

‘No appeal from the grave’

Phillip Hughes, workplace deaths and getting the balance right.

The death of cricketer Phillip Hughes on 27 November was one of several hundred workplace fatalities during 2014.

His death was indeed an accident. Today, bouncers are a tactic of intimidation, not the strategy of Bodyline.

Compared with thug-by, cricket is a safe game for kids and the middle-aged. Nonetheless, the risks increased for professionals after Kerry Packer rewrote the rules to make matches gladiatorial in order to boost television audiences and hence advertising revenues, and thereby profit.

Nor was Hughes’s death another killing for profit, unlike the tens of thousands expected over coming the decades as a result of cover-ups by Hardie Asbestos. After losing an appeal to the High Court, its directors paid the ultimate penalty of being excluded from collecting boardroom fees for a few years.

The manner of Hughes’s injury does raise a principle of occupational health and safety. Best practice is to remove the source of the danger. Second or third best is to minimize its ill-effects. For instance, machinery should be made quiet. Employers should not rest content with issuing earmuffs to its operators. School cricket coaches have long suspected that masks gave bowlers and batsmen a false sense of security.

The response

Following Hughes’s injury and death, the federal parliament stopped for a minute’s silence; the prime minister and leader of the opposition attended his funeral. Matches were abandoned and others postponed.

Given the context of Hughes’s death as one more industrial fatality was the response disproportionate?

First, the scale of the response relate to Hughes’ personal characteristics. He was young, had demonstrated early promise and a determination to prove himself worthy of a second chance. He was a team-player who accepted decisions by the selectors, his captain and umpires, unlike some of his generation with their ‘It’s-All-About-Me’ attitude.

The answer to whether the response was out of proportion is definitely ‘no’ in terms of the suffering of his nearest and dearest.

But the answer is just as firmly ‘yes’ if viewed in terms of how the heartbreak of the family and friends of other dead workers are mistreated – in effect, ignored or denied.

For example, the Adelaide mother of the eighteen-year old Daniel Madeley who had been torn apart by the unguarded machine he attended in 2004, felt so unheard that she set up Voices of Industrial Death, VOID.

The voice of Kay Catanzariti, mother of twenty-one-year old Ben decapitated in Canberra building site in July 2012, did not go in the void yet was hardly heard beyond the Construction Division of the CFMEU. Her address at a union rally to make WorkSafe proactive was one of the finest of that or any other year. Yet it will not appear in any collection of Best Australian Speeches because she is not a politician, a self-styled philanthropist, a trained killer or a public intellectual. Her kind of Australian is not known to editors.

Spreading the response

Hence, a proportionate response will be for State and Federal parliaments to stop every time a worker is killed; for the PM, premier, opposition leader and the relevant ministers to attend

every funeral and explain to families and friends why the law does so little to prevent such deaths.

Further, a proportionate response would be to repeal the laws that criminalise attempts by organised workers to reduce the death toll. Victorian construction workers used to stop the job for the day of a death on site. Such human decencies are now crimes.

Worse still, Melbourne workers were charged when they stopped for a few minutes one morning to take up a collection for the family of a workmate who had been killed.

The Hughes's teammates were in shock when they walked off. Play stopped and the match abandoned. A Cricket Australia official explained: 'Given how players across the country are feeling right now, it's just not the day to be playing cricket.'

If unionists behaved like that they would be fined up to \$7,000 and their union as much as a million for each offence.

Surely nobody thinks that construction workers, miners, wharfies and truck drivers are less affected by seeing a workmate killed?

Not out!

Gillard's review of the Australian Building and Construction Commission told the ex-judge to ignore Health and Safety in her boast 'to keep a tough cop on the block'. Her cop has never been sent in to prevent death and injuries.

Were each industrial death treated with the same media attention as that of Phillip Hughes, the death rate would come down.

At the same time, we need to change the law to fine employers who don't stop their job on the day of a death. In addition, the law should make them pay their workers for the rest of that day and for the time-off to attend their mate's funeral.

The Royal Commission into the death of four young Queenslanders installing pink bats is not disproportionate. What is out of proportion is that 400 other deaths at work are not subject to similar scrutiny. If there were a Royal Commission for every four deaths in industry, 150 Commissions would be going at any one time. They, too, would help to bring down the death toll.

Above all, that outcome needs organisation on the shop floor. The law now makes sure that such self-defence is not a risk, but a dead cert of fines.

Body bags

Has a want of proportion overtaken the return of the bodies of service personnel killed in Iraq and Afghanistan, with the PM and Opposition Leader at every funeral? The first thing to say is that these Australians should ever have been put in harm's way.

The next point is to supply an historical perspective to the behaviour of today's parliamentary leaders.

If Billy Hughes had had to attend memorials for each of the 60,000 dead Australians from the Great War, and if the British, French, German and Russian cabinet had attended those of the millions whom they sent to the slaughter, their war machines would have ground to a halt. The war would indeed have been over by Christmas 1914.

It is high time to get some proportionate thinking and behaviour into every realm of public policy.

Humphrey McQueen

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