

SAFETY SHOULDN'T STOP  
AT THE SHORELINE:

# CLOSING THE HEALTH AND SAFETY GAPS FOR WORKERS OFFSHORE

Australian  
Unions

SCAN CODE TO  
VIEW CAMPAIGN AND  
SIGN THE PETITION



# EVERY WORKER HAS THE RIGHT TO A SAFE AND HEALTHY WORKING ENVIRONMENT

Recognised as one of Australia's most high-risk jobs, offshore oil and gas workers and seafarers are required to undertake dangerous tasks in some of the most remote and isolated parts of the planet. Not only are these workers exposed to both serious physical and psychological hazards, but they also have among the least rights of any workers in Australia.

The offshore health and safety laws are outdated, inconsistent and are missing key protections. Instead of clear, enforceable Australian regulatory standards, companies write their own safety procedures and can pick and choose which safety standards to follow from any country or organisation in the world. Offshore workers lose rights they would automatically have onshore, and powerful multinational operators are allowed to set the rules with limited worker consultation or external union oversight. The result is a system where workers and their unions have fewer rights.

## WORKERS ARE PAYING THE PRICE

A recent survey of offshore workers highlights the severity of the risks they face. These include high-risk physical hazards, exposure to substances such as lead and asbestos, and serious psychosocial hazards magnified by long shifts in remote locations. Workers in these sectors are as much as eight times more likely to be exposed to these physical hazards, with nearly half reporting sustaining at least one injury in the previous 12 months. In addition to these hazards, one in four offshore workers reports experiencing pressure from management not to report health and safety issues at work.

In 2008, all Australian governments, including the Federal Government, committed to improving the health and safety of all Australian workers by ensuring that every worker, whether onshore or offshore, received the highest level of protection through strengthened, harmonised work health and safety laws.

Nearly two decades later, this promise remains unfulfilled. In that time, workers have lost their lives, with countless more seriously injured.

While recent union-driven amendments have improved alignment with the onshore work health and safety framework, significant gaps remain in the offshore regime. These gaps leave workers vulnerable and without equivalent legal protection.



# WE CALL ON THE ALBANESE GOVERNMENT TO IMMEDIATELY LEGISLATE TO ENSURE:

- **Same safety rights offshore as onshore—at a minimum.**  
Offshore workers and seafarers should have the same protections as onshore workers, with stronger safeguards where the risks demand it.
- **End the offshore penalty discount—include industrial manslaughter.**  
Offshore and maritime penalties must match (or exceed) onshore, these are giant companies with giant profits. Right now, maximum penalties under the OPGGS and OSH(MI) frameworks are just 5.6% and 1.6% of the model Work Health and Safety Act.
- **Australian projects. Australian laws.**  
Australian safety law must be updated to apply to all workers on Australian offshore oil and gas projects, including work on a ship flagged in another country.

Unions have secured a commitment from the Federal Government to review the laws governing seafarers and offshore workers to close these gaps. This review, which is due later this year, must ensure that offshore workers are afforded the same rights and protections as all other workers in Australia.

## IT'S TIME TO CLOSE THE LOOPHOLES AND BRING OFFSHORE AND MARITIME SAFETY IN LINE WITH ONSHORE SAFETY LAWS.

# THE CONSEQUENCES OF THESE REGULATORY FAILURES ARE NOT THEORETICAL

The deaths of Michael Jurman, Andrew Kelly, and David Ingram illustrate the human cost of an offshore safety regime that does not provide workers with the same protections afforded onshore.

## THE FATALITY OF MICHAEL JURMAN

On 2 June 2023, Rope Access Technician Michael Jurman was killed while performing maintenance work at height on Woodside's North Rankin platform, 135km off the coast of Karratha, WA. Michael was employed by multinational contractor Vertech. North Rankin is one of the largest offshore gas processing facilities in the world. It is remote, high-risk, and unforgiving when safety systems fail.

Almost three years later, Michael's family and workmates are still awaiting the outcome of NOPSEMA's investigation.

What is already known is deeply concerning. A week after the incident, NOPSEMA issued a Safety Bulletin, identifying a concerning trend in the industry: an increasing number of incidents linked to insufficient risk assessments, incorrect equipment selection or improper use. These are precisely the kinds of failures that robust, enforceable regulations that exist onshore are designed to prevent.

Two weeks after Michael's death, NOPSEMA issued a General Direction to Woodside, requiring additional risk reduction measures for rope access, rigging, and lifting involving clamps at the North Rankin Complex. General Directions are a regulatory enforcement tool used when existing safety arrangements are assessed as inadequate, indicating that the risks associated with this work are serious and require compulsory corrective action.



*Rope Access Technician Michael Jurman, who died while performing maintenance work at height on Woodside's North Rankin platform*

## WHY THE OFFSHORE FRAMEWORK REQUIRES REFORM

This case highlights several systemic gaps in the **offshore** safety regime. These are protections that are **mandatory onshore** under work health and safety laws, but are **not set out with the same clarity or force** under the offshore OPGGS framework:

- **No specific regulations** governing working at heights, managing the risk of falls, or managing the risks associated with plant (such as rope access equipment), including requirements to ensure plant is properly maintained, inspected, and tested. Onshore, these relevant regulations require employers to conduct risk assessments and implement the most effective controls in consultation with workers.
- **No dedicated guidance** for employers on managing the risks of industrial rope access systems, unlike the detailed guidance that exists under the model WHS framework.
- **A significantly weaker penalty regime** than applies in comparable onshore workplaces, including the absence of industrial manslaughter provisions.



“The tragic and preventable death of Michael Jurman has left a profound and lasting impact on his family, friends and workers in the sector. This tragedy cannot be undone, but we must meaningfully strengthen safety laws for offshore workers, and we must do it now. Steps need to be taken immediately to ensure no other family endures the same heartbreak in the future.”

**Chris Donovan**, AWU Assistant National Secretary

news.com.au

### ‘Stolen far too soon’: Tributes for contractor who died on Woodside site

Tributes are flowing for a contractor who tragically died on a Woodside gas site off the coast of Western Australia.

Carla Mascarenhas, 6 June 2023

WA today

### Rope access technician killed in Woodside incident identified

Investigations are underway at a Woodside facility in the state’s north-west after a contractor died there in a workplace incident on Friday.

Tara Cosoleto and Rebecca Peppiatt, 3 June 2023

## THE FATALITIES OF ANDREW KELLY AND DAVID INGRAM

Newcastle resident Andrew Kelly worked as a deck crew member on board the Norwegian-owned, Bahamas-flagged offshore supply vessel, Skandi Pacific. The vessel was contracted to Chevron Australia to support drilling operations off the coast of Western Australia, supplying gas to the Wheatstone project near Onslow for domestic use and export.

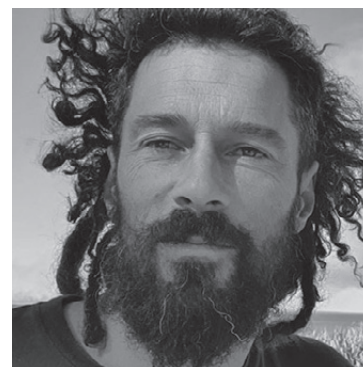
In July 2015, Andrew was crushed to death when a wave came over the stern of the vessel, shifting deck cargo and trapping him between a container and chains. Andrew was 39 years old. He left behind a wife and four children, all under the age of ten.

After Andrew's death, the Australian Transport Safety Bureau determined that Australian occupational health and safety law did not apply to the Skandi Pacific. This was despite the vessel operating entirely in the Australian offshore oil and gas industry, Andrew and most of the crew being Australian residents and citizens, and Andrew being employed by an Australian company. While the crew were covered by the Fair Work Act, they were not protected by Australian work health and safety legislation.

The Occupational Health and Safety (Maritime Industry) Act 1993 should have applied. It is the safety legislation for Australian ships working beyond state waters, including those on overseas voyages. It also has provisions for application to foreign-flag vessels working in Australia with a majority Australian crew, such as the Skandi Pacific.

However, its application provisions have become outdated and no longer effectively cover thousands of Australian workers on foreign-flagged vessels operating in the Australian offshore oil and gas industry, as well as many Australians on foreign-flagged vessels in coastal trades.

Six years later, seafarer David Ingram died after falling overboard from a fully Australian-crewed, Danish-flagged anchor handling vessel working for Santos on its West Australian Van Gogh oil project. The Australian Maritime Safety Authority (AMSA) did not board the vessel, did not interview the crew, and did not conduct an independent investigation into the circumstances leading up to David's death. Instead, AMSA relied on reports from the company and second-hand information from WA (Dampier) Police, leaving critical safety matters unexamined.



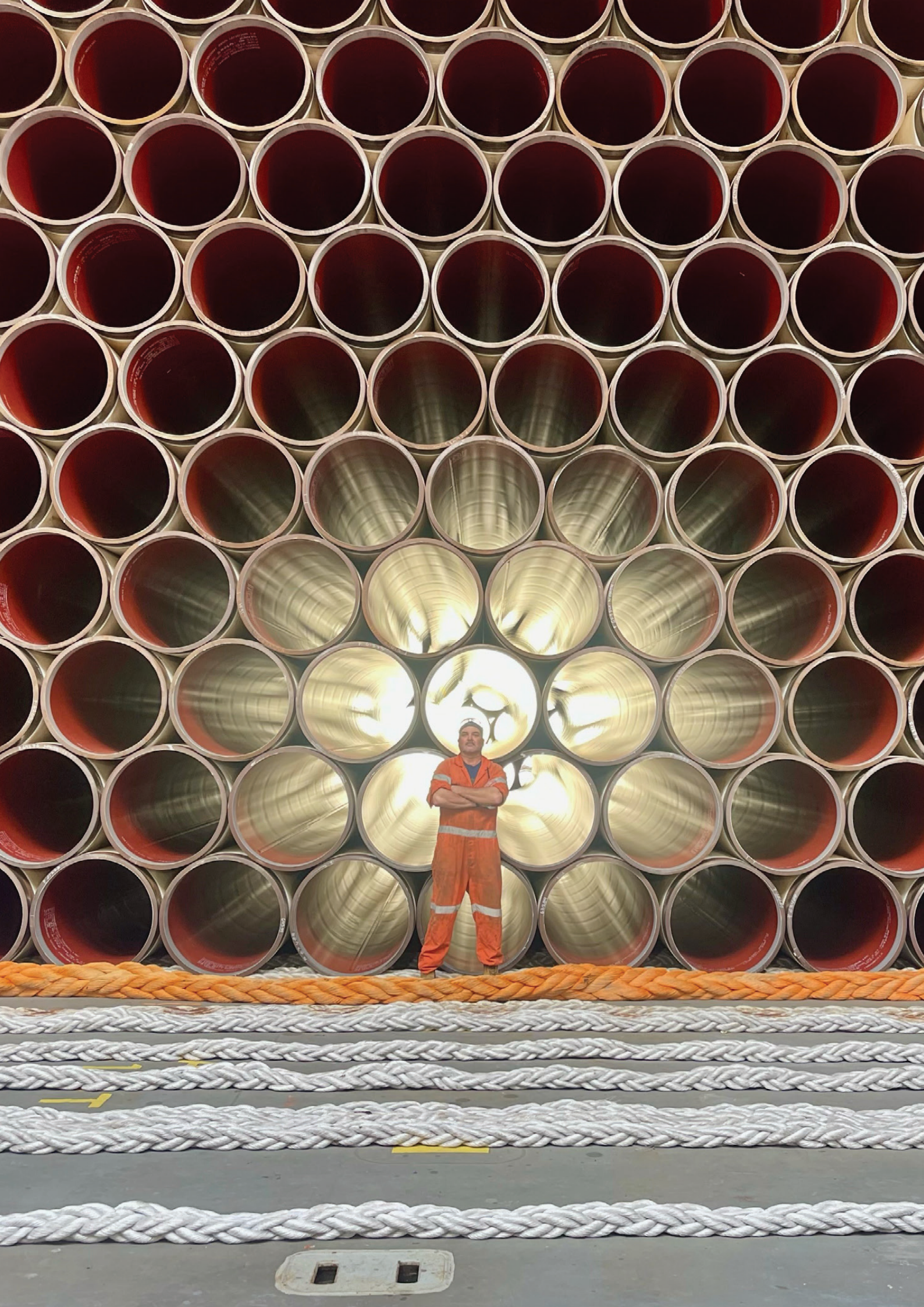
*Seafarer and WA resident David Ingram, who died after a man-overboard incident from the Danish-flagged Maersk Mover as it worked on a Santos offshore oil project off the coast of West Australia.*

## AUSTRALIAN SAFETY STANDARDS FOR AUSTRALIAN OFFSHORE JOBS

When Australian health and safety law does not apply, there are no enforceable prevention duties, no effective investigation powers, and no penalties or accountability for the companies involved.

Australian safety law must be updated to apply to all workers on Australian offshore oil and gas projects, including work on a ship flagged in another country.

The fatalities of Michael, Andrew, and David demonstrate the consequences of an offshore safety regime that provides weaker protections than those applying onshore – or none at all.



# THE FOLLOWING CASE STUDIES ILLUSTRATE HOW THESE SYSTEMIC GAPS OPERATE IN PRACTICE AND WHY LEGISLATIVE REFORM IS REQUIRED TO PREVENT FURTHER HARM

## CASE STUDY: 'SAFETY SYSTEMS' THAT FAILED TO PROTECT WORKERS

Anthony Black\* is a mechanical fitter by trade and has worked on various offshore projects since 2008. While working off the Western Australia coast, Anthony and his crew were repeatedly exposed to highly toxic chemicals while applying a protective coating to weld joints. This process resulted in exposure to chemicals which can cause serious eye and skin irritation, corrosive burns, respiratory difficulties, fertility problems and chronic sensitisation.

For Anthony, the harm did not end when the shift ended. The exposure left him with a severe chemical sensitivity that still flares up today. A wide range of everyday chemicals can now trigger symptoms, and he must check that products, such as shampoo, do not cause another serious reaction.

## MANAGEMENT OF HAZARDOUS CHEMICALS IN THE WORKPLACE











“They directed us to use welding gloves to protect ourselves from this stuff — totally inadequate. And they cracked the shits if they thought you were using too many gloves.”


Anthony’s employer could have chosen an alternative, safer product without the short- and long-term health impacts that was used on other worksites. Instead, workers were made to use dangerous chemicals without adequate safety protections.


Workers were given welding gloves instead of proper chemical-resistant gloves and overalls instead of chemical-resistant clothing. This left their skin exposed, and their clothing became damaged by chemical exposure. There were no wash basins, even though the manufacturer listed them as a requirement for safe chemical use. Respirator filters were not replaced regularly, reducing their effectiveness. There was no air monitoring to check whether chemical levels were within safe limits, and no health monitoring was provided to workers.

Onshore, the safety regulations provide a minimum standard for the management of hazardous chemicals and safety equipment; this is not the case offshore.

Regulatory protection	Onshore	Offshore
Requirement to use the most effective control measures available, i.e. use the safer chemical alternative (hierarchy of control)		
Provide suitable and properly maintained personal protective equipment		
Provide suitable facilities, such as handwashing basins		
Provide health monitoring to workers when exposed to hazardous chemicals		


Anthony is clear about why these minimum protections that onshore workers have are essential:

 “We need to be able to point to the laws and say, you’ve got to tackle it this way.”

 A lack of hazardous chemical regulations offshore leaves workers exposed to serious and entirely preventable health effects.


## PRESSURE TO KEEP QUIET

When Anthony tried to speak up about the risk of chemical exposure, he was told:

 “You’ll be removed from the vessel. You’re not in Bass Strait now, mate — you’re getting good money so shut your mouth.”


Anthony was pressured to keep quiet. As an offshore worker, he had little protection against intimidation for reporting safety risks, and his employer faced only a fraction of the penalties an onshore employer would.

Statutory protection	Onshore	Offshore
Prohibition on coercion	✓	✗
Civil remedy provisions for discriminatory conduct	✓	✗
Maximum penalty for discriminatory conduct	\$789,237 (model WHS Act)	\$198,000 (OPGGGS Act)


 Without anti-coercion protections, speaking up becomes dangerous and staying quiet becomes the safer option. When discrimination penalties offshore are a fraction of those onshore, it sends a troubling message.

## RIGHT TO STOP UNSAFE WORK

Anthony’s colleagues knew the work they were being asked to do was unsafe. Anthony said:

 “The night shift tried to cease work over it, but they were threatened with choppers coming out if they didn’t get back to it. Management accused us of being on strike, even though we were just trying to stop getting poisoned.”

	Onshore	Offshore
Statutory right of a worker to cease unsafe work	✓	✗

 Without the statutory right of an individual to cease unsafe work, offshore workers may feel forced to continue in dangerous situations.

After Anthony raised concerns, he was sacked. He later succeeded in a workers’ compensation claim, and his employer was found to have taken adverse action against him, but he says the damage was done. He has struggled to get another job offshore.

## CASE STUDY: REGULATORY GAPS IN ELECTRICAL LICENSING

Simon Black\* is an Electrical and Instrumentation technician working on a Floating Production Storage and Offloading vessel (FPSO) off the coast of Western Australia. An FPSO is effectively a floating oil and gas refinery, operating in a hazardous environment.

Simon is highly skilled. He holds multiple electrical licences, hazardous area qualifications, rope access and advanced rigging tickets. In his work, he is responsible for the electrical installation of new equipment and the inspection of installations made by others. He is also the Health and Safety Representative for his crew.

### ELECTRICAL LICENCING

On Simon's vessel, workers must hold WA electrical licences, but only because the operator chose to include this in the safety case. On other vessels, including those operated by the same company, the same rule does not apply.

Simon describes the risks created when workers are not licensed or are unfamiliar with Australian standards:



"... you're just opening yourself up for a lot of hurt and yeah, a lot of repercussions and possibly fatalities..."

	Onshore	Offshore
State and territory electrical safety laws apply		



Safety case requirements are not a substitute for electrical licensing laws. Wherever operators choose not to apply high standards, gaps emerge that expose workers to preventable and serious risks.


### HIGH-RISK WORK PERMITS

Simon is regularly required to perform high-risk tasks, including rigging and rope access work. When his employer refused to pay for him to undertake the training, they said it wasn't needed because:







"Anyone can do rigging."


When Simon raised concerns about the safety of this approach, given the high-risk nature of the work and the fact that a licence is required onshore, he was told:

 “Well, that’s what we do at [Simon’s employer]. We just get the job done.”

Simon’s employer also refused to pay for him to undertake a regular Verification of Competency (VoC). This is a practical check that workers can safely perform a high-risk task and operates as a control measure to ensure high-risk tasks are carried out safely. In Simon’s workplace, workers were required to pay for this themselves every three years.


Once work occurs in Commonwealth waters, the protection offered by the state and territory licensing laws falls away.

Regulatory protections	Onshore	Offshore
Mandatory licence scheme for high-risk work		
Express obligation for employers to pay the costs associated with meeting WHS obligations - not workers		

 High-risk work offshore can be performed without the licensing, competency safeguards, and cost protections that apply onshore. This leaves safety standards dependent on employer discretion, and workers may not have the skills and training to perform work safely.

## LACK OF CONSULTATION AND SUITABLE PERSONAL PROTECTIVE EQUIPMENT


When Simon’s employer replaced existing rigging harnesses with a new, cheaper option, they did not consult with workers or the Health and Safety Representative. After the change, workers told Simon:

 “They’re hurting our backs.”  
 “We feel achy getting out of them.”  
 “We don’t want to be hanging in them for a long time.”

Simon raised the issue with his employer and suggested retaining the previous harnesses, which workers had found safer and more comfortable. The request was refused. He was told, ‘No, we’re not doing that.’


Onshore, this situation would trigger clear legal duties that don't exist offshore.

	Onshore	Offshore
Duty to consult before making changes that may affect health and safety	✔	✘
Regulatory requirement to ensure personal protective equipment is suitable and fit for purpose	✔	✘


 Offshore workers lack basic participatory and protective rights that are fundamental for workers onshore. This can result in unsafe or unsuitable equipment being imposed on workers, with risks left inadequately managed.

### NO UNION WHS RIGHT OF ENTRY

When Simon or his colleagues are concerned that their employer is not taking action to protect them from health and safety risks, they do not have the same protections as onshore workers. He explains:

 "It's very difficult to have a union organiser offshore. It's easy for a company to turn around and say PO... (people on board is too high), there's not enough bed space, or you're not available to come out. That's an easy way to shut down anybody coming offshore if they need to."

	Onshore	Offshore
Right of entry by a WHS permit holder for a suspected WHS contravention	✔	✘

 The lack of WHS right of entry offshore gives operators the power to block union oversight, reducing transparency and weakening an essential safeguard for workers' safety.



# UNEQUAL PROTECTION: THE OFFSHORE AND MARITIME SAFETY GAP

	Onshore laws	Offshore oil and gas	Maritime	Offshore renewable energy
Express duty to consult HSRs and workers on changes that may affect health and safety	✓	✗	✗	✓
Mandatory licence scheme for high-risk work	✓	✗	✗	✓
Union right of entry to investigate a suspected WHS contravention offshore	✓	✗	✗	✗
Comprehensive regulation of physical hazards	✓	✗	✗	✓
Comprehensive regulation- psychological hazards	✓	Partial regulation	✗	✓
Require the hierarchy of control for physical hazards	✓	✗	Only required for confined spaces	✓
Health monitoring	✓	✗	Limited only to asbestos	✓
Industrial manslaughter	✓	✗	✗	✓
WHS Inspector right of entry (non-urgent circumstances)	✓	✓	✓	✗
Maximum penalty for health and safety contraventions	<b>\$20,441,000</b> For individual offenders-up to 20 years' prison	<b>\$1.15 million</b> No custodial sentences	<b>\$330 000</b> No custodial sentences	<b>\$17 million</b> For individual offenders-up to 15 years' prison

Australian  
**Unions**

**Australian Unions**

Level 4, 365 Queen Street, Melbourne VIC 3000

1300 486 466

[australianunions.org.au](http://australianunions.org.au)