

AMWU OHS Contacts

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**'It's no accident' is the OHS
 newsletter of the AMWU.**

**Feedback and story ideas to
 amwu@amwu.asn.au**

ATTENTION

Before the next newsletter we hope to mail out the 2014 AMWU Health and Safety Handbook. Delegates please check that all the AMWU Health and Safety Representatives (HSRs) are flagged on your factory/membership list. If we don't have their details, we can't mail them the booklet.

All members have been mailed two wallet cards in the last six months:

- Injured at Work: Do's and Don'ts
- I have a right to healthy and safe work

Delegates and HSRs – encourage members to keep the cards and to remind themselves of the advice.



**NEW LEAFLET ON AMWU WEBSITE:
 There is no cure for the dangers of spray paint mist.**

STOP PRESS

The Federal Government's agenda on health and safety has been laid out in the Commission of Audit. According to the Commission of Audit – *There are too many government bodies. This can lead to duplication, unnecessary complexity and a lack of accountability.*

Little evidence is supplied to support this statement but they propose the consolidation of the **SAFE WORK AUSTRALIA AND THE ASBESTOS SAFETY ERADICATION AGENCY** into Federal Government departments. This would lead to the abolition of the advisory groups, where unions and employers assist governments to conduct the work of both agencies.

COMCARE: The Commonwealth Workers' Compensation Scheme to be privatised. This is likely to be appealing to the Federal Government which has tabled legislation to open up the Comcare scheme to more self insurers. The increase in numbers of companies covered by Comcare will be done without any increase in the number or resources available to Comcare Health and Safety Inspectors. In fact the Federal Government is proposing cuts in the numbers of public servants.

Make sure HSRs attend approved training that is also endorsed by the AMWU. For course information and enrolment contact:
Victoria: (03) 9230 5700 - Melissa or Vicki and Vehicle Division - Cathryn Dunlop
Western Australia: Unity Training (08) 9227 7809
NSW & ACT: HOSTA 1300 046 782 **Qld & NT:** HOSTA 1300 046 782
South Australia: (08) 8366 5800 **Tasmania:** (03) 6228 7099

Autumn 2014

Made in Australia by AMWU members

On Workers' Memorial Day 2014, USA President Barack Obama reminded everyone why we commemorate this day:

"We must never accept that injury, illness or death is the cost of doing business. Workers are the backbone of our economy, and no one's prosperity should come at the expense of their safety. Today, let us celebrate our workers by upholding their basic right to clock out and return home at the end of each shift."

Australian Workers' Memorial Day events were held in every capital city. In Canberra, ACTU President Ged Kearney said that Workers' Memorial Day was a sobering reminder of why health and safety regulations are so important. The Queensland Government has just rolled back parts of health and safety laws and regulations [see It's No Accident November 2013].

Unions are fearful that the Federal Government and other states will follow suit in the name of 'cutting red tape'. Our fears may be well founded as the May 2 meeting of the Council of Australian Governments agreed to investigate ways to reduce health and safety red tape. But as workers and unions know, health and safety regulations are set up to protect people: for example, the asbestos or confined spaces regulations.

What is called 'red tape' by some can actually be life saving to others.

Ms Kearney said, "Workers' Memorial Day 2014 is not just about remembering those people who went to work and never came home; this year it's also vital to think about those people whose lives will be put in danger due to the removal of life-saving workplace safety laws."

As of 28 April 2014, three people every week have been killed at work this year.

BUFILE
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Open and place on noticeboard



Adelaide: The Honourable Kelly Vincent MLC, Dignity for Disability lighting a candle in memory of lost workers



Photography by Mark Phillips editor of Working Life website: Jetaime Medina, then aged eight, 2013 WMD service in Melbourne. Jetaime's dad, Tony, died from mesothelioma, aged 42, in 2008, when she was just four.



Sydney Workers Memorial Day 2014



Senior officers in companies have important health and safety obligations

WorkSafe Victoria has recently filed eight charges against a small signage company and building giant Grocon over the deaths of three people in Melbourne in March 2013. Three pedestrians were killed when a gust of wind caught an advertising hoarding attached to a brick wall, causing the wall to collapse. The wall was on a Grocon site.

The charges relate to the failure to:

- Properly conduct a risk assessment about the wind loading of the wall with the advertising hoarding attached
- Obtain an assessment by a structural engineer of the wall's capacity to safely bear the hoarding.

These charges should serve as a reminder to all companies – large and small – that the law requires officers of corporations (or the Crown or a public authority) to prevent harm to workers and others from the operation of their business by exercising due diligence (explained below).

It's important to realise that an officer is someone who makes key decisions about how a business operates. This does not include a manager or supervisor of an area of the business as they do not make the key decisions on how the business operates.

Due diligence, in relation to health and safety, requires an officer to take reasonable steps:

1. To keep up-to-date with health and safety knowledge, i.e. what is required for their business for the elimination or minimisation of hazards and risks, so far as is reasonably practicable.
2. To have an understanding of the nature of the operations and generally of the hazards and risks associated with those

3. To ensure the use of and appropriate resources available to eliminate or minimise the risks from work being carried out. This requires an understanding of what is needed and ensuring that they are used.
4. To ensure appropriate processes for receiving and considering information regarding incidents, hazards and risks. This includes the reporting of incidents and emerging hazards and risks and identifying if any further action is required etc.
5. To ensure that there are processes for complying with any duty or obligation under the law. For example:
 - a. consulting with workers
 - b. ensuring the provision of training and instruction to workers about work health and safety
 - c. ensuring that Health and Safety Representatives receive their entitlements to training.
6. To ensure that the actions in points 3 to 5 are being used.

Remind employers of due diligence

Use the points above when discussing health and safety matters with your employer. They need to show that at their work sites this work is being done.

If manufacturing employers were better at exercising due diligence, then less than 58 manufacturing workers a day would be making workers' compensation claims for injuries requiring more than one week off work. This is the second highest number of serious claims of all industries, higher than construction.

For some, bullying is a style of managing

Micro-management is not a commonly recognised form of bullying – however, it can be pervasive and harmful. Micro-management is the practice of over-managing an individual with the intention of undermining and belittling the victim. Rather than acknowledge the skills and abilities of the staff member, a plan is often put in place to intensively micro-manage them. Examples include:

- Every action is monitored and questioned
- Every report or project update is intensively scrutinised
- Irrelevant or insignificant errors are highlighted in an effort to demonstrate that the worker does not have the skills for the job
- Too many performance meetings (which may be disguised as other 'informal meetings'). The outcomes of these meetings may form the basis for subsequent negative performance reviews
- Unreasonable workload demands

- Unclear and changing directions from higher level executives.

Micro-management with these characteristics is particularly harmful because it is often disguised as 'reasonable management action' or 'performance management'. The union has assisted members in situations where micro-management has been imposed on employees who raise legitimate workload issues. Sometimes micro-management is used by threatened superiors or by those who intend to harm a colleagues opportunity for promotion. The end result for the victim can be a lack of confidence and self belief.

Bullying is both an industrial and health and safety matter. In the past, health and safety regulators have done little to stop bullying cases but the good news is that the Fair Work Commission can now intervene in bullying matters. If you, or anyone you work with, experience any form of bullying, contact your local AMWU delegate or organiser.

WA MINING INDUSTRY DEATHS

The Federal Government is consistently quoting the constraints to business of health and safety red tape. But as a WA Government report on the 52 (2000-2012) fatalities in the mining industry (an average of four deaths per year) shows employers in that industry are still failing to do the basics. The report listed eight areas of improvement including:

- **Hazard identification and risk assessment** - "... If critical tasks are not clearly identified, hazard controls may be inadequate and training programs and supervision ineffective in reducing accidents."
- **Involvement of workers** - "Workers should be involved in the development of safe work practices as they are likely to be more familiar with the tasks and problems than people removed from the activity."
- **Training processes for workers and supervisors** - "New and inexperienced workers are at particular risk. The importance of a proper induction and training system at every site and for every job should not be underestimatedThe training of supervisors is regarded as a key issue in accident prevention."
- **Adequate breaks during the shift** - "Most workers cannot sustain focused activities for long periods. The likelihood of someone making an error increases with fatigue and lack of concentration Site fatigue management plans should be reviewed and decisions made on the breaks that might be required around 3am, 11am, 4pm and 11pm."

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