

the monitor

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



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President's Report

I am pleased to say that I am still one of the few people that has avoided being struck by COVID-19 Omega variant. The Society event proposed for April/May was cancelled before even being advertised as our host, Peter Nicholls, was struck down with COVID! - Yes, triple vaccinated, too.

March and April saw me wear masks in airports in three states, and hospitals in two. They should remain in place around the country for both, but feel free to cough on people in an elevator. or at baggage claim, with your nose above and outside your mask! The tyranny of lip service and laziness is still present. Fatigue driven, or reduced care?

The threat of me loudly becoming a “Karen” is real!!

It is fascinating to anecdotally see the variance of those who are COVID-ill. Those who are double and triple vaccinated – my observations and a very small sample, including a few who had survived Swine Flu and SARS1. They are not unwell enough to attend hospital, but suggest it was still worse than “a real” influenza and Swine Flu.

So, immuno-compromised people still need to protect themselves.

The committee has convened several times virtually.

The workload and traffic we have had as health and safety professionals, including directly from recruitment consultants, is busier than ever, as indicted by a few of our committee members.

The legislative reforms to WHS, driving change to insurers, insured and workers' compensation in WA still validate those basic principles in occupational health and safety are being missed. Injuries and incidents are far from zero. Health is still in crisis. Ramps are full. Drugs remain bad.

And kudos to the successful prosecutions, and/or pleas of the guilty taking some accountability.

The Society continues to share on Linked In (<https://www.linkedin.com/company/occupational-health-society-of-australia/>), please connect using that social media mechanism, and feel free to comment, share, or message direct.

The committee members, including our Life Member Dr Kar Chan Wan, treasurer Dave Lampard and Alex Farquhar share a lot of valid and topical items, and that will continue to grow and challenge.

I am grateful to the hardworking efforts of our Life Member - Allaine Coleman, who again has authored and published the **Monitor** for our members. Thank you again wholeheartedly Allaine!

Stay well! - Talk soon!!

Les Vogiatzakis
President

Bio – Alex Farquhar



Occupational Health and Safety Society of Western Australia spoke with Alex Farquhar, ChemSAFE Business Development Manager for MineARC Systems. Alex spent many years working in upstream Oil & Gas exploration and development before entering the safety sector, now

focusing on personnel hazardous chemical and blast protection in downstream and production facilities. His global role sees him working with clients from Australia to the Middle East and Europe, in a diverse range of applications and associated hazards.

Established in 1999 in Perth, Western Australia, MineARC Systems is the global leader in the manufacture and supply of emergency refuge systems to the underground mining, tunnelling, and chemical processing industries, now exporting to over 65 countries with 3000 plus chambers in the field. With manufacturing in Perth, Johannesburg, and Dallas, MineARC Systems also have offices in China, England, Mexico and Chile.

The committee and Editor wish to express their appreciation to Alex for his contribution to the Monitor. See Alex's extremely interesting article – So, what is a refuge, and why do I need one? on page 9.

Life Member – Prof Geoff Taylor



Geoff Taylor, now retired, is married with four children. His daughter has followed an OHS career.

Geoff worked in industrial hygiene in the Government Chemical Laboratories (GCL - now Chemcentre), including surveys in mines, and completed the occupational hygiene course at Sydney University.

Geoff took part in forming the Occupational Health Society (OH Society), and served in a number of roles, as he did later with the Safety Institute of Australia (now the AIHS), qualifying as a Chartered Fellow. The OH Society was partly instrumental in bringing modern OHS legislation to WA.

A founder member of the Australian Institute of Occupational Hygienists, he qualified in the American Board of Industrial Hygiene exam. He became senior occupational hygienist with Public Health, folded into the new Department of Occupational Health Safety and Welfare in the early eighties where he became a Chief Scientific Officer. He served on a Worksafe Australia committee developing the National Industrial Chemicals Notification and Assessment Scheme. He gained a Masters degree and British Occupational Hygiene Association qualification in the UK on a WHO Fellowship.

Seconded to TAFE to teach in and revamp its OHS courses, he was study area leader, as competency-based training was introduced. With Roy Hegney he provided OHS courses for mining management, and safety representatives' courses for the Chamber of Mines' Pat Gilroy. He moved to make Southeast Metropolitan College of TAFE national distance education provider in OHS for Open Learning Australia, writing some of materials involved.

He served an elected term on the board of the International Commission on Occupational Health. Geoff joined Curtin as senior lecturer in OHS, wrote new units for the Graduate Diploma, published a review of Australian bachelor courses in OHS in the Journal of OHSANZ, and wrote on documentation for the national plant standard, workers compensation in East Asia, trade agreements and OHS (supported by Murdoch University), and was involved in Farmsafe.

In 1996 *Enhancing Safety*, co-authored with Kellie Easter, and Roy Hegney, won a European Union-International Social Security Association prize. *Advancing Safety* followed; both books supported by TAFE module workbooks, later by online assessment.

Geoff and his wife set up a consultancy in OHS, with an annual student prize, and enjoyed varied work. but he continued sessional teaching of TAFE, Curtin and ECU students, and wrote material for Worksafe Safetyline modules and ECU. The company seed funded and supported a proposed mine safety and health centre at ECU. In 2014 Curtin titled him professor.

He edited the Mining and Resource Contractors Safety Training Association (MARCSTA) Monitor, later the Society's newsletter, over 20 years, and conducted course audits. With keyboarding by his daughter, he self-published a community safety book, *Odds, Gods and Accidents*.

In 2004 he edited and co-authored *Enhancing Occupational Health and Safety*, published in Britain, and later in Spanish and Chinese.

More recently he published four papers on readability of OHS documentation. The take-aways were applied in a NSW government authority.

A paper summarizing fifty years supply by Public Health (now Health) and GCL of Prickly Fanflower extract for cancer followed. Recently too, Geoff has been actively involved in the worldwide search for repurposed drugs for covid. He contributes in ResearchGate and takes an interest in applying WHS acts to non-employees, such as prisoners, or refugees.

He would like to thank the exceptional band of people with an interest in OHS he has encountered, including Society members. They have helped him and his students in many ways, and he trusts they have found OHS to be a varied and rewarding vocation.

Geoff is the OH Society's third Lifetime member along with Dr Kar Chan Wan and Allaine Coleman. The OH Society committee would like to extend our appreciation to Geoff for his contribution to OHS in WA and the support he has always provided to the Society.



This is a call out to all current members. Do you know anyone who like you, has a vested interest in health and safety? If so encourage them to join the Society.

The Society was incorporated in 1978 which means that this year the Society is in its 44th year. The objectives 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

The Society's committee works hard to provide events of interest to members as well as providing information in the Monitor.

Please support the Society by helping the committee to increase our numbers. This will enable the committee to provide more services and support to members.

The Editor of the Monitor is also continually looking for contributions to your newsletter. If you have an interesting article or would like to write an article for the Monitor, please contact the Secretary via the Society's email or Allaine Coleman. Allaine's email is allaine.coleman@inet.net.au

IN EVENTS

No events to report for this edition of the Monitor, however a couple of slides have been provided from an event held last year have been repeated given the significance to members with the new work health safety legislation.

The Society was extremely lucky to have Michael Tooma, a preeminent lawyer on safety and health in Australia and internationally, present to our members in July 2021. Michael has written many books on the legislation and potential implications. Michael provided some insight into the implications for safety professionals with the introduction of Section 26 in the new Work Health Safety legislation. We have provided a copy of slides from Michael's presentation for your interest.

Duty of WHS Service Providers

CLYDE&M

WHS Services

Services that relate to work health and safety

Examples:

- Recommendations
- Testing and analysis
- Reports
- Training

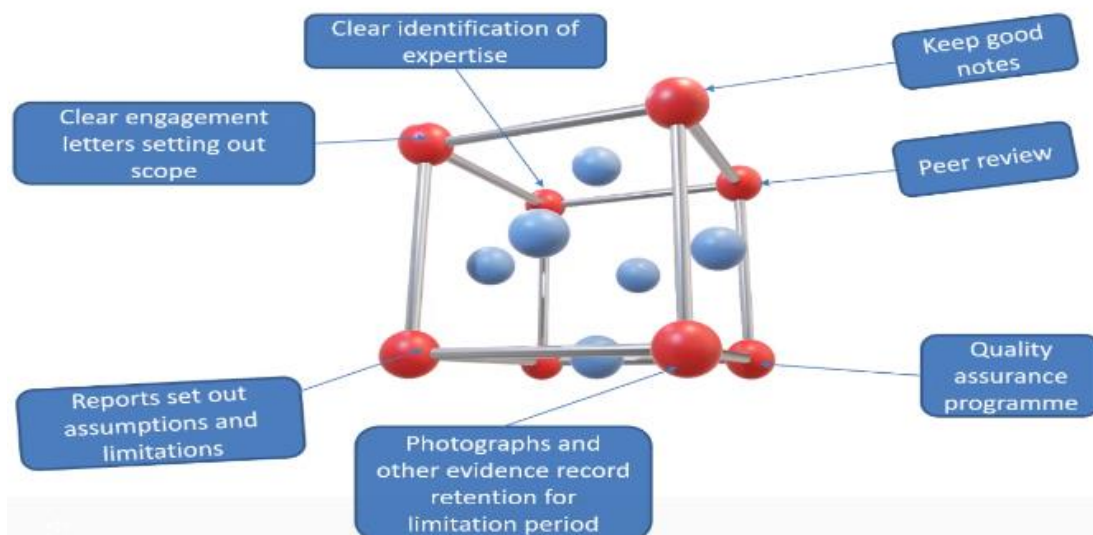
Duty

WHS Service Provider must ensure, so far as reasonably practicable, that the WHS services are provided so that any relevant use of them at, or in relation to, a workplace will not put at risk the health and safety of persons who are at the workplace.

Coverage

- Impacts risk assessments
- Safety Audits
- Plant inspections
- Incident investigations
- Training
- Drug & Alcohol Testing
- Contractor pre-qualification
- COVID Testing
- Pre-employment medicals
- Injury management and rehabilitation services
- Asbestos identification, Register development and Management Plans, and removal
- High risk work that requires engineering certificates or competent person certificates such as Scaffolding, Hoists etc.
- Traffic management plans

Practical recommendations



WHS Officer duties for MPs and Senators

Parliamentarians will have an explicit duty to exercise due diligence to ensure their workplaces comply with their Work Health Safety (WHS) obligations, under new laws.

The Commonwealth *Parliamentary Workplace Reform (Set the Standard Measures No.1) Bill 2022* will, if passed, enact two of the 28 recommendations from Federal Sex Discrimination Commissioner Kate Jenkins' recent review of Commonwealth parliamentary workplaces (CPWs), which identified systemic bullying and sexual harassment linked to power imbalances and an alcohol-driven "work hard, play hard" culture.

A parliamentary taskforce acknowledged the "unacceptable history of workplace bullying, sexual harassment and sexual assault" in CPWs, and committed to implementing all of Jenkins' recommendations within the proposed timeframes.

The Government subsequently introduced the Reform Bill, to the Senate, to: amend the Commonwealth *Work Health and Safety Act 2011* to clarify the duties parliamentarians owe under the Act; clarify that CPW staff are protected by age and disability discrimination laws; and ensure dismissal processes for parliamentary employees comply with the *Fair Work Act 2009*.

The Bill promotes the right to safe and healthy working conditions by clarifying that parliamentarians [senators and Lower House MPs, among others] are 'officers' under the WHS Act, an explanatory memorandum says.

"Parliamentarians would have a clear duty to exercise due diligence to ensure the Commonwealth complies with its duties and obligations to [parliamentary] employees, including to ensure the health and safety of those employees," it says.

These due diligence duties of officers, in section 27(5) of the WHS Act, include acquiring and keeping up-to-date knowledge of WHS matters, and ensuring the applicable persons conducting a business or undertaking (PCBU) "has appropriate processes for receiving and considering

information regarding incidents, hazards and risks and responding in a timely way to that information".

Officers can be jailed for reckless breaches of their due diligence duties.

According to the explanatory memorandum, the Bill includes provisions to prevent the WHS changes from being interpreted too narrowly.

"It permits others to be considered 'officers' in relation to a business or undertaking of the Commonwealth relating to... the functioning of the Parliament," the memorandum says.

"A parliamentarian may also be an officer for other purposes unconnected to a business or undertaking of the Commonwealth relating to the employment or engagement of [parliamentary] employees."

Meanwhile, the anti-discrimination provisions of the Bill send a "clear and important signal that unlawful discrimination of any kind has no place in Australia's national Parliament", the memorandum says.

Statement of regulatory intent

A document entitled, Statement of Regulatory Intent and Implementation of Work Health and Safety Legislation in Western Australia has been released by WorkSafe WA. The statement is as follows.

1. Purpose - provides the principles for the regulatory approach that WorkSafe (inclusive of the general industries, mines safety and petroleum safety inspectorates) will use during the first 12 months of implementation of the work health and safety (WHS) legislation in WA. WorkSafe recognises the new legislative is a significant change for workplaces and some aspects of compliance may take time to implement. At the same time, it is recognised that systems for identifying, assessing and controlling known hazards should already be in place, as legislation recognises the elimination or minimisation of risks.

2. Approach - to technical breaches where new provisions apply - Inspectors will adopt a supportive, educative approach to compliance in

relation to technical (low risk) breaches where new provisions apply, provided duty holders have made, or are making genuine attempts to comply. However, inspectors may use enforcement tools where actions or omissions have resulted in serious health and safety risks to workers or the community (see Section 4).

3. Approach to technical breaches where requirements are similar to previous requirements - Where there is a technical breach of a provision that is similar to a provision under a previous applicable law, the matter will be addressed in accordance with the Compliance and Enforcement Policy. In the event a notice is issued, the recipient has the right to seek review if they believe there are reasons the notice should not have been issued, or if they believe more time to comply is required. Implementation of Work Health and Safety Legislation in Western Australia.

4. Approach to breaches involving serious risks - Breaches involving serious risks to health and safety will be addressed using the Compliance and Enforcement Policy. An inspector may use enforcement tools including, but not restricted to, issuing an improvement notice or prohibition notice in relation to the breach.

5. Approach to investigation of serious or fatal incidents - The Compliance and Enforcement Policy and the Prosecution Policy will be applied in cases of serious or fatal incidents, without modification for the purposes of WHS implementation. This is because the management of critical risks at workplaces should already have been in place under previous laws. The use of Entry Warrants for the purpose of obtaining evidence during an investigation into offence provisions under the WHS Act will be used lawfully and only when warranted by the investigative circumstances. This approach to the use of Entry Warrants is provided for clarity and is not confined to the first twelve months implementation period of the WHS legislation.

6. Approach to WHS service providers under Section 26A - In general terms, the duty imposed on a WHS service provider under Section 26A

- applies only to services that could potentially pose a risk in the workplace (e.g., measures to eliminate a specific hazard or control a risk);
- will most commonly apply to services provided to a specific person conducting a business or undertaking (PCBU) and tailored to the circumstances of a particular workplace; and

- protects the WHS service provider where the WHS service is incorrectly implemented by the PCBU (i.e., it is not applied to its 'relevant use').

General advice provided broadly, for example to members of a professional association or during training, is unlikely to be considered a WHS service. This understanding of the scope of section 26A is provided for clarity and is not confined to the first twelve months implementation period of the WHS legislation.

7. Approach to volunteers - The WHS legislation is not intended to, and is not expected to, adversely affect volunteers. The WHS legislation requires organisations that employ any paid workers to ensure, so far as is reasonably practicable, the physical and mental health and safety of all of its workers, including volunteers. The WHS legislation is not designed to deter anyone from becoming a volunteer and the important contribution volunteers make to the community is acknowledged. In line with sections 2, 4 and 5 above, Inspectors will generally adopt a supportive and educative approach to volunteers and any duties they may have as workers under the WHS legislation.

8. Review - WorkSafe will continue to monitor the implementation of WHS Act and Regulations and engage with industry, employee and employer stakeholders. Where matters of high priority are identified during the first twelve months, this Statement may be amended to assist in the successful implementation of WHS laws

[Statement of Regulatory intent: Implementation of Work Health and Safety legislation in WA \(www.wa.gov.au\)](http://www.wa.gov.au)

Checklist for the food delivery industry

WorkSafe WA has developed a checklist for businesses and workers engaged in food delivery services. This checklist is most applicable for food delivery riders using bicycles, e-bikes, motor scooters and motorcycles and may also be useful for those delivering food in a car.

The document can be found on Department for Mines, Industry Regulation and Safety (DMIRS) website.

So, what is a refuge, and why would I need one?



Emergency refuge forms an integral part of an underground mine, tunnel, or chemical operation's wider Emergency Response Plan (ERP). Fires, explosions, rock-falls, and the release of smoke and other forms of toxic gas are the types of industrial incidents that can occur, despite the high levels of planning and safety precautions in place. In these types of emergencies, when evacuation is no-longer safe or practical, emergency refuge is designed to provide a safe and secure 'go-to' area for personnel to gather and await extraction.

A typical workplace will combine emergency response into a singular plan, with two alarm and action states – readiness for evacuation, and evacuation to a safe location. This is standard response for fire related hazards, where it makes sense to have personnel move into open ground, away from combustible structures. During an unplanned release of toxic chemicals however, it is not ideal to have people attempting to evacuate through a plume or mustering out in the open and risk potential exposure.

A purpose-built shelter will allow personnel to reach a secure muster point quickly and remain protected whilst the situation is contained, and it is determined safe to evacuate. If an operator is unable to remove either the hazard source or the people, ChemSAFE shelters can help reduce the level of consequence should an event occur, as well as giving personnel confidence knowing they have reliable protection available.

All ChemSAFE systems follow the same methodology, which can be applied for any chemical risk:

- working to create a sealed enclosure in which people can safely shelter
- maintaining the integrity of that enclosure throughout the event, and
- conditioning and monitoring the internal environment to remain habitable for the duration of the emergency.

The versatility of the ChemSAFE product range is in its ability to be strategically positioned wherever personnel are located. The closer the shelter to personnel the better; reducing the time-to-shelter and consequently, potential exposure to fatal concentrations of a substance.

At a high level, the ChemSAFE range divides into three main application categories, with complementing ancillary products to support the personnel shelter systems: Refuge Chambers, Blast-Resistant Buildings, and Shelter-in-Place conversions.



The ChemSAFE Refuge Chamber employs similar invacuation technology as underground mining chambers; offering portable personnel protection with extremely high chemical and blast protection in a compact format. The shelter methodology of the Refuge Chamber allows it to be placed close to where personnel are working, irrespective of the proximity to the hazard itself.

Where a facility requires day-to-day occupation of a structure that offers this same high-level protection, the ChemSAFE Blast Resistant Building range features large open-plan interiors for use as remote-control rooms or meeting rooms. They can also be combined in modules to allow flexibility in sizing and use.

Combining elements of the refuge chamber and the benefits of sheltering-in-place, the ChemSAFE Blast Resistant Building (BRB) provides high-level chemical and blast protection in a multi-purpose reliable structure. Taking the guesswork out of maintaining integrity of a site-critical enclosure such as a control room, the BRB can directly replace existing facilities, and able to be positioned in areas where a siting study may indicate blast risk.

Available in a range of blast ratings, size and configurations, the ChemSAFE BRB can be customised to suit any application. Modules can be airlocked directly to buildings, allowing personnel

to move into the shelter without exposure to the external atmosphere.

ChemSAFE Refuge Chambers and modular structures can also provide designated emergency response and incident command centres. When fitted with remote consoles, they can also function as secure control stations, allowing critical tasks to continue irrespective of high-level events.

In instances where personnel occupy an existing structure during normal operations (such as a traditional building) sometimes it makes more sense to allow these people to shelter in a purpose-built safe room - more commonly referred to as 'Shelter-in-Place'. Safe rooms or shelter-in-place (SIP) allow operators to utilise existing structures; thereby eliminating potential exposure from venting or tank rupture generating plumes, and further reducing time-to-shelter for personnel already located within these areas.

The primary challenge when creating a safe room through conversion of an existing structure is eliminating any natural or forced ventilation to create a completely sealed internal environment and maintaining that integrity over time.

As evident across the entire range of ChemSAFE chemical protection, MineARC's solutions steer clear of using simplistic filtration, and rather focus on removing the risk of exposure entirely through sealed spaces. This removes the need and somewhat uncertainty of donning hoods and attempting to walk out or through an unplanned release; ultimately protecting personnel until the emergency can be adequately controlled or dispersed to allow evacuation.

Each installation is engineered for a site's specific hazards, structures, and personnel populations, with products that are designed and developed in-house. This flexibility allows ChemSAFE to ultimately develop a bespoke personnel protection solution according to a clients' wants and needs.

Whilst Alex works with customers from a wide spectrum of industries and products, a large majority of the ChemSAFE refuge systems are designed for protection against hazardous gases, whether downstream at the production source, midstream transportation, or even at neighboring facilities and communities.

MineARC Systems is a proud WA business with a focus on the local design, development and manufacture

of innovative products. Their dedication and investment into R&D has seen them introduce a range of new OH&S products to market in recent years, including the Aura-PT – a handheld gas detector with remote data sharing capabilities, and the EnviroLAV Toilet – an industrial waste management system requiring minimal maintenance over long periods. Most recently, MineARC are in the process of developing a cutting-edge, integrated helmet and respirator; which will offer dust and particulate protection and provide positive OH&S outcomes for the resources sector.

More information about the ChemSAFE range can be viewed at <https://minearc.com/industries/petrochemical/> .

Alternatively, to speak with Alex about a custom safety solution for your workplace, please email alex.farquhar@minearc.com.au

Trenching safety



WorkSafe Victoria is warning employers and workers to take safety seriously. Not using the appropriate controls when undertaking trenching works can be fatal, at any depth.

Since 2017, there have been three fatalities due to trenching incidents at Victorian construction worksites. This highlights the need to address unsafe trenching practice in the construction industry.

To reduce the risks occurring during trenching work, employers and self-employed persons must:

- be adequately prepared
- have the right controls in place
- adhere to OHS rules and regulations.

Worksafe Victoria has developed three videos specifically in this area. These are:

1. Trenching – is a safe work method required
2. Trenching – causes of engulfment
3. Trenching video

Young workers



Worksafe Victoria have also released information for young workers. The information provides young workers with advice and explanation as to the employer's duty of care to provide the necessary information, instruction, and training and supervision to enable you to do your job safely.

Information on how to identify unsafe work conditions that can put a young worker in danger both mentally and physically.

These may include

- not getting a job induction when you start work
- not being shown how to do a task, or not being properly supervised
- not being given suitable personal protective equipment (PPE) for the job
- not having the right falls protection systems when you're working at height
- physical hazards such as slippery floors, falling objects, unguarded machinery, heavy lifting or work with repetitive actions
- exposure to bullying, sexual harassment, customer or colleague violence and aggression

If you find yourself working in unsafe conditions, it's important that you speak up and report it.

In the first instance, you should report unsafe working and work-related injuries to your manager, supervisor, employer or Health and Safety Representative (HSR) if you have one.

If you are having trouble reporting a problem at work or are still concerned after raising the issue with your employer or HSR, there are a number of organisations who are ready and waiting to help you. Knowing who to call just depends on what issue you want to discuss.

PCBU guilty in ruling on expert contractor

A PCBU has been found guilty of WHS breaches resulting in two workers sustaining serious electric shock injuries from overhead powerlines. A NSW court has rejected the PCBU was entitled to rely on its crane contractor to operate safely around the cables.

The PCBU, Arkwood (Gloucester) Pty Ltd pleaded, not guilty to breaching sections 19(1) and 32 of the NSW WHS Act, stating that the relevant safety matters were the responsibility of crane operator Highlands Cranes.

The Judge acknowledged that where a task "demonstrably falls outside the expertise" of a PCBU, and an independent contractor appeared to be performing its work carefully and safely, "then it would ordinarily be difficult to conclude that the PCBU has breached the duties imposed upon it by the legislation".

In this case, Arkwood workers actually checked for powerlines, and recognised they posed a danger. They then failed to ensure a crane was placed away from them or use an observer during a lift.

"The question of control over the specialised contractor is relevant to the determination of what is reasonably practicable. While the physical operation of the crane was left to the crane operator, the defendant through its workers had the ability to simply stop the work if they realised that it was being done in an unsafe fashion." the judge said.

At the time incident, Arkwood engaged Highlands to provide a mobile crane to help load a dismantled centrifuge onto a truck.

A Highlands worker drove the crane to the site and, despite not being licensed to do so, started operating the crane because the operator was running late.

The worker and two Arkwood employees were performing the loading task when the crane's boom contacted with the overhead powerlines, causing the Arkwood employees to suffer electric shocks.

Both workers sustained serious burns, one was in a coma and spent three months in hospital, required extensive surgeries and lost all sight in his left eye.

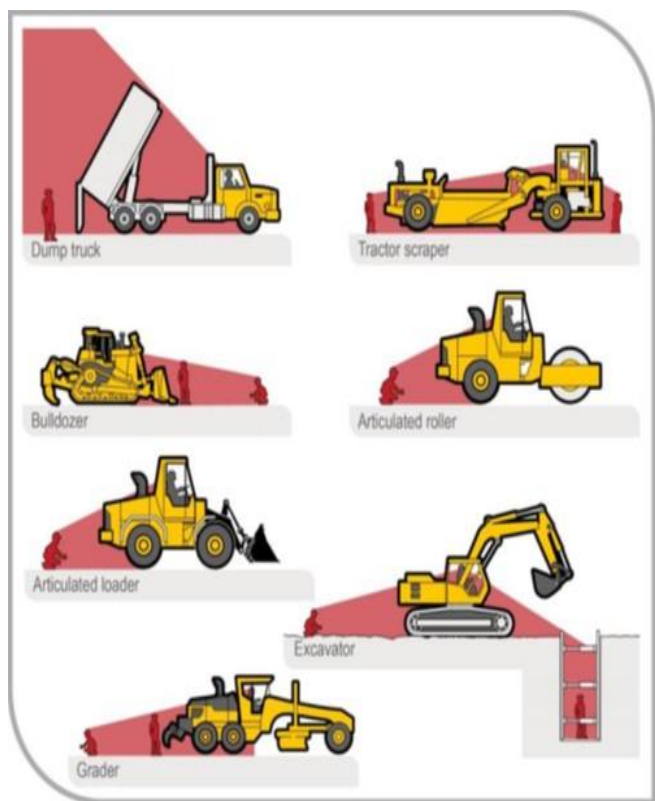
The determination of responsibility by Highlands Cranes is still to be determined.

Worker struck by moving vehicle

In January in Queensland, a worker was fatally injured after being struck by a truck. Workers being struck by moving vehicles and plant is not uncommon. In WA between 2012 and 2017 there were 12 fatalities recorded.

Operators of mobile vehicles and plant can often have severely restricted visibility of ground workers or nearby pedestrians, particularly those close to the vehicle.

The following is an example of an operator's restricted visibility.



Most regulators across Australia have produced guidance material, codes of practice etc to assist in identifying and managing the risks associated with mobile plant.

SmartMove – hazardous waste information

New information on specific issues are being planned for SmartMove, WorkSafe WA online educational programme for high school students and young workers. The first item deals with identifying and recycling hazardous waste, such as batteries, aerosols and paints in the workplace.

Students can access the information by registering online or using an existing SmartMove login.

Safe Work Australia invites views on cranes

Safe Work Australia is reviewing the high-risk work licensing for cranes to ensure it remains relevant to contemporary work practices and equipment. A discussion paper on crane licensing is not open for public consultation until 16 June 2022. Submissions can be made online

The discussion paper welcomes comments on any perceived issues with the model WHS laws related to crane licensing that may have significant impact on workers, business and the community. This includes issues related to crane license classes and crane definitions.

Alcohol guidelines in place for WA mining sites



The Chamber of Minerals and Energy of WA (CME) and its member companies have announced the introduction of industry-wide guidance for the consumption of alcohol at on-site accommodation facilities.

The Safe and Respectful Behaviours – Industry Alcohol Guideline sets out a series of management and education requirements that outline how alcohol consumption is to be treated at accommodation facilities. This builds on drug and alcohol policies already implemented across industry workplaces, providing further consideration towards work-adjacent environments.

Formulation of the Industry Alcohol Guideline has been a key focus for CME's Safe and Respectful Behaviours Working Group over the past six months. The guideline includes:

- Implementation of a four-drink limit for all accommodation residents over a 24-hour period, including takeaway limitations
- Prohibition of alcohol served in a form that encourages rapid-consumption – such as shots or double-servings

- Ensuring availability of varied drink-strength operations served at accommodation facilities – for example low and medium-strength beverages
- Ensuring availability of non-alcoholic drink options, for example 0% beer, carbonated drinks and freely available water
- Ensuring availability of food options – such as snacks or hot food – wherever alcohol is served
- Actively promoting a culture of moderation and healthy dietary choices
- Educating residents of the alcohol policy that applies in accommodation facilities
- Implementation of education material that informs residents in accommodation facilities about the harmful effects of alcohol consumption.

Carruthers said CME would work with member companies over coming months on the rollout of the Industry Alcohol Guideline.

Source – Australian Mining

PCBU ordered to pay \$810k over death, ignored alarm

A PCBU that failed to act on a ringing hazardous-chemical alarm has been fined heavily over a worker's death from hydrogen sulphide gas, in a similar incident to one that killed two workers and attracted a record WHS penalty in NSW.

The Wellington District Court on New Zealand's North Island found the PCBU, Waste Management NZ Ltd, breached the country's *Health and Safety at Work Act 2015* in exposing an individual to the risk of death or serious injury, from toxic gas, through its failure to comply with its duty to ensure, so far as was reasonably practicable, the health and safety of workers.

Waste Management was fined NZ\$450,000 (A\$407,412) yesterday. It was also ordered to pay a total of NZ\$360,000 (A\$325,930) in reparations.

In August 2017, worker Jim Gideon was overcome by hydrogen sulphide gas from a treatment pit and died while mixing reactive chemicals to treat hazardous waste at Waste Management's Lower Hutt facility.

During the fatal shift, the facility's hydrogen sulphide alarm rang repeatedly, but work was allowed to continue, WorkSafe New Zealand's investigation into the incident found.

Gideon collapsed in the mid-afternoon after being exposed to at least 500 parts per million of the toxic gas – 50 times greater than New Zealand's maximum workplace exposure limit of 10 parts per million over an eight-hour period, it found.

WorkSafe said Gideon's death was caused by "gross negligence".

However, Waste Management was charged with a mid-tier offence, as opposed to the HSW Act's most serious offence of reckless conduct.

Australia's national model WHS Act – which informed the development of New Zealand's current safety laws – is being amended to add gross negligence as a fault element to the recklessness offence (see related article), in part because reckless conduct can be prohibitively difficult to prove.

Source – OHS Alert

WA - Duty of persons conducting business or undertakings that provide services relating to work health and safety

Introduction of the Western Australian Work Health and Safety Act 2020 has included a specific section in relation to a person conducting a business or undertaking (PCBU) that offer WHS Services. Section 26A of the *Work Health and Safety Act 2020* (WHS Act) places a duty on a PCBU that provides work health and safety (WHS) services to ensure, so far as is reasonably practicable, that those services do not impose a risk to persons at the workplace.

WHS services are: *Any services that relate to work health and safety including any products or things provided as part of those services.*

A WHS service involves an activity that assists or enhances the ability of another PCBU to meet their WHS duties.

There are several elements to be considered a WHS service that have certain characteristics.

Further information can be obtained from [WorkSafe WA](https://www.worksafe.wa.gov.au/).

Mental health at mines under review



The Western Australian Government has appointed the Centre for Transformative Work Design, part of the Future of Work Institute at Curtin University, to undertake a four-year research project to gather and evaluate data on sexual assault, harassment, mental health, drug and alcohol use, and emerging mine safety issues.

The landmark study forms part of the Government's Mental Awareness, Respect and Safety (MARS) program, launched in December 2021 to address health and safety in the WA mining industry.

The preliminary findings, expected by September this year, will be used to further develop mental health and workplace culture initiatives and improve safety outcomes.

A panel consisting of staff from the Department of Mines, Industry Regulation and Safety, the Mental Health Commission and the Department of Communities reviewed the submissions received as part of the tender process.

The Centre for Transformative Work Design focuses on researching and understanding work design to encourage wellbeing and greater productivity.

Another project will be an independent review of the Department of Mines, Industry Regulation and Safety's (DMIRS) capability and enforcement

model for incidents of sexual harassment and assault.

The MARS program will also provide ongoing support to DMIRS' Mentally Healthy Workplaces Grant program and support women in the mining sector through future high-profile education and awareness campaigns.

DMIRS manages the MARS program in partnership with the Mental Health Commission, the Equal Opportunity Commission, the Department of Communities and the Women's Interests Minister.

Source – OHS Alert

Health monitoring duties for PCBU

If you are a person conducting a business or undertaking (PCBU) whose business uses hazardous chemicals the Guide – Health Monitoring duties for persons conducting a business or undertaking, is for you. It explains what your duties are for monitoring the health of your workers under the Work Health and Safety Act 2020, Work Health and Safety (General) Regulations 2022 and Work Health and Safety (Mines) Regulations 2022.

The document can be found the Department for Mines, Industry Regulation and Safety (DMIRS) website.

Serious misconduct by BHP worker

In a timely decision, a commission has upheld the sacking of a mine worker for hugging a camp contractor without consent and making lewd comments to her and her co-worker.

BHP dismissed the service technician, after an investigation into allegations of harassment and unwanted physical contact involving two young camp cleaners.

Sexual harassment in mine camps has emerged as a major WHS issue, and is the subject of an ongoing Western Australian parliamentary inquiry harassment of women in the State's fly-in-fly-out industry

Silica stressed workers



The State Community Development and Justice Standing Committee has been urged to recommend the establishment of an independent body to address the why employers handle sexual harassment claims.

It is estimated, by the Western Mine Workers Alliance, that one in five surveyed female FIFO workers had been sexually assaulted, a third had experienced unwanted touching or physical contact, and two-thirds had experienced verbal sexual harassment like jokes about sexual acts.

Earlier this year, a review conducted by former Federal Sex Discrimination Commissioner Elizabeth Broderick identified unacceptably high rates of bullying, sexual harassment and sexism within Rio Tinto workplaces, prompting the mining giant to commit to overhauling its camps and village facilities.

Female workers told Broderick of their safety concerns around poor lighting, security systems, unsafe gyms and wet messes in camps, and of being verbally abused for politely declining the advances of male colleagues.

The sacked BHP worker told the Fair Work Commission he was unfairly dismissed, contending the allegations against him were fabricated and the employer was using him as a scapegoat. He contended that in June 2021, he crossed paths with one of the cleaners and subsequently patted her on the back and offered to take her for a drink because she had said she was not liked by work colleagues.

BHP also alleged he sexually harassed another cleaner earlier in 2021, hugging her, pinning her arms and whispering in her ear that he was "going to fuck you so hard". The workers denial stated that there were 20 to 30 other people in the wet mess at the time and no one did anything and it was not brought to his attention for 6 months.

But Commissioner Williams said he preferred the evidence of the complainants, and found the incidents occurred as alleged.

The first women did not report the incident immediately believing she would not be taken seriously, only reporting the incident when another cleaner told her of similar incident. This made her feel the man should not be allowed to get away with his behaviour.

Home renovations have hit an all-time high during the COVID-19 pandemic. Serious concern continues about the health impacts of silicosis among people from the artificial stone benchtop industry, including on their mental wellbeing.

This is not a new topic discussed in the Monitor.

Evidence shows that nearly one in four engineered stone workers, in the industry since before 2018, are suffering from silicosis or other silica dust related diseases, and a new study from Monash University suggests that even those workers who have left are still being affected by impacts to their mental health.

All workers in the artificial stone benchtop industry, including stonemasons, managers and those in sales and administration roles were eligible. The research was funded by WorkSafe Victoria.

Most participants were former factory machinists, with a smaller number of installers, computerised production workers and two 'other' categories taking part.

Researchers examined the physical and mental health of 547 workers undergoing assessment for silica-associated disease, noting that people with silicosis may experience breathlessness (dyspnoea) and a dry cough or be asymptomatic until the disease is at an advanced stage.

With each worsening category of dyspnoea, stress increased, and the authors suggest it was the "single most important factor that limited that person's ability to function on a day-to-day basis."

Up to 15 years in the industry was also predictive of elevated stress, compared to low exposure duration (0–4 years); however, this association was not observed for exposure durations over 15 years.

Exposure to silica can take years or even decades to develop to the point where obvious symptoms of silicosis arise, with potentially life-threatening

consequences, and many people in the industry may not be aware of the urgent need for health assessments.

Furthermore, in silica exposed workers, silicosis continues to be diagnosed after the cessation of exposure.

Silicosis has no cure and, reminiscent of the fallout from Asbestos, legal action seeking compensation for affected workers is still taking place around the nation. In Tasmania a producer of kitchen benchtops, Heritage Stone Pty Ltd, pleading guilty to silica related health and safety breaches in November 2021.

Industry was scathing of the National Dust Disease Taskforce's recommendation not to implement an immediate ban in July 2021 on engineered stone benchtops, which can have a silica content of up to 90%.

The Taskforce, established in 2019, admits in its findings that existing WHS regulatory frameworks have not effectively protected people working with engineered stone.

Source – Medical Forum – April 2022

Crystalline silica legislation changes in Victoria

In November 2021, Victoria made amendments to the Occupational Health and Safety (OHS) Regulations 2017 to strengthen the regulatory regime to better protect workers from exposure to respirable crystalline silica.

Respirable crystalline silica dust is a hazardous substance which can lead to serious health effects if it is inhaled. When engineered stone products are processed, for example by cutting, grinding or polishing with a power tool, very fine dust containing respirable crystalline silica is released into the air.

People working with these products, such as stonemasons, are at high risk of being exposed to the dust if it is not controlled. Exposure can result in silicosis, chronic bronchitis, emphysema, lung cancer, kidney damage and scleroderma.

Legislation changes will:

- make permanent Victoria's prohibition on uncontrolled dry cutting of engineered stone
- introduce Australis's first licensing regime for engineered stone, including increased manufacturer and supplier duties

- add additional regulatory oversight of high-risk crystalline silica work outside of engineered stone across all industries, including construction and earth resources

More information can be found on the Victoria WorkSafe's website.

Managing COVID-19 risks in the workplace

Employers or persons conducting a business or undertaking (PCBU) have a duty under legislation to eliminate, or if that is not reasonably practicable, minimise the risks of COVID-19 at the workplace as far as is reasonably practicable.

In addition to your obligations under the Occupational Safety Health/Work Health Safety legislation you must also comply with any public health orders issued by the WA Department of Health.

The Department of Mining, Industry Regulation and Safety (DMIRS) has produced guidance material to assist employers or PCBU in Western Australia manage these risks.

The document is on the DMIRS website. There is also reference to information in other jurisdictions.

Digital innovation to combat Coronavirus

Researchers are using digital technology to provide timely, accurate coronavirus information to aged-care residents and to culturally and linguistically diverse (CALD) communities in multiple languages across Western Australia (WA) to alleviate confusion, reduce outbreaks, prevent vulnerability and reduce hospitalisations.

Professor Bruce Robinson, lung specialist from the Institute for Respiratory Health, said, "With the Australian Bureau of Statistics (ABS) stating that some high-risk ethnic groups are 10 times more likely to die from the coronavirus than those born in Australia, our program couldn't come at a better time."

The collaborative research team includes a diverse network of 20 public health leaders in WA including the Institute for Respiratory Health, the University of Western Australia and Emyria (a digital-monitoring, drug development company). The program has received more than \$800,000 in funding from the Department of Health to develop

the Early Digital Intervention Strategy for Coronavirus Therapy (EDICT).

Part of the EDICT project's focus is to help CALD communities through improved communication both face-to-face and digitally. In addition to improving vaccination rates, the project hopes to improve the mental health and wellbeing of those who are isolated in quarantine.

Professor Bruce Robinson said the use of digital innovation across both of these projects could prevent hundreds of hospitalisations, many deaths, improve the mental wellbeing of people in isolation and save the healthcare system up to \$100 million.

Source Institute for Respiratory Health newsletter

Tell your employer about your work injury



The sooner you let your employer know you have a work-related injury, the better the return to work journey.

It's not easy to know what to say, or when to say something after a workplace injury has occurred. However difficult, it is essential to get the conversation up and running early so that your injured worker feels valued and supported.

Opening the lines of communication early after a workplace incident, whether psychological or physical, can make the return to work process easier for both you as an employer, and the injured worker.

Improve health and recovery outcomes (AFOEM)

The Australasian Faculty of Occupational and Environmental Medicine (AFOEM) are leading the call to improve the health and recovery outcomes for people who experience a work injury, including reducing barriers to care.

The AFOEM have developed 2 complementary documents which focus on work injury management:

Bringing evidence-informed practice to work injury schemes presents the evidence regarding psychosocial factors as barriers to return to work how these barriers can be addressed. The paper describes ways to improve scheme delivery in the 4 central work injury domains of leadership and regulation, case management, the workplace and healthcare.

A values and principles based approach to bringing evidence-informed practice to work injury schemes describes the values and principles of healthy insurance schemes and sets out why 'it pays to care'.

There's a need to reduce work disability, with effective work and accident injury systems that support recovery and return to work. The evidence suggest improvements will come through

- systematic capture of psychosocial information for individual claims, with proactive management of biopsychosocial risks
- ensuring that scheme cultures, systems and processes don't create unnecessary barriers to recovery
- scheme operations that are based on the values and principles of fairness, including collaboration, timeliness, trust and reciprocity, personalised and respectful communication, and empowerment of stakeholders
- regulation that supports the development of industry skills and collaboration
- workplaces providing constructive approaches to injury management
- case management that's proactive, timely and return to work focused
- evidence based healthcare with collaboration between healthcare practitioners and the workplace/case management

The documents can be found on the RACP website – <https://ww.racp.edu.au>

Thanks to Dr KC Wan for this contribution.

Gender diversity



The Centre for Workplace Excellence (CWeX), through the University of South Australia (UniSA), has embarked on a project entitled - Breaking free: How organisations become front runners in gender diversity.

This project aims to understand why a few exceptional organisations make substantive progress toward gender equality when so many of their competitors fail. Gender equality has social and economic value but despite decades of equal opportunity legislation and investment in gender initiatives, gender inequality persists in organisations all around the world.

The project's case study methodology examines how gender diversity front runners align their diversity policies and practices with their internal identity and external reputation to produce substantive change. Understanding these dynamic processes will identify strategies that laggard organisations can implement to make greater progress toward gender equality.

The objectives are

- Understanding what differentiates gender diversity front runners from their competitors
- Investigating how these differentiating factors are established in new start-up organisations
- Investigating how organisations leverage commitment to environmental sustainability to become gender diversity front runners
- Investigating how external recognition (such as awards) can stimulate organisations to become gender diversity front runners

Risk Audit Tool for Bullying



The Centre for Workplace Excellence has developed a Risk Audit Tool for bullying.

Workplace bullying is a serious health and safety hazard in Australian workplaces. Evidence suggests that bullying at work is largely a product of poor organisational functioning rather than personality conflicts. However, bullying is usually treated as an interpersonal problem between staff members, overlooking the root causes of the behaviour in the way that an organisation functions.

Researchers from UniSA's Centre for Workplace Excellence (CWeX) have gathered all the latest research about workplace bullying and used their expertise to develop an evidence-based tool for the risk assessment of workplace bullying.

The Risk Audit Tool enables organisations to identify and reduce their risk factors for workplace bullying therefore supporting sustainable and effective bullying prevention.

The tool can assist organisations to enhance compliance with work health and safety legislation by providing a safe working environment in which psychosocial hazards are managed.

By going through the risk assessment, an organisation can identify where the risks of bullying lie in the organisational system and what the focal points for risk management efforts should be.

Guided by the risk audit tool, organisations can build a resilient work environment to support the mental health and wellbeing of workers.

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.

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