

27 September 2017

SafeWork member bulletin

On Monday 18 September the PSA was made aware through the Inspectors Vocational Group that SafeWork NSW had engaged a contractor to undertake inspector work. In particular, it was work relating to an investigation.

The PSA does not support the use of any labour hire/contract labour to undertake the work that should be performed by existing inspectors. We recognise that moving in this direction could set a precedent that will allow the organisation to recruit anyone into the inspectorate, outside of the inspectors award, and given authorities.

To that end, on Wednesday 20 September the PSA wrote to Helen Smirniotis expressing our strong opposition to the use of any contract labour on a number of grounds:

- » It conflicts with the MOU which says DFSI shall be the employer
- » No consultation has occurred on this significant decision
- » It does not meet requirements set out in the SafeWork Inspectors 2007 Award, particularly various subclauses of 16 'competency assessment'
- » As you are aware also, s156 of the WHS Act is very explicit about the circumstances where an inspector can be appointed. In our view, it is clear SafeWork has not met these provisions.

Further, we notified management of the grievance procedures under Clause 21 of the award and requested a meeting within two days per Clause 21.2 to discuss, in addition to the above points, why existing inspectors who have the capabilities, and skillset to take on this investigation had not been approached about the work first, and a possible solution of the creation of a temporary role to bring them under the various inspector instruments and avoid the above breaches.

Management has written in response to our request stating that it **has "had an opportunity to review the matters you have raised below,"** and has terminated the contractor appointment.

This represents a win for all inspectors in protecting your conditions of employment.

