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Statement from Senator Lyn Allison

April 12 2006

Parliamentary Leader and Democrats Senator for Victoria, Australian Democrats spokesperson for Health and Ageing

Democrats leader Senator Lyn Allison says that workplace bullying is rife in the Victorian public sector and now is the time for victims to blow the whistle on the perpetrators and for the state government to do more to protect its employees.

About 20 percent of all correspondence that comes in to my office is about workplace harassment or people who have been bullied by bureaucracy. Universities, the public service and more recently the Victorian Zoo and the Victorian rural ambulance service have been hit by workplace harassment and bullying, Senator Allison said.

Many workers will breathe a sigh of relief over Easter as they flee offices and factories where they are subjected to mental and sometimes physical abuse.

The new IR laws have removed the legal basis for employee security so I expect there will be more reports of abusive behaviours, especially where individual staff are given unreasonable and excessive workloads.

Research suggests that one in four employees are likely to be subject to repeated bullying at some time in their working lives and six percent can expect to be subjected to physical violence.

Bullying is a degrading, threatening, and costly activity. Australian research shows that workplace harassment costs Australian employers up to \$36 billion in lost productivity.

Victims suffer from stress, anxiety, depression and sleep disturbances and this all affects their work performance as well as their personal lives. It leads to absenteeism, high staff turnover and often poor customer service.

The schoolyard is not the only domain of the bully though it may be where such behaviour is learnt. The cost of anti-bullying programmes is negligible compared to the costs to companies and the community of this sort of behaviour.

Governments and organisations need to be investing in anti-bullying measures that create awareness about the problem and put an end to it quickly when it occurs, Senator Allison said.

Source: Democrats

Tackling workplace stress eases depression: psychologists

BRISBANE, April 12 2006

Tackling stress in the workplace alleviates depression, psychologists say.

A Brisbane-based research team will trial ways of alleviating workplace stress to combat depression in the first study of its kind in Australia.

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Clinical psychologist Associate Professor Ian Shochet, who heads the team, today said an undeniably strong link existed between the workplace and depression, one of the Western world's most common health issues.

"The workplace can be both a risk and a protective factor in mental health," Prof Shochet said. "What needs to be looked at is the interaction between the workplace experience and the workplace requirements and people's individual coping styles and resources."

The research team of five from Queensland University of Technology (QUT) will initially trial a 10-week program called Promoting Adult Resilience (PAR) with 50 Sydney workers.

The program was designed to equip participants with a "psychological tool kit of coping resources" to make them more resilient in the workplace, Prof Shochet said.

He said people had varying abilities to cope with workplace stress and the program would help develop coping mechanisms on an individual level.

"Participants will learn a variety of strategies they can choose from to create their own repertoire of coping skills that will work for them in all areas of life," Prof Shochet said. "This involves good stress management techniques, including physical exercises, relaxation techniques, humour and drawing on social support."

He said that in addition to a host of pressures in the workplace and fears for job security, a phenomenon called "negative automatic thoughts" stressed out many workers.

"We need to promote more positive self-talk and the ability to appraise a situation more optimistically," Prof Shochet said. "For example, a person gets a call from their boss - 'See me tomorrow at 9am' - and their automatic appraisal could be 'I'm in real trouble here'."

"That's a negative automatic response as opposed to saying 'Hey, maybe it's an opportunity for them to praise my work or talk through an exciting new project they might throw my way'."

Ambulance probe to run remainder of year: government

MELBOURNE, April 12 2006

A probe into Victoria's beleaguered rural ambulance service will take the rest of the year, the Victorian government says.

The investigation into claims of bullying, harassment and cronyism at Rural Ambulance Victoria (RAV) will roll out in two parts, Health Minister Bronwyn Pike said today.

Public submissions would be taken for a report to be released on June 30, with a final report on broader issues expected next year.

Mrs Pike said the initial report would address the "immediate workplace culture and management matters at the heart of the current community concerns".

"But it is also important that the SSA (State Services Authority) has the time to examine the broader whole-of-organisation system issues which have an impact on the overall health and culture of Rural Ambulance Victoria," she said.

RAV chief executive Doug Kimberley has taken sick leave ahead of the government inquiry, which is also investigating an alleged cover-up in which a senior manager was allowed to resign after forging signatures to get jobs for underqualified mates. Further claims include a case where another manager kept his job after being found to have sexually harassed his assistant. AP

Govt drops infested shack union case

SYDNEY, April 12 2006

The government has dropped its case against 70 mine workers who walked off the job over having to live in shacks infested with cats, fleas and built over an open sewer pit.

The Queensland mine maintenance workers walked off the job in March last year over the camp conditions.

The Industrial Relations Commission ordered them back to work after two days and the dispute was

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settled with the employer, Eagles Engineering, after the camp was cleaned up.

In February the Office of Workplace Services announced it would prosecute the workers, fining them up to \$20,000 each for illegal industrial action. Their union was fined \$100,000.

However, Workplace Relations Minister Kevin Andrews has withdrawn the prosecution, The Sydney Morning Herald reports. Mr Andrews denied the decision was in response to adverse publicity surrounding the new legislation.

Australian Manufacturing Workers Union spokesman Andrew Dettmer said they would sue for vexatious litigation. AAP

Tractor crushes elderly man

MELBOURNE, April 11 2006

An elderly Victorian man who suffered life-threatening injuries when he was crushed by a tractor managed to crawl 40 metres to his house to get help.

The 82-year-old suffered serious chest injuries in the accident in Melbourne's outer south-east about 2.30pm (AEDT) today.

Victoria Police said the man had been using the medium-sized tractor inside a narrow horse shed on his hobby farm at Officer.

Police have not yet established if the tractor pinned the man against a wall or ran over him, spokeswoman Marika Fengler said. "He was working by himself," she said. "He crawled to the house, where his wife was and raised the alarm."

Victorian WorkCover spokesman Michael Birt said the man had been replacing the tractor's battery before the accident. Mr Birt said it was not clear if he had been thrown off the tractor or had been working beside it. There had been a number of deaths and serious injuries as a result of tractor accidents in recent years, he said.

"When people are working with powerful agricultural equipment the consequences can be very serious," he said. "Farmers often work in isolated circumstances so they do need to take particular care, because if something does go wrong there can be a while before help can arrive."

Metropolitan Ambulance Service spokeswoman Christine Paterson said the man was flown to The Alfred hospital in a critical condition.

AAP

Tractor crushes teenager

MELBOURNE, April 12 2006

A teenager was critically injured when a tractor rolled over him in Victoria's West Gippsland region today, the second such accident in as many days.

The 18-year-old and a friend were using the borrowed tractor while working on a car at a property at Buln Buln about 11.15am (AEST) today, a WorkCover spokesman said.

The man stopped the tractor on a hill, but did not properly apply the brake. The front wheels of the tractor went over him as he tried to stop it from rolling away. He suffered hip and torso injuries and was airlifted to The Alfred Hospital, the spokesman said. A hospital spokesman tonight said the teenager was in a critical condition.

AAP

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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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Police Commissioner approves hurt-on-duty claim

SYDNEY, April 16 2006

NSW Police Commissioner Ken Moroney has reversed his decision on a compensation claim from the family of a top undercover policeman who died in 2003.

The move to grant the hurt-on-duty claim means the wife of Detective Inspector Andy Day is now entitled to a widow's pension. The 45-year-old officer died of pneumonia after contracting flu-like symptoms following an office clean-up job. He was one of six officers who got sick after clearing out files from a secret warehouse which was allegedly crawling with mites and thick black dust.

Mr Moroney earlier knocked back the hurt-on-duty claim, despite approving similar claims from two other officers. But after critical media reports last week, Mr Moroney ordered the police legal service to refer all materials relating to the hurt-on-duty claim to independent legal counsel for urgent advice.

Mr Moroney today said independent counsel had found Mr Day's working environment had exacerbated a pre-existing medical condition that led to his death. "I have taken the immediate decision to reverse the finding made by the delegate of the NSW Police Workers Compensation Unit," Mr Moroney said in a statement. "I grant the hurt-on-duty claim and order the delegate issues a new certificate stating Detective Inspector Day's death was, in fact, caused by him being hurt on duty."

Mr Moroney said he had notified Insp Day's wife of his decision. State Coroner John Abernethy is preparing to investigate the officer's death.

AAP

Cafes Audit Reveals Safety Issues

7 April 2006

ACT WorkCover inspections earlier this year of 33 cafes and restaurants in the ACT have revealed several common safety issues and a lack of compliance with elements of the Occupational Health and Safety Act 1989 and the Dangerous Substance Act 2004. Key hazards associated with the café and restaurant industry include injuries from slips, trips and falls, manual handling, working with hot surfaces and sharp objects such as knives.

"Although employers and staff at cafes and restaurants generally have a good understanding of health and safety in the workplace, the majority failed to have an OHS policy or safety procedures manual and few had a health and safety representative," ACT WorkCover Commissioner and CEO Erich Janssen said.

Less than a third of businesses maintained a register of hazardous substances commonly in use in the workplace and less than half had material safety data sheets for the chemicals used or trained their staff in emergency procedures relating to chemicals.

"The absence of a hazardous substances register and material safety data sheets that set out important safety information on the chemicals used could turn a minor mishap with a cleaning agent into one causing injury," Mr Janssen said.

Other issues identified during the audit include incident reporting to ACT WorkCover and documentation of training and induction.

"Employers should ensure that health and safety induction training is provided for all workers whether they are casual or permanent employees and that a system is in place for recording safety incidents and for reporting notifiable incidents to ACT WorkCover," Mr Janssen said.

Twenty Compliance Agreements were issued in relation to testing and tagging of fire extinguishers and twelve Improvement Notices were issued relating to reporting and recording procedures, testing and tagging of electrical equipment and the absence of an OHS policy on the premises.

ACT WorkCover has released a report on the audit with recommendations. The full report of the audit can be viewed at http://www.workcover.act.gov.au/pdfs/work_reports/cafe_audit_report.pdf

Source: ACT WorkCover

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Union Prosecutions Continue to Secure Convictions

This week we introduce an occasional series of reports of interesting OHS legal cases. These summaries have been provided by Michael Tooma, a leading Sydney lawyer and Partner with Deacons. These reports will indicate the ramifications of OHS prosecutions by providing a bit more information than just the notification of penalty. We thank Michael for his support and his permission to use this material.

The Finance Sector Union (FSU) has successfully prosecuted Westpac in relation to an armed robbery at Westpac's Avalon branch on 21 September 2004. Staunton J found Westpac guilty and fined \$145,000.

The hold-up occurred when three men entered the Avalon branch; one of them climbed onto the counter and over the Anti-Jump Barrier (AJB) and bulkhead, to the employee side of the counter and demanded access to the cash handling area. A second man then gained access to that area and took money from the safe and removed money from three teller drawers. In total, approximately \$25,000 was stolen.

The employees were given trauma counselling after the robbery. The employees did not sustain any physical injuries. They returned to work the day after the robberies and had no time off. There were no workers compensation claims associated with the incident.

Westpac was charged with failure to ensure the health and safety of the employees who were held up in the robbery. The charge alleged that the bank failed to provide adequately designed and installed anti-jump barriers that extended full height from the banking counters to the ceiling and failed, in its risk assessment(s) to fully appreciate the risk of an offender climbing over the anti-jump barrier, having regard to the design of the anti-jump barrier.

These were the same charges which had resulted in ANZ being prosecuted and convicted on two previous occasions in relation to two armed hold-ups in its branches.

For a number of years prior to the Robbery the FSU and Westpac had been corresponding, and discussing in security work group meetings, security issues - including AJBs, their design and employee safety. As part of the documentary material presented to the court, the prosecutor provided evidence of a number of bank hold-ups at various branches through out New South Wales and the ACT between 1999 and 2002. The evidence provided by the prosecutor included some 23 letters exchanged between the FSU and the defendant from 1998 to 2002 discussing Security Work Group issues such as AJBs at various locations around New South Wales. A common element of many branch hold-ups had been counter jumping.

In sentencing, her Honour said: "The day to day operations of retail banking have long been recognised in the community as prime targets for robbery. As such, they represent workplaces with inherent risks to safety for staff employed in them and the public who use them... notwithstanding the security measures in place to deal with such an occurrence, the risk of a hold-up and breach of the cash handling area in a bank premises by an offender was foreseeable." [24-33]

In a letter to Westpac in relation to an armed hold up of the Cronulla branch, the FSU stressed the need for AJBs to extend all the way to the ceiling to prevent bandits from climbing over them. Furthermore, the manager of the Avalon branch had expressed a concern about the gap between the top of the bulkhead and the ceiling. A risk assessment was undertaken in response to these concerns. That assessment concluded that there was little to no risk of anyone climbing over the gap to gain access to behind the counter, because of the presence of the WSSC bars and the bulkhead. That assessment subsequently proved to be incorrect.

Her Honour said: "While it is fortunate that none of the employees who were present at the time of the hold-up suffered any physical injuries, the potential for serious injury was very real... The defendant's obligation to provide a workplace free of risks to safety extends to all the foreseeable consequences that could arise from a hold-up scenario. This includes risks not only to employees' physical safety but to their psychological safety as well." [45]-[46]

Geoff Derrick v Westpac Banking Corporation [2006] NSWIRComm 76

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Further information on this matter and other OHS legal issues may be obtained by contacting Michael Tooma directly through Michael.Tooma@deacons.com.au



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Sydney Ferries staff resume services after stop work

SYDNEY, April 13 2006

Ferry services to and from Sydney's Manly Wharf have resumed after a two-hour stop-work meeting by staff concerned about asbestos. An upgrade of the Manly wharf that began two months ago involved the removal of asbestos from the site.

Sydney Ferries staff at the wharf stopped work today after becoming concerned the asbestos might pose a threat to their health.

Sydney Ferries Corporation spokesman Scott Keenan said services from Manly were halted about 2pm (AEST). He said workplace investigator WorkCover was called in to inspect the site and address workers' concerns.

Staff have now returned to work and normal services resumed from Manly Wharf at 4pm (AEST), and from Circular Quay at 4.15pm (AEST).

Mr Keenan said a contractor licensed to remove asbestos had been used during the upgrade.
AAP

Stairs to be installed inside Sydney's rail tunnels

SYDNEY, April 16 2006

Sets of stairs are to be installed alongside Sydney's underground rail network as part of an evacuation plan for commuters in the event of a terrorist attack.

The stairs and sets of landings will be placed at 70 metre intervals along the tracks, with RailCorp also considering new devices that detect a chemical or biological attack on the rail network.

The Sunday Telegraph reports that the NSW government has issued tenders for more than 500 sets of the aluminium stairs that will allow 40 passengers a minute to disembark from carriages.

This is four times more than is possible in the current system of using ladders. Passengers will then be led out of tunnels along walkways to the nearest platform.

The Telegraph also reports that shutter doors will be installed at Sydney's underground train stations to seal them off in an emergency.

The first of these doors will be installed at Central Station immediately, costing \$50,000.

AAP

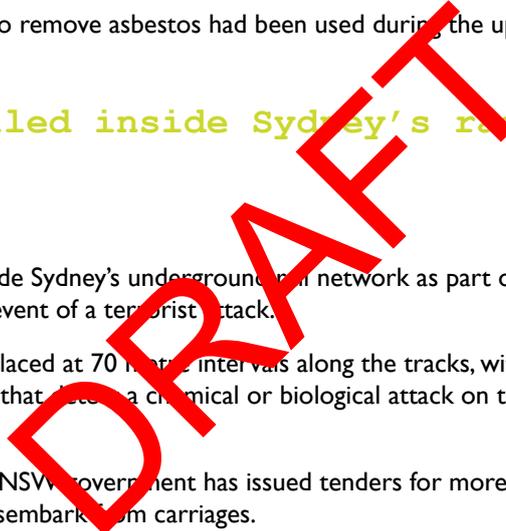
Adobe Acrobat 7.07 Information

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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