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At the recent meeting of the Contract Poultry Group of NSW Farmers' Association, the Committee requested that growers be reminded of the Association's recommended OH&S protocols for dealing with any agent, staff or contractors of the processor who will be entering your property.

A comprehensive newsletter of the latest activities of the committee will follow shortly.

Occupational Health and Safety and Contract Poultry Farming

The NSW Occupational Health and Safety Act places a duty upon employers, self employed persons, employees and others with control at the workplace. This duty is to ensure the safety of any person whose safety may be affected by the undertaking of work. Contract poultry growers who have contractors belonging to their processors (a third party) on their farm, fall under "others with control at the workplace".

This responsibility for safety is limited to the amount of control that the contract grower exercises. This could include circumstances in which any person is using infrastructure or systems established by the contract grower for the purposes of work on behalf of any party.

These duties are what are described as "absolute duties". That is a breach of the duty is found if risk to health and safety can be proven to arise. Cases in NSW have shown that a breach of this duty may be found even when an employee has been careless or wilfully disobedient.

The OHS Act has a further offence when a workplace death occurs. This offence deals with workplace deaths in which reckless conduct of a duty holder under the Act is a substantial contributing factor. For a person's conduct to be considered reckless it requires a person to be aware of the risks associated with their actions and omissions and have knowledge that death or serious injury is a possible result of their conduct.

Unlike the general duties explained above this offence is not an absolute duty. Rather it requires that the prosecution to prove beyond reasonable doubt that the actions or omissions of the duty holder were reckless; and that they substantially contributed to the death.

Contractors and Control

It is a well established legal OHS principle that duties cannot be contracted away in any agreement. The degree of control of workplace risk by a farmer as assessed in the State law cannot be diminished or increased by words in an agreement appearing to pass it onto another party.

In 1994, a case involving a death on a poultry farm when a contracted builder was engaged to undertake maintenance on a roof gives an example of when a farmer had no control in the cause of an accident. In the judgement, the court found that the accident was not due to issues under the control of the farmer; rather it was caused by the system of work adopted by a licensed builder. It was also noted that the farmer had gone to lengths to manage issues under his control, such as ensuring that the electricity to the shed was isolated prior to work commencing.

How to manage OHS and Contractors

Managing OHS issues involving contractors (or contractors belong to third parties) should be integrated into your farms OHS system. This is best done through establishing an OHS risk management system on your farm, using consultation with workers and contractors (and the contracting third party) to assist in the identification of hazards and the management of risks.

Further, providing contractors with farm specific inductions and further induction when dealing with higher risk areas such as shared pedestrian and industrial traffic areas will help to manage the OHS risks associated with the use of contractors.

Fax out induction materials to processors requesting they give the induction material to their contractors. This action covers farmers when contractors arrive at a farm unannounced.

Recent Developments

The Association supported a member when WorkCover commenced prosecution after a fatality involving a specialist trucking contractor. The contractor was fatally electrocuted when tipping lime under an overhead powerline instead of the established fertiliser dump site.

At no stage had the Association member been contacted by the trucking contractor after ordering the lime from the local rural merchandiser. The Association argued that there was little control that the member could have exercised in the situation.

Based upon the members not guilty plea and lobbying from the Association, WorkCover chose to withdraw the charges.

For more information on how to manage OHS and workers compensation insurance, contact the NSW Farmers Industrial Association on 1300 794 000 or visit our website www.iressentials.com.au

New Poultry Meat Staff Member - coming soon

The Contract Poultry Group's efforts to employ a regional staff person, devoted to poultry meat growers' needs, have finally come to fruition with someone expected to start late February 2008.

The poultry section received the help of Stephen Carroll, Chairman of the Poultry Meat Industry Committee and Gary Ekert, Chairman of the Contract Poultry Group of NSW Farmers' Association on an interview panel for the position. Four applicants were interviewed and a contract has been offered to a man who has worked in the industry as a successful poultry farm manager.

The position is called the Poultry Meat Manager (PMM). The objective is to visit the majority of contract growers (members and non members of the Association) in the first three months of

employment. You will be free to discuss any issue with the PMM who will maintain confidentiality while progressing your issues or referring them to head office.

This dedicated poultry meat staff person will achieve better functioning collective negotiation groups. The PMM will coordinate the administration for groups, the communication with processors and the resources for negotiations. This intervention will allow delegates to focus on leadership and negotiation strategy and will allow groups to focus on good decision making for price and contract terms. More importantly it will remove the targeting by processors of outspoken growers.

As you know the growers are funding this position and the Association has sent out invoices to members. Most members have received two invoices, the first a prorated invoice to carry them up to their membership renewal date and the second their annual staff levy, coinciding with their usual membership renewal. The average amount for the prorated invoice was \$200; the average annual invoice was for \$1000.

The funds needed to be raised are a minimum of \$110,000 for 12 months. This includes a salary, car, flights, accommodation, phone and laptop. This figure was given to the committee by the Association which has the experience of employing 13 Regional Service Managers.

The Association understands the difficulties growers face in timing financial outgoings with batch payments. Despite this, over \$20,000 has already been received, which shows how enthusiastic members are about filling this position. Thankyou to those who have paid; a receipt is being posted. The Association has set up a bank account with the Chairman of the Contract Poultry Group as a co-signatory so that members' funds are quarantined from the Association's general account (into which membership fees go to pay for staff, committees and lobbying campaigns).

The committee has created a workplan and reporting structure for the job as it is extremely important that member's money is used wisely. The committee will receive weekly reports on the activities so please contact your committee representative for an update in between newsletters. The PMM will report both to the Chairman of the Contract Poultry Group and to the Association's management, but will receive instruction on activities from the Chairman after approval by the committee.

The committee hopes that the offer will be acceptable to the successful candidate given the contract can only be short term while the kitty is being underwritten by the Board of the NSW Farmers' Association. The financial support of growers will make this position more secure over time. A Poultry Update will be sent out as soon as we have some more news.

Please contact either Gary Ekert, Chairman of the Contract Poultry Group on 0428 689 656 or Jane Littlejohn, Senior Policy Officer on 82511872 for any further information.