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******Media Release******

Construction peak body: Andrews Government workplace manslaughter laws won't enhance safety, denies legal rights

As the Victorian Parliament prepares to debate and pass Workplace Manslaughter Legislation, Victoria's peak civil construction body, the Civil Contractors Federation (CCF) Victoria, warns the legislation before parliament won't enhance safety outcomes, denies fair legal process, and will have detrimental effects on investment and employment.

CCF is concerned that with the legislation falling under the OHS Act, rather than the Crimes Act, individual legal rights against self-incrimination will be compromised.

There are questions to be answered about the rights of individuals under the OHS Act, with Worksafe Inspectors having more broad and coercive powers than Victoria Police in criminal matters.

'We all want to see safer outcomes at work. But that's not assisted by legislation that excludes employee liability for fatal workplace incidents and which denies employers natural justice; the right not to incriminate oneself in a legal investigation – a right open to every citizen of Victoria,' said John Kilgour, CEO of CCF Vic.

'The current legislation will give WorkSafe Inspectors the right to request and obtain documents from individuals, regardless of whether these documents might incriminate the individual.'

CCF is concerned that with the offence placed in the OHS Act and not the Crimes Act, the privilege against self-incrimination, otherwise known as the "right to silence" is a modified one.

'Under the current form of the legislation, construction companies – predominantly smaller operations – might be driven out of business. The proposed legislation is inconsistent with the spirit of the OH&S Act; under which workplace health and safety is the duty and responsibilities of *all* parties. And that's what we need culturally – joint responsibility – to properly address health and safety,' said Mr Kilgour.



'What the current legislation does is ignore the role of the individual in a workplace accident and predominantly sheets the blame home to businesses,' said Mr Kilgour.

The exclusion of employees from the application of the offence appears to represent departure from the principle of shared responsibility under the OHS Act.

'With the adoption of the Bill in its current form, the danger is that individual rights will be compromised, good operators will be driven out of business, and the fundamental question of *collective* responsibility for workplace safety will be undermined,' said Mr Kilgour.

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