

# **Australian Clinical Labs: Work, Health and Safety Matters and Concern**

## **NSW Courier Group**

We the undersigned Health and Safety Representatives (HSRs) are writing to you in relation to health and safety matters and concern by workers and their HSRs employed within the NSW Courier Group of Australian Clinical Labs (ACL)

The health and safety matters and concern are also in association with the proposed nature of changes to work within courier runs in NSW by ACL and without limiting to; these health and safety matters and concern are as follows;

- **Training**
- **Time Pressures**
- **Fatigue and Mental Stress**
- **Vehicles**
- **Manual Handling and Associated Matters**
- **Oversize and Overuse of Plastic Satchels**
- **Pay Entitlements and Pay Advice Irregularities**

### **Representation, Consultation and Primary Duty of Care Responsibilities**

#### **Work Health and Safety Act 2011 ("the WHS Act")**

HSRs are making representations with ACL pursuant to s68 of the WHS Act.

HSRs in making these representations are requesting ACL to meet its primary duty of care responsibilities in accordance with s19, 47, 48 and 49 of the WHS Act.

Outlined below is a brief overview of the health and safety matters and concern made by HSRs along with the reasonable request for consultation and measures to be undertaken by ACL to enable workers to have access to a safe workplace environment when performing their work.

#### ➤ **Training**

Workers and HSRs take issue with the ongoing failure by ACL to provide proper quality training to workers.

#### **Reasonable measures requested by HSRs to be undertaken by ACL**

ACL are requested to engage in consultation with HSRs for the purpose of developing an agreed structured training program containing training modules, compliance and certification processes following the completion of the training module.

The training program is required to be developed for workers receiving quality structured training for enabling workers to meet not only their terms and conditions of employment obligations but for the purpose of being able to obtain the necessary skills to operate various technology platforms and carrying out their full range of typical duties and associated functions in a safe work environment.

### ➤ Time Pressures

The present design of the new run changes involve excessive travel distances across congested traffic areas to service both scheduled and routine (ad hoc – click and collect routine collection) stops.

Inadequate and/or absence of time allowances are evident across new runs for undertaking the full range of duties for servicing scheduled stops. One example of an absent time allowance is for when refuelling vehicles. Furthermore, no time allowance is provided for whatsoever when workers are required to perform additional work to service routine stops.

The shift duration attached to the new run require workers to complete their scheduled work only within the allocated shift timeframe. The scheduled work and shift duration involves some new runs being required to be undertaken by workers in a regular overtime situation.

Workers are already sacrificing their unpaid Award breaks and working unpaid overtime to complete workloads that exceed their allocated shift time.

In this regard, time pressures and unpaid work will apply to the overwhelming majority, if not all workers, given the excessive travel across congested traffic areas and where it will be required to service additional routine stops within the allocated shift time.

New employees often in a very short space of time of their employment are failing to cope with time offering not matching the workloads imposed on them. This situation is not only contributing to unpaid work but is also contributing to the alarming high turnover rate of workers and causing a regular shortfall in resourcing requirements.

#### **Reasonable measures requested by HSRs to be undertaken by ACL**

ACL are requested to engage in consultation with HSRs for the purpose of resolving this health and safety matter of concern associated with time pressures.

HSRs are requesting for consultation to include an agreed process for terms of reference being developed for the conduct of a risk assessment into time pressures associated with the new runs and for the risk assessment to be undertaken by an agreed independent consultant.

The independent consultant should have the relevant qualification and expertise for conducting the risk assessment and be required to furnish a report containing findings and recommendations for consideration by ACL in consultation with HSRs and workers.

### ➤ Fatigue and Mental Stress

As mentioned, the design of new runs contemplated by ACL involves excessive travel distances across congested traffic areas. Workers and their HSRs believe this substantial change in work design alone, shall pose a risk to the health and safety of workers and other persons such as road users.

Workers are fearful for their health and safety in this regard given the real expectation of fatigue and mental stress conditions accelerating to a unsafe level when combining scheduled stop work with routine stop work "Time Pressures" matters, outlined above.

Furthermore, the inappropriate manner in how the courier despatch allocates and despatches additional routine stop collections via the Mobilink system is already of an extreme alarming concern to workers. Workers are not only reporting an increase in sacrificing their meal break and/or engaging in unpaid work when being required to service routine stops but are also reporting claims of alleged inappropriate behaviour by some courier despatch personnel being carried out against workers. This alleged inappropriate behaviour is of a major concern given such affected workers are suffering from mental stress as a result.

Workers have grave fears for their welfare and health and safety given the threat of fatigue and mental stress conditions becoming a regular normality amongst all workers if the proposed unsafe systems of work contemplated by ACL are introduced.

#### **Reasonable measures requested by HSRs to be undertaken by ACL**

ACL are requesting ACL to engage in consultation with HSRs for the purpose of resolving fatigue and mental stress conditions threatening and/or affecting workers health and safety that shall be caused by the unsafe systems of work within the scope of changes contemplated by ACL.

HSRs are requesting for consultation to include an agreed process for terms of reference being developed for the conduct of a risk assessment into fatigue and mental stress conditions threatening workers if they are required to perform work in a unsafe work environment presently contemplated by ACL. The risk assessment is required to be undertaken by an agreed independent consultant.

The independent consultant should have the relevant qualifications and expertise for conducting the risk assessment and be required to furnish a report containing findings and recommendations for consideration by ACL in consultation with HSRs and workers.

#### **➤ Vehicles**

HSRs are concerned with the suitability and ageing of vehicles within the present fleet for utilisation by workers when performing their duties.

HSRs are of a view that most vehicles are not fit for purpose to fulfil work requirements and question whether some vehicles are in compliance with roads and traffic regulation requirements.

Of noticeable concern is where a high level of maintenance and repairs are being undertaken in a desperate effort to keep vehicles in service regardless of the poor vehicle condition.

Workers are furthermore constantly complaining about the poor quality with the washing of vehicles that do not provide for interior cleaning of vehicles contributing to hygiene health concerns.

Recently cages were installed into vehicles for apparent safety reasons, without any regard for consultation with workers or their HSRs. Workers are now confronting obstacles caused by the cages creating additional blind spots and restrictions with extended seat movement for providing a necessary driver posture position.

Since cages have been installed into vehicles, workers have complained to the absence of any consideration by ACL for providing facilities for storing and securing work equipment/accessories, stores and biological 'e.g.urine' specimens within vehicles.

### **Reasonable measures requested by HSRs to be undertaken by ACL**

ACL are requested to engage in consultation with HSRs for the purpose of resolving this health and safety matter by entering into an agreed process that includes terms of reference being developed for the conduct of an assessment into all the vehicle matters outlined above.

HSRs are requiring for the assessment to be assisted with an agreed independent consultant. The independent consultant shall be required to inquire and investigate this health and safety matter of concern and shall be required to furnish a report containing findings and recommendations for consideration by ACL in consultation with HSRs and workers.

#### **➤ Manual Handling and Associated Matters**

HSRs have concern with risk to workers health and safety given increasing manual handling and associated matters that shall be more prevalent in an unsafe work environment contemplated by ACL.

Workers are experiencing an increase in store product volumes being handled for delivery to both scheduled and routine stops and as already mentioned there are no time allowances whatsoever when workers are required to service routine stops in this regard.

Store product items of different weight, shapes and sizes are not only increasing in volume overall within current runs but are increasing in volume for delivery to a single stop. The carrying, delivery and collection of overweight centrifuge items is of an additional health and safety concern.

Spillage of store product is occurring on a regular basis given the manner in how stores are being packed and presented for delivery by workers.

Designated loading/unloading bays at the courier/warehouse premises are constantly been obstructed by heavy vehicles or when loading/unloading bays are filled with equipment/ goods and/or when being occupied by external vehicle mechanical services.

Workers are being put at risk with their health and safety when loading and/or unloading their vehicle. Workers have witnessed a near miss on multiple occasions to a personal injury being sustained given this unsafe work environment.

### **Reasonable measures requested by HSRs to be undertaken by ACL**

ACL are requested to engage in consultation with HSRs for the purpose of resolving this health and safety matter by entering into an agreed process that includes terms of reference being developed for the conduct of an assessment into these manual handling and associated matters described above.

HSRs are requiring for the assessment to be assisted by a qualified independent consultant. The qualified independent consultant shall be required to inquire and investigate this health and safety matter of concern and shall be required to furnish a report containing findings and recommendations for consideration by ACL in consultation with HSRs and workers.

### ➤ **Oversize and Overuse of Plastic Satchels**

All ACL workers including HSRs and workers in the courier group have major concerns with the oversize and overuse of multiple plastic satchels utilised for the collection, transportation and delivery of specimens and documentation collected from stops. Recently changed work practises imposed on collectors have resulted in a significant rise in the use of multiple plastic satchels that include oversize plastic satchels.

The increase in plastic satchels collected by workers is taking up most space in esky containers with very little space available for storing and securing actual specimen items.

#### **Reasonable measures requested by HSRs to be undertaken by ACL**

ACL are requested to engage in consultation with HSRs for the purpose of resolving this matter by entering into an agreed process for reducing plastic waste caused by the introduction of multiple and oversize plastic satchels at collection centres by ACL.

ACL are further called on to review their environmental policy, if any, in consultation with HSRs given community concerns with plastic materials and waste adversely impacting on the environment.

### ➤ **Pay Entitlements and Pay Advice Irregularities**

HSRs are deeply concerned with the welfare of workers and the impact on their families arising from payroll management processes failing to provide workers certainty in being paid correctly along with failing to provide workers with legible information within their pay advice.

A recent example of a elderly female worker being wrongly subjected to a backdated reduction in her Sunday rate of pay and subsequent overpayment of more than \$5000 without being provided due process whatsoever or management applying a standard due diligence process before a final management decision was made to act against this worker. This inappropriate conduct on the part of ACL is considered unethical and abhorrent.

More disturbing is whereby this worker in question suffered significant distress until the wrong decision was corrected and this correction only occurred following intervention by her local union representative. Failing this intervention, ACL stood to gain from a wage theft of around \$2,500 per annum from the entitled income of this worker.

ACL at no time showed any regard whatsoever for the health and wellbeing of this worker during her period of distress. Nor did ACL ensure this worker was not put at risk with her health and safety at work given her struggle to cope when attending each day to perform her work whilst this matter continued to hang around her neck until the correction was made.

#### **Reasonable measures requested by HSRs to be undertaken by ACL**

ACL are requested to engage in consultation with HSRs for the purpose of resolving this health and safety matter by entering into a process for developing an agreed protocol that provides for a management due diligence process to be undertaken along with workers being afforded due process before a final decision is made when ACL are managing pay irregularity matters of a kind.

Furthermore, ACL are requested to engage in consultation with HSRs for ensuring workers no longer suffer from distress when trying to determine whether they are paid correctly. HSRs are requesting ACL to provide workers with a legible pay advice containing pay entries matching ordinary earnings only and allowances separately.

### Primary Duty of Care Responsibilities

ACL have a primary duty of care responsibility to provide and maintain a safe work environment for its workers.

Workers are presently suffering from constant chaotic and poor management practises and decisions contributing to an unsafe work environment. HSRs are of the view that many of these chaotic and poor management practises and decisions are indeed inappropriate in terms of ACL avoiding its duty of care responsibilities with its workers.

HSRs are requiring ACL to undertake the abovementioned reasonable measures to ensure the health and safety of workers engaged or caused to be engaged and furthermore, requiring ACL to meet its duty of care responsibilities by ensuring:

- (a) the provision and maintenance of a work environment without risks to health and safety; and
- (b) the provision and maintenance of safe systems of work; and
- (c) the provision of adequate facilities for the welfare at work of workers in carrying out work, including ensuring access to those facilities; and
- (d) the provision of any information, training, instruction or supervision that is necessary to protect all workers and persons from risks to their health and safety arising from work carried out; and
- (e) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

In conclusion, HSRs are requiring for the abovementioned health and safety matters and concerns be resolved by ACL in consultation with HSRs and prior to any further consideration of introducing changes to work that put at risk the health and safety of workers and other persons.

Kind regards,



Jim Metcher



Peter Shortland



Sanjeev Sharma

Health and Safety Representatives, NSW Courier Group

Dated:

12 July 2023