

the monitor

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



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President's Report

As the AGM is around the corner, it is time to reflect on the successes and opportunities of the year. We had events, not new topics but topics of interest that look at things at the next level.

The legislative changes in Western Australia have been implemented while the other states are addressing changing landscapes toward improvement. Cynically, lessons learned keep getting lost or as a “new” rebranded target initiative.

It was a pleasing event in February with Dr Sherrilyn Mills presenting on psychosocial hazard management, and Dr Ivor Roberts from DMIRS' presenting on the MARS program, and side discussions about FIFO sexual misconduct – old, yet topical.

In April, the presentations were by Owen Whittle on Unions WA achievements for improved WHS protection, and Lance Keys on an implemented safety share on bees. It was appropriately at the Police Historical Society as we could understand the relevance of reflective PPE, and a real impact from bees and wasps attracted to the high visibility colours, and not to mention my anaphylaxis.

June, we had Dr Faiza Owais on mobile plant hazards and risk control in the mining sector, and Dr Martin Ralph providing a passionate and detailed presentation on radioactive material management, followed up by Todd and Emma's virtual presentations in August which you can read about in this edition.

The committee have worked organize the above, and to deliver the draft upgraded constitution, driven by the Vice President Dr Janis Jansz and Secretary Rob Loermans while taking points from life member Dr KC Wan, Treasurer David Lampard keeping things close to reality as possible, and keeping the ship afloat.

Thanks again to the hard-working committee and supporters!

Les Vogiatzakis
President of the Occupational Health Society of Australia
Principal consultant - DGaS Services

PEOPLE



Biography - Ruairi Ward

Ruairi Ward is a co-founder, Operations Director, and Principal Occupational Hygiene Consultant with RED OHMS Group. RED OHMS Group provides consultancy services in Occupational Hygiene, Training, Hazmat, and Environmental services in the APAC region.

Ruairi has been working in the Occupational Hygiene Field for approximately 20 years. He started his career in the Pharmaceutical and Medical Device industries in Ireland and the UK before moving to Australia in 2011. Since moving to Australia, Ruairi has worked in a wide variety of industries and has been heavily involved in applying Occupational Hygiene best practices to protect worker health in the Mining,

Oil & Gas, Construction, Industry, and Manufacturing sectors as well as Local Government and Defense.

Ruairi holds an undergraduate degree in Mathematical and Computational science along with postgraduate qualifications in OH&S and an MSc in Occupational hygiene. Ruairi is a Certified Industrial Hygienist (CIH®) with the Board for Global EHS Credentialing, a Certified Occupational Hygienist (COH®) with the Australian Institute of Occupational Hygiene (AIOH), and a Chartered Member of the Faculty of Occupational Hygiene (CMFOH) with the British Occupational Hygiene Society (BOHS). Ruairi is also a graduate of the Australian Institute of Corporate Directors (AICD).

Outside of work, Ruairi enjoys cycling, open-water swimming, and spending as much time with his wife and three young kids as possible.

OBITUARY

JUDYTH WATSON OAM



Judyth Watson was born in Burton-on-Trent, England to Cecil and Hylda Watson in 1940. She emigrated to Australia in 1949 and went to school at Perth Modern School. After working as a nurse, Judyth completed a Bachelor of Science degree in 1977 with first class honours at UWA. In 1981 she completed a PhD studying workers compensation. Her success led to the completion in 1982 of a doctoral thesis which explored issues associated with workers compensation. Her studies had great significance for they informed the preparation of the occupational health and safety legislation that has transformed so many workplaces. Judyth also was part of the society's a debate in 1980 on whether new Occupational Health and Safety (OSH) legislation was desirable in Western Australia. Two speakers were

asked to speak for it and two against. One of the Speakers was Judyth Watson.

In 1986 Judyth Watson was elected to the Western Australian Legislative Assembly for the electorate of Canning. On election she and Carmen Lawrence were the first female members of the WA Parliament to hold a PhD. Judyth Watson was appointed Minister for Aboriginal Affairs; Multicultural and Ethnic Affairs; and Seniors in February 1991 under Premier Carmen Lawrence. She was appointed Minister for Women's Interests in September 1992. She served in Cabinet until February 1993. When the electorate was dissolved in 1989, she was elected to the electorate of Kenwick. After serving two terms, the seat was abolished, and she unsuccessfully stood for the new electorate of Southern River. Judyth Watson was awarded the Medal of the Order of Australia (OAM) in the 2019 Queen's Birthday Honours for "service to the community of Western Australia, and to social justice".

When she left Parliament Judyth undertook a range of responsibilities within the community. She became Head of the Council of Official Visitors which protected the interests of involuntary patients, and worked with groups protecting the victims of domestic abuse. There were a number of others but the issue closest to her heart was the plight of refugees who had come to Western Australia with hopes of a better future. She was instrumental in the formation of CARAD, the Centre for Asylum Seekers, Refugees and Detainees. Judyth was a board member of the Refugee Council of Australia until 2013. Judyth was awarded the medal of the Order of Australia (OAM) in the Queen's Birthday 2019 Honours List, 10 June 2019, for service to the community of Western Australia, and to social justice.

Judyth died on the 9th of July 2023, her life having been focused upon making the world a better place.

Information from Perth Modernians newsletter, Wikipedia, and Geoff Taylor.

Fiona Notley: Championing health and safety from the front

25 September, 2023



Fiona Notley recently won the Australian WHS Champion (CEO) of the Year (more than 1000 employees) in the Australian Workplace Health & Safety Awards for leading significant improvements to health and safety at Curtin University

Fiona Notley currently serves as Chief Operating Officer (COO) at Curtin University, Western Australia's largest university with approximately 8,500 staff and 60,000 students. Ms Notley is a senior tertiary sector executive with 20 years of experience in diverse roles. She has established a record as a leader and change agent who collaborates with all levels within an organisation to transform and simplify processes while delivering bottom-line measurable benefits. Ms. Notley has been instrumental in driving a significant shift in the safety culture of Curtin University over the past two years. She has transformed the way health and safety is viewed by the university, ensuring it is valued as an essential aspect of the organisation, rather than a legislative compliance requirement. She is passionate about health and safety with a particular focus on ensuring a psychologically safe environment for all within the Curtin community.

Leading health and safety change

Ms. Notley has been recognised for championing workplace health and safety programs and initiatives within Curtin. The university's board has commented on the significant shift in the safety culture since Fiona began as Chief Operating Officer. Her leadership has changed the perception, delivery and performance of health and safety in the organisation. Following a recent audit of health and safety by KPMG, the university was commended for maturity with regard to the new health and safety legislation and the strength of the organisation's safety culture. As Curtin's health and safety leader, she has championed university-wide initiatives that connect with both the professional and academic workforce. One of these initiatives is the Benny Button program, the first holistic health and wellbeing program for Curtin University's leadership. More than 100 of Curtin's senior executive team and line managers participated in the six-month program, which emphasised that effective leadership hinges on maintaining their own mental well-being and their ability to employ mental health tools.

Health and safety have always been a priority for Ms. Notley. Before assuming the role of Chief Operating Officer as General Manager of Science and Engineering, she led by example, emphasising the importance of a robust health and safety team, meticulous process improvement and a zero-tolerance approach to poor culture and behaviours made health and safety a top priority. This was particularly important given the broad range of teaching and research activities within the faculty, some of which are potentially hazardous.

Making an impact

Ms. Notley has made a measurable impact on maximising workplace health and safety practices by communicating and acting on outcomes. She has been instrumental in influencing the senior executive team and line leaders to own accountability around safety, be more visible and communicate effectively with their teams. Ms. Notley conducts regular workplace inspections with the health and safety representatives, which gives her an opportunity to review safety at various locations across the university, foster discussions and take the temperature of health and safety issues. Her leadership has driven other senior executive team members to also complete these inspections – a first for the university. Ms. Notley also chairs the university health and safety committee, which brings together representatives from all areas, including a large number of senior executives.

She fully supports the health and safety three-year strategy and advocates for improvement projects that are currently underway, speaking about these at health and safety committee meetings as well as other university forums. She has also implemented the practice of always beginning every meeting with a health and safety moment. Ms. Notley regularly interrogates CHARM (the university's health and safety reporting tool), looking at trends, overdue actions, and timely reporting. She then speaks with leaders or staff regarding outstanding actions or investigations, while offering support where needed.

Improving organisational culture

The university health and safety culture is very different from cultures found in business or industry, and in the past, safety was viewed as “something that the safety team looked after”. In her role as Chief Operating Officer, Ms Notley recognised the need for a culture shift in the university health and safety portfolio, and this has been evident with a number of important changes:

- Council (board papers): changes to the paper to ensure the right information regarding culture is presented to the board, including the top risks and the effectiveness of the controls.
- Health and safety: KPIs now include leading indicators.
- University health and safety committees: now have senior executives attending (constitutional change).
- Leaders are completing workplace inspections.
- Psychosocial wellbeing: at the forefront of conversations and action plans.
- Senior executive team meetings: now include safety shares, high potential and significant incident reviews, injury management and psychosocial incidents.
- Participation in R U OK Day? and Safe Work Month.

Building relationships and boosting consultation

Ms. Notley has built trusting and cooperative relationships with people at all levels of the university, from the Vice-Chancellor to the project coordinator within the health and safety team. She makes the time to meet with people, has regular 1:1 meetings with her direct reports, meets with the Health and Safety Representatives, attends areas to conduct workplace inspections, and checks in regularly with staff. Ms. Notley has spoken at R U OK? day participated in Safe Work Month and opened the professional development day for the health and safety team.

Ms Notley has demonstrated an ability to involve staff at all levels in seeking solutions and driving change for better health and safety outcomes. For example, she took the lead on consultation with the senior executive during the rollout of new Work Health and Safety legislation, including sharing her due diligence plan and actions with Curtin officers, so that they could learn from best practices. She also led the recent changes to the university health and safety committee constitution, ensuring senior executive members now attend to represent their areas: a vital step to promoting cultural change, accountability and ownership of health and safety across the university.

Source: <https://www.aihs.org.au/news-and-publications/news/fiona-notley-championing-health-and-safety-front>

IN EVENTS

New Developments in the On and Offshore Mining Industry.

On the 31st of August 2023 the Occupational Health Society held an online event that featured Dr. Todd Pascoe, who is the Site Improvement Superintendent at BHP Goonyella Riverside Mine in Moranbah Queensland, providing a presentation on the results of his research titled *An Evaluation of Driverless Haul Truck Incidents on a Mine Site*. This presentation was followed by Ms. Emma D'Antoine, a PhD candidate at Curtin University in Western Australia, describing her research titled *Identifying Western Australian Offshore Oil and Gas Workers Mental Health Hazards and Risk Control Measures*.

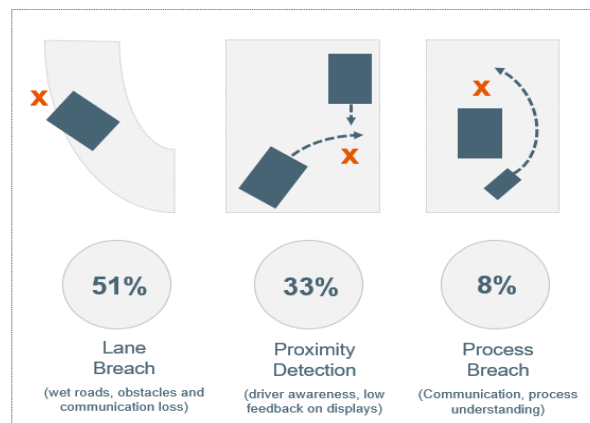
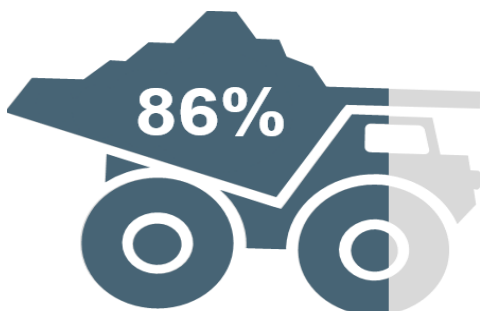


The presentations were attended by Occupational Health Society Members, offshore oil and gas workers, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), mining industry and other interested people. This event was included as part of the Western Australian School of Mines Kalgoorlie Campus work-integrated learning (WIL) week for Curtin University students and industry of which the Occupational Health Society of Australia (WA Branch) Inc. was a partner. Other partners were AngloGold Ashanti, Datamine, Evolution Mining, Fortescue Metals Group, Gold Fields, Karora Resources, Mikula Geotechnicsz, Newmont, Northern Star Resources, Norton Gold Fields, and Silver Lake Resources.



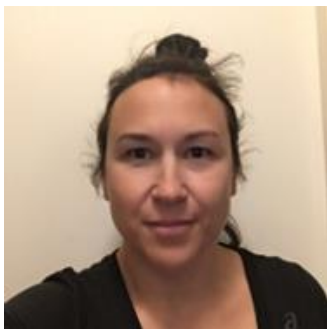
The Aim of Todd's research was to evaluate driverless haul truck incidents on a mine site by describing the contributing factors that led to a loss of control. Todd was sponsored by the company that he was working for to conduct this research as the company was changing from manually operated haul trucks to autonomous trucks. Todd described how having autonomous trucks did make the work safer, but that there was now a different type of hazards. The following slide from Todd's presentation shows the autonomous truck incident types.

Unconventional truck incidents
(% of incidents not found in manual operation)



Between 2014 and 2018, at this mine, there were 970 manual truck incidents and 864 autonomous vehicle incidents per million production hours. If you are interested in learning more about Todd's presentation and autonomous trucks a copy of his slides and 5 articles that Todd has had published on the results of this research are available on the Occupational Health society website. The title of the published articles are as follows.

- A multi-industry analysis of engineering human-machine systems. The connection to truck automation.
- From truck driver awareness to obstacle detection: A tiger never changes its stripes.
- Haul truck automation: beyond reductionism to avoid seeing turtles as rifles.
- Mineworker experiences working with driverless trucks: risk, trust, and teamwork.
- From truck driver to systems engineer: transforming the miners' contribution.



The aim of Emma's research was to identify offshore oil and gas workers' mental health hazards and develop risk control measures.

The research objectives were to:

1. Communicate with offshore oil and gas employees to identify perceived work-related mental health hazards and causes.
2. Assess systems of work, employer provided mental health education and support, and other strategies used in the offshore oil and gas industry to support employee mental health.
3. Observe how offshore oil and gas employees' mental health needs are considered in return-to-work programs following a work-related injury or illness.
4. Identify the negative economic effects for employers and employees due to psychosocial illnesses.
5. Identify health and safety hazards related to poor mental health and its impacts on offshore installations.
6. Develop a Mentally Healthy Workplaces Audit for use within the offshore oil and gas industry. This will provide companies with an opportunity to implement and assess mentally healthy work systems, workplaces, supportive management, mental health education, stigma free reporting and control emerging mental health risks, thereby reducing the risk of any associated negative economic effects.

Data for this research was conducted by reviewing published literature, conducting a focus group discussion with people currently working in the offshore oil and gas industry and with on and offshore regulators to develop interview questions. Interviews were then conducted with people working in the offshore oil and gas industry.

The main study findings were that casual workers were employed, terminated and re-employed so their organisation could avoid converting them to permanent employees. Workers reported that this process was unfair and avoided the employers' responsibility under the amendment to the Fair Work Act 2009 (Cth) and caused stress, unpredictability and financial uncertainty. Other findings were that poor internet, poor accommodation and lack of facilities add to an already stressful working environment. Fear of speaking up about workplace safety, mental health and other health issues permeated across the workforce, especially for casual workers. Offshore workers have experienced micromanagement in their jobs. Being away from home and work-home interference can cause poor focus and poor safety behaviours. Female workers offshore



experienced harassment and unwanted attention. Offshore workers appreciate their union and that heat and heat stressors were well-managed.

Research recommendations included to ensure and assure that employees who raise work-based issues or speak out about unsatisfactory behaviours or processes are not penalised in any way. Address direct and indirect harmful behaviours towards female employees, in line with current impactful research findings and recommendations, for example Champions of Change. End the use of shared accommodation, in particular 'hot bedding'. In the absence of providing single cabins, provide employees with the ability to withdraw to a private space, away from colleagues and with visual and auditory privacy. Allow employees with casual work status to transition to permanent work status if they wish.

The environment should also provide satisfactory means of communication to enable employees to contact family and friends onshore. Internet should be able to accommodate usage at maximum capacity at any time. Provide a better work-life balance, which would partly address the issue of what causes poor mental health offshore. Group activities, better exercise facilities and entertainment options such as movies, board games and television are some suggestions to improve mental health while offshore. Companies should also provide assurance that information given when employees are accessing counselling services or mental health programs will remain confidential and should implement a system of accountability where this confidentiality is breached. Use proactive measures to get to the underlying cause of poor mental health rather than reactive measures.

The research also showed the importance of good food when employees are working offshore. Many of the study participants said that the quality of the food provided affected morale and team functioning, and even affected social interaction at mealtimes. Organisations are urged to provide varied, good-quality food. Other recommendations include making Mental Health 1st Aid course completion compulsory and providing information on how to build resilience, as well as practical guidance.

As an outcome of this research a mentally healthy workplace audit tool has been developed for industry to use to identify mental health hazards and an audit guide has been developed that includes example risk control measures. A mental health hazard self-assessment check list for employees to use was also developed. If you would like more information about Emma's research a copy of her power point presentation and 4 articles that she has had published on the results of her research are available on the Occupational Health Society website through the web link <https://www.ohsociety.com.au/oh-society/current-activity.aspx>

The titles of Emma's publications describing the findings of this research are as follows:

- Effects of the COVID-19 pandemic on employees' psychological health in the offshore oil and gas industry and opportunities for improvement.
- COVID-19 and offshore oil and gas workers: The role of personality.
- The effects of casualisation on mental wellbeing and risk management in the offshore oil and gas industry.
- Psychosocial safety and health hazards and their impacts on offshore oil and gas installations.

The next Occupational Health Society event is the Annual General Meeting (AGM) to be held on Tuesday 28th of November 2023 commencing at 6.30pm at Westralian Apartments Board Room. 78 Terrace Road, East Perth, Western Australia.



The guest presenter at the AGM: will be Dr Max Hills (CMO of Chevron Australasia). His presentation title is 'Safer Together: Towards a Common Medical Standard for remote and offshore energy industry workplaces in Australia'. This presentation will provide information and insights into the Fitness to Work Medical Assessment Guideline that Dr Maz Hills was instrumental in developing and implementing. This Guideline provides a consistent approach for the assessment of work fitness for remote and offshore locations in Australia - and has been accepted by most major oil and gas operators in Australia.

IN SAFETY

Lights, camera, action: South Australian safety inspectors to use body worn cameras.

From September 2023, safety inspectors in South Australia are authorised to use body worn cameras (BWCs) as part of their operational equipment, in a move that may be adopted by inspectors across the nation. BWCs enable the recording of audio and video footage. They were first trialled by SafeWork SA in 2019 following an Independent Commission Against Corruption (ICAC) inquiry regarding allegations of bribery. The use of BWCs is intended to support the safety of inspectors, reduce disputes, and support transparency and accountability. The power to use BWCs already exists under section 165 of the Work Health and Safety (WHS) Act, which states that an inspector can make “recordings (including photographs, films, audio, video, digital or other recordings)”.

In South Australia, the intention is for inspectors to use BWCs in the following circumstances:

- any critical event such as a fatality, serious injury or dangerous incident, including immediate or imminent risk to health and safety;
- right of entry disputes where an inspector has been appointed to resolve the issue; and
- if there is a belief that aggression or violence may occur at a workplace.

SafeWork SA has also indicated that inspectors may use BWCs for routine compliance activities. A media release by SafeWork SA states that inspectors will ensure the BWCs are clearly visible at all times, and its use will take into account sensitive environments as well as vulnerable people. A BWC will only be used once an inspector advises persons conducting a business or undertaking that they are being recorded. Inspectors will not make recordings of private activities in the workplace. Although a person can object to being recorded, an inspector is entitled to exercise their powers under the WHS Act, and so an objection can be noted but will not necessarily prevent the recording.

Source:

[https://www.healthandsafetyhandbook.com.au/bulletin/lights-camera-action-sa-safety-inspectors-to-use-body-](https://www.healthandsafetyhandbook.com.au/bulletin/lights-camera-action-sa-safety-inspectors-to-use-body-worn-cameras/?ref=health-and-safety-bulletin-newsletter)

[worn-cameras/?ref=health-and-safety-bulletin-newsletter](https://www.healthandsafetyhandbook.com.au/bulletin/lights-camera-action-sa-safety-inspectors-to-use-body-worn-cameras/?ref=health-and-safety-bulletin-newsletter)

Northern Territory WorkSafe inspectors to trial use of body-worn cameras.

On September 19th, 2023, Northern Territory WorkSafe inspectors commenced a six-month trial of the use of body-worn cameras. The regulator said the cameras will be worn by inspectors as part of their operational activities to “improve operational efficiency, add accountability and provide added security for inspectors”. The use of such cameras is becoming increasingly prevalent among regulatory agencies in Australia due to its proven benefits to the industry, according to NT WorkSafe executive director Peggy Cheong. “The use of body-worn cameras will assist our inspectors to collect information and evidence during a workplace visit,” she said. “It will also add a level of accountability, allowing our managers to review an inspector’s interactions during a workplace visit and quickly resolve any concerns or complaints made against an inspector – and importantly, increase the level of safety as our inspectors do their work.” Cheong said research has shown that body-worn cameras help reduce the risk of violence and aggression toward law enforcement officers.

Body-worn cameras are widely used by state and local law enforcement agencies in the United States. They are worn principally by officers in the performance of duties that require open and direct contact with the public. Despite their widespread and growing adoption, the current evidence regarding the effectiveness of body-worn cameras is mixed. Some studies suggest that body-worn cameras may offer benefits while others show either no impact or possible negative effects. “We want our inspectors to operate in a safe work environment, and this extra layer of protection will enable them to do their job without fear of being harmed,” said Cheong. “The device can record all types of workplace interactions, and it can be activated whenever an inspector feels their safety is at stake.”

Source: <https://www.aihs.org.au/news-and-publications/news/nt-worksafe-inspectors-trial-use-body-worn-cameras>

Repeated bypassing of a safety system results in \$22,000 fine.

A Victorian manufacturing company that failed to ensure an interlock system was not being repeatedly bypassed by workers has been fined \$22,000.

As part of its manufacturing facility, Loral Ipsum Pty Ltd had an automatic packing machine. On 21 June 2021, a WorkSafe inspector attended the workplace and observed the safety guards open on the packing machine. The inspector was told by a worker that the interlock system could be bypassed. The inspector issued an improvement notice, leading to the interlock function being rectified when the inspector next returned in August. In a further visit by the inspector in October, however, the inspector noted that the safety interlock system had again been bypassed and workers were cleaning the machine even though it was energised.

Although no one was injured on either occasion that the inspector attended, the company was charged and pleaded guilty to breaches of the Occupational Health and Safety Act 2004. The company admitted that it could have reduced or eliminated the risk of entanglement or crushing by providing or maintaining a system of work that did not require workers to perform cleaning while the machine was energised, and/or ensuring the interlocked safety doors were not bypassed or disabled. In sentencing the company, the Court noted that in 2019, a WorkSafe inspector had observed that safety interlock systems had been bypassed on other plant at a different workplace operated by the company.

The decision is another example of the importance for all persons conducting a business or undertaking to be vigilant in checking that safety protections are in place and operating at all times. The fact that within a very short period after an inspector's visit, the safety interlock processes were again bypassed, was a very serious matter of concern for the Court.

Source: *Health & Safety Bulletin*. bulletins@healthandsafetyhandbook.com.au

How to comply with the new positive duty under the Sex Discrimination Act

The Australian Human Rights Commission (AHRC) has released practical guidance on how to comply with the new positive duty under the Sex Discrimination Act 1984 (Cth). In December 2022, a new positive duty (similar to work health and safety laws) was introduced, requiring organisations to positively take steps to eliminate, so far as possible, unlawful behaviour including:

- discrimination on the ground of sex in a work context;
- sexual harassment in connection with work;
- sex-based harassment in connection with work;
- conduct creating a workplace environment that is hostile on the ground of sex; and
- related to acts of victimisation.

The practical actions that the AHRC expects organisations to take are set out in its new guidance material. The actions are categorised into seven standards:

1. leadership;
2. culture;
3. knowledge;
4. risk management;
5. support;
6. reporting and response; and
7. monitoring, evaluation and transparency.

It is recommended that employers should review and incorporate these guidelines into their current work practices and ensure that staff are trained in these new laws.

Source: *Health & Safety Bulletin*. bulletins@healthandsafetyhandbook.com.au

A crushing verdict for a crushing incident

In a decision this month (*SafeWork NSW v JBS Australia Pty Ltd* [2023]), the NSW District Court found Australia's largest meat and food processing business guilty of failing to ensure the safety of its workers in relation to an incident in which a worker suffered severe injuries when two stacked hay bales fell and crushed her.

Background

JBS Australia Pty Ltd (JBS) operates several facilities, feedlots and distribution centres across Australia, including the Caroon feedlot in New South Wales (feedlot). As part of its business, JBS received hay from various contractors to feed stock at the feedlot. Hay bales were delivered on trucks, unloaded, and stacked on approximately 20 uncovered pads. Bales were moisture tested prior to being stacked, and a general practice for unloading hay, moisture testing and stacking had developed over time at the feedlot. This practice was informal and was passed through a buddy system of training. Moisture testing was performed by different workers at the feedlot and sometimes was undertaken by administrative staff.

On 19 February 2020, Ms Fletcher, an administrative employee at JBS, was testing the moisture levels of hay bales that had been delivered to the feedlot. Each bale of hay weighed approximately 700 kilograms. The bales were in the process of being unloaded from a truck and placed into a stack using a frontend loader. Ms Fletcher was working close to a partially constructed stack when two bales fell on her, trapping her underneath and causing her serious injury.

At the time of the incident, JBS had a written task description for hay stacking, but not moisture testing. JBS also had a JBS Australia Safety System and a safety induction program, which operated across its Australian sites. After the incident, JBS reviewed its systems and developed a Hay Testing Training Manual and Hay Stacking Training Manual. These procedures identified that hay stacking and moisture testing are two separate tasks and, because of the hazards involved, should not be undertaken simultaneously.

JBS pleaded not guilty to the charge that as a person who had a health and safety duty under section 19(1) of the Work Health and Safety Act 2011 (WHS Act), it failed to comply with that duty and thereby exposed Ms Fletcher to risk of death

or serious injury in contravention of section 32 of the WHS Act.



Decision

The Judge found JBS guilty, after being satisfied beyond reasonable doubt that JBS had failed to take some reasonably practicable steps to comply with its health and safety duties, and this breach exposed Ms Fletcher to a risk of death or serious injury. The Judge considered the reasonably practicable steps and measures that JBS should have taken to prevent the identified risk and identified that JBS failed to undertake an adequate risk assessment on unloading hay bales, moisture testing hay bales and stacking hay bales.

It was inferred that, by implementing the general practice, JBS was already aware of the risks involved in moisture testing. JBS also had an internal procedure that required a risk assessment to be completed for each task, which had not been completed for moisture testing. The Judge was satisfied that if a risk assessment had been conducted, JBS would have identified the risks associated with moisture testing and implemented relevant control measures.

JBS failed to develop, implement, and enforce a safe work procedure for moisture testing and hay stacking. The Judge found that JBS should have known that the general practice was variable and inadequate to ensure the safety of workers conducting moisture testing. It was appropriate for JBS to introduce separate safe work procedures for hay stacking and moisture testing to replace the general practice. JBS failed to provide information, training, and instruction.

A key failure was that JBS did not identify moisture testing as a separate task. Accordingly, administrative staff, who were expected to undertake this task, did not receive training for moisture testing. Providing this training would have been at minimal cost and inconvenience to JBS.

The Judge found that these failures ultimately led Ms Fletcher to approach, and moisture test two bales placed next to a partially constructed stack, and at that point, she was exposed to the serious risk of being struck or crushed by a falling hay bale. The matter has been referred to sentencing for the imposition of a penalty.

Implications

This case is a reminder to employers that having a general safety practice in place is not sufficient to comply with your health and safety duties under

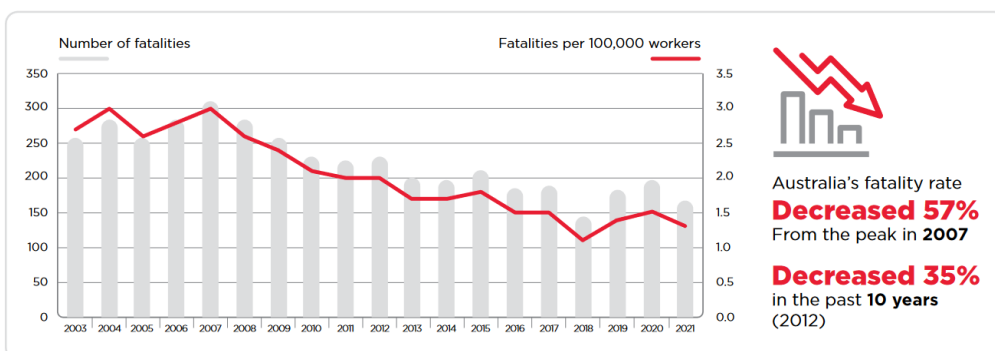
the WHS Act. The court will scrutinise the procedures in place and assess whether this constitutes ‘reasonably practicable steps’ to meet the duty. Employers need to identify the health and safety risks associated with each task undertaken by workers, develop and implement control measures that adequately address these risks, and train worker on these risks and procedures.

Source: <https://www.healthandsafetyhandbook.com.au/bulletin/a-crushing-verdict-for-a-crushing-incident/?ref=health-and-safety-bulletin-newsletter>

Work-related Injury Fatalities – Key Findings

Safe Work Australia compiles the Work-related Traumatic Injury Fatalities data set which provides national statistics on all workers and bystanders fatally injured at work. The key findings of Safe Work Australia (2023) show that Australia’s fatality rate has decreased from its peak in 2007.

Trends In worker fatalities, 2003 to 2021



Source: <https://www.safeworkaustralia.gov.au/doc/key-work-health-and-safety-statistics-australia-2022>

As part of these findings, Work Safe (2023) reported that 38% of accidents were caused by vehicle collision, 14% were caused by being hit by moving objects, 11% were caused by falls from height, 9% were caused

Worker fatalities by Industry, 2021



Agriculture, forestry and fishing

10.4

fatalities per 100,000 workers



Transport, postal and warehousing

7.9

fatalities per 100,000 workers



Mining

2.3

fatalities per 100,000 workers

by being hit by falling objects, 7% by being trapped by moving machinery and 21% were due to other mechanisms (only mechanisms accounting for 5% or more of fatalities were included. The remaining mechanisms were grouped together under other mechanisms). Machinery operators and drivers had the highest fatality rate at 8.2 fatalities per 100,000 workers.

Looking at types of industry, it was reported that the agricultural sector, along with forestry and fishing, had the highest fatalities. Of all serious claims, 9.3% were due to mental health conditions. The median compensation paid per claim for mental health conditions was \$55,270 and the median time lost at work was 30.7 weeks per serious claim.

Source: Safe Work Australia. (2023). *Work-related injury fatalities*. Safe Work Australia.



Posties injured at least once a week on the road.

Australian Post workers are injured by a third party on the roads at least once a week, according to recent data. In the past financial year, 65 posties sustained serious injuries as a result of third-party traffic accidents, including broken limbs, concussions, and lacerations, with many resulting in hospital stays, time off work and psychological trauma.

Across the country, New South Wales recorded the highest number of accidents involving posties, and some of the most common third-party accidents involving posties included drivers:

- Not looking when using, or speeding through roundabouts.
- Failing to stop at a stop sign or give way sign.
- Driving distracted by a mobile phone.
- Not leaving enough space to stop safely.

Even one vehicle-related incident is too many, according to Australia Post GM safety and wellbeing, Rod Maule, who said posties often sustain injuries from being knocked off their vehicle or swerving off the road to avoid a more serious incident from occurring. “While we want our team to deliver for all Australians, we also want each of them to safely get home to their families at the end of the day,” he said. “Safety is our number one priority, which is why we’ve invested millions of dollars into advanced technology and training to keep our team safe on the road. “But it isn’t just up to us – we are asking all drivers to be alert and keep an eye out for our posties, especially over the next few months as we ramp up deliveries in the lead-up to Christmas,” Maule said.

Australia Post has implemented safety measures, including installing telematics (video and data) across thousands of its electric delivery vehicles (eDVs), motorcycles, vans, and trucks. High-vis uniforms, intensive road safety training for all posties, sensors, and duress buttons on eDVs (which pinpoint the location of a postie in an emergency) are also standard across the network.



Australia Post provided a number of tips to improve road safety:

- Put your mobile phone out of reach when driving.
- Slow down when approaching roundabouts.
- Use your mirrors and check your blind spots for motorcycles and cyclists before turning or changing lanes.
- When reversing out of your driveway, toot your horn and move slowly.
- Keep your distance. Drive far enough behind the car in front of you so you can stop safely.
- Do not drive when drowsy, and
- Do not drive under the influence of drugs and alcohol.

Source: <https://www.aihs.org.au/news-and-publications/news/posties-injured-least-once-week-road>

Safety alert issued over lithium-ion battery fires



WorkSafe Victoria recently issued a safety alert about the risks of using, storing and charging equipment that has lithium-ion batteries. Lithium-ion batteries are found in many products, which may be used, stored or charged in a workplace or an area under the management and control of an organisation. Lithium-ion batteries may be used in equipment including:

- handheld power tools.
- light electric vehicles (LEVs) (electric scooters and e-bikes).
- electric plant (forklifts, elevating work platforms and earthmoving equipment).
- passenger vehicles (hybrid and full electric vehicles).
- power supplies (generator systems and battery systems).
- heavy vehicles (trucks and buses).

When overheated, lithium-ion batteries of all sizes can catch fire, and the fire is often hard to put out and the smoke from the fire can be toxic. To control the risks associated with lithium-ion batteries overheating and catching fire, the alert said employers should:

- Remove lithium-ion batteries from areas where a lithium-ion battery fire could be a hazard.
- Provide a dedicated charging area that is separate from areas where people work. Ensure equipment is kept within fire-resistant areas.
- Prevent the use, storage or charging of electric plant or passenger vehicles in enclosed and restricted spaces, unless the fire detection and suppression system is suitable for the special fire hazard (a lithium-ion battery fire).

Systems that are suitable for lithium-ion battery fires may be similar to systems used in other high-risk areas and should have additional fire suppression capability (such as an increased number of sprinkler heads). If you are unsure if the sprinkler system is suitable, seek advice from an appropriate specialist, such as a fire engineer, and upgrade the fire system (if needed). Where appropriate, replace lithium-ion batteries with other batteries or power sources that are less likely to overheat and catch fire.

It is recommended to install “smart chargers” that monitor lithium-ion battery status and automatically disconnect the power if a fault is detected. Ensure there is an easily accessible way, to remotely disconnect or isolate battery chargers if the equipment catches fire. Place charging equipment away from emergency exits and evacuation routes. Keep charging equipment out of direct sunlight and away from areas where it can be exposed to heat or moisture. Charge equipment using an original or an approved charger. Monitor or watch equipment while charging. Inspect equipment and charging cables for damage before and after use.

It is important to have emergency response plans that address the risk of a lithium-ion battery fire. Emergency response plans should include clear instructions that people should:

- evacuate the area via a suitable route.
- not attempt to extinguish a fire involving lithium-ion batteries.
- Only use insulated tools when working on lithium-ion batteries.

Employers must provide PPE to employees involved in the servicing and maintenance of equipment with lithium-ion batteries and always seek advice from equipment suppliers and manufacturers about the type of PPE that should be supplied for each task.

Source:

<https://www.aihs.org.au/news-and-publications/news/safety-alert-issued-over-lithium-ion-battery-fires>

A Victorian worker is fined \$4,000 for work health and safety failure.



A Victorian worker who failed to ensure a safe exclusion zone before blasting rocks at a quarry has been personally fined \$4,000 plus legal costs over \$5,000. The incident occurred at a quarry that shared a boundary with an Australian Defence Force (ADF) site, separated by a public road.

The worker, a qualified shot firer with more than 20 years' experience, scheduled a blast that was required to occur in the direction of the ADF site to avoid disturbing asbestos pipes at the quarry. This approach was unusual, with most blasts occurring inwards. After sounding warning sirens, the explosion took place, which resulted in a dust cloud moving from the quarry over to the ADF site. At that time, rocks started raining down around persons on the ADF site although luckily no one was hit. The worker was charged with failing to take reasonable care, including that he failed to ensure:

- the blast management plan for the blast contained an exclusion zone on a map and that the map was attached to the blast management plan; and
- that the exclusion zone of at least 500 metres was physically identified, and it was established that the exclusion zone was clear of any unauthorised persons at the time the blast was to occur.

In sentencing, the Court noted that while it was a miscalculation rather than a deliberate reckless act, the risk of injury was very serious, and it could have resulted in fatal or serious injuries. The case demonstrates that while a person conducting a business or undertaking must have in place safe systems of work, there is still a requirement that individual workers take reasonable care in performing their duties not to put others at risk. With more than 20 years' experience and having worked for their current employer for 34 years, the Court's expectation was that the worker should have taken more care.

Source:

<https://www.healthandsafetyhandbook.com.au/bulletin/a-victorian-worker-is-fined-4-000-for-work-health-and-safety-failure/>

Labour hire host PCBUs: Duties of persons conducting a business or undertaking who use labour hire workers.

Labour hire arrangements in Western Australia are covered by the Work Health and Safety Act 2020 (WHS Act) and associated regulations. The primary duty of care under the WHS Act is owed by a PCBU to a 'worker', which includes a labour hire worker. All PCBUs who supply workers to other businesses (labour hire PCBUs) and host PCBUs have a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of labour hire workers engaged by, or caused to be engaged by them, or whose activities are influenced or directed by the PCBU. If more than one person or business has a duty for the same matter, each person must meet their duty to the extent to which they have the capacity to influence and control the matter. There are responsibilities before engaging a labour hire worker. The following should be considered:

Providing the labour hire PCBU with detailed information about the nature of work to be carried out including details of, and where possible supporting material, relating to:

- the work environments.
- tasks to be performed.
- accommodation arrangements, where applicable.
- any known hazards or risks.

- any plant or equipment to be used.
- organisational and WHS arrangements, including supervision arrangements and any other organisations responsible for the worker during the arrangement.
- health and safety risks associated with the work.
- any skills, knowledge, licenses and qualifications required to safely undertake the work.

The following should also be considered:

- verifying, in consultation with the labour hire PCBU, that the selected workers have any necessary qualifications, licences, skills and training to carry out the work safely.
- In some circumstances, you may be required to verify the workers are medically fit to carry out the work (for example in mining, commercial vehicle driving, lead work and diving industries).
- discussing with the labour hire PCBU arrangements for health monitoring and vaccinations.
- consulting with the labour hire PCBU on WHS matters including in relation to who will provide any necessary equipment such as personal protective equipment (PPE), and relevant points of contact for health and safety between the organisations.
- ensuring that general health and safety information about the work, workplace and work environment has been provided to the workers. Check that you have provided this information in a way that is suitable, adequate and readily understandable for the workers.
- eliminating or, if that is not reasonably practicable, minimising risks in the workplace.
- establishing, in consultation with the labour hire PCBU, a review process for ensuring the ongoing WHS of workers.
- any more you can do to ensure the health and safety of all your workers.

During a labour hire worker's placement, while labour hire workers are carrying out work, the following should be considered:

- providing the worker(s) with a site specific safety induction outlining WHS duties, policies, procedures and practices in the workplace including consultation methods.
- where WHS advice or workplace assessments are required, ensuring the persons engaged to conduct those assessments are suitably qualified.
- treating labour hire workers as you would employees and other workers with respect to health and safety and the provision of a safe working environment and PPE (if PPE is not provided by the labour hire PCBU).
- providing adequate supervision of the worker(s) at all times to ensure that work is being performed safely.
- consulting with the labour hire PCBU and workers regarding any changes which may affect WHS. Ensure you do not transfer workers to new tasks or change the nature of their work tasks, work environment or work location until you have consulted with the workers and obtained the approval of the labour hire PCBUs.
- encouraging labour hire workers to participate in the identification of hazards and risks specific to their work.
- supporting and encouraging labour hire workers to participate in workplace safety consultative arrangements.
- working with the labour hire PCBU to facilitate appropriate WHS arrangements. For example, allow the labour hire PCBU access to workers, the workplace and relevant documents for the purpose of workplace safety assessments and to fulfil their WHS duties as a PCBU.
- facilitating any assessments conducted by the labour hire PCBUs, for example, WHS management assessments or work site assessments.
- providing any further training, instruction or information prior to transferring a labour hire worker to new tasks, in a way that is suitable, adequate and readily understandable to the worker.
- encouraging labour hire workers to maintain contact with the labour hire PCBU throughout their placement.
- in the event of an incident, notifying the labour hire PCBU as soon as practicable and working with them to implement agreed arrangements. For example, allowing the labour hire PCBU access to the workplace and to relevant documents to fulfil their WHS duties as a PCBU.

Source: <https://www.safeworkaustralia.gov.au/system/files/documents/1908/labour-hire-duties-of-persons-conducting-business-undertaking.pdf>

Tow truck operator receives custodial sentence over fatality.



A South Australian tow truck operator has received a custodial sentence under the Heavy Vehicle National Law (HVNL) after he pleaded guilty to a Category 1 offence involving a fatality.

In February 2019, a 67-year-old man was killed when his truck rolled off the back of a tow truck. An investigation led by South Australian Police revealed that the tow truck operator's conduct was reckless in failing to ensure the safety of their transport activities, ultimately resulting in the fatality of their customer. The operator was charged with failing to comply with his safety duty, and the court has imposed a custodial sentence of ten months, reduced to 6 months due to a guilty plea. This has been wholly suspended on the condition of good behaviour for two years. A prohibition order was also made which prohibits the operator from engaging in any transport activities for 12 months.

A category 1 offence is the most serious offence under the HVNL, with a maximum of five years imprisonment. Under the HVNL heavy vehicle operators are required to perform their safety checks and follow procedures each time the vehicle is used. The NHVR recommends that all operators provide adequate information, training, instruction, and/or supervision of loading requirements and procedures to drivers to ensure that heavy vehicles are loaded and restrained safely.

Source:

<https://www.aihs.org.au/news-and-publications/news/tow-truck-operator-receives-custodial-sentence-over-fatality>

Unlicensed electrical apprentice fined \$45,000 for illegal unsafe work.

An unlicensed electrical apprentice was recently fined \$45,000 in the Richlands Magistrates Court for non-compliant and unsafe electrical work in Southeast Queensland between November and December 2020.

The defendant, Brendon Graham, pleaded guilty to six charges including failing to comply with electrical safety duties, installing unsafe electrical wiring, and not holding the appropriate electrical licences.

An investigation by the Queensland Electrical Safety Office (ESO) was prompted by a complaint about Graham's AirTasker profile 'Brendon G', which stated he was a licensed electrical contractor who could install ceiling fans, lights and external air con power switches as well as replace power points. At the time, Graham was a fourth-year apprentice and did not hold an electrical work licence or an electrical contractor licence. He performed electrical work for 27 customers including installing ceiling fans, power points, lights, and cooktops.

The investigation identified unsafe electrical work and wiring rules contraventions at five locations, four of which exposed homeowners to serious electrical risk.

Graham pleaded guilty to four charges of failing to comply with an electrical safety duty; one charge of performing electrical work whilst not holding an electrical worker's licence; and one charge of performing electrical contracting while not holding an electrical contractor's licence. In sentencing, Magistrate Shearer stated the legislative scheme was designed to prevent unlicensed people from doing such work and that the penalties imposed have to be a real deterrent.

Source:

<https://www.aihs.org.au/news-and-publications/news/unlicensed-electrical-apprentice-fined-45000-illegal-unsafe-work>

Safe Work Australia Publishes New Working-from-home Work Health and Safety Guidance.

Safe Work Australia recently published resources on managing Work Health and Safety (WHS) risks when workers are doing computer-based work from home. WHS laws apply when workers work from home just as they do in traditional workplaces such as offices, and working from home may change WHS risks or create new ones.



Data released in October 2022 shows that 2.5 million Australians worked from home on the day the last census was held. This was more than 20 per cent of the 12 million people working on 10 August 2021. Working from home means workers work from their own homes, alone or with other household members present. Arrangements may be ongoing, temporary or ad hoc, and for all or part of a worker's hours. These arrangements may be put in place to suit the needs of the PCBU (e.g. downsizing offices), the worker (e.g. less commuting or more flexibility) or due to external factors (e.g. public health directions or severe weather events).

Working from home can have benefits for everyone involved, but as with any type of work, the WHS risks must be managed, according to Safe Work Australia. In the information sheet for PCBUs, Safe Work Australia said PCBUs must consult, so far as is reasonably practicable, with workers about WHS issues that may affect them. "You must consult workers when identifying hazards and working out how to control risks, including how you will monitor workplace conditions. You must consult workers before starting work-from-home arrangements or making other changes," it said. "Effective consultation is important because workers will often be the only person aware of the risks associated with their home working environment. You may also need their help to identify and assess the risks and identify and implement control measures. "If workers are represented by a health and safety representative (HSR) you must include them in consultation arrangements on health and safety matters."

The information sheet also noted that where workers disclose that they are experiencing family and domestic violence, they will know the most about their circumstances and may have important information that should be considered before starting or changing working-from-home arrangements. A four-step risk management process can assist PCBUs in eliminating or minimising health and safety risks, so far as is reasonably practicable, including when workers are working from home. This process includes:

- Identify hazards to find out what could cause harm. Consider whether any previously identified hazards may change when working from home and any new hazards that may be present.
- Assess the risks to understand what could happen if someone is exposed to the hazard and the likelihood of it happening. If you already know the risks and how to control them effectively, you can implement controls without undertaking a risk assessment and simply check they are effective.
- Eliminate the risks associated with working from home if it is reasonably practicable. If it is not reasonably practicable to eliminate risks, you must minimise the risks so far as is reasonably practicable. This can be done by using the most effective control measures, or a combination of controls, that are reasonably practicable.
- Maintain and regularly review your control measures to ensure they are effective, working as planned and do not introduce new uncontrolled risks. Including before a change that is likely to give create a new or different risk (e.g., before working arrangements change).

Safe Work Australia also released information sheets for workers, a checklist to help identify common hazards which may be present when working from home and a workstation set-up infographic.

Source: <https://www.aihs.org.au/news-and-publications/news/safe-work-australia-publishes-new-working-home-whs-guidance>

Transport gig workers feel pressured to cut safety corners.

More than half of food delivery, rideshare, and Amazon Flex drivers experience work-related stress, anxiety, and mental health issues, according to a recent research report. It found 56 per cent of food delivery riders are pressured to rush and take risks on the road to earn enough money and avoid deactivation for being deemed too slow by the algorithm. This compared with 51 per cent of all gig workers, who said they also felt pressured to rush or take risks to make enough money or protect their job. The report, which was conducted by The McKell Institute and commissioned by TEACHO (Transport, Education, Audit, Compliance, & Health Organisation) and the TWU, also found one in seven workers had experienced sexual harassment, while over a third have been physically injured while working.

While women only made up one in ten survey respondents, they experienced over twice the rate of sexual harassment as men – at 26 per cent compared to 12 per cent. A further 55 per cent experienced threatening or abusive behaviour, with 43 per cent noting the risk of being abused by a customer as a significant concern, according to the Tough Gig: Worker Perspectives on the Gig Economy (link is external) report, which took in just over 1000 workers.

Workers in the gig economy do not receive sick leave or workers' compensation, and the report said 62 per cent of workers said they've lost income while sick or injured. McKell Institute acting CEO Ed Cavanaugh said it is now commonplace not only in ride-share and delivery but in other sectors, such as nursing, caring and cleaning, where digital platforms match workers to jobs. "It is also being seen in supply chains more broadly, as companies incorporate 'gig-work' models of employment into their broader practices," he said. "The explosion of this type of work has outpaced measures to ensure it provides security, dignity and safety for the workers themselves."



As work has fragmented, Cavanaugh said it is important that modern employment structures enable workers to undertake work that accommodates this reality. "But what is concerning is that flexibility has become a trojan horse for underpayment and even exploitation," he said. "Now, the workers who make these modern services possible are calling for reform, so that they can continue to provide these services, but do so with more financial security and safety."

The food delivery platform sector recently experienced its 13th fatality, after a rider was killed in a crash between a motorcycle and a ute in Sydney'. TWU national secretary Michael Kaine said food delivery riders need safe working conditions and for the deadly pressures on them to be eased through transport reform. "Food delivery riders currently have no rights like a safe and fair minimum wage, sick leave, protection against unfair contract terminations, and workers' compensation in the horrific event something goes wrong," said Kaine. "While nothing will compensate for the loss of 13 food delivery riders killed, we must act to stop more transport gig worker deaths on our roads and to ensure all workers have access to safe working conditions and workers' compensation for themselves and their families. "Lifesaving reform to set fair, safe and sustainable standards in transport, including for gig workers, will soon be before Federal Parliament. This is

literally life or death urgency – we call on every parliamentarian to pass this reform into law without delay,” he said.

In the last year, the TWU has signed charters with DoorDash, Uber and Menulog calling for reform to set standards in transport. Safe Work Australia recently launched an awareness campaign(link is external) to increase food delivery workers’ knowledge of work health and safety and help make every ride safer. “All workers, regardless of the work they do or how they are engaged, have a right to a healthy and safe working environment,” said Safe Work Australia’s CEO Michelle Baxter. “This includes food delivery workers who encounter a range of hazards in their jobs that pose risks to both physical and psychological safety. “It’s important food delivery workers understand what they can do to be safe at work, as well as who they can talk to about work health and safety, so they can get home safely.”

Source:

<https://www.aihs.org.au/news-and-publications/news/transport-gig-workers-feel-pressured-cut-safety-corners>

Regulator launches aged care safety campaign.



WorkSafe Western Australia recently commenced a proactive inspection program to look at safety issues in the state’s aged care and residential care facilities. The inspection program will look at a number of randomly selected facilities across metropolitan and regional areas of the state throughout the 2023/24 financial year. Inspectors will place a strong emphasis on industry-specific hazards, along with workplace violence and aggression, staff training and other priority issues identified by WorkSafe WA.

Residential aged care has been identified as an industry with significant challenges concerning workplace violence and aggression and a high number of injuries due to manual handling and slips, trips and falls. The inspections will be conducted with the aid of a checklist to ensure consistency across all workplaces. The proactive inspection program aimed to assist employers in the aged care industry in fulfilling their responsibilities for the health and safety of workers in their facilities said WorkSafe WA Deputy Commissioner Sally North.

“The primary goal of our proactive programs is to provide information and to collaboratively work towards a reduction in work-related injuries and illnesses in the industry sectors we target,” North said. “However, if our inspectors find non-compliance with work health and safety legislation, they will take appropriate action that could include the issuing of verbal directions or notices requiring the facility to remedy the situation. “A wide range of safety issues may be present for workers in the aged care industry, and we aim to make employers fully aware of the risks and supply them with information on the measures that can be put into place to lessen those risks.”

Source:

<https://www.aihs.org.au/news-and-publications/news/regulator-launches-aged-care-safety-campaign>

The cost of failing to notify the regulator of a notifiable incident.

Persons conducting a business or undertaking have a strict obligation to notify the regulator of notifiable incidents. Failure to do so can result in significant penalties, as demonstrated by the recent WorkSafe Victoria prosecution of Industries Pty Ltd.

On 10 December 2021, a worker was operating a rip saw to cut large pieces of timber used to make wooden reels for wire cables. The worker's hands were near the blade, which was guarded. The worker was guiding a large piece of timber through the saw when his right hand bumped into the blade, resulting in amputation of his right index finger and severe lacerations to his middle finger. WorkSafe attended the site after being told of the incident by the injured worker. The company had not reported the incident despite, as WorkSafe learned, the worker being taken to hospital by a staff member of the company, leaving through the front doors. The injured worker ultimately lost both fingers. During the WorkSafe inspection, it was noted that the saw did not have an emergency stop button. The company pleaded guilty and was ordered to pay a fine of \$10,000 for both a charge relating to its failure to ensure safe plant – in particular, the lack of an emergency stop button – as well as \$10,000 for the failure to notify.

The Court specifically noted that it could not believe that the company was unaware of its obligation to notify WorkSafe of the incident, despite having been in business for 28 years. All employers should be clear on the strict obligation to notify the regulator of serious incidents and near misses and ensure that all workers and managers adhere to those requirements. Although no prosecution against the directors of the company were commenced in this matter, a failure of a director to ensure such procedures are known and implemented can result in personal prosecution.

Source: <https://www.healthandsafetyhandbook.com.au/bulletin/the-cost-of-failing-to-notify-the-regulator-of-a-notifiable-incident/>

ECU to host Professorial Chair in Mining Work Health and Safety

Mines and Petroleum Minister Bill Johnston has announced that Edith Cowan University was the successful applicant for a new mining sector initiative, the Professorial Chair in Mining Work Health and Safety.

Funded as part of the Cook Government's ongoing commitment to the Mental Awareness, Respect and Safety (MARS) program, the Professorial Chair will bring tertiary institutions, government, and industry together to develop undergraduate and postgraduate education for future mining industry workers.



The new initiative will also create and oversee a leading-edge research centre for mining work health and safety. The Cook Government is providing \$1 million per annum for three years, with ECU matching that amount. Total support, including in-kind and from industry, is expected to be nearly \$11 million across the three years. Launched in December 2021 by the State Government, the MARS program boosts responses to mental health, workplace culture and mine safety in Western Australia's mining sector.

Source: <http://www.dmp.wa.gov.au/News/ECU-to-host-Professorial-Chair-31414.aspx>

Asbestos registers at the workplace

guidance now published



Were the buildings, structures or plant equipment at your workplace built or installed before 2004, or if in Queensland before 1990?

If you are the person with management or control of the workplace, you must ensure an asbestos register is prepared, maintained and readily accessible to other persons at your workplace.

Safe Work Australia has released a new guide to help you:

- understand what an asbestos register is and if your workplace needs one,
- develop and maintain a comprehensive asbestos register that identifies asbestos at your workplace, and
- understand who are considered “competent persons” in relation to identifying asbestos and collecting information for asbestos registers.

Go to the newly published guide: **Asbestos registers at the workplace** to download the guide today and know your duties.

Asbestos is found in older buildings in materials such as fibrous cement sheeting, external cladding, roof insulation, vinyl tiles, flue pipes, drains, roofs, gutters, electrical insulation, switchboards, meters and gaskets. You risk disturbing the asbestos when working with these materials during service, maintenance, refurbishment and demolition work. Disturbing asbestos risks exposing people at your workplace, neighbouring businesses, and the community to airborne asbestos fibres. Breathing in these fibres can cause life threatening diseases, such as asbestosis, lung cancer and mesothelioma, which may not occur until 20 to 30 years after exposure.

An asbestos register is a workplace safety management tool that records the location, type, condition, and date of identification of all material at the workplace:

- identified as asbestos or asbestos containing material (ACM), including asbestos or ACM likely to be present from time to time
- assumed to contain asbestos, and/or
- likely to contain asbestos but the material is not accessible for sampling and testing (e.g. area is sealed or material cannot be sampled such as a fire door). If buildings, structures or plant at your workplace were built or installed before 2004, or in Queensland built before 1990, and you are the person with management or control of the workplace, you must ensure an asbestos register is prepared and readily accessible to workers, health and safety representatives and other PCBUs at your workplace.

Newly published guide and source of information: <https://www.safeworkaustralia.gov.au/sites/default/files/2023-09/Guidance%20material%20-%20Asbestos%20Registers%20Guide%20-%20August%202023.pdf>

COVID-19 vaccination information regulations expire.

WorkSafe Victoria has reminded employers that pandemic regulations put in place to assist with the collection, recording, holding and use of COVID-19 vaccination information from specified persons recently expired. Following the revocation of the Occupational Health and Safety Amendment (COVID-19 Vaccination Information) Regulations, employers who recorded or held COVID-19 vaccination information specifically under these regulations have 30 days to destroy that information.

The regulations were introduced in mid-2022 following the removal of certain vaccination requirements under the pandemic orders and supported employers to collect, record, hold and use COVID-19 vaccination information from specified persons attending a workplace under their management or control to determine and implement reasonably practicable measures to control COVID-19 risks. A specified person includes employees, independent contractors and their employees, volunteers and students on placement permitted to attend the workplace. The destruction of information requirement does not apply to employers that are permitted or required under other laws to collect, use, record, or hold vaccination information. WorkSafe Victoria also reminded employers that a person's COVID-19 vaccination status is health information protected by other legislation such as the Health Records Act.



Source:

<https://www.aihs.org.au/news-and-publications/news/covid-19-vaccination-information-regulations-expire>

Just a reminder that you can contribute to the Newsletter. Your contributions can include your professional profile (Member Spotlight), scientific material, interesting case studies, problems solved, key messages from a national or international scientific meeting and so on.

IN PSYCHOSOCIAL HEALTH

Pressure and stress drive suicide rates up in construction industry

Long work hours and job insecurity are driving suicidal thoughts and distress among some Australian construction workers, according to new research from the University of South Australia. It found that the strain of working in a sector that by nature is often transient, requires hard physical labour and assumes self-reliance and risk-taking attitudes, is pushing some workers to unendurable distress. These factors are contributing to the 190 cases of suicide within the Australian construction industry every year, equating to one worker taking their life every second day.

The University of South Australia study, in collaboration with mental health charity MATES in Construction (MATES), explored the drivers and experiences of suicidal thoughts and psychological distress of industry workers. The research team also reviewed coping strategies that workers have adopted during challenging times, as well as what the industry can do to lower the risk of losing more of its workers. A group of construction industry workers employed in a variety of roles were interviewed about their personal experiences with suicidal thoughts while employed in the sector, or their experience supporting a workmate with suicidal thoughts.

Eight themes relating to what may drive suicidal thoughts and distress were identified, according to UniSA PhD candidate Simon Tyler from the UniSA Mental Health and Suicide Prevention Research and Education Group. “These included challenges directly related to working within the industry, such as working long hours and the stress and isolation that comes from workplace transience and job insecurity, which are common issues in the sector,” he said. “The people who discussed these issues saw them as increasing in intensity in recent times and said they played a significant part in experiences of suicidal thoughts and distress.” Other themes driving suicidal thoughts and distress related to personal issues, such as relationship and family concerns, social disconnection, personal financial hardship, perceived lack of support, alcohol and drug use, child custody/access and legal issues, mental health challenges, trauma, or a significant adverse life event. Many participants also highlighted the stigma around mental health and suicide among workmates that limits them from reaching out for help.

For the construction industry, Tyler said suicide is a significant concern: “It’s a confronting reality – that one worker every second day is taking their own lives,” he said. “The nature of the construction industry can be challenging with workplace drivers such as employment uncertainty, as well as industry cultures that encourage self-reliance attitudes and behaviours, but it’s also a sector that is determined to change and help better the lives of the people it employs.”



To reduce the high number of suicides in the industry and raise awareness and peer support skills among workers, MATES in Construction delivers prevention and mental health programs to the building, mining, energy and construction sectors. Since its programs were introduced, the organisation has trained more than 237,000 industry workers and estimates the suicide risk in the industry has dropped by about 8 per cent. Mates in Construction is a three-tiered awareness program that teaches workers how to recognise when a mate is struggling and where to go for help,” said MATES SA CEO Alan Suridge. “We then provide free counselling and support services to workers in need. Research such as this enables us to educate workers on signs to look for and how to respond appropriately, creating a safer, more caring workplace community.”

Source: <https://www.aihs.org.au/news-and-publications/news/pressure-and-stress-drive-suicide-rates-in-construction-industry>

Occupational Health Society of Australia (WA)



Incorporated in 1978, the Occupational Health Society of Australia (WA Branch) is a non-profit association which provides a forum for the wide range of disciplines engaged in the occupational health profession in Western Australia.

The aims of the Society are:

- to develop effective occupational health practice within Western Australia
- to encourage awareness by individuals, organisations and other bodies, of the role of occupational health
- to provide a forum for professional contact between persons interested in, and working in, occupational health
- to express an independent, professional viewpoint on all aspects of occupational health considered desirable in the public interest
- to seek the improvement or an extension of the existing legislation for the promotion of safety and health at work in order to ensure uniform principles are applied in all occupational activities.

Please contact the Secretariat on ohswa@outlook.com.au regarding membership matters.

Membership of the Society is open to all those interested in occupational health and safety.

\$100 Corporate membership, for one year, \$200 if paying for 3 year's membership.

\$50 Ordinary membership, for one year, \$100 if paying for 3 year's membership.

\$20 Student membership, for one year, \$40 if paying for 3 year's membership.

Simply email

ohswa@outlook.com.au

2023 Members

Lifetime Members

Ms Allaine Coleman
Prof. Geoff Taylor
Dr Kar Chan Wan

Corporate Members

Dangerous Goods and Safety Services (Les Vogiatzakis - www.dgas.com.au)
Ross Graham
Mines ARC Systems (Alex Farquhar)
Mines Safe6ty and Training (Peter Nicholls)
OHMS Hygiene (Mr Ruairi Ward)
Felgate Safety (Kaye Felgate)
Shire of East Pilbara (Mr Stephen Goodlet)

If your name is not on this page and you believe you are a financial member, please contact the Society by email - ohswa@outlook.com.au

Ordinary and Student Members

Dr Amy Bright
Mr Dean Butler
Ms Emma D'Antoine
Dr Matthew Davies
Ms Mitali Ghosh
Dr Irene Ioannakis
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Ms Alison Martins
Mr Peter McMahon
Dr Sherrilyn Mills
Mr Richard Phelps
Mr Peter Rohan
Dr Logiswaran Subramaniam
Dr John Suthers
Dr Sonu Thapa



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 Occupational Health Society of Australia

2023 ANNUAL GENERAL MEETING

Members of the Occupational Health Society of Australia (WA) are cordially invited to attend the Annual General Meeting (AGM) of the Society for 2023.

The AGM will be preceded with a presentation by Dr Max Hills (Chief Medical Officer – Chevron Australia) - *"Safer Together: Offshore and remote location fitness for duty assessment – a standardised approach"*. Rigorous assessment of fitness for duty is an important part of managing health and safety risks for workers at remote and offshore workplaces in the oil and gas sector in Australia. The Industry Safety Forum "Safer Together" developed a common assessment to reduce the occurrence of health-related severe and fatal events and provide a common baseline assessment to meet site access requirements. The result is a Medical Assessment Guideline (MAG) and implementation guides. Assessments completed in accordance with these guidelines are now accepted as adequate documentation of fitness for duty for contractor personnel to access remote and offshore locations operated by all major oil and gas operators in Australia.



DATE: Thursday November 28th 2023

TIME: 6.30pm

**VENUE: Westralian Apartments Boardroom – 78 Terrace Rd, East Perth
(N.B. Street Parking on Terrace Rd is free after 6pm)**

Refreshments (Beer, Wine, Soft Drink, Tea and Coffee) and German themed food catered by Toffee Café will be provided.

Please RSVP to the Secretary of the Society your intent to attend, or submit formal apology if not attending, this AGM by e-mail to ohswa@outlook.com.au by November 21st 2023.

If you are unable to attend in person or would prefer to attend virtually please ensure you make the Secretary aware of this so that the MS Teams link for this AGM can be sent to you.

Summary Agenda of the AGM is as follows:

1. Apologies
2. Acceptance of 2022 AGM Minutes
3. Presidents Annual Report
4. Treasurers Annual Report
5. Elections*
6. Voting on a Special Resolution to adopt the Revisions made to the Constitution
7. Other Business

**All Office Holder and Committee Member roles are open for election. If you wish to nominate to be elected as an Office Holder or Committee Member please complete and submit to the Secretary a Nomination Form. Nomination Forms must be received by the Secretary before November 1st 2023.*

If you are unable to attend the AGM and wish to nominate a fellow member as a Proxy to vote in your stead, please complete and submit to the Secretary a Proxy Nomination Form. Proxy Nominations must be received by the Secretary by 6.30pm on November 27th 2023.

For information / rules that apply to the AGM please refer to the current Constitution of the Society (available from the Secretary ohswa@outlook.com.au on request).

For any additional information about this AGM please contact the Society's Secretary by e-Mail: ohswa@outlook.com.au