



YOUR NAME

11th of October 2017

Standing Committee on Public Administration
Legislative Council Committee Office
Ground Floor 18-32 Parliament Place
West Perth


Attention: Standing Committee

I was elected to the position as O.S.H. Representative at _____ in 2010 and immediately realised the ineffectiveness of my position. Numerous meetings made me aware that the O.S.H. Act didn't apply to what really happened in the day to day events of a school and my role was symbolic. I really had no influence and whatever I said was disregarded. My contact with other O.S.H. Representatives across the State reinforced this assumption as they had similar experiences.

Our staff has experienced difficulties applying behaviour management processes in our school for many years and our teachers have suffered because of this problem. This led to our union branch submitting motions to our District Director and State Council of the State School Teachers Union from 2007 through to 2011. (The behaviours experienced and limited response is illustrated in document labelled one)

I alerted my managers to the problems we confronted managing this behaviour in our school and how we had an unsafe work environment. This advice was never acted upon and consequently by the end of the year I issued a Provisional Improvement Notice on my Principal. This notice was served on the 30th of November, 2010. (Document Two is a copy of this Provisional Improvement Notice)

On the 15th of December 2010, I had a meeting with two Worksafe Inspectors that disturbed me because it involved two Inspectors meeting one person with no witnesses being present.



[REDACTED]

The two Inspectors were [REDACTED] and [REDACTED]. They both informed me that my Provisional Improvement Notice was invalid because behaviour of students was not a safety issue and teachers were like police and nurses "being threatened was part of our job description and we should expect it". They declared that my P.I.N was invalid. Document Three is this Review of my Notice.

I appealed to the head of Worksafe, [REDACTED] and he reiterated what these two Inspectors said. (His response is outlined in Document Four which I received on the 14th of March, 2011)

On the 29th of March 2011, [REDACTED], Director General of Education supported this belief by stating that behaviour management was not part of a teachers working environment. (Document Five outlines this belief that ignores fundamental parts of the O.S.H. Act)

In May, 2011 the O.S.H. Organiser via the S.S.T.U. President responded to the [REDACTED] Council requests about the application of Provisional Improvement Notices across the State and she provides the number of notices served by Worksafe since 2007. Interesting enough none of these notices involve behaviour management. There has never been a Provisional Improvement Notice given to a school Principal relating to the management of behaviour. Even the union accepts this stance as far back as 2011. (Document Six supports this assumption)

In June 2011, I contacted [REDACTED] and he was quite concerned about how our teachers union responds to such attacks on teachers and Document Seven illustrates his view quite clearly.

Finally, in June 2017, our teachers union responded to this mess in our General Agreement 2014-17 Review. Subsequently, a motion was passed to address this impasse at State Conference. (Addressed in Document Eight)

All these documents reinforce the fact that Worksafe does not protect teachers in West Australian schools as it should under Section 19 of the O.S.H. Act relating to duty of care and safe systems.

[REDACTED]

In 2011, the Department's Expert Review Group stated that [REDACTED] failed to manage student behaviour in a consistent manner after nine years of mismanagement. If we had a working O.S.H. Act this would not have happened. We would have had a safe school plus precious resources would not have been wasted on this review that basically up to now has not changed things.

I have been informed by teachers that documentation of serious events is not being completed because teachers themselves are discouraged from reporting. I am told that Administrators use reports to suggest teachers are not forming relationships with troubled students demonstrating substandard teaching practices. As such many teachers do not report what really happens in schools. (Document Eight illustrates how the State Council of the S.S.T.U.W.A wants this to change and have all incidents involving threatening behaviour reported) As mentioned this union motion for change was passed at the 2017 June State Council. At the moment change has not happened in schools as the need has not been identified by Administration. Reporting of serious incidents needs to be mandated and encouraged. Any associated punitive connotation that teachers are somehow substandard and responsible for poor student behaviour is to be removed. Clear processes outlining these basics amendments should be documented so teachers will feel supported and validated when difficult serious incidents occur. Today though, many teachers still operate in workplaces that are not safe. Consequently, we have many teachers leaving the profession earlier than anticipated. The unacceptable level of stress added to teachers' working days is evidenced in the large numbers of daily absenteeism throughout the state. The degree of abuse that teachers are subjected to would not be accepted in most other workplaces in this state. This is unacceptable at all levels and needs to be addressed in this new legislation.

Yours sincerely

William Kilner



As q

22 November 2007

Dear

Branch Motion Concerning Violence and Abuse at

The _____ branch of the union has held three specially convened branch meetings in recent weeks as a response to our growing concern about issues of violence, threats and abuse of teachers by students. These meetings have resulted in a motion which has been unanimously passed by members. The motion reads as follows:

This branch, in responding to the legitimate concerns of members and in support of the school administration, calls for urgent action to be taken to address the issue of Violence and Abuse in the Workplace. Many staff continue to endure insults and abuse from students in the conduct of their daily duties. This has resulted in serious disruption to the teaching and learning environment, has had a detrimental impact on the wellbeing of staff and led to perceptions of poor behavioural standards at _____ in the wider community which undermine confidence in government schooling.

This branch calls upon the department to provide adequate resourcing to address the issue in a comprehensive and proactive manner by:

1. Recognising that we are not equipped, resourced or staffed to meet the needs of severely alienated youth; their needs cannot be met in the mainstream context at _____ as they require additional resourcing, specialist provision and external agency support. Such students continue to cause significant disruption in the school to the detriment of students and staff alike. This branch therefore calls upon the department to make urgent provision to meet the needs of severely alienated students through the provision of additional resourcing at district and school level.

100.1

2. Resourcing the school so as to enable its operation in a manner consistent with OHS Act (1984) such that incidents of violence, threats and abuse directed at teachers and other staff are dealt with immediately, consistently and restoratively.

In drafting these motions, the branch has been mindful of the considerable workload experienced by our school staff and administration in our attempts to manage the issue of behaviour management in the school. Notwithstanding these endeavours, the membership feels that urgent measures need to be taken in order to deal with the issue of violence, abuse and non-compliance directed at teachers by students in the school. We understand that such measures will necessitate changes to staffing and resourcing at the school.

The branch sees issues of violence and abuse of staff as the most serious industrial and OHS issue and we are keen to play a constructive and proactive part in addressing it. We attach copies of OHS Abuse and Violence at Work report forms gathered over the past two to three weeks which have been faxed to _____ at the union.

As we approach the end of term 4, we feel that we have a window of opportunity to start 2008 with a renewed commitment and logistical plans to rid the school of abuse of staff. This will require prioritising and resourcing behaviour management such that teachers have increased capacity to manage difficult and abusive students and, importantly, ensuring that identified personnel are on hand to support teachers and to deal with behaviour management issues immediately, consistently and restoratively.

The branch recognises that this has not occurred in the past due to staff shortages, administrative workload, conflicting priorities and a host of other logistical difficulties. We do not doubt the commitment of the school administration or the district on this issue but feel that it is time to make it an absolute priority for the sake of students, teachers and the rest of the school community. We have a great school with many dedicated staff, excellent students and innovative programs however, we risk undermining these positives if we do not address this issue comprehensively and urgently.

This branch therefore calls upon the District Office to assist in the resolution of this urgent Occupational Health and Safety matter as required by the agreed process under the act with a view to having a strategy and sufficient resources in place for 2008. Should this not be possible we will need to refer the matter to the Executive Director as per the agreed process.

In order that our branch can discuss this matter further we would appreciate a reply by 4 December 2007.

F

OSH Reports – Violence and Abuse
Directed at Teachers November 2008

1. Year 8 female to her female teacher – “Who the fuck do you think you are?” Unknown consequence, no resolution.
2. Year 8 female to female teacher – “You stupid fat arsed slut” Unknown consequence, no resolution.
3. Year 8 male to female teacher – “What would she (the teacher) look like wearing a strap on dildo?” consequence unknown, no resolution.
4. Year 8 male to female teacher – student called me “A bitch” Unknown consequence, no resolution
5. Year 9 male to male teacher – student told me to “Fuck off” unknown action no resolution.
6. Year 9 male to female teacher – student told me to “Go and fuck yourself” 2 days suspension no resolution
7. Year 8 female to male teacher – “Fuck this, fuck you” student sent to apologise, no suspension, but some resolution.
8. Year 10 male to Male HOLA – Threatened and shoved teacher who reported the incident tot the police – suspended no resolution.
9. Year 8-10 male and female – innumerable abuse and threats to punch teacher toward level 3 PC – 5-10 days suspension, no resolution.
10. Year 10 male to female “how’s your sex life” whilst waving phallic object in face – 3 days suspension and resolution (by PC).
11. Year 8 boy to male “Stop throwing paper” – “Go and get fucked”.
12. Year 8 boy to Female AP – “Your voice sounds rough coz you suck cock” - lengthy suspension – unreported.

13. Year 8 boy to Female Teacher – “Fuck off, Fuck you” really loud – unknown, no resolution.
14. Year 8 male to HOD male – “Fuck off, Get fucked” – unknown, no resolution
15. Year 9 male to HOD male – “Student shoved me in the chest” – suspended, no resolution
16. Year 9 male to Male teacher – “Called me dumb-ass, Asked me to touch his penis”
17. Year 8 male, year 8 female “comments about size of teacher backside” action no resolution.
18. Year 8 male - Shone laser into eyes of male teacher – injury to cornea, headaches, drops, treatment – 1 day suspension – no resolution – workers comp – Bodily harm.
19. Ditto to laser to eye – different kid – 1 day suspension
20. Year 9 male to male relief teacher – “accused me of calling him nigger” – no action no resolution.
21. Year 9 male to male teacher – “repeatedly told to fuck off” – student told to apologise.
22. Year 9 male to male teacher – “told to fuck off” – apology.
23. Year 11 male to female relief “sexually explicit discussions – “he's gay, he takes it up the arse” – repto ? no response.
24. Year 8 male x2 to Tic Prac teacher – “told me I was fucked”.
25. Year 9 male to Female teacher – “stood 3cm from face and pulled threatening faces – very threatening physically” – 3 days suspension, no resolution.



Government of Western Australia
Department of Commerce

DOC. 2



POST: PO Box 294 West Perth 6872
FAX: 08 - 9321 8973
EMAIL: safety@commerce.wa.gov.au
HAND DELIVERY: L5 WestCentre 1260 Hay St West Perth
ENQUIRY: 1300 307 877

Provisional Improvement Notice (PIN)

This provisional improvement notice is issued in accordance with section 51AC of the *Occupational Safety and Health Act 1984 (Act)*. Failure to comply with this provisional improvement notice is an offence under section 51AG of the Act.

Issued to:	Dept. of Education 151 Royal St. East Perth 6001 <small>If this notice is issued to an employee then they must provide a copy to their employer forthwith</small>	Right of Review (section 51AH) The person to whom this notice is issued may, in writing, seek to have the notice reviewed by a WorkSafe inspector. If this notice has been issued to an employee then their employer also has the right of review. The Department must receive the request to review this notice before the remedy date indicated below. Otherwise the right of review is forfeited. In the case of review an inspector may affirm the notice; affirm and modify the notice, or cancel the notice. The written review request may be delivered by hand, posted, emailed or faxed to the contacts above.
In relation to:	[REDACTED] and his management with regards to behaviour	
At:		
Issued on:	30 / 11 / 2010	

I, **WILLIAM KILNER** WORKSAFE ID
(insert name)
am the elected safety and health representative (SHR) for this workplace group
I am qualified under section 51AB to issue this notice

I have formed the opinion that:

- you are contravening OR
- you have contravened in circumstances that make it likely that the contravention will continue or be repeated

EITHER: **SECTION 19 / DUTY OF CARE / SAFE SYSTEMS**
Section (insert the number of the section of the Act) of the *Occupational Safety and Health Act 1984*
OR
Regulation (insert the number of the regulation) of the *Occupational Safety and Health Regulations 1996*.
Please note only fill in either the section of the Act or the regulation NOT both

The reasonable grounds for my opinion are as follows:
Inconsistent application of behaviour management process creates an unsafe environment where teachers feel threatened, bullied and helpless.

SHR Signature: _____

Remedy date: The above matter must be remedied by no later than **10 / 12 / 2010** (date), at _____ (24 hr time)

This date must be more than seven days from the issuance of this notice.

Instructions for correcting the contravention/s:

Note: This section is to be used by the SHR to suggest measures to resolve the matter. It is not mandatory. Codes of practice may be referred to.

There are consequences for abusing and threatening teachers.

Name of person who received this notice Position

INSPECTOR'S USE ONLY - Review

- Affirm this notice
 Affirm and modify this notice or
 Cancel this notice
Corresponding WorkSafe Identifications, eg:

file numbers _____

notice numbers _____

investigation numbers _____

ABN, ACN, ABR _____

Inspector's name _____ Date _____

Signature: _____

NUMBER PIN []

OSH Enquiry Number

OUTCOME REVIEW PROVISIONAL IMPROVEMENT NOTICE

Issued to:

Correct legal entity State of Western Australia:
 Responsible Agency Department of Education
 T/A _____

Address _____

Place _____



Department of Consumer and
Employment Protection



PO Box 294, West Perth WA 6872

Telephone: (08) 9327 8777

Facsimile: (08) 9321 8973

Email: safety@docep.wa.gov.auInternet: www.docep.wa.gov.au

1. In relation to the review of provisional improvement notice:

- Issued to: (include here the exact details indicated on the original PIN) Dept. of Education
- Issued by: WILLIAM KILNER ID
- In relation to: Behavior Management Process
- Section/Regulation: Section 19
- Date of issue: 1.12.10
- Compliance date: 13.12.10

2. I have reviewed the provisional improvement notice referred to in (1) above in accordance with section 51AH of the Occupational Safety and Health Act 1984. Having considered your submission and the circumstances in which the notice was issued I have decided to:

- affirm the notice
- affirm the notice with modifications
- modify the date for compliance to:
- modify the directions on the notice as follows:
- cancel the notice
- cancel the notice
- cancel the notice and issue notice number:

Note: If an Inspector cancels a provisional improvement notice, no further action is required in relation to the provisional improvement notice. If an Inspector affirms a provisional improvement notice with or without modifications, the notice has effect as if it had been issued by the Inspector under section 48.

Received by _____ Position _____ Date 15 12 10

Signature of Recipient _____ Time (24 hr) _____

Workplace Contact Name _____ Contact Phone No _____

Inspector _____ Inspector Number _____ Signature _____

This form and the PIN, or copy of them, must be displayed in a prominent place at or near the workplace affected by the notice.

REFER TO REVERSE SIDE FOR NOTES

- Original: person to whom PIN was issued Copy: other affected person (if any) Copy: qualified representative Copy: WorkSafe

Note: This portion only applies when the PIN is affirmed with or without modifications.

This portion is to be signed and returned when requirements as shown in the PIN referred to above have been completed.

Section 48(5) of the Act provides that a person to whom an Improvement Notice is issued commits an offence if the WorkSafe Commissioner is not notified forthwith upon the requirements of the Improvement Notice being satisfied.

To: WorkSafe Western Australia Commissioner
 PO Box 294

Inspector _____ Inspector Number _____

Number PIN _____

Name _____

Position _____

Signature _____

Date _____



Government of Western Australia
Department of Commerce



DOC 4

Your Ref:

Our Ref:

Enquiries: 07

14 March 2011

Mr William Kilner

Phoned :
3/3/2011
1.25 PM.

Dear Mr Kilner

- PROVISIONAL IMPROVEMENT NOTICE

You issued a Provisional Improvement Notice (PIN) to the Department of Education on 30 November 2010. (the person issued with the PIN) requested a review of the PIN on 2 December 2010, and two inspectors subsequently visited on 15 December 2010.

Senior Inspector explained to you there were a number of concerns with the PIN, including:

- PIN issued to an incorrect legal entity;
- PIN did not indicate the location of the alleged breach;
- PIN did not state reasonable grounds for the contravention;
- PIN did not contain reasonable directions (instructions for correcting the contravention).

On this basis he cancelled the PIN, and sent a form outlining the results of the PIN review to [redacted], with a request that she showed you the form.

WorkSafe inspectors will review the workplace situation as well as the PIN, and decide whether to issue their own notice. In this case, neither inspector formed the opinion that there was a breach of occupational safety and health law, so no notice was issued. I understand this was explained to you on 15 December 2010.

A PIN can only be reviewed within the framework of the *Occupational Safety and Health Act*, and this was carried out by [redacted] in December 2010, according to WorkSafe's procedures.

Yours sincerely

A/WorkSafe Western Australia Commissioner



Government of Western Australia
Department of Education

Your ref
Our ref 28-24869-D11/016200
Enquiries

DOC. 5

Mr William Kilner

Dear Mr Kilner

I refer to your letter dated 25 February 2011 to the Commissioner, copied to the Worksafe Minister for Education regarding a Provisional Improvement Notice (PIN) concerning [redacted]. The Minister has asked me to respond on her behalf.

I understand that at the time the PIN was lodged, [redacted] identified the content as relating to behaviour management. As the PIN in question referred to occupational safety and health, [redacted] requested it be reviewed. [redacted] identification of the content being behaviour management related was confirmed by the Worksafe inspectors who visited the site on 15 December 2010 to review the PIN. Subsequently the notice was cancelled on 16 December 2010.

Given that the issue is related to [redacted] behaviour management, the focus should be on effecting change in these areas. I understand the school has rigorous behaviour management policies and procedures and I encourage you to assist the school to review these in an ongoing basis. It is important for policies and procedures to continually improve in order to meet the needs of an ever changing school environment.

Thank you for raising your concerns.

Yours sincerely

DIRECTOR GENERAL

29 MAR 2011

DOC. 6

Attention:

I issued a Provisional Improvement Notice last year and was informed by [redacted] the Commissioner of Worksafe that I have issued it incorrectly.

I suggest that if you read the documents you will realize that I haven't done this.

Unfortunately, it seems that Worksafe is intent upon deeming any complaints relating to student behaviour as being relevant to managing student behaviour. If you read the Occupational Safety and Health Act it is clear under sections 19 and 22 that the employer has certain responsibilities and obviously this is not a defence..

Unfortunately, the Worksafe Inspectors and [redacted] refused to look at my evidence. The evidence centred around the fact that we had a non compliant student who abused, intimidated staff and bashed students. According to his management plans and school policy his entry into school was dependent on his mother signing a contract.

His mother refused to sign this contract and consequently failed to abide by our school policy relating to the safe management of our school. This has not been followed and consequently the health and safety of staff is threatened and the Principal's claim that the Education Act over rides everything and she is compelled to take in all students regardless of their transgressions is incorrect.

The parent has a responsibility to ensure the student is willing to comply and the school in order to provide a safe environment must ensure this process is followed. It is not about behavioural management, it is about enforcing policy. The Department is responsible for finding an alternative for this student.

Regards Bill Kilner

14TH May 2011

The OSH Organiser and other industrial staff have always found WorkSafe to be approachable and responsive to matters raised regarding OSH in schools.

In addition, the fact that the OSH Organiser is a member of the WorkSafe Commission gives the SSTUWA a unique opportunity to raise Education Specific matters at the highest level and have our views taken into account regarding the development of new legislation and codes of practice.

The cancellation of one PIN should not be seen as a crisis in confidence in the enforcement of OSH in schools.

YAHOO! MAIL

DOC. 7

FW:

Wednesday, 8 June, 2011 2:02 AM

From:

To:

Bill

This is the last paragraph of a letter that I wrote to
Regards

Ph: .
Email: .

From:**Sent:** Wednesday, 8 June 2011 9:58 AM**To:** .**Subject:** .

Some months ago I met with a member of your union committee, and discussed at length the question of safety of teachers. I am astounded that your union is not more steadfast in refusing to teach pupils who assault teachers. I understand that a pupil can only be suspended for 10 days maximum if they assault a teacher and if the assault occurs on the last day of school the suspension period runs into the holidays! I find this worrying. No teacher should be assaulted or abused at work, it is outrageous, nor should teachers have to become social workers. I hope your union toughens up its stance on this matter.

Email: .

Website:

Doc. 8 State Council June 2017 Decisions SSTU

SC 11 General Agreement 2014 - 2017 Report
Pg. 28

The inconsistency between an agreed occupational safety and health (OSH) resolution process which has at its centre the employer – in this case represented by the deputy director-general and a department-held view that the principal is responsible for resolving everything at the worksite.

A reluctance to interpret legislation or policy in favour of the school rather than an individual student.

SC.24

The call on the SSTUWA to formally request that DoE meets its obligations under the OSH Act and ensure that employees in schools are informed that they must report and complete an AIR form with regards to serious assaults by students and members of public, this includes physical assaults, sustained serious verbal assault especially with regards to those of a racial or sexual nature. Also that OSH processes are explicitly followed in that OSH reps are informed of such incidents and that Online Incident Notification Reports are completed to ensure that DoE has a true record of the level of violence that employees are witnessing and actually experiencing in schools; such reports should be provided to the school's OSH rep and individual employee to ensure that DoE is meeting its requirements with regards to the OSH Act.