

the monitor

Keeping all those with an interest in OHS informed of current developments in workplace health and safety nationally and internationally.



Issue 2 Vol 28 June 2021



Executive:

President	Les Vogiatzakis
Vice President	Dr Janis Jansz
A/Secretary	David Lampard
Treasurer	Lee Cherry

Committee

Dr KC Wan
Bronte Weekes
Peter Nicholls
Peter Rohan
Gwen Dempsey – resigned
Allaine Coleman
Sheryl Kelly (Co-opted member)

Contact details for the Society:

Mailing Address: c/- Secretary, OHSA(WA)
639 Murray St, West Perth, 6005

Email: ohswa@outlook.com.au

Website: www.ohsociety.com.au

In this issue

President's report	2
Membership reminder	3
In Events	4
First imprisonment under WA's workplace safety and health laws	5
New mines safety alerts	5
Public comment - Workplace behaviour	6
WHS charges upheld in NT perlite fatality case	6
Updated workplace traffic management guidance	6
Two-week work roster favoured by miners	7
COVID work arrangements increasing unhealthy sitting times	7
WHS manslaughter Bill introduced ahead of national vote	7
Working from home	8
Temporary COVID-19 regulations to end as planned	8
Work Related Fatalities	9
Murder inquest makes work safety recommendations	9
Competency assessment falsified before fatality	10
Fatality at Silver Lake underground mine	10
Poor health and distress increasing crash risks	11
Can bullying disturb sleep patterns?	11
Mine worker respiratory illness highlights need for PPE	12
New publication – Fit testing respiratory protective equipment	12
WorkWell Wednesday	12
QLD gives \$5m for lung disease research	13
Amendments to assist early detection of silicosis	13
Can my boss direct me to have a COVID job?	13
MineWell app to support health of workforce	14
ISO 45003 – new standard to support mental health	15
Free workplace psychosocial risk assessment tool	15
Fatigue Science's ReadiWatch Clock Face predicting fatigue	15
Members	17

President's Report

A challenging time for many this Monitor cycle. Some positives, and negatives, including a lapse of oversight Globally as many are rebounding, but may not be. It's always great to follow the likes of Dr John Campbell in the UK, and his energy following and sharing the global assessments and their progress around the globe.

We are seeing the real struggles in India as COVID-19 continues to bite into the rural areas and those who are already suffering, and now struggling with this pandemic on top, as their cities and large hospitals wait for oxygen. Let's not mention the oxygen manufacture incidents and plant fatalities.

We, too, are not immune and the pandemic continues with another lockdown in Victoria and a huge jump overnight.

Ironically, on the day when a record first imprisonment and sentencing has occurred under WA's workplace safety and health laws. Mr Withers was sentenced in the Esperance Magistrates Court to two years and two months' imprisonment following the 2020 death of a young worker and the serious injury of another. The charges included one of gross negligence against MT Sheds, for which the company was also fined \$550,000. The changes in legislation are progressing.

We look forward to more positive engagement of our members, with our next meeting in June, supported by our member and resident lawyer Peter McKay (AKA LEGO 'n' Legal on Linked In), our Ethics protagonist and Curtin University associate lecturer Matthew Davies in a few months with other amazing events proposed face to face and virtually.

Got to be happy living in Perth!

Keep smiling and talk to you all soon.

Les Vogiatzakis

PRESIDENT

MEMBERSHIP

If your name does not appear below, you are no longer a financial member of the Society, and this will be the last edition of the Monitor you will receive. You will also not be notified of any future events. A list of 2020 members is at the rear on the Monitor.

Please ensure you have renewed your membership as soon as possible.

If you have paid and your name does not appear below, please email the Society immediately - ohswa@outlook.com.au

Ordinary and Student Members

Ms Davina Blake
Ms Lee Cherry
Ms Allaine Coleman – Life Member
Dr Matthew Davies
Mrs Gwendoline Dempsey
Mrs Linda Elezovich
Mr Patrick Gilroy – Honorary member
Mr Antony Green
Ms Zoë Holdaway - Zone Workplace Health Solutions
Dr Janis Jansz - Curtin University
Ms Sheryl Kelly – Verum Solutions Australia
Mr Geoff Knight - Chaos WA
Mr David Lampard
Dr Evelyn Lee
Mr Guy Le Noir
Ms Shona Lindley
Mr Joseph Maglizza - Holcim (Australia) Pty Ltd
Ms Alison Martins OH&S Consulting
Mr Peter Mckay
Ms Glenda McMurtrie
Mr Scott Molloy
Ms Ting Ni
Mr Peter Nicholls – Mine Safety and Training
Mr Peter Rohan
Prof. Geoff Taylor – Life Member
Mr Lance Van Niekerk
Dr Kar Chan Wan - OccuMed
Ms Bronte Weekes
Mr Kevin White
Mr Hayden York

Student Members

Ms Emma D'Antoine – Student

Corporate Members

Dangerous Goods and Safety Services (Les Vogiatzakis - www.dgas.com.au)
Felgate Safety (Kaye Felgate)
OHMS Hygiene (Mr Ruairi Ward)

Resignation

The committee has recently been informed that Ms Gwen Dempsey, one of our committee members, has had to resign. Gwen has been a supporter of the Society for a considerable length of time, and it is with some regret that we have received her resignation from Committee.

This leaves a position on the committee vacant. If you would like to be co-opted onto the committee until our Annual General Meeting, please let the Society know. Email the Secretary on ohswa@outlook.com.au

Keep this date

Webinar – 28 July 2021

“Cross Jurisdiction and Industry Learning”

Presenter - Peter Mckay



More information will be forwarded.

IN EVENTS

On 24 March, the Society held its first event for 2021, a webinar, which was presented by Ryan Brogden. Ryan was the lead investigator for the Ammonium Nitrate Explosion just south of Charleville in Central Queensland. What a fantastic presentation it was. The Committee would like to extend its sincere appreciation to Ryan for taking the time to put the presentation together. Included are some photos of the incident.



Ryan Brogden from the Explosives Inspectorate at the Department of Natural Resources and Mines (DNRM) in Queensland was the lead investigator into the cause of the fire and explosion.



On the 5 September 2014, a road train carrying ammonium nitrate exploded just south of Charleville in Central Queensland. Miraculously there were no fatalities; however, eight people nearby sustained injuries, some seriously. The road and rail bridge over Angellala Creek were destroyed and vehicles in the nearby vicinity were seriously damaged.



Following the investigation, Ryan lead the National Informal Working Party on Ammonium Nitrate Transport consisting of regulators, ammonium nitrate transporters, ammonium nitrate manufacturers and emergency services, to implement the recommendations from the investigation.

Ryan's presentation focused on the investigation of the incident and the implementation of recommendations made in the regulatory landscape for ammonium nitrate and dangerous goods.

IN SAFETY

First imprisonment under WA's workplace safety and health laws



Director of MT Sheds (WA) Pty Ltd - Mark Thomas Withers – was sentenced in the Esperance Magistrates Court to two years and two months' imprisonment following the 2020 death of a young worker and the serious injury of another.

The charges included one of gross negligence against MT Sheds, for which the company was fined \$550,000. Mr Withers is to serve eight months of the sentence immediately, with the remaining 18 months suspended for 12 months. He was also fined \$2250 for operating a crane without the appropriate licence.

This sentence was passed under current occupational health and safety laws and similar penalties apply under mines safety legislation.

MT Sheds and Mr Withers pleaded guilty to a total of seven separate charges including charges in relation to the death of Jake Williams and serious injuries to Fraser Pinchin in March last year.

Mr Withers pleaded guilty to a charge that the company's gross negligence offence occurred with his consent or was attributable to his neglect. It was on this charge that Mr Withers was sentenced to imprisonment.

Other charges were that neither Mark Withers nor either of the two employees involved in the incident held High Risk Work Licences for work they were performing, and that MT Sheds allowed Jake Williams to do construction work when he did not hold a Construction Induction Training Certificate ("white card").

MT Sheds was fined a total of \$55,000 for these breaches of the *Occupational Safety and Health Regulations*.

The fines are the highest under the *Occupational Safety and Health Act*, following the McGowan Government's increase in penalties for breaches of the workplace safety laws in 2018.

The term of imprisonment of two years and two months is the longest term of imprisonment ever imposed for a work safety and health offence in Australia, and the eight-month immediate term of imprisonment is also the longest immediate term ever imposed for a work safety and health offence in Australia.

On the day of the incident, the two workers were installing roof sheets on a large machinery shed they were constructing on a farm for agricultural purposes without safety control measures in place.

A strong wind or willy-willy lifted a sheet from the pack of roof sheets they were working near, causing them both to fall from a significant height.

Jake Williams fell approximately nine metres from the apex of the roof, suffering fatal injuries, while Fraser Pinchin fell around seven metres from the roof's edge near the gutter line, suffering multiple fractures of the pelvis, hip, wrist and ribs.

WorkSafe WA Commissioner Darren Kavanagh stated that culpability for a work-related death did not get much worse than in this case.

Source – media release 25 May 2021

New mines safety alerts

The latest mines safety significant incident report and safety bulletin are now available.

SIR No. 286: Near miss following unplanned movement of autonomous haul trucks during recovery operations -

https://www.dmp.wa.gov.au/Documents/Safety/MSH_SIR_286.pdf

MSB No. 183: Hazard of lightning strikes on vehicles –

https://www.dmp.wa.gov.au/Documents/Safety/MSH_SB_183.pdf

Public comment - Workplace behaviour

WA's Commission for Occupational Safety and Health is seeking public comment on the code of practice for workplace behaviour.

The guidance in this draft code of practice should be considered in conjunction with the general duties in the *Occupational Safety and Health Act 1984* and the draft *Violence and aggression at work code of practice*.

Consultation period ends on 31 August 2021.

Any queries can be sent via email to safetycomms@dmirs.wa.gov.au

WHS charges upheld in NT perlite fatality case

A PCBU has unsuccessfully contended its fatality related WHS charges should be dismissed for being "ambiguous" and "prolix". A superior court found the particulars of the charges clearly accused the PCBU of failing to ensure workers complied with safety rules for confined spaces and creating the risk of almost certain death to any worker who fell because of that failure.

Whittens Pty Ltd failed to ensure its workers followed the safe work method, essentially by a failure to supervise their work.

In November 2017, Whittens employee Carl Delaney, 56, was performing repair work alone, and without his harness secured to anything, inside a large cryogenic tank at the INPEX-operated LNG facility in the Northern Territory when he fell into perlite powder and died from suffocation.

In 2019, Kawasaki Heavy Industries Ltd, subcontracted Whittens to perform the tank work. Both companies were both charged with breaching sections 19 (Primary duty of care) and 32 (Failure to comply with health and safety duty—Category 2) of the NT WHS Act in failing to provide and maintain a safe system of work or provide supervision.

Last year Whittens argued that the NT Work Health Authority's complaint against it did not expressly or adequately identify any action as a reasonably practicable measure that it should have taken to obviate the risk of a worker falling, being engulfed by perlite and suffocating.

It argued, among other things, that the Northern Territory Work Health Authority's complaint against it did not expressly or adequately identify any action as a reasonably practicable measure that it should have taken to obviate the risk of a worker falling, being engulfed by perlite and suffocating. The complaint listed steps it allegedly should have taken, it didn't explicitly state these were reasonably practicable steps or specifically allege that any failure to implement them constituted a section 19 breach.

It stated that workers in the tank were exposed to the risk of death because any worker who fell from the scaffolding would almost certainly be completely engulfed and suffocated by the two-metre-deep perlite powder below them, Judge Tong added.

The complaint went on to state that Whittens could have eliminated or mitigated the risk by ensuring confined space workers were overseen by a competent supervisor, assigning a confined space sentry at all times, prohibiting workers from working alone in confined spaces, and requiring workers to secure their harnesses to a suspension cable or approved beam before entering such a space.

Updated workplace traffic management guidance.

Safe Work Australia has updated its workplace traffic management guidance to include information on working on or near public roads.

When managing traffic on a public road, there are actions you should take to ensure the safety of workers and the public. This could include installation of barriers and warning devices to ensure workers and vehicles stay separated.

- [Workplace traffic management – general guide](#)
- [Traffic management guide – warehousing](#)
- [Traffic management guide – events](#)
- [Traffic management guide – construction work](#)
- [Information sheet – traffic management](#)

This guidance complements information issued by WHS regulators and local road authorities.

Two-week work roster favoured by miners



A survey conducted by the Mining People Independent have found that Australian mining industry workers have favoured the 14 days on, 14 days off FIFO (fly in, fly out) roster.

The survey asked 700 Australian mine workers what their preferred roster was, with 31 per cent of respondents choosing the 14/14 roster.

This was followed by the two weeks on, one week off schedule (21 per cent)

The question was previously asked in 2017, where workers preferred the eight days on, six days off schedule (30 per cent).

Thirty per cent of respondents stated the 14/14 roster was the most popular due to its balance between time at work and time off work.

COVID work arrangements increasing unhealthy sitting times

Employers must take steps to support the physical health and wellbeing of workers transitioning to new working arrangements because of the COVID-19 pandemic or other reasons, especially where these arrangements could continue indefinitely, according to Comcare's latest emerging evidence alert.

The 82-page alert – outlining peer-reviewed articles and reports on WHS and related issues published around the world in November and December 2020 – highlights an Irish and US study of more than 2,300 US workers, which identified a strong association between COVID-related working-from-home (WFH) arrangements and increased sedentary behaviour.

The study found 54 per cent of participants started WFH due to the pandemic, and subsequently spent a moderately greater time per day sitting and looking at screens than other workers.

This could be due to WFH workers performing longer work hours, attending screen-based meetings and having fewer opportunities to participate in activities outside of the home or office because of public health restrictions, the Irish and US researchers say.

They say it is likely their results point to WFH workers engaging in fewer light-intensity physical activities than before the pandemic, "which is a potential concern as [such activity] has been shown to benefit cardiometabolic health and may reduce overall mortality risk".

"Increases in sedentary behaviour are of major public health concern due to its known adverse effects on physical and mental health. Employers have a duty to preserve the health of their employees, which may also be associated with productivity and days lost to illness in the workplace," the researchers say.

"[WFH] is likely to continue and strategies that proactively address the associated potential increase in sedentary time are needed," they say.

According to Comcare, COVID-19 "paved the way" for many employers and workers to improve work-life balance through remote and flexible working arrangements, but this has also increased the risk of unhealthy sedentary behaviours.

Comcare notes it is supporting a national trial of free evidence-based program [BeUpstanding](#), which encourages workers to sit less and move more, and "is a good starting point for employers in addressing sedentary behaviours of desk-based workers".

WHS manslaughter Bill introduced ahead of national vote

NSW Shadow Industrial Relations Minister Adam Searle has introduced an Amendment Bill creating the offence of industrial manslaughter, just days ahead of a national meeting that is likely to vote on whether to add the offence to the model WHS laws.

As expected, the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021 includes maximum penalties of 25 years' jail for "senior officers" and \$10 million for bodies corporate that negligently or recklessly engage in conduct that "causes" the death of a worker or another person at a workplace.

The offence covers incidents where a worker or other person sustains injuries at a workplace and later dies from those injuries.

The Bill defines "causes" as "substantially contributes to".

Searle notified Parliament of plans to introduce the Bill in February. He said that in jurisdictions like Queensland and Victoria that recently introduced the offence, early reports suggested it has "sent a powerful message to industry" and employers "are working with renewed effort to raise the standards of behaviour and safety".

Last year, the NSW Opposition sought to add the offence to the State Government's Work Health and Safety Amendment (Review) Bill 2020, but the motion was defeated by 19 votes to 18 in the Legislative Council.

The Government reforms included clarifying that the death of a person at work might constitute manslaughter under the State Crimes Act, with a maximum penalty of 25 years' imprisonment.

If a majority of ministers vote in favour of the move at the 20 May meeting, this will increase the pressure on the harmonised jurisdictions without industrial manslaughter provisions (NSW, South Australia, Tasmania and the Commonwealth jurisdiction) to enact them.

Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021

Source – OHS Alert

Working from home



As we all get used to our new 'normal', we know many are finding working from home difficult—especially those without a dedicated, ergonomic office space to carry out your day. While this in and of itself can be a pain, it's also likely causing literal pains in your back, neck and eyes.

A few work-from-home tips to help you thrive in your makeshift office space.

- Do you have to read documents for your job? Make sure you don't read them from a flat surface because that means your neck is hanging down. If you deal with paper documents or use an iPad for viewing, invest in a vertical document holder. Have an old music stand? That will also do the trick.
- Sit back in your chair with your feet flat on the ground in front of you. We know, it's tempting to work from your comfortable couch but your back won't like it after a while. If your feet don't reach the floor when you're sitting back in your chair, grab a few books and place them under your feet as support.
- Standing desks may be all the rage, but use them in moderation. Why? Standing puts more stress and strain on our circulatory system (as well as the feet and legs) than sitting does. The best option is to alternate between your chair and standing desk hourly.
- Ditch the mouse pad with the squishy wrist rest. Having anything under your wrist can actually add compression on the median nerve.
- Make sure your screen or monitor is set up perpendicular to a window. This will help reduce glare from the light and minimize visual eye strain.
- Dealing with back pain, neck tension or headaches that you just can't seem to kick to the curb? A chiropractor may help.

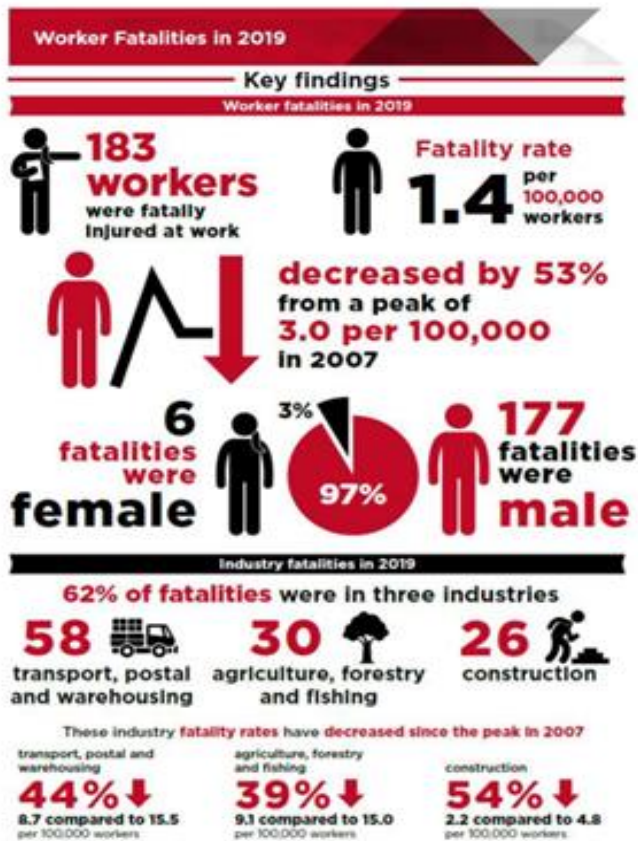
Source – Chelsea Chiropractic newsletter

Temporary COVID-19 regulations to end as planned

The Department of Mines, Industry Regulation and Safety is advising industry that the temporary amendments to the Mining Regulations 1981, introduced in 2020 to support prospectors and exploration licence holders during the COVID-19 pandemic, will cease as planned on 30 June 2021.

From 1 July 2021, an exemption from expenditure application should be made following the pre COVID-19 process. Further information about the standard DMIRS process is available online, along with a supporting guideline for industry.

Work Related Fatalities



Safe Work Australia has released the Work-related Traumatic Injury Fatalities Australia 2019 report, which provides the latest detailed national statistics on all workers and bystanders fatally injured at work.

The 2019 report shows that over the last decade, the number and rate of work-related fatalities have been gradually decreasing.

In 2007, the fatality rate was 3.0 fatalities per 100,000 workers. In 2019, this rate has decreased by 53% to 1.4 fatalities per 100,000 workers.

The report details that in 2019, 62% of worker fatalities occurred in the following industries:

- Transport, postal and warehousing (58 fatalities)
- Agriculture, forestry and fishing (30 fatalities)
- Construction (26 fatalities)

The most common causes of worker fatalities in 2019 were:

- Vehicle collisions (43%)
- Falls from a height (11%)
- Hit by falling objects (11%)

The report is on the SWA website - [Work-related Traumatic Injury Fatalities Australia 2019 report](#).

Murder inquest makes work safety recommendations

Laws and strategies created to protect remote health workers from violence, prompted by the murder of South Australian remote-area nurse Gayle Woodford, could be strengthened, with a coronial inquest identifying several concerning omissions.

Fifty-six-year-old Woodford was abducted from her employer-provided house, raped and murdered by Dudley Davey while on-call in Fregon in northern South Australia in March 2016.

SafeWork SA's initial investigation into her death found it wasn't work-related, but the regulator re-classified the murder as a work issue and reopened its investigation after Woodford's family raised concerns in a news program.

This and other matters prompted an Independent Commissioner Against Corruption inquiry into the regulator's "practices, policies and procedures", which led to 39 recommendations in a scathing November 2018 report.

Woodford's death inspired "Gayle's Law", which was introduced in South Australia in November 2017, and similar nurse-safety strategies in the Northern Territory.

Gayle's Law stipulated that remote health practitioners must not attend a callout during prescribed after-hour periods unless they were accompanied by a second responder.

Deputy State Coroner Anthony Schapel said in his 103-page judgment "For my part I would wish to point out two matters relating to Gayle's Law that might constitute matters of concern".

The first was that the legislation did not require a second responder to accompany a health practitioner during a journey to a place requiring health services, the Deputy State Coroner said.

A person might attend a nurse's home to make a bogus request to see a patient, resulting in the nurse accompanying the person on a journey, he found.

He called for a review of the Health Practitioner Regulation National Law (South Australia) Act 2010 and the relevant Regulations, to clarify whether a second responder was required when

patients presented at a health practitioner's home or on a practitioner's journey to a patient.

He found that on the balance of probabilities, on the night of her death Woodford "did forsake the protection of the cage for reasons that were medical and which were connected with a presentation by Dudley Davey at her house".

Deputy State Coroner Schapel's 12 recommendations were directed at police, the State Attorney-General and the Department for Correctional Services. He also said the NHC should establish processes to ensure health practitioners were "accompanied by a responsible person enroute on any callout regardless of the time of day or night".

The NHC should consider amending its policies and guidelines to ensure persons seeking its health services in remote areas did not do so in person at the home of the practitioner, he said.

[Inquest into the death of Gayle Elizabeth Woodford](#)

Source – OHS Alert

Competency assessment falsified before fatality

A workplace supervisor has been fined for unlawfully certifying a young worker as competent to operate machinery just weeks before the worker was killed. Meanwhile, a company and its director have been re-sentenced after successfully challenging a \$1.2 million fatality penalty.

The supervisor pleaded guilty to breaching section 31 of the Queensland *Mining and Quarrying Safety and Health Act 1999* and he was convicted and fined \$3,000, from a maximum available penalty of \$65,275 or six months' jail, in the Mackay Industrial Magistrates Court, which declined to record the conviction.

The supervisor was employed by a company that operated the Fairfield Quarry near Clermont.

On 24 October 2018, he conducted the induction training and competency assessments for a 21-year-old worker newly employed as a loader and excavator operator. Three weeks later, the young worker was fatally injured at the quarry when he became entangled in the rotating tail drum of a conveyor belt.

The State Department of Natural Resources, Mines and Energy (DNRME) stated it appeared the

tail drum's guard had been removed to allow rocks to be cleared from the area while the conveyor was operating.

The DNRME investigation found that during the induction, the supervisor allowed the worker to access the answer sheets for the questions in the theoretical component of the competency assessment, and the worker copied the answers verbatim.

For the practical component of the assessment, the supervisor marked the worker as competent without observing him operating a loader or excavator, as required by the process.

Magistrate James Morton heard the supervisor admitted to these breaches in a voluntary interview with DNRME investigators and was subsequently sacked by the quarrying company.

The Magistrate found the supervisor's managers might have contributed to his breaches, and the contributory conduct of both the supervisor and his managers appeared to be the industry norm.

The Magistrate stressed that the supervisor's actions still involved a flagrant disregard for workplace safety.

The absence of genuine tests of the young worker's proficiency in operating loaders and excavators created a risk of injury to the worker and others at the quarry.

Fatality at Silver Lake underground mine

Silver Lake Resources underground operations at an Eastern Goldfields mine in WA has been suspended after the death of a contractor on Thursday morning (10 June 2021).

An investigation into the circumstances of the contractor's passing is under way and the Western Australia Department of Mines, Industry Regulation and Safety has been notified. Underground operations at the Daisy Complex mine have been temporarily suspended in accordance with normal statutory requirements.

Poor health and distress increasing crash risks



Employers are being urged to devote more resources to the health and wellbeing of truck drivers, with the ongoing Driving Health study finding nearly a third of drivers suffer multiple health conditions, significantly increasing their risk of crashing.

The largest ever study of the physical and mental health of Australian drivers, conducted by Monash University in partnership with the Transport Workers Union, Linfox and the NSW Centre for Work Health and Safety, found having three or more chronic conditions nearly doubles the odds of experiencing a crash.

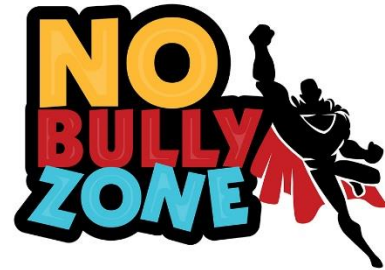
It found a staggeringly high number of truck drivers (more than 80%) are overweight or obese, more than 70 per cent live with chronic pain and more than a third have been diagnosed with back problems. One in four have high blood pressure and one in five have been diagnosed with mental health problems like depression and anxiety, it found.

TWU national secretary Michael Kaine said that the results are "utterly shocking" in revealing how poor the health of truck drivers is.

Major retailers, manufacturers and oil companies continually demand lower cost contracts from transport operators, resulting in the industry subsisting on tight margins and causing long hours, stress and injuries for drivers, Kaine said.

The study found health challenges are similar for long and short-haul drivers and irrespective of whether they are employees or owner drivers.

Source – OHS Alert



Can bullying disturb sleep patterns?

Work and sleep are closely interrelated in everyday life and there is emerging evidence that exposure to workplace bullying is a key risk factor for the development of sleep problems.

A recent systematic review and meta-analysis found bullied workers are 2.3 times more likely to report sleep problems than other workers.

According to the researchers, repetitive thoughts about negative work experiences and the inability to switch off from such thoughts have been shown to be risk factors for sleep problems, by increasing arousal and physical activation and disturbing sleep patterns.

A number of studies show that exposure to bullying is associated with symptoms of post-traumatic stress, a form of stress response that among others is characterised by hyperarousal, nightmares, and other sleep difficulties.

The findings of the present study indicate that measures against bullying at the workplace can be beneficial concerning reducing sleep problems among employees.

Nielsen's other studies have shown that victimisation from bullying is associated with a 55 per cent "excess risk" for disability retirement and that encouraging workers to intervene when they witness bullying can be beneficial for both the bystander and the bullying victim.

[Associations between exposure to workplace bullying and insomnia: a cross-lagged prospective study of causal directions.](#) Morten Nielsen, et al, Norway, *International Archives of Occupational and Environmental Health*, online first February 2021, doi: 0.1007/s00420-020-01618-2.

Mine worker respiratory illness highlights need for PPE



A mobile plant operator at the Maules Creek coal mine in New South Wales has been diagnosed with a lung disease after working in the mining and non-mining sectors for more than 35 years, spending half of his career working in civil works projects, with the remainder of his time spent in the open cut coal mining sector.

Towards the end of his career in civil works, he operated mobile plant equipped with enclosed cabins and air conditioning systems.

These air conditioning units had often become clogged and stopped working, according to the New South Wales Resources Regulator.

The worker was also involved in mine construction and the extraction of coal from 1997 to 2013, during which time a strong message about dust protection was ignored in practice.

“He never wore a dust mask in this period and was never asked to wear one,” the regulator stated.

Prior to the diagnosis, the worker suffered from a rapid heart rate caused by breathing difficulties, after which he was diagnosed with contracted pulmonary fibrosis (due to scarring of the lung) and emphysema (shortness of breath).

A physician reported last year that his emphysema was predominantly caused by cigarette smoking, but it was likely that his “dust exposure at work made a contribution” to its development.

The physician couldn’t determine the cause of his pulmonary fibrosis.

“(It) is believed to be coal and silica dust exposure,” the resources regulator stated.

“This is due to ‘his history of significant dust exposure, CT appearances and absence of any other likely cause.’”

The regulator advised mine operators to review and verify the adequacy of their hazard management plan for airborne contaminants, including the hierarchy of controls, mine ventilation and supply of personal protective equipment (PPE).

“Workers must utilise the lower order control of wearing respiratory protective equipment (RPE) to complement higher order controls in the workplace,” the regulator stated.

Source - Mining - Safe to Work

New publication – Fit testing respiratory protective equipment

The Occupational Safety and Health laws in WA require employers to ensure that where respiratory protective equipment is needed to protect health, these are correctly fitted. The Department of Mines, Industry Regulation and Safety have released an information sheet to assist you in meeting these requirements.

[Information sheet - Respiratory protective equipment - Fit testing requirement](#)

WorkWell Wednesday

Discover how senior leadership at the Victorian Environmental Water Holder (VEWH) have re-designed their roles to better support their staff, create a mentally healthy workforce, and drive better business outcomes with an innovative, but not unheard of, Co-CEO arrangement.

The Co-CEO arrangement has allowed the VEWH to not only retain the best staff and bring two minds to strategy and planning, but also demonstrates leaderships commitment to implement innovative solutions to support a thriving and mentally healthy workplace.

To learn more about the role of leadership in creating mentally healthy workplace or to access the latest research, visit the WorkWell website - [WorkWell Case Study Video 1/3 \(worksafe.vic.gov.au\)](#)

QLD gives \$5m for lung disease research



The Queensland Government has invested \$5 million into researching and providing treatment for lung diseases common with mine workers.

Lung diseases including silicosis and coal workers' pneumoconiosis (black lung) will be included in the research, which will take place from 2021 to 2023.

WorkSafe Queensland stated the research will help identify factors that determine disease severity and risk of disease progression, the efficacy and sensitivity of methods used to diagnose lung-disease patients and understanding the development of the diseases.

The funding will be provided to researchers in the form of grants, with expressions of interest open at QTenders until June 14.

Applications will be assessed by health, safety, medical and research experts with successful applicants announced in August.

Source - Mining - Safe to Work

Amendments to assist early detection of silicosis

Amendments to the *Occupational Safety and Health Regulations 1996*, relating to health surveillance for workers exposed to respirable crystalline silica come into effect on 15 April 2021. The amendments will require employers to provide a low-dose High Resolution Computed Tomography (HRCT) scan, supervised by an appointed medical practitioner, instead of the previously required chest X-ray.

Western Australia is the first jurisdiction to prescribe a low dose HRCT scan for crystalline silica health surveillance.

Can my boss direct me to have a COVID jab?



Whether a private employer can direct its employees to be vaccinated is a multi-faceted issue and one that will clearly emerge over the forthcoming months. Partner of Law firm Hall & Willcox, Karl Rozenbergs, and Lawyer Anthony Hallal discuss the legal implications of vaccination at work.

The central question is whether an employer's direction to be vaccinated is lawful and reasonable.

Employees have a legal obligation to comply with their employer's directions if those directions are lawful and reasonable. An employee who fails to do so may be subject to disciplinary action, up to and including dismissal.

Lawful and reasonable direction

Whether a direction to be vaccinated is lawful and reasonable will vary depending on the circumstances. For example, what is reasonable in the context of a business that involves extensive physical interaction, such as an aged care facility, will differ from reasonableness in the context of an office.

Various factors may impact the lawfulness and reasonableness of a particular direction, including:

- the employer's workplace health and safety obligations;
- the employer's common law duties of care;
- whether the direction constitutes discrimination of the sort prohibited by Australia's anti-discrimination regime;
- human rights legislation such as Victoria's Charter of Rights and Responsibilities (depending on the jurisdiction and the nature of the employer);
- any relevant provisions in an applicable employment contract, modern award, or enterprise agreement;

- any relevant consultation obligations;
- the availability of reasonable exemptions to the direction, and the availability of effective alternatives to vaccination (such as the use of personal protective equipment); and
- whether the employee can perform the inherent requirements of their position without being vaccinated.

Practical issues

Even if it is determined that a particular employer can lawfully and reasonably direct their employees to be vaccinated, other practical issues need to be considered. For example:

- How will the employer determine whether their employees have actually been vaccinated? One option is to simply take employees on their word or to require employees to provide a written acknowledgment that they had the vaccine. A second option is to require employees to complete a statutory declaration confirming that they have been vaccinated. A third option is to require formal medical evidence or certification.
- Privacy is another significant issue that employers must consider. Australian law regulates the collection, use, storage and handling of personal or health information. Employers must ensure that they are complying with those laws. They may require specific legal advice in that regard.
- Employers must consider how they will respond to employees who refuse the vaccine. One option that may be available to some employers is to move, or formally redeploy, the unvaccinated employee to a part of the business in which the employee would be physically distanced from others. Disciplinary action including dismissal is another option. Each response to refusal poses different risks to the employer, and should therefore be considered carefully. Additionally, employers must ensure that they are consistent in their response to refusals. If one employee’s refusal is dealt with more aggressively than the refusal of another employee in similar circumstances, then that kind of differential treatment might expose the employer to liability. Developing a workplace policy on vaccinations may be helpful in that regard.

Guidance from the Fair Work Commission

This issue has recently come before the Fair Work Commission on several occasions, but has not yet been determined.

For example, on two occasions, the applications were submitted out of time and so no determination was made.^[1]

More recently, the issue came before the Commission in *Glover v Ozcare* [2021] FWC 231. Commissioner Hunt dismissed the respondent’s jurisdictional objection, clearing the way for the issue to be considered fully in the context of an employee who refused the influenza vaccine on medical grounds.

Although no binding decision on the issue has been made at time of writing, the Commission’s comments to date have exhibited a degree of sympathy for employers who mandate vaccinations in at least some circumstances.

Source – Hall and Willcox website

MineWell app to support health of workforce



The Minerals Council of Australia (MCA) has launched its latest effort to support the mental health and resilience of its members with the free MineWell mobile app.

Developed by miners for miners, the app aims to reduce stress and improve wellbeing for MCA’s 250,000-strong workforce.

According to MCA, the number-one value and commitment of the Australian minerals industry is the safety and health of its workforce, where everyone goes to work and returns home safely.

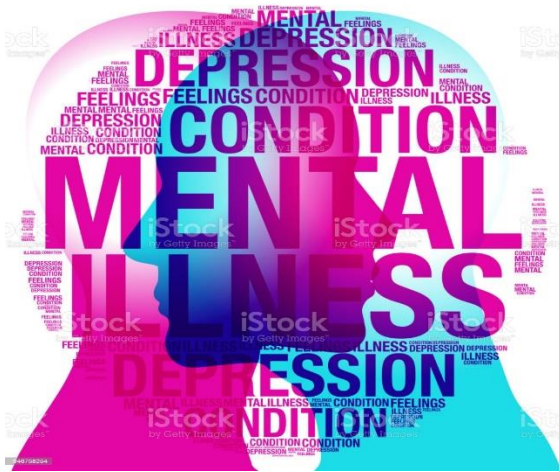
All personal information provided by app users remains private, is only stored on their device and cannot be accessed, viewed or gathered by others.

Features include personalised scheduling for shift workers to promote better sleep and alertness while on shift, advice and exercises for improving sleep quality, staying active and positive and staying well during the COVID-19 pandemic.

It also includes a social connection tool to schedule anniversaries, birthdays, catch-ups with family and friends and other important events, as well as a crisis response tool for direct calls to MATES in Mining, Lifeline, Beyondblue and other help services.

It is free for all mine workers and their families.

Safe to Work Michael Philipps - <https://safetowork.com.au/new-minewell-app-to-support-health-of-workforce/>



ISO 45003 – new standard to support mental health

There's a new standard for managing risk at work. *ISO 45003 – International Standard for Psychological Health & Safety in the Workplace* is due to be published in 2021 and will provide frameworks for organizations to effectively understand and manage employee mental health.

Just like other global standards, ISO 45003 will help workplaces recognise hazards that could affect their workers. Although there is already a global standard for occupational health and safety, ISO 45003 is firmly focused on psychological wellbeing.

Many organisations are already familiar with integrating the framework of a global standard in their business operations. The most well-known of these is ISO 9001, the international standard for quality management.

ISO 45003 is designed to tie in with this existing standard and directly supports ISO 9001 clause 7.1.4 which instructs organisations to provide a suitable environment for work that addresses social, psychological and physical factors.

ISO 9001 is a quality management system that directly relates to delivering products and services that meet and exceed customer expectations. And in organisations large and small, people are essential to this process. It makes sense to prioritise their wellbeing.

This new standard will help organisations develop practical strategies for a more sustainable and resilient workforce.

Free workplace psychosocial risk assessment tool

[People at Work](#) is designed to help employers comply with their duty to identify, assess and control psychological health and safety risks.

Fatigue Science's RediWatch Clock Face predicting fatigue



Fatigue Science is pleased to announce the launch of the RediWatch Clock Face on Fitbit devices as part of its Redi fatigue management platform.

Targeted at industrial operators in mining, oil & gas, and other heavy industry verticals, the RediWatch Clock Face integrates with Fitbit smartwatch devices. Workers can receive vibrating, on-duty Fatigue Alerts right on their wrist — even without a phone nearby or data connectivity. Workers receive Fatigue Alerts one hour before they reach elevated and critical levels of fatigue risk.

Occupational Health Society of Australia (WA)



Membership of the Society is open to all those interested in occupational health and safety.

\$100 Corporate membership

\$50 ordinary membership

\$20 student membership.

Simply email

ohswa@outlook.com.au

with your details.

Incorporated in 1978, the Occupational Health Society of

Australia (WA Branch) is a non-profit association which provides a forum for the wide range of disciplines engaged in the occupational health profession in Western Australia.

The aims of the Society are:

- to develop effective occupational health practice within Western Australia
- to encourage awareness by individuals, organisations and other bodies, of the role of occupational health
- to provide a forum for professional contact between persons interested in, and working in, occupational health
- to express an independent, professional viewpoint on all aspects of occupational health considered desirable in the public interest
- to seek the improvement or an extension of the existing legislation for the promotion of safety and health at work
- in order to ensure uniform principles are applied in all occupational activities.

Please contact the Secretariat on ohswa@outlook.com.au regarding membership matters.

Occupational Health Society of Australia (WA)

Financial Members 2020

Ordinary and Student Members

Ms Anitha Arasu
MS Wendy Attwood
Mrs Frances Bandy
Mr Ben Banyai – Student – Curtin University
Ms Tanya Barrett
Mr Bryce Bell
Ms Lee Cherry
Mr Alan Clarkson Snr - SHEQ Australia
Ms Tamara Clifford – Student
Ms Allaine Coleman – Life Member of the Society
Dr Martyn Cross
Ms Maria Daniel
Ms Fiona Davidson
Dr Matthew Davies
Mrs Gwendoline Dempsey
Mrs Linda Elezovich
Ms Zahara Etemadi – Student
Mr Michael French
Mr Jacob Fryer
Ms Debbie Gaskin
Mr Patrick Gilroy
Mr Steven Goodlet
Mr Antony Green - Holcim (Australia) Pty Ltd
Mr Jon Groves
Ms Rachel Hammond
Ms Zoë Holdaway - Zone Workplace Health Solutions
Miss Yixin Huang – Student - Xi'an University of Science and Technology in China
Mr Chris Jacobs
Dr Janis Jansz - Curtin University
Ms Sheryl Kelly – Verum Solutions Australia
Mr Lance Keys
Mr Geoff Knight - Chaos WA
Dr Roger Lai
Mr David Lampard
Dr Evelyn Lee
Mr Guy Le Noir
Ms Shona Lindley
Mr Robert Loermans
Mrs Kylie Longhurst - Prensa Pty Ltd
Ms Jacqueline Luseno
Mr Bruce MacDonald
Mr Joseph Maglizza - Holcim (Australia) Pty Ltd
Ms Alison Martins OH&S Consulting
Mr Deepak Maru
Mr Peter McMahon - Safety Expertise Australia
Ms Glenda McMurtrie

Ms Ana Milosavljevic - WorkSafe WA
Dr Muhammad Moazzam – Abu Dhabi Health Services-SEHA
Mr Umer Mustqem – Student – Curtin University
Muteedzi Takudzwa (Gerald) – Student
Ms Ting Ni
Mr Peter Nicholls – Mine Safety and Training
Ms Zelica Palamara - Next Health Group
Mr Ganesh Pillai
Mr Stuart Platt
Mr Peter Rohan – DMIRS
Mr Jordan Sears – Student
Mr Giovanni Sessarego
Dr June Sim
Mr Daniel Smith – Student
Dr John Suthers
Prof. Geoff Taylor
Mr Dave Tomkinson
Mr Lance Van Niekerk
Ms Kristyna Vavreckova – Student - University of Ostrava in the Czech Republic
Dr Kar Chan Wan - OccuMed
Ms Bronte Weekes
Ms Karen Whip
Mr Kevin White
Mr Hayden York
Ms Samira Yusel – Student

Corporate Members

Dangerous Goods and Safety Services (Les Vogiatzakis - www.dgas.com.au)
Enermech (Damien Weary)
Felgate Safety (Kaye Felgate)
OHMS Hygiene (Mr Ruairi Ward)
Perseverance Drilling, Underground Pty Ltd
St Barbara Ltd (Caitlin Steel)
WorkSafe WA Library (Ms Judith Abbot)

If your name is not on this list and you believe you are a financial member, please contact the Society by email - ohswa@outlook.com.au

