

TPI

From: Ashlea Cunico
Date: 4/03/2019 10:38:56 PM
To:
Subject: Worksafe inquiry

Ten and a half months, 45 weeks and 319 days it's been since my Dad went to work and never came home. He was tragically killed in a workplace incident that should never ever have occurred.

It's extremely difficult to put into words how much our lives have changed. We are now life long members of a club you never want to join. Each and every one of us destroyed by the loss of a loved one who should have had the right to come home from work. We have suffered an unimaginable loss, no one should ever endure the pain and suffering we have been subjected to because of the lack of safety and sense of a workplace.

My fathers death is currently still being investigated by Worksafe so whilst we share our journey thus far I am unable to comment on everything as we have not yet reached a point in our investigation where we have any answers.

It is glaringly obvious that worksafe as the industry regulator is terribly under resourced. They require a substantial increase in funding to be able to adequately monitor and audit our workplaces as well as investigate serious incidents and fatalities.

The first 6 months following my fathers death very little to nothing was done in the way of investigating his death in fact his work mobile phone which could have potentially contained critical information was sitting at the coroners office uncollected.. all the while I had the police coronial investigators team reminding me to let worksafe know that it was still there. We are now 10mths in and are only now having key witnesses being interviewed in the last couple of weeks.

The time in which it takes to interview witnesses or collect statements is unacceptable.

Any duty holders or employers that are potentially facing prosecution after a workplace fatality should not be afforded the luxury of time, especially when supplying evidential documents. Months after my fathers death the regulator was still awaiting required documents to proceed any further with the investigation. All documents relating to said fatalities should be produced in a timely manner or to a strict deadline. It is not acceptable for duty holders to withhold any information or evidence when a fatality has occurred and the industry regulator should have the governing powers to demand all documentation immediately.

However very conveniently in my fathers case certain documents were missing and were required to be requested over and over again.

Whilst it is understandable that an investigation can take time and I've been led to believe it is a long process, investigations are taking 12months plus. This interrupts the natural grieving process for families and can be mentally challenging as we have already suffered an unimaginable loss... but to be left with very little to no answers 10 months in and further it's absolutely heartbreaking.

There needs to be greater transparency when it comes to dealing with families and investigations.

Whilst I recognise that early on in an investigation the evidence may point towards a certain fault or failure and very quickly that can change with further investigation- it's important to note that families live in the dark, we live in fear every single day that nobody will be held accountable for our loved ones death. Surely there is a way to reach a happy medium when it comes to informing families of the investigation progress whilst also maintaining a level of confidentiality.

From our personal experience we have been privy to some of what took place that fateful day from speaking with my fathers work colleagues, so therefore that is information I have been able to

convey with our case worker.

I believe that a stronger presence of the regulator on our worksites and workplaces would in time naturally foster a more positive mentality towards safety. The police govern the roads to ultimately deter people from doing the wrong thing which could in turn lead to road traffic accidents and deaths, yet Worksafe as the industry regulator are not governing our worksites to deter negligent and reckless behaviours, therefore these companies and business are self regulating and in general unsafe work practises are occurring daily, shortcuts are being taken, poor quality materials being supplied and safety procedures are not being adhered too. The lax safety culture in Australia is shocking and it's critical that the regulator has the means and the power to enforce changes or more people are going to die. Without a doubt Safety should be at the forefront of every business or company.

I believe the depth and scope of an investigation needs to be re-evaluated , the safety culture and poor reputation or good reputation for that matter of a company prior to a fatality occurring needs to be taken into consideration. For example if a company has a persistent issue with near misses and serious incidents occurring constantly then this history should form part of the investigation of said incident, as its clearly indicative of a cultural or systematic failure towards safety.

The current laws and legislations are not disincentive enough for employers to wilfully ensure the safety of all their employees.

The current penalties and provisions held by The regulator do not fit the crime especially in circumstances when a fatality has occurred. There needs to be a harmonisation of safety legislations so that each state and territory is operating under similar provisions. The RSPCA holds tougher provisions for both monetary and jail terms. Yet employers are getting away with killing people not animals with a mere slap on the wrist or small fine.

It is extremely difficult to trust in an industry (albeit the regulator) that has clearly already failed my father beyond comprehension.

If the current safety laws and legislations were working as intended then my Dad would still be here today. The industry, the regulator and all safety entities are systematically failing, this is evident in the very fact that 18 people never went home to their loved ones this year alone and we are only in March.

If employers do not actively and willingly adopt safe work practises and procedures then it is up to the regulator and the government to enforce laws, legislations and framework that ensures beyond reasonable doubt that they must abide by these acts or they will be penalised to the full extent and our jurisdiction must allow for this to occur.

Sent from my iPhone