



# RTBU NSW

## NEWSFLASH

LOCO DIVISION

January 9, 2017

## RECENT ASSAULT - RTBU MEET WITH FLACH MANAGEMENT AND SAFEWORK NSW.

On Thursday your Union and HSR met with management and Safework NSW Inspectors to discuss concerns regarding safety and security, and to identify what the company has done to improve safety at the Sandgate office, since your co-worker was seriously assaulted in the Car park on 30<sup>th</sup> November 2016.

Management outlined how trees had been removed, security lights installed, a Security Guard has been provided between 9pm and 6am and quotes have been requested on providing CCTV coverage of the area. Additionally management advised they had sought ideas and suggestions from all staff on what else can be done to improve security at the site. It was also advised that the company is actively seeking an alternate site and that two premises have recently been inspected and that a professional has been engaged to make this happen.

Concerns were raised by the Union and your HSR on the number of persons who had contacted them in regards to security concerns and previous incidents. The company advised they have only been advised of three incidents over an extended period and that no one has raised any concerns with them since the assault took place. All present agreed this was of concern, and that reports need a clear documented process.

An excerpt from the Safe work Inspectors report is provided at the bottom of this report and details what was agreed between those present. Part of what was agreed is to provide members with information on their responsibilities under section 19 & 28 of the Work Health and Safety Act. These sections are provided below for member's information.

## Responsibilities under the WHS ACT

### PCBU – The Person Conducting a Business or Undertaking (The Company)

#### **“19 Primary duty of care**

*(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:*

- (a) workers engaged, or caused to be engaged by the person, and*
  - (b) workers whose activities in carrying out work are influenced or directed by the person,*
- while the workers are at work in the business or undertaking.*

*(2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*

*(3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable:*

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- (a) the provision and maintenance of a work environment without risks to health and safety, and*
- (b) the provision and maintenance of safe plant and structures, and*
- (c) the provision and maintenance of safe systems of work, and*
- (d) the safe use, handling, and storage of plant, structures and substances, and*
- (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and*
- (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and*
- (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.”*

#### **“WORK HEALTH AND SAFETY ACT 2011 - SECT 28**

##### **Duties of workers**

##### **28 Duties of workers**

*While at work, a worker must:*

- (a) take reasonable care for his or her own health and safety, and*
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and*
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act, and*
- (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.”*

## **What Does This Mean?**

While your employer must do what is reasonably practicable to ensure your safety, you too must also ensure you take reasonable care of your own health and safety and you must comply with policy and procedure. ***This includes correctly reporting all safety related incidents through the companies official reporting process.*** That is you need to compile a **SIN** (Safety Information Notice) and that you submit it to your manager and this office. You should also discuss the matter with your HSR. If your concern is not adequately addressed you should escalate the matter to your next level of management and contact your HSR and local Union Organiser for further assistance.

**Lesson – It serves no purpose to report things verbally unless you follow it up with documented evidence. Hearsay cannot be relied upon when things go wrong!**

## **Site Improvements and Concerns**

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Acknowledgement was made of the efforts made so far to improve site security such as removal of the trees and installation of lights. Management advised CCTV quotes had been requested and installation is imminent. They also advised a phone service will be installed in the common area of the building. It was suggested a further meeting take place to discuss any suggestions put forward and any other corrective actions that are reasonable.

A further suggestion put forward by the Safework Inspectors was to look at the buddy system and contacting your work mate prior to arrival on site and that lone members, should have the ability to phone the security guard ahead of arrival. The logistics of this is being considered by management and we await the outcome.

## Looking out for Each Other

Members are encouraged to think of their personal safety at all times while at work and act accordingly. Report concerns and talk safety between each other so as we can eliminate the chances of such a terrible incident repeating.

Additionally, spare a thought for your fellow worker who was brutally assaulted and offer your support and encouragement by sending her a message of support. You can do this through a personal call or email and or sending it through the union office and we will pass your message on.

### Excerpt from SafeWork Report

#### 3. Actions agreed to be taken by Duty Holder

The PCBU, Union and HSR to send emails to all staff/members /managers reminding all about obligations under Work Health and Safety Act 2011:

- Section 28 - Duties of Workers
- to take reasonable care his or her own safety;
- take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons
- comply, so far as the workers is reasonably able, with any reasonable instruction that is given by the PCBU to allow the person to comply with this Act
- co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers

- Section 19 (1) to (3) - Primary duty of care of the PCBU - must ensure, so far as is reasonably practicable, the health and safety of

- (a) workers engaged, or cause to be engaged by the person, and
- (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking

These emails will also remind all staff/members/managers about the process involving the escalation of issues/concerns raised to relevant management levels if the issues/concerns are not reasonably addressed

PCBU will contact nearby residents (across road) to advise of trees being trimmed which may increase lighting levels at night

Display the latest Minutes of Safety Meetings on staff bulletin board

Consider documenting conversations or discussions relating to work health and safety and consultation - as best practice. Working together - enhance lines of communication to improve open and transparent exchange of information, needs, concerns and how to resolve in a consultative manner