

the monitor

Keeping all those with an interest in OHS informed of current developments in workplace health and safety nationally and internationally.



Issue 4 Vol 44 – November 2023



Engineered stone banned.

Since the first Australian silicosis case linked to working on engineered stone was reported in 2015, hundreds more cases have emerged. Unions joined doctors to campaign for a ban, arguing it could become the "asbestos of the 2020s" due to the risks it posed to workers' health. The Cook Government announced it will join the rest of the country in banning the use of engineered stone in workplaces due to the risk to workers of silicosis. The ban will take effect from July 1, 2024, in Western Australia.

The Cook Government will ban engineered stone in WA workplaces from July 1, 2024, supporting a national approach to this issue.

- The dust generated by engineered stone poses a severe health risk to workers.
- A meeting of national Work Health and Safety Ministers today decided there will be a national ban on engineered stone.
- Ministers have also endorsed a nationally harmonised labour hire scheme.

The Cook Government announced it will join the rest of the country in banning the use of engineered stone in workplaces due to the risk to workers of silicosis. The ban will take effect from July 1, 2024, in Western Australia. Safe Work Australia recently reported that it could not identify a safe level of silica in engineered stone, concluding that the use of all engineered stone should be banned across Australia.

Western Australia has recorded 48 cases of silicosis since 2018, and 43 of these involve workers employed in the engineered stone industry. This information is based on reports to WorkSafe, as there is no mandatory reporting of silicosis cases at present. The Cook Government considers this information as indicative of the

risks of working with engineered stone and has therefore made the decision that WA will join other jurisdictions in banning the use of engineered stone.

Source: <https://www.aihs.org.au/news-and-publications/news/nsw-government-introduce-industrial-manslaughter-laws>



Image: Dezeen, 2023

Comments attributed to Industrial Relations Minister Simone McGurk:



Hon. Simone McGurk, Minister for Training and Workforce Development; Water; Industrial Relations

"The rate of silicosis illness in Australia for those working with engineered stone is unacceptable. This prohibition will ensure future generations of workers are protected from silicosis associated with working with engineered stone. "We would like to make it clear to the community that engineered stone benchtops already installed in homes do not pose a hazard, as the finished product does not release dust. "We recognise there will be businesses and consumers who have already entered into contracts to obtain engineered stone products, and transitional arrangements will be implemented

for those with an existing contract. "The State Government is strongly committed to comprehensive national labour hire regulation. This initiative will ensure a level playing field for business and address worker exploitation."

Source: <https://www.wa.gov.au/government/media-statements/Cook-Labor-Government/Engineered-stone-banned-and-national-labour-hire-scheme-endorsed-20231213>

Published. 13 December 2023

Table of Contents

Cover story

Engineered stone banned.....	1
------------------------------	---

Events

Occupational Health Society Educational Event and Annual General Meeting	4
--	---

Safety

Government to introduce industrial manslaughter laws.....	5
Western Australia Regulator calls for safe procedures when working in remote areas	5
Truss maker fined \$200,000 after fatal lift.....	4
Regulators issue reminders about child safety in the workplace	6
Failure to maintain and inspect equipment leads to its collapse.....	7
Piling contractor fined \$40,000 after pressure explosion at solar farm	8
\$2.1 million fine over apprentice's serious head injury	9
Two companies and supervisor fined \$1.57 million after mine fatality	10

Health

Nearly 3 million people die annually of work-related accidents and diseases.....	11
Qantas found guilty of standing down health and safety representative over Covid-19 concerns.....	12
Surveillance and monitoring of remote workers: What are the implications for safety and health?	
Telework regulation in a post-COVID-19 Europe: Comparison with Western Australia	13
Can employers request information about a worker's medication?	14
Heatwaves and the overload on emergency care	15

Psychosocial Health

Court body fined almost \$380,000 for deadly work culture.....	17
Director fined \$60,000 for bullying apprentices	17
WorkSafe Western Australia and Fortescue agree to enforceable undertaking	18
One in five workers have experienced violence and harassment.....	19
A client's sexual assault of a support worker prompts prosecution and organisational change	20

National News

Safe Work Australia publishes new model Sexual Harassment Code of Practice	21
Safe Work Australia launches Safe Work Method Statement tool.....	22
National Labour Hire Scheme Endorsed.....	23

Occupational Health Society

Application for Membership	24
----------------------------------	----

Monitor Editor: Emma D'Antoine.

IN EVENTS

The Occupational Health Society held an educational event for Members on the 28th of November 2023 at the Westralian Apartments Board Room in East Perth, Western Australia. There was a good attendance of Members, both in person and online, to listen to Dr Max Hills present information and insights into the Fitness to Work Medical Assessment Guideline that he was instrumental in developing and implementing. These guidelines provide a consistent approach for the assessment of work fitness for remote and offshore locations in Australia and are used by most major oil and gas operators in Australia. The assessment is for employee physical health and does not assess mental health. Questions were asked about the application of this medical assessment to the onshore mining industry, and other industries.



The presentation was followed by the Occupational Health Society Annual General Meeting (AGM) at which a quorum was present. The meeting included acceptance of the 2022 AGM minutes, President's and Treasurer's annual report. The special resolution to adopt revisions made to the Constitution was passed. The new Committee was elected and is comprised of Mr Les Vogiatzakis (President), Dr Amy Bright (Vice President), Mr Dave Lampard (Treasurer), and Committee Members Dr K C Wan, Ms Alison Martins, Mr Peter Nicholls, Mr Lance Keys, Mr Bruce Mc Donald, and Mr Carl Cocila.

After this there was time for socialisation and networking with food provided by the Toffee Cafe and a range of drinks provided for the enjoyment of Members.



IN SAFETY

Government to introduce industrial manslaughter laws.

The New South Wales (NSW) Government recently announced that it will introduce industrial manslaughter laws across the state – making it the last mainland jurisdiction to bring an industrial manslaughter offence or legislation to parliament. In February 2023, the former government, with other states and territories, agreed to amend model work health and safety laws to allow for jurisdictions to introduce industrial manslaughter.

Industrial manslaughter allows a corporation to be held liable for the death of a person caused by that corporation's employees within the scope of their work. Manslaughter is the unlawful killing of a human being.

SafeWork New South Wales will begin an extensive consultation process which will include work health and safety experts, business groups, unions, legal stakeholders and families of people who have been killed at work. "I hope these laws act as such a strong deterrent that no one ever needs to be prosecuted. We must prevent fatal injuries in the workplace," said NSW Minister for Work Health and Safety, Sophie Cotsis. "These penalties acknowledge the significant pain and suffering of families and loved ones of workers who have died in preventable workplace incidents."

The NSW Government will formally begin the consultation process in coming weeks and intends to introduce a bill to parliament in the first half of 2024.

Source: <https://www.aihs.org.au/news-and-publications/news/nsw-government-introduce-industrial-manslaughter-laws>

Western Australia Regulator calls for safe procedures when working in remote areas.

WorkSafe WA recently issued a reminder to employers and workers to consider all the precautions they should take when work is being undertaken in remote areas. Workers who regularly travel to remote areas of the state include tour operators and workers involved in supervising various recreational activities, mining workers such as prospectors and geologists, truck drivers and some farmers. Acting WorkSafe WA Commissioner Sally North said it was important to keep in mind that both employers and workers had responsibilities for health and safety when working in remote areas. "While anyone who travels to the outback needs to consider safety when deciding what to take with them, we would particularly like to remind both employers and workers that they have responsibilities under workplace health and safety laws," North said.

Much of WA is remote, with reduced access to regular communications, emergency assistance, and medical aid, so employers need to assess the risks and equip workers with what is required to lessen the risks. Work vehicle breakdowns can leave workers stranded in remote areas, so vehicles should be suitable for the tasks being undertaken and be well-maintained and equipped with spare parts and recovery equipment. A reliable means of communication or an alert system is also an absolute must for safety. Workers should be supplied with equipment such as a satellite phone, GPS tracker, personal locator beacon or EPIRB, as well as a communication plan including regular check-ins. Adequate training and instruction, including the potential hazards, risks and control measures, should be provided to workers. Current weather conditions, including fire risks or fire events, should also be regularly reviewed before, and where practicable during, travel. "Anyone who travels to WA's remote areas, whether they do so for work or for recreation, needs to be aware of the risks involved," North said. "Many of these risks can be life-threatening, so it's crucial that everyone is aware of them and what they need to do to reduce or eliminate them."

Source of *Western Australia Regulator calls for safe procedures when working in remote areas* article: AIHS.
<https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/02%20February/WA%20regulator%20calls%20for%20safe%20procedures%20when%20working%20in%20remote%20areas.aspx>

Truss maker fined \$200,000 after fatal lift.



A timber truss manufacturer has been convicted and fined \$200,000 for unsafe work practices following the death of a worker at a Point Cook construction site. Melbourne Truss was sentenced in the Melbourne Magistrates' Court after earlier pleading guilty to a single charge of failing to ensure a workplace under its control was safe and without risks to health. The company was also ordered to pay \$11,234 in costs.

In March 2020, Melbourne Truss workers were using a vehicle-mounted loading crane to unload prefabricated timber floor trusses onto a concrete slab within the framework of a townhouse under construction at the site. During the unloading, the crane operator was

standing on the delivery truck tray, while his assistant was standing on the slab.

The incident occurred when a bundle of trusses being lifted by the crane made contact with a steel structure that formed part of the townhouse framework, knocking it inwards and striking the assistant in the face. The worker fell backwards and struck his head on the concrete slab. He died at the scene. The court found it was reasonably practicable for Melbourne Truss to have reduced the risk to health and safety by ensuring people were in a safe location during the unloading process.

"This tragedy is a stark reminder for every employer using cranes to ensure safety is the first priority each and every time a load is lifted," said WorkSafe Victoria executive director of health and safety, Narelle Beer. "Cranes and lifting equipment are an essential part of the daily work for many industries but work involving cranes is high risk and must be treated with the utmost care and caution."

Source: <https://www.aihs.org.au/news-and-publications/news/truss-maker-fined-200000-after-fatal-lift>

Regulator issues reminder about child safety in the workplace.

SafeWork NSW recently issued a reminder to employers about the dangers of taking children to workplaces such as construction sites, following an incident in which a teenage boy was seriously injured while attending a worksite in December.

On 22 December, a 13-year-old boy attended a construction site with an adult, and the boy subsequently fell from scaffolding and sustained a serious head injury which required surgery. While many parents across the state are back at work in the new year and may have to take their children to work with them, SafeWork NSW said they must ensure children are only taken to suitable workplaces and their movements are always monitored.

People in high-risk workplaces like construction need to be trained and competent, and if SafeWork inspectors find untrained, unlicensed and incompetent people on site, which can include children, the regulator said this could result in the issue of fines or other notices. If parents are planning for their child to take part in work on a construction site, they are reminded to ensure their child has a white card, is properly supervised and has been provided with adequate training. The minimum age to apply for a white card is 14.

“For a child, workplaces are exciting places, but they can also be extremely dangerous,” said head of SafeWork NSW Trent Curtin. “We are reminding businesses and parents they have obligations to supervise children especially around machinery, hazardous chemicals and other risks on site which may not be obvious. “There needs to be protections in place to look after not just kids on school holidays, but all visitors to the workplace, each and every day of the year. “Simple safety prevention, like locking away chemicals and tools, putting in place falls protection, or removing the keys from machinery and vehicles when they are not in use are just a few ways to create a safer place for everyone.”

Safe Work Australia statistics indicate that 11 children die in work-related incidents each year on average, and some 160 children died in work-related incidents over the period 2003-2016. Of those children who die in work-related accidents, 46 per cent were aged 0-5 years, 31 per cent were aged 5-9 years, and 23 per cent were aged 10-14 years. Two-thirds of these children were boys and 71 per cent of workplace fatalities occurred in the transport, postal and warehousing industry as well as the agriculture, forestry and fishing industries.

WorkSafe Victoria also issued a safety alert in 2023 about keeping children who are not employees safe in workplaces. There are a number of reasons why children may be present at a workplace, according to the alert. For example, they may:

- live on a farm or at a place where business is conducted.
- enter a workplace with a family member who is an employee or employer.
- ride in a vehicle being use for work.
- be a student in a school, a patient in a hospital or a customer in a shop.
- enter the work area of someone who works from home.



“Children are naturally inquisitive and may want to play in and explore the workplace. They are unlikely to think about the risks in the workplace,” the alert said. “Children may also enter a workplace without permission, for example to play on a construction site or in a carpark or storage area after employees have left.” If there is a chance of a child attending your workplace, for any reason, the alert said employers need to consider this when complying with your obligation to identify hazards and control risks. Possible risk controls may include ensuring children are appropriately supervised in the workplace, ensuring hazardous areas are secure so children

cannot access them , creating a safe play area if children regularly attend the workplace and developing a policy on children in the workplace. The policy should cover:

- When it is appropriate for children to be in the workplace
- Supervision requirements
- Which areas of the workplace children can be in

Source: https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/01-January/Regulators%20issue%20reminders%20about%20child%20safety%20in%20the%20workplace.aspx?SourceCode=EMAIL110124&utm_source=iMIS&utm_medium=Email&utm_campaign=OHS_eNews

Failure to maintain and inspect equipment leads to its collapse

The importance of having a regular maintenance and inspection program for plant and equipment was highlighted in a recent prosecution of a Victorian company in relation to the partial collapse of its storage racking system. J.D.K Management Pty Ltd (J.D.K) operated a cool store (refrigerated storage), which stored cheese in pallets that were stacked into a racking system. The racking system in the cool store was a drive-in racking system. This meant that forklifts would drive the cheese pallets into the empty racks. J.D.K’s racking

system had a considerable amount of pre-existing damage, and employees had informed the supervisor and director of J.D.K that the racking system was damaged. J.D.K did not have an annual inspection of the packing system, contrary to the recommendations in Australian Standard (AS) 484-2012 (Steel storage racking).

Incident and outcome

On 24 June 2021, two employees – a forklift driver and a supervisor – moved loads of pallets from the racking system in the cool store. About 15 minutes after the employees left the cool store, they heard a loud bang. When they re-entered the cool store, the employees discovered that the racking system on the west aisle had collapsed. Luckily, no one was injured as the cool store was unoccupied at the time.



WorkSafe Victoria’s investigation revealed that parts of the racking system was damaged, faulty, and poorly installed. WorkSafe’s position was that if the racks had been professionally inspected, J.D.K would have been directed to immediately unload parts of the racking system. J.D.K was charged with failing to provide and maintain a working environment that was safe and without risks to health.

J.D.K pleaded guilty to the charge and was ordered to be placed on a good behaviour bond for 12 months with the condition of paying \$10,000 to the Court Fund and paying WorkSafe Victoria’s

costs of \$3,986. The Court found that the racking system was an “accident waiting to happen” and the risk to employees was obvious. Although the area where the incident occurred was a forklift-only area, forklift drivers did not always remain in their vehicles and often ventured on foot into these areas, thereby exposing them to a risk of serious injury or death.

Source: Selinger, M. (2023, December 8). Health and Safety Handbook.

Piling contractor fined \$40,000 after pressure explosion at solar farm

A West Australian company was recently convicted and ordered to pay \$40,000 after exploding aerosol cans caused a metal bar to strike and injure a worker on a piling rig at a Western Downs solar farm. The defendant was sub-contracted by the principal contractor of the solar farm to provide piling services and failed to eliminate or minimise the risk of 12 galvanised aerosol cans exploding. The 4.7kg metal bar was propelled into the worker when the aerosol cans exploded while they were stored inside a toolbox on the rig.

The magistrate found the defendant should have known about the explosion risk. The defendant had a safety data sheet for the aerosol cans which noted they were hazardous, contained flammable aerosol, were pressurised, and may burst if heated. The defendant also had a manual for the piling rig which warned that some surfaces of the piling rig including the engine could over-heat.



The toolbox was positioned 11cms away from the piling rig engine air outlet – this blew warm air onto the toolbox while the piling rig operated. The force of the explosion was such that the 4.7kg metal bar was found approximately two metres away from the piling rig. The defendant’s safety procedure for the piling process did not contain any specific procedures for safe storage of the aerosol cans, incorrectly noted there were no

hazardous substances used during the piling process, and did not include a warning about storing the aerosol cans near sources of heat. The defendant should have provided a safe location to store the aerosol cans and trained its workers to store them away from sources of heat. The magistrate considered the defendant had no prior criminal history and that it acted well by implementing risk controls shortly after the incident. The defendant was fined \$40,000 and did not have a conviction recorded. The company was also ordered to pay \$1,500 in professional costs and \$101.40 in fees.

Source: AIHS. [https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/01-January/Piling%20contractor%20fined%20\\$40,000%20after%20pressure%20explosion%20at%20solar%20farm.aspx](https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/01-January/Piling%20contractor%20fined%20$40,000%20after%20pressure%20explosion%20at%20solar%20farm.aspx)

\$2.1 million fine over apprentice's serious head injury.

An industrial component manufacturer and its director have been convicted and fined a total of \$2.24 million and the director placed on a five-year community corrections order after an apprentice was seriously injured in Gippsland Victoria. Dennis Jones Engineering and its sole director Dennis Jones were sentenced in the Melbourne County Court after earlier pleading guilty to a single charge each under the Occupational Health and Safety Act. The company was convicted and fined \$2.1 million for recklessly engaging in conduct that placed a person in danger of serious injury. Jones was convicted and fined \$140,000 for failing to provide or maintain safe systems of work by failing to take reasonable care as an officer of the company. He was also ordered to complete a community corrections order of five years duration with a condition to complete 600 hours of unpaid community work.

In October 2021, Jones directed the 20-year-old apprentice to use a plastic sleeve to steady lengths of steel pipe that he was threading on a lathe at the company's Morwell workshop. The apprentice was holding the plastic sleeve on the end of a pipe that protruded nearly 1.5 metres from the rear spindle of the lathe and was struck when the pipe bent and whipped. He was placed in an induced coma, airlifted to hospital, and underwent surgery for serious head injuries.

A WorkSafe Victoria investigation found Jones should have been aware of the risk and that it was reasonably practicable to ensure that covers were fixed to the lathe to prevent pipes that protruded from being threaded, or that a fixed steady was used to support such pipes and an exclusion zone used to restrict access to the danger area near the pipe.

WorkSafe Victoria executive director of health and safety, Narelle Beer, said overhanging work pieces were a well-known safety risk when using lathes. "It is incredibly frustrating that this employer had several control measures to eliminate or reduce the risk available but simply chose not to use them," Beer said. "The significant penalties for this company and director reflect the life-altering impact this devastating incident has had on a vulnerable apprentice who was at the very start of his career."

To manage risks when using metal turning lathes, WorkSafe Victoria said duty holders should:

- *Install appropriate guarding to prevent employees from being struck by projectiles or becoming entangled in moving or protruding parts such as drive mechanisms, lead and feed screws, chucks and the workpiece.
- *Ensure chucks, faceplates, couplings and clamps are compatible with the lathe and designed so there is no catch points and worn or damaged tools are removed and not used.
- *When oversize workpieces are machined, ensure a bar feeder or fixed/travelling steady is used to support protruding pieces, or modify lathe speeds to ensure protruding pieces do not bend.
- *Create a restricted zone around the lathe operator and use suitable barriers and signage to stop employees from unnecessarily entering the work area, including the area around any oversize workpiece.
- *Ensure suitably identified controls, including an emergency stop button/pedal, are within easy access of operator and away from the working zone.
- *Ensure all operators are appropriately trained and competent before beginning work.
- *Provide employees with appropriate personal protective equipment (PPE) such as steel-capped boots and safety glasses and ensure no gloves or loose-fitting clothing are worn when operating or cleaning the lathe.

Source: <https://www.aihs.org.au/news-and-publications/news/record-21-million-fine-over-apprentice%E2%80%99s-serious-head-injury>

Two companies and supervisor fined \$1.57 million after mine fatality.



Two mining-related companies and a mine supervisor were today fined \$1.57 million after a worker was killed when he drove over the edge of an open void, falling around 25 metres. The July 2020 incident occurred at the Whirling Dervish underground gold mine; part of Northern Star's Carosue Dam operations located around 120 kilometres north-east of Kalgoorlie.

The worker was using an underground loader to build a safety barrier, or bund, from broken rock when he drove over the edge of an excavated void, known as a stope. After arriving at the scene of the incident, a shift supervisor could see the worker was lying on his back outside the cab of the loader and was unresponsive. Emergency personnel were unable to launch an immediate rescue operation due to the risk of rock falls within the stope. Several hours later, the rescue team used a remotely operated loader to recover the worker whom a doctor then declared deceased.

The fatally injured worker was employed by Byrnecut Australia, a company contracted by Saracen Gold Mines to perform underground mine work. Saracen changed its name to Northern Star (Carosue Dam) after it merged with Northern Star Resources in February 2021. All three parties pleaded guilty in the Perth Magistrates Court.

As an employer, Byrnecut Australia was fined \$850,000 plus costs of \$4,241 for failing to provide a safe working environment which caused the death of a worker. As the principal employer, Northern Star was fined \$700,000 plus costs of \$4,241 for engaging a contractor (Byrnecut) that failed to provide a safe working environment which caused the death of a worker.

As an employee, mine supervisor Arsen Korzhov was fined \$20,000 plus costs of \$4,241 for not taking reasonable care of the safety of another person which caused the death of a worker. Mr Korzhov's duties included shift-by-shift safety inspections of all active workplaces under his control. On the day of the incident, he removed a barricade and warning signs from the stope shortly before the fatally injured worker started building the bund. Mr Korzhov then left the area which meant the stope was unguarded.

WorkSafe Chief Inspector of Mines Martin Ralph said the tragic incident should not have happened. "Today's penalties send a clear message to all mine operators, contracting companies and front-line supervisors about the importance of ensuring mine worker safety," he said. "All mining operations must have safe systems of work in place to protect workers from hazardous conditions. "The death of any worker is one too many, and industry must learn from this tragedy."

Mr Ralph said several factors contributed to the fatal incident. "Northern Star and Byrnecut failed to complete the required Job Hazard Analysis and neither company took steps to instigate a proper risk assessment for the task," he said. "Mine operators must erect a physical barrier before an open stope is created or changed by firing explosives, and it must be maintained to prevent access. "In this instance, there were no physical barriers to prevent the loader entering the stope, nor were there effective wall markings to help the driver judge the distance to the open edge. "These factors are especially important as a loader's configuration can limit the driver's forward visibility." WorkSafe laid the charges under the Mines Safety and Inspection Act and Regulations that were superseded by the Work Health and Safety Act and (Mines) Regulations in March 2022.

Source: [https://www.aihs.org.au/Web/Advocacy-Media/All-News/2023/12_December/Director%20fined%20\\$60,000%20for%20bullying%20apprentices.aspx](https://www.aihs.org.au/Web/Advocacy-Media/All-News/2023/12_December/Director%20fined%20$60,000%20for%20bullying%20apprentices.aspx)
Australian Institute of Health & Safety. December 2023.

IN HEALTH

Nearly 3 million people die annually of work-related accidents and diseases.

Nearly three million workers die every year due to work-related accidents and diseases – an increase of more than 5 per cent compared to 2015, according to new International Labour Organization (ILO) research. Most of these work-related fatalities (totalling 2.6 million deaths) stem from work-related diseases, while work accidents account for an additional 330,000 deaths. A new ILO report, *A Call for Safer and Healthier Working Environments*, which was recently launched at the 23rd World Congress on Safety and Health at Work in Sydney, found that circulatory diseases, malignant neoplasms and respiratory diseases rank among the top three causes of work-related death. Together, these three categories contribute more than three-quarters of total work-related mortality. More specifically, work-related circulatory diseases were the major cause of 912,000 deaths globally, followed by 843,000 work-related malignant neoplasms.

In terms of regions, the Asia and the Pacific region has the highest work-related mortality (63% of the global total), which reflects the fact that the region possesses the highest working population in the world. In relative terms, work-related fatalities represented 6.71% of all deaths globally. The attributable fraction of work-related deaths is estimated to be highest in Africa (7.39%), followed by Asia and the Pacific (7.13%) and Oceania (6.52%). In terms of gender breakdown, more men die from work-related incidents (51.4 per 100,000 working age adults) compared to women (17.2 per 100,000), while the overall male mortality rate (108.3 per 100,000 in the labour force) was significantly higher than the female rate (48.4 per 100,000).

In terms of injuries, the report estimates that 395 million workers worldwide sustained non-fatal work injuries. Agriculture, construction, forestry and fishing and manufacturing are the most hazardous sectors, accounting for 200,000 fatal injuries per year, which represents 63% of all fatal occupational injuries. In particular, one-in-three

fatal occupational injuries worldwide occur among agricultural workers.

Looking in detail at the most prevalent occupational risk factors, the World Health Organization (WHO) and the ILO developed a joint estimation methodology to produce a WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury. To date, 42 pairs of occupational risk factors and associated health outcomes (namely a specific disease or injury) have been studied. These estimates provide evidence on the relation between occupational exposure to specific risk factors and the subsequent negative health outcomes.

Among the 20 occupational risk factors considered, the one with the largest number of attributable deaths in 2016 was exposure to long working hours (55 hours or more per week), which killed almost 745,000 people, followed by exposure to occupational particulate matter, gases and fumes with over 450,000 associated deaths, and thirdly occupational injuries with over 363,000 deaths. The WHO and ILO also estimated a total of 90.22 million disability-adjusted life years (DALYs) were attributable to the 42 specific pairs of occupational risk factors and health outcomes (where one DALY represents the loss of the equivalent of one year of full health).

Occupational injuries were responsible for the largest number of DALYs lost (26.44 million), followed by exposure to long working hours (23.26 million) and occupational ergonomic factors (12.27 million). In line with the ILO global estimates discussed above, the burden of specific occupational risk factors considered by the WHO/ILO joint estimates show varying evolution over time. For example, the rate of trachea, bronchus, and lung cancers attributable to occupational exposure to chromium doubled between 2000 and 2016. Mesothelioma attributable to asbestos exposure has risen by 40%, while the rate of non-melanoma skin cancer increased by over 37 % between 2000 and 2020. On the other hand, deaths due to exposure to asthmagens and particulate matter, gases, and fumes decreased by over 20%.

Source of previous article:

https://www.aihs.org.au/Web/Advocacy-Media/All-News/2023/12_December/Nearly%203%20million%20people%20die%20annually%20of%20work-related%20accidents%20and%20diseases.aspx



Image: AIHS, 2023

Qantas found guilty of standing down Health and Safety Representative over Covid-19 concerns.

Qantas Ground Services was recently found guilty in the District Court of NSW of standing down an employee who exercised a power or performed a function as a health and safety representative (HSR). The charge was the first filed by SafeWork NSW under section 104(1) of the Work Health and Safety Act (NSW) 2011 and alleged Qantas Ground Services engaged in discriminatory conduct for a prohibited reason. Qantas Ground Services stood down Theo Seremetidis for carrying out his legal duties as a health and safety representative. The case was brought by SafeWork NSW, which accused Qantas Ground Services of targeting and standing down Seremetidis because of his advice to workers to cease unsafe work during the pandemic.

SafeWork NSW, following a call from the Transport Workers Union, carried out an inspection and found that workers were being made to clean

planes arriving from COVID hotspots without adequate personal protective equipment, COVID-safe training, or disinfectant – just water and one rag to clean multiple tray tables.

Seremetidis was stood down and never worked for Qantas Ground Services again, and a year later, he and his workmates were sacked by the airline. The matter is now listed for mention on 27 November 2023 to list proceedings for a sentence hearing and other matters. “The role health and safety representatives play in identifying and raising workplace risks on behalf of their work group is critical in creating an open and positive safety culture,” said Head of SafeWork NSW, Trent Curtin. “This is the first time SafeWork NSW has commenced proceedings under this section of the Act and prosecuted an employer for discriminating against a worker who raised questions about safety.”

Source:

https://www.aihs.org.au/Web/Advocacy-Media/All-News/2023/11_November/Qantas%20found%20guilty%20of%20standing%20down%20HSR%20over%20covid%20concerns.aspx

Surveillance and monitoring of remote workers: What are the implications for safety and health?

The use of algorithms, artificial intelligence and digital tools is changing the way tasks are carried out, the relationships in workplaces and is modifying the chain of command and the role of middle- management. Digital technologies and algorithms may allocate tasks, control the workforce, measure productivity, and define working conditions. They may support and, in some cases, even replace management in the decision-making process as well as in monitoring activities. These empowered functionalities, however, many times come at the expense of workers’ discretion and autonomy and are generally accompanied by intrusive technologies that may increase the psychosocial risks of workers and worsen their health outcomes, particularly of remote workers.

Data from the EU-OSHA OSH Pulse survey showed that 78% of the total workers interviewed declared to be under some form of digital data-driven management and surveillance organisational models. That is, they report to either having digital technologies determining their speed of work, or monitoring and surveilling their work, or assigning them tasks or shifts, or evaluating their work or, finally, monitoring their vital signs. Looking at the impact of surveillance organisational models on perceived psychosocial risks, workers reported that an increase of the use of surveillance digital tools corresponds to a higher perceived psychosocial risk.

Employees in clerical occupations and skilled workers are worse off than professionals and administrators while workers in sales and services are better off. Those who work at the clients’ premises are at increased risk of work stress while those working from home have reduced psychosocial risks. This contrasted with a

finding from previous research that remote workers who work from home are at risk of worsening of psychosocial risks. Self-employed workers have reduced psychosocial risks associated with surveillance; however, this was only when occupational health and safety preventative measure were factored into the equation. Those who worked for larger organisations were at increased psychosocial risks associated with surveillance organisational models.

Working away from the employers' premises increases the average health reported outcomes almost for all workplaces except for the case of home-based workplaces. As found for psychosocial risks, remote workers who work from home report on average better health. When considering the effects of occupational safety and health preventive measures, only working from a public space and at the clients' premises report worse health outcomes, which is consistent with the fact that those are the two working environments where occupational safety and health preventive measures cannot be (entirely) implemented.

Conclusions

- Using surveillance technologies and algorithmic management practices increases psychosocial risk and negative health outcomes.
- The use of algorithmic management and surveillance technologies in the workplace affects workers' privacy and data rights.
- This may hamper their freedom of association and worsen their working conditions as well as affect their mental and physical health.
- Intrusive and non-transparent surveillance practices must be regulated and a thorough dedicated regulation on algorithmic management at work should be discussed in the policy debate.
- institutions should support and promote the adoption of occupational safety and health measures in working contexts where such technologies are deployed, which are proved to have preventive and mitigating effects.

Source: European Agency for Safety and Health at Work. (2023, November). *Surveillance and monitoring of remote workers: What are the implications for safety and health?* Publications Office of the European Union.

https://osha.europa.eu/sites/default/files/documents/Remote_workers_monitoring.pdf

Telework Regulation in a Post-COVID-19 Europe: Comparisons with Western Australia.

Since the outbreak of COVID-19, and the implementation of public health measures, home-based remote work has expanded in an unprecedented way. In Europe, telework was not regulated at the European Union level through hard-law mechanisms before the pandemic. However, since March 2020, permanent legislative initiatives on telework have been passed in Austria, Belgium, Croatia, Estonia, Greece, Ireland, Latvia, the Netherlands, Poland, Portugal, Romania, Slovakia and Spain. The legislative changes introduced have encompassed the following topics: statutory legislation, the right to request telework, the right to disconnect, compensation for the costs of teleworking and occupational safety and health.

- Six European countries have been granted the right to access telework.
- Right to disconnect (the right to compulsory rest outside of their working hours) has been passed in Belgium, Croatia, Greece, Ireland (Code of Practice), Portugal, Slovakia, and Spain.
- New provisions on cost compensation for teleworkers have been introduced in Austria, Poland, Portugal, Romania, Slovakia, and Spain
- New provisions address issues such as risk assessment and enforcement (Croatia, Estonia, Portugal and Spain), coverage of employers' accident insurance (Austria), and new rules aiming to prevent psychosocial risk and other physical health problems such as eye strain (Greece, Portugal and Spain).

In Australia the right to disconnect from work in out of work hours was passed by the Commonwealth Government in February 2024. This is similar to what has occurred in Europe.



Image: University of South Australia.

In Australia, telework laws allow both full and part-time employees to request flexible work arrangements if they've worked with the same employer for at least 12 months and they:

- are the parent, or have responsibility for the care, of a child who is school aged or younger
- are a carer (under the [Carer Recognition Act 2010](#))
- are a person with disability
- are 55 or older or are pregnant
- are experiencing [family and domestic violence](#), or
- provide care or
- support to an immediate family or household member who is experiencing [family and domestic violence](#).

Casual employees: Casual employees can request flexible work arrangements if:

- they meet one of the above criteria (such as being a person with disability, being a carer or pregnant)
- they've been working for the same employer regularly and systematically for at least 12 months
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

However, in Australia, an employer can refuse a request on reasonable business grounds and if they have discussed the request with the employee and genuinely tried to reach an agreement on alternative arrangements to accommodate the employee's circumstances, as well as considered the consequences for refusing the employee's request. Reasonable business grounds can include:

- the requested arrangements are too costly.
- other employees' working arrangements can't be changed to accommodate the request.
- it would be impractical to change other employees' working arrangements or hire new employees to accommodate the request.
- the request:
 - is likely to result in a significant loss in efficiency or productivity, or
 - would have a significant negative impact on customer service.

The employer's circumstances can be factored in when considering if the employer has reasonable business grounds for refusing a request. For example, the employer's size and nature of the business.

Source: Fair Work Ombudsman. (2024). *Flexible working arrangements*. Author.

<https://www.fairwork.gov.au/employment-conditions/flexibility-in-the-workplace/flexible-working-arrangements#who-can-request>

European Agency for Safety and Health at Work. (2023, November). *Regulating telework in a post-COVID-19 Europe: recent developments*. Publications Office of the European Union. <https://osha.europa.eu/en/publications/regulating-telework-post-covid-19-europe-recent-developments>

Can employers request information about a worker's medication?

The increasing focus on mental health in the workplace raises questions about the rights of an employer to ask workers for information about any medication they may be using that could impact their ability to work safely. Whether for a physical or mental illness, some medications can impact the capacity of an employee to work safely. In the case of long-term use of medications, an employer may become concerned if a worker displays unsafe behaviour in the workplace that could be linked to the worker's use of an existing or new medication. Do employers have the right to ask a worker for information regarding the use of medication? If a worker refuses, what can an employer do?



Employer rights

Often an employer will already have a lawful right, whether contractual or in an industrial instrument or policy, to direct a worker to cease work until such time as the worker can satisfy the employer that they are able to safely do the work. This right could be exercised in circumstances where an employer observes unsafe work or is concerned that a worker returning to work after a medical absence may not be able to perform their duties safely. A worker must follow such a direction and a failure

could result in disciplinary action. However, a worker may not necessarily have to disclose the medication that they are taking or even details of their medical condition. This is the case if the worker can provide a medical practitioner's report stating they can safely perform the work with the current medication that they are taking. In other words, a requirement to identify the medication itself may not be reasonable if a medical practitioner provides certification that the work can be done safely.

Privacy considerations

If the prescribed medication is not something that, in the opinion of the medical practitioner, affects the worker's ability to perform their duties at work, you cannot compel your workers to provide the details of their medication. Given privacy laws, you would also need to be careful about any use of medical information that your workers voluntarily notified you about, which may have been collected for the limited use of informing medical practitioners in the event of an emergency.

Discrimination considerations

As with physical disabilities, discrimination law also protects individuals who have a mental disability. This protection extends to ensuring that a worker is not treated differently because of that disability, including because of the use of medication. While safety concerns are an exception to potentially discriminatory action by an employer (e.g. by refusing the worker the right to do certain tasks), it is nevertheless critical that steps are first taken to accommodate the disability where reasonably possible.

Summary

While the safety law imposes an overriding obligation on employers to ensure the safety of their workforce, there are limits to the information that a worker must provide regarding their use of medication.

Source: Michael Selinger. 19 January 2024. Health and Safety Bulletin. Publisher, Porter Press.

Heatwaves and the Overload on Emergency Care.

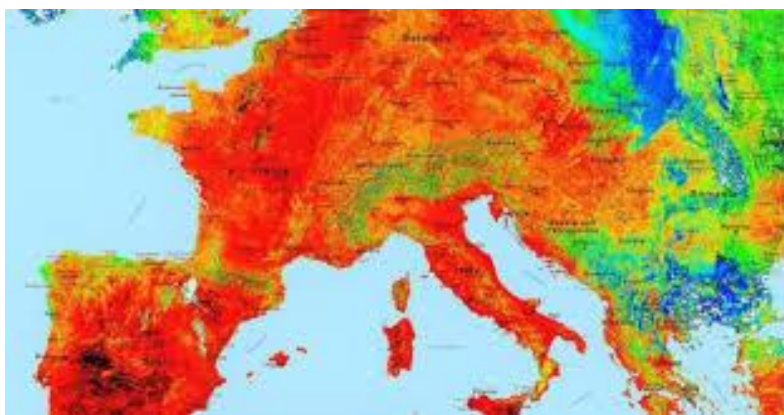
A recent study using the Delphi methodology reported by Paganini et al. (2023) was conducted into the links between heatwaves and the factors causing strain on emergency care looked at several causes of demand and how these could be tackled. With heatwaves seemingly increasing in frequency and intensity, researchers in Europe highlighted the need to modify already strained healthcare systems. Healthcare systems that have already been stretched by recent medical events, such as COVID-19, become even more fragile when considering future heatwaves, particularly when they occur alongside other disasters.

Specifically, the study emphasised public health initiatives or preventive healthcare measures in tackling the excessive burden. The study identified three main targets: stakeholders / policymakers, the population itself, and primary care. Potential sources of overload were identified, and the findings of this research identified that the following factors may reduce the burden on emergency care:

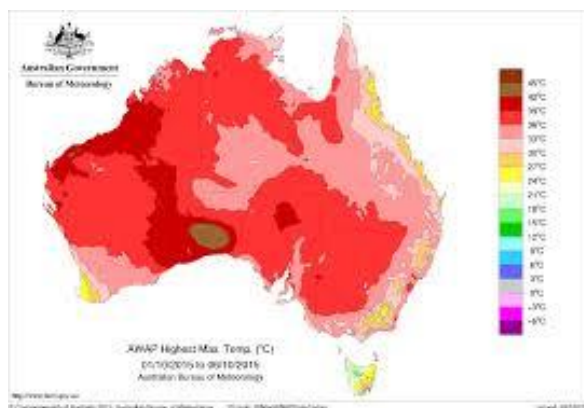
- **Public events and mass gatherings - local authorities should consider postponing events coinciding with heatwaves to avoid multiple casualties and an unpredicted strain on the emergency care system.**
- **Heatwaves awareness campaigns and alerts are a critical element in documents providing guidance on – information and media campaigns.**
- **Availability of air conditioning at home or access to cooled spaces can reduce heat-related illnesses, especially among vulnerable populations.**
- **Cooling centres can be another alternative, but prejudices hampering their attendance have been reported.**
- **Preventing chronic medical conditions exacerbations during heatwaves could reduce the burden on emergency medical care.**
- **Telemedicine implementation important to improve fragile individuals' management during heatwaves by primary care in the community.**

Summary

Final recommendations from the study were that heat-health action plans (HHAPs) should be flexible, dynamic, and based on frequent, periodic hazard and vulnerability analyses (HVAs) to meet climate change consequences. They should also contain interventions raising the awareness of the population on heatwave related risks and preventing heat illnesses towards a more appropriate use of healthcare system's resources.



Heatwave areas in Europe (2023). Source: Sky News.



Heat wave areas in Australia. Source: Australian Gvt.

Conclusions were:

- Telemedicine should be dedicated to the frail strata of the population (e.g., a telephone helpline for counselling or at-home management).
- Heat-health action plans should contain interventions dedicated to primary care, which has a fundamental role in preserving emergency medical care from overload.
- Local authorities should consider postponing events coinciding with heatwaves to avoid multiple casualties and an unpredicted strain on the emergency care system.
- Training on heat illnesses for primary and emergency care practitioners before every hot season.
- Adapt hospital bed capacity when heat-health action plans are activated.

Source: Paganini, M., Laminiel, H., Della Corte, F., Hubloue, I., Ragazzoni, L. & Barone-Adesi, F. (2023, December). Factors causing emergency medical care overload during heatwaves: A Delphi study, *PLoS ONE*, 18(12), 1-10. e0295128. <https://doi.org/10.1371/journal.pone.0295128>

IN PSYCHOSOCIAL HEALTH

Court body fined almost \$380,000 for deadly work culture.

Court Services Victoria has been convicted and fined \$379,157 over a toxic workplace culture at the Coroners Court of Victoria that contributed to the suicide of one worker and numerous others taking stress leave. The independent statutory body, which administers Victoria's court system, was sentenced in the Melbourne Magistrates' Court after earlier pleading guilty to a single charge of failing to provide and maintain a safe workplace. It was also ordered to pay \$13,863 in costs.

The court heard that from at least December 2015 to September 2018, workers at the Coroners Court were at risk from exposure to traumatic materials, role conflict, high workloads and work demands, poor workplace relationships and inappropriate workplace behaviours. During this period, workers made numerous complaints, including allegations of bullying, favouritism and cronyism, verbal abuse, derogatory comments, intimidation, invasions of privacy and perceived threats to future progression.

A number of workers took leave after reporting feelings of anxiety, PTSD, stress, fear and humiliation. Some workers never returned to the workplace, including the principal in-house solicitor, Jessica Wilby. The 45-year-old had been on personal leave for three months, during which she was diagnosed with a work-related major depressive disorder, when she took her own life in September 2018.

Court Services Victoria admitted it failed to conduct any adequate process to identify risks, and any adequate risk assessment of the risks to psychological health of employees at the Coroners Court. There was a strong link between a workplace's culture and the mental wellbeing of its workers, according to WorkSafe Victoria executive director of health and safety, Narelle Beer. "Everyone in an organisation has a role to play in creating a healthy and safe environment, but the development of a positive culture and appropriate risk control measures depends on leadership from the top," Beer said. "It is an employer's legal duty to do everything they possibly can to support their workers to thrive in their roles and ensure they leave work each day no worse than how they arrived."

Source: <https://www.aihs.org.au/news-and-publications/news/court-body-fined-almost-380000-deadly-work-culture>

Director fined \$60,000 for bullying apprentices.

The director of a glass company in Tullamarine Victoria who subjected two apprentices to ongoing bullying, including hoisting one of them upside down at a work Christmas party, has been convicted and fined \$60,000. Steven Yousif, the sole director of Melbourne Glass Solutions, was sentenced in the Melbourne Magistrates' Court after pleading guilty to a single charge of being an officer of a company that failed to provide and maintain safe systems of work, a contravention solely attributable to his failure to take reasonable care. Yousif was also ordered to pay costs of \$6000.

The court heard Yousif subjected the two apprentices to physical violence, verbal insults, threats and intimidation between March 2019 and May 2021. One of the apprentices was employed by Yousif for approximately two years and over that time was verbally insulted, threatened with dismissal, and prevented from attending TAFE courses. The apprentice was also harmed physically, including at the Christmas party in 2020 where he was taped to a crane topless and slapped by Yousif, in an incident partly filmed and then circulated on social media. As a result of the bullying, the apprentice has had ongoing mental health struggles including suicidal thoughts, anxiety, stress, embarrassment, fear, and depression. The other apprentice worked for Yousif for approximately 12 months and was left feeling fearful, intimidated, and insulted after being subjected to verbal insults, threats of dismissal and also prevented from attending TAFE.



A WorkSafe Victoria investigation found Melbourne Glass Solutions did not provide and maintain adequate policies and procedures to manage the risk associated with workplace bullying and that its system of work permitted or failed to stop or reduce bullying conduct. It was reasonably practicable for Melbourne Glass Solutions to have provided and maintained an adequate workplace bullying policy and for Yousif to have ceased his own bullying behaviour. “This case is deeply disturbing, not only because of the horrific bullying and violence these apprentices were subjected to, but that it was perpetrated by the one person who should have always had their backs – their boss,” said WorkSafe Victoria executive director of health and safety, Narelle Beer. “Disgusting behaviour like this will simply not be tolerated and it’s up to employers to set the standard and ensure there are policies and procedures in place to prevent, respond and report workplace bullying.”

Source: <https://www.aihs.org.au/news-and-publications/news/truss-maker-fined-200000-after-fatal-lift>

WorkSafe Western Australia and Fortescue agree to enforceable undertaking.

Fortescue has entered into a \$1.4 million enforceable undertaking with WorkSafe WA after it failed to supply documents relating to dozens of alleged sexual harassment incidents at mine sites. Acting WorkSafe WA Commissioner Sally North accepted the undertaking by Fortescue to deliver wide-ranging strategies to address inappropriate workplace behaviours in the mining industry. The undertaking includes measures aimed at the education and performance of contract workers as well as enhancing positive culture at the executive level of mining companies.

“This is a substantial investment in improving industry capability and I firmly believe that this agreement is in the best interests of workers across the mining sector,” said North. “Fortescue’s investment is well above the fine that could be expected if it was convicted of the underlying charges.” The money Fortescue must spend is to be applied to a number of projects and programs aligned with certain recommendations of the ‘Enough is Enough’ report, published following the Parliamentary Inquiry into Sexual Harassment in the Mining Industry. The benefits of these initiatives will not be confined to Fortescue, and as part of the undertaking they must be made available throughout the mining industry and are expected to have widespread positive outcomes for Western Australian workers.

WorkSafe WA agreed to drop a prosecution against Fortescue with the acceptance of the enforceable undertaking, and North said the prosecution alleged that Fortescue had failed to comply with an inspector’s request for documents using the powers conferred by the Work Health and Safety Act 2020. “WorkSafe will monitor the progress of the undertaking by meeting with Fortescue on a quarterly basis, and further action will be taken if the undertaking is not delivered,” said North.

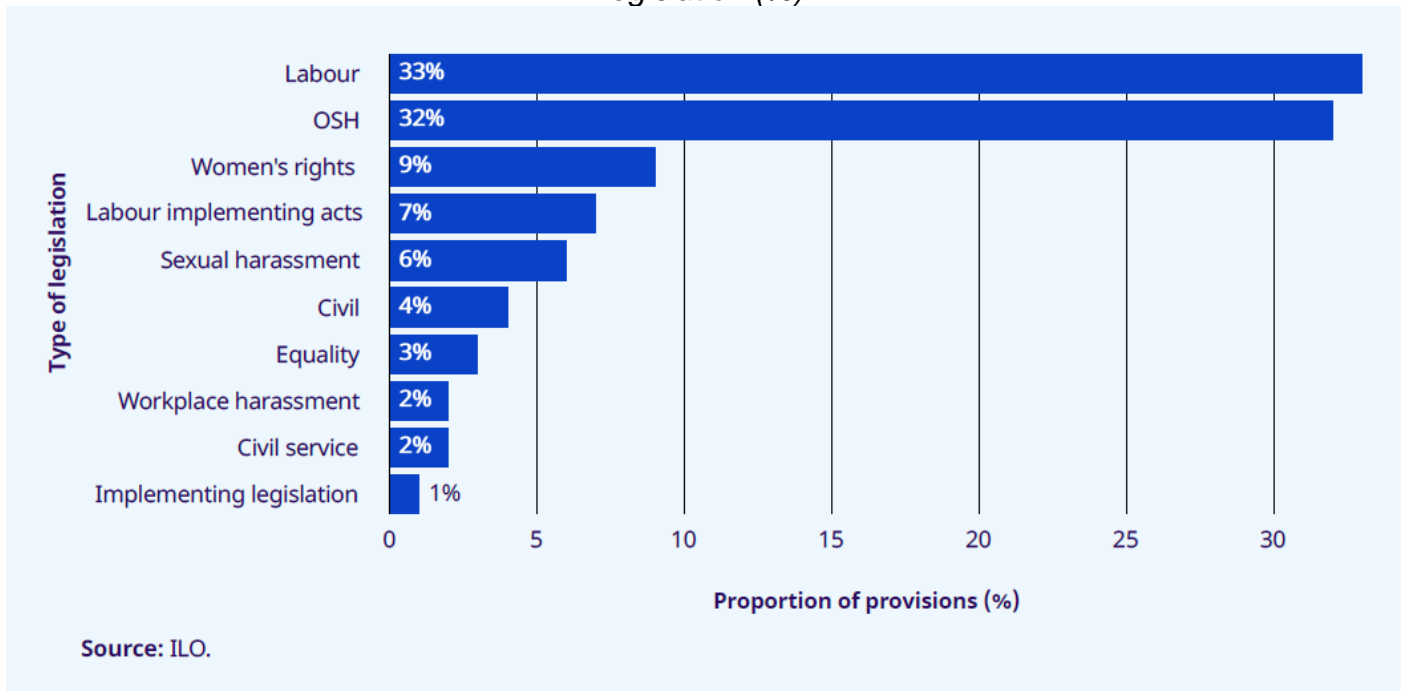
Source of previous article: https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/01-January/WorkSafe%20WA%20and%20Fortescue%20agree%20to%20enforceable%20undertaking.aspx?SourceCode=EMAIL110124&utm_source=iMIS&utm_medium=Email&utm_campaign=OHS_eNews

One in five workers have experienced violence and harassment.

More than one in five workers have experienced violence and harassment and occupational safety and health plays a key role in helping mitigate and manage associated risks, according to the International Labour Organization (ILO). Violence and harassment can affect all types of workplaces and can also occur during commutes, work-related trips, events, digital communications, social activities and in home-based offices.

According to an ILO (2024) report *Preventing and addressing violence and harassment in the world of work through occupational safety and health measures*, OHS frameworks tackle root causes of violence and harassment by addressing underlying risks such as inadequate work organisation, factors related to specific tasks (such as working alone or constantly interacting with third parties), and working conditions that produce high stress levels that in turn lead to violence and harassment. “In terms of long-term and workplace-related strategies to tackle violence and harassment in the world of work, OHS represents one of the most direct entry points for addressing the problem,” the report documented.

Distribution of provisions on workplace violence and harassment in 25 countries by type of legislation (%)



Focusing on the working environment and acting at the collective level, occupational safety and health is well equipped to address the root causes of violence and harassment at work, provides structural and systematic responses to violence and harassment, and has the capacity to mobilise actors in the world of work in the pursuit of a common goal addressing workplace violence and harassment. This approach, based on a system of mutual rights and obligations between workers and employers, can facilitate implementation of strategies to prevent violence and harassment through social dialogue and by building a collective commitment to creating working environments free from violence and harassment, according to the ILO. The report also found that two-thirds of

provisions on and in relation to workplace violence and harassment in 25 countries are found in labour and OHS legislation.

Last year, research from the McKell Institute, commissioned by the Shop, Distributive and Allied Employees Association found that 85 per cent of retail workers have been abused or assaulted at work. Australian Retailers Association CEO Paul Zahra said customer aggression – including assaults – has remained prevalent post-pandemic, prompting the need for government intervention. “Customer aggression has been an ongoing challenge for frontline staff. We saw a big rise in the number of customers who chose to unleash their frustrations on retail staff during the pandemic. We expected this to subside when restrictions lifted – but it simply hasn’t,” Zahra said. “In many states across Australia, deterrence is lacking. Aggressive behaviour in the form of assault has a severe impact on the health and wellbeing of frontline retail staff but, importantly, it’s also a criminal act and it must be treated as such.”

Source: AIHS. <https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/01-January/One%20in%20five%20workers%20have%20experienced%20violence%20and%20harassment.aspx>

International Labour Organisation. (2024). *Preventing and addressing violence and harassment in the world of work through occupational safety and health measures*. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_908897.pdf

A client’s sexual assault of a support worker prompts prosecution and organisational change.



A recent prosecution in South Australia highlights the critical importance of handover procedures and providing relevant information of potential risks to workers. SafeWork South Australia prosecuted Minda, a not-for-profit organisation that provides advocacy, home and living support services to children and adults living with intellectual disability.

In 2021, a support worker, who had been employed by Minda for 2 months, was asked to cover a shift at a residence to care for a young individual. The resident lived alone and required 24-hour one-on-one care. The worker, not having been to the residence before, asked for information about the shift. However, Minda failed to disclose that the resident had a documented history of sexually inappropriate behaviour. When attending the shift, the worker was subjected to physical and sexual assault, resulting in a psychological injury. The worker was off work for 4 months as a result of the incident.

SafeWork South Australia required Minda to review and revise its shift handover processes to ensure that they were effective in controlling identified risks. The Court heard that since the incident, Minda had launched its own investigation, provided a report to SafeWork South Australia and the Court and had implemented a new organisation-wide shift handover procedure and checklist and had trained its staff in these procedures.

In sentencing Minda, the Court noted that the incident occurred less than 6 months after Minda was sentenced for an earlier offence, which also involved a sexual assault by a client on a support worker. The Court noted the common feature was the lack of protocols for managing a foreseeable risk of injury. A conviction was recorded and an initial fine of \$70,000 was imposed before a 40% discount for an early guilty plea.

Source: Selinger, M. (2023). Health & Safety Handbook.

Safe Work Australia publishes new model Sexual Harassment Code of Practice.

Safe Work Australia has published a new model code of practice which is designed to help persons conducting a business or undertaking (PCBUs) meet their WHS duties by providing guidance on how to eliminate or minimise the risk of sexual and gender-based harassment at work. This Code of Practice needs to be read and applied alongside the model Code of Practice: Managing psychosocial hazards at work.

The model Code of Practice: Sexual and gender-based harassment, states that PCBUs must take a proactive, consultative and preventative approach to sexual and gender-based harassment, whether it comes from colleagues, customers or the public, and whether it's online or in person and must identify and assess the risks, eliminate or minimise them so far as is reasonably practicable, and review your control measures to make sure they are working as planned. Managing the risks may mean changing the layout of your workplace, redesigning the work or the way you do it – training and policies alone are not effective or reliable controls," the model code states. It noted that sexual and gender-based harassment often occurs with other psychosocial hazards and PCBUs must consider the interaction between these hazards when managing risks to the health and safety of workers and others.

Similarly, intersectional harassment can also increase both the likelihood of sexual and gender-based harassment occurring and the severity of harm it can cause. For example, the model code noted that a migrant worker with a disability is more likely to experience harassment but may not have the same supports in place or the confidence or awareness to report the behaviour. As such they may be exposed for a longer time increasing the severity of harm.

Under methods of identifying sexual and gender-based harassment, the model code documents that PCBUs must consult with workers and their representatives when identifying the risk of sexual and gender-based harassment at work. While past instances of sexual and gender-based harassment can help to you to identify when, where and how harassment might occur, consultation to identify this hazard should be broader. Even where sexual and gender-based harassment has not occurred or been formally reported, there may be situations workers encounter as part of their work which make them vulnerable to it. Workers may be more comfortable engaging in consultation focused on the hazard and risk, rather than past instances.

The model code also discussed work tasks and the design of work, and said some tasks may have higher risks of sexual and gender-based harassment, such as tasks:

- associated with sexist jokes and sexual innuendo.
- requiring interaction with customers, clients, patients, or other persons, either face to face, on the phone or online.
- being performed in remote locations, people's homes or in other work environments where access to support and supervision is not immediately available, or
- involving attendance at conferences, excursions and social events as part of work duties, including overnight travel.

The model code also makes a point of observing how workers and others at the workplace interact, as the presence of harmful behaviours may indicate a risk of sexual and gender-based harassment. Interaction with other psychosocial hazards was also covered in the model code, which said sexual and gender-based harassment rarely occur in isolation from other psychosocial hazards. It considers psychosocial hazards such as high job demands, violence and aggression, poor organisational justice, low job control, poor support, remote or isolated work, and bullying may increase the risk of sexual and gender-based harassment. Workers

may be less likely to report harassment risks if other WHS hazards are poorly managed,” the model code documents.

Leaders have an important role in creating safe and respectful workplaces that are proactive in managing the risks of sexual and gender-based harassment. Leadership in health and safety is more than talking about it or making statements of your commitment,” reports the model code, which noted that leaders’ commitment to preventing sexual and gender-based harassment should be demonstrated in the organisational priorities they set and the way they choose to measure the organisation’s success. “They should ensure that WHS management and human resources policies and strategies are well aligned and appropriately integrated. For example, human resources policies and approaches to recruitment, performance management, misconduct, promotion, accountability, and support will impact the effectiveness of WHS risk management,” the model code documents. The model code also addressed organisational culture, and reports that leadership has an important role in changing an organisation’s culture to be one that prevents sexual and gender-based harassment through practical measures such as:

- not displaying and actively removing inappropriate images in the workplace (e.g. inappropriate calendars or advertisements).
- ensuring the organisation’s performance management, recruitment and promotion policies and practices place value on respectful behaviour and diversity.
- ensuring, in consultation with workers, uniforms and advertisements do not sexualise workers unless an integral part of the role i.e. sex work.
- empowering workers to refuse, restrict or suspend service if people fail to comply with the expected standard of behaviour.
- ensuring managers and leaders hold regular informal or formal discussions about the importance of health and safety issues including sexual and gender-based harassment in the workplace.

Source: https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/01-January/Safe%20Work%20Australia%20publishes%20new%20model%20Sexual%20Harassment%20Code%20of%20Practice.aspx?utm_source=iMIS&utm_medium=Email&utm_campaign=OHS_eNews

Safe Work Australia launches Safe Work Method Statement tool.

Safe Work Australia has developed a new interactive safe work method statement (SWMS) tool to provide clear information on what a SWMS is for and how to use it. “SWMS are valuable for ensuring workers’ health and safety on construction sites,” said Safe Work Australia CEO, Marie Boland. “By knowing the procedures that must be followed, employers and workers can manage risks, meet legal obligations, and provide evidence of due diligence in the event of an accident or injury – used properly, a SWMS can save lives.”

In 2022, 27 people died while working in the Australian construction industry, and more than 15,000 were compensated for serious injuries or illness. A Safe Work Method Statement (SWMS) is an important tool used for the most dangerous types of construction work. There are 18 construction work activities that are classified as high-risk and require a SWMS. For these tasks, completing a SWMS before work commences ensures that everyone in the workplace understands and follows risk controls.

However, a review of SWMS found many people didn’t understand their purpose or were using them incorrectly. The SWMS tool is available online, and it can also be downloaded and plugged into existing L&D systems. The agency said that using this tool can help employers develop better-quality SWMS, reducing the likelihood of accidents, injuries, and illnesses and promoting a safe and healthy work environment.

Source: AIHS. <https://www.aihs.org.au/Web/Advocacy-Media/All-News/2024/02%20February/Safe%20Work%20Australia%20launches%20SWMS%20tool.aspx>

National Labour Hire Scheme Endorsed.



Workplace Relations Ministers have also endorsed a nationally harmonised labour hire scheme, with the model developed by the Labour Hire Harmonisation Working Group consisting of representatives from all States and Territories. The scheme will ensure a nationally consistent labour hire system with recognition of licences across all jurisdictions. Ministers agreed in principle for Victoria to be the host jurisdiction for the scheme, and it will be responsible for passing model laws that will be implemented in the States and Territories through mirror or applied legislation. States and Territories will form a working group to develop an Intergovernmental Agreement for the scheme, and Victoria will form a project office to manage the establishment of the National Labour Hire Regulator and the model laws.



Source: <https://www.dmp.wa.gov.au/News/Two-companies-and-supervisor-31991.aspx>
19 December 2023.



Occupational Health Society of Australia (WA)

APPLICATION FOR MEMBERSHIP

MEMBER INFORMATION

Title (Mr, Mrs, Ms, Dr etc)	
First name	
Surname	

PREFERRED MAILING DETAILS

Address			
Suburb		Postcode	
Home Phone		Mobile	
E-Mail			
Special interests (for Society Directory)			

EMPLOYMENT INFORMATION – Only complete if you wish company to be recorded against your name

Company/Self Employed	
Work Phone	
E-Mail	

APPLICATION FOR:

- Full Membership \$50 for 1 year; \$100 for 3 years.
 Corporate Membership \$100 for 1 year; \$200 for 3 years.
 Student Membership \$20 for 1 year; \$40 for 3 years. Student Number: _____

An invoice will be issued once the Committee has accepted this application. *Membership includes receiving the Monitor Newsletter.*

AGREEMENT

I certify that the information provided in this application is correct and I agree to adhere to the Occupational Health Society Constitution. I also give consent to the Society to collect, use and disclose my personal information in accordance with the National Privacy Principles in matters relating to the Society.

Signature _____ Date _____

CONSENT

I hereby consent to have my details displayed in the Society's directory.

Signature _____ Date _____

The Secretary OHSWA, 639 Murray St, West Perth, WA 6005

E-mail: ohswa@outlook.com.au

Website: www.ohsociety.com.au

ABN: 83 170 105830

The OHSWA is a non-profit representative body providing expert advice to Government at all levels and support to OHS professionals.