

'It's no accident' is the OHS newsletter of the AMWU. Feedback and story ideas to amwu@amwu.asn.au

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ANDY STANDS UP FOR HEALTH & SAFETY REPS

As reported in August 2014, Health and Safety Reps face a new threat from the Abbott Government and its state allies. In response to our call for examples, Andy Farmer employed in the mechanical services work group at Gippsland Food Company, sent us this reply:



"I would strongly urge that any review does not remove any powers that Health and Safety Representatives have under the Victorian and other states' Health and Safety Acts.

The people who set up the law and its regulations have done so in a way which equalises any differences between the union H&S Representatives and employers during negotiations. It recognises that H&S Reps will require advice and support from outside their workplace, with training and flexibility in their workplace to carry out these duties.

I firmly believe that a safe workplace is also more productive. We've progressed at my workplace - all mechanical personnel are qualified dogmen. The equipment and processes that we as a group developed have not only reduced injuries but have improved production change overs and reduced downtime. We have also developed equipment and processes on all our production lines that have resulted in product and cost improvements.

It did not happen here until the employer knew that they had to negotiate in good faith with someone who was prepared to act by using the law and regulations as they stand. Previously equipment was acquired without consultation, which resulted in injuries.

The hardest things I have had to do is issue provisional improvement notices and cease works. The stress that this creates on someone who is the sole income earner for their family such as myself is enormous. The fact that the law equalises the two parties in negotiations and that the results benefit all, makes it possible for me to be a HSR."



IT'S NO ACCIDENT

HEALTH AND SAFETY NEWS

NOVEMBER
2014

COMCARE: A BETTER DEAL – FOR LARGE EMPLOYERS.

[See story next page].

The Federal Government is planning a big attack on the rights of injured workers and their families.

LUNG CANCER AND WELDING FUMES

Since the 1990s international authorities have warned about the link between welding fumes and lung cancer. A recent Victorian County Court decision might grab the attention of employers and lead to the provision of better ventilation systems.

Mr Tran, who was not a union member, was awarded damages for lung cancer. He had worked welding galvanized fences without any extraction systems, other than an open door that was closed, due to the cold in winter.

The court accepted evidence from medical experts who said former welders were 44 per cent more likely to get lung cancer than the general population. Also:

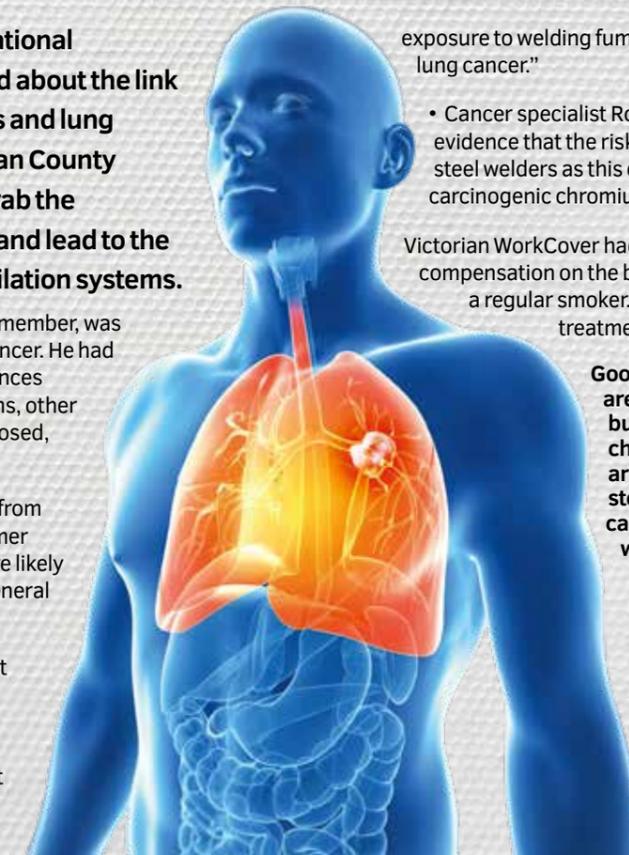
- Occupational medical expert Professor Tim Driscoll said 16 case-controlled studies involving nearly 570 welders showed "strong evidence that

exposure to welding fumes increases the risk of lung cancer."

- Cancer specialist Roger Woodruff said in evidence that the risk was higher for stainless steel welders as this emitted larger amounts of carcinogenic chromium and nickel.

Victorian WorkCover had refused workers' compensation on the basis that Mr Tran had been a regular smoker. Mr Tran is still receiving treatment.

Good extraction systems are required for all welding but particularly when chromium and nickel fumes are created eg. stainless steel, high content alloys, cast iron with use of nickel wire and gal.



PLEASE PLACE ON
NOTICEBOARD

COMCARE: A BETTER DEAL – FOR LARGE EMPLOYERS

In October this year, Employment Minister Eric Abetz wrote a letter to ACTU President Ged Kearney, informing her that the Federal Government is proposing that ANY employer with employees in more than one state would be allowed into the Comcare system. This is bad news for everyone:

- Workers currently covered by Comcare – the Federal Government’s draft legislation will reduce benefits to injured workers and make it significantly harder to get access to compensation. Government representatives claim such reductions will be beneficial to workers. Apparently it’s bad for injured workers to “get into the habit of” expecting a liveable income.
- Workers of national employers entering Comcare – previously, self-insurers have stated that, for Comcare to be attractive, there needs to be a reduction in benefits paid to workers. The government’s legislation will deliver this.
- Workers left in State schemes – large employers are likely to leave state schemes. In states such as Queensland this could be as many as one third of all employers. This would place extreme financial pressure on the state schemes to lower employer premiums even further, in an effort to keep employers in their state schemes. There has never been a reduction in premiums without a reduction in benefits paid to workers.

And the bad news is not limited to compensation.

In June 2014, the Federal Government indicated its support for the Queensland cuts in the powers of HSRs and rights of workers to get health and safety assistance from union officials. If the Federal Government changes the Work Health and Safety Act and a large employer moves to Comcare, any worker in ACT, Tasmania, South Australia, NSW and Victoria will have their health and safety rights reduced.

Added to this, the Comcare inspectorate is under-resourced. At a recent Senate inquiry, Comcare was caught inflating the number of Comcare inspectors. The unfortunate reality is that there are only 44 inspectors for the whole country: that includes Nauru and Papua New Guinea. In 2009, actuaries Taylor and Fry recommended that, “Comcare inspectorate resources need to be reviewed before any expansion in Comcare scheme coverage is considered to preclude the possibility of creating a regulatory vacuum”.

The Federal Government, the Self-Insurers Association and large employers regard injured workers as “liabilities” – a bit like an overdue bill – and are intent on removing any fairness from workers’ compensation systems.

In response, AMWU State Secretaries have written to their respective Premier or Chief Minister, seeking

urgent discussions on this impending disaster. So far, it looks like State and Territory Governments are unimpressed with this Abbott Government power grab. We need to make sure that they look after their own workers’ compensation system first, and tell Abbott and Abetz where to get off.

BEWARE

Comcare is offering an injured worker the assistance of an “independent third party service” to collect information about the claim. The Information Gathering Service is currently being trialled with a selection of employers. The AMWU cautions against any worker agreeing to this information gathering service. Please speak to your branch or lawyers if you are offered this service.

ADVICE TO ALL MEMBERS

Report/notify all injuries to your employer. If your injury/illness is work related, don’t delay in making a claim. Making a claim does not undermine other rights and entitlements; but failing or delaying making a claim may mean you lose entitlements under workers’ compensation law. If you have any doubts call the AMWU at the earliest opportunity for assistance.

MR FLUFFY

James Hardie and Wunderlich Durabestos factory in Sunshine, Victoria

The industrial epidemic of asbestos seems never ending. In the last few months there have been more disclosures of bad behaviour by big asbestos companies such as James Hardie and failure of governments to take action years ago, even when warned:

- The Canberra Times reported that “The Commonwealth received expert medical advice more



than 25 years ago warning Canberra’s death rate to mesothelioma would almost certainly rise if people lived with Mr Fluffy insulation and that children were particularly vulnerable to harm from the asbestos fibres” {October 23rd 2014}. Mr Fluffy installed loose asbestos into homes, which means the fibres have been free to travel into wall spaces, built-in cupboards etc. The situation in Queanbeyan NSW is particularly heartbreaking as those

homes have never been remediated. The Federal and ACT Governments are making financial arrangements to buy contaminated homes in the ACT.

- The Victorian Cancer Registry reported that in

the 12 years to 2013, 16 people within two kilometres of the Wunderlich site in Sunshine North have developed mesothelioma. Some of these people never worked at the factory, but as children lived or played near the factory. These victims are part of what we call the “third wave of asbestos related disease.”

- James Hardie, one of the owners of the Wunderlich factory, wants to pay asbestos victims in instalments due to a shortfall in funds in the Asbestos Injuries Compensation Fund. The ACTU has met with James Hardie and is seeking meetings with the NSW and Federal Governments. ACTU Secretary Dave Oliver said the average mesothelioma victim dies within 155 days of diagnosis. “Asbestos victims do not die by instalments and should not be paid in instalments.”

It’s against this background that the Asbestos Safety and Eradication Agency {ASEA}, established by the previous ALP Government is under threat. In May 2014, Finance Minister Mathias Gorman said that the ASEA was merely “window dressing”. Minister Abetz has only guaranteed the existence of the ASEA until early in 2015.

WORK RELATED DERMATITIS – MANY AMWU OCCUPATIONS ARE AT RISK

From laboratory workers to car mechanics, many workers suffer from work related dermatitis. We don’t know the actual numbers. This is partly because:

- The work relatedness of a skin condition is often poorly recognised.
- Not all workers with an occupational related skin disease will go to the doctor.
- Workers may fear it will affect their employment.

A Western Australian study reported that 2 in 5 people had changed jobs due to work related dermatitis. A quarter stated they had lost income from the disability caused by their dermatitis. Work related dermatitis, like work related asthma is under recognised, under compensated and for some is a lifelong affliction {see May 2012 Its No Accident}.

COMMON SUBSTANCES KNOWN TO CAUSE ALLERGIES INCLUDE:

- Latex gloves e.g. laboratories.
- Acrylic monomer.
- Epoxy resins e.g. water resistant or UV absorbers in paint, adhesives, vehicle parts.

- Preservatives, such as methylisothiazolinone(MIT) and/or methylchloroisothiazolinone(MCIT) are often found in water based products.

Many cases of dermatitis can be avoided by applying the hierarchy of control.

The selection of correct gloves for the hazards is essential. When using chemicals it is essential to check the Safety Data Sheet on the correct gloves to use. For example:

- Disposable vinyl gloves are not appropriate for exposure to many industrial chemicals.
- Disposable nitrile gloves often provide good protection compared with disposable latex gloves.
- Thicker, longer, reusable gloves for some types of wet work.
- Two pairs of nitrile disposable gloves are recommended for protection against acrylates.
- Thick reusable nitrile gloves for use against epoxy resins.

“ Work related dermatitis can be due to irritation of the skin, e.g. wet work, friction and chemicals, often in combination or allergies to certain chemicals. Common causes of dermatitis are solvents, cutting oils, paints, hand cleansers, oils, greases, gasoline, diesel fuel, cleaners and detergents.

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