



SAFETY AT WORK BULLETIN

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Changes to workers compensation pass parliament

27 March 2007

On the first anniversary of the controversial Work Choices reforms federal parliament's passed laws that restrict injured employees' eligibility for workers' compensation.

The government says it needs to narrow access to compensation to ensure the federal workers' compensation scheme Comcare remains financially viable.

It says courts have been too generous in awarding compensation to injured workers and predicts tightening eligibility for compensation would save 20 million dollars a year.

Mental stress has also now accounted for nearly a third of all claims accepted by the scheme.

Liberal Senator Eric Abetz says Comcare's total costs had risen from 47 million dollars in 2001-02 to nearly 105 million dollars in 2005-06.

The bill initially suffered a surprise defeat in the Senate tonight 31 votes to 30 after the government failed to ensure there were enough coalition senators in the chamber to pass it.

The result prompted disbelief from all parties and caused the bill to be sent back for a second vote a short time later after an explanation from stand-in government whip Stephen Parry.

AAP

Man crushed to death by 300kg stone slab PERTH, March 27 2006

A labourer has been crushed to death by a 300kg stone slab he was helping to move in Perth's north.

WorkSafe said it was investigating the death of the 43-year-old man at a stone working company in Wangara late yesterday.

It is believed he was helping to move the slab of engineered stone when it fell on him, WorkSafe said.

Inspectors arrived at the site soon after the incident, and would interview witnesses and continue to investigate, WorkSafe said.

WorkSafe WA Commissioner Nina Lyhne said any work related death was a tragedy.

AAP

Court fines CFMEU for telling workers they must be members SYDNEY, March 26 2006

A construction union has been fined \$20,000 after workers were told they were obliged to become financial members of a union to keep their jobs at NSW sites.

The Federal Court today also ordered the Construction, Forestry, Mining and Energy Union (CFMEU) to destroy all "code of conduct" forms which told union delegates to "ensure that all workers on site are financial members of the relevant union".

The orders come after the union was found last month to have contravened the Workplace Relations Act on January 19, 2004, when workers at a site in Fairy Meadow, north of Wollongong, were told by site safety officer Edmond Casper they were obliged to become members of the CFMEU or its NSW branch in order to work at the site.

It also found that Michael Lane, from the CFMEU office, made

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representations to two workers a month later, saying they needed to join the union to continue working at Fairy Meadow, or any other Wollongong site.

In handing down his decision today, Federal Court Justice Peter Graham ordered the CFMEU today to pay a total of \$10,000, and the union's NSW branch to pay an additional \$10,000, in penalties for the breaches.

Mr Casper was ordered to pay \$1,250 and Mr Lane was ordered to pay \$2,000 in penalties for the breaches.

The court also ordered the union to pay for full-page advertisements in a Sydney paper informing contractors and employees working or wishing to work on a building site that they "have a choice whether or not to join the CFMEU".

Lawyers for the CFMEU have not ruled out an appeal.

AAP

Adecco guilty of not helping injured worker back to work

30 March 2007

Labour hire company, Adecco Industrial Pty Ltd, pleaded guilty in the Melbourne Magistrates Court on Wednesday 28 March to failing to prepare a return to work plan for an injured worker.

The Court heard that after a casual process worker at a Knoxfield clothing wholesaler suffered a back injury in November 2005, Adecco failed to prepare a return to work plan. Three months later a plan had still not been completed.

Adecco was charged with not complying with the workers' compensation laws and was fined \$3,000 and ordered to pay costs of \$1,000 to the Victorian WorkCover Authority (VWA).

VWA Executive Director, Len Boehm, said helping an injured worker return to work is good for the worker, their families, workmates and for business

"This not only assists in the early recovery and rehabilitation of the worker, it reduces productivity losses and minimises the impact on an employer's workplace injury insurance costs.

"Followed by simply staying in touch with an injured worker, the preparation of a return to work plan is a critical step in the process of assisting injured workers back into the workplace."

Source: WorkCover

Labor condemns tightening of workplace compo

27 March 2007

Labor says employees who fall ill or are injured at work will miss out on compensation under federal government moves to restrict access to payments.

The government says it needs to narrow the criteria for compensation to ensure the federal workers' compensation scheme Comcare remains financially viable.

It says courts have been too generous in awarding compensation to injured employees and predicts it can save 20 million dollars a year by tightening eligibility.

The legislation is poised to pass the Senate today.

Labor Senator Penny Wong says it strips away workers' terms and conditions.

And Australian

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Safety In Action continues to shine

29 March 2007

The celebratory tenth Safety In Action trade show and conference drew big crowds and offered a host of new attractions for visitors.

Over its three days in March, 891 conference delegates heard from a list of high profile speakers that included Dr Barry Jones and celebrity chef Tobie Puttock. Meanwhile, 10,501 visitors from 17 countries, including New Zealand, the USA, the United Kingdom, Sweden, Hungary and Canada flocked to the Safety In Action and Melbourne Materials Handling Shows.

Three hundred exhibitors – 66 of them exhibiting at Safety In Action for the first time - brought together Australia's most comprehensive range of workplace safety products and services. Specialist tours guided visitors through the 12,000 square metre trade shows to examine developments in workplace wellness, spill control, machine guarding, height safety, forklift safety,

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Greens senator Rachel Siewert says there's no evidence to suggest the compensation scheme is in danger.

While Australian Democrats senator Andrew Murray says the legislation will result in poorer outcomes for injured workers.

AAP

Building company fined a total of \$12,500 over unsafe workplace

March 30, 2007

A Perth building company has been fined for failing to provide a safe workplace after live electrical cables were left exposed on a demolition site.

Prada Developments Pty Ltd was found guilty earlier this month and fined \$7500 with \$5000 costs in the Perth Magistrates Court this week.

In May 2005, employees of Prada Developments and an employee of a demolition company were engaged in demolishing a single-storey building in Noranda.

At the front of the building, an excavator was used to pull down a brick wall to which an electrical switchboard was attached, leaving the switchboard on the ground with the meter still attached and live electrical cables protruding from the ground.

One of the workers walked past the live cables and brushed them with a ladder he was carrying, blowing a hole in the ladder and giving the worker a minor electric shock.

The employer had contacted Western Power and believed the power had been disconnected, but had not checked that the standard orange sticker signifying disconnection had been applied.

WorkSafe WA Commissioner Nina Lyhne said today it was pure luck that prevented a potential electrocution on the demolition site.

"It is an unfortunate fact that 18 Western Australians have been electrocuted at work over the past eight years," Ms Lyhne said. "The number of lost-time injuries involving electricity is not high because incidents frequently prove to be fatal, and it was indeed fortunate that this incident did not add to the number of deaths.

"Not only did the company involved in this court case fail to ensure that the electricity supply to the site had been disconnected before demolition work began, they also failed to ensure that employees were made aware of the need to check for the orange sticker or to have a qualified electrician check the power supply.

"The fact that the employer failed to make sure that the electricity had been disconnected exposed everyone on the site to an unacceptable risk.

"It is a basic right of workers to return home healthy and uninjured after a day at work, and employers have a basic duty of care to ensure that happens."

Source: DOCEP

Man dies after pergola fall

MELBOURNE, March 27 2006

A builder has died in hospital after falling through the roof of a pergola he was constructing in the Victorian city of Bendigo.

The man, aged in his late 50s from the Bendigo suburb of Eaglehawk, fell through the pergola's plastic sheet roof to the ground at a property at nearby Epsom about 1pm (AEST) today. He later died in hospital.

The man's death takes Victoria's workplace death toll to 11, up from five at the same time last year.

Four of this year's deaths were in the construction industry, WorkSafe executive director John Merritt said.

Of the 41 workplace deaths since the beginning of last year, 11 were in the construction industry, he said.

"Planning a safe work site does not take long or add significant cost," he said. "Most importantly it protects workers, workmates and families the horror of a tragedy. It protects business. In small businesses, the injured person often is the business. They own it; they do the work alongside others."

AAP

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and bulk handling.

Hosted by the Victorian division of the Safety Institute of Australia and sponsored by WorkSafe Victoria, the conference and concurrent trade shows continue to enjoy support from industry, the profession and the regulator, says organiser, Marie Kinsella of Australian Exhibitions & Conferences.

"Safety In Action is such a strong show because it's evolving all the time and there's always something new to make it worthwhile for visitors to come back every year," Ms Kinsella said. "There aren't too many shows of this maturity that can say 22 per cent of the exhibitors are new and have whole new sections, like the workplace wellness feature, emerging."

In 2008, Safety In Action and Melbourne Materials Handling will be held from April 29 to May 1 at the Melbourne Exhibition Centre. In the meantime, the second Queensland Safety Show will run from June 19 to 21 this year at the Brisbane Exhibition Centre and the Safety Show Sydney is from October 24 to 26 at the Sydney Showground.

Source: AEC

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Repeated Long Haul Flights Cause Problems For Air Crew

March 30, 2007

Menstrual cycle problems and transient psychotic disorders are just some of the dangers faced by air crew who repeatedly work long haul routes, according to a Seminar in this week's issue of *The Lancet*.

The regularity of such journeys offers air crew no protection from the effects of jet lag, and can lead to decreased brain power and increased occurrence of major affective disorders.

Jim Waterhouse (Liverpool John Moores University, UK) and colleagues also looked at the effects of jet lag on athletes—finding impaired performance in training after crossing multiple time zones.

The symptoms of jet lag are diverse and are caused by inappropriate timing of the body clock in the new time zone. Sufferers report poor and interrupted sleep, early/delayed sleep depending on the direction of travel, mood changes, headaches, irritability and gastrointestinal difficulties. Flights east generally cause worse symptoms than those west. Sufferers of jetlag generally need a number of days to recover roughly equal to two thirds of the time zones crossed—with westbound flights, this number is half the time zones crossed.

The crossing of time zones disrupts the body's daily cycles (termed circadian rhythms). Sleep is badly affected because one such circadian rhythm—the body's core temperature—takes time to adjust. The hormone melatonin—usually secreted during sleep—is also implicated in jet lag symptoms. Journeys that cross three time zones or less are unlikely to cause jet lag. For journeys of over three time zones which will last less than three days, it is not worth adjusting the body clock.

For longer journeys (of over three time zones for more than three days), deliberately seeking or avoiding light at the new destination helps the body clock adjust, as does maintaining daytime alertness at the new destination by taking exercise and/or using regular stimulants such as caffeine. But they caution against the use of external melatonin until significant field studies have been completed.

The authors conclude: "A more detailed understanding of the molecular changes associated with time zone changes is needed, with a view to developing drugs to promote clock adjustment, and further assessments of new sleep-promoting and alertness promoting drugs."

Source: *The Lancet*

WorkCover releases half-year results

March 29 2007

WorkCover's unfunded liability has increased to \$722.7 million after a loss of \$28.6 million for the half-year to 31 December, 2006. The Scheme is 66.1 per cent funded.

WorkCover's financial result for the July-December 2006 period is primarily due to an increase in the estimate of costs for income maintenance (weekly payments). The Scheme's funding ratio has increased despite this loss because of an increase in the asset base, largely due to continued, strong investments. WorkCover remains cash flow positive.

The result compares with WorkCover's funding position at 30 June 2006, when the Scheme was 65 per cent funded, with an unfunded liability of \$694 million.

The average levy rate for 2007-08 will remain at 3.0 per cent.

"Earlier today, the Government acknowledged the need for substantial change to the WorkCover Scheme and announced that it intends to commission an independent review of the South Australian workers rehabilitation and compensation legislation," said WorkCover Board Chair, Bruce Carter.

"The Government's review is supported by the WorkCover Board and is consistent with the Board's position, outlined in our annual report released last December. Our position is that legislative change is required to ensure the Scheme is effective in supporting injured workers to recover and return to work at a reasonable cost to employers who fund the Scheme," said Mr Carter.

"We've significantly reformed the management of the Scheme over the past couple of years, largely focusing on improving return to work outcomes through stronger claims management.

"We appointed a single, proven claims agent, Employers Mutual, in January 2006 and we remain confident that their expertise will greatly enhance the performance of the Scheme. However, it has become increasingly clear that we have a different legislative framework here in South Australia compared with those States that have been so effective in improving return to work outcomes," Mr Carter said. "Our legislation has remained largely unchanged since the late-1980s. This is in contrast to other schemes' legislation which have been regularly reviewed and updated in line with changes to the business and social environment, and scheme costs.

"The WorkCover Board, in November 2006, proposed to the Government a range of legislative changes it believes will enable the South Australian Scheme to improve from having the worst return to work outcomes in the nation.

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“Achieving balanced and sustainable improvement will require a substantial collaborative effort of the Scheme’s stakeholders and we therefore welcome the Government’s intention to consult with stakeholders during this review,” Mr Carter said.

WorkCover CEO, Julia Davison, said the organisation would continue its urgent focus on better recovery rates and return to work outcomes. “Our recent improvements combined with this crucial legislative reform will ensure our Scheme continues to support injured workers and delivers better value for employers in this State, by achieving earlier, safe return to work,” Ms Davison said.

Source: WorkCover SA

New Guidance Notes

RoofTile Cutting Silica Dust Exposure

<http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/Home/Forms+and+Publications/Guidance+Notes/Roof+Tile+Cutting+Silica+Dust+Exposure>

Premium Public Ruling Owner Drivers

The Owner Driver Ruling is a six page ruling for the express purpose of providing hirers who engage owner drivers with an alternative to applying all the usual tests required by the law in order to determine which owner drivers should be included for premium calculation purposes.

<http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/Home/Forms+and+Publications/Educational+Material/Premium+Public+Ruling+Owner+Drivers>

Review of Work Health Act, Mining Management Act and Petroleum Act

March 29 2007

In 2006, the Northern Territory Government approved the amalgamation of the OHS regulatory functions from the Department of Planning and Infrastructure - Electrical Safety and the Department of Primary Industry, Fisheries and Mining - Mines Safety into the Department of Employment, Education and Training through NT WorkSafe. Concurrently, the Minister for Employment, Education and Training is seeking to ensure the Work Health Act, Regulations and penalties are contemporary Australian practice. To support these initiatives, Shaw Idea Pty Ltd has been commissioned to conduct a review of the Work Health Act, the Mining Management Act and the Petroleum Act.

Stakeholders are invited to provide input into the review. An issues paper has been developed by Shaw Idea outlining the requirements of the review and the issues to be further examined.

A Future Inquiry Workshop will be facilitated by Shaw Idea on 26 April 2007 to engage stakeholders. This workshop will aim to examine past problems and consider future directions from lessons learned. Please email debbi.rowlands@nt.gov.au if you would like to attend.

Source: NT WorkSafe

Finalists for national awards in occupational health and safety

21 March, 2007

Thirty-three finalists from across Australia will compete for national recognition as leaders in occupational health and safety, through the 2006 Safe Work Australia Awards. Announcing the finalists today, Minister for Employment and Workplace Relations, the Hon. Joe Hockey MP said that the Awards acknowledge organisations and individuals who have demonstrated leadership and innovation in improving safety at their workplace. The finalists are all winners of their state awards and are now competing for the national awards, which are an initiative of the Australian Safety and Compensation Council.

“More than 300 people die from work-related injuries each year. That’s too many lives lost,” Minister Hockey said. “In addition, 140 440 Australians suffered a work-related injury or disease during 2004–05. This equates to 385 employees each day who make an injury or disease related workers’ compensation claim involving one week or more off work.”

An independent judging panel will consider all finalist submissions in five categories. Details of the categories and finalists are attached. The 2006 Safe Work Australia Award winners will be announced by Minister Hockey and the Chairman of the Australian Safety and Compensation Council, Mr Bill Scales, at an official awards ceremony at Old Parliament House on the evening of Monday 23 April 2007.

Category 1 – Best Workplace Health and Safety Management System - recognises demonstrated commitment to continuous improvement of workplace health and safety outcomes through the implementation of an integrated systems approach.

Morshead Home (ACT)

Visionstream (Comcare)

William Carey Christian School (NSW)

Australian Country Choice (Qld)

Futuris Automotive Interiors (SA)

Teekay Shipping (Seacare)

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Works Infrastructure (Tas)
Hume City Council (Vic)
Ausclad Group of Companies (WA)

Category 2 – Best Solution to an Identified Workplace Health and Safety Issue - recognises excellence in developing and implementing a solution to an identified health and safety issue. Entries for this award may include a product solution, engineering innovation, a training program, an awareness raising activity or other risk control measure that reduces the risk of work-related injury and disease.

Family Based Respite Care (ACT)
JLG Prolift (NSW)

SA Country Fire Service (SA)

Farstad Shipping (Seacare)

Australian Paper Tasmania (Tas)

Australian Pacific Paper Products (Vic)

Royal Perth Hospital's Sir George Bedbrook Spinal Unit (WA)

Category 3 – Best Workplace Health and Safety Practices in Small Business - recognises achievement of small business to overcome the barriers to achieving excellence in health and safety outcomes within the workplace. This could cover a solution to an identified risk, a training program, toolbox talks about OHS or any other practice that has seen an improvement in OHS performance.

Platinum Freight Management (NSW)
Facility Construction Management (SA)
Scaffold Services Tasmania (Tas)
Asema International (Vic)

PW & CJ Bradford (WA)

Category 4 – Public Sector Leadership Award for Injury Prevention and Management - recognises government organisations that demonstrate excellence in leadership and commitment to OHS and injury management performance leading to continuous improvement in the workplace. This award is open to all levels of government (federal, state and local) and includes departments, agencies, authorities and government business enterprises.

Centrelink Area Central and Northern Queensland Railcorp Service Delivery Group Inner West/Bankstown (NSW)

Primary Industries and Resources SA (SA)

Environmental Protection Agency Queensland (Qld)

Category 5 – Best Individual Contribution to Workplace Health and Safety - recognises an individual such as a health and safety representative who is not a management employee, whose contribution has made an exceptional difference to health and safety in their workplace.

John Killeen, ACT Ambulance (ACT)

Michael Hauptmann, CSIRO (Comcare)

Robert Petrovski, TNT Australia (NSW) [joint winner]

Ron Christiansen, Transport Workers Union (NSW) [joint winner]

Marilyn Carter, Life Care (SA)

Lee Gravolin, Teekay Shipping (Seacare)

Brian Hoare, Tasmanian Alkaloids (Tas)

Yossi Berger, Australian Workers Union (Vic)

Source: Minister for Employment and Workplace Relations

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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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