



SAFETY AT WORK BULLETIN

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Unheeded Warning Costs An Eye

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20 January 2006

Australia's largest private rail freight operator has been convicted and fined \$50,000 after a railway maintenance worker lost an eye at work despite a 1997 consultant's report which identified a work practice as 'high risk'.

A 60-year-old man was working at the Dynon Road, Melbourne, Wagon Maintenance Centre of Pacific National (ACT) Ltd when the incident happened in June 2004.

WorkSafe Victoria's Executive Director, John Merritt, said after today's hearing the case demonstrated issues which applied to thousands of workplaces.

"A long-identified hazard was not acted on and safe work procedures were not in place. These are common factors which lead to workplace deaths and injuries. If overcome they eliminate much pain and suffering, considerable expense and potential legal action.

Pacific National (ACT) Ltd pleaded guilty to one charge laid under the 1985 Occupational Health and Safety Act.*

Magistrate Charlie Rozenchwajg was told two men were working to replace bogies which had undergone maintenance on freight wagons. The bogies were lifted from the bogies by hydraulic jacks allowing one set to be rolled away and another to be moved into position.

On the day of the incident, one man was under the wagon and using an 88cm 'blocking bar' to align a king-pin on the bogie with the body of the wagon which was being lowered.

This was a common practice.

As the wagon body was being moved into position, the bar flew up hitting the man underneath on the head dislodging his eye which was later removed during eight days in hospital.

His cheek bone was also shattered and his skull damaged; there were two operations, including plastic surgery; and he has since had psychological and psychiatric treatment and seen an occupational therapist. He now has an artificial eye, ongoing leg and head pain and suffers from nightmares.

WorkSafe told the court the danger of working under wagons should have been eliminated after the 1997 safety report identified the hazard.

Magistrate Rozenchwajg said although the risks were considerable, the remedies were simple and easy to apply. He urged other companies to be ever-vigilant.

Pacific National immediately reviewed work procedures after the incident, it issued an alert prohibiting staff from being under wagons while they were being raised or lowered, rolling stock maintenance instructions were amended and sent to other rail operators to warn them of potential risks.

The company also revised its procedures and manuals and employees were trained on safer work practices. A more general safety analysis was carried out for other major Pacific National maintenance activities

Source: WorkSafe

Inspection Program In Cleaning Industry

January 23, 2006

Concerns about the number of workplace injuries in the cleaning industry have prompted WorkSafe to launch an inspection program in the industry.

WorkSafe WA Commissioner Nina Lyhne said today that occupational safety and health in the cleaning industry had actually improved over recent years, but there was still cause for concern.

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“Over the past couple of years, WorkSafe has been working closely with the cleaning industry to improve safety standards,” Ms Lyhne said. “The industry association – the Building Service Contractors Association of Australia - has launched various initiatives aimed at lowering the rate of injury and illness, including the CleanStart card.”

The Association recently developed and released the CleanStart card program, a safety induction and training program developed in consultation with the industry for new and existing workers.

The Association has also devised a structured program to guide its members through the WorkSafe Plan, which aims to improve occupational safety and health management and publicly recognises good performance.

“A large amount of good work has already been done, and the number of workers injured has reduced over the past few years,” Ms Lyhne said. “However, there is still a relatively high number of workers being injured. Over the four years 1999/2000 to 2003/2004, 297 cleaning industry workers were injured seriously enough to miss at least 60 days of work. Cleaning remains among the five occupations with the highest number of manual handling injuries, and we believe this warrants an inspection program that concentrates on educating the industry on how to further improve its standards of occupational safety and health.

Inspectors from WorkSafe’s Services Industries Team will visit a number of contract cleaning companies, focusing on areas such as manual handling, slips, trips and falls, hazardous substances, induction of new and young workers, guarding of cleaning equipment and machinery and working in isolation.

They will provide advice to employers on their responsibilities under occupational safety and health laws, and may issue notices if these laws are being breached.

“Although safety standards in the cleaning industry have improved considerably over recent years, there is still a need to promote awareness of safety and health issues and knowledge of the legislative requirements,” Ms Lyhne said.

Employers requiring further information on the inspection program should contact Service Industries Inspector Mark Lewis by telephone or e-mail at mjlewis@docep.wa.gov.au. Source: DOCEP

A diary of deceit in WorkCover premium avoidance attempt

January 24, 2006

Following a Centrelink, Australian Tax Office (ATO) and Victorian WorkCover Authority (VWA) joint operation in October 2004, Crystal Poultry Pty Ltd, of Cranbourne, has been fined in the Melbourne Magistrates’ Court for falsely declaring the total amount of remuneration paid to its workers.

Documents seized from Crystal Poultry showed that the company was making cash payment to workers of more than \$1.1 million above the amount that had been declared to the VWA and the ATO.

The Court heard that when Mr John Paraskevopoulos, an alternate director of Crystal Poultry, was interviewed by the ATO he was asked to open a bag he was carrying, which contained a diary with details of wage payments made to employees of the company.

Mr Paraskevopoulos admitted that the company’s wage sheets were incorrect and the diary had the correct details of wages paid. The diary indicated that Crystal Poultry had been paying undeclared cash payments of between \$17,000 and \$22,000 per week.

The total remuneration paid to workers by an employer is one of the factors relied upon by the VWA to calculate an employer’s insurance premium. In the case of Crystal Poultry, the premium paid by the company, based on its false declaration for 2003/04 was significantly less than it otherwise should have been.

Magistrate Mark Sargent imposed a fine of \$500

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**Safety Institute of Australia (Inc.)
Victoria Division and Freehills presents**

AN EARLY MORNING SEMINAR

OHS Legislation

Are you up to date with the changes in OHS Legislation for 2006?

This Breakfast networking seminar is aimed at keeping Safety Professionals and Industry Representatives abreast of new and impending changes in OHS legislation as well as current and emergent issues for Victorian businesses.

Speakers: **Sia Lagos** WorkSafe Victoria
Barry Sherriff Partner of Freehills

The following topics that may be discussed include:

- Consultation and other Practical Issues
- The OHS Act 2004 – Implementation to date

Why not join us in this informative session to network with old friends and make new friends!!

VENUE: Freehills 101 Collins Street, Melbourne	WHEN: Tuesday 14 th February 2006 Registration: 7.00am Start: 7.30am Finish: 9.00am	COST: Includes light buffet breakfast SIA Members: \$ 50.00 Non Members: \$ 70.00 (please note: all prices include GST)
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If you have not yet booked a place in the SIA’s February Breakfast, please do it as soon as you can by downloading the registration form from [SIA Events](#) or you can contact the SIA Secretariat for further information. Seats are limited and this annual breakfast is always well-attended so please book early.





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Continued from page 2 and ordered costs of \$600 be paid.

In addition to the fine, the company has also been required, by the VWA, to pay the shortfall in the amount of premium payable and a default penalty totalling \$115,273.00. The penalty is equal to 100% of the outstanding premium.

WorkCover Director - Premium, Brian Cook, said this was an important result in ensuring that Victoria's honest employers don't get left carrying the can for the few that try to defraud the system.

Under the Accident Compensation (WorkCover Insurance) Act 1993, it is an offence for an employer to provide an incorrect statement of remuneration. It is also an offence not to keep proper books and preserve them for five years.

Source: Victorian WorkCover Authority

Contractors Embrace OHS Scheme

25 January, 2006

Many of the nation's major construction contractors are seeking accreditation under the Australian Government Building and Construction OHS Accreditation Scheme (the Scheme).

Head contractors are reminded that from 1 March 2006, those who wish to contract for major Australian Government building and construction contracts need to be accredited under the Scheme, which is administered by the Federal Safety Commissioner (FSC).

Applications need to be lodged by the end of this month to guarantee the assessment is completed before the Scheme commences. Applications received after 30 January 2006 will be assessed but may not be finalised by the 1 March 2006 start date.

The FSC has written to major construction companies, industry associations and Australian Government clients advising of the Scheme's requirements and application processes. The Scheme has also been advertised nationally.

Minister Andrews said he had been pleased with the response from the building and construction industry to the Scheme. The FSC is already assessing over 25 applications and is expecting as many more by the deadline.

The Scheme will be implemented in two stages. Stage 1 will apply to directly funded Australian Government building and construction projects with a value of \$6 million and over. Provisional accreditation under Stage 1 is required by 1 March 2006 and full accreditation by 1 October 2006.

Stage 2 will apply, subject to financial thresholds, to all directly and indirectly funded Australian Government construction work and is scheduled for implementation in 2007.

The Government established the Scheme as part of the Building and Construction Industry Improvement Act 2005. For more information about the Scheme and accreditation, please visit www.fsc.gov.au

Source: Minister for Workplace Relations

Road Marking Work To Be Safer

Tasmania, 25 January 2006

An important safety initiative has been taken by a company involved in making Tasmania's roads safer for everyone.

The State's biggest road-marking company, Zaganite Specialised Coatings, has bought the State's first special vehicle-mounted crash barrier for mounting at the back of slow-moving road-marking vehicles.

The crash barrier is used in slow-moving work zones on the road network to ensure the safety of the travelling public and the company's employees.

The unit was launched today by the Minister for Infrastructure, Energy and Resources, Bryan Green.

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Union says Filipino Workers Exploited

CANBERRA, January 27 2006

Filipinos are working in slave-like conditions for Canberra restaurants, with some being forced to eat scraps from rubbish bins, a union says.

The Liquor, Hospitality and Miscellaneous Workers Union (LHMU) has appealed to the immigration department and ACT authorities to stop the abuse of the guest workers.

LHMU organiser David Bibo said today the workers were brought into Australia under a special arrangement with the Philippines government, but some were finding the promise of good jobs and pay to be false. "The union is aware of workers who have been forced to work 12-hour shifts in hot kitchens without a drink or a break," Mr Bibo said. "A worker was refused medical treatment after suffering a severe burn.

A spokesman for Workplace Relations Minister Kevin Andrews said he could not comment on the specific allegations, but the workers could take their concerns to the Office of Workplace Services (OWS) for investigation.

"If they are owed back wages or are not being paid due entitlements the OWS will prosecute their case for them," the spokesman said. "The OWS is there to ensure people's rights are not being abused."

Comment was being sought from the immigration department. AAP



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“The safety of all road users and work crews is a paramount consideration whenever any job is being done on Tasmanian roads and Zaganite is to be commended on its latest initiative,” Mr Green said. “It is timely given the heightened government and media focus on road safety issues and the reduction of accidents in the workplace.”

Zaganite’s CEO, Phil Sidney, said the company had made a significant investment of \$30,000 in buying the Safe-Stop Truck Trailer Mounted Attenuator (TMA) to ensure a safer working environment, as well as complying with government road construction requirements.

The TMA was made in the United States and purchased through a Victorian supplier, Saferoads. It is the first of its type to be used in Australia.

“We are committed to safety and safe work practices and that is why we have made this substantial investment in purchasing the TMA,” he said. “At the same time, we are the first Tasmanian road marking and surfacing company to comply with the Department of Infrastructure Energy and Resources’ (DIER) new tender requirements. These tender compliance requirements, which follow standards developed by Austroads, mean companies must use TMAs on their road marking trucks and other related activities to ensure public and worker safety. We are the only company in Tasmania to have this equipment,” Mr Sidney said.

The TMA, which is towed at the back of a truck, acts as a safety buffer barrier behind slow-moving road marking vehicles. Painted in the vivid yellow and black safety colours, the TMA is encased in a steel support frame and is immediately visible to traffic coming up behind road marking units. The unit will be used in work zones with posted speed limits of up to 100 km/h.

“The TMA, in conjunction with warning signs, helps drivers to immediately identify a road marking situation and as a result, slow down, thus preventing any potential collision,” Mr Sidney said. “We’re very proud of our commitment to safety in the workplace and the fact that we are taking the lead in this field in Tasmania.”

Source: Minister for Infrastructure, Energy and Resources

No Deaths In Victorian Construction Industry For 12 Months

January 25, 2006

For the first time in the state’s history, Victoria’s construction sites have been fatality-free for a full year.

Minister for Workcover, John Lenders, said the achievement was the result of the government, employers, workers and unions working together to make workplace safety a priority.

“Victoria’s efforts to improve workplace safety have had an impact over the last twelve months,” Mr Lenders said. “Many of the improvements are due to the strong partnerships WorkSafe has with construction unions, employer bodies and regulatory agencies.”

As a direct result of these relationships the construction industry now has:

- Practical guidance and industry-agreed standards for the control of the key construction-related hazards and work processes,
- An industry-wide safety induction scheme, now in its sixth year,
- An industry-managed scheme for the independent annual safety assessment of mobile cranes,
- A widely used procedure for the safe conduct of high-risk types of work, known as the JSA (Job Safety Analysis),
- An effective support network for advice and assistance on health and safety issues from the industry’s own representative organisations.

“WorkSafe inspectors have played a key role to make sure Victorian employers and employees comply with Occupational Health and Safety laws on construction sites,” Mr Lenders said. “Inspectors are there to enforce the law, but they also take the time and effort to assist with advice and information to identify any potential problems before they result in deaths or injuries.

Mr Lenders said the achievement stands in stark contrast with the state of the industry when the previous Government was in office. “The year that the Bracks Government was elected was a horror year for the Victorian construction industry,” Mr Lenders said. “We had 13 deaths that year, and the proportion of construction workers suffering serious injuries was much higher than it is now.”

The last workplace death in the construction industry occurred on 6 January 2005, when a 53 year old worker died from a fall on a South Yarra building site.

Source: Minister for Workcover

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Safety campaign targets East Gippsland

27 January 2006

A region extending from Bairnsdale to Orbost and west to Stratford will be the focus of a WorkSafe safety campaign in February.

Teams of inspectors will be based in Bairnsdale in the week beginning February 20 and cover an area stretching to Orbost and Stratford.

The Safe Work Zones campaign follows a high number of fatalities in Gippsland during 2005. Eight of the state's 18 work-related deaths reported to WorkSafe were in Gippsland.

"By giving plenty of notice, we are providing an opportunity to make safety improvements before inspections begin," the director of WorkSafe's Manufacturing, Logistics and Agriculture division, Trevor Martin said.

A briefing on the project will be held on Thursday 9 February from 5pm to 7pm at the Bairnsdale RSL Club (cnr Princes Hwy and Forge Creek Rd). Bookings can be made by calling Judy Degnan on 5174 8900.

Safe Work Zones encourages higher levels of compliance with health and safety laws across a community rather than through random visits by inspectors working alone or in response to safety incidents. Use and storage of chemicals, working at height, manual handling, forklift safety and guarding of equipment will be among the issues targeted.

Training of staff and appropriate certification for some types of plant will also receive attention as will basic 'housekeeping' issues such as the availability of fire extinguishers and emergency exits being clear.

REGIONAL DEATH AND INJURY - THE COSTS

Work-related injuries sustained in regional Victoria outstrip those of the metropolitan area in raw numbers while the rate of injuries treated in hospital intensive care units was nearly five times that of Melbourne's, new WorkSafe figures show.

In terms of workplace injuries leading to hospital treatment, regional Victoria's rate is more than three times that of Melbourne while intensive care rates are five times that of the Melbourne metropolitan area.

"This is a sign that employers and employees in regional Victoria need to undertake a fundamental review of work practices at a personal, business-wide and industry level." Mr Martin said the cost of rehabilitation and medical costs for workplace injury insurance claims within the Shire of East Gippsland exceeded \$17-million over the past five financial years, however the social and community costs could not be measured.

"Many of these people suffer permanent injuries which result in severe disruption to their lives and that of their families. Quality of life and opportunities are lost; employers are affected by increased insurance premiums, the potential for prosecution and staff replacement costs while the injured person is off work.

Source: WorkSafe

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 20 megabytes - a substantial burden to dial-up internet connections.

Safety At Work publishers are now allowed to distribute the latest edition of Acrobat Reader on a CD. If you want a copy of Acrobat Reader 7.00 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 for viruses before distribution.

For those readers who are unconcerned about download limits, the latest version of Acrobat Reader is available for free from <http://www.adobe.com/products/acrobat/readstep2.html>

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