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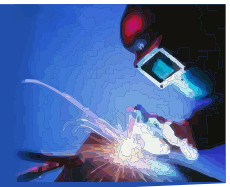


FEATURE INTERVIEW

Safety not a Foreign Concept

September 2006

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R I S K M A N A G E M E N T



Q+A with WorkSafe Commissioner Nina Lyhne on Foreign Workers on Perth Construction Sites



Intro

In June of 2006 the media was full of images of union heavy-weights clashing with builder Jerry Hanssen after he employed a handful of workers from overseas on his construction sites around Perth.

These foreign workers are often called 'guest workers' and they come into Australia on short-term visas. The union, the militant CFMEU, claims that builders use the visa arrangement to get access to compliant workers from overseas on lower wages.

Hanssen disputes this however there's no denying that bringing in workers from overseas, onto potentially high-risk worksites, poses a unique challenge.

Safety First took the issue to WorkSafe WA Commissioner Nina Lyhne.

Commissioner Lyhne: I think that one of the things that people have to remember is that occupational safety and health laws apply to anyone who is working in Western Australia, whether you are a foreign worker or a worker who has lived and worked here all your life. And when employers are bringing in labour from overseas, migrant workers, they need to consider if there are any other safety and health issues associated with doing that.

Some of the obvious ones that people sometimes think of are communication, I mean if there is a language barrier then obviously the employer in the workplace has an obligation to ensure that that language barrier doesn't get in the way of occupational safety and health on the worksite. So obviously workers need to understand the safety instructions and need to be able to communicate with their colleagues and there are a range of ways that can be done, but of course that's an important issue that there may be language barriers and cultural issues and so forth.

Safety First: Migrant workers have a long history of participating in the building and construction industry in Australia; but there's a very real difference between long-term migrants – who come to Australia to settle permanently – and workers who come for set job or contract, especially when it comes to developing a safety culture.

Commissioner Lyhne: Look safety culture is absolutely critical and from where WorkSafe sits, we often see an organisation with a good safety culture; safety is a part of the way they operate and they do it much better than those that do as a sort of bandaid that sits over the top. But I think we have to recognise that today's workplaces are very different from workplaces from maybe fifty years ago where an employee would work for the same employer for a long period of time. Workers these days move around a lot and the current labour market certainly means that people are moving around a lot.

That presents some real challenges for safety culture within industries and across industries, so I don't see the migrant workers are being specifically different to that. Migrant workers is a very important issue and one that employers need to consider working with their workforce on safety and health issues, it's very important that inductions and so forth are very clear about the nature of the organisation and what is expected of them in terms of people and so forth, so I think that it's a broader issue than just the migrant workers.

Safety First: While the dispute was at its peak WorkSafe met with both Hanssen and union bosses. But whether unions have a genuine role in occupational safety and health has long been a bone of contention in the construction industry.

Commissioner Nina Lyhne: I think that unions play a very important role in occupational safety and health, there's a very long history there. Occupational safety and health is based on consultation, people working together and on people raising issues so they can be dealt with in the workplace and unions are very much about that too so certainly they have a role.

We have been very clear in our discussions with both unions and employer groups that employers have obligations in respect of migrant workers and that we expect that those obligations are to be taken seriously. WorkSafe obviously sends out that message very strongly and where there is an instance of that not being done then we would act.

Safety First: While the WA economy keeps booming the demand for foreign workers will remain high. Making sure that accidents don't occur in this environment is bound to be an ongoing issue.

Commissioner Nina Lyhne: I think that we're seeing a lot of things that are actually an issue for occupational health and safety at the moment, because I guess the economy is racing along. It's actually an employee's market at the moment, there's lots of work to go around. People are chopping and changing jobs frequently, workers are being brought in from overseas. There's a lot of dynamics going on at the moment and they are all things that have the potential to impact on occupational safety and health.

So yes, this will be an ongoing thing and workers that are coming in from overseas will be a part of what we are looking at, to make sure that employers are meeting their obligations.