Another brick in the wall: responses of the State to workplace fatalities in the New South Wales construction industry

Trompf, Peggy

Keywords: construction industry, fatalities, penalties, regulation

Issue Date: 31-Aug-2012

Publisher: University of Sydney. Business School, Work and Organisational Studies

Abstract: The construction industry is characterised by complex contracting and subcontracting arrangements, relatively short-term working phases and high levels of occupational injury and death. This thesis examined judgements brought by the New South Wales WorkCover Authority under the NSW Occupational Health and Safety Acts 1983 and 2000 for offences in regard to workplace fatalities, and which were heard in the Industrial Court of New South Wales from 1988-2008. It demonstrated that penalties were low, representing approximately 18 per cent of the maximum penalty allowable. This figure is commensurate with other research on penalties for workplace death, and the thesis reflects on procedures of judicial sentencing and if the de-contextualising of workplace crime in the court process and in the wider community acts to result in punishments that are questionable as deterrent measures. The thesis considers these questions through the lens of a broad political economy, addressing the social construction of penalties through the perspective of judicial rules and norms, regulatory policies, state legislation and ideological constructions about workplace health and safety offences as essentially non-criminal events.

Description: Doctor of Philosophy

URI: http://hdl.handle.net/2123/8855

Rights and Permissions: The author retains copyright of this thesis.

Type of Work: PhD Doctorate

Appears in Collections: Sydney Digital Theses (Open Access)

This work is protected by Copyright. All rights reserved. Access to this work is provided for the purposes of personal research and study. Except where permitted under the Copyright Act 1968, this work must not be copied or communicated to others without the express permission of the copyright owner. Use the persistent URI in this record to enable others to access this work.
But in the town it was well known. When they got home at night, their fat and Psychopathic wives would thrash them within inches of their lives. Here we go. We don’t need no education. We don’t need no thought control. No dark sarcasm in the classroom. Teacher leave them kids alone. 1, 2, 3, 4. Hey teacher leave them kids alone.

Construction is the most dangerous land-based work sector in Europe (the fishing industry being more dangerous). In the European Union, the fatal accident rate is nearly 13 workers per 100,000 as against 5 per 100,000 for the all-sector average (Source: Eurostat). In the U.S., there were 1,225 fatal occupational injuries in the construction sector in 2001 with an incidence rate of 13.3 per 100,000 employed workers. [1] For the same year the construction industry experienced 481,400 nonfatal injuries and illnesses at a rate of 7.9 per 100 full-time workers in the industry. The
Problem is not that the hazards and risks are unknown, it is that they are very difficult to control in a constantly changing work environment. Contents. 1 Construction Fatality Rates. Since 1990, the statistical authority for the European Union (Eurostat) has worked with member states on a harmonisation programme to give consistency to workplace injury statistics across the EU. To take account of differing industrial backgrounds across member states, Eurostat publishes industry standardised incidence rates. The UK consistently has one of the lowest rates of fatal injury across the EU. Fatal injury rates. Differences in the size of the workforce will impact on comparisons of the number of fatalities, both over time and between one group and another within a year (e.g. between different industry groups). In order to make robust comparisons it is important to consider the rate of fatal injury.