

# Australia: Three industrial workplace deaths in three days

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A succession of tragic workplace accidents occurred in Australia in May within three days of one another, highlighting the hazardous conditions many workers confront on a day to day basis.

On May 16, 53-year-old grandfather Robert Langella was hit by a semi-trailer while working at an Ingham's chicken production and processing plant in northern Adelaide, South Australia. Langella died at the scene at about 8:20 a.m., despite efforts from paramedics and colleagues to save him. His daughter Kayla said that her father was "just at work doing what he did every day when he was taken away from us with a blink of an eye."

Just two days later, again in Adelaide and only five kilometres from the first incident, 35-year-old father of six Varlee Jardu died at a workshop after being crushed by a tyre-pressing machine.

Jardu's wife Makoya Sesay told Seven News that they had just been celebrating the birth of their new baby two months earlier. "We were doing everything together," she said. "He was a very, very good man. He did everything for me, so if I think about him I can't stop crying."

This was the second workplace-related death to strike the family in just six months. Jardu's cousin, Abraham Jabateh, a 30-year-old truck driver and father of nine, died in a horrific truck rollover in the Adelaide Hills late last year. His two bosses were later charged with industrial manslaughter after an investigation showed that 19 of their 20 trucks were defective on the day of the accident.

The third workplace death last month occurred at a construction site also on May 18 in St Albans, Melbourne, at around 11:30 a.m. An unnamed 40-year-old man was operating alone when he was hit in the back of the head, after the end of a concrete pump truck

boom (a kind of robotic arm) snapped off.

The three deaths are part of an ongoing epidemic of workplace fatalities. According to Safe Work Australia, a federal government statutory agency, as of May 13, 34 Australian workers had been killed at work this year. In 2020, 182 Australian workers were killed at work, with 183 workers killed the year before that. Between 2003 and 2018, a total of 3,751 workers died.

Agriculture, forestry and fishing have the highest death rate at 11.2 per 100,000 workers, while transport, postal and warehousing are the next most dangerous with a rate of 5.9. Construction came in at a rate of 2.7 as a five year average, with 31 percent of these deaths the result of vehicle collisions.

The carnage is in part due to the role of pro-business regulator Safe Work Australia, whose inspectors have the power to issue a range of penalties.

In Australia's largest state of New South Wales (NSW), Safe Work launched only 100 prosecutions in the last financial year, of which 59 were settled through fines. In the country's second largest state, Victoria, Safe Work issued 124 fines, amounting to 91 percent of all prosecutions. Breach notices and on-the-spot fines represent even more blatant slaps on the wrists of corporate offenders. For the latest available figures in NSW, on-the-spot fines in 2018 totalled just \$265,000, an average of \$265 for each violation. This represents a minute fraction of the billions of dollars in profits generated in Australian industry each year.

The trade unions are also culpable. They have suppressed the class struggle for decades, sabotaging workers' efforts to organise industrial action to advance their interests, including for safe workplaces, and shackling workers to the anti-democratic Fair Work industrial regime.

Many unions, including the Construction, Forestry,

Maritime, Mining and Energy Union (CFMMEU), the Transport Workers Union (TWU) and the Australian Workers Union (AWU), whose officials routinely issue empty platitudes over industrial deaths, have argued for years that the introduction of industrial manslaughter laws will address workplace deaths.

Industrial manslaughter is broadly categorised as an offence where an employer owes a duty of care to a worker, breaches that duty and is reckless or negligent, and by that breach, causes a death.

Special industrial manslaughter laws were passed in the Australian Capital Territory (ACT) in 2004, Queensland in 2017, Victoria in 2020, and Western Australia (WA) in 2020, but they have been largely unenforced by big business governments.

The first ever industrial manslaughter conviction in Australia occurred in Queensland in 2020, after a worker was pinned to a truck by a reversing forklift and died. The company was fined \$3 million and the two company directors were sentenced to 10 months imprisonment. However, their sentences were suspended.

The first conviction to result in actual jail time was handed down last year in WA to Mark Thomas Withers, the director of a small shed-building business.

In March last year, two workers employed by Withers, 25-year-old Jake Williams, and 21-year-old Fraser Pinchin, were attempting to install roofing on a large machinery shed at a farm about 100 kilometres from the coastal town of Esperance. The two were not wearing safety harnesses when the roof sheet lifted under strong winds, causing them to fall nine metres. Williams died, while Pinchin suffered multiple fractures to his pelvis, hip, wrist and ribs.

Withers received a prison term of eight months, eligible for parole after four, with an additional 18 months suspended, a personal fine of \$2250 and a business fine of \$605,000. WorkSafe Commissioner Darren Kavanagh said, “Withers completely failed in every sense to provide a safe workplace for his employees.”

This conviction, for one workplace death amid hundreds, is the exception that proves the rule—industrial manslaughter laws have largely remained a dead letter and have not substantially improved safety conditions for the working class. Workers need to organise rank-and-file committees in

every workplace and industry, independent of the trade unions, to oppose the profit-driven undermining of safety protections and fight for the right of every worker to a safe workplace.



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