



SAFETY *matters*

I DESERVE
TO BE
SAFE AT
WORK

WINNING
AT HEALTH AND SAFETY



A MESSAGE FROM

Richard Olsen, State Secretary



In the transport industry, safety at work is crucial.

People in our industry currently make up 40% of all workplace deaths in Australia – that means, out of all the people who never make it home from work, almost half are our brothers and sisters in transport.

The Transport Workers' Union of NSW is dedicated to getting this figure down to zero – to creating safer workplaces and empowering our members to speak up and take action when things aren't right. That's why we're so proud to offer this quality training with our approved and qualified Director of Health, Safety and Member Education, Marija Marsic, to enable workers to look out for the safety of all their mates on the job.

Our training programs for Health and Safety Representatives (HSRs) are the best in the industry, and are developed to be relevant to you and your particular job in the transport industry – whether you're beneath the wing in our airports, pulling out onto the highway from a distribution centre, moving containers from the ports or keeping the streets of your community free from waste. Whichever part of the industry you work in, the training you receive will cater to you.

Whether bosses want to admit it or not, workplace safety is a life or death issue. Your decision to become a Health and Safety Representative in your yard means you could be saving lives. I'm thrilled to welcome you in becoming a TWU-trained HSR.

Richard Olsen,
TWU NSW State Secretary

A MESSAGE FROM

Marija Marsic



Safety at work should be everyone's highest priority, but in too many workplaces that's just not the case.

That's why it's so important to have well-trained HSRs out in yards, to ensure a safe work environment that's free from hazards, to keep the bosses accountable, and to educate their colleagues about their rights.

TWU NSW is focused on creating safer workplaces, and I'm incredibly proud to play such an active role in achieving this. As a SafeWork NSW and Comcare-approved WHS HSR training provider, we provide HSRs with an initial five-day HSR training course and one-day refresher courses thereafter. The training we offer is carefully industry-focused, and the conversations, activities and handouts throughout are based on the specific safety needs of different sites across the transport industry.

Every day, TWU-trained HSRs are raising the right conversations with bosses, managers and co-workers, equipped with the knowledge and support to ensure their yards are safe. Together we can build a safer transport industry. It's people like you who will help us get there.



Marija Marsic,
Director of Health, Safety and Member Education

CHOOSING YOUR TRAINING COURSE MATTERS

VIRGIN DELO WINS FOR ALL WORKERS

Joe Hutchings, a Virgin Australia delegate, won a landmark case against his bosses for the right to choose his own Health and Safety Representative (HSR) training provider, a case that has set a precedent for workers right across Australia.

Joe has worked at Virgin Australia for more than seven years as a baggage handler and has been a TWU delegate for more than three. Joe made a decision to undertake HSR training, to get the skills and the knowledge needed to ensure a safe worksite for his colleagues.

When Joe informed management of his decision to undertake training through his union, the TWU, he was refused and told to complete the in-house training provided.

JOE'S CASE WAS A POINT OF PRINCIPAL – IT WOULD HAVE BEEN MUCH EASIER FOR HIM TO DO VIRGIN'S TRAINING, BUT HE FOUGHT HARD FOR THE RIGHT TO CHOOSE HIS OWN TRAINING PROVIDER AND HAD HIS UNION BACKING HIM ALL THE WAY.

Under Work Health and Safety legislation, all employees have the right to choose their own training provider. The legislation on this matter is absolutely clear, but despite this WorkCover failed to make a definitive decision.

"I was denied a right awarded to me under legislation, so getting this matter sorted out came down to a matter of principal," Joe said.

"Ultimately it was important to me and for all HSRs to know where we stand in terms of training.

"Now this precedent has been set, other HSRs are free to choose where they want to do their training," Joe said.



MY SAFETY, MY CHOICE, MY UNION: Virgin Australia delo Joe Hutchings during his in-house HSR training.

Joe has completed his HSR training through the TWU, which offers independent, factual and worker-based safety training, where the safety and wellbeing of workers are considered ahead of employer profits.

What Joe did was set a precedent. This was a landmark case and the first time WorkCover has made a decision on this legislation.

Joe's case was a point of principal – it would have been much easier for him to do Virgin's training, but he fought hard for the right to choose his own training provider and had his union backing him all the way.

KNOW YOUR SAFETY RIGHTS

We know it's hard to stay up-to-date with all the information on worker's rights and safety legislation, so TWU Director of Health & Safety Marija Marsic has outlined the latest information to help you make informed decisions and stay safe at work.

DID YOU KNOW?

You have the right to cease work or refuse to carry out work if you have a reasonable concern that to carry out the work would expose you to a serious risk to your health and safety.

Industrial action does not include action based on a reasonable concern or imminent risk to health or safety (Fair Work Act). For example: exposure to asbestos, live wires, violence, toxic air, unsafe buildings, fall from height etc.

IF YOU'RE IN THIS SITUATION:

You must, as soon as possible, notify the Person Conducting the Business or Undertaking (PCBU) that you have ceased work and remain available to carry out suitable alternative work.

Regardless whether the PCBU provides safe and appropriate alternative work or not, you are entitled to your usual payment.

BE CAREFUL TO REMEMBER:

Refusal to perform suitable alternative work could be considered as industrial action. You may lose a minimum of 4 hours pay and face fines under the Fair Work Act or other similar sanctions.

ROLE OF AN HSR:

You may choose to inform the



HSR of your decision and seek their advice and assistance in consulting with the PCBU.

An HSR who has a reasonable concern that workers in the work group are exposed to a serious risk to their health or safety can direct workers to cease work, if the HSR has attended approved training and has consulted and attempted to resolve the matter with the relevant PCBU.

However if the risk is so serious and immediate or imminent that it is not reasonable to consult before giving direction, they're not required to consult or attempt to resolve the matter first. In these cases the HSR must inform the PCBU as soon as possible.

Safety must always be your number one priority, lookout for yourself and your workmates.

QANTAS GROUND SERVICES NOW TAKING HEALTH AND SAFETY SERIOUSLY

TWU-trained HSRs James and Theo are supporting other members in the Qantas Ground Services (QGS) yard, keeping people safe at work.

Qantas has found themselves on the receiving end of a number of Provisional Improvement Notices (PIN) from James and Theo, and management have taken safety more seriously ever since.

THEO'S STORY

Qantas was refusing to provide personal protective equipment (PPE) to new employees, instead creating a clause in employment contracts that told workers they had to purchase their own safety shoes for the first few months of the job.

Theo used his HSR training to research the legality of the clause, after a Qantas manager refused to let Theo use safety shoes that complied with Australian regulations and were medically approved.

"The company did not like the shoes, wanted to pick on me and moved me from my area which triggered me to open the books and look at what the legislation says about PPE."

The legislation was clear about the role of a company to provide PPE to workers.

"I realised Qantas were at odds with the legislation – the legislation is in black and white and no one can dispute it."

The regulator SafeWork NSW supported the PIN on PPE, and Qantas are now adhering to their PPE responsibilities.

JAMES' STORY

QGS received a new client, British Airways, who brought to the yard a new manual handling procedure for lifting heavy bags above head height into an aircraft.

Nobody had consulted with members about the new procedure, which the legislation requires. James also found that there had been no risk assessments completed either.

With the support of the TWU, James issued the PIN because he saw the new procedure would increase the manual handling workload and increase shoulder and other manual handling injuries. When they received the PIN, management provided a resolution which satisfied members in the yard, and has also reduced manual handling injuries.

CALL THE MEMBERS' SERVICE CENTRE ABOUT GETTING TRAINED HSRs IN YOUR YARD ON 1800 729 909



In five days of HSR training we have learned a lot about holding management accountable. I was confident enough to successfully deal with safety issues that arose within a month of being trained.

- Theo



I had the training made relevant for me in a room full of airport workers, bus drivers and truck drivers. Training with the TWU means I know I have the full support of the union and the backing of them for the fight about future issues.

- James

HSR WINS

HSRS STANDING UP TO SUEZ

Dylan Thompson, Suez HSR at Mayfield and Glenn Middleton, Suez HSR on the Central Coast have stood up to their management for not involving drivers in discussions on policy changes related to the Heavy Vehicle National Regulator's Chain of Responsibility rules (COR).

Members were simply handed the policy changes with no toolbox talks and no consultation, and were asked to sign off on the new changes. Legislation shows that Suez needed to consult with the workers, so Dylan and Glenn worked together to advise the company that they were in breach of the WH&S legislation and that the changes were rejected by members.

Because of Dylan and Glenn speaking up, Suez withdrew the



Dylan Thompson (centre) with fellow members Francis Jenner and Ian Thompson

policies and even rang Richard Olsen to seek advice. The company is now attempting to involve workers in the consultation process, which Dylan and Glenn are considering a win for now. But there is still more work to be done. The difficulty as Dylan tells it is, "the consultation process is too limited – we are only seeing part of the document. There is an email address we can send safety related questions to, but so far that is not working well".

"Drivers are aware they have COR obligations," says Dylan. "They do not want to drive trucks that do not comply with the rules. We have been chasing Suez for 10 months now on what the COR changes should and will be."

MAKING A DIFFERENCE @ CDC

TWU Health and Safety Reps Stewart Jones and Denis Sloman are making a massive difference for driver health and safety in their yard at CDC Dural, and deserve a great round of applause. So far they have achieved:

- ✓ Changes to the bus bay pickup procedure at Pacific Hills school following a safety incident;
- ✓ New concreting in the yard to repair unsafe areas of the pavement;
- ✓ A new ladder for fuel tank work and major safety improvements in the fuel bay;
- ✓ The provision of a return-to-work coordinator for injured workers;
- ✓ Good handling of safety issues associated with roadworks through a retirement village on a local route, with consultation now occurring to ensure drivers can navigate their way through;
- ✓ Improved shifts and better consultation by management on rostering;
- ✓ Safety improvements at Castle Hill interchange, ensuring pedestrian safety around buses;
- ✓ A negotiation of changes on a dangerous turnaround, where school buses previously did a three-point turn in a 90kmph speed zone on a busy sand truck route at the bottom of a dip; and
- ✓ The introduction of SafeWork NSW Inspector now working with the company.

THE HSR MAKING HIS YARD SAFER AGAINST ALL ODDS!

Meet Troy Rogers, TWU member and former Health and Safety Rep (HSR) at the Wymap Group yard. Troy is one of the many HSRs who went through the TWU HSR Training Course. Troy is now a TWU Official sharing his knowledge and working alongside members beneath the wing at Sydney Airport.

On returning to his yard as a TWU trained HSR, Troy identified the safety issues and worked with his management to make the yard safer for all. Troy used his HSR training to begin a traffic management plan for his yard. The plan was implemented, establishing new designated walkways and parking bays. Members at Wymap now have a safer yard in which they can move around.

Troy said "... with management treating today's workforce like they are expendable, especially with the increase in casual work placements, you need to remember that you can't buy experience nor can you overlook the Safety of your workmate's life or your own."

It was not an easy road for Troy as an HSR, following an argument over who was obligated to supply PPE gear, trouble started. In seeking to fulfil his WHS duties to his workmates and management, a local manager took issue with Troy doing so and tried to send him out on an "urgent" job that appears to have been "urgently" thought up on the spot. Troy advised the manager that there were obligations to WHS jobs he needed to do, and was subsequently sent home by the manager for "refusing to follow a lawful instruction".

TWU Official Scott McIntyre said "Troy was exercising



JOB WELL DONE! TWU Official Scott McIntyre congratulates Troy Rogers

WITH MANAGEMENT TREATING TODAY'S WORKFORCE LIKE THEY ARE EXPENDABLE, ESPECIALLY WITH THE INCREASE IN CASUAL WORK PLACEMENTS, YOU NEED TO REMEMBER THAT YOU CAN'T BUY EXPERIENCE NOR CAN YOU OVERLOOK THE SAFETY OF YOUR WORKMATE'S LIFE OR YOUR OWN.

his right to work safely at work, his sole intention was to improve the safety in his yard".

The TWU represented Troy in meetings at Wymap and also contacted SafeWork NSW about the company's treatment of an HSR. Despite the Manager who had the alleged conflict with Troy also being the manager who was investigating the alleged misconduct, Troy was eventually returned to the yard and his job.

A SafeWork NSW inspector attended the Wymap premises and issued three breach notices to the company. Wymap is now in the SafeWork NSW system and the Inspector maintains regular contact to make sure Wymap is a company making improvements for the safety of workers in their yards.

OWNER DRIVERS WIN RIGHT TO BE TRAINED IN HEALTH AND SAFETY ISSUES

Owner Drivers at Holcim Concrete knew they had a right to have their work, health and safety concerns represented. They sought to attend HSR training at the TWU. Holcim management did not agree so the TWU assisted members by calling in the regulator, SafeWork NSW.

Training was completed and members were paid what they would normally be earning while they attended. Holcim owner-drivers have paved the way for other contract carriers to take a more active role in their safety in the concrete-carrying industry.



Holcim Owner Drivers trained as HSRs

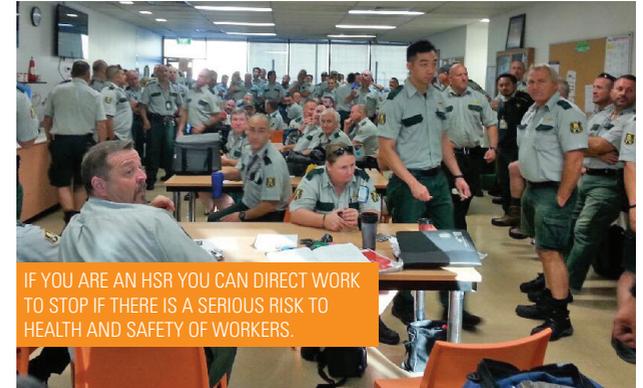
CASH IN TRANSIT ROAD CREW SEEKING ANSWERS ON SAFETY

Armaguard Cash in Transit workers, members of the TWU, were subject to an armed robbery in a Sydney Suburb. The Road Crew members were not injured but are recovering from the incident. The TWU also became aware that in the same week NSW police made arrests in Forster of three men alleged to have been planning an armed hold up on a local cash in transit crew.

These incidents led to the TWU trained Armaguard Health and Safety Rep (HSR) in the Camellia Depot start an investigation into the safety protocols and procedures at the company, designed to keep Road Crew safe when out on the road.

If you are an HSR you can direct work to stop if there is a serious risk to health and safety of workers. Armaguard HSRs directed workers to cease unsafe work.

Road Crew members held meetings seeking answers from their management



IF YOU ARE AN HSR YOU CAN DIRECT WORK TO STOP IF THERE IS A SERIOUS RISK TO HEALTH AND SAFETY OF WORKERS.

about safety on the job. Members were not convinced that Armaguard management paid enough attention to managing the support of road crew and the community's safety in light of the armed robbery.

Members challenged management to show how they will ensure safety in a high-risk industry. Members must get home safely at the end of a shift.

TWU trained HSRs sought accountability from Armaguard to ensure the shared responsibility of preventing harm being inflicted on an innocent member of the community, in other words, someone doing their job.

PINNING BUSWAYS ON SAFETY

TAKING THE PRESSURE OFF REFUELLERS

Health and Safety Rep (HSR) Jim Hansen works the morning shift for Busways at their Kincumber yard on the NSW Central Coast. With very little consultation Jim's management started "cutting some corners" on the evening rostering of refuellers.

Jim took a stand on behalf of members who had a new, unexpected workload. One refueller on the morning shift was now required to refuel and prepare 18 more buses each day.

Jim approached TWU Official Daryl Elliott who echoed Jim's concerns that Busways was putting their own people at risk through an increased workload for refuellers and for



HSR Jim Hansen and TWU Official Daryl Elliott

drivers bringing a bus back late at night into an empty depot.

With the help of the TWU Jim placed a Provisional Improvement Notice (PIN) on the yard. It was the PIN that turned things around; within 8 days Busways announced the end of the 'trial period' of the new system.

PREVENTING ATTACKS ON BUSES

Health and Safety Reps at Busways Penrith and Glendenning have used Provisional Improvement Notices to ensure the safety of members and their passengers in the Mt Druitt and Bidwill areas of Western Sydney.

Buses were targeted on routes by a gang of people hurling rocks and sticks at the moving vehicles.

Bans on certain routes were put in place by the TWU and members which saw Buses diverted past known trouble spots.

Busways delegates and HSRs met with NSW Police and Busways management to discuss responses and solutions to ensure the safety of drivers and passengers.

HEALTH AND SAFETY REPS TALK ABOUT THEIR TWU TRAINING

TWU Training enables you to be a successful delegate or successful health and safety representative (HSR), in your workplace. Our members that have participated in training have been given access to knowledge that can be used directly in their yards and is making workplaces safer.

The Transport Workers' Union of NSW through State Secretary Richard Olsen, is committed to the quality of the training that we can provide. The training that you will receive is relevant to your workplace and has been proven time and time again to be effective, building power for workers.

Health and safety representatives using their training to build a safer workplace talk about TWU Training.



JAMES AND THEO, HSRs AT QANTAS GROUND SERVICES.

YOU CAN GET MORE INFORMATION ON TWU TRAINING BY TALKING TO YOUR TWU OFFICIAL OR CALLING THE MEMBERS' SERVICE CENTRE ON 1800 729 909.



JIM, HSR AT BUSWAYS KINCUMBER

"I chose to become an HSR because workers were getting a raw deal and something needed to be done. Governments are pushing down workers and companies are pretty much the same. Knowledge like that from the TWU training provides power for workers, something companies do not want.

The training that has been given has provided the knowledge I need. The TWU has my back with industry based training. These courses are directed specifically to what you do in your yard."

JIMMY, HSR AT TOLL MINCHINBURY

"This is an industry with lots of risks and hazards. We need to change our attitudes towards safety to make it a better place. Many of my workmates and colleagues have been affected by safety problems – it's the main reason I took on the HSR role.

The information in the training makes the legislation easy to comprehend. My training comes from the TWU, the only organisation that I know of that has our interests at heart. I was provided a learning environment that accommodated me and how I learn.

Safety at work is being conscious and aware of the hazards and risks."



JAMES: "Having had the training and the relationship with the TWU means that when we take out Provisional Improvement Notices, management know they have to take us seriously. We have brought in new procedures for manual handling that makes work a lot safer for all. There have been significant reductions in manual handling injuries."

THEO: "Training has helped us understand the obligations of the business in supporting the workers with a safe work place. Receiving training with Marija at the TWU gave me more information. We have been given the knowledge that means we can exercise the power of the HSR and help other workers. I have had the full support of the TWU when it comes to exercising my HSR Role. SafeWork NSW upheld a Provisional Improvement Notice I issued. Management are now properly providing PPE for us. With the help of the TWU ... job done."

THE POWER OF TWU TRAINING

Michael Comer is the delegate in the JR Richards Yard at Port Macquarie. He has been in the yard for 13 years and is the driver of a "sidelifter" waste truck. Michael has talked to us about the changes that have occurred in his yard since becoming a TWU trained Health and Safety Rep (HSR).

Michael said that for many years, dealing with his management was "like dealing with a wall – never being able to achieve anything" when it came to his role as a yard delegate.

As a delegate, Michael attended HSR training at the Newcastle Sub-branch and broadened his own awareness of workers' rights around WH&S matters. Since returning to the yard as an HSR, Michael has talked to his managers, who do understand and take seriously their legal obligations for worker safety. Michael says, "It has strengthened how members can



work with management for a better yard. I am really happy with how it's turned out. Members do have power in the yard and I would urge anybody to take on the HSR training".



Whether bosses want to admit it or not, workplace safety is a life or death issue. Your decision to become a Health and Safety Representative in your yard means you could be saving lives.

- RICHARD OLSEN,
TWU NSW STATE SECRETARY



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