



AWU VICTORIAN BRANCH

The Traffic Management Industry in Victoria

Research Paper 2009



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Background to the Traffic Management Industry

The Traffic Management Industry employs the people who carry out the safe diversion and, or control of traffic flow whenever work is undertaken on or near to roads.

Traffic management is required wherever the normal flow of vehicle traffic and or pedestrian traffic is subjected to change and Traffic Management is required at work sites, events, film locations and other situations

The Industry has identified around 110 traffic management contracting companies in Victoria the majority operating out of the metropolitan area but there are also several regionally-based Traffic Management contractors.

Some companies involved in civil construction, asphalt laying or repair and associated road/bridge construction and maintenance have their own traffic management sections but the majority now sub contract out their traffic management work. There are also a number of companies involved in supply and hire of signs, automated signs and traffic lights and ancillary equipment.

The AWU believes the safest traffic management is that where traffic flow is controlled by properly trained and qualified practitioners, and who are capable of responding to changing situations and unforeseen events. Where adequate warnings are presented to motorists and pedestrians and assistance can be provided as required.

The Victorian Traffic Management industry is calculated to employ about 300 permanent employees in management, supervisory and administrative positions with a further 5,000 employed in the road crews on a casual basis.

There is a Traffic Management Industry Association consisting of a membership form less than 10 of the existing Traffic Management Companies.

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Current Levels of Regulation in Victoria

The Traffic Management Industry is currently regulated by the *Road Management Act 2004* and the *Worksite Safety – Traffic Management Code of Practice*.

Utilities, VicRoads, the Victorian Police and Local Government have some authority in regard to the safety of Traffic Management operations in Victoria under this Act. WorkSafe Victoria and the TAC also have interests as does the AWU.

The Act does not specify a particular entity that is responsible for the regulation, recording and monitoring of traffic controllers, traffic management companies or worksites.

There is no entity willing to take up the duty of enforcing compliance and apart from a particular Worksafe Victoria campaign inspections are generally reactive after an incident.

A Government Reference Group (GRG), jointly chaired by WorkSafe and VicRoads, was established in 2003 to develop, implement and oversee a joint strategy for promoting and enforcing safe traffic management practices at worksites through out Victoria. The GRG has been operating for many years and most participants feel it has failed to deliver much.

VicRoads has introduced a tender pre-qualification requirement following several years of lobbying by the Traffic Management Industry Association. However this is considered too limited, and could be extended to Local Government contracting.

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Industry Identified Problems

The AWU, in discussion with the management and employees of Victorian contract Traffic Management companies has identified a number of problems with the Traffic Management Industry.

The biggest problem identified by most employers was the ability of any person to start a traffic control company.

“They steal our signs over night, leaving our work sites in a dangerous condition, then start up as cash in hand competition the next morning” some managers claimed.

It has also been reported that some companies, presumably after stealing the signage, do not take the signs from the sides of the roads after their work is completed. This dangerous practice is widespread and makes motorists more likely to ignore legitimate traffic management warning signs later.

Concerns were also expressed regarding the lack of consistency of training through the large number of providers and the lack of support for traffic controllers to be given on the job training and experience.

Due to the casual nature of employment in the industry employers do not want to pay for training for casuals and increasingly traffic management employers are hiring casuals from labour hire companies on a daily basis.

When asked if the qualifications of such employees were checked, one employer insisted this was the responsibility of the labour hire company who employed the staff. Many workers in the industry claim they have only attended site and works induction sessions and have no formal traffic control training.

Without support for formal training and experience on the job, employers are hesitant to spend money to provide training to casual employees who may be using those skills for the benefit of a competitor or who may even buy a ute and become a competitor the very next week. Hence the skills and training of traffic controllers are minimal.

A proposal to introduce a 20-hour training module for traffic controllers has passed through the Traffic Management Government Reference Group, (GRG), a committee jointly chaired by WorkSafe Victoria and Vic Roads.

The Civil Contractors Federation opposed the module. These questions remain:

- Who will be paying for the 20-hours of training to acquire the qualifications?
- Who will police the works to ensure only those with the required qualifications are working?

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There is a view that the industry is considered an appendage of civil works, an extra cost on the undertaking of civil construction works, rather than a specialist health and safety operation carried out to protect the public and workers and provide safe and efficient traffic movement in conjunction with events that disrupt the normal flow of vehicular and/or pedestrian traffic.

The current top priority for traffic management appears to be the maintenance of vehicular traffic flow, secondly safety of construction workers, then safety of pedestrian and finally safety of traffic controllers. This priority order can be witnessed at any site under traffic management and is reflected in accidents within areas under traffic management control.

Employers also expressed concerns over the wide ranging inconsistency between different local Government municipalities in regard to their requirements to supply traffic management plans prior to commencing work and the use of Award rates that pre-dated Compulsory Competitive Tendering by Local Government contracts officers to price contracts for Council traffic management works.

The pricing and cutting of costs for traffic management on projects were considered an incentive for less qualified and less professional operators to continue to take risks with the safety of their employees and the safety and lives of the general public.

This coupled with the lack of certainty of a volume of future work, due to the number of players in the game, some of whom should not even be considered, has resulted in the predominantly casualised and unskilled traffic management workforce.

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Occupational Health and Safety

On Friday 22 March 2008 a traffic controller on the East Link Project was struck by a moving truck on Canterbury Road Ringwood. The young man was the company Occupational Health and Safety Representative. His employer refused to call a de-briefing meeting for staff after the incident, and the man's two co-workers were given weekend overtime as a bonus the next day. One worker had to go home shortly after starting work as he was still experiencing effects from the previous day's accident. The AWU does not believe the co-workers were encouraged to undergo any form of counselling by the manager, who thought the paperwork he would have to complete was an extremely inconvenient impost.

Employers and their employees agree that there is little interest taken regarding **vehicles speeding at worksites** and the incident report form is too detailed for traffic controllers to complete while carrying out their work.

The lack of amenities, particularly for female employees, and lack of back up or relief when required so employees have stated there have been times when they could not leave the road and have had to relieve themselves where they stood, still directing the traffic.

Traffic management employees complain that they generally have to **supply their own protective equipment and reflective clothing** as companies will not issue this to on-call casuals.

WorkSafe's SWAT Campaign (Safety for Workers And Traffic) started in 2005 and ran for 18 months.

- The campaign followed Government concern and public outrage at the deaths of nine people in situations under traffic management in the two years until 2004.
- Swat Inspectors visited 2,247 work sites. Of these, safety non-compliances were dealt with in 562 instances – i.e. 25% of traffic management workplaces were not safety compliant.

The main “Responsible Authorities” claim they have inadequate funding or inadequate knowledge of where Traffic Management works are being carried out or both so that inspections are only reactionary after an incident.

Employer groups claim it's not their responsibility to police the industry. They claim they pay for a service and they expect that to be delivered to legal requirements, no matter how low the tender price can sink.

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Proposals to Address Traffic Management Problems

AWU representatives have attended numerous Government Reference Group (GRG) meetings over five years and have seen little progress and little determination to address the question of “enforcing safe traffic management practices at roadside worksites in Victoria” (excerpt from the GRG’s stated objectives.)

It must now be recognised that Traffic Management is an essential safety service and not an appendage of civil construction. The AWU is prepared to work with employers and the State Government to have Traffic Management recognised as an essential safety service.

The AWU believes the only way to address the growing problems within the Traffic Management industry is for a single entity to be established to regulate the operators and training bodies and to police compliance.

The functions of a **single regulatory body** would be to:

- register qualified traffic management practitioners who meet the pre-tendering qualifications for VicRoads work and meet other pre-requisites as determined;
- review and register traffic management plans and issue permits for all traffic management work where lane closures or reduced speed limits are required;
- record all traffic management operations carried out where lane closures or reduced speed limits are required;
- maintain a database of traffic management work details and records on a day to day basis;
- monitor the standards of registered traffic management operations and enforce compliance with the minimum standards;
- identify unregistered traffic management situations and prosecute offenders;
- register accredited traffic management training providers;
- ensure the standardisation of all certified traffic management training;
- monitor the training and certification of traffic management workers;
- ensure compliance with training accreditation on the job;
- ensure provision of on-the-job training and experience as required; and
- ensure operators have a registered employment agreement with the appropriate Union.

The importance of the last point is to ensure that remuneration of traffic management employees is appropriate for their levels of training and responsibility, provides incentives for employees to develop a career in traffic management and for the industry to be able to retain trained employees. This would also remove wages from the market competition so that projects are awarded on the comparative advantage of service, efficiency and safety.

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The AWU understands that funds to address the problems in traffic management have been provided to the different responsible organisations named within the Act as well as WorkSafe Victoria. **This funding could be re-directed to the operations of the new entity.**

The funding for traffic management contracts needs to be considered part of a risk management strategy. **Projects should require a set budget allocation at a minimum or a percentage of the project cost for traffic management services in compliance with safety and training standards.**

This would ensure that traffic management is not budgeted as an additional extra contract that must be acquired at the least cost.

The AWU expects this proposal, if implemented, would place an unacceptable burden on small, unsafe, inefficient and unprofessional operators in the industry.

However the benefits of such a rationalisation would be that:

- reputable and responsible companies remaining in operation would have an expectation of future employment such that a core of permanent employees may be trained to the highest levels and retained; and
- investment may be made in the highest standard safety signage and equipment to ensure continuous improvement in safety standards.

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