



Outline of events documented by:



On 2 February 2020, Theo Seremetidis was stood down by Qantas for advising colleagues to cease unsafe work.

On Monday 2 March 2020, SafeWork NSW issued Qantas and QGS respectively, two improvement notices relating to cleaning process and procedures regarding fleet presentation, (attached).

The inspector issued 5 notices to Qantas / QGS – 3 of which we are not able to view as they are regarding producing evidence to the Regulator – the Inspector has noted that the 3 notices issued in this instance have not been complied with.

The two notices that are directly linked to workers (attached) state that the PCBU MUST:

- Develop safe systems of work regarding cleaning the aircraft – and do so in consultation with all workers
- Provide workers with adequate PPE to perform their tasks
- Re-assess the tools and equipment to be used when servicing aircraft
- Provide workers with up to date information on the coronavirus
- Consult with all workers regarding the new systems that they must develop in order to provide a safe workplace
- Consult with an occupational hygienist / infection control specialist to create the safe system of work.

The Inspector went on to say that she boarded aircraft to observe what workers were doing and noted:

- one wet rag, with no disinfectant was used to wipe all tray tables down on one aircraft
- Workers were exposed to wet dirty tissues and used face masks without correct procedures for disposal
- workers were exposed to faeces, dirty nappies, vomit and blood, and there were no adequate waste receptacles for this type of biological hazard
- That workers were observed cleaning aircraft with inadequate PPE

The notices entirely reflect Theo's concerns the day he was stood down. Theo's main concerns were:

- Workers did not have adequate PPE to perform their tasks
- No task-based risk assessments were completed regarding fleet presentation and the Coronavirus
- The PCBU were not consulting workers correctly on the coronavirus or providing workers with updated information on the virus as required
- There were no safe systems of work for his work group in cleaning aircraft in relation to the coronavirus



- Workers were exposed to an imminent threat to their health and safety due to a lack of systems and process in place due to coronavirus, and that workers were not receiving up to date information of the coronavirus.

Qantas and QGS displayed the notices, and sent photographic evidence to SafeWork NSW to demonstrate compliance with their obligation to display the notices to all workers affected by the issue – after they were reminded by the Inspector of the penalties involved if they failed to do so.

Although Qantas made a statement in the media on Thursday 5 March 2020 that they were going to appeal the notices issued to them by the Regulator, they complied with them and did not seek an appeal.

From evidence gathered from Delegates on Monday 9 March 2020, it appeared that Qantas & QGS started consulting with workers on new PPE such as gloves, masks and cleaning capes. It is also understood from correspondence sent from Qantas / QGS directly to workers, that **they are actually using disinfectant to clean aircraft for the first time in 10 years, as a result of Theo raising concerns.**

Further to this evidence, it appears that Qantas / QGS are actually completing task-based risk assessments, and taking workers concerns and views on board when making decisions on managing risk – all of these things, we have evidence of Theo requesting before he was stood down.

At this stage, we understand that SafeWork NSW will be prosecuting under Section 104 of the Act; Prohibited Behaviour against a HSR for raising and acting on safety concerns.

The Regulator must follow internal processes in order to lodge the prosecution correctly, however, we do understand that SafeWork NSW have fast-tracked this process.

On Monday 9 March 2020 the TWU represented Theo in conciliation at the Fair Work Commission. The PCBU opened with a jurisdictional argument, then asked the Commissioner to try to make some orders or a decision against the TWU to stop us going to the media and exposing their non-compliance with WHS duties. The Commissioner made no such order or decision.

The conciliation continued on the condition that discussions were off the record.

Qantas agreed to deliver an outcome to the TWU and Theo on their allegations against him by 25 March 2020. At this point, all workers were stood down due to COVID, and the investigation about Theo's stand down wasn't re-opened until November 2020.

Theo refused any work for remainder of employment

On 14 January 2021 Qantas sent workers a document to express their interest to continue to work at Qantas to service the remainder of outstanding contracts that Qantas has with client airlines.

We allege that we have not received a response because there was no other reason not to roster Theo on or stand him up at work to update his training, other than that he had an internal investigation pending for acting as a HSR.

Ongoing Investigation

On Wednesday 16 December 2020, [REDACTED]

[REDACTED], contacted Theo and I to inform us that [REDACTED] would deliver [REDACTED] investigation findings to us and contact us on the week of 11 January 2021 to arrange a meeting to do so.

Redundancy

We believe that the PCBU has failed to respond to our correspondence and deliver an outcome as they have made Theo redundant, effective 2 February 2021 – I would like to point out that this is exactly a year to the day, that Theo was stood down for acting as a HSR and raising safety concerns.

We allege that [REDACTED] did not respond to us as [REDACTED]/Qantas are relying on Theo's redundancy to finalise the matter, rather than delivering an outcome on the investigation.

We also believe [REDACTED] did not respond to us or deliver an outcome on the investigation due to the internal appeal process. If [REDACTED] was to deliver an outcome to Theo regarding the investigation, Theo would be within his rights to appeal the outcome as per Qantas policy, taking his employment beyond the redundancy time frame of 2 February 2021.

We allege that Qantas did not roster Theo on like all other staff to update his training, did not deliver an outcome on the investigation, and failed to respond to us as their way to deal with, and finalise the matter was to make Theo redundant – again, not giving him an opportunity to extend employment because he acted as a HSR, and not providing an outcome of an investigation that has been ongoing for almost a year.

Qantas relied on Theo's redundancy to close the investigation into his stand down.

Please see attached correspondence from Qantas.

I would like to point out that [REDACTED] letter is misleading – [REDACTED] has stated that Theo was allocated work at the end of last year when the matter was re-opened by Qantas to continue the investigation.

There was no allocated work for Theo– he was 'stood up', which is very different to being allocated work. He was then informed that he was not to attend work. I have attached the email that clearly indicates this, where [REDACTED] has highlighted this point of Theo being directed not to attend work.



SafeWork NSW IMPROVEMENT NOTICE

Ref No: [REDACTED]

ORIGINAL

Notice No: [REDACTED]

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:

Legal name of person / business or undertaking: QANTAS AIRWAYS LIMITED

ABN: 16009661901

ACN: 009661901

Trading as:

Address: 10 BOURKE RD, , MASCOT NSW, 2020

Details of contravention:

Site location: SYDNEY AIRPORT, MASCOT, NSW, 2020

I, [REDACTED] reasonably believe on 26/02/2020 at 11:30:00AM that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19.

Brief description of how the provision is being or has been contravened:

Workers and other persons may be exposed to a risk of injury or illness from the inadequate system of work used to clean planes that may have transported passengers with an infectious disease.

While at the workplace I observed Fleet Presentation Crew cleaning a Qantas aircraft where they were required to handle wet and used tissues, used face masks, soiled nappies and the workers advised they occasionally have to clean vomit and blood off surfaces. PPE was not mandated for the majority of these tasks. I also observed workers wiping over multiple tray tables with the same wet cloth with no disinfectant and cleaning unknown liquids on floors and surfaces.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

1. You must as far as is reasonably practicable develop and maintain a safe system of work to clean aircraft to minimise the risk of exposure of workers and others to infectious diseases, including the novel coronavirus CoVid 19

In particular, but not limited to:

- Considering the specific tasks workers undertake and understanding where workers may come into contact with bodily fluids
- The time between passengers leaving the plane and workers entering the plane to clean it
- The most up to date information on the CoVid 19 and how it is transmitted
- The personal protective equipment to be used
- The tools and equipment being used to clean the plane.

2. You must consult with workers who undertake the work of cleaning aircraft when developing this safe system of work.

3. You must consult with a competent person (e.g. Occupational Hygienist and /or Infection Control Specialist) when developing this safe system of work specifically regarding the novel Coronavirus (CoVid 19).

Recommendations (if any): (It is not an offence not to comply with these recommendations)

It is recommended that you minimise Fleet Presentation Crew's exposure to handling contaminated waste, such as used tissues, facemasks, nappies etc by implementing a system whereby passengers dispose of their own waste into an appropriate receptacle.

Refer to:

- Federal Department of Health "Coronavirus Disease (CoVid 19) Information for the airline industry (including flight crew)".

Issuing Inspector:

02/03/2020

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

30/03/2020

Service method:

E-Mail

Person conducting a business or undertaking (PCBU)

Notice given to

Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision.
3. A worker whose interests are affected by the decision.
4. A health and safety representative who represents a worker whose interests are affected by the decision.

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form, and lodge it at SafeWork NSW before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with SafeWork NSW. The stay remains in effect until a decision is made by SafeWork NSW and whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW's decision.

Please contact SafeWork's Governance and Appeals Unit on (02) 4724 4920 for an application form or visit www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or SafeWork NSW has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

Privacy collection statement

This information is collected by SafeWork NSW for the purposes of the Work Health and Safety Act 2011. SafeWork will use this information for the purposes of establishing and maintaining a database and to assist the SafeWork inspectorate with their work. This information may also be made available to other government agencies.

You may apply to SafeWork to access and correct any of your own personal information SafeWork holds if that information is inaccurate, incomplete, not relevant or out of date. Applications should be made in writing to: Privacy Contact Officer, SafeWork NSW Head Office, Locked Bag 2906, Lisarow, NSW 2252.

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Notice issued to:

Legal name of person / business or undertaking: QANTAS GROUND SERVICES PTY LTD

ABN: 43137771692

ACN: 137771692

Trading as:

Address: QANTAS CAMPUS, 10 Bourke Road, MASCOT NSW, 2020

Details of contravention:

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Date issued

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Worker

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