

SafetyWA

WEST AUSTRALIAN JOURNAL OF OCCUPATIONAL SAFETY AND HEALTH

Working hours and depression

Raising the profile of mental health in the workplace

Long working hours are blamed for increased levels of stress and depression among some sections of the Australian workforce, according to the first results from a landmark Australia-wide study.

A large scale evaluation of employee mental health has found a high level of psychological distress and that the largest risk factor is being expected to work more than 60 hours a week.

All told, more than 60,000 full time employees responded to the survey questionnaire, designed by the World Health Organisation, to monitor the prevalence in the workplace of chronic and acute physical and mental health conditions and evaluate risk factors for illness enabling employers to target interventions.

The survey is part of the WORC (Work Outcomes Research & Cost Benefit) project being carried out by Queensland University in collaboration with Harvard University.

Reluctance

Many corporations were reluctant to participate despite a guarantee of confidentiality suggesting a stigma remains attached to mental health problems.

Coordinated by the Queensland Centre for Mental Health Research, the study prompted concerns that

businesses are excluding mental health as they move towards a screening and early intervention model for physical health.

The confidential study shows that once clinical help is sought, those suffering from stress and depression become more productive in the workplace with less workplace absenteeism and an increased sense of personal wellbeing.

The project director, Dr Michael Hilton, says a lack of relevant reference data is a probable contributor to the exclusion of mental health from corporate health screening programs.

Long hours

Dr Hilton says that by far the strongest predictor of psychological distress is the number of hours an employee is expected to work. Men, in particular are affected with those expected to

work more than 60 hours a week having a prevalence of psychological distress of 9.2 per cent. This was almost double the figure for females.

The survey shows that an average of only 21 per cent of fulltime employees with very high levels of psychological distress were currently in treatment for a mental health disorder.

The data also indicates that nearly one third (30.5%) of people with very high levels of psychological distress are unaware that they have a mental health problem.



Dr Michael Hilton,
WORC project director

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The safety responsibilities of being a manager

By Maria Saraceni, *Partner, Deacons*



If you are a person concerned in the management of a company who exercises decision-making and policy powers, then recent decisions of the NSW Industrial Relations Commission and the High Court in interpreting provisions in the Occupational Health & Safety Act 2000 (NSW) (which are not dissimilar to the requirements imposed by our Act), are a timely reminder of liability you face.

The High Court decision is related to the deaths of four workers at the Gretley Colliery in the Hunter Valley of NSW in 1996. The court has refused leave to appeal against a decision in the NSW Court of Appeal which found that two mine managers (one who had ceased employment prior to the accident) were guilty of breaches of safety legislation in that they failed to plan and properly research the location and extent of old flooded workings and to undertake a risk assessment of development work in the relevant areas of the mine (breaches). This means that the Gretley appeal decision stands.

The Gretley appeal decision found that the then general mine manager (also the statutory mine manager) had the widest possible charge and control of the mine and all

its operations as well as persons employed in it. He was found guilty of the breaches and was fined \$42,000.

The previous manager was also found liable for the breaches but was discharged without conviction. His involvement in the actual commission of the offence was found to be significantly limited and his criminal culpability was diminished because his employment ended about two years before the accident.

The mine surveyor was found not guilty because his role was not managerial but more akin to that of an adviser or consultant with highly specialised skills acting in a support role to the mine managers.

The Gretley appeal decision gives guidance as to when a manager is concerned in the management of a company.

In other recent decisions, the NSW Industrial Relations Commission has provided further guidance by relevantly commenting that:

(1) Directors alleging ignorance of electrical or maintenance matters does not necessarily mean that they were not in a position to influence the conduct of the company. For example, they may have had authority

to make decisions about safety matters affecting the company's operations but they chose not to exercise this authority by doing very little to inform themselves about the safe operations of the company; and

(2) Directors are entitled to rely on persons with relevant experience and expertise, but only if they satisfy themselves that those other persons to whom the vital functions of detecting and obviating risks to safety had been delegated, could discharge and were discharging that function; but

(3) The relevant consideration is that actual functions performed by directors may establish that he/she was not in a position to influence, in a real and practical way, the conduct of the company concerning the systems of work used, plant provided or information/instruction/training supplied.

Given these authoritative decisions, the provisions of section 55 of our Act and penalties which extend to fines of up to \$250,000 and up to two years imprisonment for individuals found to have breached the safety legislation, what risks do you face? Are you adequately protected?

Toxic exposure database released

Court orders against OSHA

A landmark decision in the United States means that more than two-million measurements of occupational exposures to toxic substances which had been previously withheld will now be available to researchers and policymakers.

The Federal Court has ruled that the US Occupational Safety and Health Administration (OSHA) had been wrongly withholding the data with Judge Mary Cooper commenting that the rationales offered by OSHA to justify this lacked any merit.

The analyses were conducted during 75,000 OSHA workplace inspections over the past 28 years.

The court ruling is the result of a Freedom of Information Act lawsuit filed by Dr Adam Finkel, a former chief



Dr Adam Finkel, Princeton University

regulator at OSHA who is now a professor at Princeton University.

In 2003, Finkel was removed from his job as OSHA Regional Administrator in Denver because he blew the whistle on the agency for

not establishing a testing program for OSHA inspectors who were exposed to beryllium in the course of their inspections.

The OSHA database, which is now available for scrutiny, contains the concentration of each toxic substance found during the inspections (e.g. asbestos, lead, benzene, silica dust), the name of the company where the sample was taken and the encrypted code for the inspector who took the sample.

After the judgment, Dr Finkel said that OSHA forgot a long time ago that it existed to protect workers, not to protect its own executives.

More details are available at www.peer.org/news.

Company directors liable for trespasser's death

Three hotel directors in NSW have been found liable following the death of a teenager who had been swimming in the hotel pool without authorisation.

In December 2002, Lucas Morgan, who was 13, was electrocuted when his foot went through a corroded section of pipe containing live cables that supplied power to the pool filter.

Hotel staff had told Morgan on numerous occasions that he was forbidden to swim in the pool.

The Directors of Salamander Shores Hotel purchased the hotel in 2002 and had no previous experience in the hospitality industry. They engaged highly skilled managers and none of the directors provided any input or played any role in the development of a safety system.

In the NSW Industrial Relations Commission, Justice Backman found that the three directors did very little to inform themselves about the hotel's affairs, in particular its safety policies and procedures, its maintenance regime and workplace safety in general.

The judge said that directors were entitled to rely on others who possess relevant experience and expertise but must satisfy themselves that these people could discharge and were discharging that function.

Lawyer Michael Tooma of Deacons told *SafetyWA* that the case illustrated the imperative that directors make consistent and ongoing enquiries aimed at ensuring management is both capable and

competent of discharging statutory obligations relating to safety. This required sophisticated due diligence systems to be put in place to ensure compliance.

Inspector Aldred v Herbert and others [2007]

NSWIRComm 170



Compensation claims accepted

Although a direct link has yet to be established with the workplace, the Commonwealth's compensation scheme, Comcare, has accepted workers' compensation claims from nine of 15 women who contracted breast cancer while working in the ABC's Brisbane headquarters.

The site was closed after an independent expert found the incidence of breast cancer to be 11 times higher than in the general population.

Comcare's acting chief executive Martin Dolan says the women will be

entitled to income and rehabilitation support as well as coverage for medical expenses and home help.

Meanwhile, Professor Bruce Armstrong, who investigated the ABC breast cancer cluster, has found an unusually high number of cases among a small group of women working at Concord Hospital in Sydney.

Five staff members who work close to each other have been diagnosed prompting a full environmental assessment of the hospital.



*Professor Bruce Armstrong
University of Sydney*

New health & safety system for NT

By Paul Henderson

Our guest columnist is Paul Henderson, NT Minister for Employment, Education & Training, who has ministerial responsibility for OSH.

Work health arrangements in the NT are changing.

In 2006, the NT government approved the merger of three government bodies into one dedicated to safety issues.

The safety of Territory workers is a top priority for the Martin Government, and this move will further strengthen our approach to occupational safety.

The new NT Worksafe will be a one-stop-shop for Territorians, with a dedicated office for all safety issues – be they electrical, mining or workplace.

It will have the best of both worlds, with specialised staff on hand as well as a co-ordinated policy approach.

The Northern Territory Department of Planning and Infrastructure (DPI) (Electrical Safety) and Department of Primary Industry, Fisheries and Mining (DPIFM) (Mines Safety) OHS regulatory functions will be merged into the Department of Employment, Education and Training (DEET) through NT WorkSafe.

The electrical safety function has already merged with NT WorkSafe.

To facilitate the merger, the Work Health Act and Mines Management Acts will be rewritten to reflect the new arrangements.

Concurrently, the NT Government also seeks to ensure that the

Work Health Act, regulations and penalties are contemporary Australian practice. To support these initiatives, a review of the Work Health Act and the Mining Management Act has been commissioned.

The revised Work Health Act will include tougher penalties for breaches of occupational health and safety legislation and regulations.

Key issues to be examined include:

- Defining general duties for employers, employees and upstream, such as for designers and suppliers. This includes consideration of the role of practicability and the hierarchy of control in the definitions.
- Enforcement strategies and inspectorate powers, including provision for graduated enforcement measures, so that an effective enforcement pyramid can exist.
- Mechanisms for accountability for government activity, such as review of inspectorate decisions.
- Balancing the compliance and advisory functions of the inspectorate.
- Consultative arrangements, including employee representation and powers and functions within consultative arrangements.
- Achieving an appropriate balance between prescription (specification standards) and performance and



*Paul Henderson,
NT Minister for Employment,
Education & Training*

process-based standards.

- The nature of regulation making power in the Act and how this might relate to any practical guidance, eg 'deemed to comply' issues.
- How regulations and other standards are to be developed, eg consideration of tripartite structures.
- OHS management requirements, eg whether OHS management systems should be mandated.
- Coverage of risk management and provisions for dealing with different risks.
- Dealing with emergency situations, such as emergency response capabilities and reporting to WorkSafe NT.

It is expected that the merger of Mines Safety with NT WorkSafe will occur by the end of August.

New EU chemicals regulations

The legal framework for chemicals management throughout Europe has been completely overhauled.

After five years of negotiation, the Council of European Ministers of the Environment has adopted a regulation based on the registration, evaluation, authorisation and restriction of chemicals (REACH).

REACH places a duty on companies which produce or import more than one tonne of a chemical to assess the risks arising from its use and to take appropriate steps to manage any identified risks.

Downstream users of substances or preparations will also have to carry out chemical safety assessments

with specific reporting requirements applying.

Companies outside of the chemical industry will also be obliged to participate in the registration process.

REACH came into force on 1 July 2007.

An unrecognised achievement

Concern over “static” statistics

Continuing the series of reflections by Australians who have been prominent in workplace safety

Back when Pat Gilroy entered the mining industry, one in every ten miners could expect to suffer a lost time injury every year. Now, it's considerably less than one in every hundred.

The chief executive officer of MARCSTA, the Mining and Resource Contractors' Safety Training Association, describes this as one of the unrecognised major achievements in the world of safety.

He attributes it to the decision by industry and government to embrace the Robens Report, which encouraged both self-regulation and greater consultation between workers and employers.

Pat Gilroy recalls that before the legislative changes in occupational health and safety in Western Australia in the 1980's, the gold sector alone recorded “ten to twelve” fatalities a year.

“There wasn't much noise and nobody took a view that this was terribly wrong!”, he says.

This was in a workforce of around 12,000 people, so the rate at the time was about one in every 1000 employees.

“People are astounded when I tell them that if we applied that rate today we would have 50 people killed in the mining industry each year!”

Pat Gilroy left school at fourteen and it wasn't until he was 37 that as a mature age student, he gained his first university degrees which led to a position at a care assessment centre for children in Applecross.

In 1979, he was successful with his application to become Kalgoorlie regional secretary of the Chamber of Mines. Two years later he was back in Perth as the chamber's general secretary, where a committee was established to deal specifically with occupational health and safety.



Pat Gilroy MARCSTA

Pat remembers an initial degree of reluctance with companies more concerned about the impact on their bottom lines of the new OSH legislation rather than what might be done to improve the safety of workers.

Pat Gilroy formed a close working relationship with the late Jim Torlach, who had been appointed State Mining Engineer and together they convinced the industry of the need to embrace the new workplace safety laws.

Pat recalls that the proposal to appoint health and safety representatives was initially opposed by major companies who feared these would be union appointments.

But industry eventually agreed, in a decision Pat now describes as the most significant factor in industry maintaining its workplace safety record.

“Industry came to realise the enormously beneficial effect of having more safety officers on the shop floor identifying potentially dangerous situations and working with employers to correct them.”

While he is proud of the part he has played in reducing the serious injury rate in the mining industry, and even though the numbers are low, Pat expresses concern that the figures have remained static now for six or seven years.

“Our analysis shows a continuing trend of exactly the same sorts of incidents affecting the same sorts of workers in the same ways.”

The MARCSTA boss says that when he looks at the figures from year to year, he can predict which workers are going to suffer the most injuries, the type of injuries and the circumstances that caused them.

“It is almost as though we have become a little bit complacent”, he says. “We've got to a point where it's perceived as no longer being a major problem, we're not being pressured about this, so therefore we can live with this level.”

Pat Gilroy says he doesn't think industry feels a need to do any more than is being done at the moment. The incentive, he believes, must come from people in industry who are committed to making decisions that are good for industry, society and humanity and who want to do it because it is worth doing!

He puts it succinctly: “In other words, a more moral approach asking whether it is reasonable to allow this to continue when it is within our power to reduce it.”

As he nears the end of his period at MARCSTA, Pat reflects on the organisation's achievements. “We still continue to provide training for about 20,000 people a year, having processed 180,000 people in the last ten years”

He says there is a vast number of people in the workforce with a pretty good grasp of safety principles.

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The peak of workplace safety

Ausclad wins national acclaim

For the Ausclad Group of Companies, workplace safety is a journey, not a destination.

In fact, Ausclad's managing director Stuart Kenny says that after the company has climbed one mountain, there's another taller peak to encounter.

Ausclad was recently named as winner of category one of the Safe Work Australia national awards for 2006 for having the best workplace health and safety management system.

With about 900 employees, Ausclad provides engineering services to industry, including fabrication, structural and mechanical installation and maintenance. The company has just achieved 600,000 hours with no lost time injuries and one minor restricted work injury. It has staff in diverse locations such as Wagerup, Hope Downs and Kwinana.

Group safety manager Mark Johns attributes Ausclad's safety success to several factors, but primarily the implementation of a safety management system which is particularly user-friendly. He says it was specifically designed to allow easy access to a central system for the management of health and safety practices and protocols.

Managing director Stuart Kenny told SafetyWA the award demonstrated that Ausclad cares for its people and recognises the effort staff and management had put in to improve the company's safety performance.

The theory that safety must be driven from the top of an organisation is strongly embraced by Ausclad.

"Our board and executive management talk a line and they



Stuart Kenny, Ausclad MD & Mark Johns, Group Safety Mgr.

walk a line and it just flows down" says Mark Johns. "The guys will very quickly suss out if you are just mouthing the words or if you truly do believe!"

The company has an open and transparent approach to safety that ensures that everyone is accessible. "Our GM Operations and our Director of Operations are always out on site, so that if the guys have any beefs they know that management is available to talk it through with them."

Ausclad has about fifteen safety representatives in the organisation at any one time and Mark Johns says they are used very positively and aggressively.

"We like them to get involved at the grass roots. "I think it is one of the successes of Ausclad that the workforce can see these guys do have access and that we rectify any issues if not immediately, then as quickly as possible."

This, he says, goes a long way towards building trust and support from the workforce back to management.

Stuart Kenny says that from its beginnings, Ausclad recognised the importance of safety in growing the business and achieving maximum levels of performance. He readily admits that the strong commitment the major mining companies gave to safety in the 1990's rubbed off on his organisation.

Ausclad believes safety must be part of behavioural change. Mark Johns says that by identifying risk behaviour, re-stating basic skills, giving more training and more competencies, the workforce

is encouraged to embrace the company's safety culture.

"We do a lot of ad hoc training at the workplace and our line managers engage their staff on safety issues."

Ausclad also has some structured training during toolbox sessions as well as monthly training sessions.

The company makes a point of paying attention to the views of more experienced members of staff – some have been in the industry for 40 years or more. "They have a wealth of knowledge and we take on board what they say and look at how we can adapt it into our systems and processes."

Looking ahead, Mark Johns says that Ausclad will be looking more closely at behavioural programs which concentrate on the realisation that safety, quality and production are all part and parcel of one process.

Stuart Kenny and Mark Johns will present their award winning safety management system at IFAP's Safety07 Conference on 25-26 September 2007.

An unrecognised achievement (continued)

"The critical point made by Robens is that the primary responsibility for improving occupational health and safety rests with those who create the risks (the employers) and those who work with the risks (the employees). "The success of a company is to what extent

the employer and the employees sit down and work out together what needs to be done. "They are the only people who can actually achieve the change."

Pat Gilroy says he will stay in his current role at MARCSTA until someone else is found to take over,

but expects to keep active in an advisory role.

He expects to have some more time to indulge in his other favourite pastimes – breeding standard bred horses, gardening and listening to fine music.

Blogs, wikis and ipods!

By Andrew Pittaway
Regional Manager West, CGU Safety & Risk Services

During the past twelve months I have become aware of a number of different terms like “blogs” and “wikis” and have sought to find out a little bit more. It would appear that there has been an explosion in experimentation with blogs (self published web pages), wikis (self published web pages that everyone can edit) and podcasts (self published audios and conversations). While only a few organisations have so far developed proven approaches to using these tools, it would appear that they are starting to show potential and could assist us in improving safety outcomes.

By typing in “blog” or “wiki” into a typical search engine and then adding “safety”, it quickly becomes apparent how these tools are being used. Communities of best practice allow safety professionals with similar interests to interact, answer each other’s questions and problem solve by sharing information quickly and easily.

To experience how these advancements are being used try visiting <http://www.fluwiki.com/>. This webpage is a “wiki” based on avian

influenza and contains relevant links to “podcasts” on the topic.

What does this potentially mean for education and training? Given that learning is inherently a social activity, it has tremendous potential. My research suggests that there are now three levels or areas of e-learning which are being used today.

Online courses – These self study online courses comprise instructor-led training with information contained in web pages. Courses now offer activities, simulations, video and audio. Online courses provide a number of benefits, particularly with a geographically spread workforce. Online courses are used by many organisations today to deliver learning outcomes to large groups.

Live e-learning – This approach is often called “webcasting” and includes the use of instant messaging and now online video via cameras. This approach is very successful in bringing the instructor to the student in real time.

Self published collaboration – The most recent form of e-learning is the use of self published content.



Andrew Pittaway

Delivery methods include, but are not limited to discussion rooms, blogs and wikis. From a safety perspective, self published collaboration has great potential and will assist many safety professionals to join the dots and solve issues quickly and efficiently.

Further advancements in technology will no doubt make the delivery of safety information easier and more efficient than the current methods. The challenge for the safety profession is to ensure that information delivery methods are aligned to the needs of the workforce.

Moving into the future, we will be providing basic safety skills and knowledge to Generation Y and Z. In the interim, I believe that these technologies provide an excellent learning option as part of an overall blended learning approach.

PPE & reluctant Americans

Non-compliance a major concern

The failure of many American workers to wear personal protective equipment (PPE) is seen as a major concern by safety professionals involved in a recent survey.

At the 2006 National Safety Council Congress, 85 per cent of safety professionals said they had observed people in their organisation failing to wear PPE when they should have been. Nearly half said this had happened on numerous occasions.

All told, two thirds of the safety pros polled described PPE compliance as an issue within their organisation with nearly half reporting it as a “major concern”.

The main reasons for non-compliance are:

- A feeling of invulnerability among workers;
- Lack of awareness of workplace hazards;
- Lack of training on proper PPE use protocols; and,
- Ill-fitting, uncomfortable garments.

The Industrial Safety and Hygiene News (ISHN) reports that in both formal and informal research, three key themes emerge ..

- When PPE is “connected to” the wearer, compliance becomes more automatic. For example, integrating earplugs with safety glasses via a

lanyard improves hearing protection compliance,

- PPE that allows workers to express their individuality (e.g., colour and style options) leads to greater compliance, and
- PPE that is perceived as “cool” is more likely to be worn. This is why many PPE manufacturers are looking to the consumer fashion and sports apparel industries for cues on the latest styles which can be adapted for the PPE market.

Working hours and depression (continued)

Nearly as many (28.5%) were aware of a problem but hadn't sought treatment.

Business & Mental Health

The Queensland project aims to move mental health into the business arena.

Dr Hilton says that for too long businesses haven't had enough information to tell them whether they needed to instigate a mental health program.

"We want to work out the economic return for a business for helping employees with their mental health problems which would allow businesses to approach mental health as a business issue."

He says that screening and early intervention for common mental illnesses such as depression or anxiety helps individuals with a terribly debilitating disease. It also increases their ability to perform their job leading to a real economic benefit for an employer. It may also lead to reduced employee attrition and fewer workplace accidents and incidents.

According to Professor Graham Martin of Queensland University, the study has shown that someone who has been successfully treated for depression may return to the workforce in a fully productive role.

"Some of the stigma around mental health is that once you've got it, you are chronically unwell, you are unreliable and you will never get back to your full functioning and the employer is better off without you. This study shows this is not true!"

Dr Michael Hilton says that the research had found that as mental health symptoms increased people actually worked longer and longer hours.

"All previous research suggested the worse your symptoms the more time you took off. One sign of a mental health problem may be the employee who always stays late!"

More information is available at <http://www.worc.qcmhr.uq.edu.au/>

Book review

By Martin Ralph

Five Past Midnight in Bhopal
by Dominique Lapierre and
Javier Moro

Published by Simon and Schuster
Australia - ISBN 0-7432 3088 4

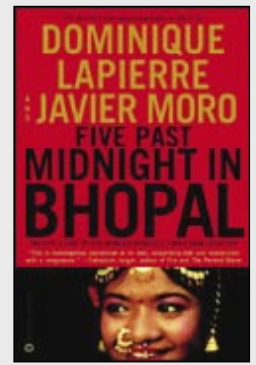
It's been a bit quiet on the new book front of late, so I have decided to re-read some of my books that have been gathering dust for a few years. The timing of the review of this book is appropriate – it's the best part of a quarter of a century since the accident in Bhopal occurred, and a whole generation of safety and health practitioners would have entered the discipline without any intimate knowledge of the tragedy.

The authors trace the history of the construction and commissioning of what Union Carbide referred to as their "beautiful plant" in Bhopal, capital city of the state of Madhya Pradesh in central northern India. The plant was to manufacture Sevin, an insecticide which promised to end insect plagues.

This was a particularly complicated process, involving the known toxins phosgene and monomethylamine, which reacted to produce methyl isocyanate or MIC, one of the most hazardous substances ever created.

Union Carbide's own toxicology tests demonstrated that exposure, even at low concentrations could lead to blindness, burning of the skin and death within minutes. MIC was a substance that could only be put to use in the most controlled conditions.

The book initially follows the plight of a family, which, displaced by famine, finds itself settling in the slums of Bhopal, which had the beautiful plant as a backdrop. Despite an early setback, where a release of toxins made its way into the ground water killing many of the peasants cows (the peasants were duly compensated), the early years of the plant's operation's were a success. Indeed, to many of the townspeople of Bhopal, being employed by Union Carbide was a position to be coveted.



Due to a diminishing demand for Sevin as a result of drought, Union Carbide commenced a process of cutting back maintenance and operational safety requirements. This occurred over several years, during which time the executive management of the plant changed several times. The result was a management group that had little knowledge of the hazards associated with the plant, a reduced number of staff to operate the facility, and little in the way of expenditure to attend to serious deficiencies in the condition of critical equipment.

These factors contributed to the inevitable accident in December 1984 with 30,000 deaths and 500,000 injuries

Despite the magnitude of the tragedy and the heart wrenching subject material, by including snippets of everyday life in the Bhopal slums, the authors have crafted a book that is an easy read. The authors also provide an insight into the courage and spirit of the local people who responded to the accident.

Despite it's ageing subject material, there is much for the safety and health practitioner to take from this book. In my notes I have highlighted issues such as improper hazard recognition, inappropriate maintenance, a distancing of management from the operations, failure to take pollution modeling seriously and dislocation from the parent organisation's base of expertise.

Also contributing was a conditioning via a "we are all right" mindset.

If it is not there already, this book should be part of the practitioner's library!