

# 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 23 OCTOBER 2018



## Occupational Health Society of Australia (WA)

### Executive:

President	David Lampard
Vice President	Dr Janis Jansz
Joint Secretaries	Allaine Coleman / Sheryl Kelly
Treasurer	Bronte Weekes

### Committee

Lee Cherry  
Ross Graham  
Peter Nicholls  
Hannah Riley  
Sam Tsakiris  
Les Vogiatzakis  
Dr KC Wan

**Please Note:** change of contact details for the Society:

Email: [ohswa@outlook.com.au](mailto:ohswa@outlook.com.au)

Address: c/- Secretary, OHSA(WA)  
639 Murray St, West Perth, 6005

Website: [www.ohsociety.com.au](http://www.ohsociety.com.au)

President's report .....	2
Bio – Janis Jansz .....	3
Sick Building Syndrome and the Occupational Health Society.....	3
Sick Building Claim Rejected .....	5
What is it? .....	5
Taskforce formed to tackle deadly work disease.....	6
Alert issued on exposure to Respirable Silica.....	6
Worker exposure to toxic lead dust for three years...	7
Are outdated exposure standards endangering workers?.....	7
Asbestos subsidy proposed.....	8
Emerging disease affects up to half of studied workers.....	8
Four work substances linked to early onset disease....	9
Industrial deaths inquiry informed of transport risks...	10
Working from home can worsen sedentary habits.....	10
Common, controversial work chemical is safe, says regulator.....	11
The dirty truth about your office: it's worse than a toilet.....	11
WA fires get new gear.....	12
Safety strategies outlined for Farm Safety Week.....	12
Diving safety guidance overhauled for first time in 15 years.....	13
Register of WHS offenders flagged by ACTU.....	13
OHS Strategies to guide environment changes.....	13
Adapted ISO 45001 to be released in days.....	14
PCBU failed to check on WHS manager's work.....	15
Work Health and Safety fines to be introduced ahead of the Harmonisation.....	16
Manslaughter laws probed.....	16
Radiofrequency risks exacerbated by other heat sources.....	16
Train workers to cope with regret to prevent insomnia.	17
Six factors that make workers happy and cut stress...	17

Editors: **Sheryl Kelly and Allaine Coleman**  
Collaborator: **Patrick Gilroy**

## President's report

Occupational Health Society members and Monitor readers, I think you will find the October 2018 edition a very interesting read. It covers a variety of current OHS topics that affect the wellbeing of a wide spectrum of workers. The editors have done a great job in producing this information and providing web site links to more comprehensive particulars on each subject matter.

Society Vice President Janis Jansz has submitted her interesting bio and details of her involvement in research into sick building syndrome. The Society plans to hold a seminar on this subject in 2019.

It really is upsetting when industry takes a backwards step in OHS. This is no better illustrated than the respiratory illness issues that are now occurring in the stone bench top industry. Employers, Workers and Unions must also realise that they have an equal duty to establish control measures to eliminate these risks.

### 40<sup>th</sup> Anniversary Dinner.

We held the 40<sup>th</sup> Anniversary dinner on September 13, 2018 at the Bentley Pines TAFE Training Restaurant, those who did attend enjoyed a pleasant evening. Along with society stalwart Professor Geoff Taylor we were able to muster five past presidents; Ali Martins, KC, Allaine Coleman, Peter Rohan and Joe Maglizza to the event. The year 1978 was virgin territory for OHS legislation in the workforce. Those early days certainly created interest in all aspects of industry and resulted in new and challenging careers and specific higher education qualifications. Written communication with members was restricted to newsletters and telex messages, a far cry from today's forms of instant communication.

### AGM

Please make a note in your calendar for Monday November 26, 2018 for the AGM at Mayfair Lane West Perth. We would like to see as many members there as possible. A vote on the new model rules by special resolution must be adopted for the constitution, election of your committee and executive for 2019, followed by fellowship.

**David Lampard**

**President**

## Bio – Dr Janis Jansz



Dr Janis Jansz, RN, RM., Dip. Tch, BSc., Grad. Dip. OHS, MPH, PhD, FSIA is an Associate Professor in Occupational Health and Safety Environmental Health in the School of Public Health at Curtin University.

Janis is the Director of the World Safety Organisation National Office for Australia and a Member of the Board of Directors for World Safety Organisation.

Janis is Vice President of the Occupational Health Society of Australia and has been awarded Life Membership of the Safety Institute of Australia for many years of work improving, teaching and conducting research to advance occupational safety and health practices and for taking a leadership role in the safety and health profession.

The Society is fortunate to have Janis as our current Vice President. The wealth of knowledge and experience she brings to us is invaluable.

Janis has been interested in Sick Building Syndrome for a number of years. The following article has been written by Janis and demonstrates her involvement in researching Sick Building Syndrome and how her membership and the relationships she has developed through the Society have assisted her in this research.



### **Sick Building Syndrome and the Occupational Health Society**

My path to learning about Sick Building Syndrome came because in 1987 in nursing it was decided to introduce a career structure so my employer (the Commonwealth Government of Australia) gave me a scholarship to complete a Bachelor's degree in

management as they wanted me to work in the management stream of nursing. I thought that managers should know something about occupational safety and health, so I chose electives in this area. In 1987 there were no undergraduate units of study in occupational health and safety, so I was allowed to do post graduate occupational health and safety units of study. My toxicology lecturer was Professor Jeff Spickett. He organised for me to have a scholarship from Safe Work Australia to pay for me to do a Graduate Diploma in Occupational Health and Safety that I commenced in 1988. At that time (1988) Professor Jeff Spickett was President of the Occupational Health Society and encouraged all of the students in this course to join and to attend the monthly lectures and networking events provided by this professional organisation. I did join and found that the members were friendly and always willing to provide me with information, or where to find the information, that I needed to complete my assignments. Members of the Occupational Health Society still help me today, mainly with providing work placements and supervision for Health, Safety and Environment Professional Practice students and with providing industry mentors for students studying Health and Safety Management.

In 2011 I was sent an email by Dr Sabah Abdul-Wahab who lives in the Sultanate of Oman and asked if I would write a chapter on Sick Building Syndrome for a book that was called 'Sick Building Syndrome in public buildings and workplaces' that she was producing to be published by the publisher, Springer. I said that I knew nothing about the topic, but I would try. To help me start to learn something about the topic I asked Members of the Occupational Health Society if they could send me some stories about their experiences in relation to Sick Building Syndrome. I received 10 case study stories including a story about old buildings from Dave Lampard (current Occupational Health Society President) and a story about ventilation from Peter Rohan (a past Occupational Health Society President). Anitha Arasu, another Occupational Health Society Member, helped me with identifying published literature on Sick Building Syndrome to read and use. Instead of writing one chapter I wrote 3 chapters.

The first chapter was called 'Introduction to Sick Building Syndrome.' It traced the history of sick building syndrome from chapter 14, verses 34 to

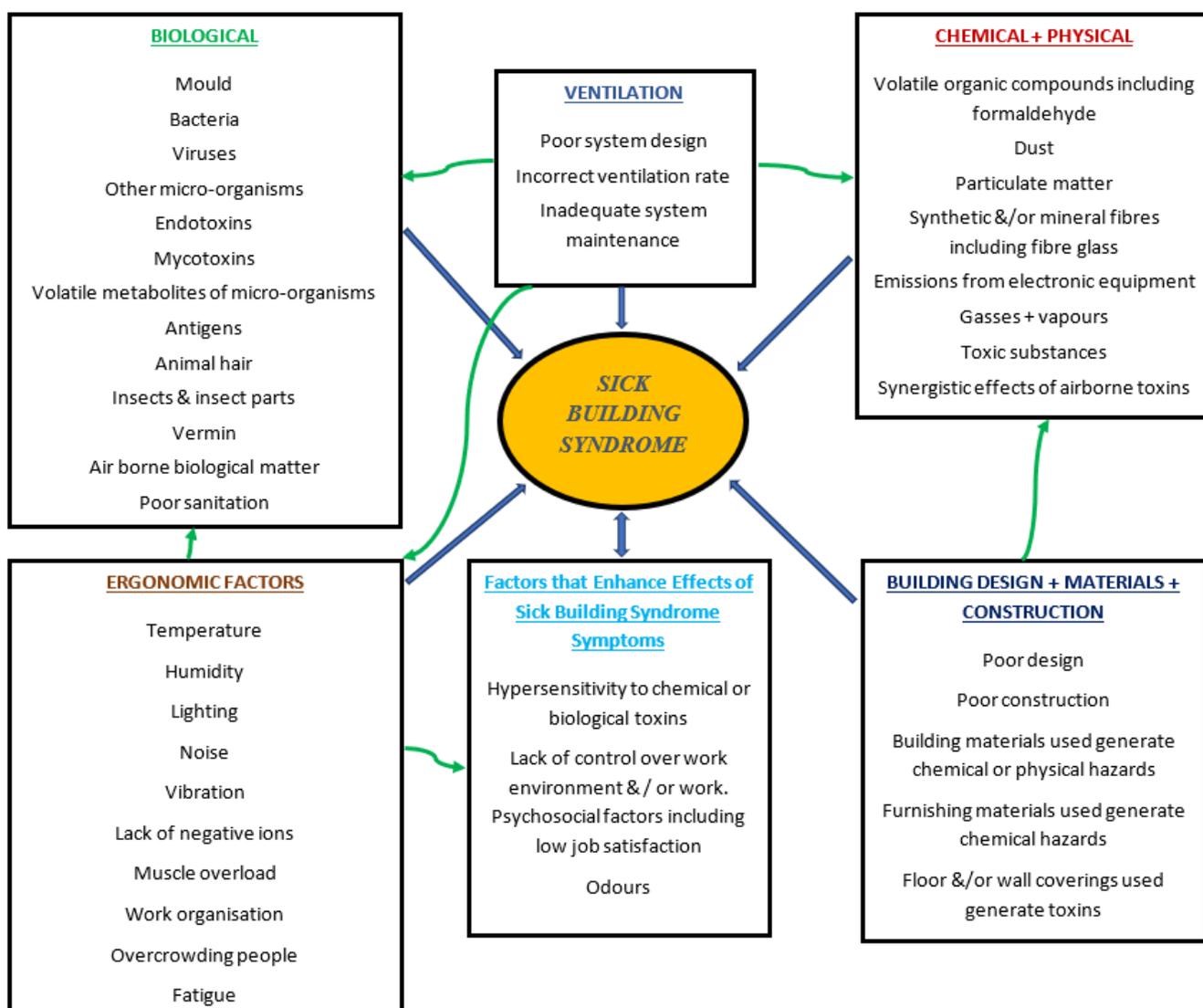
57 in the book of Leviticus (written about 3,000BC) in the Bible to the present day. Sick building syndrome is when people have non-specific symptoms, usually related to the respiratory system, eyes, gastro intestinal system, and/or brain when in the building. As soon as a cause is identified it changes from being Sick Building Syndrome to being a Building Related Illness. The second chapter is called 'Theories and Knowledge about Sick Building Syndrome.' It reports that in general the ill health effects caused to people in a new building are due to Volatile Organic Compound (including formaldehyde) and in old buildings the most common cause is mould. The third chapter is titled 'Sick Building Syndrome Identification and Risk Control Measures.' It includes information on building design, construction and ventilation considerations, using inspections, an employee survey and epidemiology investigations to identify Sick

Building Syndrome and its causes and risk control measures to be used to prevent Sick Building Syndrome. This chapter ends with some useful tools that include a checklist for building planning and construction to prevent Sick Building Syndrome, a building occupants' health survey and a risk control action plan. These 3 chapters have been down loaded for reading and use by 54,392 people (as of 13/6/2018).

After this I asked by another publisher, Elsevier, to write a chapter on Sick Building Syndrome for the International Encyclopaedia of Public Health. In this chapter I included the following model of the causes of Sick Building Syndrome.

## Janis Jansz

### Model of Causes of Sick Building Syndrome.



## "Sick building syndrome" claim rejected

A worker's claim that she suffers multiple chemical sensitivity (MCS) as a result of exposure to office pollutants has been rejected in the AAT.

The Tribunal found it was more likely the worker had functional somatic syndrome, which "has no organic explanation, being a manifestation of psychological or emotional distress associated with a variety of physical symptoms".

In appealing against a Comcare decision denying her workers' compensation, the former Australian Taxation Office employee told the AAT she was incapacitated for work because of her MCS.

The worker argued that closed air-conditioned rooms, desk surfaces, perfume, smoke and cleaning products all triggered her symptoms.

Comcare argued that MCS wasn't a "reasonable or realistic diagnosis in modern mainstream medicine", and the worker had functional somatic syndrome, which had no pathological basis and wasn't work-related.

It claimed the worker's condition was psychologically, emotionally and behaviourally-based, and she wasn't incapacitated for work "other than by her own assertion that she cannot tolerate a variety of situations".

AAT Senior Member Graham Friedman and Member Dr Roslyn Blakley found that while the worker had intolerance to "some localised features", there was no evidence this was "specifically outside the reasonably normal range of human experience".

They found the worker's presentation and behaviour were consistent with a diagnosis of functional somatic syndrome, and that she had no physical impairment or disability associated with her symptoms.

"The Tribunal concludes that, despite her past medical difficulties, [the worker] is managing her situation relatively well and is not incapacitated from work, as she still has the ability and desire to further her studies and to seek employment," they said.

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### What is this?



This picture was kindly provided by Professor Geoff Taylor. It shows seventh century respirators used by stoneworkers in Sogdiana, near present day Samarkand.

Interesting is the fact that even back in the seventh century the danger to health associated with cutting stone had been identified.

# Occupational Health

## What have we learned?

### Taskforce formed to tackle deadly work disease

SafeWork NSW has established the Manufactured Stone Industry Taskforce, made up of peak industry bodies, medical professionals, unions and other organisations. The Taskforce is to tackle the re-emergence of "100 per cent preventable" work-related lung disease silicosis.

The 2017 parliamentary inquiry into dust diseases recommended the move after hearing that silicosis was becoming a "huge problem" in the manufactured stone industry because dust suppression was "non-existent or inadequate"

An Australian study subsequently found that artificial stone had an extremely high silicosis-causing silica content, and artificial stone-associated silicosis was characterised by much shorter latency periods than chronic silicosis in other industries.



SafeWork specialist services acting executive director Ron Keelty said the taskforce aims to "improve safety standards and workplace practices as well as potentially strengthen hazardous chemical safeguards". The project forms part of the 2017-22 Hazardous Chemicals and Materials Exposures Baseline and Reduction Strategy, and will run until June 2019..

"The manufactured stone industry involves newer engineered stone products such as Caesarstone for bathroom \ kitchen benchtops. It also includes bricks, roof tiles and concrete products that contain crystalline silica," Keelty said.

"When disturbed by cutting, sanding, blasting or grinding, crystalline silica dust is released which can get into a worker's lungs and lead to the lung disease silicosis," he said.

Prevention strategies include: using adequate ventilation systems and dust-capture systems on portable tools; wetting down stone; providing PPE like respirators; not using compressed air to clean up settled dust; and conducting regular air monitoring.

Source – OHS Alert – 11 July 2018

## Alert Issued on Exposure to Respirable Silica

WorkCover, QLD, have issued a useful alert concerning the immediate action required to prevent exposure to silica for engineered stone benchtop workers.

Workers can be exposed to crystalline silica while cutting, grinding, sanding and polishing stone bench tops and during the installation process.

Workers installing stone benchtops that have been completely fabricated in a workshop with no additional cutting or fabrication required on site should have only minimal exposure compared to those during fabrication.

Working in an environment with control measures in place will reduce the exposure of workers and dust contaminating the site or a customer's home during installation.



# Occupational Health

## Worker exposed to toxic lead dust for three years

A Queensland employer has been fined \$75,000 for failing to protect a worker from hazardous lead dust over a period of nearly three years, causing acute lead poisoning that forced the man onto a disability pension.

Kreutzer Pty Ltd, operating as Rothwell Professional Industry Indoor Pistol Range, pleaded guilty to breaching sections 19 and 32 of the State WHS Act in failing to take steps to prevent dust inhalation, ensure available PPE was used or provide blood monitoring in accordance with the WHS Regulation.

In November 2015, the worker reported symptoms of a "foggy" head, metallic taste in his mouth and some paraesthesia in his hands and feet to his GP, before testing showed he had lead poisoning, with his blood lead level being nearly 13 times higher than the acceptable high-end range, Workplace Health and Safety Queensland said.

He was admitted to hospital for chelation therapy but suffered ongoing neurological and physical difficulties preventing him from returning to work, it said.

Brisbane Magistrate Jacqui Payne heard the worker's role of pistol range supervisor included manually handling lead ammunition, closely supervising shooters rapidly firing multiple lead rounds, and cleaning up dust from these activities.

She heard he probably absorbed lead via the respiratory and gastrointestinal tracts while retrieving spent lead projectiles and cleaning.

The Magistrate ordered Kreutzer to pay **\$2,100** in costs in addition to the fine but didn't record a conviction.

## Are outdated exposure standards endangering workers?

Australia's mandatory workplace exposure standards (WES) for 229 chemicals could be "under-protective", increasing the risk of duty holders inadvertently failing to protect workers

from adverse health effects, according to a regulation impact statement on the ongoing WES overhaul.

The potentially under-protective WES values include the one for sulphuric acid, associated with lung cancer in workers, which is an eight-hour time-weighted average (TWA) of one milligram per cubic metre, Safe Work Australia's [consultation RIS](#) says.

This is 20 times higher than the TWA of 0.05 milligrams recommended by the European Union's Scientific Committee on Occupational Exposure Limits, and 10 times higher than the German Research Foundation's recommended limit, it says.

Meanwhile, the WES values for 26 (4%) of the 653 chemicals in Australia's [WES for airborne contaminants](#) appear to be over-protective, imposing unnecessary compliance costs on employers, the RIS says.

The dangerously harmful effects that xylene, for example, have on the nervous system, occur at concentrations "well above" the prescribed WES value, and occupational exposure to the substance could be managed through relatively unsophisticated control equipment, it says.

"The current process for reviewing and determining a WES value is not standardised or formalised. This has resulted in ad hoc reviews and updates to the workplace exposure standards.

"Secondary to the cost to duty holders and the risk to workers, this process can take up to 10 years to review and update a single workplace exposure standard and costs an estimated \$825,000 for Safe Work Australia and WHS regulators."

The RIS outlines three policy options for the WES framework, with [submissions](#) due by 13 September 2018. These options are:

1. Maintaining the status quo and continuing to update the WES values individually on an ad hoc basis;
2. Maintaining mandatory WES, and implementing a streamlined method for reviewing, updating, adding or removing chemicals; and

# Occupational Health

3. Making the WES advisory rather than mandatory under the WHS Act and implementing a streamlined review process.

"On balance, option 2... is considered the preferred option based on the available information as it is expected to provide greater health and safety protection for workers in comparison to the other options and over time, this is expected to lead to a reduction in the overall burden of disease on Australian society," the consultation RIS says.

"To offset the estimated additional government costs of option 2, the associated average health costs of an additional 667 workers would need to be protected over a 10-year period."

SWA says stakeholder submissions will inform a decision RIS, which will outline the costs and benefits of the proposed options and make recommendations to Australia's WHS ministers.

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## Asbestos subsidy proposed



Experts have proposed a tax on building materials to fund the removal of asbestos from millions of homes across Australia.

Around one in three Australian houses contain asbestos, which is extremely tricky and time-consuming to remove.

The Asbestos Safety and Eradication Agency (ASEA) says subsidies may be needed to encourage home owners to take action.

ASEA chief Peter Tighe said a small levy on building materials could have a big result.

"I'm talking about a fraction of a per cent," Mr Tighe told the ABC.

Asbestos-related disease take a serious toll on public health, with about 700 people dying from mesothelioma each year.

The overall number of asbestos-related deaths is closer to 4,000 people a year.

"For everyone case of mesothelioma you'd probably expect that there've been three or four cases of lung cancer," says Professor Tim Driscoll of Sydney University.

"We have to decide is it a big enough problem to do something about — and I would say definitely yes — and if so what should be done."

But the issue is not limited to insulation or other building materials. Thousands of household products have at one point contained asbestos, including cushioning, wood heater insulation, and even dog kennels.

Mr Tighe says state and territory governments should create policies for mandatory asbestos audits whenever a house changes hands.

"You would think a smart government would look after the broader areas of society and make sure that there is mandatory reporting," he said.

"What I'd like to see is that a full asbestos audit takes place by a professional who comes in."

Source – OHS Career – July 16, 2018

## Emerging disease affects up to half of studied workers

In a study that is likely to inform Safe Work Australia's ongoing review of workplace exposure standards, the US National Institute for Occupational Safety and Health (NIOSH) has found that the burden of exposure to a compound used in the food production industry is far greater than previously thought.

# Occupational Health

Led by Dr Ethan Fechter-Leggett of NIOSH's respiratory health division, the study found that nearly 50 per cent of 1,407 workers from nine facilities that used diacetyl displayed "symptoms only or worse" of severe lung disease obliterative bronchiolitis.

Fifty-two individuals were classified as having or probably having the condition, 234 were classified as possibly having it, and 404 were categorised as "symptoms only" (having normal spirometry but suffering from exertional dyspnoea and coughing).

Diacetyl is a fermentation by-product and respiratory toxin used to add a buttery smell and taste to flavouring agents and foods like microwave popcorn and chocolate.

Eighteen years ago, NIOSH identified a cluster of advanced obliterative bronchiolitis among workers at a microwave popcorn factory, and found it was probably caused by respiratory exposure to diacetyl vapours during the production process – a theory confirmed by subsequent experimental studies on animals.

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[Burden of respiratory abnormalities in microwave popcorn and flavouring manufacturing workers](#). Ethan Fechter-Leggett, et al, US, *Occupational and Environmental Medicine*, online first July 2018, doi: 10.1136/oemed-2018-105150.



## Four work substances linked to early onset disease

A Canadian study of four hazardous substances used in a range of industries has identified a link between the materials and an aggressive form of early onset cancer.

The researchers from the University of Quebec's health research centre examined the occupational histories of 1,920 men who developed prostate cancer between 2005 and 2009 and found prolonged exposure (more than 25 years) to benzene, toluene, xylene and styrene was associated with a significantly higher risk of the disease.

They found this elevated risk was more prominent among men younger than 65, suggesting an association between the studied exposures and early onset prostate cancer, which has a distinct aetiology and is more aggressive than later onset prostate cancer.

They say this finding echoes a recent US and European study that found a high risk of prostate cancer in firefighters younger than 50.

Prostate cancer is otherwise rare in men under 55, the Canadian researchers say.

They say little is known on how occupational agents, including monocyclic aromatic hydrocarbons (MAHs) like benzene, toluene, xylene and styrene – all suspected or known carcinogens – impact on prostate cancer risk.

They found firefighters, shoemakers, motor vehicle and aircraft mechanics, marine craft fabricating, assembling and repairing workers and printers accounted for 90 per cent of the held studied jobs involving exposure to MAHs.

The exposure prevalence and magnitude to individual MAHs varied between occupational groups, with exposure to all MAHs highly prevalent among firefighters, whereas aircraft mechanics, boilermakers and machinists had a very low exposure prevalence to individual MAHs, they found.

The researchers say their findings provide evidence for an increased risk of prostate cancer among men occupationally exposed to benzene, toluene, xylene and styrene, and the disease should be a target site for future evaluations of the carcinogenic risk of the MAHs.

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# Occupational Health



## Working from home can worsen sedentary habits

A workplace health intervention reduced participants' sitting time by nearly an hour a day and built "office comradery" but highlighted the challenge of improving the sedentary habits of employees working from home, an Australian study has found.

Researchers from Griffith University, the University of Queensland and the University of Southern Queensland conducted a six-week "self-directed" intervention for 30 financial services workers from one organisation to reduce sitting during work.

The workers were provided with information sessions on the risks of sedentary behaviour and developed actions plans for the intervention. They were given a smart tracker device that monitored physical activity and idle time, alerted users after a period of inactivity, and allowed them to share their results with other participants and comment on each other's progress.

According to the researchers, the participants decreased their mean daily sitting time by 56 minutes when they worked at the office but increased their sitting time by 20.25 minutes when working from home.

"Anecdotally, participants indicated that the intervention provided a level of comradery in the office and so they were more likely to prompt each other to move or to comment on others' results [visible on the smart tracker app] when at the office," the researchers say.

"The lack of office comradery for change may have contributed to the lack of improvement in overall sitting time when working at home."

The study also found the participants enjoyed using the activity tracker to monitor their own behaviour and reported it was a useful tool to create positive change. The researchers say that this given these findings, there should have been a more significant reduction in sitting times, but this echoes a recent [study](#) that indicated wearable activity trackers didn't cut sedentary time.

They say that while the tracker prompted users to move after prolonged sitting, it was still primarily a device for tracking and increasing awareness of activity levels rather than changing sedentary behaviour.

"Participants [in the current study] reported that at times of high work demands it was 'easy to ignore' the prompts and simply forget that so much time had passed," the researchers say.

"Future studies could attempt to overcome this through strategies targeting additional mechanisms to help guide behavioural change at these 'high risk' times."

[A Brief Self-Directed Intervention to Reduce Office Employees' Sedentary Behaviour in a Flexible Workplace.](#)  
Heidi Olsen, et al, Australia, *Journal of Occupational and Environmental Medicine*, online first July 2018, doi: 10.1097/JOM.0000000000001389.

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# Occupational Health

## Common, controversial work chemical is safe, says regulator



The Australian Government regulator of agricultural and veterinary chemical products has responded to ABC TV's *Four Corners* [program](#) on the world's most used herbicide, glyphosate, by declaring the chemical safe when used "according to label directions".

German pharmaceutical giant Bayer, had concealed evidence linking its glyphosate products like "Roundup" to cancer, and sought to discredit: scientists who raised safety concerns about the products; and the International Agency for Research on Cancer's (IARC's) March 2015 [decision](#) to classify glyphosate as "probably carcinogenic to humans".

The claims followed a US jury's recent decision (being appealed by Monsanto) to award US\$289 million (A\$408 million) to a school gardener who claimed his terminal non-Hodgkin lymphoma resulted from excessive exposure to Roundup.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) said it carefully considered the evidence presented in the US court case and "found no grounds to take regulatory action in Australia". It also said it examined IARC's 2015 report, as well as "many other scientific trials and studies", before determining, in 2016, that glyphosate was safe when used according to manufacturers' instructions. (See the APVMA's [glyphosate webpage](#) for more information.)

OHS Alert – Tuesday 9<sup>th</sup> October 2018

## The dirty truth about your office: it's worse than a toilet

By Libby Sander



The typical office desk is home to more than [10 million bacteria](#), 400 times more than a toilet seat. Other studies have revealed people [don't wash their hands](#), and surfaces from taps to elevator buttons are "[officially dirty](#)".

Beyond the health concerns, this has an impact on our psyche. Humans have an inbuilt [disgust response](#) to dirty environments. A clean workplace has also been [shown](#) to reduce sick days and increase productivity.

People attending work while sick adds to the spread of disease and [costs](#) the Australian economy about \$34.1 billion each year through lost productivity.

The cost of absenteeism in Australia is estimated at [\\$7](#) billion a year.

What can we do about it?

Hand hygiene has been shown to be one of the most effective means of reducing the transmission of germs. In year-long [random controlled trials](#), workplace hygiene programs that include education and the use of hand sanitisers reduced hygiene-related healthcare claims by over 20 per cent.

Full article: <http://www.abc.net.au/news/2018-08-09/workplaces-and-hygiene-is-costing-us-all/10092288>

# Safety and Legislation

## WA firies get new gear



Western Australian firefighters will soon receive \$8.7 million in funding for a crew-cab protection program.

The money will extend the program beyond the initial four-year funding commitment, which has already seen over 660 vehicles fitted with equipment to protect them if they are trapped by fire.

The safety measures include external water deluge systems, in-cab air breathing systems and safeguards for vital equipment such as vehicle wiring, water, and fuel lines.

It covers burnover blankets and almost 1,000 radiant heat shields for fire appliances and support vehicles across WA.

Vehicles are also being equipped with Automated Vehicle Location (AVL) systems for real-time tracking and a distress alarm.

"I am proud that this government has overseen the completion of the initial rollout of the crew-can protection program and that we have expanded this program to deliver for our emergency services," said Acting Emergency Services Minister Bill Johnston.

"These measures help to protect our firefighters when they're out on the fire ground helping to protect their local communities".

"The safety of our firefighters is of paramount concern, and while I hope no firefighter ever needs to use any of this equipment, it's in place for their protection".

"The risks firefighters face out in the field are real and potentially deadly, and by mitigating some of these dangers, we have created a safer working environment for them leading into the next bushfire season."

Source – OHS Career – July 17, 2018

## Safety strategies outlined for Farm Safety Week



Safe Work Australia has urged employers in the agriculture industry to dump ageing unsafe machinery, ensure site visitors are aware of safety risks and closely supervise inexperienced workers, ahead of national Farm Safety Week next week.

The industry makes up just two per cent of the Australian workforce but accounts for 21 per cent of worker fatalities, SWA CEO Michelle Baxter said today.

"[Farms] can present a combination of hazards, including exposure to noise, quad bikes, plant and machinery, working with animals, chemicals, dust, sun exposure, working alone or working remotely," she said.

Baxter said that to create a "no-harm farm", employers should get rid of old equipment, always choose the safest available equipment and ensure it is well maintained.

"Use the safest chemicals and follow the manufacturers' instructions, and make sure your workers have the skills to work safely, particularly

# Safety and Legislation

when handling animals and using farm equipment," she said.

**In South Australia**, SafeWork SA announced that it will launch an intensive social media campaign aimed at keeping farmers and rural workers safe at work, during Farm Safety Week.

"This initiative was developed following a [recent] tragic six-week period on South Australian farms, where three people lost their lives in separate farming incidents," the regulator said.

"Our campaign will highlight the importance of farm safety, providing practical tips to reduce the physical and psychological risks associated with farming activities, particularly poor management of common hazards and seasonal work."

## Diving safety guidance overhauled for first time in 15 years

The National Offshore Petroleum Safety and Environmental Management Authority has released the third edition of the Guidelines for complying with the Diving Safety Regulations – more than 15 years after the second edition was published.

"The guidelines were updated to provide titleholders and diving contractors further guidance on the legislative requirements relating to preparing a diving safety management system. The structure and format of the guidelines mirrors the previous edition," NOPSEMA said.

The new version includes references to the applicable provisions of the Commonwealth *Offshore Petroleum and Greenhouse Storage Act 2006*, and Chapter 4 ("Diving") of the *Offshore Petroleum and Greenhouse Storage (Safety) Regulations 2009*.

## Register of WHS offenders flagged by ACTU

Penalties for fatality-related WHS breaches should be tied to the offending company's size, Safe Work Australia should maintain a register of corporate offenders, and unions should have access to the Fair Work Commission's anti-bullying jurisdiction, according to draft ACTU policies.

The 220-page policy document (not available online) for the Australian Council of Trade Unions' 2018 congress in Brisbane next week includes hundreds of draft policies and resolutions on workplace health and safety, workers' compensation, asbestos management, industrial relations, healthcare and other issues.

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## OHS strategies to guide environment changes; and more

### OHS management to guide environment changes

OHS managers will prove to be a valuable source of knowledge for their environmental colleagues if the Victorian [Environment Protection Amendment Bill 2018](#) passes Parliament, given the similarities between the proposed laws and the State *Occupational Health and Safety Act 2004*, according to a senior energy and environment lawyer.

As reported by *OHS Alert* last month, the Bill replaces Victoria's decades old environment protection statute and introduces an OHS-style general duty to protect human health and the environment from pollution and waste, with officers required to exercise due diligence to ensure their companies comply with the duty (see [related article](#)).

Ashurst partner Robert Jamieson, who heads the law firm's environment team, told *OHS Alert's* associate publication *Footprint* (click [here](#) for a free trial) that companies' environment managers will need to review their environmental plans and systems, and could look to OHS managers for advice.

"A lot of the learnings from OHS professionals about how they've managed risk and the types of documents they produce will permeate across to their environmental colleagues," he said.

Jamieson said the Bill sets a new benchmark for environmental management, and he expects other states to follow Victoria's lead.

# Safety and Legislation

## Industrial deaths inquiry informed of transport risks

The Federal Senate [inquiry](#) into the "prevention, investigation and prosecution of industrial deaths in Australia" has heard there is a direct link between an increase in deaths in the transport industry and cost pressures placed on drivers.

Transport Workers Union acting national secretary Michael Kaine told a public hearing in Sydney today that Australia needs tougher laws and enforcement to hold every corporation in the road transport supply chain to account.

He said 184 people were killed in 163 truck crashes in Australia in the 12 months to March this year.

A recent Safe Work Australia "snapshot" warned that the road transport fatality rate is high and hasn't improved in three years (see [related article](#)).

TWU member and truck driver John Waltis told the inquiry that he had been to more than 50 funerals of truck driver colleagues.

"I've seen the consequences of fatigue, the pressures to meet deadlines, and crashes due to mechanical faults. The shattering effects of these pressures goes beyond the dozens of funerals I've attended," Waltis said ahead of the hearing.

"We need legislation and it must be enforceable for every company involved in the transportation of... goods," he said.

The inquiry was announced in March, and will consider, among other things, whether the limited harmonisation of WHS laws and the increasing use of temporary workers are hampering the prevention of workplace deaths (see [related article](#)).

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## Adapted ISO 45001 to be released in days

The Australian and New Zealand version of the new international Standard for occupational health and safety management systems, ISO 45001, will be available within days, Standards Australia revealed.

Standards senior stakeholder engagement manager, Catherine Dunkerley said that the four-year process of the International Organisation of Standardisation developing the document, and Australia adapting it, is nearly complete, and AS/NZS ISO 45001 is due to be published in mid-October.

This could include a warning that following the international Standard "may not mean that Australian legal requirements and other requirements have been met".

"For the sake of clarity for those already certified to 4801, once 45001 is published it will be published as a voluntary Standard. Consideration will then be given to the status of 4801," she says.

"[AS/NZS] 4801 will remain current until such time as it's determined by regulators and a broad range of stakeholders to be otherwise."

"It's the responsibility of each organisation to know and meet legal requirements. Ultimately, adhering to the Australian Standard doesn't mean you've complied fully with the law," she says.

OHS Alert – 9 October 2018

# Safety and Legislation

## PCBU failed to check on WHS manager's work



An employer that incorrectly assumed a WHS manager had implemented its safety systems at a new site has become the second entity to be convicted over a serious forklift incident.

The South Australian Employment Tribunal heard Pro-Pac Packaging (Aust) Pty Ltd.'s (PPPA's) "very experienced and qualified" integration director instructed the manager to implement PPPA's WHS systems at the Cavan, Adelaide site after acquiring it in 2012, but didn't take steps to ensure this occurred.

In June 2015, an employee of a shipping container unpacking business engaged to work at the site was struck by a forklift driven in reverse by a PPPA storeman. He suffered a fractured leg below the knee, requiring surgery and 10 months of rehabilitation.

As reported by *OHS Alert* in March, the worker's employer, sole trader Laszlo Bajtek, was convicted for failing to ensure PPPA's site had a proper traffic management system before directing the worker to work there (see [related article](#)).

SAET Deputy President Michael Ardlie found that PPPA had a "higher capacity" to, for example, establish a safe traffic management system and require Bajtek's workers to abide by it, but Bajtek also had the ability and obligation to influence and control how his workers performed duties at the site.

In the present proceedings, PPPA pleaded guilty to breaching sections 19(1) and 32 of the State *Work Health and Safety Act 2012* in exposing the worker to the risk of death or serious injury.

SafeWork SA alleged PPPA failed to provide a safe system of work in an area where both forklifts and

pedestrians worked by ensuring forklifts weren't used unless: designated safe walkways were established through kerbing, barriers or markings; or pedestrians were located in marked safety areas.

Deputy President Ardlie heard the PPPA integration director assessed the site's existing WHS systems after the 2012 acquisition and decided PPPA's systems and procedures should be introduced there.

He heard PPPA then employed a customer service and WHS manager to implement the procedures, including inductions for employees, labour-hire workers and regular visitors.

PPPA subsequently identified a number of traffic management issues at the site between 2012 and 2015, but the integration director incorrectly assumed the WHS manager was implementing the WHS systems during this period, he heard.

"It is admitted that [the WHS manager] did not properly implement the traffic management system in place at the time and that there were deficiencies in that system in relation to exclusion zones separating moving vehicles and pedestrians." Deputy President Ardlie said.

He found that if proper exclusion zones and traffic management systems had been put in place at the site, and the injured worker had been inducted in them, his actions of moving behind a reversing forklift would not have amounted to WHS offences by the employers.

He fined PPPA \$90,000 after a 40 per cent reduction for its guilty plea. He ordered it to pay a victims levy of \$260, SafeWork costs of \$800 and court costs of \$157.

[Dini Soulio v Laszlo Bajtek and Pro-Pac Packaging \(Aust\) Pty Ltd \[2018\] SAET 123 \(13 July 2018\)](#)

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# Safety and Legislation

## Work Health and Safety fines to be introduced ahead of the Harmonisation

Following Royal Assent the Occupational Safety and Health Amendment Bill 2017 and the Mines Safety and Inspection Amendment Bill 2017 will proceed to proclamation.

The amendment bills will increase the maximum fine for the most serious breaches from \$625,00 to \$3.5 million.

Maximum penalties for individuals who commit a repeat level 4 breach will increase from \$312,500 and two years jail to \$680,000 and five years jail while employees who commit repeat breaches of their OSH duties will face maximum fines of \$50,000 up from \$12,500.

Minister MacTiernan conceded that the amendments are an interim step with government planning to introduce a single mirror Work Health and Safety Bill for both mines and general industry by mid-2019.

She said, "it was important to increase the penalties ahead of introducing the new statute as a "marker" of taking work health and safety seriously".

## Manslaughter laws probed

A Senate inquiry is looking at the legal response to industrial deaths in Australia. Unions are using the probe to push for industrial manslaughter laws nationwide. Currently Queensland and the ACT have industrial manslaughter as a crime carrying penalties of up to 20 years' imprisonment.

Under workplace laws in most other states and territories, businesspeople can be jailed for up to five years and fined \$600,000 for recklessly exposing employees to the risk of death, serious injury or illness. These are known as "category one" offences.

The Labor party in Victoria and NSW say they will bring in industrial manslaughter laws if they win upcoming state elections. The Senate inquiry is looking at how well national OHS laws are working, including the laws that penalise employers over workplace deaths and injuries.

Career spot – 24 July 2018

## Radiofrequency risks exacerbated by other heat sources

Employers should implement specific risk mitigation strategies for workers simultaneously exposed to radiofrequency (RF) fields and other heat sources, like physical exertion or insulated PPE, according to new international guidelines.

The International Commission on Non-Ionising Radiation Protection (ICNIRP) has released the [draft Guidelines on Limiting Exposure to Time-Varying Electric, Magnetic and Electromagnetic Fields](#) for public consultation, with [submissions](#) due by 9 October 2018.

The document is designed to protect humans exposed to RF electromagnetic fields ranging from 100kHz to 300GHz, which in certain circumstances can directly damage body tissue or indirectly affect health by interfering with and causing electrical equipment to malfunction.

Sources of RF fields include mobile phones, radio transmitters, microwave ovens, medical equipment, radar systems and industrial equipment like industrial heaters, plastic welders and antenna structures.

According to the draft guidelines, the occupational health risks include increased cardiovascular load (from the cardiovascular system battling to restrict the body's rising core temperature), and either reversible or permanent damage to brain, heart or kidney tissue. Such damage typically results from the body's core temperature increasing to greater than 40 degrees, which is "extremely unlikely" from exposure to RF fields alone, they say.

**The Australian Radiation Protection and Nuclear Safety Agency** says it is currently reviewing its 2002 [Radiation Protection Standard](#) for RFs, and will consider the ICNIRP's draft guidelines during the process. The 2002 Standard states that employers, owners and operators of RF-generating equipment, designers, manufacturers and suppliers of such equipment and self-employed people must all ensure that the hazards associated with exposure to RF fields are managed.

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# Health and Welfare



## Train workers to cope with regret to prevent insomnia

The common experience of regretting workplace actions or decisions can cause workers to develop insomnia and more serious ongoing health problems, European researchers warn in a study highlighting the need for workplace training on coping strategies.

Care-related emotional burden, specifically regret over clinical decisions or actions, was "closely intertwined" with sleep problems among healthcare professionals, the researchers from Switzerland's University of Geneva and other institutions found.

In their study of 151 health workers from more than 10 countries, including Australia, they found the severity of insomnia experienced by participants depended on how they coped with regret, with workers using "maladaptive" coping strategies like rumination and self-blame being the worst affected.

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## Six factors that make workers happy and cut stress

Global research has identified the most stressed workers in Australia, as well as six employment factors that can keep workers happy, healthy and resilient.

A survey of 23,000 workers across eight countries, commissioned by recruitment agency Robert Half and UK happiness measurement company Friday (formerly Happiness Works), found Australian workers were the second least stressed, behind those in the Netherlands.

It found the *most* stressed age group of Australian employees was 18 to 34, and women were more stressed in the workplace than men.

By industry, workers in the healthcare, manufacturing and HR industries were more stressed than those in the accounting, administration and IT sectors, while workers earning from \$50,000 to \$74,999 were less stressed than those with higher salaries.

"Stress can lead to burn out, which in turn can contribute to high employee turnover, absenteeism and lost productivity," Robert Half Australia director Andrew Morris says.

"Eliminating all work-related stress in the office may not be possible, but taking proactive steps to reduce it can improve staff performance, engagement and overall workplace happiness.

"The most successful companies have systems in place to effectively monitor and manage stress levels, whether in the form of seeking regular employee feedback or increasing temporary staff headcount to help manage high workloads. Other company initiatives include offering employees increased sick leave, sabbaticals, or encouraging more social activities with staff outside the office."

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# Occupational Health Society of Australia (WA)



Membership of the Society is open to all those interested in occupational health and safety.  
\$100 Corporate membership  
\$50 ordinary membership  
\$20 student membership.  
Simply email [ohswa@outlook.com.au](mailto:ohswa@outlook.com.au) with your details.

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](mailto:ohswa@outlook.com.au) regarding membership matters.**



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