Harmonisation
OHS goes national

Education & Training
A special OHS report

Best Practice
RTW for a shark victim

Industry
NSW Rural Fire Service
The countdown begins
The harmonisation of Australia’s OHS laws is set to take effect on 1 January 2012

Best practice:
The rehabilitation and RTW program for clearance diver and shark attack victim, Paul de Gelder

Safety business:
How safety professionals can develop negotiation skills needed to sit at the decision-making table

Industry:
The NSW Rural Fire Service and its large volunteer base face a unique number of safety-related challenges

Education & training report:
How OHS professionals can make the most of training and education initiatives

Event wrap up:
The OHS industry’s best came from around the country for this year’s Safety Conference Sydney
Improving OHS in the agricultural sector

While fatality and injury statistics for most industries are heading in the right direction, comparable performance improvements within the agricultural sector are yet to be seen.

While we see the fatality and injury statistics for most industries heading in the right direction—even within the high risk construction sector—we do not see comparable performance improvements within the agricultural sector.

There are many reasons for this, not least of which is the very nature of this small business based sector where the workplace is also the home and the dynamic nature of the environment and the product demands continuous adaptation of tasks and processes. In fact the work demands ingenuity and creativity and probably more than anywhere, rule-based procedures are largely irrelevant.

When there are incidents they are often significant owing to the large amounts of energy associated with the machinery, livestock and indeed in the environment. In recent history tractor rollovers were associated with the majority of fatalities and although frustratingly these have not been eliminated, the well known campaign for the fitting of roll-over protection structures and the improvement in machinery design has led to a significant reduction in these fatalities.

Today the most significant cause of machine-related death in the sector is quad bike use; there have been 140 deaths in Australia since the year 2000.

“Today the most significant cause of machine-related death in the sector is quad bike use; there have been 140 deaths in Australia since the year 2000”

name might have on the perception of the users regarding use.

However, solutions are not easily found given the vehicle design factors, the international base of the manufacturers, the widespread use internationally and, again, the very nature of industry within which they are used.

Therefore, important to the development of solutions has been and continues to be not only interstate but also international cooperation; recently HWSA (Heads of Workplace Safety Authorities) announced an initiative developed by a trans-Tasman quad bike industry working group which comprised not only manufacturers and unions but also automotive groups and farming groups.

The group has developed point of sale materials that offer guidance on purchase decisions as well as the fitting of roll over devices, undertaking training, using protective equipment, etc. While not a panacea, it is a good example of what can be achieved by cooperation and collaboration across state and international borders.

Cooperation at workplace level is essential to improving safety and there cannot be anyone who now doubts the benefits of worker involvement in health & safety as many did in the mid 1980’s. Cooperation at industry and governmental levels remains challenging but undoubtedly reaps significant rewards.

While the road towards national harmonisation of workplace health and safety legislation remains rocky it is good to see the small successes of other groups that are just getting on with things that make a difference out there.

Dr Steve Cowley, FSIA,
SIA National Publications, Editor

For more member information, visit www.sia.org.au
A new era for the SIA and its members

The Safety Institute of Australia is entering a new era, and this has been evidenced by a number of recent developments.

The SIA formed a new not-for-profit company limited by guarantee, called the Safety Institute of Australia Ltd, on 1 July 2011 after a member ballot supported the special resolutions required to effect the change from an incorporate association.

A 2011-2016 business plan and strategy was developed, following extensive strategic business planning held earlier in the year. This plan will assist the SIA in refining its business strategy and assist in providing a sustainable future for the organisation.

SIA memberships also exceeded 4000 for the first time, while student membership was introduced to encourage future leaders of the industry.

The institute participated in the drafting of the model regulations for national OHS harmonisation, while significant progress has been made in the development of the Core Body of Knowledge for generalist OHS professionals.

We provided members with access to the EBSCO Host electronic research database, the world’s leading premium research database service, while a National Conference Program (NCP) Project plan was established to streamline and coordinate an annual conference program for members and broader community.

One significant initiative the SIA launched was 30 Days of OHS, an initiative which promoted free health and safety industry insights and knowledge sharing amongst peers, and which established a foundation for continued online networking and idea generation.

30 Days of OHS was the first initiative of its kind in the health and safety industry and provided members and non-members with valuable information that built on the current resources provided by the SIA. This campaign provided a wonderful opportunity for a community of like-minded individuals to come together, collaborate, network and share resources without having to show up at the same time and place physically.

I would like to thank our members, our generous corporate and strategic partners and volunteers for making it possible to achieve a restructure and solid outlook for the SIA.

I would especially like to thank former CEO Gary Lawson-Smith for his strong leadership. Gary was pivotal to building an increasingly respected profile for the SIA as a professional organisation, sustained by membership growth and a healthy financial position.

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Builders call for delay in OHS harmonisation

A start date of 1 January 2012 for OHS harmonisation is not tenable because of delays in finalising the model regulations and codes of practice, according to the peak body for the building and construction industry. “Builders are seriously concerned about the practicality of a 1 January 2012 start date for OHS harmonisation,” said Wilhelm Harrisch, CEO of Master Builders Australia. “They need adequate time to assess the extent of the changes required to their systems and processes and to implement those changes.” He noted that companies are naturally reluctant to commit resources to changing systems and processes until they are certain of the exact nature of the obligations that will apply.

Room for improvement in compensated injury fatalities

There were 194 compensated fatalities recorded in Australia for the 2009–10 period, according to Safe Work Australia’s latest Comparative Performance Monitoring report on work health and safety and workers’ compensation outcomes. There has been a 25 per cent improvement in compensated fatalities since the start of the National OHS Strategy 2002-2012, according to Safe Work Australia Chair, Tom Phillips. However, he said considerably more work is required if the target of a 40 per cent reduction in the rate of injuries is to be achieved by 2012. “While some areas are recording a reduction in incidents and deaths, we still need to make sure this is consistent in all areas,” said Phillips.

Safety lessons from the Snowy Mountains Hydro Electric Scheme

Safety failings in the construction of the Snowy Mountains Hydro Electric Scheme were an inevitable product of the prevailing ethos of the time: “creating a safe worker rather than a safe place”, according to the Master Builders Association of Victoria. Where safety improvements for the project – in which 121 workers died over the approximately two decades of construction – were attempted, they were based on changing the behaviour of workers rather than modifying the work environment to make it as safe as possible, said OHS training coordinator for the Master Builders Association of Victoria, Fergus Robinson, who recently spoke at the Safety Conference Sydney.

ACT building industry cautioned over asbestos handling

The building industry is taking a cavalier attitude to handling of asbestos and potentially putting financial gain in front of their legal and moral responsibilities, according to ACT Work Safety Commissioner, Mark McCabe. The warning to the ACT building industry follows several recent asbestos-related incidents. One incident occurred at a residential construction site in Hackett and another involved the management of asbestos at a Boral warehouse in Fyshwick. “While the majority of people in the building industry understand only too well the dangers associated with dealing with asbestos, and the care that must be taken when handling it, a small number are ignoring the risks,” McCabe said.
Benefits of getting back on the job

Injured workers away from their workplace for more than one month have a 46 per cent chance of being off work for another nine weeks – and in mental stress cases, this figure rises to 67 per cent, according to Comcare research. Long-term absence from work can have a negative impact on injured workers' health and wellbeing, said Paul O'Connor, CEO of Comcare, which recently signed a consensus document together with the Royal Australian College of Physicians (RACP) and other professional bodies promoting the health benefits of work. "The more time spent off work, the slower the recovery. We need to help workers negotiate with their employers to get them back at work as soon as possible," said O'Connor.

Two get court for plank prank

It might have been a spur-of-the-moment decision for two Melbourne men, but joining the craze of planking and posting their exploits on Facebook cost them their jobs and landed them in court for taking part in what WorkSafe Victoria says was a potentially deadly activity. Stewart Kift, 49, and Cameron Denbesten, 28, were each fined $1500 after pleading guilty to charges laid under the Occupational Health and Safety Act in the Ringwood Magistrates Court. Kift was photographed by Denbesten about four metres off the ground on top of a spray booth at his employer's Bayswater business in May, while Denbesten was photographed by Kift planking across the tynes of a forklift about four metres above the ground.

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Dear Editor,

Although the limits of common sense have now been exceeded since the topic was first introduced by Steve Cowley in his ironically titled editorial “From Complexity to Simplicity”, (OHS Professional, October 2010), I am foolish enough to give it one more go.

My reason for writing a response to Steve Cowley’s original article, was to say that common sense, from an industry perspective, was identical to both good practice and the Robens’ concept of “reasonably practicable” and should be encouraged as the basis for good practice.

Subsequent letters have variously accused me of slander (Leo Ruschena March 2011) or ignorance (Steve Cowley September 2011) Steve using his experience of the failure of panel shops to use PPE as the failure of common sense as a reliable concept. Barry Sherriff’s point (March 2011) was that the SWA model Act has a bias toward safety, beyond common sense. This is obviously the case and so describes not just the legal imperative, but also the domain of professionals entering the discussion, whose role it is, in my opinion, to build on common sense by emphasising the imperative from a technical, organisational and legal point of view.

My point is that when professionals ignore the common sense of an industry, they invite ridicule as Steve Cowley has now done by suggesting that spraying isocyanates without PPE or spray booths reflects normal industry practice. As a consultant to the automotive industry and a contractor for more than 10 years to the VACC, the industry association to which Steve alludes, I have never seen among the hundreds of VACC member business I have provided services to, an accredited panel shop without a spray booth and relevant PPE as this has been part of the criteria for accreditation for at least a decade. Whether or not the equipment is used properly is another matter, which Steve demonstrated in his example, is the role of professionals and regulators.

I propose that the proper role of OHS professionals is to inform, facilitate and extend the common sense and good practice widely recognised within an industry. Not to complicate or confuse the issue with elitist nonsense that safety is more difficult than rocket science.

It is time for professionals to become proactive in the move from complexity to simplicity by their enthusiastic encouragement of common sense.

Warren Mills, director,
CR Management Systems

Dear Editor,

One sees a massive amount published about bullying but are we any further ahead?

Several years ago I taught the OHS component for a few human resources diploma stream.

I was fairly liberal on the range of safety topics for the major assignment and I was quite surprised about the large percentage who chose to write on bullying (over 60 per cent). A couple of the students’ statements really stuck with me: “Bullying is insidious” and “Bullies are very clever/sneaky in their methods and their responses to challenges” to their behaviour.

To drift off the subject slightly at the first lecture around the table I asked the usual questions, name?, some background? what do you expect out of this course? AND if you want to relate your worst safety experience over the last two years. The last of these made all what I had to say in the course sound perfunctorily boring; some descriptions from the class members were horrendous though not necessarily related to bullying.

At the last session as part of the anonymous course appraisals from the members, many said they got what they wanted and others would have liked more.

I suggest that telling employees not to bully might not be enough. Perhaps if at the lower echelons one teaches how to document enough evidence for a credible complaint meaning strong enough for damages to be forthcoming, then there is a powerful incentive for other workers to cease and desist. Common law may be a better avenue than criminal law for several reasons.

Jonathan Amies CFSIA
ignore the common sense of an legal point of view. from a technical, organisational and sense by emphasising the imperative is, in my opinion, to build on common entering the discussion, whose role it describes not just the legal imperative, This is obviously the case and so toward safety, beyond common sense. was that the SWA model Act has a bias shops to use PPE as the failure of panel March 2011) or ignorance (Steve accused me of slander (Leo Ruschena his experience of the failure of panel and should be encouraged as the concept of “reasonably practicable” both good practice and the Robens’ industry perspective, was identical to common sense as a reliable concept.

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Why don’t people just follow the rules?

A broader psychology-based approach to safety can be instrumental in achieving stronger, more sustainable results for all organisations, writes Dr Rod Gutierrez, principal psychologist for DuPont Sustainable Solutions

Chances are your organisation already has a number of safety rules, safety officers and a system to manage safety. However, despite our best efforts to increase safety in the workplace, incidents are still happening at a high rate.

According to the Australian Bureau of Statistics, there were 640,700 people who had a workplace injury in 2010. Although this is fewer than the 690,000 people who had a workplace injury in 2005, it appears our ability to further significantly reduce accidents has reached a plateau.

For many years, behaviour-based safety (BBS) programs were well suited to raising awareness of safety issues in the workplace. BBS is based on the premise that individuals are motivated to act safely through fear of repercussion rather than by a true internal commitment to safety. With BBS techniques ‘positive reinforcements’ tend to increase the likelihood of a particular behaviour reoccurring, whereas punishments or ‘negative reinforcements’ can reduce this likelihood.

However as the statistics suggest, such behaviour-based interventions have limited effectiveness over the longer term and do not sustain a continued reduction in safety incidents. We’ve reached the ‘BBS ceiling’.

Likewise, whilst systems, processes, regulations and tools all play an essential role when it comes to ensuring a safe working environment, it is equally important to understand the complexities of what makes individuals within the workforce act as they do.

“Behavioural interventions have limited effectiveness over the longer term and do not sustain a continued reduction in safety incidents”

The role of psychology

At DuPont we believe that the role psychology plays in workplace safety should not be underestimated and has far more to offer than the behavioural psychology paradigm.

As humans we have an inbuilt ability to adjust to our environment following prolonged exposure to it. It is the reason why people who live under an aeroplane flight path are seldom troubled by aircraft noise. In fact, they tend to notice more when the noise stops. In the same way workers can become accustomed to the consequences administered in response to their behaviour, be it safe or unsafe and thus effectiveness of the consequences eventually diminishes.

The most effective strategies for workplace safety include components of BBS coupled with other strategies that target the internal processes influencing safety behaviours and outcomes. This goes beyond influencing behaviour by external motivation and takes the form of an in-depth learning journey aimed at encouraging employees to choose to be safe; to acknowledge and assess their own safety (independence) and the safety of those around them (interdependence.)

The premise of cognitive psychology is that much of what influences our behaviour occurs ‘below the surface’ in our mental processing. Although behaviours and emotions can be readily observed, there are a number of internal processes that give rise to these behaviours.

Addressing these unobservable components, in collaboration with a more traditional BBS approach, can assist in ensuring workplace safety is managed to its optimum effectiveness.

Organisational culture

In addition, social influences such as an organisation’s culture and the style of leadership can change an employee’s thoughts, beliefs and values which, in turn, can shape their behaviour.

Organisational culture refers to things like the values, beliefs and accepted behaviours that employees share through myths, stories, rituals and specialised language. Consider the idiosyncrasies of your own work community for example: the symbolism of a corporate logo or the rituals of the Christmas party. This culture conveys a sense of identity for employees and can in turn facilitate a sense of commitment and act as a mechanism to guide and shape behaviour.

When an organisation includes safety as a part of its culture, it becomes an entrenched value that is vitally important at both an individual and group level. The presence of a robust ‘safety culture’ is a good predictor of safety performance behaviours, safety knowledge and safety motivation.

A “safety climate” is more about the perception of safety in the workplace. This is closely concerned with intangible issues such as the situational and environmental factors that affect workplace practices. The “safety climate” is relatively unstable, subject to change and based on management practices.

The adaptation of organisational culture and climate to incorporate a core safety component can help equip employees with a belief in the importance of safe behaviours. No longer are they adhering to safety rules because they are concerned about punishment or are anticipating reward, but because they genuinely believe it is the right way to act.

The involvement and acceptance of safety in an organisational culture is heavily reliant on visible, felt leadership. A clear safety vision and policy needs to be set and communication should be two-way. There needs to be continuous safety development activities and clarification of accountability and responsibility.

A safety culture can be achieved by ensuring organisational commitment, management involvement, employee empowerment and appropriate systems for reward and reporting. These mechanisms can help influence the thoughts and beliefs of employees through contextual and social influence.

Overall, a broader psychology-based approach to safety that takes into account both elements of behavioural and cognitive psychology along with social influences and shared belief systems can be instrumental in achieving stronger, more sustainable results for organisations of all shapes and sizes.
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The OHS Body of Knowledge

A core activity of OHS professionals is to initiate and manage change in the workplace to improve OHS, and the OHS Body of Knowledge project is about change in the profession, writes Pam Pryor

The OHS profession, particularly for those who carry out ‘generalist’ functions, is going through a time of change. OHS is considered an emerging profession; there are currently no education or experience requirements for employment in an OHS advisory role or to offer services as an OHS consultant. This lack of requirements for professional practice impacts on the quality of advice in the workplace, the recognition of those providing advice, and the ability of those providing advice to engage others in making change.

The need for certification of OHS professionals has been identified by many, including Chris Maxwell in his 2004 review of the Victorian OHS legislation and WorkSafe Victoria in their 2007 strategy initiative to ‘reposition the OHS professional’. However the development of professional certification for OHS generalists was inhibited by the lack of an agreed body of knowledge to underpin certification and accreditation of education programs.

“OHS is considered an emerging profession; there are currently no education or experience requirements for employment in an OHS advisory role or to offer services as an OHS consultant”

The Body of Knowledge

The Body of Knowledge project was initiated and funded by WorkSafe Victoria to address these deficiencies. While funded from Victoria and the activity is managed from Victoria it is national project with national implications.

Developing the core Body of Knowledge for generalist OHS professionals has been managed by a Technical Panel with representatives from the Safety Institute of Australia, RMIT University, University of Ballarat and Latrobe University. The work has extended over two years; involved extensive consultation with OHS professionals and OHS educators; the contribution of 39 authors; 30 peer reviewers; and an academic editor.

The result is due for publication before the end of 2011. The OHS Body of Knowledge framework and conceptual approach was presented at a recent workshop on international standards of OHS practice held in Istanbul by the International Network of OHS Professional Organisations (INSHPO) where it received resounding endorsement from the members of INSHPO as being a structure and approach which facilitated internationalisation. From an Australian perspective the Body of Knowledge will inform the development of OHS professional education, underpin accreditation of OHS professional education and certification, and provide a framework for continuing professional development of current professionals.

OHS education accreditation

Accreditation of OHS education programs was the second aim of the OHS Body of Knowledge project. In February the Health and Safety Professionals Alliance (HaSPA) approved a proposal for accreditation that has been developed through comparative analysis of how a number of Australian and international OHS and non-OHS professional bodies accredit their professional education programs. I was appointed the inaugural registrar of the Accreditation Board in April this year and the first meeting of the Board was held in August.

The Board is currently finalising the accreditation criteria and process and a pilot accreditation will be conducted this year. Universities are already lining up to go through the accreditation process next year. The advent of accredited OHS professional education will help inform the choices of potential students and provide guidance to employers and recruiters in selecting OHS advisors.

Professional certification

Work is continuing on the ultimate objective of the OHS Body of Knowledge project; professional certification. A proposal for professional certification for OHS generalists has been developed based on comparative analysis of how other professional bodies undertake certification, a number of focus groups with OHS professionals who employ OHS professionals, the Safety Institute of Australia, and also related OHS professional groups – the

Pam Pryor is the registrar of the Australian OHS Education Accreditation Board

Australian Institute of Occupational Hygienists, the Human Factors and Ergonomics Society and the Australian New Zealand Society of Occupational Medicine. This proposal for certification has three levels: Certified OHS Practitioner, Certified OHS Professional and Chartered OHS Professional. A small pilot certification program is planned for the end of 2011 to develop and test process, procedures and practical application.

A core activity of OHS professionals is to initiate and manage change in the workplace to improve OHS. The OHS Body of Knowledge project is about change in the profession. While these changes may present some personal challenges OHS professionals and practitioners need to embrace and become part of the change to reposition the OHS professional to not only receive personal benefits but so that the role of professionals and practitioners is recognised by industry, regulators, policy makers, as well as the general community.
Will harmonisation stand the test of time?

GERARD PHILLIPS, a partner with law firm Middletons, talks about the realities of OHS harmonisation in practice

Q. How effective will harmonisation be in practice post 1 Jan 2012?
A. The whole purpose of the harmonised scheme is to produce a single safety system for Australia rather than the seven disparate systems which currently exist. In my view, the scheme is unlikely to be as effective as it could have been because of the manner in which the Federal Government has decided to approach this problem. As a result of the High Court decision in the WorkChoices challenge, the Federal Government could have used the corporation’s power and passed one piece of legislation which would have covered the majority of the workforce.

By adopting the harmonisation path, that is relying upon each State government to pass identical legislation, the Federal Government has taken very much the second best option. As we have seen various State Governments such as Western Australia will not legislate the harmonised scheme in its entirety, there are certain pieces which they are going to leave out. At the time of writing, we have Victoria seeking a postponement of the commencement of the scheme by 12 months. These two examples alone reveal problems with the system even prior to its commencement.

“\textit{The longer time goes on, the more this harmony is likely to recede}”

Q. Will there be truly consistent national OHS laws in the future?
A. The answer to this question is unfortunately ‘no’. As I have described, State Parliaments such as Western Australia have already indicated that they will not be legislating the Model Act in its entirety. Indeed the model legislation does have various jurisdictional notes and it will certainly be possible for individual State Parliaments to legislate amendments to the harmonised laws as time goes by.

In my view, the harmony of the safety laws will be at their highest on the proposed commencement date of the scheme, that is on 1 January 2012. The longer time goes on, the more this harmony is likely to recede. This is a product of the manner in which the Federal Government has approached this problem as I have described above. The most effective way would have been for the Federal Government to have passed legislation which covered the field.

Q. What are the most common issues for national companies in this?
A. Obviously the most common challenge for a national company is having to contend with different laws or regulations in different states. This means that at least in relation to that duty safety systems can be geared to meet that obligation. However, a big challenge for companies under the harmonised scheme is the definition of a person conducting a business or undertaking (PCBU). This is an exceedingly wide duty and as it is obvious liability will no longer depend upon control of the workplace or the existence of an employment relationship. This is a definition wide enough to cover for example an investor or funder of a project. There is therefore a real challenge to persons conducting businesses or undertakings if there may be multiple PCBUs on a particular job all attempting to discharge their various obligations. The PCBU definition is a significant challenge under the new system. Since the PCBU may not have control, its capacity or ability to effect what may be going on in a workplace may be very limited.
Countdown to harmonisation

The harmonisation of Australia’s OHS laws is set to take effect on 1 January 2012. Craig Donaldson speaks with a number of employment law experts about harmonisation and examines the likely impact for employers.
OHS harmonisation has been a long time coming. With an implementation date of 1 January 2012, employers have been preparing themselves for a national OHS system. Most obligation holders are probably more ready than they appreciate, according to employment law experts. “In our experience, those who demonstrated high levels of compliance in the past, continue to demonstrate high levels of compliance going into harmonisation, whether it is about to commence for them on 1 January 2012, or later,” says Harold Downes, partner in the national employee relations team at Freehills.

“In most cases it has been fear of the unknown which has caused more anxiety than the actual work required to become completely harmonisation-compliant. And to be fair, being compliant with the relevant Act in each state is not likely to be as difficult to achieve, as becoming compliant with the regulations when we finally see them on a state by state basis.”

Andrew Douglas, a principal in workplace law at Macpherson+Kelley, says there are different segments of the business community that have varying levels of preparation. “Large mining, construction and manufacturing industries have invested significantly over the last five to ten years to develop occupational health and safety management systems with integrity,” says Douglas.

“These systems do not overly concentrate on historical lag indicators, are process orientated and increasingly look towards competence – beyond mere compliance. These organisations are well down the path of preparation.”

However, he says mid-level to smaller manufacturers, mining and constructions businesses have a long way to travel. “Most of these businesses have established policies and procedures and reports that look at lag indicators, they aren’t as skilled in safety, and their employees are not competent in safety. If harmonisation commences on 1 January 2012, these organisations will, by definition, not be compliant,” he says.

The professional services sector is overwhelmingly underprepared, says Douglas, who adds that the retail sales sector, wholesale and warehousing and logistics environment

“Officers cannot be satisfied that the workplace is safe unless the people who work beneath them in the chain of command are all competent in safety”
are similarly underprepared, have a very limited understanding of what harmonisation involves and will be mostly non-compliant come 1 January 2012.

“The reason for the above discrepancies is fairly clear. The majority of fatalities are inclined to be in mining, construction and manufacturing,” he says. “As a result, those industries have been more advanced in preventative safety, have invested considerably more in bringing safety skills into the business and strongly enforce safety protocols that exist within the business.”

Common preparation gaps

The most common gap in preparation for national OHS laws is the lack of competent capability, according to Douglas. “That is, the organisations that I commonly deal with have good policy and procedure infrastructure, training programs, audit/inspection processes and the like,” he says.

“What they don’t have is the competency necessary to support the positive due diligence test for officers. Officers cannot be satisfied that the workplace is safe unless the people who work beneath them in the chain of command are all competent in safety,” says Douglas, who believes this lack of capability means that most businesses will not comply with the new legislation when it comes into effect.

The second major gap is in reporting, according to Douglas. Although many organisations are quite sophisticated in reporting around lag indicators such as LTI, MTI, near misses and the like, he says there is little emphasis on lead indicators and almost no emphasis on serious risks of injury or illness, controls around this and the genuine business knowledge required by officers of the business as a whole.

Readying for harmonisation

There are a few things that are well worth doing in preparing for harmonisation, according to Downes. First, he says it is an excellent opportunity to get buy in from the senior executive level about the new Act. “There are many opportunities to be briefed about the Act. Some are better than others but some is better than none,” he says.

“In Queensland for example, I have found surprise when I have explained that it is a much fairer piece of legislation than what currently applies, particularly in respect of personal liability. Second, there is an opportunity to carefully consider what the scope of your obligation is and rearrange your safety management accordingly.”

Following on from this, Downes believes there are two things which will be important. “First, the greater clarity around the business or undertaking makes it possible for you to limit your exposure. On the basis that safety is enhanced when responsibility is closest to the locus of control, the concept of a person conducting business or undertaking (PCBU) invites you to rethink how you manage contractors,” he says.

“Give some thought to the drafting of workplace health and safety clauses in any form of contract (for example, EPCM, O&M,
supply agreement and/or service agreements) and ensure that you, as principal, are not reaching beyond the B or U of your PCBU. If you do, you invite exposure for prosecution and common law liability.”

Douglas says the first step is to acknowledge that as a business, they must move from the compliance paradigm to a competency paradigm. “That means a dramatic transition from OHS managers as policemen, to skills transfer experts. It is critical for all business that all employees within the business are competent in safety,” he says.

“This transfer of knowledge must come through the OHS managers as trainers and must be evidenced (a demonstration that each employee is competent). Unless and until the officers of a PCBU can be confident that its employees are competent in safety, they are exposed.”

**The future of harmonisation**

Harmonisation will occur across Australia and eventually, in terms of the principles, across all industries, according to Downes. “For example, mining in Queensland will take much longer, but in due course the Acts will be very similar whilst the regulations will be appropriate for mining,” he says.

“There can after all be no justification for one group of persons having a higher, or lower level of duty or protection than another. The duties owed and held by obligation holders, and enjoyed by persons affected by PCBUs should be consistent.”

Douglas laments the state of affairs when every regulator in each state and territory is ready to proceed, but relevant state and territory Governments are not. “There is no doubt that the Liberal states are pushing back as part of a political agenda to keep the focus in central politics on the Gillard Government,” he says.

“This is certainly true of Victoria, where WorkSafe Victoria were clearly ready to proceed with the harmonised legislation on 1 January 2012. There is simply no basis for the delay suggested by the State Government. I think it is inevitable that there will be delays and dislocation which will burden our business community and unravel much of the good work that has been done by business. I do think and hope that by 1 January 2013, all state and territories will have adopted the harmonised legislation.”

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**PREPARING FOR HARMONISATION**

One of the most important things to be aware of in OHS harmonisation is that it’s really harmonisation in name only. Differences are becoming apparent on how the states intend to adopt these laws, and it will still be necessary for businesses to know the law in each state if they operate in different jurisdictions, according to Kemp Strang’s Lisa Berton, a partner in employment law, and Ben Urry, an employment law specialist.

There are three key areas that companies can and should address now to be prepared for OHS harmonisation on and from 1 January 2012:

1. **Documentation, including policies, procedures and employment agreements, should be updated prior to the commencement of the new legislation. But it’s not enough to ‘massage’ these documents around the edges or tweak and recycle old ones. According to Urry the broader definitions of ‘worker’ and ‘workplace’ mean employers should take this opportunity to overhaul company policies and ensure they fully comply with new requirements and encompass the new definitions and concepts.**

2. **Consultation obligations. Companies are required to consult with concurrent duty holders (for example, suppliers, contractors, building owners or management) and workers on issues of workplace health and safety. Consultation is required in circumstances such as when identifying possible risks and safety hazards or proposing changes to the workplace with might affect health and safety. The level of consultation will depend on the seriousness of the risk and to the extent that it is ‘reasonably practicable’ to do so. “But without case law to define what is ‘reasonably practicable’, companies should err on the side of caution and do more rather than less when it comes to consultation” says Urry.**

3. **Officers’ exposure. Under the new laws, officers of companies (as that term is broadly defined in the Corporations Act 2001 (Cth)) now have an independent obligation to exercise due diligence to ensure that their respective PCBU complies with its work health and safety duties and obligations. Berton says it is crucial that those who are officers of organisations understand the positive obligations placed on them. This due diligence includes such things as keeping up to date knowledge of work health and safety matters and ensuring appropriate processes and procedures are in place to deal with risks, hazards and the consultation arrangements under the new laws. Failure to comply with this obligation may result in fines of up to $600,000 and/or five years’ imprisonment being meted out to officers. These penalties are in addition to corporations who will face fines of up to $3,000,000 and individual employees up to $300,000 and/or 5 years imprisonment.**
A shark attack victim’s rehabilitation and RTW program

On the morning of 11 February 2009, Royal Australian Navy (RAN) clearance diver, Paul de Gelder, was attacked by a bull shark while taking part in a clearance diving activity in Sydney Harbour. Quick action from his fellow clearance divers and subsequent emergency surgery at St Vincents Hospital saved de Gelder’s life. However, the attack resulted in him losing his right hand above the wrist and his right leg above the knee. As such, de Gelder has had to relearn how to walk and conduct many of his day-to-day activities. Quite apart from the routine activities of daily living, his rehabilitation into his role as a military diver involved a number of challenges not previously encountered by the Navy.

A SRCC Safety Award was recently awarded to the Department of Defence for its rehabilitation and return to work (RTW) program for clearance diver Paul de Gelder, who lost an arm and leg in a shark attack. Here, Defence outlines the program and the successes and challenges in returning de Gelder to work.
First steps
In November 2009, the Royal Australian Navy Dive School (RANDS) and the Submarine Underwater Medicine Unit (SUMU) were asked to consider if de Gelder could be rehabilitated in order to recommence work within the Navy Clearance Diving Branch. As his case was beyond the scope of past experience, discussions on the viability of the prospect began between key areas and staff – RANDS, SUMU medical staff, the contracted rehabilitation case manager, physiotherapists and occupational therapists.

All key participants agreed that rehabilitating de Gelder to a level where he could contribute as a clearance diver was worth striving for. While an end-state in this process was not clear, it was agreed that small goals would be set and later expanded upon as he progressed through the rehabilitation process.

There were two clear elements to de Gelder’s rehabilitation which were critical to the success of the program. Firstly, a shared sense of vision and commitment to the task being attempted. The second was the regular and open dialogue involving the various stakeholder groups, which notably included de Gelder. A structured and graduated program involving above-water activities ensuring safety and mobility around the workplace occurred before looking at fitness to resume diving activities. Paul’s own rehabilitation goals were to: resume his career in the RAN; deal with clearance divers on a daily basis; and make a positive contribution to training at RANDS.

Addressing the challenges
Being a navy diver is a highly specialised and unusual occupation, which is both physically and mentally demanding. Rehabilitation into a diving environment with all the inherent dangers involved in being both on and under the water created a number of unique challenges.

In an underwater environment, simple problems can rapidly evolve into life-threatening situations. Defence is obligated to provide a safe working environment for de Gelder as well as other navy divers. As such, it was important to establish and define de Gelder’s ability to operate in an underwater environment. Fortunately, de Gelder is an extremely focused and motivated individual who had the drive required to find innovative ways of achieving the objectives.

Rehabilitation in practice
For a return to diving, RANDS and SUMU broke down the intended role of a dive instructor at RANDS into a series of key competencies. De Gelder’s abilities were then tested against those competencies in a series of structured trials. This included demonstrating the ability to conduct safety based drills both for himself and a buddy diver, including the safe rescue of another diver, appropriate entry and exit of the water wearing full dive equipment, ability to carry and wear dive equipment on a boat or wharf and the ability to fin certain distances within a specific timeframe. These trials were replicated on a number of different dive sets, and gave an excellent and practical appreciation of de Gelder’s ability to dive safely.

Approval to conduct these trials required support from a number of different organisations in Defence and the support of senior leadership. Without strong support, none of this would have been possible.

Results
De Gelder’s rehabilitation is an ongoing process. He has returned to full-time work as an instructor at RANDS and has returned to military diving. Where his rehabilitation may ultimately conclude is not yet clear, de Gelder continues to move forward. What is clear is that he has already achieved more than many would have said was possible from the nature of his injuries. He has been able to do this because of his individual drive and determination, and because Defence committed to working with De Gelder in order to see what was possible, rather than making assumptions about what wasn’t.

Advice for OHS professionals
Don’t be afraid to challenge conventional wisdom, and to take a first principles approach to safety based issues, particularly where a technique or procedure may require some modification. What is critical is ensuring the outcome and level of safety is not compromised, rather than the technique or procedure itself.
Making the most of OHS training and education

As organisations seek to improve the effectiveness and efficiency of their learning and development initiatives, there is a significant shift occurring in the nature of OHS training, according to a number of experts.

“The traditional view is that the instructor is the font of all knowledge and pushes training out to individuals in the classroom,” says Ann Quach, general manager – training & improvement solutions at SAI Global. “However, we are now seeing a move towards an approach where learners are becoming more responsible for their own learning path, so they will be more active in searching for seeking out this learning content and being more active in the learning process.”

Associate Professor Warwick Pearse, the OHS course coordinator at the Queensland University of Technology, also observes that more employers are looking for graduates with relevant qualifications to fill OHS positions. “Traditionally the OHS professional was focused on the prevention of occupational injury and disease, as well as legislative compliance,” he says.

“However, there is a current trend towards expanding the role of the OHS professional. In some cases the expansion is into environmental management and in other cases into rehabilitation and return-to-work coordination.”

Drivers of training trends
OHS is a complex area, and the application of knowledge and evidence-based decision making can substantially assist in continuous improvement of OHS, quality and productivity, says Pearse. “Employers are finding that graduates with specialist training can assist by applying professional OHS skills and knowledge in the workplace,” he says.

Another factor driving change is that with labour and skill shortages in many industries, employers are paying more attention to providing a safe and healthy workplace as part of the strategy to attract and retain staff. “Related to the need to attract and retain staff some employers are also implementing more general health promotion activities to encourage their employees to adopt more healthy lifestyles,” he says.

Quach says that compliance is still one of the major drivers for OHS training and education. However, there are a number of other factors that are forcing companies to look at OHS training and education in other ways.

There has been an increase in high risk industries, including manufacturing, utilities, mining and construction, and companies in these industries are reluctant to take staff out of the workplace for training. “This becomes an issue where you’ve got manufacturing staff or production workers, and you really just cannot afford the time for them to be away...
OHS professionals could engage their leadership team to show support for what it is that they’re trying to do

Training and education challenges
Organisations face a number of different challenges in rolling out OHS education and training. These challenges depend on whether companies want to be just compliant or whether they want to embed a safety culture in their organisation.

"Obviously that requires thought around how much investment you want to put in the ability of your people. When you’ve got new legislation coming in, everybody’s aiming to meet requirements and comply with the new laws at a minimum,” says Quach.

"However, those who truly embed a culture in terms of safety and performance, they’re not just about ticking a box and saying ‘okay, we’ve met the legislation.’ They really focus on the capability of their people to the point where values are really demonstrated on a day-to-day basis. The challenges that companies face depend very much on which approach is taken.”

Pearse notes that in-house training programs and initiatives need to be developed in alignment with the strategic goals of the organisation. "There are cases where OHS training is provided as a ‘tick-box’ exercise for compliance purposes and does not contribute to real improvements in the way OHS is managed,” he says. “To be successful management at all levels needs to be involved in the design and implementation of OHS training. Externally provided training packages need to be tailored to the specific needs of the organisation.”

Gaining training traction
As such, Pearse says OHS professionals need to be involved in strategic planning and ensure that OHS training is valued for its contribution to the strategic direction of an organisation. “OHS professionals also need to identify and plan for OHS training and education of all levels of management in an organisation, as well as frontline employees,” he says.

Quach believes that it’s always best for OHS education and training initiatives to be led from the top. “If you want that kind of training to be accepted, and permeate throughout the company, it needs to be demonstrated at the top level,” she says.

“So it would be best if OHS professionals could engage their leadership team to show support for what it is that they’re trying to do. Too often it could be an initiative that’s set by the OHS manager who is sitting on the side, but they have no influence or no control over the broader organisation. If it’s just one of those things that the poor OHS person’s just put in place and they’ve got no resources and very little support, then it doesn’t really go anywhere.”

As such, for any major OHS training initiative to be successful, Quach says it has to start at the top and communicated and understood by employees at all levels.

Getting to the root cause of OHS problems
Modern accident theory identifies that most human errors that cause accidents result from organisational decisions, where...
OHS is not ever considered, according to Leo Ruschena, senior lecturer – OHS, in the RMIT’s school of applied science.

“It should be noted that this is not an esoteric concept unrelated to the real world, but large organisations such as BHP, Shell and others apply this theory in audits and accident investigations to try to reduce such organisational causes of accidents. However, these organisations are in a minority,” says Ruschena, who cites WorkSafe Victoria research which found that the majority of managers still hold a view that accidents are caused by careless workers.

As such, Ruschena questions how much OHS training is provided to industry managers to bring them up to speed on accident causation. “The new model WHS Act places new responsibilities on officers of organisations, and I expect that there will be many organisations who get lawyers or the like to brief the board and executive on their legal responsibilities,” he says.

“However these lawyers will talk purely on the law and not accident causation. This will not necessarily improve safety in the workplace if officers still believe that accidents are caused by careless workers.”

Ruschena gives the example of a postgraduate student who is implementing participative ergonomics programs related to hazardous manual tasks, the objective of which is to identify such tasks and develop corrective actions.
education and training

“We are now seeing a move towards an approach where learners are becoming more responsible for their own learning path.”

A qualifications perspective

As a major provider of CII, CIV and Diploma of OHS in every Territory and State of Australia, there are some noticeable trends in OHS education/training, according to Harold Baldry, managing director of HBA Learning Centres.

“The first element and frankly, one we find disturbing, is the demand for individuals to undertake the Diploma when they have not completed a Certificate IV,” he says. This is necessary to underpin knowledge that is necessary to understand the course, and although it may not be apparent, once the learner commences, Baldry says they are often overwhelmed by the content and context of learning.

Preferred pathways for candidates considering such qualifications include BSB41417 Certificate IV in Occupational Health and Safety or other relevant qualification/s, or “extensive vocational experience in providing guidance to others in matters relating to occupational health and safety without formal OHS qualifications”.

Under the rules of a training package, Baldry notes that the word “preferred” means it is not mandatory, thus it is left to the registered training organisation to identify whether it believes the learner can effectively complete the qualification. “We believe this should be changed and CIV should be a prerequisite for undertaking the Diploma,” he says.

“Clearly, enterprise is driving for the highest level qualification employees can hold and I believe it is this that is driving the demand for the Diploma. We see further demand for higher level OHS qualifications and we are currently addressing that by applying to add to our scope of registration the Advanced Diploma of OHS,” he says.

There is always a balancing act between the provision of high quality facilitation and assessment versus the requirements of the training package (which must be adhered to) versus the commercial reality of running a business, according to Baldry. “These three elements can be somewhat challenging and it is important a provider such as HBA does not allow one of them to ‘pull’ harder than any other. It is relatively easy to retain the fine balance necessary when operating a profitable business; I can but imagine how difficult this task must be in another set of circumstances,” he says.

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- Advanced Work Safely at Heights
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- Rope Rescue/Access
- Confined Space Rescue
- Tower Rescue
- Operate a Light Vehicle
- Operate and Maintain a 4WD Vehicle
- Operate Breathing Apparatus
- Gas Test Atmospheres
- Portable Fire Fighting Equipment
- Issue Work Permits
- Operate a Forklift
- Operate an EWP
- Verification of Competency
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Putting out OHS fires

The NSW Rural Fire Service and its large volunteer base face a unique number of safety-related challenges, writes Craig Donaldson

The NSW Rural Fire Service (NSWRFS) is the leading agency for bushfire management and mitigation in NSW. The service consists of 70,000 volunteer firefighters in 2,100 brigades across 143 rural fire districts in NSW. In addition to fighting fires across more than 95 per cent of the state, the NSWRFS also supports other agencies in emergency situations such as transport accidents, flood and storm and search and rescue situations.

On an OHS front, the service faces more than its fair share of challenges. Its volunteer workers come from a wide range of different backgrounds and cultures, according to Diane
Anderson of the NSWRFS’ health, safety and welfare (HSW) section, “Members all have different life experiences, personal perspectives and reasons for belonging to the NSWRFS – as well as varying time constraints and levels of training and fire experience,” she says.

“This means that safety programs must be developed and implemented to recognise and enhance these experiences, and the geographical locations of firefighters who are dispersed across the state from built up urban environments to remote rural locations.”

A culture of safety
The NSWRFS must ensure that training and information is consistent and appropriate across all locations, and Anderson says it uses a variety of mechanisms to provide information to NSWRFS staff and volunteer members. These include the volunteer website MyRFS, the staff Intranet site via the HSW webpage, and information provided through information stands at the annual Rural Fire Service Association conference, as well as State and Regional Championships and staff conferences where a range of health and safety information is provided to attendees.

All training provided by the NSWRFS learning and development section focuses specifically on volunteer safety; and this is demonstrated in a ‘It Only Takes a Second Program’ which was designed to be shown prior to the commencement of all formal training sessions, according to Anderson, who says the program focuses on the importance of wearing and using correct Personal Protective Equipment (PPE).

Specific safety programs
There are a number of elements to the NSWRFS’ OHS programs that stand out, one of which is the service’s asbestos decontamination kits and training. Following the development and distribution of the asbestos decontamination kits, Anderson says the HSW and L&D sections worked in close collaboration with WorkCover NSW to consolidate and implement the NSWRFS asbestos decontamination management system and develop the training programs associated with this program.

“This included testing the contents of the kits with a cross section of volunteers, and developing protocols and a training program for NSWRFS personnel who are required to provide an emergency response within areas identified or suspected of containing asbestos related hazards,” she says. The program has been nominated for the 2011 Premiers Public Sector and Risk Management Awards (PSRMA).

Another standout element is the “It only takes a second” program, according to Anderson. The NSWRFS’ HSW and L&D sections commenced a major PPE awareness promotion campaign designed to reinforce the critical nature of PPE on the fire ground, she says. “The campaign concentrates on the concept that it only takes a second to be injured, or it only takes a second to prevent an injury,” says Anderson. The program focuses on the five key areas of protective clothing and equipment such as Proban treated jackets and trousers, helmets, goggles, gloves and firefighting boots.

“A third standout element of OHS training within the NSWRFS is its approach to safe working on roofs. NSWRFS members are often required to undertake operational tasks involving working at heights to secure buildings after they have been involved in fire, and to assist other agencies while undertaking emergency repairs to buildings following severe storms, says Anderson.

The ‘safe working of roofs’ project was a collaborative project between operations, HSW and L&D staff to develop a safe working at heights system. The system consists of an operational protocol, a course guide and training workbook as well as a learning and assessment strategy. The training program is based on the National Unit of Competency RIIOHS2044Work Safety at Heights.

Anderson says the program was designed to broaden the NSWRFS scope of operations and enhance its capacity to support other emergency services organisations, and to ensure that NSWRFS fire fighters are able to undertake these tasks in a safe manner.

The program was a finalist in the 2009 WorkCover NSW Safe Work Awards in the Best solution to an identified workplace health and safety issue category.

A HISTORY OF THE NSW RURAL FIRE SERVICE

Prior to 1900: Group firefighting was fragmented and was often a case of every man/woman for themselves.

1896: Serious fires in NSW and Victoria were the catalyst for brigade formation. Berrigan in NSW claimed as the first brigade in Australia. First official mention of Berrigan Brigade is November 1900.

1906: A Local Government Act authorised local government councils to form bushfire brigades throughout the state.

Up to WWII: Not much progress.

WWII: Federal Government wartime security regulations required that the pace of the war effort be maintained. They imposed bush or rural fire prevention orders and set up a special Bush Fires (Emergency) Committee.

Post WWII: This Committee formed the basis of the post-war Bush Fire Committee from 1945 onwards, which developed the legislation that became the Bush Fires Act in 1949. One of the most important provisions was, for the first time, a Bush Fire Fighting Fund from which local government could purchase equipment for their brigades. The fund continues today with State and Local Governments and the insurance industry contributing.

1958: The first Fire Prevention Association was established, which was concerned with developing firebreak systems and other means of preventing fires on vacant Crown land.

1970: Amendments to the Bush Fires Act took into account problems arising from so many statutory and voluntary organisations involved in firefighting. The Bush Fire Committee was reformed into the Bush Fire Council with representatives from all organisations involved.

1990: The Department of Bush Fire Services was set up to administer the NSW Minister for Emergency Services’ responsibilities under the Bush Fires Act. NSW Bush Fire Brigades changed to the NSW Bush Fire Service.

December 1993 - January 1994: The most protracted and largest firefighting effort in Australian history with 20,000 firefighters deployed at over 800 fires throughout NSW.

September 1997: Following a lengthy Coronial Inquiry into the fires of 1993-4, the NSW State Government introduced legislation creating for the first time, a single rural fire service with a single chain of command. The Rural Fires Act, 1997 was proclaimed in September.

Today: Over 70,000 volunteer firefighters are formed into about 2,100 brigades in 143 rural fire districts. They fight fires in over 95 per cent of the State and are responsible for property protection in about 1,200 towns and villages.

Source: www.rfs.nsw.gov.au
Negotiating safety into the business plan

By developing negotiation skills needed to sit at the decision-making table, safety professionals will be able to champion and implement comprehensive safety plans, writes Patricia Kagerer

Conflict between the safety professional and the financial goals of the CFO is common. In one survey, 100 business leaders were asked how well their organisations managed risk. The research found that more than half of companies had at least one ‘near miss’ and one in three companies suffered significant damage as a result of failure to manage risk.

Risk management is still largely being driven by a need to meet regulatory demands. Although the awareness of the safety professional and CFO continue to increase about the necessity for a proactive risk management program, most organisations operate in the status quo. Progress on the concept of the safety culture has been slow. The measurement of safety performance hinders the progression of the industry.

The CFO in charge of navigating toward a more competitive, technological and capability-driven future cannot accomplish the goals by monitoring and controlling financial measures and measurement techniques that focus on past failures. While some organisations have embraced integrated safety into their core business goals, they are the exception.

For most, safety excellence only occurs when management demonstrate their commitment through actions, and their credibility by asking hourly workers to improve the system. There must be a proactive approach by line managers and supervisors and executives that is tied to a level of accountability.

Business strategy must move from measuring only one set of metrics (financial) to measuring complementary operational measures that address different organi-
sational aspects. A performance management system such as the “Balanced Score Card” measures four critical perspectives: the customer, internal business, innovation and learning and financial. Utilising the Balanced Score Card strategy, the safety professional can define the safety perspectives as:

- Identification of the stakeholder in safe work performance: Everyone – all levels of management and all workers.
- Define safety process and procedure: Everything that is done to make safety “work”: programs, training, audits, employee management, risk planning.
- Innovation in safety: Technological innovation, skill, and knowledge improvement, alignment.
- Safety performance management: Operational excellence, leadership, empowerment, performance standards, performance measurement.

This process ensures everyone will adopt behaviours and take the actions to achieve goals. The measure also provides an assessment of how everyone is accomplishing the central vision. The CFO has a process that effectively focuses all the efforts of the organisation towards the vision and has the information with which to manage effectively.

Safety professionals must be champions of change and convince management that their functions are critical for organisational success. A potential stumbling block is the intimidation factor in negotiating with top levels of management. It is imperative to develop negotiation skills needed to sit at the decision making table. By learning these, safety professionals will be able to move forward to champion and implement the plan.

This can be difficult due to factors such as corporate culture, structure, attitudes, beliefs and internal/external resistance. Executives must be open to a more constructive, integrative and comprehensive way to manage safety to maintain a competitive edge in the ever changing, competitive global business world. The safety professional is the key person in convincing management to embrace the change.

Preparation for negotiation
Preparation is the most important part of any negotiation. A negotiation plan must be simple, specific and flexible. The preparation of a negotiation planning worksheet will increase the likelihood of strategic responses and decisions when negotiating (see negotiation preparation worksheet below).

Power is the ability to convince the opposing party to give one what one wants even when incompatible with the opponent’s interests. A negotiator’s BATNA (Best Alternative to a Negotiated Agreement) is their greatest source of power. BATNA will help the negotiator determine the point at which he or she will not improve the situation by reaching an agreement. The negotiator should consider the BATNA of the other party. The safety professional’s BATNA is to have management agree to support the program with financial backing, changes in operations, and visible management commitment and involvement. The WATNA (Worst Alternative to Negotiated

### Negotiation Preparation Worksheet

<table>
<thead>
<tr>
<th>Parties</th>
<th>Interest</th>
<th>Leverage</th>
<th>Goal</th>
<th>Alternatives to Deal</th>
<th>Walk-a-way</th>
<th>Opening Offer</th>
<th>Concessions</th>
<th>Legitimising Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety professional</td>
<td>- Obtain management commitment for safety process</td>
<td>- Experience, knowledge, ability to improve performance and create change</td>
<td>- Implement an effective safety process</td>
<td>- Find a new job - Accept status quo - Change budgetary spending within own area</td>
<td>- Potentially life threatening scenario for work environment</td>
<td>- Budget increase of XX%</td>
<td>- Negotiate time and process commitments versus increase in budget</td>
<td>- Industry best practices, standards, books - Public opinion - Reputation</td>
</tr>
<tr>
<td>CFO</td>
<td>- Optimise organisations financial performance</td>
<td>- Financial resources</td>
<td>- Return on investment - Proper allocation of funds</td>
<td>- Hire a new safety manager - Accept status quo - Maintain spending level, but negotiate visible management commitment</td>
<td>- No evidence of value presented</td>
<td>- Budget stays the same - Budget decrease</td>
<td>- Negotiate time and process commitments versus increase in budget</td>
<td>- Consistency of measurement system - BLS reporting requirements</td>
</tr>
</tbody>
</table>
Agreement) is to remain with the status quo which may result in a catastrophic event.

The CFO’s BATNA is to reap the benefits of improved safety performance without impacting the financial performance of the organisation. The CFO’s WATNA is for the organisation to experience a catastrophic event that costs the company money, reputation, time and relationships.

Objective qualities and details supporting a position will influence bargaining. Stressing the advantages to the opposite side may seem obvious but many negotiators focus on why the agreement is important to them. Stress what the other side has to lose by maintaining the status quo. Loss aversion is a widely accepted psychological phenomenon. Instead of saying: “If you support the safety efforts, you will increase profits by 50 per cent” try “If you don’t support the process you will lose the opportunity to make 50 per cent more profit.” Always address the other side’s arguments and use objective sources to support your position.

The CFO has the clear advantage. The safety professional must not be intimidated by this. By presenting oneself as an expert, the safety professional will be afforded respect and credibility based on experience and accomplishments. The most powerful tool is the perception of trustworthiness. With a prepared, concise argument, the safety professional will increase his/her credibility by creating trust.

Time, persistence and patience all create power. Most people are not persistent enough. If a person responds negatively, they give up. Persistence pays off. Time changes perception. The safety professional must revisit options that satisfy his/her goals when they have not reached an acceptable agreement. By asking questions multiple times in multiple ways the results may change. A healthy dose of optimism when confronted with “no” will serve well.

### Business risk analysis

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What is the direct cost of accidents?</td>
<td>$</td>
</tr>
<tr>
<td>2</td>
<td>What is the cost of loss of production from injured workers?</td>
<td>$</td>
</tr>
<tr>
<td>3</td>
<td>What is the cost of modified duty restrictions?</td>
<td>$</td>
</tr>
<tr>
<td>4</td>
<td>What is the cost of increased insurance premiums?</td>
<td>$</td>
</tr>
<tr>
<td>5</td>
<td>Overtime costs for other employees performing job duties?</td>
<td>$</td>
</tr>
<tr>
<td>6</td>
<td>OSHA fines?</td>
<td>$</td>
</tr>
<tr>
<td>7</td>
<td>Cost of decreased production result from fear and lack of morale?</td>
<td>$</td>
</tr>
<tr>
<td>8</td>
<td>Cost to repair replaces damaged machinery?</td>
<td>$</td>
</tr>
<tr>
<td>9</td>
<td>Cost of production interruption?</td>
<td>$</td>
</tr>
<tr>
<td>10</td>
<td>Cost of delays in completion of work?</td>
<td>$</td>
</tr>
<tr>
<td>11</td>
<td>Cost of negative publicity and damage to company reputation?</td>
<td>$</td>
</tr>
<tr>
<td>12</td>
<td>Loss of contracts due to lack of safety and health programs?</td>
<td>$</td>
</tr>
<tr>
<td>13</td>
<td>How much will the organisation spend on:</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>• Lawyers</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>• Damage control</td>
<td>$</td>
</tr>
<tr>
<td>14</td>
<td>What pressures will years of poor safety performance have on my staff &amp; me?</td>
<td>$</td>
</tr>
<tr>
<td>15</td>
<td>What impact will the poor reputation of safety have on attracting and retaining employees?</td>
<td>$</td>
</tr>
<tr>
<td>16</td>
<td>What impact will accidents have on employee families and community?</td>
<td>$</td>
</tr>
</tbody>
</table>

**Attempt to put best/worst monetary values on each of these risks for you. Then add up best/worst totals.**

Patricia Koger is the vice president of risk and safety management for US-based CF Jordan Construction. She has received numerous professional awards and professional designations and is a frequent speaker and writer on risk management and safety-related topics.
Educated and entertained by safety’s best

The OHS industry’s best came from around the country for this year’s Safety Conference Sydney

Held from 25 to 27 October at Sydney Showgrounds, Sydney Olympic Park, the theme for this year’s Safety Conference Sydney was “2011 One Small Step: Gap analysis, planning and application.” The conference brought together a number of nationally recognised OHS experts and speakers, including WorkCover NSW’s John Watson, Professor Andrew Hopkins and the Australian Defence Force’s Lieutenant Colonel Sean Faulkner.

Gaps and codes: are you ready for the change?
The personal challenge was set on day one of The Safety Conference Sydney. John Watson, the general manager of WorkCover NSW’s WHS division, opened the conference with his keynote address.

Watson provided an overview of what to expect in the lead up to harmonisation on 1 January 2012. “Harmonisation is a far more workable scenario than what we have now. By proactively managing the risks we are ensuring that workplaces are safe, and that people go home at the end of the day,” he said.

Consultation will be key as employers move to the national harmonised legislation, with the Work Health and Safety Act allowing businesses to manage relationships between the employer and workers in a much more structured manner, said Watson.

A critique of safety behaviour programs
Recognising some of the underlying assumptions made about safe behaviour programs, Professor Andrew Hopkins, keynote presenter for the second day of the conference, said that if unsafe behaviour causes accidents, then accident prevention should be focused on modifying this behaviour.

This seems simple enough, until human factors are added to the equation, he said. Unsafe behaviour is the last link in a causal chain and is not necessarily the most effective link to focus on for the purposes of accident prevention, Hopkins added.

“Because behavioural safety has the worker at the forefront of the incident; it is too easy to allocate the blame to this person rather to look for an explanation,” he said.
A rare insight into the Australian Defence Force

Also speaking on the second day was the Australian Defence Force’s Lieutenant Colonel Sean Faulkner. “We understand that our personnel are our most valuable asset and [have to know] how we provide capability to government,” he said.

“Even though we ultimately put our people into harms way, keeping it simple has helped us prepare for harmonisation, come 1 January 2012.”

Providing a rare insight into the Australian Defence Force, Lieutenant Colonel Faulkner walked delegates through the process of preparing the organisation for change. “It was important for us to ensure that our people understood that the system we currently have is not broken, but that we are required to enhance and improve it under the new legislation.”

Find your inspiration to do things right

It is difficult to imagine arriving to work for a 12-hour shift and returning home some 321 hours later. This was the unfortunate reality for Todd Russell, one of the Beaconsfield mine survivors, when he became trapped with fellow miner Brant Webb almost one kilometre underground.

The Beaconsfield mine collapse, which saw the life of fellow miner Larry Knight taken, has changed Russell’s perspective on life. “Prior to 2006 I was a very selfish man,” said Russell, a keynote speaker on the third day of the conference.

“When you are in a situation like I was, it makes you realise what’s important. Workplace accidents are always going to happen but what we can do is make people more aware of their surroundings,” he said.

“I use my family for inspiration to do things right. People need to recognise that the consequences don’t stop with the individual. It has a flow on affect to family, friends and colleagues. It shouldn’t take someone losing their life to make a change”.

Everyone is a safety officer; speak up, ask questions

There is nothing quite as powerful as a workplace accident survivor sharing their story. Shane Bushell, another keynote presenter on the third day of the conference, recapped a tragic accident that took his hand, both of his legs and almost his life.

“After 23 years in the workforce I’d seen many workplace accidents and always thought ‘these blokes are stupid, they can’t even look after themselves’. That was until I knew a bloke that was killed in a workplace accident,” he said.

Having worked in the mining industry, Bushell was all too familiar with safety protocols and procedures. On his first day of a job at a recycling factory, there was no safety induction. The horrendous workplace accident occurred in 2009, but Bushell’s emotions are still raw.

“I should have walked away that day. If it doesn’t feel right it probably isn’t. There are plenty of other jobs out there,” he said.

“Everyone is a safety officer. Speak up. Ask questions. If you see someone doing something wrong, talk to them. Maybe you have seen something they have missed”.

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