

SafetyWA

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WorkSafe warns miners over safety

Unions critical of "ad hoc" procedures

WorkSafe has reminded mining companies in the north-west that they are liable for penalties of up to \$500,000 if found guilty of gross negligence under the Occupational Safety and Health Act.

The warning comes in the wake of Cyclone George, which ripped through a Fortescue Metals Group camp 100km south of Port Hedland, killing two workers. Sixteen others were injured when a third of the camp was destroyed by 230 km/h winds.

Unions quickly criticised FMG for not adequately securing the workers' huts or dongas, ahead of the category-four storm, and for the company's failure to evacuate workers.

The initial police enquiry into the deaths has been taken over by the major crime squad and a police spokesman told *SafetyWA* that it would be months, rather than weeks, before it was presented to the Coroner.

"Ad hoc" procedures

In the meantime, the Construction, Forestry, Mining and Energy Union has visited twelve mine sites in the north-west and has found that emergency policies and procedures are both ad hoc and inconsistent.

The union's safety advisor Darren Kavanagh said at one location, where there were nearly one-thousand

workers, the available shelter would only protect half the workforce.

"It is quite clear that what was happening at Fortescue is being repeated in a lot of other areas. There were examples of workers being left in their dongas for days without sufficient water or food or access to basic amenities."

Safety bulletin

Four weeks after Cyclone George, Resources Safety and WorkSafe WA issued a safety bulletin stressing the importance of every employer located in a cyclone sensitive region preparing a comprehensive emergency management plan which addresses the risks associated with cyclones.

The bulletin listed a number of recommendations based on preliminary findings from the cyclone. (see *Legal Column*, page 2)

Compensation Claims

Workers injured during Cyclone George are being assisted by unions to initiate workers compensation claims.

FMG has said it won't be commenting further until the investigation into Cyclone George is complete.

WA Police and WorkSafe are combining resources to investigate the cyclone but are expected to eventually present the Coroner with two separate reports.

The CFMEU wants changes to WA's OSH act to specifically cover cyclone rated buildings.

Enforcement

The union also believes the State's workplace safety laws are not being adequately enforced in the north-west with only one full time WorkSafe inspector stationed in an area where

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Emergency preparation planning & preparedness

By Maria Saraceni, *Partner, Deacons*



Maria Saraceni

In the early hours of 9 March 2007, a category 4 cyclone crossed the WA coast and devastated a rail construction camp 150km from Port Hedland.

Television news showed the physical damage to the camp but the pictures printed in the media of workers shortly before the cyclone hit portrayed a carefree environment. Both are of concern.

It is trite to remind readers that employers have not only a contractual but a statutory obligation to provide a workplace free from hazards. This extends to locations where employers provide residential premises (sections 23G & H: *Occupational Safety & Health Act (WA)* and sections 15D & E: *Mines Safety & Inspection Act (WA)*).

The supporting regulations require employers to undertake a risk assessment identifying hazards, assessing the risk of injury or harm and considering the means to reduce such risks.

More particularly, the regulations require employers to develop emergency procedures and plans in conjunction with advice from the Fire & Emergency Services Authority (FESA) and regional emergency planning groups where sites are

located (Regulation 4.30 – *Mines Safety & Inspection Regulations* and Regulation 3.10 – *Occupational Safety & Health Regulations*).

These plans should detail how, insofar as is practicable, a site can be made safe and workers' safety assured. In the circumstances of a cyclone, or other weather havoc, adequately securing buildings (particularly transportable ones), the removal or containing of loose objects/structures and the evacuation of workers are but some of the matters which should be addressed.

WorkSafe and Resources Safety jointly issued Mines Safety Bulletin 79 dealing with "Cyclone – emergency preparation, planning and preparedness".

Relevantly, it recommends that:

- a safe and orderly evacuation of non-essential personnel from the workplace, should be considered at the time of blue and yellow alert cyclone warning phases;
- essential personnel remaining on site should be moved to a designated appropriate shelter well in advance of arrival of the cyclone;
- A reliable means of emergency back up communication should be available for external

communications when power has to be isolated during the red alert cyclone warning phase or following damage to infrastructure; and,

- each site should continuously monitor cyclone warnings from all available sources.

The bulletin states "All employers in a cyclone sensitive region are requested to review their cyclone procedures as a result of this bulletin and the recommendations made above" and directs readers to FESA, the Bureau of Meteorology and the Building Code of Australia.

Workers have statutory obligations for their own safety and to not adversely affect the health and safety of colleagues. When workers have immediate safety concerns, they can legally withdraw their labour.

Do the published photos of the workers indicate that they were oblivious to their safety? Or given their location, available modes of transport and prevailing weather conditions do those photos indicate they had no option?

The sequelae of the fatalities, injuries and potential breaches of safety laws will take some time to come to fruition. Watch this space!

Sex workers get OSH protection

Legislation being drawn up

The Health Department and WorkSafe will develop a sex industry code of practice following the State Government's decision to decriminalise prostitution in Western Australia.

The decision has been prompted by the need to protect the health and safety of sex workers and provide clarity for police.

WA Attorney-General Jim McGinty says that the legislation will be based on the recommendations from a

report by the Prostitution Law Reform Working Group.

The report found that workers in the sex industry are potentially exposed to a variety of health risks, from sexually communicable diseases through to stress, alcohol and drug dependence and violence.

It recommends that certain minimum health and safety requirements be mandated in the legislation and that the OSH Act continues to apply.

Sex workers must be considered to be employees, they must adopt safe sex practices and operators must supply free condoms. Regular health checks will be encouraged. An operator/manager certification system will be administered by the Department of Racing, Gaming and Liquor.

Stakeholders will be consulted during the drafting process with no date set for the introduction of the legislation into State Parliament.

The pulverising of risk

Responsibility moves to self employed contractors

Risk is increasingly being pulverised and spread over large numbers of exceedingly small establishments according to an international leader in the field of occupational injury.

Professor Tore Larsson of the Royal Institute of Technology in Stockholm told the "Safety in Action" conference in Melbourne that traditional approaches to workplace inspection and control were clearly inadequate.

"Not only are public resources insufficient to maintain a credible presence in a large enough number of workplaces, but also the average size of companies means that severe injuries are few and far between in each establishment."

Professor Larsson said the increasing proportion of workers becoming self-employed contractors or managers of small businesses was likely to lead to less reliable reporting of work-related trauma and disease.

He said that minor injury and sickness were increasingly under-reported or claimed under general medical/social insurance rather than workers' compensation, or were just suffered as a loss of health by small business operators.

The structural and organisational weakness of many new out-sourcing small businesses operating in high risk areas made such potential risk information increasingly dubious.

A shift in responsibility

A consequence was that actual responsibility and decisions related to risk were shifted from the social organisation of work to the domain of the injured victim.

Professor Larsson said that ideally and legally, employers were responsible for risk exposure. But in the real world, coping with occupational hazards within the wide perimeter of general safety was normally delegated to the risk-exposed worker.

"Widespread tendencies to outsource risk coping through the

sub-contracting of hazardous tasks (eg. cleaning, maintenance, repair, transport and printing) increasingly lodge the actual responsibility for risk with self-employed and small business operating workers. Their power to influence and control this exposure was often very limited, both due to lack of influence over the environment, design and running of the company with which they are sub-contracting, and also through highly competitive pricing in areas virtually devoid of safety inspectorial control."

According to the professor, the most common control methods applied to occupational safety were archaic, low-grade, individualistic, voluntaristic and inefficient.

Medical mistakes

Professor Larsson also referred in his speech to the fact that the volume of medical mistakes and the number of patients killed or injured by medical treatment each year as being far greater than the national road toll.

He said that steps to implement comprehensive patient safety systems so that mishaps and medical errors could be brought under control and reduced, were hampered by the perceived conflict with the traditional role and status of the medical professional, the hierarchical structure of hospitals and the absolute lack of power and influence by the patient in need of medical care.

Hospitals had separate and sometimes conflicting hierarchies of administrators, doctors and other professionals and the interactions between them were complex.

"The functional processes in hospitals are often not clearly defined, so that risks created in one step in the process manifest themselves in another without a link being made by those involved in either step".

Professor Larsson said that this created problems of knowing who to address and make responsible for



Professor Tore Larsson, Royal Institute of Technology, Sweden.

action. "There is enormous scope for passing the buck!"

Road transport success

At the other end of the spectrum safety in road transport represented exemplary development over the last three decades. Important developments in vehicle and traffic systems design, together with improved emergency care had significantly reduced the incidence of road fatality and severe road trauma in the developed world.

"It's impossible to find another comparable area of successful safety management."

He said the control of risks at work was a social task which demanded the combination and coordination of many different perspectives, disciplines and approaches. It was clear that there are many areas of successful safety science and risk control practices which should be translated into areas of hazardous work and industrial activities.

This was especially so for those areas of the present and future labour markets where the level of risk was medically, socially and economically unacceptable.

Professor Tore Larsson is Research Leader in Design, Work Environment, Safety & Health at KTH - the Royal Institute of Technology in Stockholm, Sweden. Email: tore.larsson@syd.kth.se

Differences in risk perception

By Tim McGrath

Our guest columnist is Tim McGrath, recently appointed as Senior Safety Adviser for the Australian Petroleum Production & Exploration Association (APPEA). Tim was previously an OSH inspector with the National Offshore Petroleum Safety Authority.

Most accident investigations conclude that inadequate risk assessment is a contributing factor. Unfortunately, everyone interprets a situation differently based on their prior knowledge and experience.

While many techniques have been developed to manage hazards and conduct work in a safe manner, the most important part of the solution of getting people to work safely is helping them identify that a hazard exists and needs assessment so that they can then select the right barriers and controls.

Hazard identification begins with sensing the audio, visual and situational cues that are available to workers. These can be affected by both the sharpness of their physical senses and their overall alertness.

The next stage is their interpretation, which includes how workers discard those cues which are benign so that they can have more brain processing powers to concentrate on those which require assessment.

Assessing hazards is the next stage of the process, which includes perceptions of likelihood of occurrence and severity of the consequences of an accident, often considered to be the negative consequences.

It also includes confidence in an ability to cope with a risky situation which can be modified by frequency of task, number of times previously conducted, length of time since last completed, adequacy of systems and equipment for both the task and the escalation of undesired outcomes. Finally, the motivation to take a risk includes the perceived necessity and desirability for taking the risk, which could be considered to be the positive consequences.

Historically, investigation into risk perception by social scientists and psychologists has focussed on the use of questionnaires and choices

between gambles which are not very applicable to tasks requiring risk assessment.

Recent investigation has included driver and pilot simulators. The best simulation would be in the workplace but this is difficult and expensive to set up and evaluate with consistency. The opportunity to develop low cost computer virtual reality simulation of the workplace is now possible so a scenario has been developed which includes realistic scenery, a realistic task and provides instant measurement and feedback.

It was decided to develop a similar simulator so that offshore oil and gas industry workers could be immersed into a world with a scenario to measure how they react to hazards and translate this into a measure of risk perception. Participants are judged against their ability to correctly identify a hazard, to assess the potential to cause harm and to choose the correct action.

So far about 200 participants have been tested in the simulator with the following results which have been divided into four levels of risk perception

- 5% Excellent - they stopped the job because they deemed the consequence and likelihood to be too great;
- 35% Good – they followed the rules to complete the task but were not aware or did not respond to the hazard;
- 25% Questionable – they took a chance and broke a rule but were able to recover from the situation or they followed the rule until some pressure was applied; and,
- 35% In need of Improvement – they broke a rule and did not correct their behaviour and incurred the consequences.



Tim McGrath

The results are worse than expected.

When the concept for the scenario was discussed with HSE professionals they estimated that only one in ten would endanger the avatar in the simulation.

These results show a figure is six out of ten.

Whether knowledge of “Risk Perception Index” will improve the safety of offshore teams is for management to decide by selecting appropriate remedies where it is below tolerable levels.

This tool may be considered as a ‘lead indicator’ as it efficiently identifies those participants that are demonstrating “at-risk” and “desirable” behaviour in the work place context

Tim McGrath will present more detail and more recent data together with the plans for further scenarios at the IFAP Safety07 Conference on 25 & 26 September.

Buying safer company cars

Employers urged to change purchase practices

Continuing the series of reflections by Australians prominent in workplace safety

Grant Dorrington believes the most effective way to reduce the road toll is for employers in Western Australia with staff who are on the road to only purchase vehicles with maximum safety ratings.

The Road Safety Council chairman wants all employers to check the ANCAP (Australian New Car Assessment Program) website where the crash ratings of new cars are detailed.

Concerned that most employers "wouldn't even know what ANCAP is", he wants government and other fleet buyers to only buy cars which have been given ANCAP's highest top crash protection rating (5 stars).

Currently, no Australian-built vehicles fall into this category.

He says WA government departments purchase 60,000 cars a year and if it was a pre-requisite that all had to be of a five-star rating, the manufacturers would soon ensure that their vehicles complied.

"This would say to Holden and Ford that we value the safety our employees and we also value your presence in Australia, but if we are to buy cars from you in the future, you will need to add these safety features to your vehicles."

Passions

Grant Dorrington has two great passions in life – football and road safety. As Director of Football for the West Australian Football Commission, Grant works from an office overlooking the expanses of Subiaco Oval.

Not afraid to be outspoken, he has been the independent chairman of the Road Safety Council for ten years, after being invited to take on

the post by former Transport Minister Eric Charlton, whose son was killed in a road accident.

Grant Dorrington speaks with pride about the drop in the road toll during this period. In 1997, 257 people were killed on WA roads. This had fallen to 162 in 2005, but rose to 204 last year.



Grant Dorrington outside his Subiaco Oval office

These figures which represent nine in every 100,000 people, are a far cry from the 1960's when, according to Grant Dorrington, 30 people per 100,000 lost their lives.

Nevertheless, he believes that a death rate of five a day nationally can never be accepted.

"We wouldn't accept five murders a day, but something in our subconscious accepts death on the roads as part of the price we pay for our affluence."

Insist on safer cars

The Road Safety Council chairman says that if employers had a better understanding that most road deaths occur during work time, they would insist on safer cars for their staff.

Enormous advances have been made in the quality of safety at most workplaces, yet employers are not as demanding about the mobile office.

"We are still more focussed on colours, looks and big motors for the boys!"

While Grant Dorrington believes strongly in the value of employers making it possible for staff to take part in advanced driving courses, he believes the safety of the individual vehicle is the first issue needing attention.

And, he is concerned that the death toll in country areas is five times higher than in the city and says that 40% of people killed or injured on country roads aren't wearing seat belts.

"Audio indicators that go beep, beep, beep and will drive you nuts unless your seat belt's on inevitably save lives", he says.

Use-by date

Although he is passionately committed to his road safety job, Grant Dorrington knows that he has a use-by date.

Currently in his fourth term as chairman, he knows that eventually he will move on.

He is now spending a lot more time with his four grand children and particularly enjoys encouraging his seven-year-old grandson to participate in Auskick, the AFL program that allows young boys to play football in a fun and safe environment.

As for the future, Grant Dorrington is certain that he will always be involved in pursuits with a community focus.

And he'll continue to have his say on those two important passions in his life.

Rescuers admit breaking safety laws

The rescuers of the two Tasmanian gold miners trapped last year at Beaconsfield flouted safety laws and put their own lives at risk to save the men.

Rescue Coordinator Patrick Ball told ABC Television's "Australian Story" that he didn't expect miners Todd Russell and Brant Webb to survive the Anzac Day rock fall that killed fellow miner Larry Knight.

But that didn't stop the rescue crew risking their lives in the hope of finding the miners.

"I found myself in a very uncomfortable position during the rescue of telling people not to do things and hoping like hell they ignored me!" he said.

"There was a certain amount of information we needed that could only be got by people going in and doing dangerous things".

Patrick Ball said that a way had to be found to get information across to the mine's inspector without the rescue crew admitting they'd broken the law by risking their own lives.

The mine's occupational health and safety officer, Rex Johnson, came up with a fantastic solution that became known as "Rex's Dreams". "We simply went up to the mine's inspector and said "Oh, Fred, I had a dream last night that you wouldn't believe. I dreamt that I went in the 925, climbed up the rock wall, went down a small hole." There was no



2006 rescuers take a break.

crime here, he's just telling me about a dream!"

The body of Larry Knight was found two days after the rock fall. It was three days later that Todd Russell and Brant Webb were found.

Patrick Ball said the logic was that given the two men were in a cage with no lid, they wouldn't survive a thousand-tonne rock fall, but the rescue team didn't give up hope.

"We decided to overstep the bounds and walked into the back of the telehandler."

Colleague Steven "Salty" Saltmarsh was sure he could hear voices, but put it down to the acoustics of the water that was dripping.

"We just shouted out "hello" and we heard a voice saying "ho!" and then a second voice went "ho!" We knew they were alive!"

During the rescue there was another small rock fall, burying one of the rescuer's legs, but the team persisted.

Just before the anniversary of the rock fall the Tasmanian Director of Public Prosecutions announced that no charges will be laid at this time over the mine collapse as there is insufficient evidence to support a prosecution.

However, the DPP says this decision will be reconsidered if appropriate evidence is provided.

Stressed & overworked

800 householders surveyed

Too many West Australians are stressed and the state's mothers are often working extremely long hours.

A survey of 800 West Australian households has found that almost four of every ten people consider they have at least "quite high" stress levels in their lives.

Most stressed are females in the singles/couples category (55%) compared to 47% of males in the same group with paid work or studies

listed as their key cause of stress.

When paid and unpaid work is added together, mothers are working a 65-hour week, fathers 62 hours.

The HBF wellbeing survey reveals that only 44% believe their quality of sleep is "good" with only 30 per cent reporting that they sleep for eight hours or more a night.

A third of respondents admit to being overweight, although eight out of ten consider their general health to be

quite good or very good.

One in every three males in the single/couples category consider that it is acceptable to at least sometimes take ecstasy while a disturbing four in every ten singles/couples believe it is at least rarely acceptable to smoke cannabis.

Half of those surveyed reported doing at least "half an hour of exercise that leaves you puffing" on three or more occasions a week.

The benefits of an integrated systems approach

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



Andrew Pittaway

A major challenge facing businesses today is how to best approach the management of safety, quality and environment in a streamlined, effective and cost efficient manner.

An organisation typically has one management team and it therefore seems logical to adopt one safety management system that contains all the necessary methodologies and objectives to meet all management obligations.

The benefits of using an integrated management system, in preference to a number of individual systems are as follows:

- It avoids duplication of instructions and effort, and minimises confusion;
- It ensures best practice and lessons learned are shared across all disciplines (safety, environment, quality);
- It ensures a single set of requirements is developed and keeps system documentation to a minimum;
- One annual programme of internal system audits can be introduced thus minimising internal disruption. Regular inspection and monitoring programmes can include all aspects of safety, environment and quality within a single checklist;
- One single system of reporting is required; and,
- Training in an integrated system can reduce training time.

There are components or requirements in all management

systems which can be integrated to reduce duplication and complexity by breaking down the system into common and unique requirements.

Common requirements are those parts of the system where management plays a key role in overseeing its performance. These include:

- **Effective Leadership** – An effective management system requires participation by all parts of the organisation. Top management must demonstrate a corporate commitment through leadership, delegation of authority and allocation of resources.
- **Policy and Objectives** – Management should establish the overall policy for the organisation. Secondary policies may then be developed for specific activities. It is important these are derived from and reflect the overall policy. In addition, objectives should be established to meet the organisation's policies. Targets should be set.
- **Management of Change** – It is critical that this is aligned with organisational objectives.
- **Communication** – There must be an effective means for interactive communication, both internal and external.
- **Organisational Structure** – This must be visible to all stakeholders in order to ensure that they understand their role and responsibilities.
- **Identification and Provision of Resources** – Management needs

to identify the appropriate human, physical and financial resources essential to implement stated policies and objectives.

- **Planning** – Alignment of plans is essential to optimise results and should include long / short term goals together with a measure of continuous improvement.
- **Monitoring** – Key activities of measuring, monitoring, auditing and evaluating must provide the necessary information to determine whether business performance is meeting the stated policy, objectives and targets.
- **Review** – Review processes should be broad enough to address the implications of all activities, and results should be communicated to all those held accountable.
- **Continuous Improvement** – This is achieved by regular evaluation of performance and by harnessing opportunities for improvement.

Underpinning the common elements are the unique requirements which address specific areas such as safety, quality and environmental standards. These specialised areas take into account relevant legislative obligations, standards and specific industry requirements. These can all be easily integrated to support the common elements of a management system.

Two national awards to WA

Western Australians have won two of the five major Safe Work Australia Awards for 2006.

The Ausclad Group of Companies is winner of the award for Best Workplace Health and Safety Management System.

The judges found that Ausclad's safety

system incorporated clear executive, senior and line management responsibilities and accountabilities and its safety policies were developed in close consultation with staff.

The award for Best Workplace Health and Safety Practices in Small Business went to Boyupbrook farmer Peter Bradford

for his invention of a portable aluminium standpipe system for filling tanks from overhead, providing a practical low-cost solution to hazards.

Hear about Ausclad's award winning Safety Management System at the IFAP Safety07 Conference

WorkSafe warns miners (continued)

there are currently thousands of workers.

Darren Kavanagh told *SafetyWA* that it has become impossible for the regulator to ensure that workplaces in the northwest are maintaining a minimal level of health and safety.

“There is no regulation, no checking by the people who are empowered to maintain safety levels”, he said.

WorkSafe commissioner Nina Lyhne confirmed that there was one inspector based at Karratha, but said that another inspector flew in on a regular basis, while teams of inspectors ran particular campaigns.

“Just because there is only one inspector in the Karratha office at the moment doesn't mean that the whole region is being served by only one inspector”, she said.

Ms Lyhne said it was often difficult to fill positions in regional areas.

She said that WorkSafe had an allocation of resources from the State Government and that these were being used by WorkSafe in the most effective manner.

Footnote: Sixteen newly-graduated WorkSafe inspectors were presented with their certificates last month after completing a 28-week inspector induction and training program.

Employment Protection Minister Michelle Roberts says there are currently approximately 100 WorkSafe inspectors in WA with a progressive increase being achieved over recent years.

Inspectors undergo a rigorous induction and training program consisting of an eight-week basic induction, supervised fieldwork with a coach and completion of the Certificate IV in Government (Statutory Compliance).

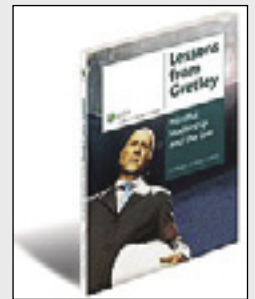
Book review

By Martin Ralph

Lessons From Gretley - Mindful Leadership and the Law

By Andrew Hopkins

Published by CCH Australia Limited
www.cch.com.au



Professor Andrew Hopkins is well known to the occupational safety and health fraternity through the widely acclaimed texts, “Lessons from Longford”, and “Managing Major Hazards” and several other publications that deal with high risk workplace accidents.

In the early hours of the morning on 14 November, 1996 a group of miners were working underground at the Gretley Colliery near Newcastle when the men unknowingly cut into an old flooded mine shaft. Water swept into the working mine and took the lives of four men.

The tragic accident created high levels of community concern, and provided the impetus for a review of the administration of workplace regulation in the mining industry in New South Wales. The tragedy also established the base for charges to be laid against a number of persons holding management positions within the operating companies, Newcastle Coal Company Pty Ltd and Oakbridge Pty Ltd – a precedent in the state's mining industry, with ramifications across the country.

Professor Hopkins is a sociologist at the Australian National University, and this text fully explores the social and community aspects of the accident.

However, unlike the texts dealing with the Longford and Moura accidents, this text does not delve into the finite details of the safety management system in operation at the Gretley Mine at the time. This is primarily because the accident arose from inappropriate decision-making at the management level which was based upon faulty data. It is this decision-making process and the concepts of mindful leadership and mindful organisations which form the nucleus of the book.

As a result, this text develops a much more holistic view of workplace safety and health than the ‘easy-to-read’ treatments of Moura and Longford. In some chapters this makes the text an interesting, but complex read.

However, Hopkins explains the socio-political environment at the time in sufficient detail so the reader can readily grasp the significance of the events leading up to, and after the accident so as to make comparisons with their own workplace circumstances.

Once again, Hopkins has presented a concise review of a significant workplace tragedy in a format that is easily digestible by a wide audience. Although this is a more academic treatise than Hopkins' previous works, it will be appreciated by anyone in the occupational safety and health community, but particularly by those interested in the evolution of legislation and the future approaches required by best-practice organisations.