



SAFETY AT WORK BULLETIN

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Tougher fines demanded for employers flouting safety laws

Bigger fines are needed to punish employers who breach workplace safety laws, a survey of Australia's occupational health and safety (OHS) professionals has found. Early results of the national research commissioned by the Victorian division of the Safety Institute of Australia (SIA), comes during Safe Work Australia Week, with the full report to be presented at its Safety In Action Conference in March next year.

Two-thirds of surveyed members favoured increased fines, with more than one in five giving tougher fines the strongest possible support.

SIA Victoria President Phil Lovelock said the results reflected the serious consequences of safety breaches.

"Taking a person's life or destroying their health is the most terrible thing anyone can do and we should apply the most severe penalties available for those acts – whether they happen at work or anywhere else," he said.

Fines for breaches of state OHS laws have been increased in many states. In Victoria, for example, the maximum penalties are now \$943,290 for companies and \$188,658 for individuals. Despite this, Mr Lovelock says the penalties applied by the courts remain out of step with community expectations.

"Too often, we see an extremely low fine imposed after an employer's failed to take the most basic safety precautions and someone's been badly hurt as a result. There's no excuse for that," he said.

Although there was strong support for heavier fines, those polled were less convinced that increased penalties would improve safety outcomes at their own workplaces. Mr Lovelock said it was likely that the SIA's membership was drawn from generally compliant workplaces.

"Responsible employers protect workers because they recognise their moral and legal obligations to do so and tend to have safety professionals on board to help them implement safety measures," he said. "Our members, who are dedicated to making sure safety is a priority, understandably want to see employers who flout the laws appropriately punished."

"Unfortunately, there are still far too many deaths and serious injuries at work. The latest figures show there were 137,550 compensated injuries in 2003/04, which means a staggering 377 per day on average. Add to that all the workplace cancers and diseases that never make it to the workers' compensation system and that equates to a lot of human misery."

The personal liability of senior management was the factor considered most likely to achieve greater safety, followed by education campaigns and training.

The SIA Safety Report Card report will be released at the Safety In Action Conference, which runs from March 20 to 22 next year in Melbourne.

The SIA would like to thank all SIA members who participated in the online survey. The winner of the one-day pass to the SIA2007 Conference will be announced shortly.

Source: Safety Institute of Australia (Vic Division)

ASCC Working To Reduce Death, Injury And Disease In Australian Workplaces

23 October 2006

"Under the National OHS Strategy 2002-2012, state and territory governments, employer and employee groups are working together to reduce the number of deaths, injuries and diseases in Australian workplaces", ASCC Chairman Mr Bill Scales (pictured below) said. "While workers can be affected by poor safety practices in any work situation, not all workers face the same degree or type of risk in their

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jobs. That's why the ASCC has identified priority industries. The list has not been put together lightly. Priority industries have been identified as those where workers are more likely to be injured or killed."

The five industries on the priority action list are:

- Agriculture, Forestry and Fisheries
- Building and Construction
- Transport and Storage
- Manufacturing
- Health and Community Services

"It is important at this time that we step up and ensure our workers go home at the end of the work day in the same state they arrived. To that end the ASCC has set ambitious goals for Australia: to reduce the incidence of work-related injuries by 40 per cent and the incidence of work-related traumatic fatalities by 20 per cent by 2012 and to have the lowest rate of traumatic work-related fatalities in the world by 2009", Mr Scales said.

"While the number of work-related traumatic fatalities has fallen over recent years, the toll is still unacceptably high. Our recent research indicates that 332 people died as a result of a traumatic work-related injury in 2003-04. This figure would be much higher if we included those dying from work-related diseases.

"The highest number of work-related injury deaths was recorded in the agriculture, forestry and fishing sector (72 deaths), followed by the transport and storage (62) and construction (52)."

The number of work-related injuries is reducing at a slower rate. Our latest data show a 5% improvement in the incidence rate of injury claims between 2002 and 2005. This is well below the rate of improvement needed to meet the long term target of a 40 per cent reduction by 2012.

"I don't think anyone can argue that trying to stop death, injury and disease occurring in Australian workplaces is not a worthwhile cause. So this week, because safety is everybody's business, I am asking all Australians to reflect on the importance of workplace safety as part of national Safe Work Australia Week, 22-28 October 2006.

"The week, which aligns with all state and territory weeks, seeks to improve safety outcomes by encouraging employers and employees to focus on health and safety in their workplace."

Source: ASCC

Star City admits liability as family sues over man's death

SYDNEY, October 16 2006

A Sydney couple is suing Star City casino for damages over the death of their son, who died after being restrained by its bouncers eight years ago.

Star City admitted it had breached its duty of care in the case, the NSW Supreme Court was told today.

Pangiotis "Peter" Dalamangas, 23, died on January 31, 1998, after he was held on the ground during an altercation with security staff.

His parents, Vasilios and Chryso Dalamangas, and his partner, Joanne Ferekos, are suing Star City Pty Ltd for an undisclosed amount of damages.

Their barrister, Phillip Mahony, SC, today told the court Star City admitted breaching its duty of care. He also said the plaintiffs were no longer pursuing a claim for damages against the casino watchdog, the NSW Casino Control Authority.

With Star City accepting liability in the case, Justice David Kirby will assess what damages may be awarded to Mr Dalamangas' parents and Ms Ferekos.

In 2000, at the request of his family, a jury was asked to determine the cause and manner of Mr Dalamangas's death following a six-week inquest.

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The Scaffold of Safety

By Melody Kemp MSIA

When Australian-owned Kaltim Prima established their mine in Kalimantan in the mid 80's, they refused to accept the Indonesian Mine Safety Act. Instead they insisted that mining inspectors be sent to Australia to be trained in more rigorous safety procedures. They also asserted that the existing Act, a relic of Dutch colonial times, be scrapped in favour of an Act more in line with modern [western] practice. In doing so they made a positive investment in safety standards in Indonesian mines, while ensuring that production would not be hindered by high accident rates. Even now the Department of Mines in Indonesia is said to be more effective than the Labour Inspectorate.

A few weeks ago I was passing the Australian Recreation Club in Vientiane where a new portico was being constructed. The scaffold was cut branches and saplings, tied with ropes and rattan - sound enough, and customary to these parts. Even Hong Kong high-rises use bamboo scaffold, towering above and swaying in the high winds of HK harbour. But on the Vientiane construction site, no kick boards, harnesses, fall nets, or other safety equipment were in sight. Visitors to the pool and other Club services passed unhindered below. The only limitation was parking. Workmen had bare feet and had no other forms of PPE. Hard hats and eye protection were also not in evidence, even when the old roof was being taken off. Later, a high tech cement pump was brought in when the steel reinforcing matrix for the roof had been laid. So bang went the excuse of primitive conditions. I had seen safer conditions in the construction of the extensions to the traditional market.

The conditions at the Australian-owned site were in contrast to that provided by the road crew outside, working on a Japanese project to remediate Lao's lunar-surfaced major roads. Labourers were kitted out in boots, hard hats with sun protective tops underneath. They wore luminous vests and worked behind high plastic barriers, in the vain hope of protection from drunken motor cycle riders which inevitably increase in number around the end of Buddhist Lent.

I wondered why the difference in approaches. The roof awning construction crew faced falls from height (about 4 metres), tools and other common construction hazards and blinding heat. Yet the Australian example was

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The jurors found the restraint hold applied by security officers compressed his neck and chest which, combined with severe heart disease, led to asphyxia. The officers had used unjustifiable force, the jury found.

The hearing on damages will begin before Justice Kirby tomorrow.

AAP

OHS salary packages on the move!

23 October 2006

A growing demand for strong OHS performance in business has led to a shortage of high calibre, well qualified OHS professionals. However, major Australian companies have expressed concern regarding the lack of qualitative and quantitative data that reflects remuneration packages to assist them recruit and retain safety professionals.

With the focus on safety this week, SafeSearch a specialist Search and Recruitment business has responded to clients and industry demands for up to date remuneration information by launching their Inaugural Remuneration and Benefits survey today.

Julie Honore, founder and Managing Director of SafeSearch said today, "We are continually being asked what makes a competitive remuneration package. We are also advising clients that candidates want to know what the company has to offer them in career advancement and reporting lines so they can influence strategic business decisions." Ms Honore said that companies are feeling very much in the dark as OHS has not been singled out by the more generic remuneration surveys.

The need for better safety performance is being demanded of a business and they require quality people to lead their safety programs. "Legislative requirements, director accountability and much higher fines have seen companies investing an increasing amount of resources and focus on safety," Ms Honore said.

However Honore cautions, "Competitive packages on their own are simply not enough to attract and retain top talent in OHS although it is a good starting point to continue the conversation. Another big motivator from top professionals is how seriously an organisation takes safety."

"As the shortage continues, the outstanding candidates are picking and choosing what employers they want to join. They will confirm the company is serious about integrating safety into the culture of the business, and if for instance the position reports to the Chief Executive Officer," she said.

Source: Safesearch

Australians to research spike in NZ workplace deaths

WELLINGTON, October 16 2006

Australian researchers will investigate an annual summertime spike in workplace deaths and serious injuries in New Zealand.

On average, about seven people die on the job every December and January, according to Department of Labour figures from the last five years.

This compares with five deaths any average month, and four in winter months.

The figures also show 101 people seriously injure themselves in December and January, compared to the monthly average of 80.

The department contracted Australian company Human Engineering Ltd to research the phenomenon, Department of Labour spokesman Bob Hill said.

The reason for the spike was unclear, as the deaths and injuries happened across a range of industries, he said. However, most came from workers getting crushed by vehicles or other mobile plant equipment.

"We know there is a higher incidence of workplace fatalities during summer, which is often put down to longer daylight hours and more opportunity for outside work," Hill said. "Farming activity and industrial and commercial work contribute significantly to the summer-time fatalities. What we don't know is whether this is just a blip, or if there is some statistical significance to the

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poor when compared against the almost militarist precision of Japanese safety management. I could not find the club manager to talk about this. When I mentioned my observations to another Aussie expat his response was: "Oh but the Laos are like monkeys and can climb anything." Oh really? Even monkeys fall occasionally.

So what responsibility do Australian companies (in this case the Rec. club is a profit making offshoot of Australia's official presence here) have to their employees and contract workers offshore? I tried to find out on the web and consulted a labour law friend of mine and little is clear. I suspect that offshore safety performance is guided more by Corporate Social Responsibility or maybe even ISO principles than by homegrown regulations, in which case it would be interested to see what variance exists between private and government projects.

The government says that it sends police and troops to places of conflict such as Burma and the Solomons. That indigenous needs for health, education, environmental protection and other forms of social development are being eschewed by the perceived need for what amounts to Australian security. The rationale oft spewed by officials is to model or teach rational systems based on human rights and 'Australian values'.

Leaving aside that this position has resulted in dubious outcomes, particularly with regional military forces, why does Australia not at least take a similar and consistent line when it comes to safety and health? After all accidents now outnumber infectious diseases as the major causes of death in this part of the world, vastly outnumbering terrorism.

The embassy bombing in Jakarta was deadly to the Indonesian guards outside, who unlike their counterparts in the US embassy, were not given body armour. My smiling Indonesian friend's white shirt, security badge and black polyester uniform trousers were of little protection against the force of the blast. He died instantly.

With elections in the wings in the SIA, who will be far sighted enough to see that the SIA has the capacity to emulate the American Institute of Government Industrial Hygienists who both promulgate standards, provide courses and materials to those in the developing world and take an active role of lobbying for better corporate and governmental standards in off shore operations?





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apparently higher incidence of summer fatalities.”

Hill expected the research project to be finished by the end of the year.

NZPA

Drivers in WA could soon face random drug tests

October 18 2006

Random drug testing for drivers is to be introduced in Western Australia.

The legislation which was before parliament today brings WA in line with two other states, Victoria and Tasmania, with a third, South Australia, also considering similar legislation.

The roadside saliva testing could detect whether drivers had illegal drugs in their system, such as cannabis, speed or ecstasy, Community Safety Minister John Kobelke says.

“If drivers are stopped by police on the suspicion that they are driving impaired, penalties for having any drug in their system will be severe,” Mr Kobelke said.

The tests will not detect the presence of prescription drugs, common over the counter medication or ADHD medication.

Driving with a prescribed illicit drug in a person’s saliva or blood will attract fines ranging from \$200 and three demerit points for a first offence, up to a \$500 and three months’ licence suspension for a third and subsequent offences.

Penalties for driving while impaired by a drug will range from \$800 and six months’ licence disqualification for a first offence, up to \$5,000 or 18 months’ imprisonment and a permanent licence disqualification for a third or subsequent offences.

AAP

It’s time to give some of the \$2 billion back to injured workers!

18 October 2006

The NSW Government can afford to give a better deal to injured workers, according to recent data showing enormous revenue raised under the NSW WorkCover scheme.

A report obtained from the WorkCover Authority of NSW under the Freedom of Information Act shows that, in July 2005, NSW WorkCover’s actuaries estimated that a \$2 billion deficit in the NSW WorkCover scheme would take until 2012 to pay off. Now, just 12 months later, the NSW Government has announced that the scheme is \$85 million in surplus.

NSW Law Society President Ms June McPhie has today called upon the Minister for Commerce, John Della Bosca, to wind back harsh workers compensation laws.

“There is clearly room to restore consistency and fairness to the WorkCover scheme, which is now making significant annual surpluses. WorkCover is making profits well in excess of what its own actuaries estimated, just one year ago. These figures demonstrate that the Government’s cuts to workers’ entitlements in 2001 have gone too far”, said Ms McPhie. “WorkCover has financed its debts in a fraction of the time that was anticipated by its actuaries, due to a scheme that denies more than 9 out of 10 injured workers fair compensation.”

Last year, in response to widespread dissatisfaction with the current scheme, a NSW Upper House committee unanimously recommended that the WorkCover scheme be brought into line with the public liability scheme and the current methods of assessment under Workers Compensation legislation be removed.

Mr Della Bosca rejected these and other recommendations, relying on the NSW WorkCover’s actuarial advice.

Ms McPhie said: “The validity of Mr Della Bosca’s projections is brought into serious doubt by these revelations. Injured NSW workers are suffering needlessly under one of Australia’s harshest workers compensation schemes. Since the commencement of the campaign “A Fair Go For Injured People”, dozens of people have come forward with very serious injuries which have irreversibly changed their lives, for which they will never be properly compensated due to harsh laws in NSW. The campaign is aimed at building public awareness about the inconsistency and unfairness of laws protecting injured people in NSW.

“The profits under the WorkCover scheme are an embarrassment, particularly in light of the low cost of

MEETING WITH CHINESE DELEGATION

by Leo Ruschena CFSIA, National Secretary

The Safety Institute received a request at short notice to meet and provide information to a delegation from China.

The Hubei Work Safety Delegation from Hubei Province, located in Central China on the Yangtze River was visiting Australia. Hubei is the base of Chinese heavy-industry (like Wuhan Iron and Steel Group, Dongfeng Automobile Plant which produces Mazda cars). The delegation was composed of 11 government officers engaged in Work Safety (similar to WorkSafe Victoria), and other 7 Senior Work safety management officers from the state-owned large companies. The names of the delegates are attached.

The purpose of their visit was to exchange ideas and experiences on Work Safety standards, Occupational Health & Safety, hazard and risk management in workplace. A presentation about the roles and functions of SIA was also requested.

The meeting was held in the Rialto Tower on 13 October. None of the delegation could speak English, but some could read it. The presentation was translated by an interpreter, Ms Ivy Cheng, a management student at Monash, who also expressed an interest in further studying safety.

It was an interesting experience, in having to go through an interpreter, particularly questions and answers. However, they appeared satisfied and thanked the Institute for the provision of the presentation at such short notice. My impression was that the safety systems operating in china are different from those operating in Victoria. However, all credit to them for seeking additional safety information to improve their OHS back home.

The slides provided are attached and will be posted on the SIA website.

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workers compensation insurance in this State. These profits exist because injured workers have been left to suffer. This injustice cannot, and need not, be allowed to continue", Ms McPhie concluded.

Source: Law Society of NSW

Timber company fined over unguarded machinery

October 20, 2006

A Bassendean timber company has been fined \$25,500 for failing to provide a safe workplace after a worker's hand and arm were seriously injured in an unguarded conveyor.

Pinetec Limited pleaded guilty in the Midland Magistrates Court yesterday to failing to provide a safe workplace, and by that failure, causing serious harm to the worker.

Pinetec had hired a worker through a labour hire company in October 2003, and that worker had his hand and arm cut and burnt in January 2004 when it was trapped in the unguarded pinch-point of two conveyor belts.

The man had been leaning over a guardrail to unblock a woodchip conveyor as he had been shown by his supervisor when he slipped on woodchips and fell forward, pushing his left hand into the pinch-point where the top and bottom conveyor belts met.

There was no guarding on that part of the conveyor, and the belt caught the worker's glove and pulled his arm into it, bending and twisting it around a pulley.

The man screamed for help for ten minutes, but could not be heard above the machinery noise. A worker from the factory next door eventually heard the man's cries for help and climbed the fence to go to his aid.

There was no emergency stop button within the man's reach, and it took another 20 minutes to free him by cutting the conveyor belt. His arm and hand was cut and burnt and he underwent several operations to remove part of his hand and apply skin grafts.

WorkSafe WA Commissioner Nina Lyhne said today it was disappointing that employers still needed to be reminded of the importance of machinery guarding.

"Guarding has been required by occupational safety and health legislation for so long now that the message should well and truly have been accepted," she said.

"But this case shows once again that the message is clearly not getting through, and a man has been left with permanent injuries because the employer failed to ensure his safety by guarding the dangerous parts of the machine.

"After this incident, the employer installed a guard over the pinch-point of the conveyor and emergency stop buttons throughout the mill, but too late to prevent this serious injury.

"WorkSafe inspectors had issued notices relating to guarding of machinery several times over the years before this incident, so the employer should have been aware of the need for guards.

"Guarding is one of the easiest and most obvious means of minimising the risk of injury to machinery operators, and the cost of installing guarding is far less than the cost in human and economic terms of a serious injury to a worker."

Source: DOCEP

Third explosion leads to safety call with flammable products

October 17, 2006

A dentist suffered third degree burns to the face and hands after an explosion at a surgery in Reservoir this morning.

The incident has prompted WorkSafe to issue a warning about the need for extreme care to be taken when working with flammable products.

WorkSafe inspectors went to the surgery where it is believed gas from a disposable bottle escaped and was ignited by a nearby Bunsen burner in a workshop attached to the practice.

The disposable gas bottle is of the type that is pierced by an appliance or tool that is to be used.

WorkSafe's Executive Director, John Merritt, said today's incident was the third serious incident involving flammable products attended by the health and safety regulator this year.

A man using a steel drum containing a flammable construction industry product suffered burns at Niddrie on October 2. a man who was brazing a steel drum also suffered severe injuries when flammable residue inside exploded on 3 May at Moolap on the Bellarine Peninsula.

"There is frequently little room for error when flammable products are involved. That's why it's essential that potential sources of ignition – naked flames, welding or cutting gear or even faulty electrical appliances must be controlled. Using flammable products means extreme care must be taken as the consequences can be instant and last a lifetime."

Source: WorkSafe

Innovation prevails at 2006 WorkCover Safe Work Awards

19 October 2006

Cutting edge solutions to workplace safety including a fall from heights prevention device, innovative OHS risk assessment tools and injury prevention strategies were among the winners of the 2006 WorkCover NSW Safe Work Awards.

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Parliamentary Secretary to the Minister for Commerce, Graham West MP, tonight presented five awards and three 'highly commended' certificates to successful entrants at the third annual Safe Work Awards at Homebush Bay.

"It is gratifying to see such a high standard of submissions from the 84 entrants this year, and the ingenious solutions that employers and workers have developed in their determination to create safer workplaces," said Mr West.

The award for Best solution to an identified workplace health and safety issue went to Waterloo company, JLG ProLift, for its innovative personnel lift, developed to eliminate the risk of falls from ladders in the workplace and provide a more productive way to work. "The Liftpod provides a safe, battery powered portable personnel lift at an affordable price for ladder users," he said.

William Carey Christian School at Prestons collected the award for Best workplace health and safety management system. "Over the past four years the school has implemented an extensive OHS management system to develop policies and targets, address injury management and organise training activities," said Mr West.

Best workplace health and safety practices in a small business went to Beverley Park company Platinum Freight Management for its system to maintain a safe and healthy workplace for staff, visitors and contractors at its customs brokerage operation.

Railcorp's Inner West /Bankstown Health and Safety Environment Committee won the Public sector leadership award for injury prevention and management. The committee received the award after implementing a range of OHS improvements including inspections for 31 stations within the region, mentoring of front line staff as well as the development of new manual handling and station presentation manuals.

The title of Best individual contribution to workplace health and safety was shared between Ron Christianson, a Transport Workers Union delegate from Toll-Ipec at Moorebank and Robert Petrovski from the TNT Express Mascot depot.

Special 'highly commended' certificates were awarded to EMT JV for their work on the Sydney Water Ocean Outfall Sewer Rehabilitation Project, the Hunter Region SLSA Helicopter Rescue Service for its safety management system, and Homelessness NSW/ACT for the development of a Client Risk Assessment Tool.

This year's award winners will also be entered in their respective category into the national Safe Work Australia Awards to be held next year.

"The NSW Government is committed to simplify doing business in this State by improving occupational health and safety and workers compensation," Mr West said. "Continued improvement in occupational health and safety have seen injuries and fatalities in NSW fall to their lowest in 18 years. In the past 12 months, the NSW Government has reduced WorkCover premium rates by 20 per cent, saving NSW businesses \$560 million, while at the same time has introduced a new incentive program to reduce the cost of employing apprentices and increased permanent impairment benefits for injured workers by ten per cent," Mr West said.

Source: NSW Minister for Commerce

Adobe Acrobat V7.08 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 7.08 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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