



SAFETY AT WORK BULLETIN

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Legionnaires' Claims Another Victim

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MELBOURNE, March 17 2006

An 83-year-old man is critically ill in a Melbourne hospital with legionnaires' disease linked to a fatal outbreak of the disease last month.

The man, from Preston, was taken to hospital on Tuesday suffering symptoms of the disease, Victoria's chief health officer, Dr Robert Hall, said today.

The man was diagnosed with the disease late yesterday, Dr Hall said.

He contracted the disease before cooling towers on nine Preston buildings were disinfected following a legionnaires' disease outbreak that killed 85-year-old Reservoir man Ron Dickins last month, he said.

The outbreak of the disease, which is caused by the legionella bacteria, was traced last Friday to the offices of pay television company Optus Vision in Chifley Drive, Preston.

"Based on information from the man and his family it appears he may have contracted his illness before cooling towers in the area ... were tested and disinfected," Dr Hall said in a statement today.

"The typical incubation time for legionnaires' disease can be up to 10 days, but in this instance the symptoms have taken longer to appear."

Cooling towers in the area of Preston, bounded by Plenty Road, Bell Street, Albert Street and the Darebin Creek, have been checked for the presence of the legionella bacteria.

"All the cooling towers in the area have been treated and are safe," Dr Hall said.

The department was continuing to work with Optus to ensure there was adequate ongoing treatment and maintenance of its cooling tower system, he said.

Legislation to help prevent the spread of legionnaires' disease - an infection of the lungs caused by the bacteria of the Legionella bacteria family - was introduced in 2001 following an earlier major outbreak.

Under the legislation, all cooling towers must undergo regular maintenance checks.

There have been 23 cases notified to the Department of Human Services so far this year - 11 from the Preston outbreak and 12 isolated cases.

This compares with 19 cases for the same period last year and 20 cases for the same period in 2004.

AAP

100 evacuated from factory after fumes leak

20 March 2006

NSW Fire Brigades spokesman Gordon Boath said fire brigade and hazardous materials units were dispatched to the factory after an emergency call for help was received at 6.30am (AEDT).

Firefighters arrived to find about 100 employees outside the factory.

A fleet of ambulances was dispatched after some workers reported feeling unwell due to the fumes.

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Firefighters located the battery store and cooled the batteries before moving them outside and dispersing the fumes. AAP

Aussie Workers Exhausted And Unhappy

March 8 2006

Despite 2006 having just started 41% of employees are already feeling burnt out according to a new survey from Australia's leading recruitment company Talent2.

21% of respondents have reported feeling exhausted and tired although we are not even a quarter of the way through the year.

Mr. John Banks of Talent2 says "It is worrying for businesses to have their employees feeling burnt. With exhaustion comes a lack of productivity and results and that is something that employers cannot afford.

Employers must be aware of the burnout factor as it can lead workers to pursue other career opportunities.

"When workers are feeling burnt out the first thing they notice is their increase in workload. This is when employees re evaluate whether all of the stress and worry is worth it.

"Exhaustion due to workload causes problems in all aspects of life, including health. It is important for workers to flag their issues with their employer sooner rather than later in order to fix the problem.

The last thing employers need is an office full of burnt out, sick workers. Lack of productivity and low staff moral will soon become evident. Source: Talent2

Bullied guard wins more than \$3.5m for racist taunts

SYDNEY, March 15 2006

A security guard subjected to bullying and racist jibes while working at media group News Limited has been awarded more than \$3.5 million in damages.

The NSW Supreme Court today ordered News Ltd pay Devandar Naidu almost \$2 million and the guard's former employer, Group 4 Securitas, pay him at least \$1.7 million.

The final payout is expected to be more after interest is calculated on the Securitas payout.

The Fijian security guard successfully sued News Ltd and Group 4 Securitas for negligence during the five years he was the target of racial abuse and bullying by a superior.

The court was told that from 1990 to 1998 he was contracted by the security company to work for News Ltd at its Sydney premises in Surry Hills, Chullora and Parramatta.

He said his immediate boss at News Ltd, the company's then security and fire manager, Lance Chaloner, had bullied him and taunted him with racist insults.

Mr Naidu told the court he was called a coconut head, a poofter, monkey face and a black man.

He also gave evidence that Mr Chaloner masturbated in

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OPINION

WorkChoices and OHS

By Kevin Jones, FSIA

The WorkChoices Regulations were released on the weekend, in the middle of the Commonwealth Games and a day after the South Australian and Tasmanian elections. Any wonder why people are suspicious!

The Regulation and the Workplace Relations Act should not have any direct effect on State-based OHS legislation but it will certainly change the way that we assist people in managing workplace safety. Safety practitioners and advisers are going to need to be more aware of the industrial relations implications of OHS actions than ever before, for several reasons.

OHS legislation is one of the few pieces of workplace legislation that is not changed by the Federal legislation. We can take some comfort in that, particularly in the States where legislative changes have only recently occurred.

But because this legislation is not changed, it provides a reliable base for employee representatives and trade unions to emphasise their importance and relevance. The Federal law changes have squeezed union access to workplaces through traditional avenues and they are sure to look at OHS Right-Of-Entry. This is not to say unions will abuse these powers but it does mean that safety practitioners need to be clear on the rules and processes in our Right-Of-Entry legislation.

In Victoria and New South Wales, employer associations and legal advisers fretted that Right-Of-Entry was going to be abused by unions. In Victoria, considerable changes to process were introduced to achieve employers' support for the OHS Act as a whole. I would expect the employer groups to release new advice on this risk in the near future.

From my perspective, unions in many industries have been struggling to assert relevance and authority for many years. I haven't seen unions land any telling blows on the Federal government through the WorkChoices debate. The trade union

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front of him, "grabbed my private part and squeezed it" and made him seek permission to go to the toilet.

Mr Chaloner had verbally abused his wife, forced him to do labouring work at his home and to drive him to work, Mr Naidu said.

He said that as a result of this treatment he suffered chronic depression and post-traumatic stress disorder, which led to his resignation.

Justice Michael Adams last year found News Ltd and Group 4 Securitas liable for Mr Naidu's psychiatric injuries.

Today, the judge ordered News Ltd to pay Mr Naidu almost \$1.8 million, plus exemplary damages of \$150,000.

"The effects of the intimidation and vilification were considerable distress, humiliation and accumulating stress, anxiety and unhappiness," Justice Adams said.

He also found that Group 4 Securitas should pay Mr Naidu at least \$1.6 million in damages, plus \$100,000 for breach of contract.

However, the final sum to be paid by Group 4 Securitas will depend on the calculation of interest due.

Mr Naidu, 45, was not in court for today's judgment but his lawyer, George Draca, said it was "a tremendous victory for a man who's been through a terrible ordeal".

"I hope it sets a precedent for any other person who has suffered so appallingly as Mr Naidu has," he said.

AAP

Comment Sought on Draft: Workplace Health and Safety Amendment (Infringement Notices) Regulations

The Secretary, Department of Infrastructure, Energy and Resources invites interest groups, stakeholders and members of the community to comment on the draft Workplace Health and Safety Amendment (Infringement Notices) Regulations under the Workplace Health and Safety Act 1995.

The Workplace Health and Safety Act at Part 6A provides for the use of infringement notices as an enforcement measure. The offences relating to these provisions are yet to be prescribed in regulations. Input from stakeholders and other interested parties is being sought in order to finalise the drafting of regulations.

The closing date for comment is 10 April 2006. The Draft Regulations can be downloaded at

<http://www.wst.tas.gov.au/attach/draftworkpla.pdf>

Please provide comment addressed to ;

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Source: Workplace Standards

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political base, the ALP, has struggled for several years and the Liberal's attainment of both Houses of Parliament has allowed for no real influence on political decisions at least until the next election.

At the moment there is a big gap in organisations who can put OHS back on the political agenda. Even though workplace safety is one of the few workplace issues that cannot be argued against, who would dare say that the health and welfare of their workers is unimportant? The management of OHS, and targets set, can be disputed but the need for safe workers is a human right.

This is the advantage that OHS practitioners have over industrial relations. We have a strong moral case whereas IR needs to battle capitalism and productivity. The rules of minimum conditions are evaporating but the morality of safety is not. It may vary from time-to-time and in different industry but no one is game to argue against it in the same way that wages and leave entitlements can be.

Yes, OHS is a subset of Industrial Relations and Yes leave entitlements are related to the welfare of workers. But the Federal Government is less interested in these OHS relationships than any previous Federal government.

Over the next few years I predict we will see more WorkCover claims than ever before and this increase will come from many people looking for an alternative way out of a bad employment situation. If you were, for whatever reason, not functioning properly at work and you suspected that you were about to be dismissed (fairly or unfairly), your stress levels would be heightened, perhaps, to the extent that you could claim WorkCover. After all it is clearly a work-related condition. And then how heartless would your employer look dismissing a worker on WorkCover?

Safety managers and practitioners need to be alert and not alarmed, and we need to watch how our other management colleagues start to apply the Workplace Relations laws. If we don't continue to emphasise that OHS is a strong, legitimate (and apolitical) legislation we risk it being swamped in the tide of IR changes. We need to be strong and firm.



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Australian Government Leads The Way In Promoting Building Industry Safety

14 March, 2006

The Minister for Employment and Workplace Relations, Kevin Andrews has today announced the first group of companies to be accredited under the Australian Government Building and Construction OHS Accreditation Scheme (the Scheme).

The new Scheme demonstrates the shared commitment of the Australian Government and the building and construction industry to improving OHS.

“The Australian Government has taken a stand and said it will not do business with companies unless they provide workplaces for their employees that ensure the highest level of health and safety”, said Minister Andrews.

A large number of the nation’s major construction contractors have sought accreditation under the Scheme. From 1 March 2006, head contractors who wish to contract for major Australian Government building and construction contracts need to be accredited under the Scheme.

The Federal Safety Commissioner has received over 100 applications and is working to process the applications, undertake on-site audits and complete the provisional accreditation process for these companies, said Minister Andrews.

Today fourteen companies have been presented with a certificate of accreditation issued by the Federal Safety Commissioner.

List of accredited companies as at 14 March 2006

- Baulderstone Hornibrook Pty Ltd
- Kane Constructions Pty Ltd
- Water Technology Australia
- ADCO Constructions Pty Ltd
- FRH Group Pty Ltd
- Bovis Lend Lease Pty Ltd
- BGC Contracting Pty Ltd
- Arenco (NSW) Pty Ltd
- Thomas and Coffey Limited
- John Holland Group Pty Ltd
- Baulderstone Hornibrook Queensland Pty Ltd
- St Hilliers Contracting Pty Limited
- Civdec Constructions Pty Ltd
- Thiess Pty Ltd

Source: Minister for Employment and Workplace Relations

Brigades continue mop up after hazardous truck blaze

SYDNEY, March 15 2006

Firefighters have worked throughout the night to mop up a hazardous chemical fire on a highway in northern NSW.

A semitrailer, carrying 900 kg of chlorine, caught alight about 8.30pm (AEDT) on the New England Highway, 30 km south of Tenterfield.

The driver managed to detach the rear container, which was ablaze, and drive the remaining cargo and rig to safety, a NSW Fire Brigades spokesman said.

“Fearing an explosion, firefighters set up an exclusion zone of about one kilometre,” the spokesman said.

SIA EVENTS

The Visions Conference 2006

Venue:

Rydges International Resort, Yeppoon

August 30, 31 - September 1 2006

www.sia.org.au

The Safety Conference, Sydney NSW

17 - 19 October 2006

www.thesafetyshow.com.

Safety in Action 2006

Venue: Melbourne Exhibition Centre,
2 Clarendon Street Southbank

16-18 May 2006

<http://www.safetyinaction.net.au>

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Wearing air cylinders, protective clothing, and using remote hoses, about 40 firefighters from the NSW and Rural Fire services worked through the night to douse the flames.

"It's virtually taken the whole night and the mop-up operation is continuing," the spokesman said.

The chlorine cylinder had come through the fire intact, he said, but firefighters remained in protective clothing as a precaution.

No one was injured and, due to the remoteness of the location, no evacuations were necessary.

The New England Highway remains closed, but is expected to reopen shortly. AAP

Security guard bashed with baseball bat

MELBOURNE, March 16 2006

A Melbourne security guard was bashed with a baseball bat and held captive in his van by a group of men armed with knives.

Police say the 39-year-old Deer Park man was working at a housing development site at Newport, in Melbourne's south-west, when he was approached by a group of up to 10 men at 10.45pm (AEDT).

The men, armed with baseball bats and knives, forced the security guard to into his van where he was beaten and forced into the passenger seat.

Six of the bandits then drove the man around the Newport area while the others followed and made threats to kill him, before he was released.

The security guard's was broken in two places and his lip cut.

Police did not know why he was targeted. AAP

Factory Worker OHS Seminars

17 March 2006

According to the Workplace Standards Tasmania website Workplace Standards inspectors have started a new project to improve health and safety in food processing factories.

This project will be launched in early April, with information seminars being held in Burnie, Launceston and Hobart for employers and workers in the manufacturing industry. To register online go to <http://www.workcover.tas.gov.au/node/wpsfactworke.htm>

Adobe Acrobat 7.07 Information

Some readers have expressed difficulty in upgrading to the latest version of Acrobat Reader with one of the problems being that the download can be over 20 megabytes - a substantial burden to dial-up internet connections.

Safety At Work publishers are now allowed to distribute the latest edition of Acrobat Reader on a CD. If you want a copy of Acrobat Reader 7.07 please email me at jonesk@sia.org.au and include your full postal address. A CD will be mailed to you shortly after.

The CD won't be pretty as it is a burnt copy of the software that Adobe permits us to distribute. It is not allowed to be given to anyone other than the person requesting the CD and all CDs will be checked for viruses before distribution.

For those readers who are unconcerned about download limits, the latest version of Acrobat Reader is available for free from <http://www.adobe.com/products/acrobat/readstep2.html>

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