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Leading Safety

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engage
leaders
on OHS

OHS harmonisation

The end of the road for
national laws?
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Regulars

- 4** News report
- 8** News
- 10** News
- 13** Opinion
- 30** Event preview

14

Leading safety

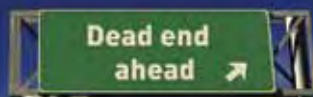
How OHS can work with
executives to build safety
leadership

Features

10

News report

Have national Work Health and
Safety laws reached a dead end?



18

Research

Employers and
employees need
to work together to
eliminate bullying from
workplaces

20

Protective eyewear

How to make sure
workers get the best
safety protection for
their eyes



26

**Workplace alcohol and
drug testing**

Key considerations for
developing workplace
drug and alcohol
policies and programs



12

Profile

Dame Carol Black
on her greatest
professional
achievements,
challenges and
goals

contents



What does safety leadership really mean?

What does safety leadership mean and how is it exhibited? There are lots of job advertisements that require safety practitioners to be “safety leaders” but then many of us expect safety leadership to be exhibited by senior managers. In the latter case the safety professional becomes what the advertisements describe as “safety coaches”, “change agents” and there are often references to “culture” thrown in. The definition is thereby interpreted in a variety of ways.

In my experience many perceive leadership to be espousing “zero” targets and “leading by example” and this translates to wearing all the relevant PPE when walking out to a job and other similar trite behaviours. I recently encountered a senior manager clearly attempting to show leadership by overriding a risk assessment undertaken by a group of employees. He shut the job

down, deeming totally inadequate the risk controls that had been nominated and in use for some years. On the face of it, this appeared to be good example of a leadership and an unremarkable issue. However, the two risk assessments were so far apart that the issues begged some exploration.

It seems that the all too familiar problems with risk assessments had arisen. Each party was using different criteria; the employees were basing their assessment of consequence on “mostly likely” while the manager was basing his assessment on “worst possible”. The latter required risk controls that the employees believed were neither necessary nor practical. The manager’s argument was based on his knowledge of the hazard while the employees’ argument was based on their knowledge of the hazard in the context of the work and workplace. It transpired that the nub of the problem was that the manager had declined a visit to the workplace concerned (at least a one hour round trip) on the basis that he “knew the hazard” and therefore the risk. In the process he lost the confidence of the employees, their respect as a safety leader and he created a perception that the organisation had resources to waste in unnecessarily halting production and standing employees down on full pay.

Professor Sidney Dekker wrote about the “gap between work-as-imagined and work-as-done”¹ and failure to recognise this gap can lead to many problems

including failure to invest in resources appropriately. Where work is conducted remotely and in uncontrolled workplaces the problem can become increasingly acute as managers fail to understand the challenges faced by their employees. A recent investigation² into the challenges faced by emergency services crews dealing with the increasing problem of moving bariatric (morbidly obese) patients in their home environment brought this into sharp focus; whatever rules and procedures may exist to limit exposure to manual handling injury risk were often derided by the people on the ground. Now, muddying the waters around rules, procedures and work-as-done, a carer in a sheltered housing block in the UK has been sacked after going to the aid of an aged client who was soaked in urine and unable to get up to clean herself³. She lifted the woman on to a commode and helped her wash and change rather than waiting for trained staff to arrive with a hoist. On the face of it, the management response would not suggest an understanding of work-as-done.

In his analysis of the Texas City fire and explosion Professor Andrew Hopkins argues for the importance of leaders spending time coming to grips with the challenges that people at the sharp end face on a day-to-day basis⁴. In so doing, he offers a series of questions that managers should be armed with to elicit information about the realities of their work and the ability to undertake it safely.

Whatever safety leadership really is, it certainly involves managers having respect for what people at the sharp-end have learnt and know, which probably is not very different to what Lord Robens told us 40 years ago.

Dr Steve Cowley, FSIA, SIA National Publications, Editor

- 1 Dekker, S. (2006). *The Field Guide to Understanding Human Error*. Aldershot: Ashgate.
- 2 Cowley, S., & Leggett, S. (2011). *Manual handling risks associated with the care, treatment and transportation of bariatric (severely obese) patients and clients in Australia*. *Work, A Journal of Prevention, Assessment, & Rehabilitation*, 39, 477-483.
- 3 Razaq, R. (2012). *The carer who was sacked for caring*. Retrieved from <http://www.thisislondon.co.uk/standard/article-24028455-the-carer-who-was-sacked-for-caring.do>
- 4 Hopkins, A. (2008). *Failure to Learn the BP Texas City Refinery Disaster*. Sydney: CCH.



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Refresh your inspiration!

Whether we are leaders, professionals or practitioners in the world of health and safety, or managers and supervisors responsible for the safe work of our people, we all need a 'driving force' to see us through the myriad of tasks each day. To not have one is to be at risk of sinking slowly in the swamp and have no effect. Furthermore, do we take care to nurture it, or does it fade amidst the daily distractions? Does that sound too dramatic by far? What is a 'driving force' anyway?

As we move towards our first SIA Safety in Action National Convention, I thought that maybe a personal insight could help in answering those questions.

My driving force in this work was borne out of my role as a CEO in a WorkCover Authority with responsibility for health and safety across an entire workforce in that state, and now that I am a leader in a health and safety organisation with over 4000 members, that driving force still lives with me today.

I know, however, that I must nurture it, and I had the wonderful experience of my inspiration being refreshed just recently, and maybe unexpectedly. I was invited to chair a conference titled 'Incident and Accident Investigation 2012' and subtitled 'Executing a thorough investigation process to strengthen and future-proof your safety regime'. My introduction did give me the opportunity to tell the audience that the word 'accident' was not in my vocabulary, although I am not entirely sure that the conference organisers appreciated that particular input!

Then the presentations began, and early on I listened intently to a presentation on the tragic incident at the Pike River Coal Mine in New Zealand by the lead investigator and general

manager of national services and support in the NZ Department of Labour, Brett Murray. It was a most fascinating and informative presentation, covering the many issues facing the investigation from the sheer logistical difficulties of the remote site, the multifaceted jurisdiction over the site, the overlapping of the investigation with the rescue and recovery stages of the incident, the intense media coverage and the sheer length of the investigation – to name just a few issues.

The crunch point of his presentation came, however, with the last image he projected on the screen – a montage of the faces of the 36 miners who perished and who remain entombed. Brett, the 'hard nosed investigator' at this point, froze on this picture, and because I was close to him, I could see the emotion was still raw.

In an instant, my inspiration, my 'driving force' was refreshed because I have long believed we are in the business of saving lives (and businesses for that matter!). I summarised the presentation at the end of the conference by saying that we were too late for those 27, but may we strive without flagging to not be too late for those who follow, wherever that is.

So, why not come to our National Convention and find your point of inspiration? I will be there, so find me and share it with me too.

Keith Brown, Chief Executive Officer, Safety Institute of Australia



"Brett, the 'hard nosed investigator' at this point, froze on this picture, and because I was close to him, I could see the emotion was still raw"



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The OHS Body of Knowledge is set to be launched at the SIA National Convention, Safety in Action, writes
Pam Pryor

However this is just the beginning. The OHS Body of Knowledge, 2012, is not intended to be a definitive

Not only will the OHS Body of Knowledge inform OHS professional education and the professional development of current OHS practitioners and professionals in Australia but it is influencing international developments through



Pam Pryor, registrar of the Australian
OHS Education Accreditation Board

involvement in a project conducted by the International Network of Safety and Health Practitioner Organizations (INSHPO) and the American Society of Safety Engineers (ASSE).

Come to the launch at the Safety In Action National Convention and join the much anticipated discussions that will follow

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16 April – 19 April 2012, Melbourne Convention Centre

KEYNOTE ADDRESSES



DAVID SMORGON – Director, Smorgon Industries, President Western Bulldogs

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DR GRAHAM PHILLIPS

With 20 years experience as a journalist and commentator, Graham was a reporter on ABC TV's science and technology programs: Quantum and Hot Chips.



GREG TWEEDLY – CEO, WorkSafe Victoria

Presenting: 'WorkSafe 2012 and Beyond' Hear from the CEO of WorkSafe Victoria and get to pose questions directly to the state regulator.

THEME

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- 1 Business Leaders** – New Beginnings
- 2 Yesterday, Today, Tomorrow** – Contemporary Matters & The Good, The Bad and The Ugly
- 3 People** – Planning for Work Health

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The Australasian Institute of Mining and Metallurgy (AusIMM)



Educators/corporate agendas misaligned on OHS

Universities cannot keep up with the demand for workplace safety professionals, recent research has found. As corporate Australia struggles to meet the demands associated with making work places safe, the pipeline of qualified professionals graduating from universities is diminishing. The research, conducted by OHS search and recruitment business SafeSearch, found the overwhelming majority of respondents highlighted the importance of qualifications in this increasingly complex area.

OHS challenged by ageing of the workforce

The ageing of the workforce is having a significant impact on workers' compensation trends, according to Andrew Douglas, principal at Macpherson + Kelley Lawyers. While there is a significant body of data that suggests there is a reduction in injuries and a lower rate of workers' compensation among older workers, the longevity of rehabilitation is not lower. Slip and trip compensation claim rates for employees over 55 is much higher than those of younger workers, while the fatality level is also significantly higher in the aged population, Douglas added.

Fatigued fathers pose a risk in the workplace

Working fathers with new babies experience cumulative fatigue which may pose a risk in the workplace, according to research from Southern Cross University. Published recently in the American Journal of Men's Health, the research found that such fathers are unable to recover due to poor sleep, and the fatigue new fathers experience is related to decreased safety behaviour at work. "I came up with the idea while I was at a barbecue just after we had had our second child and I was telling the guys how tired I was and how I had nearly run off the road," said Southern Cross University School of Health and Human Services senior lecturer Gary Mellor, who conducted the study in conjunction with Griffith University's Winsome St John.

Warning issued over occupational cancers

Australia needs to implement world's best practice in reducing exposure to cancer-causing agents to reduce the toll of work-related cancers, according to the Western Australian Institute for Medical Research. Writing in the Medical Journal of Australia, Lin Fritschi, a professor at the institute, and her coauthors called for a more effective process to identify occupational carcinogens, to inform workers about potential risks and to reduce the use of chemicals in industry. "There has been little progress in Australia's regulatory approach to occupational carcinogen exposure. Australia should not lag behind international best practice in reducing exposure to carcinogens," said Fritschi.

SIA Events

Townsville Safety Symposium 28 March 2012, Schiavello Showroom, Milton, QLD

Cancer in the workplace – a forum on practical solutions for prevention 30 March 2012, Mercure Lakes Motel, Townsville, QLD

Safety In Action 2012 - SIA National Safety Convention 17–19 April 2012, Melbourne Convention and Exhibition Centre, VIC

SAFETYCON 2012 - Safety in Construction Conference 3 May 2012, Rydges on Swanston, Carlton, VIC

2012 NT SIA OHS Conference. 17–18 May 2012, SKYCITY Casino, Darwin, NT

10th SIA OHS Construction Forum 24–25 May 2012, Perth Convention and Exhibition Centre, WA

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The end of work health and safety harmonisation?



Plans for harmonising Australia's OHS laws are in a state of disarray. As Norton Rose's Michael Tooma, Alena Titterton and Melissa Carnell write, it is unlikely that true harmonisation will ever be achieved

Safety professionals, businesses, academics and unions alike looked on with keen interest as COAG in July 2008 signed the Intergovernmental Agreement for Regulatory and Operational Reform in OHS, formally committing to the harmonisation of WHS laws. It was this landmark agreement that saw each of the States, Territories and the Commonwealth agree to the implementation of Model WHS legislation by 1 January 2012.

Many commentators at the time said that harmonisation through model laws was a flawed approach and challenged the notion that harmonisation could ever be achieved through this means. Three-and-a-half years later, that analysis appears to be supported by the events unfolding, with jurisdictions falling away from the 1 January 2012 timing and from aspects of the legislation implemented in key respects.

Is this the end of the road for harmonisation?

The goal of achieving harmonisation by 1 January 2012 has not been reached, as only five jurisdictions have implemented any form of the WHS legislation. At this point in time, it looks unlikely that harmonisation will be achieved at any time during 2012, if it is ever achieved at all.

Significant concerns have been

raised by the COAG Reform Council in its 3 February 2012 report on the performance of various legislative reforms (including harmonised WHS laws). The report identifies two key risks to achieving harmonisation: jurisdictional variations from the model WHS laws, as well as delays in the commencement of model WHS laws.

What states have passed harmonised WHS laws?

Queensland

Queensland led the way in harmonisation, being the first state to implement model WHS legislation when it passed the *Work Health and Safety Act 2011* on 6 June 2011. However, Queensland has also passed the *Safety in Recreational Water Activities Act 2011*, which is aimed at maintaining strict safety standards for Queensland's large diving industry (as diving is not specifically included in the model WHS Act rather, being treated in a chapter in the Model WHS Regulations). Some have questioned the logic of separating out safety obligations into 2 separate pieces of legislation, and advocated for dealing with diving requirements in a code of practice. On 25 November 2011, Queensland also made the *Work Health and Safety Regulation 2011* and *Safety in Recreational Water Activities Regulation 2011*. Queensland has also approved 11 Codes of Practice which re-

flect the SWA Codes of Practice. These also commenced on 1 January 2012. In addition, Queensland has preserved 24 of its own Codes: of which 23 have been amended for the new regime.

New South Wales

Despite originally threatening to delay implementation of the model WHS laws, and Western Australia claiming the state as an ally in its push to delay harmonisation, New South Wales was actually the second state to pass its version of the model WHS laws after there was a change in government in that state in April 2011. The *Work Health and Safety Act 2011* was passed by the New South Wales parliament on 7 June 2011 as one of the first actions taken by the newly elected O'Farrell government. New South Wales also passed the *Work Health and Safety Legislation Amendment Act 2011* to tidy up some of the provisions of the WHS legislation and provide for some transitional arrangements for its implementation. New South Wales also implemented its version of the Model WHS Regulations, the *Work Health and Safety Regulation 2011* on 16 December 2011 with only 15 days before commencement of the WHS Regulation in the jurisdiction.

The WHS legislation enacted by New South Wales departs from the Model WHS Act by providing provisions for unions to prosecute alleged breaches of health and safety laws. While this right is a more limited version of the existing rights of unions to prosecute breaches under current OHS laws, this right was

not included in any form in the Model WHS Act and will represent a significant departure from the Model WHS Act, seemingly defeating the intended purposes of harmonisation.

ACT

After the "first-movers" positioning of Qld and NSW, the ACT was the third jurisdiction to pass model WHS laws. The ACT passed its version of the model WHS laws, the *Work Health and Safety Act 2011*, on 20 September 2011 and made its supporting *Work Health and Safety Regulation 2011* on 19 December 2011 with only 12 days before the commencement of the WHS Regulation in the jurisdiction.

The ACT parliament has also introduced an amendment bill to the WHS legislation: the *Work Health and Safety (Bullying) Amendment Bill 2011* which was introduced in the House of Assembly on 7 December 2011. The amendment bill contains specific provisions relating to workplace bullying where the model WHS Act is silent on the topic.

The ACT's WHS Regulations significantly depart from the Model WHS Regulations as the ACT has chosen to retain what the ACT Government has labelled the ACT's existing "strong" provisions relating to asbestos, hazardous chemicals and major hazard facilities and not enact the provisions contained in the Model WHS Regulations on these topics.

Commonwealth

The Commonwealth was the fourth jurisdiction to pass its WHS laws for the purposes of harmonisation when

it passed the *Work Health and Safety Act 2011* on 24 November 2011. The Commonwealth also made the *Work Health and Safety Regulations 2011* on 7 December 2011 making it the first jurisdiction to make jurisdiction-specific WHS Regulations. One of the significant changes from the Model WHS Act in the Commonwealth WHS legislation is its definition of “officers”, as well as the obligation for organisations to consult, cooperate and coordinate with other duty holders under both corresponding State and Territory legislation as well as in the Commonwealth jurisdiction.

Northern Territory

The fifth jurisdiction to implement the model WHS legislation was the Northern Territory which passed the *Work Health and Safety (National Uniform Legislation) Act 2011* on 1 December 2011. The Northern Territory also made the *Work Health and Safety (National Uniform Legislation) Regulation 2011* on 30 December 2011 with just 1 day before the commencement of its operation.

What states have delayed implementation of harmonised WHS laws?

South Australia

Initially described as the “trailblazer” for harmonisation, South Australia introduced the *Work Health and Safety Bill 2011* to its lower house on 7 April 2011, making it the first jurisdiction to introduce the model WHS legislation to parliament. The Bill was withdrawn several weeks later due to the sudden resignation of Industrial Relations Minister Bernard Finnigan, but it was then reintroduced on 19 May 2011. While the Bill was passed in the lower house, on 29 November 2011 the upper house voted (in a 11-10 vote) to defer debate on the Bill until February 2012.

The Bill as introduced to the South Australian parliament departs from the provisions of the Model WHS Act by retaining the state’s unique industrial magistrates, tripartite review committees and the SafeWork SA Advisory Committee (whose functions include recommending changes to OHS legislation).

Tasmania

Tasmania introduced the *Work Health and Safety Bill 2011* to parliament on 18 October 2011. However on 1 December 2011, the Tasmanian upper house voted (in a 11-3 vote) to delay the implementation of the model WHS laws, and sent the Bill back to the lower house to be debated in March 2012, on the basis that more time was needed for the Tasmanian parliament and people to understand the specifics of the model WHS laws.

Western Australia

Western Australia is yet to introduce a version of the Model WHS Act to its parliament, and given the comments of Commerce Minister Simon O’Brien, it looks as though Western Australia will not be taking steps to do so anytime soon. He has expressed his main concerns with harmonisation as being its potential to put financial and operational burdens on businesses, saying that the timeframe for harmonisation has been too short to allow businesses to understand what their obligations are and to take measures to implement those obligations (for example by conducting training for workers).

Importantly, the Western Australian government has also indicated that it may depart from certain aspects of the Model WHS Act when it does get around to implementing the model WHS laws, specifically the quantum of maximum penalties, provisions on the rights of entry for unions, the powers of Health & Safety Representatives to direct work to cease and to issue provisional improvement notices, and the reverse onus in discrimination matters.

Victoria

Victoria is yet to introduce a version of the Model WHS Act to its parliament, and it looks very unlikely that Victoria will enact any model WHS laws for at least another year. The Victorian Government has also started working its own supplementary and independent regulation impact statement (RIS) in an attempt to “more accurately determine” the impact of the proposed laws on businesses. The

“After four years of significant effort, it appears we may have been merely gifted more confusion and just a different set of differences”

Victorian government first indicated its stance to delay harmonisation on 28 September 2011 when State Assistant Treasurer Gordon Rich-Phillips called on the Commonwealth for a 12 month delay to the harmonisation process.

Mr Rich-Phillips has said that a 12 month delay will give the Victorian government time to complete and evaluate their RIS, evaluate the benefits and costs projections associated with the model WHS laws, and give businesses greater opportunity to prepare for the transition to the model WHS laws.

The end result

Ultimately, what the state of play on “harmonised” work health and

safety legislation provides us is yet another case study in the failure of model laws approaches to achieve standardisation in regulatory arrangements across multiple jurisdictions.

For legislative reform that was meant to be about providing clarity to a complex area with differing standards across multiple jurisdictions, after four years of significant effort, it appears we may have been merely gifted more confusion and just a different set of differences.

Unfortunately, we know that it is the safety of our people that will ultimately suffer when confusion over such requirements reigns.

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Getting OHS fit for purpose

Craig Donaldson speaks with Dame Carol Black, recent UK National Director for Health and Work, about her greatest professional achievements, challenges and goals



“The light bulb moment for me was when I realised that work was a very powerful determinant of your health”

Carol Black,
UK National Director
for Health and Work

What was your motivation for getting into OHS in the first place?

I think my real interest started when I was elected President of the Royal College of Physicians because the Faculty of Occupational Medicine was a faculty in my college. I therefore got to know much more about it and realised just how important a subject it was and that it needed promoting.

I think the light bulb moment for me was when I realised that work was a very powerful determinant of your health, and could be just as important as stopping smoking. And here I was, as President of the college, really pushing the agenda to stop smoking, but doing very little to push the health and work agenda.

Over the years, I've started to think about work, health and society in a much more holistic way. Getting health professionals to think about work is a big driver for me. I believe in having a healthy society, and work is a huge and important part of that.

What would you say your greatest professional achievement has been?

I think my greatest achievement over the past five years in this role has been to put the subject of health and work on the map. When I started this work in 2006 it wasn't of much importance to politicians, public servants, the business world, healthcare professionals or the NGO sector. I think what I have managed to do, with a lot of help, is to raise awareness about these issues to the point where it's an important item on the agenda of these people now. I've done this through motivating, challenging, and even irritating people – whatever it takes.

And I've published two evidence-based reports on health and work, which I hope will persuade people of the logic and rational arguments for doing what I was trying to get them to do.



What would you say have been your greatest professional challenges?

To bring about cultural and behavioural change. You can write all the reports in the world, you can gather all the evidence, you can be as logical as possible, you can try to talk to all the right people and take their views into account – but there's a hard, uphill battle when it comes to really bringing about cultural and behavioural change – and in getting that change to stick.

I often get frustrated by the speed of change, but you have to remember you're changing culture, and a huge amount of change is needed in attitudes and approaches to health and work. Even if people tell you they understand what you're saying, and they believe what you're saying, it's really difficult to change behaviour.

What are some of the most interesting reflections or experiences of your professional life?

One thing is, in whatever you want to do, to find the people who can make it happen. Things change because of human beings, not because you've simply changed structures. So for example, to bring about change in the business sector or an institution, you really need to find out who has influence and whom to persuade – usually at the top – and get them on board, because otherwise you just can't make things happen.

The other thing I've learned over many years is you should always try to employ people who are brighter than you are. If you make sure that the people in your team are

genuinely better – or have greater potential – they'll serve you very well and you will get some of the credit. I don't think it's possible to be really effective if you employ people who are less able than you are, perhaps just because you are fearful of competition.

I've also learned, in so many of the roles I've filled, that you have to be prepared to do the difficult thing, and accept that you may be criticised. There will be people who will disagree with you, often publicly and loudly, perhaps in print – so you have to be prepared to take the heat in the kitchen.

What is your opinion on the state of OHS globally? Is it still not 'fit for purpose' or has it evolved?

I would have to say it's patchy to be honest. Thinking globally, there are still countries in the world that sadly don't have adequate safety regulations and indeed some which are many decades behind. They still are struggling to make sure that the working environment is safe for workers and that people who are asked to do jobs are well enough to do them. So these countries are not initially going to be interested in a more holistic approach to health, work and wellbeing.

What can we do on a global level to help workers with their health? OHS can become more effective by working with family doctors, who need to engage in this agenda. OHS professionals need to expand their sphere of influence outside the workplace, and beyond safety, into family practice. My sense is that this is of growing interest to lots of people.

Mind the organisational safety gap

Most organisations have a reasonable understanding of the concept of individual safety competency. However, few truly grasp the concept and application of safety as an organisational competency, writes Len Neist

Organisations need to prepare employees at every level to be accountable for safety outcomes and to make sure they are competently equipped, authorised and empowered to do so.

The only way to be truly sure that everyone understands their safety accountabilities and has been prepared by their organisation to lead and act when required, is that everyone from the CEO down must exercise these responsibilities. I don't necessarily mean you have to undertake large expensive simulations and field exercises. Most of the time a simple tabletop exercise provides invaluable insight into the gaps and misunderstandings when it comes to risk controls and emergency response.

A key statement that I have often heard OHS professionals use is 'the level of risk that you are prepared to walk past without acting is the level of risk that you are perceived to accept' – this is a particularly important concept for the organisation's senior managers and executives to understand.

A regulator's view on safety leadership

A key focus for a safety regulator is to determine if an actual incident or even a near miss was the result of an individual's action (or lack of action) or the result of a failure by the organisation to prepare the individual to act appropriately in exercising his or her safety duties or accountabilities.

There are a number of questions which must be asked in this. Was there a failure in leadership or coaching? Did the individual operate to the best of their knowledge and capability? Had the organisation done everything reasonably practicable to ensure an appropriate or tolerable level of safety risk was

present at the time of the incident? In other words, is the organisation mature and competent in respect to its safety risk management? Does the organisation share any learnings from incidents and near miss reports with all levels of its organisation as well other operators in the industry?

Such actions are a clear demonstration of maturity and competence. A less competent organisation keeps findings hidden in fear that they will impact its image or give another operator a competitive advantage. Clearly, there is a need to keep commercial information confidential, but safety information should be shared freely across the industry to help inform and trigger improvement in safety risk management within the industry.

Dealing with zealots

Sometimes organisations can be seen to be doing better than they actually are, because their risk and safety is led by a zealot. Zealots use their own personal understanding and intuition to drive convergence of ideas, align organisations behind them and shape an organisation's approach to safety risk management.

However, this requires a particularly strong personality to use novel, breakthrough strategies, and zealots then use much of their own energy to drive change and implement appropriate safety outcomes. Usually, zealots don't like to share information with other organisations, rely strongly on the organisation agreeing to their values and ideas and either burn out or look for new challenges leaving an organisational mess behind. Their reliance on heuristics and their own knowledge rarely results in improvement in the overall organisational competency or maturity to deal with risk.

When an organisation starts to use transactional and logical processes,

supported by experience in safety risk management and leadership that is spread throughout an organisation's structure, culture and values are understood and promoted by the whole organisation. This starts to unlock up to 80 per cent of its strategic capacity or potential. The zealot is replaced by institutional learning and development so that accountabilities and responsibilities are shared and well understood throughout the organisation. People can align their current and potential capabilities with their assigned accountabilities.

The role of SFAIRP

The true sign of organisational competence and maturity in respect to safety risk management is a proactive acknowledgement of the residual risk and the level of risk that has been accepted by the senior leadership. Understanding the concept of 'so far as is reasonably practicable' (SFAIRP) is important because that will be the standard by which you will be judged if something goes wrong.

From a safety regulatory perspective, I believe that the glue that helps integrate and hold the various management processes together, so that safety risk is managed SFAIRP to keep the risk tolerable or better still acceptable, is the Safety Management System (SMS). Similarly, an organisation's competency and maturity in safety risk management is usually reflected in the organisation's SMS and how well it is understood and applied throughout the organisation.

When making judgements about the maturity and competency of an organisation to operate safely and effectively in any hazardous environment, I look at how well its SMS prescribes the organisation's proactive functions associated with risk management, asset management and change management.

Leonard Neist is chief executive of the NSW Independent Transport Safety Regulator. He will be speaking at SIA National Safety Convention, to be held at the Melbourne Convention Centre from 16 to 19 April. For more information visit www.sia.org.au/safetyinaction.



"Sometimes organisations can be seen to be doing better than they actually are, because their risk and safety is led by a zealot"

Leonard Neist, chief executive, NSW Independent Transport Safety Regulator

Leading safety

OHS professionals need to take a different approach in engaging with executives on safety leadership.

Craig Donaldson looks at this issue and details steps OHS can take to help management engage with the safety agenda

While the leaders of many organisations claim that safety comes first for both them and their companies, dig a little deeper and often there is a disconnect between such leaders, the front lines of safety and the culture that binds these levels together.

A recent survey found that there are serious leadership deficiency gaps in the management of workplace health and safety in Australian organisations. Conducted by the Australian Institute of Management Victoria & Tasmania in partnership with the Safety Institute of Australia, the Business of Safety survey found that 50 per cent of OHS professionals said efforts to minimise OHS risks within their organisations are compromised by concerns that they will have a negative impact on productivity.

The survey of 2815 professionals, from CEOs and board members, through to business managers and OHS practitioners, found that 49 per cent of CEOs and board members strongly agreed that there was OHS leadership within their organisations. However, one quarter of CEOs, board members and senior managers and 44 per cent of OHS specialists did not believe their organisation has a well entrenched OHS culture.

Safety leadership perspective

As the above survey highlighted, effective leadership on workplace health and safety is needed. Sidney Dekker, professor and director of the Key Centre for Ethics, Law, Justice & Governance at Griffith University, believes good safety leadership is not about making it impossible for people to do unsafe things. Rather, he says it is about providing the room, the discretionary space, for people to do things safely and well.

"I am always amazed about the preoccupation with trying to constrain human behavior, to shrink the bandwidth of human action," says Dekker, who was previously professor of human factors and systems safety at Lund University in Sweden. "More rules, more procedures, more reminders; in the increasingly litigious climate of this country, safety leadership seems to have become more of a mandate to get the leader off the hook if things turn out unsafe, than it is an investment in worker safety or in the resilience of the operation."

Daniel Hummerdal, safety practices leader at Sinclair Knight Merz, agrees. He has observed that Australian safety leadership is often concerned with addressing negative situations, such as incidents and lost

time injuries, through zero harm programs and the like. “But if we mapped on a chart the extent to which these programs impact accident and incident rates, the related curve becomes asymptotic: in other words, more resources do not yield additional returns,” he says. “Many organisations seem to have reached a plateau in their safety records.”

Safety leadership hallmarks

Companies that are really good at safety do four things, according to Hummerdal. The first is that they do not take past success as a guarantee of future safety. “A low rate of accidents or incidents is not a reason to relax safety investments,” he says. “They remain sceptical towards any claims that they have accurately understood hazards.”

This relates to the second point: a good safety leadership approach keeps the discussion of risk alive, even when everything looks good. “Just because something appears safe does not mean that it is,” Hummerdal observes.

The third point is that successful safety leaders take a pluralistic approach to safety, involving multiple minority viewpoints on safety issues. This enables scepticism and dissent to be heard, to feed into the discussions about risks. “Such leaders are interested in hearing the opinions about safety from people they do not normally work with, but people that nevertheless can challenge their worldview and may have really important things to say. This constant scepticism requires an organisational preparedness to pull back on production pressures in order to further investigate safety issues before continuing,” he says.

This is the fourth point that signifies good safety leadership: there is a function within the organisation that can “set the foot down – to say stop, even when everybody else is pushing for the organisation to be faster, better, and cheaper. This function is empowered with the authority to say: ‘no, we need to take time out, step back and think’,” Hummerdal states.

Safety leadership for OHS and the line

Safety leadership needs to be approached differently by both the OHS professional and operational line manager, according to Rod Maule, Fonterra’s general manager health and safety, ANZ.

For the safety professional, he says the key elements of strong safety leadership are the ability to provide high quality risk-based advice with well-reasoned recommendations to operational



“If leaders knew exactly how a particular job is to be performed safely, well, then they should do it themselves ... But that’s not the way it works”

Sidney Dekker, professor and director, Key Centre for Ethics, Law, Justice & Governance, Griffith University

leaders, which assists them in making informed decisions to improve safety in their business. “The other end of the spectrum is where poor safety leadership by safety professionals is regurgitating regulations and telling operational leaders what their problems are, with little or no solutions or poorly reasoned solutions,” Maule observes.

For operational leaders, he says strong safety leadership is synonymous with strong leadership. “Good leaders build rapport and trust with their teams, and are able to balance competing and multiple priorities,” he says. “In my experience, operational leaders who have excelled on safety are able to demonstrate that they will and have made decisions on safety at expense of normal operations – which in the short-term may affect production, but in the long-term drive productivity and engagement.”



Driving the safety agenda

Leadership commitment to the Health, Safety and Environment (HSE) agenda, promoting a safety culture and driving the safety message to all levels of an organisation are among the biggest issues facing companies, according to a recent SafeSearch survey.

The efforts of safety leaders are not going into simply meeting their legal obligations, but rather ensuring their CEO and executive are driving a safe culture and “walking the talk”, according to Julie Honore, MD of SafeSearch. “To make a significant difference, you have to put the effort into capturing the hearts and minds of the organisation,” she says.

“This constant scepticism requires an organisational preparedness to pull back on production pressures in order to further investigate safety issues before continuing”

Daniel Hummerdal, safety practices leader, Sinclair Knight Merz

Common safety leadership challenges

The main challenges for OHS professionals in contributing to safety leadership lie in identifying all the issues affecting the people they are advising, Maule says. “The better you understand your stakeholder’s issues, priorities and drivers, the better you can engage/influence them,” he explains.

To help gain a broader understanding, he recommends OHS professionals take on projects outside their functional area and get involved in other business issues, and take on or lobby for a seat in broader organisational meetings, rather than just attending for the safety update.

“I know safety colleagues who have put themselves onto business-related training courses, from diploma courses through to MBAs to gain insights, knowledge and skills in non-safety areas,” he says. “You can also expand your networks inside and outside the organisation to understand what is going on in the non-safety space and affecting your stakeholders.”

The safety leadership challenges for line managers usually relate to knowing which issues are important and when to take a strong stand on an issue. “In my experience there are two things you should do that will demonstrate leadership,” says Maule.

“One is to look for an issue that has potential to seriously injure or hurt someone and get informed advice on your options. If you can’t get this from within your organisation seek outside expertise. Once you have your options identified pick one and implement it and let people in your organisation know why you have acted and what you are doing,” he says.

Focus on the positives

The traditional approach to safety – the one that tries to achieve safety by investigating and reducing negative events – provides only a very limited way to achieve success, according to Hummerdal. Unfortunately, he says many safety performance indicators and safety management programs are oriented towards understanding negative events, and it is easy to fall into this way of thinking.

An alternative approach is to focus on positives, he suggests. “And if things go right, they cannot go wrong at the same time,” he says. “Safety can actually be defined as the capacity that enables people and the organisation to make things go right. We may know a lot about why things go wrong, but do we know why things in 99.99 per cent of the time go right? Have we understood what the capacities are that help people to steer their activities and their systems towards success?



“Our understanding of this side of safety needs to be developed. In doing so we can start to rely on a new set of safety indicators, and adopt a new mindset in investigating safety issues and recommending changes. Such an approach empowers people rather than further constraining them,” says Hummerdal.

True safety leadership

Creating motivation with and engaging senior management on OHS is often challenging, Hummerdal notes. “In my experience this is more successful if OHS professionals can prove, or clearly argue, about the value of safety. And in the absence of a safety crisis or major accident, safety professionals often find it hard to get safety on the agenda and articulate a strong business case for safety leadership,” he says.

As a result, he asserts that it is unsurprising that safety becomes little more than a cost account to do the bare minimum to comply with safety regulations. As such, it is important to redefine safety as something that enables things to go right. “That safety is the capacity that enables organisations to be successful, productive and profitable. Once senior management has understood this, safety goes from being perceived as simply a cost to being a fundamental investment that improves the global output of the organisation,” says Hummerdal.

OHS harmonisation and safety leadership

The new Work Health and Safety (WHS) laws are designed to deter individuals and organisations from having a poor health and safety culture, according to Paul Cutrone, partner at Sparke Helmore Lawyers. “Whether the concept is improved, however, will largely depend on the individuals and organisations themselves,” he says.

“There is no doubt that complying with the work, health and safety laws will be an important ingredient in a good health and safety culture and from that perspective will assist in achieving that goal. As one of my clients put it: ‘move beyond work, health and safety compliance’ to ‘work, health and safety commitment’.”

An officer’s duty to take reasonable steps to exercise due diligence under WHS laws may be an area of vulnerability – particularly if the obligation is not properly understood and applied, Cutrone says. “A first step is to identify who an officer is for the purposes of the work, health and safety laws,” he says.

“It will then be important for officers to understand that the provisions in the legislation relating to due diligence are not exhaustive and may involved additional steps beyond those outlined in the legislation. Officers will need to be very clear about what compliance actually means for them, having regard to their particular circumstances.”



Dekker believes that good, visionary safety leadership is about getting better at trusting your people to do the right thing. "Invest not in their compliance with what you believe is the best or safest way to work – because it may not be," he says.

"Invest instead in their adaptive capacities, in their resilience – their ability to recognise, absorb and adapt to challenges and problems which you can't even foresee. And then listen and learn. You see, if leaders knew exactly how a particular job is to be performed safely, well, then they should do it themselves – or they should get somebody to program a computer or robot to do it. But that's not the way it works."

The idea that we can determine, top-down, the best or safest way to do a task by breaking it down and specifying each component of it (and then enforcing compliance with those) comes from the late nineteenth and early twentieth century, according to Dekker. "Remember Taylor, 1911? (Frederick Taylor was a mechanical engineer who is regarded as the father of scientific management) That's where people who believe that get their inspiration from. But for the 21st century, with increasingly interconnected, hugely complex multicultural or even global systems, a slavish adherence to Tayloristic assumptions is truly nonsensical," he says.



"Operational leaders who have excelled in my experience on safety are able to demonstrate that they will and have made decisions on safety at expense of normal operations"

Rod Maule, general manager health and safety, ANZ, Fonterra



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The high cost of workplace bullying

The economic and social cost of workplace bullying is significant. Paul Breslin writes that employers and employees need to work together to eliminate bullying from Australian workplaces

In Australia the Productivity Commission estimates that workplace bullying costs employers between \$6 billion and \$36 billion every year.¹ This includes indirect costs, such as absenteeism, labour turnover, loss of productivity and legal costs.²

Research indicates that 3.5 per cent of the working population is bullied, and the average cost of serious bullying claim is approximately \$20,000 per employee.³ Stress claims tend to be more costly on average than claims for less serious physical injuries, both in terms of direct cost and time taken off work.⁴

A 2009 survey released by Drake International concluded that bullying is still rife in Australian workplaces. The survey conducted over 800 employees across Australia revealed:

- more than 50 per cent of survey respondents had witnessed bullying behaviour
- over 25 per cent had been a target of bullying themselves
- only 30 per cent of bullying targets and less than 50 per cent of witnesses were satisfied with their organisations handling of the situation
- bullying from managers or supervisors was reported in approximately 50 per cent of the cases, with a further 25 per cent experiencing 'sideways' bullying from workmates and colleagues.⁵

In Victoria more than 80,000 police, teachers, nurses and other Victorian public servants confront bullies in their workplace each year. Research indicates that one in five of the state's 227,000 public servants are bullied annually. The number of victims that lodged a formal complaint rose from one in 20 in 2007, to one in 16 in 2008.⁶

Over a two-year period (2008-10) WorkCover in New South Wales investigated 1165 complaints relating to workplace bullying. WorkCover data indicates that during this two year period there were 2400 workers compensation claims as a result of workplace bullying costing the economy more than \$60 million.⁷

These statistics indicate bullying is rife in Australian workplaces. It can be argued that the current legislative framework or the enforcement of the legislation is not having a significant impact on deterring bullies from perpetrating their actions on their victims. However it

can also be argued that these statistics indicate that the victims of workplace bullying are reporting their cases to the relevant authorities as they have confidence in the current legal framework across Australian jurisdictions.

Regulatory frameworks and workplace bullying

Workplace bullying presents a number of emotive and complex issues that includes but is not limited to the following:

- controversies in defining bullying
- a lack of reporting
- determining the veracity of the claim
- distinguishing bullying from harassment and violence
- a lack of follow up procedures⁸

In Australia bullying and harassment are not given the same attention as physical hazards under the current OHS legislative framework or by the regulatory inspectorate.⁹

Australia currently lacks national legislation to enable workplace bullying victims to take action to stop bullying immediately. Currently victims of workplace bullying rely on OHS legislation or personal injury laws to take action. However these cases proceed well after employees suffer irreparable harm to their health and career.¹⁰

In Victoria workplace bullying and harassment complaints have more than quadrupled since 2008.¹¹ This relatively high figure may have been affected by the regulator being more active in highlighting bullying and harassment in the workplace through a combination of education programmes, proactive worksite visits by inspectors, and pursuing the prosecution of employers, owners and employees who have allowed bullying behaviour to persist in the workplace.¹²

However research indicates that the numbers of claims for bullying and harassment in the workplace have been trending downwards in Queensland, South Australia and the Commonwealth. The number of claims made in Western Australia is very low compared with other jurisdictions. It is interesting to note that the jurisdictions that have experienced the most significant declines in claims in the past five years

have either a separate code of practice or clauses in either their OHS legislation dedicated to bullying or harassment.¹³ It can be argued that the specific Codes of Practice on workplace bullying and harassment in QLD and WA has had an impact on reducing the number of bullying cases in these jurisdictions. The Codes of Practice provide stakeholders with clear and concise information on preventing and/or managing workplace bullying.

Brodie Panlock

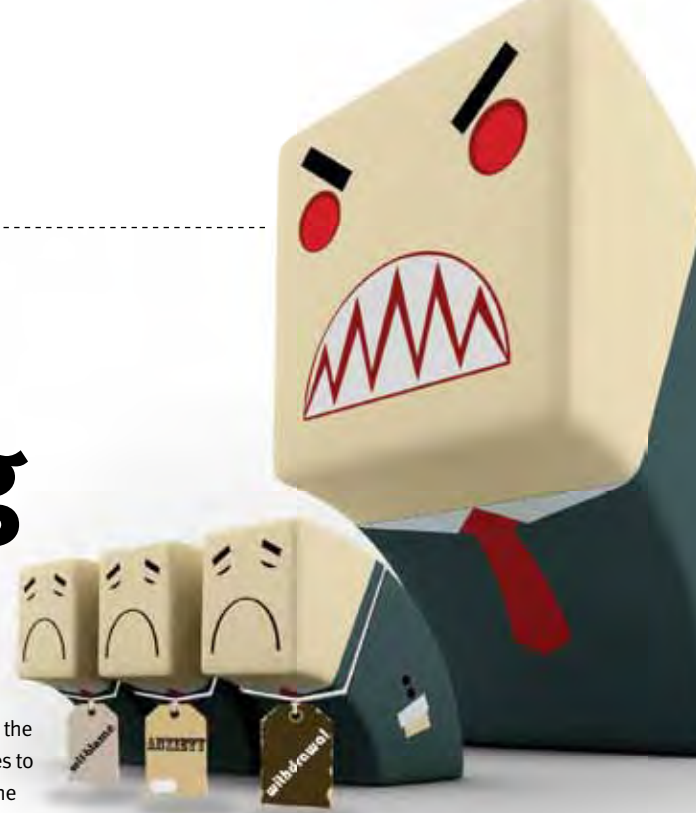
Waitress Brodie Panlock, 19, was bullied by three workmates while her employer allowed it to happen. Brodie endured being demeaned and humiliated by other workers in her workplace and eventually committed suicide. A Coroners inquest found Brodie committed suicide after being bullied in 2006 whilst she was employed by Map Foundation Pty Ltd trading as Café Vamp.¹⁴

In the Melbourne Magistrates Court on 9 February 2010, Magistrate Lauritsen convicted and fined the four individual defendants, including the director of the company that owns Café Vamp a total of \$115,000 and her employer, Map Foundation trading as Café Vamp, \$220,000.¹⁵

The Brodie Panlock case demonstrates that where employers fail in their general duty of care to protect an employee from workplace bullying or knowingly allows it to happen they can be prosecuted under the existing legislative framework. Brodie's case also demonstrates that an employee that perpetrates workplace bullying can also be prosecuted, convicted and fined under the existing OHS legislation in Victoria.

Brodie's Law

As a direct result of the tragic circumstances surrounding Brodie's death, new laws were introduced in Victoria in June 2011 which now allow for prosecution under the Crimes Act 1958 for the offence of stalking. The



Intervention order legislation has also been amended to complement the strengthened stalking provisions covering serious bullying.¹⁶

Under the Crimes Act 1958 stalking now includes:

- Making threats to the victim
- Using abusive or offensive words to, or in front of, the victim
- Performing abusive or offensive acts in the presence of the victim
- Directing abusive or offensive acts towards the victim.

Stalking also includes acting in a way that could reasonably be expected to cause physical or mental harm to the victim, including causing the victim to self-harm (including suicide). The maximum penalty for stalking under these Victorian laws is 10 years imprisonment.¹⁷

Solicitor Peter Doughman claims that the absence of Brodie's Law in other Australian jurisdictions doesn't mean that employers are any less vulnerable from legal action in the event of bullying in the workplace.¹⁸ South Australia and Queensland are currently considering introducing similar legislation.¹⁹

National harmonisation

In January 2012 the new model Work Health and Safety (WHS) Act took effect across five jurisdictions: the Commonwealth, Australian Capital Territory, New South Wales, Northern Territory and Queensland. The WHS Act defines 'health' as both physical and psychological health. Therefore the duty to ensure health and safety extends to ensuring the emotional and mental health of workers.²⁰

Doughman claims that under the new WHS Act a Person Conducting a Business or Undertaking, an officer or employee can be prosecuted for failing to comply with "a positive health and safety duty", and fined up to \$500,000 for "the objectively least serious

offences". Furthermore Doughman claims that it is imperative that employers take any bullying complaints made by employees seriously and undertake appropriate investigations into such allegations.²¹

A new national Code of Practice 'Preventing and Responding to Workplace Bullying' is currently being developed by Safe Work Australia as part of the OHS Harmonisation regime. The implementation of the national Code of Practice across all Australian jurisdictions will provide clarity and certainty in relation to the definition of Workplace Bullying and more importantly how to prevent it occurring before it becomes a risk to health and safety of workers in the workplace. It is important to note that the Codes of Practice are admissible in court proceedings under the new WHS Act and Regulations. The courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.²²

Preventing workplace bullying and harassment

Tobin claims that effective and reasonable performance management processes and open communication systems can help to prevent or control workplace bullying and harassment from occurring.²³ It is imperative that employers consult with their employees, workplace health and safety representatives, health and safety officers, safety committees and unions when developing strategies for preventing and dealing with bullying and harassment in the workplace.²⁴

Employers should take a risk management approach to prevent workplace bullying by: identifying the hazard; assessing the risk; implementing control measures; and developing and implementing post-incident procedures.²⁵

Where workplace bullying and harassment has

been identified and assessed to be a risk in the workplace, employers must develop and implement control measures to prevent or control the risk.²⁶

A strategy aimed at preventing or controlling workplace bullying and harassment should include: a policy; a complaint handling system; a review of HR systems; and training and education.

No single control measure will effectively prevent workplace bullying from occurring.²⁷ Once control measures have been implemented, it is important to check and review them to ensure they are effective in preventing and managing bullying behaviour.²⁸

It is imperative that senior management lead by example and clearly demonstrate to their employees that they are serious about preventing and eliminating workplace bullying.²⁹

Moving a bully from one team to another is not a solution, as the bully will eventually find a new victim in the new surroundings. Employers should, provide coaching, offer counselling, issue written warnings, and eventually if there's no improvement, terminate the bully's employment before other employees offer their resignations.³⁰

Conclusion

The impact of workplace bullying and harassment can have a serious effect on the victim, possibly resulting in psychological health effects or physical injury. Employers and employees working together to develop policies and procedures to deal with this issue will eventually change the culture towards bullying and will be a major factor in eliminating this hazard in Australian workplaces.

It should be the right and is the right of every individual to expect to work in an environment that is free from psychological or physical abuse.

Paul Breslin is regional OHSE manager, Victoria/South Australia, for Brookfield Multiplex Services

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An eye for safety

*When it comes to protective eyewear, there are many choices available to OHS professionals. **Craig Donaldson** looks at a number of trends in protective eyewear and examines how companies can make sure workers get the best safety protection for their eyes*

Protective eyewear forms a critical part of a personal protective equipment (PPE) program in many industries, and there are a number of important developments in protective eyewear for the workplace.

One of the major developments is that fashion trends are influencing safety eyewear styling, according to Tim Bird, managing director for Paramount Safety, which produces the ProChoice brand of PPE, including a range of protective eyewear. "Workers are no longer satisfied to wear the traditional 'boxy' safety goggles and they want to look 'cool on the tools'," he says.

Another significant development in protective eyewear relates to Australian Standards, Bird observes. "The market is beginning to appreciate the difference between certified and compliant safety glasses. The market understands that certified eyewear goes through stringent channels in the manufacturing process and is audited by a third party," he says. "Certified PPE products provide peace of mind, which is an invaluable asset when it comes to organisational procurement."

Edward Rogowski, sales and marketing director for Bollé Safety Asia/Pacific, also says Australian safety demands stylish and fashionable safety eyewear – and is probably the global leader in this trend. However, this does not mean that the inherent safety performance requirements can or should be overlooked, he adds.

Furthermore, with the growing demand for eco-friendly and environmentally friendly workplaces, there is a growing demand for fully recyclable products. "With our ageing population, there will be a continued demand for improved and fashionable, prescription friendly spectacles that provide all of the ben-



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AS/NZS 1337.1
LIC NO. 2773
SAI Global



Guardian (RS1515)

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Australian Standard
AS/NZS 1337.1
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SAI Global



Armour (RS5066)

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protectiveeyewear



"Many brands sold in Australia and New Zealand do not carry an independent certification mark"

efits of being certified to the current standards," he says.

Gary Chang, owner of Australian Supreme Import, which imports and wholesales a wide range of safety products including protective eyewear, has also noticed a trend towards "positive seal" safety glasses. These are safety glasses with foam backing to provide a seal around the eye area to reduce dust and swarf entering. "Many eye injuries caused by swarf or dust can be prevented using positive seal eyewear. There are many styles now in the market that look savvy and which provide that little bit of extra protection," he says.

In addition to this, Chang has seen polarised safety glasses become more affordable. In the past, he says price has been a barrier to adoption, but certain factories have now improved their manufacturing process, and combined with a stronger Australian/US exchange rate, polarised safety glasses are now a more economical alternative for employees.

A more recent trend is in photochromatic safety glasses, which feature a lens that automatically changes tints if exposed to UV lights, according to Chang. "As this is an emerging technology, there are many unknowns and much misinformation in the marketplace," he says.

"For an AS1337 certified photochromatic lens in the clear state, it

can only be a category 0 "clear" lens so that it can be used indoors. There are photochromatic lenses starting at category 1, which is too dark to be used safely indoors. Check the markings and read the various marketing material to ensure your employees are protected in wearing the correct category 0 lens when indoors."

Common protective eyewear pitfalls

John Synold, sales and marketing director for RPS International Marketing, which distributes 'Clip-On Safe Shades' (a unique kind of safety glass which attach to hardhats) believes eyewear is not taken seriously enough and that protective eyewear has become more fashion than safety.

"Also, they are viewed as a throw-away item and therefore not very important. Good protective wear must by nature be robust, but most eyewear is not. Most workers become brand or style loyal, for example, they wear the same brand of boots they started work in, the same brand of clothing, etcetera – it might be Blundstones or King Gee, for example," he says. "When it comes to changing protective eyewear they experience the same dilemma."

Roger Summerill, national sales manager for Ugly Fish Eyewear, which produces an extensive range of protective eyewear, has observed that some companies fall into the

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trap of buying inferior products because they might be a little bit cheaper. "But often these products are not optically correct," he says. "The distortion that can occur in inferior products can actually be the cause of an injury in the workplace, and not just to someone's eyes."

The other issue Summerill sees all too often is workers wearing safety eyewear on top of their head rather than on their face. "Typically, if workers don't like the look of their eyewear, either because they are not trendy enough or uncomfortable, they don't wear them," he says.

Michael Carolan, senior product manager at Honeywell Safety Products, which provides a vast range of PPE including protective eyewear, says another common protective eyewear pitfall is assuming that one spec will fit all workers. "The workforce is made up males and females from many different backgrounds, and facial types vary greatly from person to person," he says.

"A spec which may fit a male of Anglo descent well will not necessarily fit a female of Asian descent the same way. A safety spec which provides good fit will have the lens centered at the wearer's eyes and will not allow any gaps around the wearers eye. If you can easily fit your finger under the bottom of the lens between your face and the spec, you are wearing a set of safety glasses which do not provide a good fit and you run the risk of injury."

Protective eyewear considerations

As noted earlier, there are other issues around certified safety glasses versus those that comply to AS/NZS1337.1, according to Chang. "There are many importers of safety glasses that claim compliance to AS/NZS1337 compared to certified products by SAI Global, Benchmark or Globalmark," he says.

"Many brands sold in Australia and New Zealand do not carry an independent certification mark. As such, companies buying the glasses for the workforce rely on what their sales reps say, believing that because it has 'AS1337' on the arms, it should be okay. But look for the certification mark. This is your assurance that the product is certified, the factory producing the safety products is audited and their manufacturing processes are also validated."

Bird echoes Chang's view, and says occupational, health, safety and environment officers and procurement officers can safeguard themselves by checking that safety glasses are certified before spec'ing them into a site. "This is a matter of looking for a certification licence number on the packaging and the product itself. You can further examine the product by requesting the certification schedule from the certifying body," he says.

Summerill also makes the observation that every worksite is different. For example, a mine site faces different challenges to a manufacturing or construction site, and for this reason, he encourages clients to

While cost is an important consideration, what price do you put on preventing an eye injury or, worst case scenario, a fatality in the workplace?"



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trial products to work out the best fit for any given scenario.

“Continually review your eyewear needs. Ask questions of your supplier and ensure they understand your workplace and your individual needs. First and foremost, make sure the product is optically correct and, of course, complies with Australian safety standards,” he says.

Carolán also advises sampling several styles of eyewear and obtaining feedback from workers on which styles provide the best fit. “Look for eyewear models which offer adjustability and different sizes to allow the spec to be fitted to different facial profiles,” he says.

“Look for eyewear which fits will over prescription glasses or offers RX capability so wearers of prescription eyewear can fit their prescription lens behind their safety glasses – this is a more comfortable option than fitting safety eyewear over the top of prescription eyewear.”

He also notes that vision screening is a good way of making sure that workers’ eyesight is okay for their particular task(s) or whether they need to see an optometrist for further testing and possibly require prescription eyewear. “The need for prescription eyewear could also change the suitability of the safety eyewear a worker uses,” he says.

The role of OHS

It is important that OHS professionals keep up-to-date with latest products and read and understand the laws pertaining to OHS&E, according to Synold. “Make sure suppliers show them a copy of testing certificates, not just product licenses. Most OHS&E professionals get confused between the two. Any supplier of protective equipment should be able to supply a copy of the test criteria and the actual test document,” he says.

OHS professionals should also ensure their workplace has procedures in place to provide workers with options to ensure their safety eyewear provides a good fit that is comfortable and fashionable enough that they actually want to wear them, Carolán says.

They can also put in place procedures to ensure that workers’ eyes are tested once a year, and this will ensure a worker’s vision is up to the necessary standard to perform their work and will help reduce the likelihood of risk of injury in the workplace, he says.

Bird also says that OHS professionals play an integral part in facilitating any safe workplace practice, and agrees that they must keep abreast of standards changes and be aware of the implications associated. In 2010, for example, the Australian Standards were updated replacing AS/NZS1337.1:1992 (Eye Protectors for Industrial Applications) with AS/NZS1337.1:2010 (Eye and Face Protectors for Occupational Applications).

“We also recommend having a solid relationship with a trusted PPE supplier, and maintain communications channels that encourage feedback from the workforce who are using the PPE product,” says Bird.

When it comes to protective eyewear, Summerill say there are many choices on the market, so you need to do your homework and talk to the experts. “There are a lot of new products on the market these days so you don’t have to stick with the same old spec because it’s easy,” he says.

“Listen to your workers, understand their working environment and the potential issues they face in their workplace. While cost is an important consideration, what price do you put on preventing an eye injury or, worst case scenario, a fatality in the workplace?”



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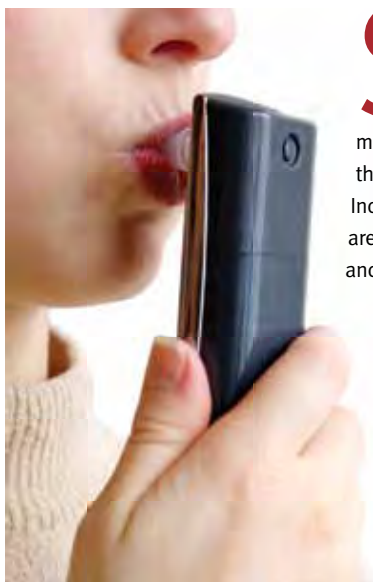


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Alcohol and drug testing tips

Drug and alcohol testing in the workplace is increasingly common. However, as **Craig Donaldson** writes, there are a number of important considerations to take into account with the development and implementation of any drug and alcohol policy



Substance abuse in the workplace is estimated to cost at least \$13.7 billion each year, through incidents, lost productivity, staff turnover, low morale and related problems. Furthermore, the Australian Chamber of Commerce and Industry has estimated that drugs and alcohol are a factor in 10 per cent of workplace deaths and 25 per cent of workplace accidents.

As such, workplace alcohol and drug testing has been rising in both prominence and usage across Australia. OHS professionals play a key role in the development and rollout of any workplace alcohol and drug testing policy and program, and there are a number of steps they can take to make the process both easier and more effective.

In developing a workplace alcohol and drug testing policy, it is important to use simple, easy-to-understand language, according to Stephen Lane, managing director of LaneWorkSafe, wholesalers of urine drug testing kits. "Uncomplicated alcohol and drug policies will lead to better understanding and acceptance by employees," he explains.

Generally, "three strikes and you're out" policies are popular because of their fairness, says Lane, who believes it is important to adopt a fair and open approach in any workplace alcohol and drug testing policy.

Another key to success lies in providing a clear understanding that such policies are not focused on punishment. Instead, Lane says they should be designed to help make all employees and visitors to the workplace safe.

"It is considered highly unlikely that any organisation can achieve a drug-free workplace. However, by working to educate and incorporate pre-employment, random, near miss, reasonable cause to suspect and return to work alcohol and drug testing, workplaces can strive to achieve and maintain a 'drug safe' workplace," he says. "There is a difference."

George Porter of Pacific Data Systems, which provides a number of workplace alcohol and drug testing products, says that in the case of alcohol testing regimes, products should be designed for use in workplace situations in which they will actually be used. "For example, if they are to be used in a harsh environment, then the analysers should be rugged and capable of use in a harsh environment. They should be capable of carrying out thousands of tests before either the batteries need to be replaced or they require recalibration," he says.

In the case of drug testing programs, Porter says it is important to

ensure that kits in use have authentic validation certificates that relate to the specific batch number that is in current use and that it is not merely a "generic" validation certificate.

Aaron Soden-Taylor, business development manager for Alcolizer, which provides a number of alcohol breath testing products, recommends buying and trusting only equipment that has been tested, proven and purchased by police in this country. "Australian Police are by far the largest users of alcohol breath testers in the world. If they buy it, there is no doubt the equipment is accurate and reliable," he says.

Staff should be well trained in the use of alcohol testers, particularly if "passive testing" is used, Soden-Taylor adds. "Online training is hopelessly inadequate in this area, as conducting such testing requires a learned motor skill," he says. "To be proved proficient, a tester must be observed, practiced, and tested by a manufacturer certified trainer to ensure they are able to conduct such tests on other people correctly, and obtain positive results when only small amounts of alcohol are present."

Andrew Smith, sales manager for Andatech Corporation, which supplies professional breathalysers as well as urine drug testing kits, notes that it is important for companies and especially OHS professionals to fully understand the difference between being under the influence of alcohol and "hangover". "Where an employee may no longer have alcohol in their system they may be under the effects of acetaldehyde poisoning, a byproduct of alcohol metabolism and the cause of many hangover symptoms, according to Smith.

"This can be just as risky to a person's ability to perform certain tasks but cannot be tested for. Companies should include in their training ways to identify a hangover and include

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alcohol & drug testing report

Saliva v urine

There have often been arguments about which method of testing is more reliable and accurate: saliva versus urine. This is the old chestnut of the workplace alcohol and drug testing debate, according to Stephen Lane, managing director of LaneWorkSafe.

On 30 November 2011 FairWork Australia handed down a decision involving HWE and CFMEU on saliva versus urine. The court found that HWE could continue to use urine as a matrix due to evidence produced by both parties. "Newcomers to the workplace alcohol and other drug policy testing should understand the contents of this case," says Lane.

It should be read in conjunction with another recent case *Holcim v TWU*, decided in the NSW AIRC in November 2010. "It is important to understand the relevance of these two cases when making a decision as to which matrix is considered more accurate and reliable. Interested parties are then able to make an informed decision based on unbiased factual evidence for themselves," says Lane.

in their policy actions to be taken when an employee is found to have these symptoms," he says.

Pitfalls of the process

Organisations both large and small need to take a holistic approach to workplace alcohol and drug testing, according to Lane. In many cases a workplace drug testing program is considered a "silver bullet" to the question of drug use in workplaces.

"This view is shallow and unrealistic," he says. "Certainly, organisations with a workplace alcohol and drug testing program in place, that includes a pre-employment medical examination which incorporates a drug screen for potential new employees, is moving in the right direction," he says.

Another challenge faced by organisations and OHS professionals is assessing the scope of uniquely tailored workplace drug and alcohol testing policies. Smith says companies need to identify the potential hazards

associated with the use of alcohol and other drugs in their workplace, assess the risk and develop strategies to control those risks, much in the same way as any other occupational health and safety hazard.

"Though the potential for risk in any situation should never be underestimated, every business is different. Where ongoing testing and strict compliance for all employees may be necessary for some workplaces, others may only need to check the health of a certain few. Any strategy should be tailored to meet the needs of the individual workplace," says Smith.

In the field of alcohol testing, the most common pitfall is the use of electronic breath-alcohol analysers for employee testing in the workplace that were never intended for that purpose, but rather, were designed for use as "personal" devices, Porter observes.

"Many of these are capable of performing only a very small number of tests before it is necessary for them to be recalibrated and others have no recalibration capability available at all," he says.

"In the field of drug testing, we believe that the



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most common pitfall is the use of urine test kits that do not provide repeatable and reliable detection limit cutoffs, that are in accordance with Australian Standard AS4308:2008. It is important that an authentic validation certificate be available for the actual batch of test kits that are in use, and not just a 'blanket' validation certificate which, in fact, may not apply to current production."

In the alcohol breath testing industry, the biggest challenge is finding an instrument that is proven to be accurate for zero tolerance testing, according to Aaron Soden-Taylor.

"Most breath testers are manufactured and tested to suit police testing at 0.050g/100ml (what we all refer to as '05')," he says. "The Australian Standard for such alcohol breath testers that many imported instruments now hold, only requires accuracy of +/- 100 per cent at 0.010g/100ml. This level of accuracy is hopelessly inadequate for industry."

Instruments that hold better than +/- 5 per cent across the whole range of testing and which have been tested and purchased by police in this country are the only safe way for companies to know that the

equipment they are using is accurate at zero tolerance levels, says Aaron Soden-Taylor.

The role of OHS

In-house training for workplace drug testing and the methodology and purpose of introduction are important tools to help manage substance abuse matters, Lane says.

"By introducing and completing onsite screening, a clear deterrent factor is present. It should also be considered a useful measuring tool to gauge performance of the alcohol and drug policy and education program," he says.

Soden-Taylor encourages the introduction of "blanket testing" to ensure no alcohol-affected workers are allowed on-site. "A small amount of alcohol can lead to a momentary lapse of judgement and potentially loss of life. Such incidents do occur, usually shut down whole sites and in addition to the personal and family tragedy, can cost companies millions of dollars," he says.

Smith says it is important to make sure everyone understands that your company is not dictating law



"A small amount of alcohol can lead to a momentary lapse of judgement and potentially loss of life"

on how employees should conduct themselves outside of working hours, but is dedicated to reducing workplace risks is the key. "It is always best for OHS professionals to over-communicate and provide the most relevant information and training for all employees; this can work to reduce the potential for risk as much as testing will reduce the risk itself," he says.

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Safety leadership in action

The SIA's National Safety Convention, Safety in Action 2012, will provide attendees with an opportunity to hear from business leaders on the role of leadership in safety

Held from 16 to 19 April 2012 at the Melbourne Convention Centre, this year's National Safety Convention will bring together a unique array of speakers to discuss the role of leadership in safety. It will provide attendees with an opportunity to engage with peers at a roundtable forum, discover new methods of change management, learn lessons from real-life case studies and understand the right way to tackle health issues in the workplace.

On day one of the convention, John Toohey, a professor at RMIT University's Graduate School of Business and Law, will deliver a workshop on organisational leadership and decision-making for OHS professionals.

Speaking ahead of the convention, Toohey said many OHS professionals make three key mistakes when it comes to applying effective leadership principles to deliver strategic OHS outcomes. The first mistake is that they assume that everyone shares their passion and interest in OHS. "Normally managers don't and sometimes they see OHS as an inconvenient necessity – a 'must do' with no inherent benefits," he said.

Another common mistake OHS professionals make is that they assume people understand how an effective OHS strategy can contribute to and enhance corporate outcomes. "In reality, the OHS manager needs to build credibility and relationships in the corporation and be seen as a core contributor," said Toohey, a former Commissioner

of Comcare Australia and director of Worksafe Australia's Industry Development Branch.

OHS professionals also focus on OHS as their core strategy and fail to contextualise this in the 'big picture' – the corporate strategy of the organisation. "The OHS operative must have a strong, sophisticated understanding of the corporate goals – what the organisation is about, its mission, and so on," he said.

"They need to understand what the core strategy is and how they can contribute to this core strategy. This requires understanding that OHS is part of the process and not the whole process."

Also speaking at the convention is Richard Greenwood, a senior consultant with Noel Arnold & Associates, on effective hazard communication under new Work Health and Safety (WHS) laws, which will see a completely new system of chemical classification introduced into workplaces.

However, Greenwood said there are significant areas of concern with how Australia will adopt the Globally Harmonised System (GHS) for the classification and labeling of chemicals as part of the new WHS. The GHS is a new worldwide standard agreed to within the UN, and covers what has in the past been classified as hazardous substances or dangerous goods in Australia.

One significant concern with this is the lack of support material available for this in Australia, as there is currently no Australian list of hazardous chemicals for reference, or an identified alternative, according to Greenwood.

Furthermore, he said the system was intended to be global and harmonised, but there are significant differences in the country classification lists to-date. "We have five years for this to be implemented, but that means we will be running at least three systems as the transition occurs. This change impacts on safety data sheets, which are reviewed every five years, but also on labels, which typically are not," said Greenwood.

Perhaps the greatest source of confusion is that there are still separate systems for labeling of chemicals for domestic use, or agricultural and veterinary chemicals, according to Greenwood. "That means inconsistencies in the content of chemical labels in workplaces [and] even in philosophy behind what appears on the label. This complicates hazard and risk decisions in the workplace, and sometimes this means poor decisions are made," he said.



"Managers sometimes see OHS as an inconvenient necessity – a 'must do' with no inherent benefits"

John Toohey, professor, RMIT University's Graduate School of Business and Law

"Safety data sheets will have consistent rules under GHS, but I know of suppliers who choose not to follow these where it is inconsistent with their label. This is not a new problem."

Greenwood said there will be five years of overlap between the new and old systems – not to mention the states which may delay implementation further. "Even the term 'hazardous chemicals' is a problem. We have reused 'hazardous' and 'dangerous' so often that there is bound to be confusion about the current definition: not all hazardous chemicals will have a HAZCHEM code, or need a HAZCHEM sign," he said.

The SIA National Safety Convention will run from 16 to 19 April at the Melbourne Convention Centre. For more information visit sia.org.au/safetyinaction.

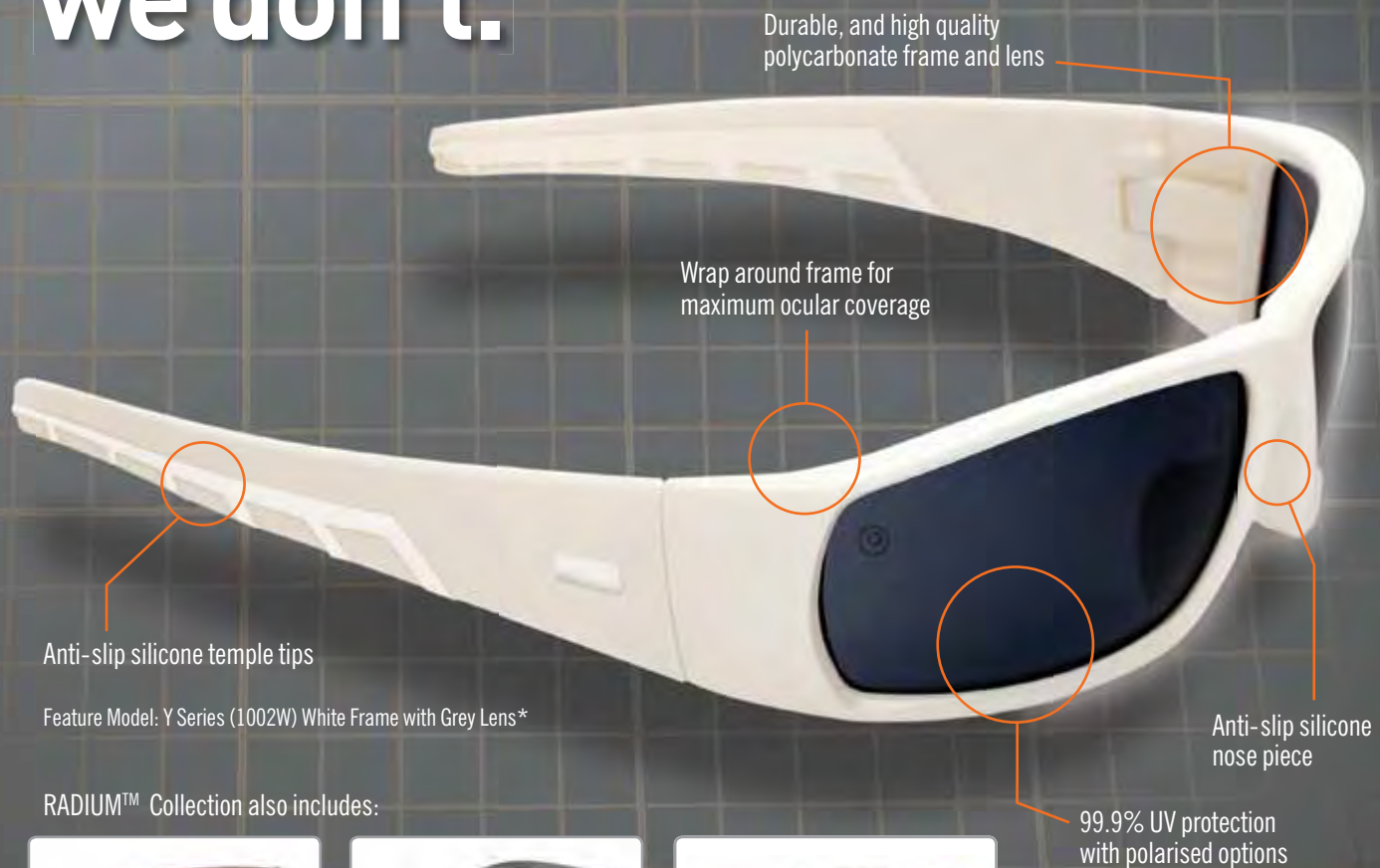


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