



SAFETY AT WORK BULLETIN

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 National Office: PO Box 2078, GLADSTONE PARK Victoria 3043
 Website: www.sia.org.au Email: natadmin@vic.sia.org.au

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Widow of Asbestos Victim Welcomes Law Changes

MELBOURNE, June 14 2006

A woman who campaigned with her dying husband to change laws limiting compensation to Victorian asbestos victims has welcomed a state government decision to exempt victims from caps on payouts.

Julie Stafford, whose husband Bruce died from the lung disease mesothelioma in January, said he had his compensation capped because he was not exposed to asbestos fibres while at work.

"Bruce's case identified the loophole that was here in the legislation in Victoria," Mrs Stafford said.

Under the Wrongs Act 1958, people exposed to asbestos at work were entitled to full compensation for loss of earnings but people exposed in non-related circumstances such as home renovation had their compensation payment capped.

Mr Stafford, a commercial estate agent, was exposed to asbestos dust 30 years ago when he cut asbestos cement sheeting to help his father build woolsheds on their farm at Hexham, near Mortlake in Victoria's south-west. He alleged that he inhaled asbestos dust and fibres when he scored and snapped the flat, pink sheeting and cut it to size with an angle grinder. At the time there were no warnings on the sheeting.

Mr Stafford initially sued manufacturer Amaca Pty Ltd, a former subsidiary of the James Hardie group and Wunderlich, under Victorian law but discovered that the Bracks government had capped compensation for economic loss for non-work related asbestos injuries.

His lawyer, Suzanne Sandford from Slater and Gordon, got around the capped limit by changing Mr Stafford's claim to one of misleading conduct under the federal Trade Practices Act, a tactic that has now been blocked by the federal government. He eventually settled the claim late last year.

Mrs Stafford, the author of Taste for Life cookbooks, said her husband's case identified that there would be a large group of people who would be affected by the loophole - such as home renovators and women who washed the clothes of husbands who had been exposed to the asbestos fibres.

"You've got enough on your plate with an asbestos-related disease diagnosis without having to worry about a major fight in the law courts," Mrs Stafford said. "Bruce was adamant that we should push toward correcting this for everyone that would follow."

Slater and Gordon said about half of the 300 asbestos compensation cases they dealt with each year were from people who had developed asbestos related diseases through non-work related circumstances.

Premier Steve Bracks said the change to the act recognised that asbestos-related cases had to be treated differently from other compensation claims. "These are illnesses which develop later in life, partly due to occupations of course, but sometimes not in occupational categories," Mr Bracks said. "Therefore they're a different category completely to those one-off accidents that might happen in the home and that's why they have to be treated differently."

Julie and Bruce Stafford were married for 27 years and have two children, Timothy, 26, and Cassie, 24.

AAP

Minister says the young most at risk by IR changes

ADELAIDE, June 15 2006

Many young people face being underpaid, bullied and harassed in the workplace because of the federal government's new industrial laws, the

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South Australian government says.

Launching a new union video on the issues facing young workers, Employment Minister Paul Caica said young people were the most vulnerable in the labour market because of the changes.

"We are going to see many more cases like those highlighted in this documentary of young people being underpaid with their wages, trying to cope with job insecurity, harassment and bullying and being put at risk with their health and safety in the workplace," Mr Caica said. "Federal Industrial Relations Minister Kevin Andrews keeps telling us that skill and labour shortages will mean higher wages and better conditions, otherwise workers will vote with their feet and find other jobs."

But the reality was very different, particularly at the low skill, highly casualised end of the workforce where young people tend to be concentrated, Mr Caica said. "Under the new federal laws, bad employers of young workers will get worse and good employers will be under a lot of pressure to compete with the bad ones over lower wages and poor conditions," he added.

He said young workers needed to be better educated and equipped to respond effectively to situations they might encounter in the workplace. AAP

Victorian man crushed in workplace accident

MELBOURNE, June 13 2006

A Victorian man has suffered serious head, neck and spinal injuries after being crushed in a workplace accident.

The steel fabrication worker, aged in his 50s, was carrying out maintenance on the steel bin of an excavator at Kerang, in north western Victoria, just before 3pm (AEST) when it fell on him.

"The chains holding the bin snapped and the bin came down on the worker," a police spokeswoman said.

WorkSafe spokesman Michael Birt said the bin weighed several hundred kilograms. He said the man, who had been working to replace the bin's metal lining, was taken to Kerang Hospital with life threatening injuries. "More people are hurt in country Victoria in workplace incidents than in metropolitan Melbourne, which has four times the population," he said. "We are very keen for people to take this incident as an opportunity to review their own system under which they work as both employees and employers. Cases like this do affect real workers, families and workmates, employees and communities." AAP

DHL receives \$1.1 million refund from improved Workers Comp rating

Sydney, 15 June 2006

When international express and logistics giant DHL discovered its workers compensation rating was below the industry standard, and as a result, its premiums would cost almost twice their estimate, it was decided more could and should be done to improve workplace safety. Two years on, a robust program has delivered an outstanding safety record, resulting in a cash refund of over \$1.1 million and its risk rating for workers compensation costs falling to 42 per cent below the industry average.

According to Harlis Malkic, General Manager, Australia, DHL Express, the success comes from making safety a priority for the company at every level, dedicating resources and promoting a proactive and collaborative culture.

"The first step was to work collaboratively with GIO, our insurer, to draft a Service Level Agreement with agreed Key Performance Indicators (KPIs). They would supply a dedicated claims team, a National Account Manager and financial support for a Risk Management project. On our part, DHL would commit to reducing the average

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LETTERS

[I have started to receive some submissions of odd OHS decisions. Thanks to those members who are sending them through. Please keep doing so.

We will be running them over the next couple of editions. Editor]

Is OHS A Joke?

Just read your article in the (June 12) SIA SAW Bulletin and whereas I am inclined to agree with the concept you were advocating I would like to point out that in my opinion there is a danger in conveying a message adamantly (and I believe that you were not) at the risk of missing some finer points that may allow a little bit of egg to end up on our faces. This is where the media (if you like) sometime likes to appear to "play" with our professional judgement. Personally I feel that they are quite often only attempting to make more "bullets" for the critics to fire.

Let me try to explain and in advance apologise for appearing to tell anyone how to suck eggs.

Sometimes as OHS practitioners we can simply overlook some of the more subtle nuances of the legislative requirements thinking that we may "know better". We realise that the requirements include an obligation to identify all foreseeable hazards in the workplace but sometimes we may be encouraged or persuaded to overlook, that the only way to meet this requirement is to involve (seek input if you like from) the ONLY person (the worker) who may be aware of some of the REAL hazards in the workplace (however small they may at first appear to others, including us).

To suggest that we as professionals (including the Company OHS specialist/manager) have all the answers in this regard is not only dangerous (to our profession) but also perhaps foolhardy given that the legislation also has a strict obligation for employers to consult with workers in this regard. As an OHS practitioner for quite a few years I have been reminded of this nuance more often than I would like to admit although I have covered a fair cross section of industries so I cannot claim to be a Master of many (if any). Perhaps obvious to some/most is the response often (now) given to a home owner who politely asks the tradesman/furniture deliverer to remove his shoes before walking on the nice clean light-coloured carpet inside their house, only to be told that OHS requirements don't "allow it".

Before any strong argument comes in response to what might be inferred here, let me stress that I am saying that in any situation (perhaps even your example) there is a desperate need to be sure that we consider the "experiences"

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cost of claims by 30 per cent in the first year and to do this we hired a full time Occupational Health and Safety (OHS) advisor with the skills and experience to make it all happen," he said.

The key to DHL's approach was making safety a focus from the top down.

"It was crucial to involve management from the start and encourage them to take ownership, so we made safety a KPI for all managers and linked it to performance reviews and bonus payments. However, we needed to ensure they had the resources and support to achieve results, and this was detailed in an annual OHS Management Plan that included self audits, consultation meetings and monthly injury and incident reporting tools."

"On the ground, the facilities managers used a hands on approach, and became the key drivers behind making safety a priority in day to day operations", said Mr. Malkic.

Changing the culture of the workplace was equally a priority for DHL, along with integrating OHS into the business operations.

"DHL's quality system, the Transportation Standardisation Program (TSP), has helped the organisation create some of the safest worksites in Australia. As well as aligning the OHS system, we also worked hard to promote a culture where everybody reported incidents early on. While this led to an increase in incident notifications, it also meant a decrease in claims. Communication also played a part – we have a monthly briefing to our Functional Management team, a National OHS Consultation program, and also a strong relationship with GIO and our rehabilitation provider" Mr. Malkic said. Source: DHL

Big business helping small business on safety 13 June 2006

NSW Minister for Commerce, John Della Bosca, today launched a unique pilot program to help small businesses and sub-contractors to improve workplace safety in the construction industry.

"The WorkCover Safe Business Mentoring Program is an exciting training concept being trialled among small construction businesses in NSW," said Mr Della Bosca.

The Minister launched the mentoring program this afternoon at the Bovis Lend Lease office at Millers Point, Sydney.

"In partnership with WorkCover, Bovis Lend Lease will mentor selected small construction businesses over a six-month period on the steps they can take to improve their level of workplace safety," said the Minister.

"Participants will take part in workshops, discussions and site visits with Bovis Lend Lease occupational health and safety officers to discuss specific areas of concern and how to improve them," he said. "At the end of the program, participants should see a marked improvement in their safety performance and have a better understanding of how to comply with occupational health and safety, workers compensation and injury management laws."

Mr Della Bosca said the program was a valuable opportunity for small businesses to learn first hand from a large, high-profile construction company.

"I congratulate Bovis Lend Lease for agreeing to pass on its expertise to smaller businesses and contractors," the Minister said.

The program forms part of the new direction for WorkCover as it continues to increase the information and assistance it provides to small business in NSW.

"WorkCover's Business Assistance Unit conducts free workshops and seminars around NSW each week, taking accurate workplace safety information direct to the regions and to individual workplaces through its

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of others too, lest we be fooled by confidence in our knowledge of SOME things that we may NOT know enough about. I totally agree with you on our responsibility to differentiate between the disciplines and often (but not always) I believe we do it well.

Nice article Kevin.

Ian McDonald

New South Wales

Is OHS A Joke?

I recently donated some bric-a-brac to the St Vincent De Paul Op Shop. There were several bedside lamps in the box.

I was told that electrical goods could not be accepted because of, wait for it, "occupational health and safety" reasons. When I questioned the recipient, he could not substantiate his statement.

I suggested that the real reason was that, if a future user received an electric shock, St Vinnies could be sued. He finally agreed that this was the reason.

Regards,

Alistair Allan

Victoria

Freak Accident

Dear Editor,

I would like to make comment re the final article in [Issue 54] involving the unfortunate death of a mechanic working on a concrete mixer.

Whilst those without specialist OHS knowledge in the media may present such articles, surely the term "freak accident" should not appear in a journal for safety professionals where by the circumstances surrounding the incident, i.e. loose clothing and a revolving drive shaft are far from freak in nature, quite the contrary.

Perhaps you should consider these issues when proofing such a document for presentation to our profession or highlight that these are direct grabs from a specific source in the media. I understand the disclaimer on the document relates to accuracy etc, however as a journal for our profession we should practice what we preach.

Forwarded for consideration as constructive comment.

Regards,

Andy Kimpton

South Australia

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new safety bus," said Mr Della Bosca. "At the completion of the six-month mentoring pilot, it is anticipated that the program will be rolled out to other industries."

Source: NSW Minister for Commerce

Plumbers hurt in Adelaide blast

ADELAIDE, June 16 2006

Two plumbers were slightly injured in a methane gas explosion while working in the basement of a multi-storey Adelaide building today.

SafeWork SA said the men were treated for minor burns at the Royal Adelaide Hospital.

The men were using oxy-acetylene equipment in the basement of the unoccupied CBD building in Grenfell Street to cut through a copper sewerage pipe when gas in the line ignited. Six people were in the basement area at the time.

Smoke quickly filled parts of the 11-storey building and fire crews were called to the scene amid fears of a major blaze. Peak-hour traffic was disrupted as police closed Grenfell Street and emergency services searched every floor of the building.

SafeWork SA executive director Michele Patterson said the incident was declared a dangerous occurrence and work stopped on the site. "No more work will commence until we're satisfied it can be done safely," she said. "We will then be interviewing witnesses and proceeding with a full investigation."

A Metropolitan Fire Service spokesman said it was initially unclear what processes the demolition company had in place to account for all workers on the site. "We were not too sure of the processes that the demolition company had in regard to counting people in and counting people out," he said. "So, because of that, we went through floor by floor."

Demolition and construction crews have been working on the building for several months as part of a plan to turn it into apartments.

Yesterday, a small fire was sparked in the old Reserve Bank building in the city which also is being renovated. AAP

Strange odour sparks evacuation of police station

BRISBANE, June 16 2006

A strange odour has forced the evacuation of about 100 staff from a Brisbane police station.

The Alderley police station in the city's north was evacuated at 9am (AEST) today due to the unknown substance's presence, police said.

No one had been affected, a police spokeswoman said.

A Queensland Fire and Rescue Service (QFRS) spokeswoman said firefighters arrived at the scene after police technicians reporting "smelling something". "Small traces of an unusual substance was found and it produced no flammable readings," she said.

The QFRS chemical unit are currently onsite carrying out gas tests and further investigations of the building. The spokeswoman said staff would only be allowed to return once the building was deemed "100 per cent safe". AAP

Blasts rock city building

ADELAIDE 16 June 2006

A series of explosions has rocked a multi-storey building in the centre of Adelaide causing chaos with peak-hour traffic.

The fire service says a demolition worker in the basement of the old Santos building in Grenfell Street cut through a sewerage pipe carrying methane gas triggering up to three explosions. No-one's thought to have been injured but a spokesman says they'll go through each of the 11 floors in the building to ensure everyone's safe.

Police expect Grenfell Street to remain closed to traffic for some time. Demolition and construction crews have been working on the old Santos building for several months as part of a plan to turn it into apartments. AAP

Work continues into blast at explosives factory

ADELAIDE, June 19 2006

More than 1,800 pieces of plant and equipment and 61 chemical samples have been taken as part of an investigation into the cause of a blast at an Adelaide explosives factory.

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SIA EVENTS

The Visions Conference 2006

Venue:

Rydges International Resort, Yeppoon, Queensland

August 30, 31 - September 1 2006

www.sia.org.au

The Safety Conference, Sydney NSW

17 - 19 October 2006

www.thesafetyshow.com

OTHER EVENTS

Crane Seminars In Queensland

Workplace Health and Safety Queensland will conduct a series of Queensland Crane Strategy Seminars across the state during the next few months.

Dates, times and bookings are available at <http://www.dir.qld.gov.au/workplace/training/events/cranes/index.htm>

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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Three people, Damian (Damian) Harris, 30, Matthew Keeley, 22, and Darren Millington, 41, were killed in the explosion last month which completely destroyed the factory building near Gladstone.

SafeWork SA said parts of the plant and equipment were in secure storage at the site ahead of transfer to a warehouse where the factory's process line would be reconstructed. SafeWork SA executive director Michele Patterson said it was expected to be several months before an accurate cause of the blast could be determined. "This is a process that cannot be rushed," Ms Patterson said. "Everyone in the community, especially the family and friends of the workers killed and those who survived, deserve the facts as to what happened on May 9. This can only be done through the meticulous, painstaking process underway now."

Ms Patterson said it was hoped a decision would be made this week as to how long the investigation would continue at Gladstone and to when Quin Investments, which operated the explosives plant, could resume work at other parts of the complex.

AAP

WA Work Safety Awards

June 16, 2006

Nominations for the 2006 Work Safety Awards WA close in two weeks, and WorkSafe is encouraging eligible nominees to get their entries in soon.

The Work Safety Awards WA recognise outstanding occupational safety and health management, solutions and innovations in Western Australian workplaces. WorkSafe WA Commissioner Nina Lyhne said today that the Awards provided an opportunity for innovative Western Australians to gain national recognition for their achievements.

"The winners of the new WA Awards are automatically entered into the Australia-wide National Safe Work Australia Awards," Ms Lyhne said.

Nominees can enter any of three award categories:

- Category 1 – Best workplace health and safety management system;
- Category 2 – Best solution to an identified workplace health and safety issue; or
- Category 3 – Best workplace health and safety practices in small business.

A panel of judges from industry, trade unions and government assesses all entries, shortlists entrants and chooses the winners, with awards to be presented at the annual Safety Achievers Dinner in October.

"The recognition to be gained through the National Safe Work Australia Awards is a terrific opportunity for entrants' achievements to be recognized across Australia," Ms Lyhne said. I encourage businesses of all sizes to nominate for the Work Safety Awards WA, and to give themselves the opportunity to have their excellent management, solutions and innovations appropriately recognized."

Nominations close on June 30, and further information can be obtained by telephoning the Manager Promotions on 9327 8657, or on the website at www.worksafe.wa.gov.au.

Source: DOCEP

Adobe Acrobat V7.08 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 7.08 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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Editor Kevin Jones
Editorial Inquiries +61 (0)3 9478 9484
jonesk@sia.org.au

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849 High Street, Regent VIC 3073 Australia
A.B.N. 68 091 088 621
www.safetyatwork.biz

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