

HARD TO BREATHE WHS & Smoke

2020 Survey on WHS and the Bushfire Smoke

 **UNIONSACT**

WE STAND FOR WORKING PEOPLE. ALWAYS.

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UnionsACT acknowledges that Canberra has been built on the land of the Ngunnawal people. We pay respect to their Elders and recognise the strength and resilience of Aboriginal and Torres Strait Islander peoples.

Canberran Workers, WHS and Smoke

UnionsACT surveyed over 960 Canberran workers, who were exposed to the bushfire smoke during December 2019 and January 2020.

This research demonstrates that a large proportion of working people were exposed to hazardous, toxic levels of smoke, and that many employers failed in their legal obligations to keep workers safe. The results also demonstrate the urgent need for stronger, clearer regulations for air pollution from sources such as bushfire smoke.

The research also demonstrates that negative health and safety consequences were felt more by vulnerable workers, including young workers and women, compounded by higher levels of income loss due to the smoke.

There is an urgent need for reform in the ACT to protect the safety and health of workers, and also federally to ensure workers do not pay the cost of air pollution and bushfire smoke hazards.

SMOKE HAZARD

Over 85% of workers worked in a smoke-filled workplace at some point during the December-January

period, exposing them to short-term health risks.

Half (50%) of Canberrans who worked during December and January worked in a smokey environment/workplace for more than 5 hours every day or almost every day. Just under half (45%) of those who worked in a smokey environment were working entirely or mostly outdoors.

The smoke and smokey environments/workplaces caused anxiety for one in three workers.

Almost 80% of workers felt sick or unwell due to smoke exposure at work. Fifteen percent of workers exposed to the smoke sought medical assistance while at work at least once during January-December.

Of the people who worked while exposed to the smoke, 10% undertook strenuous physical activity most or all of the time, and 14% were working outdoors directly exposed to the smoke.

“The messages on leave options were very mixed, with “official” emails not being backed up by the experience of individual staff when trying to access leave. Also,

63%

Number of workers who reported their employer failed to conduct a risk assessment in which workers were consulted.

50%

Number of workers who reported working for 5 hours or more in smoke filled workplaces in December-January.

37%

Number of workers who reported they did not feel free to voice their concerns to management about the smoke.

I do not feel that the mental health impact of the fire disaster is being taken seriously enough... Little to no mention has been made about mental health when talking about what support we can have, other than “call EAP” or “talk to our manager” (who in some cases, were not sympathetic)...”

were being damaged during the entire period, but there was nothing I could do because the smoke was pervasive. I have a 40 minute walk to work each way pulling a heavy trolley of work equipment, and did not want to have to do that but there was no way out of it.”

“While the breathing was exhausting at times, it was more the impact on my eyes – always stinging and having to constantly put in drops which meant I couldn’t see to do my job – this was most frustrating because we all had to continue to meet deadlines.”

“I was affected by smoke travelling to and from work. Smoke irritated my lungs and I got a lung infection, which required treatment with antibiotics.”

“It was difficult to breathe in the acrid smoke. I felt that my lungs

SAFETY PROCEDURES

The majority of workers reported that their employers did not take adequate steps to implement safety procedures.

Almost two thirds (63%) of workers reported their employer failed to conduct a risk assessment in which workers were consulted by management.

Over half (56%) of workers reported they were not offered alternative working arrangements away from the smoke.

Around half (53%) reported that their employer did not tell their workers what to do if the smoke made them sick.

Just under half (45%) reported their employer provided no information to workers about how to keep safe in the smoke.

Only 27% of employers provided some kind of safety equipment to their workers (such as a mask). However, almost a third (31%) of workers purchased and used their own equipment (such as a mask).

Of the workers who were provided with a mask or other equipment, the majority (56%) were provided with no training or information on how to use or fit it correctly.

receptionist in a small room with glass between me and customers. One small vent. Very warm-hot and in front of the door so every time it opened I was flooded with smoke. One day I was there the AQI was around 4400 and I was told we could not close early. My shifts range from 7-8 hours long.”

“The employer gave us some P2 masks, but they were only a 1-time use masks, and there were not enough of them to use every day, so most of the time our workers had no masks.”

“I am a school teacher and our leadership team made the children go outside to play even after receiving notice from ACT Health, forcing teachers to expose themselves to dangerous levels of smoke because of duty of care. I was also dismissed when I raised my concern because of my asthma... The school building itself let a lot of smoke into the classrooms as well.”

“The only thing my workplace owner did was have the aircon vents shut and locked. I am a

SAFETY AWARENESS

Most (67%) workers reported they were clear about their work safety rights.

However, most (54%) workers reported feeling that management would give them a hard time if they exercised their right to cease work if the smoke was unsafe.

More than two in five (42%) workers also reported they did not feel free to voice their concerns to management about the smoke. Additionally, a third (33%) stated they would not say anything to their employer and just hope the smoke would go away.

“The general office culture was that the smoke was nothing much to worry about, so as a new employee I felt unable to raise my concerns about the symptoms I was experiencing such as headache, nausea and shortness of breath.”

“I work in a school. We have no air-conditioned spaces... or air conditioning of any kind in the vast majority of classrooms. I haven’t heard anything from my employer about the plan for keeping us safe if the smoke ramps up again. I fear for my health and that of my students and am sick of being labelled as a trouble-maker/nuisance for asking for air conditioning.”

IMPACT ON INCOME

A significant number of workers (30%) reported losing some income due to their employer closing or shutting down at times because of the smoke. Almost one in ten (6%) workers received no income at all every day that the smoke caused their workplace to close.

Workers also reported not being able to access leave entitlements during the smoke period.

“I certainly spent plenty of money seeking respite from the smoke when not at work so as to prepare for each onslaught.”

“My employer was understanding if I decided I didn’t want to work because of the smoke, but I was offered no compensation for missing a shift because of this. My employer did not seem to grasp the importance/severity of the situation, and the conversation I had just to get the green light to miss work was very difficult and tense.”

ESTIMATING IMPACT ON WORKERS' INCOME

UnionsACT estimates that 18,000 workers lost at least \$6.6 million in wages due to the smoke, with more than 63,000 work days lost across the ACT due to the smoke.

	Full time	Part time	Total
Workplace closed due to smoke (at least 1 day)	27%	26%	
TOTAL WORKERS IN ACT	170,100	66,700	236,800
Total work days lost (assuming 1 per worker)	45,927	17,342	63,269
Workers not paid (assuming at least 1 day)	24%	42%	
Total workers not paid (at least 1 day)	11,022	7,284	18,306
Avg income lost (\$362 per day avg)	\$3,990,138	\$2,636,678	\$6,626,815

These calculations rely on ABS data (2019), and take the percentage of workers who reported losing income at least once during the smoke, who worked 5 or more hours on that day. The average daily income (\$362) is calculated by dividing by 5 the average weekly income for the ACT. The calculations therefore underestimate the lost income substantially, due to more than 6% of workers reporting losing income on multiple days.

IMPACT ON WOMEN

The smoke affected women differently to men.

Fewer women than men reported working in smoke-filled workplaces for extended periods (46% vs 55%).

More women than men reported feeling sick or unwell (34% vs 25%), and anxious or scared about working in the smoke (51% vs 33%).

Fewer women than men reported that their workplaces had an elected Health and Safety Representative (42% vs 47%).

More women than men purchased their own smoke mask for work (34% vs 28%), and fewer women than men were provided with a mask by their employer. When an employer did provide a mask, more women than men were not provided with training on how to properly use it (62% vs 52%)

19th - 28th Dec and spent until I returned to work recovering at home. I was informed I now have a 50cent size hole in my left lung and I also suffer with chronic asthma/bronchitis. This has also meant I have to take time off to attend medical appointments related to management of my respiratory illness."

"I've been getting headaches and had general malaise. My anxiety is also heightened. It's like the entire city has sick building syndrome."

"[Employers need to...] distribute masks. I have a small head and most commercially available masks do not fit me."

"I was off unable to breathe from 16th Dec until 8th Jan 2020. I was hospitalised and in ICU from

34%

Number of women workers who reported feeling sick or unwell due to the smoke.

42%

Number of women workers who reported working in a workplace with a Health and Safety Rep.

34%

Number of women workers who reported they purchased their own P2 smoke mask for work.

IMPACT ON YOUNG WORKERS

A large number of young workers were exposed to hazardous levels of bushfire smoke at work in December-January.

Young workers are workers aged under 25 years; this includes children aged under 18, including children aged 14 years. There is no minimum legal working age in the ACT. Employers have additional legal responsibilities to ensure the health and safety of young workers aged under 18.

Almost half (46%) of young workers reported working every day or almost every day for 5 hours or more while exposed to the smoke.

Working in the smoke made 15% of young workers feel sick or unwell every day. A significant number of young workers (57%) felt anxious or scared about working in the smoke.

The vast majority of employers (81%) did not offer alternative work arrangements to young workers, and most employers (67%) did not provide information to young workers about how to keep safe.

Most employers of young workers (69%) did not conduct a risk assessment.

Most employers of young workers (67%) did not tell young workers what to do if they felt sick or unwell due to the smoke.

Most (80%) young workers are employed in a

workplace that does not have an elected Health and Safety Representative.

Most (79%) employers of young workers did not provide protective equipment to young workers exposed to the smoke. Almost a third (31%) of young workers purchased their own mask. Of the employers who provided a smoke mask to their young employee, only 11% provided any training or instruction on how to use it.

Over half (54%) of young workers report they do not feel free to voice their concerns to their employer about the smoke.

Almost two thirds of young workers (64%) report they believe management would give them a hard time if they stopped work due unsafe smoke in the workplace.

More young workers than older workers lost income due to the smoke (42% vs 27%).

Twice as many young workers (10% vs 5%) reported receiving no income every day because their workplace shut down due to the smoke.

“Our employer provided us with crappy masks and told us that it was still safe to work even though you could physically see smoke inside the building. They did not provide us with P2 masks, and the courier drivers for my work still had to work outside collecting specimens for the lab throughout the smoke haze.”

“I work in a [major shopping centre], and the smoke became a serious hazard after the centre aircon was turned off around 5:30-6pm, after the full time staff had clocked off. They didn’t see the hazard so took no initiative in safety...”

“I work with children under 5. We were only closed for one day. I am an asthmatic, was expected to come to work, when I questioned the legality and ethical reasoning for this I was dismissed as being fussy and whiny.”

“I worked at [employer name], their standard for us was ridiculous. At times when we did raise concerns, they only responded that we would remain open.”

“My job involves giving tours, in a building with big front doors, which meant inside was just as smoky as outside. Talking non-stop for half an hour at a time was very difficult (especially on new years day when the smoke was so bad it was making it hard to see the end of the hallway).”

“There was one day where the smoke haze at my work was very bad. I felt sick due to the smoke and had to wear a mask all day. I

contacted our head office to ask if we could close early and was told that we would only be allowed to close if evacuated by the RFS.”

“At times I was uncomfortable due to the air quality in the building, but due to being in a customer-facing role I was unable to wear my P2 mask during a shift.”

“Even though I don’t have any lung/heart issues, the smoke has impacted my physical health and I’ve found it takes a toll physically and mentally. I feel lucky my work was shut down for most of the worst smoke days because I wouldn’t have known what to do about keeping myself safe at work - it’s hard to raise an issue when everyone else thinks it’s fine and you feel like you’re just whinging.”

CONCLUSION

This research shows that a very large proportion of employers failed in their statutory duty to provide their workers with a safe and healthy workplace by exposing their employees to hazardous smoke at work. Further, no, or few, efforts were made by most employers to eliminate or minimise smoke from workplaces.

The survey results show that vulnerable workers, including young workers and women, were more likely to experience negative health and safety impacts, and reduced income.

The presence of an elected Health and Safety Representative resulted in fewer adverse consequences for workers' health and safety during the December-January period.

Unsafe exposure to smoke in workplaces occurred in a context of persistent levels of highly hazardous smoke covering most or all of the ACT. Air pollution in the ACT was above hazardous levels for more than 35 days between 1 December 2019 and 31 January 2020. During this time there was a continuous campaign by ACT Health and media outlets of the serious risks to human health of exposure to smoke.

Exposure of workers to hazardous smoke also occurred in a context where employers and employees were provided by regulators with almost no information about safety requirements. While some employers determined to "do the right thing" by providing alternative work arrangements, safety information and protective equipment (including masks and air

purifiers), a large number of employers chose to disregard the health and safety of their employees. This is compounded by the fact that a significant number of workers feared consequences from their employer if they raised a concern about safety.

While bush fires are not within the control of employers, the presence of smoke in the workplace is entirely within the ability of employers and WHS duty holders to eliminate or minimise. This is especially the case due to the very long duration of hazardous levels of smoke haze (over 35 days of above hazardous smoke between 1 December & 31 January).

RECOMMENDATIONS

The report demonstrates that:

- There is an urgent need for strong, unambiguous WHS regulations regarding air pollution (generally) and bushfire smoke (specifically). This should include considering new presumptive rights to access workers compensation for respiratory illness for workers exposed to bushfire smoke and air pollution.
- Federally, there is a need to strengthen laws that ensure workers do not lose income due to hazardous smoke or air pollution events.
- Worksafe ACT, the work safety regulator, must ensure employers who callously disregard the safety of their employees are prosecuted. This is especially the case for employers of children aged under 18. Child-safety regulators should also investigate and prosecute employers who deliberately and knowingly exposed workers aged under 18 to smoke.
- Greater resources must be provided to unions

and industry to train HSRs, and ensure workers and employers, understand their rights and legal duties during hazardous smoke events.

“[Employers should]... measure air quality, communicate it, close the office for a period to blast the clean air though. Install air purifiers, supply masks, survey staff to find out how many needed puffers, masks and assist anyone who is affected. Show some concern at the very least.”

“For indoor workers, buildings need to be able to be sealed, air intake vents need to be fitted with filters, and there needs to be industrial scale air purifiers available for pollution that has entered the building. We don’t actually know what’s safe, as this level of exposure has not been studied before. So safety plans need to be updated as further evidence becomes available.”

“[The government needs to...] put legislation in place that clearly states what workplaces need to do to ensure the health and safety of their employees. This will have a knock on effect and people will get sick. We had a pregnant lady working through the worst of the smoke and I think it’s appalling.”

NOTES

This survey research is qualitative, and does not seek to be a representative sample. Rather, it focuses on the individual and personal stories which demonstrate the broader systemic disregard of employee safety and workplace rights by employers in the ACT.

All responses were anonymised. Industry of respondent was not captured.



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