that lies at the root of the unsafe conditions now rife on building sites.

As part of their drive to attract investment, state Labor governments have competed with each other to remove impediments to corporate profit-making, and to protect employers from liability for safety breaches. No state government has introduced industrial manslaughter laws, thus allowing companies to pay paltry fines for workers' deaths. Just last November, the Australian Food Group's Blue Ribbon meat works in Kilafaddy, Tasmania was fined a mere \$25,000 for two safety breaches resulting in the death of 16-year-old worker Mathew Hudson.

Less than three years ago, in 2003, 10,000 building workers took to the streets of Sydney to demand the New South Wales government introduce industrial manslaughter laws following the death of 16-year-old Joel Exner in a fall on a building site. Exner had not been issued with a safety harness. Premier Bob Carr and Industrial Relations Minister John Della Bosca responded by ruling out any legislation to jail employers who cause a worker's death through gross negligence.

Over the past decade, state Labor governments have also been in the forefront of slashing workers' compensation payments for work-related injuries.

While criticising the Howard government, the CFMEU was silent on the unions' role under the Hawke-Keating Labor government from 1983 to 1996. In partnership with the ACTU, Labor conducted an offensive against workers' conditions and basic rights, including in the building industry, where the Builders Labourers Federation was broken up with the collaboration of the Building Workers Industrial Union, the forerunner of the CFMEU's construction division.

Over the past 20 years, the construction unions have negotiated away a series of safety-related work practices, including bans on wet weather work and excessive overtime, in order to consolidate their

relationship with building employers.

In Victoria, the CFMEU recently abolished the traditional practice of building workers walking off a site following the death of a colleague to emphasise that a worker's life is more important than profits. Abandoning this symbolic gesture speaks volumes about the union's own priorities.



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