



SEACARE HSR FORUM 2009

A Union Perspective

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TOPIC:

1. The Role of a HSR is an under utilised area of the OHS (MI) Act
2. Potential to use HSR's to achieve real improvements in meeting National Strategy targets

3 DEATHS to MANY

- 3 Fatalities 08/09:
- IR on Spirit of Esperance
- IR on FSO Karratha Spirit
- Engineer on Australian registered cruise ship Oceanic Discoverer
- Both fatalities under the jurisdiction of the OHS (MI) Act
- **FIRST FATALITIES IN 14 YEARS**
- **IT'S NOT GOOD ENOUGH**

HOW DO WE LEARN FROM THESE FATALITIES?

- Regulators and stakeholders (Shipping Operators & Unions) will need to carefully examine the reports of ATSB & NZ Maritime when they become available to identify what steps need to be taken to prevent such incidents in the future
- That no matter the respective reports findings we need to use the incident & investigative outcomes to place renewed emphasis on ship board safety
- This will present renewed opportunity for HSR involvement & or implementation



*To Improve Safety Outcomes
we must commence from the
premise that ALL Fatalities
and Injuries are preventable*

Why are HSR's under utilised?

- OH&S (MI) provides for HSR's and Committees
- **However** these are not mandatory under OH&S (MI)
- HSR's may be selected:
 - 41 Selection of health and safety representatives***
 - (1) One health and safety representative may be selected for each designated work group.*
- Therefore Employers don't have an obligation

Why are HSR's under utilised?

- From 1893 to 1993 Unions fought with industrial muscle for safe working conditions.
- The advent of the OHS(MI) Act compelled employers legislatively to ensure safe workplaces as opposed to common law jurisdiction
- Unions/ employees ceded control of OHS to employers

Why are HSR's under utilised?

Other factors

- the ageing of the Australian Bluewater fleet
- the Ship owner objective of reducing operating costs, such as maintenance costs and it is in these circumstances that safety can be compromised
- In the offshore fleet the likely occurrence of more frequent and more intense weather events is also likely to affect the risk profile, again placing pressure on crews to perform in more difficult operating situations
- Safety Committee Meetings: Going through the motions i.e. to meet legislative or ship management requirements without practical outcomes

RETHINKING THE ROLE OF THE HSR

- Does every swing on every ship have a trained HSR for each designated workgroup?
- How effective is the HSR training in not just imparting technical information about rights and obligations, but on building confidence to know when and how to utilise the role ?
- What is the approach of both shore based and on board management to the HSR – are they genuinely engaged by management as part of the building and operation of a safety culture?

HSR's are not OHS Agitators

- HSR's must become an important voice in helping develop the safety culture and encouraging the continuous improvement approach to OHS performance necessary for safe workplaces



HSR's are just one part of a bigger safety picture and safety can't be seen in isolation of the wider shipping environment

What do the MUA Advocate for a Safer Shipping Industry?

- Comprehensive reform of the Shipping Industry that includes:
 - New investment in ships will result in a modern and better designed fleet – this will improve safety outcomes
 - Greater Australian participation in the Australian costal freight task will result in safer crews and greater management/labour control over safety
 - A maritime industry workforce development and skills plan that will ensure a renewal of the workforce and a stronger emphasis on seafarer skills and capability – again, this will improve safety

ILO MARITIME LABOUR CONVENTION (MLC)

- MLC Standard A4.3 - Health and safety protection and accident prevention:
“.....specify the authority of the ship's seafarers appointed or elected as safety representatives to participate in meetings of the ship's safety committee. Such a committee shall be established on board a ship on which there are five or more seafarers

ILO MARITIME LABOUR CONVENTION (MLC)

- If and when Australia ratifies the MLC, there will need to be amendment to the OHS (MI) to comply
- Complex process – requires broad agreement and compliance strategies

ILO MARITIME LABOUR CONVENTION (MLC)

- We have been advocating to Government the need for an examination of the resources available to AMSA in performing both its OHS Inspectorate function and its emerging MLC functions
- Regrettably, AMSA has no dedicated or earmarked source of funding available for the OHS Inspectorate function – this cannot continue
- Furthermore it will be essential that AMSA have sufficient additional resources to perform the new Flag State and Port State responsibilities when the ILO MLC comes into force




Supporting HSR's

- While we believe more can be done to improve the performance of, and support given to, HSR's, we believe that wider shipping reforms are also necessary if we are to improve safety outcomes and improve the safety culture in the Australian shipping industry

Supporting HSR's

- **Lets not look at HSR's as a OHS burden**
- **Rather a practical role to improve & promote a safety culture in Australia's maritime industry second to none!**
- **Employers MUST encourage elections of HSR's with subsequent training**
- **Employees must feel confident that by accepting HSR roles their views are genuinely considered without fear or favour.**



*Remember when
dealing with OHS
WE ARE ALL on the
same side*