

'It's no accident' is the OHS newsletter of the AMWU. Feedback and story ideas to amwu@amwu.org.au

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The laws need to change!

Sometimes an employer is taken to court and fined when a worker is seriously injured or killed.

The average fine for employers is \$95,000.

- In 2018, 144 people were killed at work. In Victoria, 50% of workplace deaths were prosecuted, in Queensland 20%, and in NSW a miserable 12% were prosecuted
- 76% of prosecutions involved machinery/mobile plant, falling objects, working at heights
- There were no prosecutions for mentally unsafe workplaces or diseases

Our governments and courts must do better.

Farewell Deb!

The AMWU's wonderful Health and Safety Coordinator, Dr Deb Vallance, has moved on to join the Health and Safety Team at the ACTU.

We'd like to thank Deb for her years of service and wish her all the best in her new role. We're looking forward to seeing what she achieves. Dave Henry from NSW has stepped up into the AMWU Health and Safety Coordinator role.

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IT'S NO ACCIDENT

HEALTH AND SAFETY NEWS

NOVEMBER 2019

State of the Nation - Industrial Manslaughter

The union campaign for industrial manslaughter laws has been picking up speed in recent months. Here's an update on where things are at in some states around Australia*:

- Queensland: industrial manslaughter laws introduced by Labor came into effect in Queensland in October 2017. On October 25 2019, the first prosecution under those laws commenced. We'll be keeping an eye on this historic case to see how it turns out.
- Victoria: at the time of writing, the Andrews Labor Government had successfully passed industrial manslaughter laws through the lower house, and was due to take them before the upper house.
- Western Australia: the McGowan Labor Government announced in August that they would introduce industrial manslaughter laws, but they haven't come before the parliament yet.



- New South Wales: the NSW Government has introduced a Bill purporting to adopt industrial manslaughter in the criminal code. A closer read of the Bill however has identified all that is proposed is the referencing in the NSW WHS Act of manslaughter laws currently in the Crimes Act which have never been enacted in relation to workplace deaths. These laws still let corporations off the hook scot free.

While this progress is welcome, what we really need is one, coherent, national system that governs industrial manslaughter in our health and safety laws and ensures that employers and their managers in key decision-making roles are held accountable for safety at work. It's not about gaoling bosses, it's about stopping the preventable deaths in our workplaces through effective deterrents.

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