Crackdown on Fraudulent Competency Certificates

11 November 2005

A compliance program targeting workers with cancelled or fraudulent OHS Certificates of Competency was announced today by WorkCover NSW Chief Executive Officer, Jon Blackwell. “The special program will ensure safer workplaces in NSW by verifying that holders of Certificates of Competency are qualified in the fields of expertise covered by their licences,” said Mr Blackwell. “WorkCover inspectors will visit sites where certain types of plant are being used and specified hazardous activities undertaken,” he said.

The Occupational Health & Safety Regulation 2001 prescribes that operators of plant and persons undertaking hazardous activities must hold the relevant Certificate of Competency, or work under supervision and maintain a training logbook.

Plant includes cranes, forklift trucks, excavators, and front-end loaders, and hazard activities cover scaffolding, dogging, rigging, and formwork.

“Breaches of the regulation carry on the spot fines of up to $1,000 or prosecution, while persons who continue to use Certificates of Competency cancelled by WorkCover over the past 12 months face fines of up to $2,200,” said Mr Blackwell.

To obtain a Certificate of Competency, applicants must be at least 18 years old and be deemed competent by undertaking WorkCover accredited training and assessment.

“The special WorkCover compliance program will prevent unqualified workers from carrying out scheduled work activities that may expose themselves and others to health and safety risks,” said Mr Blackwell.

For more information on the compliance program, contact the WorkCover Assistance Service on 13 10 50.

National Farm Machinery Inspection Program Progresses

November 14, 2005

The national program of checks on farm machinery safety is progressing well, according to the WorkSafe inspectors conducting the checks.

WorkSafe WA Commissioner Nina Lyhne said today that the safety checks had resulted in a high level of interest and improved awareness in relation to the safety requirements for farm machinery.

“As part of the national campaign, WorkSafe inspectors have so far conducted around 60 audits of manufacturers and dealers, and report a high level of cooperation and compliance,” Ms Lyhne said. “These safety requirements are certainly nothing new – they have been in place since 1988.

“Dealers and manufacturers were given plenty of warning about the audits, and were informed in advance of what our inspectors would be looking for and what they needed to do to comply with the requirements.

“A mailout was conducted back in July to let manufacturers and dealers know exactly what was required for compliance, and many also attended a series of seminars held across the State in August.

“A total of 355 information packs were sent out to everyone in the State listed as a manufacturer or dealer of farm machinery, so we feel that the education phase of the campaign was very strong.

“As a consequence, WorkSafe inspectors have found that the majority of manufacturers and dealers were well acquainted with the requirements and the level of cooperation has been very high. WorkSafe has been very keen to workshop issues and find solutions in consultation with the industry.”

A workshop was held last week involving representatives from WorkSafe, WA Farmers Federation, Pastoralists and Graziers Association, Farm Machinery Dealers Association and the Tractor and Machinery Association of Australia to discuss any issues that had arisen during the course of the program.

Ms Lyhne said WorkSafe considered this meeting to be valuable in resolving some issues that had been raised by the farming community. “We agreed that for the remaining part of this campaign, inspectors will telephone ahead and make appointments with dealers and manufacturers to give them the opportunity to be present for the inspections so they can discuss any issues with the inspector,” Ms Lyhne said.

“We also made it clear that our inspectors are more than willing to explain anything in notices that dealers and manufacturers do not understand, and to liaise with importers and others if required.

“We are also happy to consider extending the compliance date on improvement notices if there is a genuine problem in complying within the required time period.

“The aim of this national campaign is to ensure a consistent approach to farm machinery safety across the country, and all States are in regular contact to ensure that this is the case.”

Continued on page 2
Adobe Acrobat V7 Information

Some readers have expressed difficulty in upgrading to the latest version of Acrobat Reader with one of the problems being that the download can be over 25 megabytes - a substantial burden to dial-up internet connections.

Safety At Work publishers are now allowed to distribute the latest edition of Acrobat Reader on a CD. If you want a copy of Acrobat Reader 7.00 please email me at jonesk@sia.org.au and include your full postal address. A CD will be mailed to you shortly after.

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

Faster, fairer, more efficient workers’ compensation system introduced
November 14 2005

The second stage of workers’ compensation reforms launched today by Employment Protection Minister John Kobelke will improve fairness, certainty and efficiency in the system.

“The reforms are designed to free the system of lengthy delays while ensuring workers have adequate compensation and support to return to work,” Mr Kobelke said. “Employers will no longer be burdened with unnecessary costs due to inefficiencies in the system.”

The first stage of the reforms, which took effect in January this year, immediately improved the weekly benefits for the majority of injured workers.

From today, further significant improvements will be implemented in dispute resolution, impairment assessment, common law and injury management.

“A new objective method of impairment assessment will be introduced and more than 200 medical practitioners are eligible to become approved specialists to conduct assessments,” Mr Kobelke said. “This replaces the subjective, costly disability assessment system that fostered ‘doctor shopping’ and added costs to the system. The improvements will give greater certainty to injured workers.”

Streamlining dispute resolution and common law access will reduce delays by ensuring all the parties are prepared before the dispute resolution process begins.

A new dispute resolution directorate will speed-up dispute resolution. Legal practitioners will now be able to represent their clients in all phases of the process.

Amendments to common law include the repositioning of disputes over access to common law into the District Court system; an extension of the time workers can elect from six to 12 months; and the ability for injured workers to pursue damages based on the impairment assessment from an approved medical specialist of their choice.

“A new program will be introduced to the statutory system that helps in retaining injured workers and provide additional medical entitlements for seriously injured workers,” the Minister said. “The focus of the system will now be upon helping workers return to work faster to appropriate duties. Employers will develop a return-to-work program that suits their worker and their workplace, with advice from a medical practitioner. An injury management code of practice will help employers manage injuries at the workplace.

“Introducing a return-to-work culture is important and reflects the values the Government would like to see in all workplaces in Western Australia.”

Mr Kobelke said the changes meant there would be a fairer and more efficient workers’ compensation system in WA that would eliminate the uncertainty felt by many of the 40,000 Western Australians who made a workers’ compensation claim each year. Employers would benefit from increased certainty which would come at a fair price to business and injured workers would receive an appropriate level of benefits and would be assisted to return to work.

Bus driver previously deemed unsuitable: report
November 15 2005

A bus driver involved in a serious accident had previously been re-hired by State Transit despite being deemed unsuitable for re-employment.

Twelve people, including the driver, were seriously injured in a multi-vehicle crash at Mosman in northern Sydney yesterday. Witnesses said the bus was heading down the Spit Road hill when it careered across a median strip.

The driver left State Transit 10 years ago after being involved in an accident and his file was marked “unsuitable to be reemployed”, the Nine Network reported tonight.

He then reportedly gained employment with a private bus company where he was involved in a number of safety incidents. When the private bus company was taken over by State Transit he became, by default, a government bus driver again.

A spokeswoman for Transport Minister John Watkins tonight said she was unable to comment on the report because the accident was under investigation by police and the Office of Transport Safety Investigations (OTSI).

“OTSI and NSW Police will examine all the factors involved, including mechanical checks on the bus, the driver’s history, and any other incident in the traffic yesterday that may have contributed to this accident,” the spokeswoman said. “The minister has indicated that if action needs to be taken against the driver, any STA vehicle, STA management, or in regards to operations or training, it will be taken.”

AAP
Demolition Company Fined For Unsafe Workplace

November 16, 2005

A Malaga demolition company has been fined $30,000 for failing to provide a safe workplace for its employees.

Murphy Demolition was convicted in the Magistrate’s Court of WA Perth of failing to provide and maintain a safe workplace, and by that failure, causing a serious harm to an employee after a young worker was left paralysed.

Company directors Patrick and Daniel Murphy were also convicted over the same offence and fined $5000 each.

In November 2003, the company was demolishing a building in Nollamara using an excavator with a bucket fitting attached. The excavator was fitted with a “quick hitch” that allowed various attachments to be attached to the boom of the excavator. The quick hitch included a safety pin secured by a short chain, designed to ensure attachments did not fall off.

Prior to the day of the incident, one of the accused directors cut the pin off the quick hitch to make it easier and quicker to change the attachments. When the bucket was swung around it detached from the excavator, flying through the air and striking an 18-year-old employee on the upper back, severing his spinal cord.

The employee is now paralysed from the mid-chest down.

WorkSafe WA Commissioner Nina Lyhne said today that the case was a tragic reminder that these types of safety devices were there for a reason, and should not be removed from machinery under any circumstances. “The employer in this case actually made the workplace unsafe by removing a pin designed to ensure attachments remained safely connected to the excavator,” Ms Lyhne said. “As a direct consequence of this action, an 18-year-old is now confined to a wheelchair, presumably for the rest of his life. The worst thing is that this incident was entirely preventable. Murphy Demolition has been found guilty of placing expediency before safety, but it is the injured worker who has paid the highest price in this situation.”

WorkSafe prosecutes house builder over basic safety breaches

November 15, 2005

Basic safety failings have led to a Sandringham-based building firm being fined $10,000, without conviction, on workplace health and safety charges, even though no one was hurt. Costs of $1855 were also awarded against the company.

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Worker dead after platform topples  
November 17 2005

A 27-year-old man is dead after a mobile platform toppled over during repair work at an engineering firm in regional Victoria.

The accident happened about 1.15pm (AEDT) today at CTM Engineering, in Ballarat, where the man was pinned beneath the up-ended structure.

WorkSafe Victoria spokesman Michael Birt said another man doing repair work escaped without injury.

“(He) was trying to straighten a bent leg on the platform, similar to a mobile scaffold, at the time of the incident,” Mr Birt said.

The dead man was from Sebastopol, on the outskirts of Ballarat and west of Melbourne.

Police attended the accident scene today, and a report is being prepared for the coroner.

It was Victoria’s third workplace death in a little over three weeks.

A man was struck by a falling tree at a logging camp on October 31, while a forklift driver was crushed by his vehicle on November 8.

Log truck fatal plunge  
November 18 2005

A timber truck driver was killed when his fully laden rig missed a bend and plunged down an embankment in Tasmania’s north.

Police said the accident occurred as the truck, heading for the Hampshire Woodchip Mill, was making a long descent on a gravel section of Needham Road about 10.40am (AEDT) yesterday.

The driver failed to negotiate a sharp righthand bend and the truck hit a stump, rolled over an embankment and tipped on its side, losing its load, police said.

Constable Sven Mason said the driver, a 30-year-old man from the Burnie area, was thrown out of the cabin. “He appears to have been killed instantly,” he said.

A Coroner’s inquest has been opened, but police have yet to release the name of the driver.

Queensland Legislative changes  
November 16 2005

Queensland’s Department of Industrial Relations recently announced changes to the Workers’ Compensation and Rehabilitation and Other Acts Amendment Act 2005. There are some OHS implications in these changes particularly as they relate to “construction workplaces”.


Dangerous Substances Targeted  
November 16

ACT WorkCover is targeting premises that fail to have a dangerous or hazardous substances register, in the second of four targeted safety focus campaigns being run this year.

“Persons in control of premises where dangerous substances are handled must keep a register containing a list of all dangerous substances handled at the premises, together with Material Safety Data Sheets (MSDS),” ACT WorkCover Commissioner/CEO Erich Janssen said.

An MSDS provides details on health hazards, precautions for use, safe handling and first aid information as well as chemical data. These sheets also provide information on storage and disposal procedures.

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WorkSafe’s Construction and Utilities Director, Geoff Thomas, said the case was not isolated and he urged the housing industry to take action to make sites safe, particularly when working at height and electricity was involved.

“To have dangerous scaffolding and unsafe electrical equipment on one site at the same time is a concern. The housing industry must realise that WorkSafe takes these issues seriously, and that when safety breaches are found we will act.”

Byde Constructions Pty Ltd pleaded guilty to two charges laid under the Occupational Health and Safety Act after a WorkSafe inspector saw numerous unsafe practices at a double-storey unit development in Yarraville, in August 2004.

WorkSafe told Melbourne Magistrate Daniel Mulning the risks to health and safety included the likelihood of a 4.5 metre fall from a scaffold with missing guard rails.

WorkSafe told the court a fall from that height could be fatal or cause serious injury.

The scaffold did not have a safe means of access and a second scaffold was joined to the first by a single platform unit at a height of about four metres from the ground.

A nail gun and other tools were lying on the working platform which had no guardrails or toe-boards to stop them being accidentally knocked over the edge onto anybody below.

Other breaches:

There was no fall protection around a penetration in the upper level which could have led to a 2.8 metre fall.

Electrical extension leads lying on muddy ground were being used near water. Some parts of the leads were buried in the mud.

There was no evidence that electrical extension leads, power tools and residual current devices in the temporary power supply had been inspected and tested.

Extension leads were run from the front of the premises to the rear over distances far in excess of recommended maximum lengths. This can result in voltage drop, making RCDs ineffective in preventing electric shock.

A safety harness system to control the risk of a fall was incapable of safely supporting the likely impact loads applied in the event of a fall.

Workers were seen accessing the roof by climbing onto the top plate of the frame and then climbing through roof batons to the roof area. If a person slipping or fell while on the roof they may have fallen 2.5 metres.

Mr Thomas said the consequences of poor health and safety practices were obvious, and in many cases permanent. Source: WorkSafe
“Dangerous substances have the capacity to cause both acute short term injuries and chronic, long term illnesses,” Mr Janssen said.

In 2005 the ACT Dangerous Substances (General) Regulations were modified to include specific requirements in relation to the handling of dangerous goods and hazardous substances, particularly for commercial activities.

Hazardous substances have been included in the Occupational Health and Safety Act 1989 since its inception, and are a major focus of occupational health and safety practice.

“A recent incident at an entertainment venue involving a toddler who picked up a soft drink container filled with spot remover is a clear example of why an MSDS must be on hand. While the incident did not result in serious injury, the lack of an MSDS prevented an assessment of the risk associated with the substance and the identification of appropriate first aid procedures,” Mr Janssen said.

The company concerned was issued with a Prohibition Notice and an Improvement Notice. The safety focus campaign on dangerous substances will run through until the end of December. Source: Workcove

Three workplace deaths in less than a month

18 November 2005

WorkSafe is investigating the third Victorian workplace death in a little over three weeks.

A 27-year-old man died today when he was struck by a mobile work platform which toppled and hit him at CTM Engineering in Sutton St, Ballarat.

The company offers services to the transport industry.

Another man was trying to straighten a bent leg on the platform, similar to a mobile scaffold, at the time of the incident. He escaped uninjured.

The director of WorkSafe’s Manufacturing, Logistics and Agriculture Division, Trevor Martin, called on employers and workers across the state to review work practices and ensure work was well-planned.

“Employers and workers share the obligation to take whatever steps are necessary to remove risks which must be fixed once they’re identified.

“Safety is not something workers or employers can take for granted. It is a fundamental part of doing business.

“Despite many people believing ‘it won’t happen to me’, the fact is that people are seriously hurt or killed in avoidable workplace incidents every day.” Source: WorkSafe

Call for Public Comment on Violence, Aggression and Bullying: a Draft Code of Practice for Prevention and Management.

November 15 2005

The Commission for Occupational Safety and Health is seeking public comment on Violence, Aggression and Bullying: a Draft Code of Practice for Prevention and Management.

This Draft Code of Practice outlines ways to address safety and health hazards and risks associated with violence, aggression and bullying in the workplace, in accordance with the Occupational Safety and Health Act 1984.


or

WorkSafe Library
5th floor, 1260 Hay Street
West Perth WA 6005
Tel: (08) 9327 8817 Fax: (08) 9321 2148
Email: ldaffen@docep.wa.gov.au

Comments on the Draft Code of Practice can be made over the telephone or emailed or faxed via the above contact details.

Written comments should be posted to:
Executive Officer, Commission for Occupational Safety and Health
PO Box 294, WEST PERTH WA 6872

The closing date for submissions is 2 December 2005.
Source: DOCEP

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Nationally accredited and recognized by:
Don Eckenfelder in Melbourne

By Kevin Jones

Don Eckenfelder is an American safety advocate who promotes “Values-Driven Safety”. Over the last six weeks he has been touring Australia providing seminars on this safety program to corporations and in public seminars, some supported by the Safety Institute of Australia.

Don's thoughts are becoming familiar in Australia from his previous trips and appearances at various Australian conferences. Several years ago he had considerable success in New Zealand and he finishes his tour there with events supported by the New Zealand Safety Council.

The appeal of Don's position is its topicality. The information centres around “safety culture” that nebulous concept that has entered the safety vernacular without anybody really understanding it. It is a little like “best practice” the buzz word of a few years ago.

The first half of the seminar was given to trying to describe safety culture without actually giving it a definition. This was a bit of a handicap as the afternoon was devoted to workshops in which safety culture was to be measured. Certainly at lunchtime, there were many participants at the Melbourne seminar that weren't much clearer on safety culture than before they started.

Don says that the Values-Drive Safety approach

• "Predicts the future"
• Is culture sensitive and adaptable
• Facilitates excellence
• Appeals to all employees
• Only costs commitment
• Is enduring
• Provides a template"

He outlined that the three basic tenets of the approach are
• "Social problems require social solutions"
• Beliefs and values predict performance
• Maturity grids measure social change."

He also identified 4 cornerstones to Values-Driven Safety:
• The Bridge Metaphor™
• Performance Map™
• Culture Barometer™
• Exercises for Improvement™

The difficulty with these last 4 items was that they were almost all accompanied by a trademark symbol ™. The audience wasn't being given the concepts of Values-Driven Safety or of Safety Culture. We were being presented Don's tools for improving safety and the impression was that we were going to have to pay if we wanted to use them.

The impression was confirmed when early in the seminar Don was upfront about wanting to sell a product or service. This made many in the audience nervous and question their presence because we are used to, and expect, safety professionals and advocates to inform and not to sell. If the information is good then it will sell itself.

Apparently after a Sydney seminar there were some audience members who requested a refund, due to this commercialism.

Safety experts and advocates in Australia generally have a solid commitment to occupational safety which they display by sharing techniques and information. American safety experts seem to generally promote themselves and their services. This is fine in most circumstances but when the event is sponsored or supported by a professional organisation, like the SIA, members expect information and not advertising.

In the past we have had American safety experts strut the stage like evangelists, telling anecdotes, stories and metaphors. E Scott Geller springs to mind. Don’s presentation in the morning was overloaded with stories about the lessons he has learnt from his grandchildren. At morning tea, one participant said that they now “knew more about Don’s grandchildren than I do about my own”.

One anecdote or case study was of interest and it relied on a little bit of topicality. Recently a plane landed in the US with a twisted nose wheel. This received a lot of TV coverage because of the spectacle and the thrill. Don mentioned that the plane was owned and operated by JetBlue, whose CEO was a strong advocate of culture.

He also mentioned that the plane had been cited for its commitment to health and safety. The Everest National Insurance Company and ABD Insurance and Financial Services’ award acknowledges those companies that make safety a “value system” within their corporate culture through enhanced awareness and execution at all levels of the organization.

“Ultratech continues to uphold its reputation in the technology industry as one of the safest companies to work for in Silicon Valley and throughout the United States. Its value-driven culture and long-term commitment to health, safety and overall employee well-being is reflected in all areas of the company’s operations. We are very proud to continue to partner with Ultratech on a global scale to deliver superior workers’ compensation results,” stated Dan Francis, chief operating officer, ABD Insurance and Financial Services, Ultratech’s insurance broker.

“Safety is a ‘value system’ and an integral part of Ultratech’s culture and daily philosophy,” noted Dave Ghosh, Ultratech’s vice president of corporate services. “The multiple awards are a testament to the effectiveness of the company’s required safety-training curriculum. While specifically designed to equip employees with the skills to do their jobs in the safest, most efficient manner possible, the program’s success rate demonstrates Ultratech’s long-term commitment to the health and safety of its employees.”

Source: PRNewswire

Award Recognizes Ultratech’s Consistent Commitment to Employee Health and Safety

Ultratech Inc., a US supplier of lithography and laser-processing systems used to manufacture semiconductors and nanotechnology devices, received a safety recognition award in October 2004, from its workers’ compensation carriers, marking the ninth time within the past 10 years the company has been cited for its commitment to health and safety. The Everest National Insurance Company and ABD Insurance and Financial Services’ award acknowledges those companies that make safety a “value system” within their corporate culture through enhanced awareness and execution at all levels of the organization.

“Ultratech continues to uphold its reputation in the technology industry as one of the safest companies to work for in Silicon Valley and throughout the United States. Its value-driven culture and long-term commitment to health, safety and overall employee well-being is reflected in all areas of the company’s operations. We are very proud to continue to partner with Ultratech on a global scale to deliver superior workers’ compensation results,” stated Dan Francis, chief operating officer, ABD Insurance and Financial Services, Ultratech’s insurance broker.

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Source: PRNewswire

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Some Articles on Values-Driven Safety


“The top 10 ways to improve safety management: a panel of safety experts offer their advice to improve the management of the safety process and foster leadership.” By Sandy Smith, Occupational Hazards; 1/12/2003

"Stepping Up To Operational Safety Excellence", by Larry L. Hansen, Occupational Hazards; 1/5/2005

KS Industries “Walks The Walk” For Safety Excellence by Stephen G Minter, Occupational Hazards; 1/5/2005

There are many more articles on this issue available but these are the most recent. We recommend searching online at http://www.highbeam.com or http://scholar.google.com/