

Australia: Inspections reveal dangerous conditions on NSW construction sites

By Terry Cook
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A recent inspection of scaffolding on 700 construction sites in New South Wales (NSW) by the state government agency WorkSafe NSW revealed that safety requirements are being disregarded or undermined by building companies in their drive to slash costs and complete projects as quickly as possible.

Sydney, the capital of NSW, has more ongoing construction than any other major city in Australia, with twice as many cranes in operation on building sites last year than Melbourne.

The inspections, conducted at the beginning of the month, followed fatalities and injuries in the state's construction sector. These include the horrific death in April of 18-year-old form work apprentice Christopher Cassaniti, who was crushed to death when scaffolding on a 15 metre high tower on a Sydney building site collapsed.

The WorkSafe NSW inspections showed that over half of the sites were non-compliant with scaffolding and rigging safety regulations. On 44 percent of the sites, parts were missing from scaffolding, while on 36 percent, components had been altered or removed by unlicensed workers. Such breaches of safety have the potential to cause death and serious injury.

In the wake of the inspection results the NSW state government of Liberal Premier Gladys Berejiklian went into damage control. Claiming that the construction industry in the state had been “put on notice.” The state Minister for Better Regulation Kevin Anderson declared: “We will be tightening laws. We will be coming after those that are doing the wrong thing. One injury is too many, one death is too many, so we are doing everything we possibly can.”

Anderson's promise that the government will now act vigorously to enforce safety standards, and his

proclaimed concern for the victims and their families, is empty posturing. It is aimed at placating public outrage over the conditions in the construction sector, which is now ranked as the third most dangerous industry by workplace fatalities.

NSW government ministers made the same worthless pledges at the end of last year after inspections of building sites conducted just months before Cassaniti's death revealed “widespread non-compliance” with scaffolding guidelines and other breaches. The inspections led to a total of 1,258 breach notices being issued with the majority relating to fall risks, a major cause of deaths on building sites. Around 100 notices specifically related to scaffolding.

The continuing safety violations mean that further tragedies are inevitable. As of September, there have been seven construction deaths this year, including a worker who was killed in a fall on a site in the outer western Sydney suburb of St Marys last month. In 2018, there were 45 construction deaths nationally, 30 in 2017 and 35 in 2016.

The perilous conditions are a direct outcome of conscious decisions and policies designed to bolster profits. Basic safety standards have been gutted for decades by property developers and major construction companies to ensure speedups. Pro-business governments, Liberal and Labor alike, have stripped building regulations and under-resourced agencies vital to ensuring compliance such as inspectorates.

The construction unions, including the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU), whose officials routinely issue empty platitudes over industrial deaths, are complicit in undermining safety.

Functioning as labour bargaining agencies and industrial policemen for the major companies, they

have suppressed opposition by workers to the incessant attacks on working conditions, including in vital areas of safety. This began in the 1980s, under the Labor government of Bob Hawke, when the unions signed-on to a series of accords aimed at abolishing regulations and creating the conditions for a continuous offensive against jobs, wages and conditions.

The unions dismantled site and job committees elected by rank-and-file workers, some of which had sought to enforce safety standards. These were replaced by company paid union health and safety officers that above all seek to ensure continued production and that collaborate closely with management.

As the carnage continues to mount, the CFMMEU is attempting to cover up its own responsibility by calling for the introduction of industrial manslaughter laws that would enable the criminal prosecution of company officials deemed liable for workplace deaths. The union has claimed that the threat of jail terms would be an effective deterrent.

However, even where such laws have been introduced, such as in the state of Queensland and the Australian Capital Territory (ACT), industrial deaths have continued, with big business governments resistant to pursuing companies in breach or enforcing penalties. In the ACT, where industrial manslaughter laws were introduced in 2004, not one prosecution has proceeded. No one has been charged under the Queensland legislation, which was passed in 2017.

In NSW, current penalties for safety breaches amount to a slap on the wrist. In late 2017, SafeWork NSW introduced on-the-spot fines for infringements, but they were capped at just \$3,600. While over a 1,000 breach notices were issued in 2018, on-the-spot fines totalled just \$265,000, an average of \$265 for each violation.

The record shows that workers cannot place any faith in the unions or in plaintive appeals to Labor and Liberal governments that serve the interests of big business.

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