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WorkChoices Removes Protection for Injured Workers

SYDNEY, March 26 2006

People injured at work could immediately lose their jobs because the federal government's new industrial laws remove protection for injured workers, the NSW government says.

The new laws, which come into force tomorrow, aim to push workers into the federal industrial system and increase the use of individual contracts - under which conditions such as overtime and penalty rates are open for negotiation.

The laws also remove unfair dismissal protection for employees of firms with fewer than 100 workers and give wage setting powers to the new Fair Pay Commission.

NSW Industrial Relations Minister John Della Bosca [pictured below] said today the WorkChoices legislation removed protection for injured workers because it sought to exclude all state industrial laws.

NSW laws prevented staff from being sacked within six months of being injured at work, but the WorkChoices package contained no such provisions, he said.

"There is no provision in the 1,388 pages of legislation and 400 pages of regulations that replicate these protections," Mr Della Bosca said in a statement.

"This will mean that workers could face the prospect of immediately losing their job just because they were injured at work through no fault of their own."

Prime Minister John Howard sparked anger on Friday when he said the new workplace laws would make it easier for business people to sack staff they regarded as a nuisance, although he denied he was referring to union organisers.

"Some people who have been a disruptive influence in a small firm may not find it as easy to remain," Mr Howard said.

This month NSW Premier Morris Iemma announced he would make 180,000 state public servants employees of the crown, rather than state government agencies, effectively protecting them from the federal industrial laws. AAP

Sick leave rules unclear in WorkChoices - AMA

CANBERRA, March 22 2006

The Work Choices regulations released this week do not go far enough in clarifying who can legally issue medical certificates for employees' sick leave, the Australian Medical Association (AMA) says.

Under Work Choices - the federal government's shake-up of industrial relations - employers will be given the option of requiring, in new individual contracts, a medical certificate with any sick days taken off.

But it is still not clear who can issue acceptable certificates, the AMA said today.

AMA vice-president Dr Choong-Siew Yong said minor changes to the Work Choices regulations this week make it clear that, for instance, veterinarians will not be able to certify human illness.

But employers and employees still faced uncertainty and confusion over sick leave when the laws take effect next week.

"The regulations fail to acknowledge two very serious failings," Dr Yong said in a statement. "One, if people are seriously ill, they should be seeing their medical doctor.

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“Two, opening up medical certification to a whole range of non-medical practitioners will make it difficult for employers to take sick leave seriously.”

Dr Yong said that, under the new laws, more than 300,000 registered health practitioners will be permitted to certify sick leave.

“Depending on the definitions in each state and territory, these registered health practitioners include dentists, podiatrists, osteopaths, chiropractors, pharmacists and traditional Chinese medicine practitioners, to name a few,” he said.

“Even though Work Choices regulations stipulate that these registered health practitioners can only issue certificates for conditions related to their areas of practice, legal advice received by the AMA states that there are very few non-medical health practitioners with a clearly defined area of practice.

“This means that employees could use up all their allowed sick leave without once consulting a medical doctor.” AAP

Transport industry told to insist on safe driving schedules

24 March 2006

The road transport industry has been told to take responsibility for the movement of goods on public roads after four people died when a fatigued driver crashed into cars stopped by roadworks in 2001.

Canberra Transport company, Allbulk Landscaping Supplies Pty Ltd, was today convicted and fined a total of \$130,000 after pleading guilty to two Occupational Health and Safety Act charges* after a crash near Cobram killed for people.

WorkSafe's Executive Director John Merritt said the sentence would be reviewed with the possibility of asking the Director of Public Prosecutions to consider an appeal.

The 17.8 tonne truck crashed into a line of traffic at around 100km an hour killing 62-year-old Kevin Phelan, 56-year-old Carmel Phelan, both of Kyabram, their 18-year-old Simon Phelan of Merrigum and Wodonga woman Ella Dunn, 66.

The truck's driver, Brett Leo Foster of Canberra, was jailed for culpable driving in 2002 and is due for release in 2009.

Handing down his sentence on Foster's employer, Allbulk, today at the Shepparton County Court, Judge Frank Shelton said Foster travelled about 1195km in the 24 hours before the crash.

He said the driver had no sleep during that period which included a five hour wait in a line of trucks being loaded and a delay while a tyre was changed.

Judge Shelton said Allbulk sent its drivers out for a week at a time and after finishing the first job the driver would contact Allbulk director David Wallace by telephone and be assigned the next.

“It was the Crown's contention that such a system invited or permitted drivers to drive excessive hours. There was evidence from drivers at Allbulk that they worked in excess of their legal time allowances and that this was expected of them”, Judge Shelton said. “Wallace must have been aware that they were working excessive hours. Foster stated that he regularly falsified his logbook and felt pressured to do so to retain his job.”

Foster had only been with Allbulk two weeks before the fatal crash.

Judge Shelton said that apart from the excessive hours driven by Foster, the truck and trailer had serious problems with the brakes and tyres. These combined to reduce its braking ability and producing a very strong likelihood the prime mover and trailer would “jack-knife” under harsh braking however at the time of the fatal crash the brakes had only been applied a moment before impact.

WorkSafe's Executive Director John Merritt said the case should send a clear message to the transport industry that

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Publishing Achievement for SIA Member

At the end of February 2006 Elsevier España in Madrid published “Mejora de la Salud y la Seguridad en el Trabajo”. This is a Spanish translation of an Australian book “Enhancing Occupational Health and Safety” which was written by Geoff Taylor, Kellie Easter and Roy Hegney, in Perth. Geoff Taylor is an SIA member in WA.

The Spanish edition has been adapted from the English edition to suit the Spanish and Spanish-American context.

Geoff believes that the success of the book is “in part ... a credit to the SIA.”

We wish Geoff the best of luck with this title.

More information is available at Geoff's website

www.enhancingsafety.com with more on the English edition of the book at http://www.elsevier.com/wps/find/bookdescription.cws_home/703029/description#description





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driving hours and maintenance should be a high priority.

“Transport companies and drivers share the responsibility for safety. Unscrupulous and unrealistic schedules put innocent lives at risk and undermine public confidence in the industry. While most in the industry are doing the right thing, some continue to put their drivers, businesses and other road users at risk. Transport companies and their drivers must accept that their workplace, the public roads, are used by others and that they must obey the regulations and laws that apply to them.”

An all-industry transport industry safety group has been working to improve safety in the industry for a number of years.

An updated guide to safety in the industry was released by the group in July last year.

Source: WorkSafe Victoria

Traces of asbestos found at Sydney railway stations

SYDNEY, March 22 2006

RailCorp began a safety audit of its CityRail properties nearly a month ago after revelations contractors had disturbed asbestos while working at Eastwood train station, in Sydney's north.

RailCorp's chief executive officer Vince Graham tonight said technicians had confirmed that while the air quality at Edgecliff, Eastwood, Cheltenham and Normanhurst stations was within acceptable levels, some settled dust there had shown traces of asbestos.

He said remedial work was already under way at the stations following the discovery.

The booking office facilities at Edgecliff and Eastwood stations were currently closed. It was expected normal operations would resume there by the end of this week.

The booking offices at Cheltenham and Normanhurst stations had been temporarily closed this afternoon for remedial work.

From tomorrow, staff at Normanhurst and Cheltenham stations will help customers purchase tickets from ticket vending machines during busy periods.

Mr Graham said outstanding test results from 18 stations were expected within the next few days.

However, test results had already shown there was no asbestos at Milsons Point and Camellia stations.

He said he expected more locations would be identified as showing traces of asbestos as the audit continued.

“The wellbeing of our staff and the public will continue to be our priority,” Mr Graham said in a statement.

“RailCorp will continue to keep the public, CityRail staff and WorkCover fully informed of our progress on the audit.” AAP

Coca-Cola reaches compo settlement for shot Sydney contractor

SYDNEY, March 22 2006

Coca-Cola have reached what it says is a “generous” compensation settlement with a Sydney contractor shot while filling one of the soft drink giant's vending machines.

Craig Preezer was originally awarded \$2.9 million in damages after suing Coca-Cola Amatil (CCA) for negligence, in the NSW Supreme Court in 2004.

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SIA EVENTS

The Visions Conference 2006

Venue:

Rydges International Resort, Yeppoon

August 30, 31 - September 1 2006

www.sia.org.au

The Safety Conference, Sydney NSW

17 - 19 October 2006

www.thesafetyshow.com.

Safety in Action 2006

Venue: Melbourne Exhibition Centre,
2 Clarendon Street Southbank

16-18 May 2006

<http://www.safetyinaction.net.au>

Contractor Safety Management

SIA -Gippsland Branch

26 April 2006

More information is at <http://www.sia.org.au/documents/Invitationtoattendfunction260406.pdf>

OTHER EVENTS

Waves of Change

Australian Institute of Occupational Hygienists, Inc.

Venue: Surfers Paradise Marriott Resort,
Gold Coast QLD

2-6 December 2006

For more information email mailto:

conference@aioh.org.au



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Mr Pareezer, who argued CCA had failed to provide a safe system of work, was shot in the head, chest, stomach, leg and hand while restocking a vending machine in Sydney's west in February 1997.

But his damages decision was overturned two weeks ago in the NSW Court of Appeal, which ordered Mr Pareezer to repay \$560,000 he had already received from CCA's insurer, QBE, as part of the compensation package.

The court found there was nothing the company could have done to prevent the attack on Mr Pareezer and was therefore not liable.

Coca-Cola, which announced earlier this week it was negotiating a compensation package with Mr Pareezer, said tonight that it had reached a "generous settlement" following mediation conducted by former NSW chief justice, Sir Laurence Street.

"Coca-Cola Amatil and Craig Pareezer are pleased to announce the matter has been positively resolved on a confidential basis with a generous settlement as part of mediation conducted by Sir Laurence Street," the company said in a statement.

"Coca-Cola Amatil regrets the pain and suffering Mr Pareezer and his family have been through and are pleased Mr Pareezer and his family will be able to face the future in a positive way."

The company said Mr Pareezer had acknowledged that Coca-Cola Amatil had no legal obligation to pay him, but he was "happy with the settlement that has been agreed which will assist him and his family to restore their lives."

Coca-Cola Amatil said it was "regrettable" that there had been "misleading statements" made by the media regarding the matter. AAP

Helicopter clipped a powerline before crashing: report

SYDNEY, March 22 2006

A helicopter which crashed in central western NSW last month, killing all three on board, clipped a powerline before it went down, an investigation has confirmed.

Two Parkes Shire Council employees and a helicopter pilot from Cootamundra died instantly when the Bell Jetranger crashed and exploded 23km east of Parkes early on February 2. The helicopter was carrying out a weed survey flight in a small wooded valley.

A preliminary Air Transport Safety Bureau (ATSB) report, released today, confirmed police reports the helicopter clipped a powerline with its left landing gear skid.

"This led to the tail boom and tail rotor assembly being severed from the fuselage by the main rotor, as a result of which the helicopter entered an uncontrolled descent from which recovery was not possible," the report said. "The helicopter was destroyed by impact forces and post-impact fire."

A witness reported that the helicopter appeared to be operating normally until it struck the powerline, the report said. "The pilot was qualified to undertake the flight and the helicopter was being operated within the manufacturer's prescribed weight and centre of gravity limits." The investigation is continuing. AAP

Commonwealth OHS Bill is "anti-union" say Democrats

According to the Democrats 27 March bulletin "the [Occupational Health And Safety (Commonwealth Employment) Amendment Bill 2005] is anti-union and seeks to significantly reduce, if not abolish, union involvement in occupational health and safety procedures. This is unwise. While some unions have been accused of misusing OH&S provisions by raising non-existent OH&S issues to achieve industrial objectives the way to deal with those abuses is not to clamp down on legitimate useful or effective union OH&S activity. The Democrats will seek to find balance and amend the Bill." Source: Democrats E-Bulletin

Emergency operators "like call centre battery hens" report says

24 March 2006

Emergency triple-0 and police assistance line phone operators are reportedly in trouble at work for not meeting a new quota system.

The Daily Telegraph says the system restricts the amount of time they can spend counselling people facing life and death situations. The paper says a number of staff have been disciplined by management who claim they aren't meeting the targets .. which limit triple-0 calls to four minutes and police assistance line calls to 11 minutes and 30 seconds. At least one triple-0 operator and a PAL worker have been placed on management review programs for failing to meet the targets.

The paper says staff claim they're being treated like call centre battery hens and are also being forced to treat victims of crimes as customers. Police Minister Carl Scully denies any staff have been disciplined. AAP RTV

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Rally highlights asbestos dangers for rail workers

SYDNEY, March 27 2006

Asbestos campaigner Bernie Banton led a rally today calling on the NSW government to improve safety conditions to prevent rail workers from being exposed to the deadly substance.

A global union has declared today International Rail Safety Day in an attempt to highlight ongoing safety problems in the rail industry.

The declaration by the International Transport Federation follows alarm at the discovery of disturbed asbestos at eight Sydney train stations during a safety audit.

Asbestos fibres have been detected at Clyde, Regents Park, Camellia, Cheltenham, Edgecliff, Normanhurst, Thornleigh and Eastwood stations, as part of the audit of CityRail properties.

Members of the Rail, Tram and Bus Union (RTBU) rallied at Central Station in Sydney today to highlight what it says is the government's "inadequate" response to the asbestos threat.

Mr Banton, who led the charge for asbestos victims to receive compensation from building products manufacturer James Hardie, was to address the rally.

RTBU secretary Nick Lewocki said the NSW government's inquiry into James Hardie had highlighted the dangers of asbestos, but RailCorp had failed to protect its employees by not ensuring a safe workplace.

"While the government was prepared to hold a private sector organisation accountable, they do not seem to set the same standards for RailCorp or its managers," he said.

AAP

Extra workers to flood north Qld

BRISBANE, March 27 2006

Tradesmen, energy workers and prisoners will arrive in far north Queensland from today as authorities intensify efforts to rebuild the cyclone-shattered region.

A planeload of volunteer tradesmen will leave Brisbane this morning for Innisfail as part of Channel 7's Operation Sunrise.

Sixteen low security inmates from the Work Outreach Camp (WORC) program will also leave the Darling Downs Correctional Centre while 50 more Ergon Energy staff will help restore electricity.

"(They will be) representing electricians and ... glaziers and carpenters and those sorts of folks," General Peter Cosgrove, who is leading the reconstruction task force, said yesterday. "And we'll put them to work straight away."

Corrective Services Minister Judy Spence said prisoners sent to help rebuild the region had been carefully selected because of their skills in carpentry, electrical, plumbing and general labouring.

"While it's envisaged that these teams will play a role in the initial clean-up of affected areas, as things settle they will also be able to help with construction and repair work," she said.

However General Cosgrove said he was concerned about exposing volunteer workers to asbestos after Workplace Health and Safety authorities issued warnings about the handling of the dangerous material, which has been found in almost all Innisfail homes.

"The state health service is well aware of that and where that sort of treatment of rubble has to take place, appropriate actions will take course," he said.

About 350 people yesterday gathered in the local council chambers to celebrate what they have left, nearly a week after Cyclone Larry devastated the north Queensland town and surrounding communities.

General Cosgrove, who attended the service, also called for the doubling of aid packages for cyclone victims. "I have to say in my early and possibly less well-informed view (the aid packages) need to be at least doubled, maybe more," he said. "We are coming to terms with that now."

AAP

Chemical spray attack on Newcastle nightclub

SYDNEY, March 26 2006

A chemical similar to capsicum spray caused 15 people to be hospitalised with breathing difficulties after the noxious substance was released at a Newcastle nightclub.

About 500 staff and patrons were evacuated from the premises when the incident happened about 2.10am (AEDT) today.

Seven patrons suffered burning sensations and had trouble breathing after being exposed to the unidentified chemical, which was found in both the male and female toilets of the Crown and Anchor Hotel on Hunter Street, emergency services said.

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SAFETY AT WORK BULLETIN

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Six ambulance officers and two security guards from the club also became ill after being exposed to the substance. They were treated at John Hunter Hospital and later released, a NSW Ambulance spokeswoman said.

Ambulance officers believe the distressed clubbers were struck down by a substance similar to OC, commonly known as capsicum spray.

"They don't know exactly what it was but ... the patients had similar symptoms to what you'd expect from OC spray but there were a few different symptoms which leads (ambulance officers) to think it might be a slightly different substance," the spokeswoman said.

The NSW Fire Brigades' hazardous materials unit was called in to help remove the toxic chemical from the nightclub.

Police said tests would be conducted to identify the chemical.

AAP

Exploding scuba tanks

27 March 2006

An exploding scuba tank has prompted a warning to consumers about scuba tanks made of aluminium that are fifteen to thirty years old.

"Scuba tanks many years ago used to be made of a material called aluminium alloy 6351, and this material is susceptible to sustained load cracking, or SLC, when it becomes aged and is stored containing compressed air," Consumer Protection Commissioner Patrick Walker said.

"A tank which was being kept in a garden shed exploded, splitting the tank entirely in half and damaging the walls of the shed. Fortunately no one was injured in this incident, but it has highlighted the need for these old tanks to either be professionally tested and rated by a qualified person, or disposed of.

"Hairline fractures occur over time and would not necessarily be apparent during use or filling, so the risk is especially high if someone has not used their tank for a long period of time and then decides to go for a dive," he said.

All scuba tanks must comply with Australian Standard AS 2337-1. Filling stations, dive shops and other industry stakeholders have been made aware of the dangers of alloy 6351 tanks.

As home compressors have recently become more affordable, consumers may be filling their own alloy 6351 tanks, not realising the danger of them rupturing and perhaps causing serious injury or death.

Consumer Protection has been advised of at least twelve tanks rupturing in recent years, of these occasions five have caused injuries.

Alloy 6351 tanks have historically been manufactured by a number of cylinder manufacturers. SLC is not a manufacturing fault, but a metallurgical phenomenon that occurs in later years after manufacture of the product.

Anyone who owns alloy 6351 tanks manufactured prior to 1990, should contact Consumer Protection's Product Safety Unit for further advice and assistance by telephoning 9282 4320 or by emailing consumer@docep.wa.gov.au.

Source: DOCEP

Adobe Acrobat 7.07 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 7.07 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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