

June 2014

Workplace

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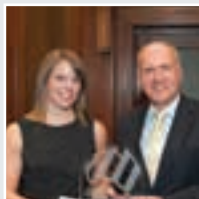
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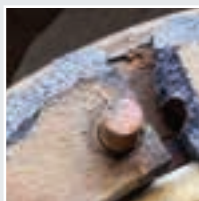
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Throughout, the acronyms 'WHS' stands for work health and safety and 'PCBU' stands for person conducting a business or undertaking.

Focussing on a safer future



I understand that Tasmanian business and Tasmanian workers have a strong interest in health and safety and that you are committed

to ensuring your work environment is safe; that workers are free from risks and that ultimately, you want to go home at the end of your working day, free from injury or illness.

As the Minister responsible for workplace health and safety, I share your commitment. I also understand that workplace health and safety laws should be simple and free from red tape and so I am committed to promptly reviewing the Act, Regulations, and guidance material to ensure that our regulatory and administrative requirements are free from unwanted or ineffective regulations that are not the most effective way of delivering the outcomes of improved health and safety at work that we are all striving for. Over the coming months, we'll be examining how we can simplify administrative processes for business, and looking closely at the level of regulation that applies to industry.

While workplace injury claims have significantly reduced over the last few years, there were 8,123 workers injured at work in 2013.

That's 8,123 reasons for us to all to remain focussed on improving work health and safety. Each of these injuries impacts on a Tasmanian worker and their families, sometimes in the most catastrophic way. The financial costs and emotional costs for the individual and the impact on business productivity and morale can also be significant. Better workplace safety is an important contributor to building the strength of the Tasmanian economy.

The Tasmanian government will be supporting these efforts, and the programs of WorkSafe Tasmania as it works with business, industry and the wider community to make workplace safety an important issue.

I look forward to working with employers and workers to achieve our common goal of safer workplaces for all Tasmanians.

2014 WorkSafe Tasmania Awards

Enter online now at www.worksafe.tas.gov.au



If you've come up with a way to make your workplace safer and healthier, you could be eligible for a WorkSafe Tasmania award! Whether it was an everyday achievement or a large-scale initiative, it could be worthy of being celebrated big-time. So put your entry in now.

Entries for the 2014 Awards close on 25 July.

Tas wins at national awards



VEC's Catherine Hicks and Alicia van Ek receive VEC's award from Minister for Employment Senator Eric Abetz. Photo courtesy Safe Work Australia

Ulverstone-based business VEC Civil Engineering Pty Ltd (VEC) has been recognised nationally for its practical commitment to safety at the Safe Work Australia Awards.

VEC won the 'Best workplace health and safety management system' category in the national awards, which were held in April in Canberra.

VEC's work includes major bridge design and construction, road construction and earthworks, railway networks, irrigation schemes and water pipelines in Tasmania, Australia and the Asia region.

'It was a nice surprise for the whole team and a great way to get appreciation from a respected organisation such as Safe Work Australia — and WorkSafe Tasmania of course!' said VEC's Alicia van Ek, who accepted the award.

'We were up against eight other state finalists in our category, who all had very good submissions,' she said. 'It was a tough call, but we were very happy and proud to have been recognised to

have the nation's best workplace safety management system.'

Alicia emphasised how much of a team effort that win and the system are. 'We received the award for VECsafe, which we co-created with our employees; it's everyone's effort.'

'At the end of the day, it's about the safety of our workers. That's what it's all for, that's the driver of this — it's really our workers we are looking out for.'

'Congratulations to the team from VEC for their win at these national awards,' said WorkSafe Tasmania's Compliance Director Neale Buchanan, who attended the Canberra ceremony. 'VEC's win is not just about having a system in place; it recognises the company's commitment and focus on making safety a priority.'

In announcing VEC's win, Federal Minister for Employment Senator Eric Abetz said 'I am delighted that an Ulverstone-based business was recognised for finding solutions to make their workplace safer.'

'The leadership and innovation of people and organisations like those celebrated at the awards ceremony not only helps to reduce the number of workplace deaths and injuries but also helps to create a positive workplace culture.'

'Their commitment and passion has made a difference in the community and ensured safer workplaces leading to more people getting home safely to their families.'

About the awards

The Safe Work Australia Awards showcase the best workplace safety solutions, innovations and systems across our nation. They celebrate what can be achieved to reduce workplace incidents, injuries, illness and deaths.

Thirty seven finalists from across Australia were honoured at the awards ceremony. To learn about all the winners and finalists, go to the Safe Work Australia website at www.swa.gov.au

WorkSafe TASMANIA

We are now: WorkSafe Tasmania

In October last year WorkSafe Tasmania was formed, as a result of merging Workplace Standards and WorkCover Tasmania.

What WorkSafe does

WorkSafe Tasmania aims to improve safety, health and return to work in Tasmania. It administers the laws that regulate work health and safety, workers compensation and return to work, occupational accreditation, asbestos compensation, dangerous goods — and more.

Inspectors and officers will continue to work with industry associations, community groups, national bodies, unions, and individual workplaces to ensure compliance with these laws, and therefore safer and healthier workplaces for us all.

Whether it's providing legislative advice to government or practical advice to PCBUs and workers — our aim is still to reduce work-related death, injury and disease. We want everyone to be safe at work, so they can go home at the end of each day.

How does the change affect you?

The work that the inspectors and officers of Workplace Standards and WorkCover did continues: investigating workplace incidents, promoting safer and healthier workplaces, promoting prompt and effective return to work, processing occupational licences and more.

This means you should notice no

change in your dealings with WorkSafe. The same information and service you sought previously from the two organisations — permits, licences and practical guidance — is now available from one: WorkSafe Tasmania.

Our phone numbers and physical office locations also remain the same.

Branding and websites

It takes time to re-badge our forms, publications, even our inspectors! Uniforms may still carry the old

WorkCover or Workplace Standards logo, but as they are replaced, they will feature the WorkSafe logo.

We are also currently working on creating a single website. This will draw on content from the current WorkSafe, Workplace Standards, WorkCover and Asbestos Tasmania websites. In time, this will replace them all except the WorkCover website (see box for details).

With such a large amount of information to organise, getting it right can't be rushed.

WorkCover Tasmania Board

The Board still exists, supported by staff from WorkSafe Tasmania. Its functions include:

- licensing insurers to cover employers for workers compensation claims made by their workers; and granting permits to employers to self insure against workers compensation claims made by their workers
- accrediting medical practitioners to issue workers compensation medical certificates and to assess permanent impairment
- approving the injury management programs of employers, licensed insurers and self insurers.

The Board still currently maintains its website, to provide information for these and other stakeholders, at www.workcover.tas.gov.au

Poppy Board

The Poppy Advisory and Control Board is now part of WorkSafe Tasmania. The Poppy Board's role in the regulation of the poppy industry includes:

- processing applications for licences
- liaising with the Australian Government to fulfil Australia's obligations under the International Drug Conventions (including the United Nations Single Convention on Narcotic Drugs)
- advising on matters relating to the cultivation, production and transport of poppies and poppy material.

Because of the narcotic content of plants, strict controls are maintained over all aspects of growing through to processing. Board field officers regularly patrol crops and liaise with the Tasmanian Police Poppy Task Force, which operates each season.



WorkSafe kicks off with King Island footy

Players in action in WorkSafe's first 'match of the month' on King Island

WorkSafe Tasmania kicked off its participation in the 2014 football season by supporting the King Island Football Association's celebration of 100 years of football on the island.

Around 300 people — or 20% of the King Island population — attended

WorkSafe's first 'match of the month' in early May. WorkSafe was also involved in King Island's celebration dinner, which featured Hawthorn and AFL legend Robert 'Dipper' DiPierdomenico, and other community events hosted by AFL Tasmania over the weekend.

As part of its partnership with AFL Tasmania, WorkSafe will support six

regional games throughout the season.

Supporting community-level competition gives WorkSafe the opportunity to engage directly with players, club members, their family and friends, local businesses and communities. The aim is to raise their awareness of the importance of WHS, and increase their knowledge of better WHS practices.

On the job training: How adequate is it?



This photo shows the smaller fragmented pieces collected after one half of the rim exploded

A recent incident involving a split-rim wheel highlights the importance of providing structured training and supervision to workers as they learn new skills.

A tyre fitter in the north of the state suffered multiple serious injuries, including a fractured skull, fractured ribs and collapsed lung.

He was working alone to remove the wheels from a crane when half the rim assembly exploded, striking the worker. He had been working at the tyre sales and servicing business for just over two years, and was being trained 'on the job'.

What happened

A WorkSafe Tasmania investigation found the worker hadn't let the air out of the tyre before undoing the rim nuts that held the tyre's two rim halves together. The unrelieved tyre pressure caused one half of the rim assembly to fragment and explode outwards.

Deflating tyres before any work is done on them is a basic safety procedure that everyone working in this industry should understand and apply.

WorkSafe inspectors heard that the worker had been instructed in the need to deflate the tyres; and had been shown many times by other workers how to perform this task.

WorkSafe inspectors also unearthed issues surrounding training and supervision.

Was there compliance?

At this small business, training was informal. There were no books, manuals, or DVDs provided; the worker was shown and told what to do by the other, more experienced workers at the tyre business.

But did this approach comply with the law?

A PCBU has a duty to provide workers with the information, instruction, training or supervision needed to work without risks to their health and safety. The Work Health and Safety Act 2012 doesn't specify how structured or formalised this needs to be.

On the job training, where new workers learn from more experienced workers, does comply — as long as all necessary areas are covered sufficiently. This includes regular, day-to-day tasks as well as those jobs that occur infrequently.

How effective was the training?

This incident highlighted that with informal training, a PCBU cannot be sure that the worker is 'deemed competent' to do their work.

The lesson for all workplaces from this incident is that without some kind of structure and basic documents (such as safe work procedures, records of training), it is difficult to:

- ensure all essential elements have been passed on
- verify the worker has learnt these and is able to implement them.

What to do

Workers need to understand all aspects of the work they are doing, and standardised safe work procedures can do this. Training based on an 'as it comes' approach will lead to a worker eventually being 'deemed competent' — yet having gaps in their knowledge and understanding that could lead to a serious incident, such as this one.

The WorkCover Tasmania Board's website has examples to help you create safe work procedures, training registers and induction checklists to support your training. You can find samples to adapt by going to www.workcover.tas.gov.au and searching for 'safety resources'. You can involve your experienced workers in this process, getting their input as you adapt these tools to suit your workplace needs.

Information from manufacturers and suppliers can also be valuable sources of instruction.

What is an asbestos register?

WorkSafe Tasmania's Helpline is frequently asked about asbestos registers: when they are needed, and how to create and maintain one. Below is the section of the Code of Practice 'How to Manage and Control Asbestos in the Workplace' that Helpline inspectors refer to. You can find this code on the WorkSafe Tasmania website. Go to www.worksafe.tas.gov.au and search for 'CP111'.

The asbestos register is a document that lists all identified (or assumed) asbestos in a workplace. The asbestos register must:

- record any asbestos or ACM [asbestos containing material] that has been identified or is likely to be present at the workplace from time to time. This would include:
 - the date on which the asbestos or ACM was identified
 - the location, type and condition of the asbestos; or
- state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified or is likely to be present from time to time at the workplace.

Appendix C of the Code provides a template of an asbestos register, while Appendix D provides an example of how it should be completed.

A comprehensive asbestos register may also include:

- details of any asbestos assumed to be in the workplace

- results of any analysis that confirms a material at the workplace is or is not asbestos
- dates when the identification was carried out
- details of inaccessible areas.

It may also be useful to attach photographs or drawings to visually show the location of the asbestos or ACM in the workplace.

What if an asbestos register already exists at the workplace?

If an asbestos register already exists at the workplace there is no need to create another one. The existing register can be reviewed and revised.

[PCBUs that] are carrying out or intend to carry out work at a workplace should obtain the current asbestos register and identify any asbestos or ACM that [it has] management or control of (for example, asbestos in items of plant). The person with management or control of the workplace should be advised if any asbestos or ACM is identified and not included in the asbestos register for the workplace.

If workers consider that the work they are about to do will disturb asbestos, they should talk to the person with management and control of the workplace or their health and safety representative.

Where asbestos is only temporarily in the workplace

In some cases it may not be necessary to include asbestos or ACM that is only temporarily present in the workplace. For example, if plant that contains asbestos is being repaired at the workplace but it is only there for a short period while being repaired, it does not need to be recorded in the asbestos register. However, if plant is often at the workplace (for example, where the company specialises in repairing plant that typically contains asbestos), it would be important to include this in the asbestos register. Note that where work involving asbestos is carried out, there are requirements to ensure the safety of the worker.

Where there is no asbestos register at the workplace

An asbestos register is not required if a workplace has been constructed after 31 December 2003 and no asbestos has been identified.

If there is no asbestos register at the workplace but asbestos is identified during the course of any work being carried out, the person with management or control of the workplace should be advised, who must then identify it (or ensure a competent person identifies it) and prepare a register.

As there will be no asbestos register at a domestic premise, the homeowner or landlord must be advised if asbestos is identified and appropriate action taken.

National, state plans for managing, removing asbestos

National plan

The National Strategic Plan for Asbestos Awareness and Management 2013–2018 aims to prevent exposure to asbestos fibres, in order to eliminate asbestos-related disease in Australia. It aims to achieve this by:

- moving towards developing a prioritised removal program across Australia
- developing nationally-consistent, better practice in asbestos handling and management
- playing a leadership role in a global campaign for a worldwide asbestos ban.

The plan was developed in consultation with Commonwealth, state, territory and local governments, as well as non-government stakeholders. It is a high-level document that establishes a framework for states to work within, both cooperatively and independently, to achieve set objectives.

The Commonwealth (through the Asbestos Safety and Eradication Agency) has recently further consulted with the states and territories to identify realistic strategies that could be included in a revised national plan. Tasmania has supported the development of a national plan; however, similar to other jurisdictions, there are concerns about the timeframes and costs associated with implementing such a plan.

The Asbestos Safety and Eradication Agency has proposed a way forward to identify and agree on realistic strategies for dealing with asbestos.

Testing asbestos rating tools

WorkSafe Tasmania will soon oversee a project for testing asbestos rating tools. These tools are used in the field by specialists to identify asbestos and asbestos containing materials. Check future editions of Workplace Issues for updates on this project.

SAFETY

Getting help with safety

If you're a small business, chances are you know you need to manage health and safety in your workplace. But how? Where do you start, and what do you need?

Take the uncertainty out. Call the WorkSafe Tasmania Advisory Service for free practical, clear guidance, so you can manage safety for you and your workers.

WorkSafe's experienced advisors can meet with you no matter where you are in the state, and when it suits your business.

What's involved?

These friendly on-site visits generally take around an hour, depending on the complexity of your practice.

At this initial meeting, the advisor will work with you to identify opportunities for improving health and safety in your practice. They'll provide you with the Safety Management Toolkit, full of practical policies, checklists and other worksheets to help you identify safety hazards in your workplace.

You'll receive a written summary of your discussion a week or so later.

What about help with contractors?

Advisors can also meet with your workers and contractors, too. The Safety Management Toolkit they use even has checklist to help you manage contractor safety.

What are the benefits?

Advisors can help you implement solutions that are relevant, practical and affordable for your business.

A safe and healthy workplace means fewer injuries and less downtime, and increased productivity. What business doesn't want that?

See an advisor

To book a free and confidential visit from an advisor, go to the WorkSafe Tasmania website at www.worksafe.tas.gov.au and search for 'advisors'. Once you're on the safety advisors' page, choose 'request a visit' and complete the form. You can also call 1300 366 322



GOOD HEALTH, GOOD BUSINESS CONFERENCE

Actions, Ideas and Evidence

August 21 – 22, 2014 • Hobart, Tasmania



DAY ONE

LEADERSHIP & CULTURE

Leading healthier, safer and high performing workplaces

Hosted by the Department of Health and Human Services and WorkSafe Tasmania

GUEST SPEAKERS INCLUDE

Dr Judd Allen

President of the Human Resources Institution, USA

Katrina Walton

Workplace Wellness Strategist at Wellness Designs

Matt Welsh

Bupa Health Ambassador

Graeme Lynch

CEO of the Heart Foundation

Dr Roscoe Taylor

Chief Health Officer, DHHS Tasmania

Bob Boyd

President of the National Wellness Institute of Australia

DAY TWO

RESEARCH

Evidence for promoting healthy lifestyles to workers

Hosted by the Menzies Research Institute Tasmania

KEYNOTE SPEAKERS

Prof Adrian Bauman

Evaluator of the Get Healthy Information and Coaching Service®, School of Public Health, University of Sydney

Assoc Prof David Dunstan

Physical Activity, Baker IDI Heart and Diabetes Institute, Melbourne

Dr Helen Kelsall

Senior Research Fellow, Medicine Nursing and Health Sciences, Monash University

Registration opens 28th May: Early Bird price \$80 per day or \$150 for two days (student discount available)

For more information: Anita.Whittle@dhhs.tas.gov.au or Michelle.Kilpatrick@utas.edu.au



SAFETY

Bodyworks spray booth warning: The importance of maintenance



This photo shows how WorkSafe Tasmania's Gas Standards and Safety inspectors removed the booth gas burner and heat exchanger while investigating the cause of the spray booth fire

A recent fire in a vehicle bodyworks spray booth serves as a timely reminder to owners of other spray booths to conduct regular programmed maintenance.

The Hobart spray booth where the fire took place was LP gas fired. It is the second known incident involving a fire in a spray booth since 2012.

While the cause of the fire is not definite, it does highlight the need for regular checks and monitoring of features such as ventilation flows, damper controls and interlocks. Any such maintenance must be done according to the manufacturer's instructions and by an appropriately qualified/licensed person.

The person with management or control of gas-fired spray booths must keep a record of all safety integrity tests, inspections, maintenance, commissioning, decommissioning and alteration of the plant for the life of the plant (type B appliance).

For further information about managing the specific risks associated with spray painting ovens, see:

- the code of practice 'Spray painting and powder coating'. To find this code, go to WorkSafe Tasmania's website at www.worksafe.tas.gov.au and search for 'CP131'
- AS/NZS 4114 Spray painting booths, designated spray painting areas and paint mixing rooms. To purchase this standard, go to the SAI Global website at <http://infostore.saiglobal.com> and search for '4114'.

Legal details

General duty of care in relation to maintenance of plant is covered in section 19 of the Work Health and Safety Act 2012 and Division 3 expands on these duties. This is further reinforced by Regulation 213 of the Work Health and Safety Regulations 2012, which specifically covers maintenance and inspection of plant.



Read the mag? Now tell us what you think

We want to make sure Workplace Issues gives you the practical information you need to manage health and safety, return to work and wellbeing in your workplace.

What articles have met your needs in this edition? What do you want more of? And what could you do without?

Let us know at wstinfo@justice.tas.gov.au with the subject line 'magazine'. Thank you!

Ladders and safety: setting the record straight

There are times when the deadline for this column looms and I struggle for a theme to interest Workplace Issues readers. But recently a perplexing subject arose that I think is worth highlighting.

On three separate occasions, I was contacted by industry associations wanting a WorkSafe inspector to speak to their members about working at heights, and to clarify what are the rules.

The perplexing element to these requests was that the associations' members had clearly been misinformed about their obligations. There was a common theme: 'We've been told that ladders are banned and we want to discuss what options are acceptable.'

Ladders are of course *not* banned. The Code of Practice 'Managing the Risk of Falls at Workplaces' is quite clear about that. In fact, it devotes an entire section to the issue and provides clear advice on the safe use of ladders.

One of the queries I received was about a tradesperson affixing a drainpipe to a wall; a '30 second job'. They'd been told they could not do the job off a ladder. The code gives very sound advice that covers this situation:

Extension or single ladders should generally only be used as a means of access to or egress from a work area. They should only be used as a working platform for light work of short duration that can be carried out safely on the ladder.

The simple fact is that on some occasions ladders will be appropriate for the task. You should consider what is reasonably practicable in each particular situation.

This is not to say that ladders are always appropriate, or that options with less risk should not be considered. And I'm not advocating you abandon more effective working at height options such as platform stepladders, EWP's or portable scaffolds.

I'm also well aware that some larger construction companies have prohibited the use of ladders. They've assessed



their risk and come up with practical alternatives that suit their businesses. I congratulate them for doing so.

What concerns me about this issue is that work health and safety is getting an unwarranted reputation for being unworkable and not in the 'real world'.

Some months ago I met some small home builders who had precisely this concern. They were clearly well motivated, as they'd been to information sessions about the new laws from their industry association, and they showed me voluminous policies and procedures to manage safety in their workplaces.

Yet when we discussed their questions around working at heights, they were oblivious to the existence of the Code of Practice 'Preventing Falls in Housing Construction'. This code contains the answers to their questions.

It is also quite sad that many businesses think compliance means having lots of policies and procedures.

Excessive paperwork is counterproductive because it will be ignored. Does anyone seriously think a tradesperson is going to read and absorb a 50 page safe work method statement?

For small business, the first rule should be to keep it simple.

I'm a realist — there are some issues where the legislation is placing

obligations that some businesses believe to be unnecessary. That is a policy debate for another place. However in many other cases, the legislation gets wrongly blamed for failing the test of 'common sense'.

One final example: long-sleeved shirts are not banned on building sites. There may be good risk control reasons for some PCBU's to *require* long sleeved shirts on their building sites. But there is no blanket ban in the legislation.

I'm sure some of you will think, 'Why does it matter? Surely if controls are put in place above minimum compliance, that has to be a good thing?'.

To a point I agree with that argument — but we have to be conscious that the vast majority of businesses don't have ready access to quality safety advice. If they get poor advice — and as a result, believe work health and safety fails the test of 'common sense' — then in all likelihood, they'll disengage from the issue.

And as a consequence, safety will be compromised.

What then needs to be done? At WorkSafe, we have to re-double our efforts to engage with small businesses and make work health and safety relevant to them. Guidance material that distils the essential safety information for an industry is one way we can do this. Being empathetic to the challenges of running a business is another way.

It's not all about the regulator though. If you manage contractors in your workplace, you have the perfect opportunity to influence their attitudes and demonstrate that safety is not just about irrelevant rules and paperwork.

If we can collectively demystify work health and safety for small business, I have no doubt that we will have safer workplaces as a result.

I'm interested in your views on what can be done.

Neale Buchanan

neale.buchanan@justice.tas.gov.au

Everybody's Talking...

Questions and answers from our Helpline

Do I need a security fence around my construction site?

The Helpline is often asked this by principal contractors/builders who are confused about their responsibilities under the work health and safety laws.

The answer is: quite likely!

Regulation 298 (1) says that the person with management or control of a workplace where construction work is being carried out must ensure, so far as is reasonably practicable, that the workplace is secured from unauthorised access.

The words 'reasonably practicable' allow some flexibility when considering the fencing options for your construction site. Your first step is always to conduct a risk assessment of the site.

WorkSafe Tasmania's new guidance note 'Making housing construction sites secure against unauthorised public access' provides practical advice on this matter. It also includes a useful checklist for safety and security fencing.

You can find this guidance note on the WorkSafe website. Go to www.worksafe.tas.gov.au and search for 'GN051'.

What is a licensed asbestos assessor?

This is a person who conducts air monitoring and clearance inspections, and issues clearance certificates for Class A asbestos removal work. Their asbestos assessor licence lasts for five years.

WorkSafe Tasmania maintains a register of current asbestos licence holders (assessors and removalists). To find this, and information about applications, go to www.worksafe.tas.gov.au and choose the 'asbestos' button at the top.

What long service leave legislation is there in Tasmania?

We had a number of enquiries after our article in the March 2014 edition of Workplace Issues.

There are long service leave provisions in the following five Tasmanian acts:

- Construction Industry (Long Service) Act 1997 (TasBuild Portable Long Service Scheme) — covers most workers in the Tasmanian construction industry
- Long Service Leave (Casual Wharf Employees) Act 1982 — covers people employed as casual wharf employees
- Long Service Leave (State Employees) Act 1994 — covers Tasmanian State Government workers
- Long Service Leave Act 1976 — covers workers not included in other state or federal legislation

- part 7 of the Long Service Leave and Employees Assurance Scheme of the Local Government (Building and Miscellaneous Provisions) Act 1993 — covers council workers.

We receive many questions on this subject; however, please note that if you have an enquiry about any federal award or agreement that refers to long service leave, you need to call the Fair Work Infoline on 13 13 94.

I'm still confused about the issue of working at heights — is there some concise information I can share with my colleagues?

WorkSafe Tasmania's new 'Guidance on Prevention of Falls in Housing Construction' clarifies some of the confusion around the common 'two metre' question.

You can find this guidance note on the WorkSafe website. Go to www.worksafe.tas.gov.au and search for 'GN050'.

Prosecutions

These prosecutions are the under Tasmania's previous Workplace Health and Safety Act 1995. The new Work Health and

Under the Workplace Health and Safety Act 1995

Employee crushes fingers in hydraulic vice

Appollo Nominees Pty Ltd (trading as Doric Engineering) was convicted and fined after an employee crushed his fingers in a hydraulic vice.

On 28 August 2012, an employee was using Mazak 3 Axis Machining Centre to machine a hinge post. The vice jaw of this machine clamps at 1,000 pounds (almost 450 kilos) per square inch.

He had to reach back and behind his right shoulder with his right hand to operate the plant's control panel, while simultaneously holding the top of the hinge post in the vice so it couldn't move.

The employee's left hand twitched, causing his fingers to drop between the closing jaws of the vice. The resulting crush injury included his middle and index fingers.

What could have been done?

It was alleged that, to ensure the employee was safe from injury and risks to his health, Appollo Nominees Pty Ltd could have ensured that:

- the employee used a safe holder (or other tool) to hold work pieces, therefore removing the need for his hands to be so close to the vice jaw
- the plant's controls to open the vice and the emergency stop button were in close proximity and full view of the employee while operating the plant.

It was also alleged the company failed to ensure the employee's exposure to the hazard was controlled, to therefore remove or reduce the risks to his safety.



The Mazak Machine Centre hydraulic vice involved in the incident

A WorkSafe investigation found that in May 2007, the company issued a document called 'Plant Risk Assessment', which identified the hazard of fingers being crushed while holding work pieces in a hydraulic vice; namely, the Mazak Machining Centre.

This document also recommended that the operator must make up a safe holder for work pieces, to remove the need for the operator's hands to be near the vice jaw.

The charges

Appollo Nominees Pty Ltd was charged with failing to provide a workplace that had a safe system of work (breach of section 9(1) of the Act); and failing to control, eliminate or minimise the risk of

someone being exposed to a hazard (regulation 19(1) of the Regulations). The company pleaded guilty.

The verdict – 26 February 2014, Hobart

Appollo Nominees Pty Ltd (trading as Doric Engineering) was convicted on both charges and fined a global penalty of \$20,000.

The company had a prior conviction.

For practical guidance on managing the risks of plant go to the WorkSafe Tasmania website at www.worksafe.tas.gov.au and search for 'CP123'.



Safety Act and Regulations 2012 came into effect on 1 January 2013.

Under the Workers Rehabilitation and Compensation Act 1988

Deloraine motel: no workers compensation policy

On 18 July 2013, an employee called WorkSafe Tasmania. She had injured herself when she fell on a tiled floor, and said that her employer had refused to provide workers compensation claim form.

WorkSafe Tasmania's investigation found that Knies Motels Pty Ltd:

- did not have a workers compensation policy in Tasmania and was not granted a permit to self-insure
- employed 24 workers from 29 October 2010 to 28 July 2013.

After WorkSafe wrote to Knies Motels Pty Ltd on 25 July 2013, the company took out workers compensation from 29 July 2013.

The charges

Knies Motels Pty Ltd was charged with a breach of section 97(1) of the Workers Rehabilitation and Compensation Act 1988 — failure to maintain a policy of insurance from 29 October 2010 to 28 July 2013. The company pleaded guilty.

The verdict – 12 March 2014, Launceston

The company was convicted and fined \$2,000 plus \$9,383 in avoided premium.

Queenstown motel: no workers compensation policy

On 15 August 2013, an insurer advised WorkSafe Tasmania that it had received a request for a workers compensation insurance quotation from a business; accompanying information showed the business had not previously been insured.

A WorkSafe Tasmania investigation found that James Gardner, as trustee for Sandstone 43 Discretionary Trust (trading as Silver Hills Motel):

- did not have a workers compensation policy in Tasmania and was not granted a permit to self-insure
- employed 24 workers between 5 July 2011 to 18 August 2013.

After WorkSafe wrote to James Gardner, the company took out workers compensation on 19 August 2013.

The charges

James Gardner, as trustee for Sandstone 43 Discretionary Trust (trading as Silver Hills Motel), was charged with a breach of section 97(1) of the Workers Rehabilitation and Compensation Act 1988—failure to maintain a policy of insurance from 5 July 2011 to 18 August 2013. The employer pleaded guilty.

The verdict – 24 March 2014, Queenstown

The business was convicted and fined \$8,762.00 in avoided premium.

In Tasmania, an employer can either take out a workers compensation insurance policy with a licensed insurer to cover it for workers compensation claims made by its workers; or apply to WorkCover Tasmania to become its own self insurer.

For information on both options, go to the WorkCover website at www.workcover.tas.gov.au/insurance

WorkSafe Tasmania Month

29 September – 31 October 2014



Get involved!

Bring WorkSafe Tasmania Month into your business

This year, as well as running free work health and safety events for you to attend in Hobart, Burnie and Launceston, we're asking workplaces to bring WorkSafe Tasmania Month into their business and run their own workplace event.

We'll come to you!

Do you want up-to-date information about being safe and healthy in your workplace? Or have a particular industry issue that needs addressing?

Let us know and we'll send one of our safety advisors, inspectors, safety experts or wellbeing advisors to you. They'll provide resources you can keep and display to ensure everyone is informed and goes home safe at the end of their working day.

You'll also receive a certificate for participating in WorkSafe Tasmania Month and taking steps to make your workplace safer and healthier.

Requests are subject to the workplace issue; availability of an advisor, inspector or expert; and alignment with WorkSafe Tasmania Month's themes and messages.

Other ideas

WorkSafe Tasmania Month is a great opportunity to work with your colleagues to make work safer. Here are some ideas for your own event:

- Set up a regular 'safety brainstorm' to toss up ideas
- Ask everyone to submit safety ideas and award a prize for the most innovative suggestion
- Run a trivia night with a work safety theme—throw in some fun questions, tasks and prizes
- Display your suggestions and act on the suggestions provided
- Conduct a safety spring clean of workplace clutter
- Hold a BBQ or morning tea to recognise workmates who actively contribute to safety
- Ask people from other work areas to review how things are done. Fresh eyes can often spot new ways of doing things
- Hold a tool box talk with your work team
- Practice emergency drills
- Set up a permanent work safety display or library

Expressions of interest to run a presentation

WorkSafe Tasmania will soon be calling for expressions of interest from work health and safety industry professionals to run a presentation during WorkSafe Tasmania Month.

This year, we're starting in Launceston and ending in Hobart with the WorkSafe Tasmania Awards.

Keep these dates in mind:

- Launceston 29 September–3 October and 6–10 October
- Burnie 13–17 October
- Hobart 20–24 October and 27–31 October

For further information contact the WorkSafe Tasmania Helpline on 1300 366 322 (within Tasmania) or email wstinfo@justice.tas.gov.au.

Register your workplace interest at www.worksafe.tas.gov.au/events/worksafe_month