

WINTER 22

WORKPLACE ISSUES

NEW SILICA CODE

Managing the health risks of silica

MANAGING FATIGUE

Plus volunteer safety, bullying and more

WORKPLACE WELLBEING

Getting everyone on board

Work Safe
TASMANIA

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New code and amended regs to manage the health risks of silica

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Managing Workplace Fatigue

Find out how to address the work causes of fatigue

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Find current and past editions, information about telefraud, our disclaimer and more at worksafe.tas.gov.au.

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

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Keeping our laws current

The laws we have in our community inform and regulate almost every aspect of our life, and are in place to largely protect us. For example, road laws regulate our driving behaviour to keep road users and pedestrians safe. Consumer laws protect us when we make purchases and when goods or services are faulty. By establishing expected standards and behaviours, they protect our liberties and rights, and also define our responsibilities.

Our laws must necessarily be updated and reviewed from time to time to stay contemporary, to reflect changing values or changing technology, for example. To that end, some of the laws and frameworks that regulate work health and safety (WHS) either have recently been reviewed, or will be reviewed this year.

The review of the national model WHS laws and its final report (released in 2019) found that these laws are largely operating as intended. The proposed 34 recommendations, which are now being introduced, aim to improve clarity and consistency.

For example, in recognising that psychological injury poses a significant risk in Australian workplaces, it has been agreed by all WHS ministers to amend the model *Work Health and Safety Regulations 2012* to deal with psychological injury. Other matters discussed at the national level included gross negligence as an element in a category 1 offence under the model *Work Health and Safety Act*.

It is important to understand that amendments to the national model WHS laws do not automatically apply to the *Work Health and Safety Act 2012* in Tasmania. It will be necessary to introduce an Amendment Bill in the Parliament to make any changes to the Act.

This year will also see the review and remaking of the *Work Health and Safety Regulations 2012*, the *Work Health and Safety (Transitional) Regulations 2012*, and the *Mines Work Health and Safety (Supplementary Requirements) Regulations 2012*, and I will have more to say about these as the year progresses.

Here in Tasmania, the *Explosive Regulations 2012* are currently being reviewed as

they have been in place for nearly 10 years. This review will continue to ensure the safety of our community where explosives are being used (either recreationally or at a worksite). Consideration will be given to the work done by Safe Work Australia as agreed by Safe Work Australia members in 2017, to harmonise explosives regulations, to ensure a nationally consistent approach to explosives legislation. There will be an opportunity for stakeholders to provide input into this review.

We have also begun the second independent review of our asbestos compensation scheme. This review will assess the performance of the asbestos compensation laws against the objectives of the *Asbestos-Related Diseases (Occupational Exposure) Act 2011*. The review will also consider the ongoing viability and sustainability of our asbestos compensation scheme, its performance (in terms of entitlements, premiums and coverage), and ongoing relevance and/or currency of recommendations from the first review in 2016. You can read more about this review in this edition of the magazine.

Also detailed in this edition is Tasmania's adoption of the new model code of practice, *Managing the Risk of Respirable Silica from Engineered Stone in the Workplace*. This new code applies to all types of work and all workplaces where engineered stone is worked or used, and to anyone involved in these activities. The new code coincided with amendments to Tasmania's *Work Health and Safety Regulations 2012* in late December 2021 that introduced a new exposure standard for respirable crystalline silica (also see the article in this edition for details).

The Commonwealth Government established the National Dust Disease Taskforce in July 2019 to develop a nationally consistent approach to the prevention, early identification, control and management of occupational dust diseases in Australia, with an immediate focus on addressing accelerated silicosis. The Taskforce recognised that WHS regulators have conducted awareness and compliance programs in recent years (WorkSafe Tasmania's Silicasafe campaign ran in 2019, and this year a compliance inspection program will again



be run—see the article in this edition for details). However, the Taskforce also identified that reform is urgently required. Therefore, the Tasmanian Government will continue to collaborate with all jurisdictions through Safe Work Australia on measures, including the development and implementation of a national prevention strategy.

In 2018, the Commonwealth Government funded the Australian Human Rights Commission to undertake the National Inquiry into Sexual Harassment in Australian Workplaces. Tasmania actively participated in the consultation process as part of the Inquiry which examined the nature, prevalence and impact of sexual harassment in Australian workplaces, and measures to prevent and respond to workplace sexual harassment. In 2020, the Inquiry handed down its report *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (you can find this and more information at humanrights.gov.au by searching for 'respect at work').

The Tasmanian Government recognises the importance of this report, which provided a comprehensive set of recommendations for addressing sexual harassment in the workplace. These are being considered by the Commonwealth and state governments, as well as WHS regulators across Australia (like WorkSafe Tasmania).

I look forward to the active participation of industry groups, businesses and undertakings, as well as workers and their representatives as we continue to review and improve our WHS laws.

Once again, please look after each other, stay safe and take care.

ROBYN PEARCE

EXECUTIVE DIRECTOR, WORKSAFE TASMANIA

Think of the consequences



When a serious incident occurs, the shockwaves are often felt throughout our community. If we think back to tragic events such as the Beaconsfield mine collapse in 2006, the Dreamworld fatalities in 2016, and more recent tragic workplace deaths here in Tasmania — these events are beamed across our media, sometimes around the world, and become etched into our hearts and memories. As individuals and as communities, we are shocked, saddened, maybe angered.

But as employers, safety professionals, and workers, what is our response? What *should* be our response?

As the work health and safety regulator, WorkSafe investigates incidents and looks for factors that caused or contributed to what happened.

Were there safe work procedures and policies in place, were they implemented adequately, and were workers trained in them? Were the machines or equipment used in a safe condition, regularly checked and maintained, and again were workers trained and supervised to use them correctly and safely? What environmental settings or factors could have contributed?

Did employers and managers know the safety requirements needed for a task; for example, creating and following a safe work method statement for high risk construction work? Were workers consulted with at all stages, from hazard identification to the implementation of risk controls, when decisions about safety were made? Were dynamic risk assessments and any other vital pre-start safety checks done prior to the task being done, the chemicals being used, or the equipment being operated?

While WorkSafe takes an educative role supporting businesses, health and safety representatives, workers and their representatives to improve safety in workplaces, we also have a role in enforcing compliance with our work health and safety laws. This may be through the regulatory tools available to us. Improvement notices educate and give clear direction on changes to be made to ensure compliance with the law. Prohibition notices stop work that puts people at immediate risk. On-the-spot fines, enforceable undertakings and prosecution through the courts occur when there are serious breaches of the law.

Some businesses are doing great things: they understand that making safety a priority protects their workers and is good for productivity and business too.

But our Inspectors still see workplaces that try to save time or money and cut a few corners, that don't think it's necessary to train workers how to use equipment properly, that remove guarding from machinery or disable emergency stop switches to speed up work, that don't find out if they need a licence or permit or safe work method statement to guide their work, that don't put measures in place to prevent falls. These failures — whether intentional or not — place their workers and the wider community at risk.

You can read examples of recent prosecutions and enforceable undertakings that WorkSafe has pursued in this edition, and online at [worksafe.tas](http://worksafe.tas.gov.au).

[gov.au](http://worksafe.tas.gov.au) by searching for 'court summaries' and 'enforceable'.

In reading these cases, I hope you stop and think about safety in your workplace: the way you, your managers and your workers or team mates think about safety, and how you all work. I hope the next serious incident that we hear about on the news or the next prosecution you read about in these pages doesn't just sadden us, but makes us all turn up to work the next day and look at our workplace with a fresh set of eyes.

As employers, safety managers, supervisors and yes as workers, we should look and ask: could that happen here? The workplaces or incident sites may be vastly different to yours, as may be the work being done. But consider the factors that may be common across many incidents — those causal or contributing factors that WorkSafe inspectors look for. Training, supervision, induction, procedures, tools and equipment, safety checks, risk assessments, and more.

There are other opportunities for us to reprioritise safety. Put safety back on the agenda of your toolbox meeting if it has slipped off 'or simply become 'tick and flick'. Go back to reports of near misses and investigate them seriously. Bring forward the risk assessment or safety check you had planned for later in the year, and do it this week, today — and make it a regular and even dynamic occurrence, so your workers think safety every time they perform their task. Talk and work with your workers on safety matters.

Unfortunately we often don't think about our safety at work until something goes wrong. But many workplace incidents, and the injuries and fatalities that are the human consequence of these incidents, can be preventable if we make safety — safe behaviours, safe thinking, safe planning — a priority.

SAFETY

6 INSPECTOR COMPLIANCE PROGRAMS

7 USING DRONES FOR WORK

8 CREATE A REPORTING PROCEDURE
FOR BULLYING

9 VOLUNTEER SAFETY

10 WHY MANAGING FATIGUE IS IMPORTANT

11 INDUSTRY SNAPSHOT

12 PROSECUTIONS

New silica code

On 19 January 2022, Tasmania adopted the new model code of practice, Managing the Risk of Respirable Silica from Engineered Stone in the Workplace.

Codes of practice provide practical guidance on how to achieve the standards required under our WHS act and regulations. As its title says, this new silica code specifically provides practical guidance on how to manage the health and safety risks associated with respirable crystalline silica from engineered stone; and how to achieve the standards required under the work health and safety laws.

It applies to all types of work and all workplaces where engineered stone is worked or used and anyone involved in these activities. It covers:

- the risk management process
- safe work method statements for engineered stone, workplace exposure standards, air/health monitoring
- control measures including silica dust control plans, clean up and disposal of silica dust (including management of water and waste)

The new code also includes a silica dust control plan template.

The new code coincided with amendments to Tasmania's *Work Health and Safety Regulations 2012* in late December 2021. These changed the exposure standard for respirable crystalline silica to an eight hour time weighted average (TWA) of 0.05 mg/m³, reduced from the current TWA of 0.1 mg/m³.

This new code also supports the implementation of the recommendations contained in the National Dust Disease Taskforce Final Report. The purpose of the National Dust Disease Taskforce is to develop a national approach for the prevention, early identification, control and management of occupational dust diseases in Australia. It made an independent review of the systems in place for the prevention, early identification, control and management of accelerated silicosis from engineered stone, and broader occupational dust diseases, and its report captures its findings. You can find more information about the Taskforce and its report at health.gov.au by searching for 'national dust taskforce'.

Find the new code of practice, Managing the Risk of Respirable Silica from Engineered Stone in the Workplace at worksafe.tas.gov.au by searching for 'codes'.



Inspector compliance programs

What our inspectors are doing in 2022



This year, WorkSafe's inspectors around the state will be focussing on work health and safety compliance in:

- the construction industry
- the transport industry
- the distillery sector
- workplaces where engineered stone is worked or used (silica inspections).

Inspectors will be making both planned and unannounced visits to workplaces in these sectors to make sure they are managing health and safety risks. For example:

- construction and transport: reducing the risk of injuries from body stressing, falls slips and trips, being hit by moving objects; and complying with industry-specific regulations
- distillery: increasing awareness of the hazards involved in the manufacture, use and storage of class 3 alcohol-based products
- silica inspections: raising awareness of the risks of respirable silica.

If you work in one of these industries, get ready for a visit by making sure your safety systems are compliant before an inspector visits your workplace. Check out our online guidance at worksafe.tas.gov.au by searching for '2022 inspectors'.

WorkSafe Tasmania inspectors work with employers and workers to ensure they are actively managing safety in their workplaces, and therefore protecting the safety of all Tasmanian workers and the broader community.

Inspectors take an educative approach to compliance, particularly where employers and workers are making genuine attempts to comply with their obligations under the work health and safety laws.

If a business is not complying, inspectors may issue an improvement notice, which helps to educate business by providing clear directions on what the business needs to do to comply with these requirements. Sometimes inspectors find activities are putting people at imminent risk of serious injury, and will issue a prohibition notice to have the activity stopped until a suitable solution is found.

Our COVID inspectors will continue to visit workplaces to ensure compliance with COVID requirements. Priority work includes essential worker checks, airport inspections, critical industry worker registrations and exemptions, major events, safe houses and seasonal workers.





Using drones for work? The laws to know

Drones are becoming increasingly popular in commercial settings. As businesses expand their use of drones, it is important to consider both the benefits and risks in order to make an informed decision about how you use this technology, whether it will be beneficial to your business, and how to mitigate hazards and risks when using drones.

The Civil Aviation and Safety Authority (CASA) oversees the use of drones under the Commonwealth Government's Civil Aviation Act 1988. CASA has online resources at casa.gov.au/drones to support individuals and businesses to understand their legal obligations and responsibilities when operating drones. These include safe flying dos and don'ts, and flying near public spaces.

Aside from Commonwealth civil aviation laws, there are other laws that you should consider, including work health and safety laws, criminal laws, privacy laws, intellectual property laws, environmental laws, and Tasmania's Listening Devices Act 1991.

From a WHS perspective, this includes identifying potential hazards associated with using the drone, assessing the risks of these hazards, and putting in place control measures. You must also consult and communicate with your workers, contractors and others affected by your operation of the drone.

Need more info?

The Office of the Australian Information Commissioner has information about drones and privacy, including if you've been photographed or filmed by a drone operated by an Australian Government agency and other specified organisations.

Go to oaic.gov.au and search for 'drones'.



- Bullying (Acts or verbal abuse directed at an individual or group of people in the workplace. Bullying is intended to harm or intimidate that is intended to harm or intimidate a group of people)

is harassment policy does

Create a reporting procedure for bullying

Someone is more likely to report bullying if they know there is a transparent reporting process in place, and they are confident it will be followed as soon as a report is received. It's important for those who experience or witness workplace bullying to know who they can talk to in their workplace, that their report will be taken seriously, and that confidentiality will be maintained.

What a procedure does

Implementing an effective response procedure will help you respond to reports of bullying in a consistent and reasonable way. It should:

- be used each time bullying is reported
- ensure consistency, but be flexible enough to fit the different circumstances of each report
- suit your workplace's size and structure.

What it should include

A procedure should:

- outline how a report (either verbal or written) will be dealt with, including principles to ensure the process is confidential, objective, fair and transparent
- state the roles of individuals (such as managers/supervisors, human resources officers, and contact/grievance officers if you have them) in the process
- include methods for ensuring no one is victimised by making a report
- identify external sources of help available to people where the workplace has not been able to resolve matters
- be written in plain English (and any other language commonly spoken by workers in your business).

Consult with your workers

Develop your procedure in consultation with your workers, including health and safety representatives and health and safety committee (if you have one). If you need help with consultation, see the WHS Consultation, Cooperation and Coordination code of practice. Go to the WorkSafe website at [worksafe.tas.gov.au](https://www.worksafe.tas.gov.au) and search for 'CP135'.

Promote your procedure

Make sure everyone at your workplace knows the procedure. Display it prominently around your workplace (for example, on notice boards and your intranet) and discuss it in training, inductions, any staff newsletters, and team meetings.

You can further encourage reporting by:

- making it clear that you will not tolerate anyone who reports bullying being victimised
- responding consistently, effectively and promptly to reports
- being transparent and regularly providing information on the number of reports made, how they were resolved and what actions were taken

This is an excerpt from our guide [How to prevent and respond to workplace bullying](#). Find it on our website at [worksafe.tas.gov.au](https://www.worksafe.tas.gov.au) by searching for 'GB374'.



Volunteer safety

Everyone has the right to be safe at work, and that includes people you may not consider workers: your volunteers.

Volunteers do unpaid work for organisations (though they may receive payment for out of pocket expenses). They play a vital role in our workforce and communities across Australia.

But are they covered by our WHS laws? And if they aren't, should you still care about their work health and safety?

Types of volunteer workplaces

You may be a **volunteer organisation** that has paid workers and also volunteers. Examples most people would be familiar with include:

- charity shops that employ a paid manager, accountant and other 'behind the scenes business' people in a head office, and has volunteers serving on the shop floor
- emergency services organisations, again with a 'head office' structure, and volunteers that help provide services to their local community.

Our WHS laws **do** apply to volunteer organisations.

You may be a **volunteer association** that has no paid workers, only unpaid volunteers. Examples could be:

- a local gardening club with volunteer members and volunteer office bearers
- a senior citizens group that meets for social interaction and activities, with volunteer members and office bearers.

Our WHS laws **do not** apply to volunteer associations.

Duty of care

Australian courts have long recognised that volunteers are owed a general duty of care by the people and the workplaces they support. Recent prosecutions in Australia have continued to support the view that keeping volunteers safe should be a priority.

Even though the WHS laws don't apply directly to you, it's still a good idea for volunteer associations and the volunteers themselves to comply with these laws. Having a safe work environment will help you attract and retain volunteers and enhance your reputation as a responsible community association.

And everyone, paid worker or unpaid volunteer, deserves to go home in the same safe physical and mental condition at the end of the day.

What do the laws require?

Some of the things an employer is responsible for providing and maintaining include:

- a safe work environment
- safe equipment
- safe systems of work
- information, training, instruction and supervision so the volunteer can do their tasks safely
- adequate facilities such as toilets, handwashing and eating areas.

Employers must also communicate and consult with their volunteers about WHS matters.

Volunteers also have responsibilities, and must:

- take reasonable care for their own health and safety, and that of others
- follow any reasonable instructions or procedures given by their volunteer organisation.

Safe Work Australia has detailed guides for volunteer organisations and volunteers. The guide for volunteer organisations includes a detailed section specifically for emergency services. The guide for volunteers has two examples of best practice of ensuring the safety of volunteers. Go to safeworkaustralia.gov.au and search for 'volunteers'.



Why managing fatigue is important

In Victoria, a roadside assistance worker was killed when he ran off the road and hit a tree. It was found he had been on call for 89 hours and had been working for 17 hours straight. His employer was convicted and fined almost \$500,000 for failing to make sure the worker was not exposed to health and safety risk: in this case, that risk was fatigue.

Workers being fatigued can lead to workplace incidents and injuries — and sadly in this case, death. When someone is so exhausted, physically and/or mentally, that they can't concentrate, their reaction times are slowed, hand-eye movements are impaired, or they can't make sound decisions and recognise risk, then it is highly likely something dangerous will happen.

What is fatigue?

Fatigue refers to mental or physical exhaustion that stops a person from being able to function normally. It's more than simply feeling tired or drowsy. Fatigue is caused by prolonged periods of physical and/or mental exertion without enough time to rest and recover.

It can significantly affect someone's capacity to function and do their job, and do it safely. Many studies compare being fatigued to drinking and having a high a blood alcohol content. It doesn't just decrease performance — it increases the potential for workplace incidents to occur, where people are injured or equipment is damaged.

How does work contribute to fatigue?

It's not just lack of sleep that causes fatigue (though that certainly is a significant factor). Work causes of fatigue include unrealistic rosters, long shifts or shifts without sufficient recovery time between them. Harsh environmental conditions and exposure to heat, cold, vibration and noise are factors, as are prolonged or intense mental or physical activity.

So the workers most at risk of fatigue include shift workers or night workers, workers on-call, and fly-in fly-out workers. Specific at-risk industries include the medical/health sector, manufacturing/processing, mining, police and emergency services, and transport.

How can workplaces address fatigue?

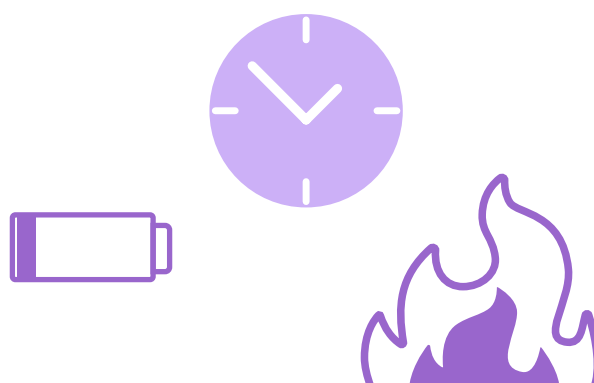
Fatigue should be addressed like any other workplace hazard. Start with a risk assessment to identify potential causes of fatigue, such as rosters and shifts. Talk to your workers about the impact of their workloads and works schedules. Look at your incident data to see if fatigue was (or could have been) a contributing factor.

Control measures around work scheduling, for example, include:

- allowing sufficient time between work days/shifts to allow for recovery, sleep, travelling, eating, washing and other activities
- avoiding work arrangements that provide incentives to work excessive hours
- developing procedures to manage and limit excessive working hours, for example requiring minimum breaks on a regular basis, especially during longer shifts
- ensuring workers have and take adequate and regular breaks to rest, eat and rehydrate.

This is a small example of control measures, and doesn't include those to address shift work and rosters, environmental factors, or job demands.

Safe Work Australia's practical guide for managing the risk of fatigue at work covers these and more. It includes a fatigue checklist, case studies, and resources for specific industries and occupations. Go to safeworkaustralia.gov.au and search for 'fatigue guide'; the search results will also include a guide aimed at workers.



TRANSPORT, POSTAL AND WAREHOUSING

INDUSTRY SNAPSHOT 2020

► THE WORKFORCE

This industry covers a wide range of activities, separated into fourteen groups:

- Road Freight Transport
- Road Passenger Transport
- Rail Freight Transport
- Rail Passenger Transport
- Other Transport Support Services
- Air and Space Transport
- Water Freight Transport
- Water Passenger Transport
- Scenic and Sightseeing Transport
- Pipeline and Other Transport
- Postal and Courier Pick-up and Delivery Services
- Water Transport Support Services
- Airport Operations and Other Air Transport Support Services
- Warehousing and Storage Services

4%

of the total
Tasmanian
workforce

1 in 3
workers are employed in
ROAD FREIGHT TRANSPORT

► THE INJURIES

328

injuries across the
industry in 2020

10.2

serious injuries per
million hours worked

12% higher
than the state
average of 9.1

13% lower

serious injury frequency
rate in 2020 than
ten years ago

► THE PEOPLE



Water Transport Support Services

reported the highest serious injury frequency rate, despite a low number of claims

Occupations with the highest percentage of serious injuries

36%



Truck Drivers

16%



Automobile, Bus and Rail Drivers

► THE CAUSES

The most common causes of injury across the industry



Body stressing



Falls, slips and trips



Being hit by moving objects



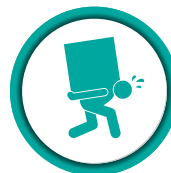
Vehicle incidents and other

► ACTION AREAS

Priority conditions and causes identified in the WorkSafe Strategic Plan 2018-2023 relevant to the industry



Musculoskeletal disorders



Hazardous manual tasks



Slips, trips and falls



Safe movement of vehicles and plant

DISCLAIMER: The information provided herein was believed correct at the time of publication. The information is made available for general information only and should not be taken as a substitute for professional advice. Published May 2021.

An initiative of the WorkCover Tasmania Board delivered by WorkSafe Tasmania





PROSECUTED

Prosecutions

Engineered stone benchtop manufacturer fined after three workers contract silicosis. February 2022

A Cambridge manufacturer of engineered stone benchtops has been convicted and fined after three workers developed silicosis as a result of being exposed to excessive levels of respirable crystalline silica.

The incident

On 1 November 2018, WorkSafe Tasmania was notified of concerns about unsafe work practices at the workshop of Heritage Stone Pty Ltd. The information provided indicated that workers may have contracted silicosis due to exposure to respirable crystalline silica dust. This dust is generated by crushing, cutting, drilling, grinding, sawing or polishing of natural stone or man-made products that contain silica, including engineered stone.

Findings

Inspectors from WorkSafe Tasmania investigating the incident found that Heritage Stone Pty Ltd was dry cutting and shaping engineered stone, and:

- there was generally poor workplace awareness of the risk the silica dust posed, despite safety data sheets and warning labels identifying the hazard
- the business had not carried out any air monitoring to determine the levels of silica dust that workers were exposed to, nor had it provided its workers with health monitoring to identify whether their health was being affected by this dangerous substance
- workers were largely not provided with the right type of respiratory protection
- cleaning floors and clothing resulted in respirable crystalline silica becoming airborne again, and there was no signage warning workers or visitors that there was a risk of breathing in silica dust

- the business had not installed isolation screens or booths, which would have prevented the spread of the silica dust throughout the workshop, including into the meal room.

The penalties

Heritage Stone Pty Ltd was charged with one offence under Section 32 of the *Work Health and Safety Act 2012* of failing to comply with a health and safety duty that exposes a worker to the risk of death or serious injury or illness.

The company pleaded guilty to this charge. It was convicted and fined \$500,000 on 23 February 2022.

Resources

To ensure safety when working with materials and tasks that could generate respirable crystalline silica, see:

- our silica safety guidance
- the code of practice for Managing the risks of respirable crystalline silica from engineered stone in the workplace.

To find these, go to worksafe.tas.gov.au and search for 'silica'.




PROSECUTED

Fruit processor severely cuts hand; dried fruit company convicted and fined. June 2021

The incident

As part of its operations, dried fruit company Forager Foods Pty Ltd uses an automatic apple slicer machine. The machine's operating manual stated that:

- servicing/maintenance was not to be done while the machine is operating
- the safety features should not be turned off during operation
- workers should keep away from moving parts.

However, the machine could be put into 'jog mode'. This bypassed the machine's safety features and kept the machine running while workers did servicing/maintenance. To do this, a worker would activate and hold a 'jog key'. This was only to be used by workers trained in its use.

A worker employed by Forager Foods put the machine into jog mode to clean it. He was trying to remove a stubborn piece of apple from a moving part, when his hand became trapped in the moving components. He sustained a deep cut, severed tendons and nerves, ligament damage and fractures to his hand.

Findings

Inspectors from WorkSafe Tasmania investigating the incident found:

- the jog mode switch had failed previously, and was at first replaced correctly. But soon after it was altered, contrary to the operator manual, so it could be locked into jog mode
- a risk assessment was not done at the time the changes were made
- workers were instructed to operate the machine using the unsafe jog mode.

It was found that workers had previously expressed their concerns to management about the jog mode being used for servicing/maintenance.

The investigation also found that Forager Foods had a standard operating procedure for the machine, but it covered food safety and quality assurance only, not work health and safety. Despite this shortcoming, the procedure did direct workers to turn power off using the emergency stop before clearing the machine by hand.

Finally, the investigation also found that Forager Foods:

- knew about the safety precautions contained in the machine's operator manual, and knew of the risks associated with the machine (through an informal risk assessment), but still failed to do what was reasonably practicable to control the risks and ensure the safety of its workers
- had no formal system or documented procedures for training workers, and relied on only verbal training by other colleagues
- provided the injured worker with minimal supervision, by an unqualified person who was not competent in the use/maintenance of the machine
- did not routinely inspect the machine
- encouraged speed over safety.

Rectification actions required were:

- the jog mode be eliminated from the tasks of operational workers, and limited to maintenance workers only
- the jog mode be redesigned by an electrical specialist to be safe
- isolation procedures be implemented for the machine
- risk assessments be conducted for tasks and control measures implemented based on these risk assessments.

The penalties

Forager Foods Pty Ltd was charged with one count of failing to comply with a health and safety duty: Category 2 contrary to Section 32 of the *Work Health and Safety Act 2012*.

It pleaded guilty and was convicted and fined \$120,000 plus court fees.



PROSECUTED

Timber worker severs thumb on unguarded machine; timber wholesalers convicted and fined. December 2021

The incident

A worker was trying to remove a piece of timber that had become jammed in the docking section of the dry line at timber wholesalers Porta Tas Pty Ltd. The machine was switched off however the saw blade continued to run for 3 to 4 minutes after being shut down.

As the worker was reaching in to free the jammed timber, his hand touched the unguarded, rotating saw blade. His right thumb was partially amputated; he needed surgery to re-attach his thumb.

Findings

Inspectors from WorkSafe Tasmania investigating the incident found:

- there had been a risk assessment conducted when the equipment was first installed, but despite cutting being identified as a hazard, no adequate control measures were installed
- there was inadequate guarding around the docking saw's rotating saw blade
- there were no safe systems of work, and no documentation of how to clear a timber jam
- there was only 'on the job' training and verbal instructions to workers not to put their hands near the blade until it stopped
- the worker, who had only been working at Porta for a month, was not supervised to ensure that work was performed in a safe manner, nor was his competency to operate the equipment assessed
- there was no formal induction process for new workers, workers were just shown around the worksite.

Since the incident, the company has:

- developed site inductions
- documented risk assessments for the equipment and an action place for installing controls
- developed and documented safe work procedures for the equipment, which are discussed with workers at tool box training sessions
- employed a full-time safety officer, and worked with an external WHS consultant to review its operations.

The penalties

Porta Tas Pty Ltd was charged with one count of failing to comply with a health and safety duty: Category 2 contrary to Section 32 of the *Work Health and Safety Act 2012*.

It pleaded guilty and was convicted and fined \$50,000 plus court fees.

A detailed microscopic image of asbestos fibers, showing long, thin, and highly flexible strands that are characteristic of this mineral. The fibers are light-colored and appear to be floating or suspended in a dark, slightly textured background. The lighting highlights the individual fibers and their intricate, tangled structure.

COMPENSATION

Review of asbestos compensation laws

The second independent review of the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* has begun. The review will assess the performance of the asbestos compensation laws against the objectives of the Act. The review will also consider the ongoing viability and sustainability of our asbestos compensation scheme, performance of the scheme (in terms of entitlements, premiums and coverage), and ongoing relevance and or currency of recommendations from the first review in 2016.

Section 187 of the Act requires than an independent review be undertaken every 5 years. The Tasmanian Government is committed to Tasmania's asbestos compensation scheme, which provides an important function in ensuring workers and their families living with asbestos-related diseases can access statutory compensation.

Former Coroner Rod Chandler and compensation policy expert Liz Chandler have been appointed to undertake the review.

Both Mr Chandler and Ms Gillam have extensive knowledge and experience. Mr Chandler is a former Tasmanian Coroner who also served as Commissioner of the (previously titled) Workers Rehabilitation and Compensation Tribunal and Asbestos Compensation Tribunal. Liz Gillam is a former State Servant with extensive experience in the development, implementation and review of legislation, including workers rehabilitation and compensation legislation.

There was a public submission period that ended in early April. A final report of the review will be tabled in parliament by 31 October 2022.

WELLBEING

Barriers to participating in workplace wellbeing

You can have the best workplace wellbeing program in the world, but unless your workers are participating, what's the point? Three of the barriers commonly identified are time, cost and culture:

- time: to participate, to address health needs, weighing up production/output requirements
- cost: health and wellbeing is not a budget item, cost of staff contributing, lack of information on 'return on investment'
- workplace culture: health and wellbeing is not valued, lack of management support, negativity of staff.

What can you do to overcome these barriers?

Time

- Stagger activities over a number of sessions to allow more people to attend at different times.
- Hold activities within already scheduled events: for example, the staff BBQ could have healthy food choices available; add a wellbeing topic to your toolbox meeting agenda.
- Provide information online for staff to access when it suits them.

Cost

- Run activities/program using low cost or free resource providers.
- Run cost-recovery activities: that is, ask for small contributions from workers.
- Outline to your managers the economic benefits of investing in a wellbeing program: for example, reduced sick leave rates and staff turnover, increased productivity.
- Run a pilot activity/program to test before launching into a full program, to prove the value of a program to managers.

Culture

- Run activities relevant for your workers. Use a survey to identify what these might be. We have two samples on our website; go to worksafe.tas.gov.au and search for 'sample needs'.
- Look for a wellbeing champion within the more challenging areas, to encourage others to join in.
- Celebrate the success you have along the way. Show successful 'case studies' from within your own workplace.
- Get people to think about what motivates them to be healthy: for example, playing with their family, playing team sports.

Other keys to success

- Get management support: if workers can see a genuine commitment and genuine involvement from the top, they are more likely to be enthusiastic participants.
- Establish a working group, or identifying a champion. If your workers have input into the program, they are more likely to participate.
- Find out what your workplace needs: identify potential health issues and, importantly, the sorts of activities your workers will be interested in. You can run a simple survey to gather this information. Prioritise activities and address the needs of your workers, and they're more likely to engage with your program.

We also have a webpage called 'Getting people involved in your wellbeing program' with more strategies for overcoming barriers to participating.

You'll find it at worksafe.tas.gov.au/topics/Health-and-Safety/health-and-wellbeing.

REGULARS

From our Advisors: Taking the mystery out of hazard ID

The starting point for managing safety and reducing the chance of incidents and injury happening is identifying hazards. But how do you do this? Where do you start? Our Advisory Service's Tim Ashlin explains.

Use a checklist

Start with a checklist to guide you through examining your work environment, the tasks your workers do, and the machinery/equipment used in your workplace. A checklist can focus your attention and show you what to look for.

You can find sample checklists on our website; go to worksafe.tas.gov.au and search for 'checklists'. Print them off, grab a pen and do a 'walkabout', talking to the workers involved in the environment, task or equipment you're checking. Just remember these checklists are a starting point, and may not cover the unique aspects of your workplace.

Checklists can also be used on a regular and frequent basis: for example, maintenance checklists, or a daily 'prestart' checklist for equipment to ensure it's in safe working order before you start using it.

The Managing the Work Environment and Facilities Code of Practice contains a great checklist, and the How to Manage Work Health and Safety Risks Code of Practice has a risk register. Find both codes at worksafe.tas.gov.au by searching 'codes'.

Get a reporting system

You don't need an elaborate system in place for reporting hazards: it could be an official form (and again, we have a template for this: search on our website for 'hazard report'), or a dedicated notebook or whiteboard in the lunch room that is used — and of course, regularly checked.

It's important that your workers are confident to report hazards to you: that they know you will at least try to fix everything they report. If not, your workers will become reluctant to report issues in the future. So if you ask to hear about issues, make sure you listen and act.

Involve your workers

Workers are the people using the equipment, performing the tasks or being in the work environment every day, so they're essential for helping you find/identify hazards. So it makes sense to get your workers' thoughts on what should be done to fix the problem too. They may already see solutions and improvements.

And when introducing any changes, make sure everyone knows what is being done and how you are controlling the hazards.

Involving your workers in these ways reinforces the idea that safety is everyone's responsibility.

To request a free visit from one of our Advisors to help with safety management in your workplace, go to worksafe.tas.gov.au/advisoryservice. And if you have a particular issue you'd like addressed here in Workplace Issues by the Advisors, email wstinfo@justice.tas.gov.au using the subject line 'magazine topic'.



Business Tasmania

▶ all your business needs in one place

Communicate with your team, customers, and stakeholders

Over the past couple of years, we have had contact with tens of thousands of Tasmanian businesses, many of whom we hadn't spoken with before. With this in mind, we would like to reintroduce ourselves and outline some of the things we do to support you.

Helping you with your business needs

Business Tasmania is a free and confidential Tasmanian Government service which supports anyone starting or operating a business in Tasmania. We help you find answers to your business-related queries quickly, simply and clearly.

We provide information, advice and targeted referrals to our range of programs and services and can connect you with other areas of government.

We pride ourselves on first contact resolution. You can call us on 1800 440 026 during business hours, reach out via our website at business.tas.gov.au, email us at ask@business.tas.gov.au or connect through Facebook or Twitter.

Working through COVID-19

Our landscape looks very different than it did before 2020. Since COVID-19 entered the state, we have helped thousands of businesses understand Public Health Directions. Thousands of Tasmanians have relied on us to interpret and communicate clearly the rights, obligations, and opportunities available to your business under these Directions.

Keeping you updated on critical information

We are your source of Tasmanian business information. Our e-newsletter is a particularly good way to keep up with the news and opportunities that can help your business prosper. We let you know about funding, training, learning and topical information in one simple email. Sign up at business.tas.gov.au.

Offering reliable business advice

We have a statewide network of independent business advisors who can support you with clear and considered advice through one-on-one consultation, workshops and networking events.

Enterprise Centres Tasmania is a free service that supports you in any stage of your business' life, ranging from a business health check through to diversifying product lines, to taking on your first employee.

Creating tools to empower you

We have an in-depth understanding of the different types of businesses and people that we are here to provide a service to. Through our contact with you, we are able to identify ways we can help with barriers to starting or maintaining your business. The resources we have to help you include our Starting a Business Guide, Business Journey Flyer, Grant Writing Guide and our award winning Emergency Preparation Toolkit, to name just a few!

Getting you online

Digital Ready empowers Tasmanian small and medium businesses to take charge of their online presence and develop an online strategy that really works.

You can book four hours of free coaching with a local digital expert, or you can book into a range of free digital workshops that you can find through our events calendar at digitalready.tas.gov.au/resources. These cover everything from creating your own Instagram for Business profile, setting up targeted Facebook ads and choosing the right accounting software for your business.

When in doubt, get in touch — we look forward to hearing from you.

Business Tasmania

1800 440 026 (9am-5pm, Mon-Fri)

business.tas.gov.au

ask@business.tas.gov.au

facebook.com/BusinessTasmania

twitter.com/businessstas



Q&A with our Helpline

This edition, our Helpline inspectors showcase some of the common COVID-19 questions they are fielding.

What is required for an incident notification for COVID-19?

Employers must notify WorkSafe Tasmania when it is confirmed that a person has contracted COVID-19 through carrying out work and:

- the person dies; or
- the person is required to have treatment as an in-patient in a hospital; or
- the reason the person contracted COVID-19 is reliably attributable to carrying out work that involves providing treatment or care to a person; or involves contact with human blood or body substances. In this case, the carrying out of work must be a significant contributing factor to the infection being contracted.

You must notify WorkSafe immediately after you become aware of the incident. Do this by calling WorkSafe Tasmania on 1300 366 322 or by submitting WorkSafe Tasmania's online incident notification form; see the red 'Notify WorkSafe' button at worksafe.tas.gov.au.

Notification is required regardless of whether the Department of Health/Public Health Services is already aware of the case. Regulation 699 of the Work Health and Safety Regulations 2012 is the relevant regulation for incident notification of a serious illness.

In some circumstances, a worker may also be eligible for workers compensation if COVID-19 has been contracted in the course of their employment. For more information go to worksafe.tas.gov.au/coronavirus and look for the workers compensation link.

What is WorkSafe Tasmania's COVID role?

It can be difficult for people seeking information during our current COVID-19 pandemic to know where to go for assistance. WorkSafe Tasmania has a limited role in the pandemic, and we receive many calls that are better directed to other organisations.

- The most important Tasmanian website for information on current government COVID-19 requirements and restrictions is the Tasmanian Public Health website of coronavirus.tas.gov.au. You can also call the Tasmanian Public Health Hotline on 1800 671 738. Staff on that hotline can provide up-to-date information on vaccination requirements, testing for COVID-19 (including RAT testing), responding to and notifying a positive test result, changes to border processes, and all current restrictions.
- State Growth's website at stategrowth.tas.gov.au/coronavirus provides links to major sources of information and support within Tasmania and nationally.
- And if you're a small business, don't forget our friends at Business Tasmania at business.tas.gov.au for business guidance and support, including government grants.

As the work health and safety regulator, WorkSafe's role is to ensure workplaces are managing COVID safety for their workers and customers/patrons. This includes by developing and following a COVID-19 Safety Plan and developing an outbreak management plan.

Our inspectors and advisors provide guidance on developing those COVID-19 Safety Plans and reviewing them regularly. Our website at worksafe.tas.gov.au/coronavirus has templates, examples, and information sheets to help too.

WorkSafe also audits close contact exemption claims for critical workers, and investigates reports of COVID non-compliance received from the public in relation to workplaces.

Free Mental Health Resources For Workplaces

Need practical guidance for improving mental health and wellbeing in your workplace? Take a look at these two free online mental health resources.

HEAD4WORK

Small business? Try Head4Work



Head4Work helps workers and managers know how they can reduce workplace mental health risks and support themselves and their co-workers when concerns about mental health arise.



Has over 40 short videos and checklists to help your learning; helps you create a snapshot of your workplace's risk profile in workplace mental health safety, and identify and address workplace mental health risks.



Supported by the Tasmanian Chamber of Commerce and Industry, through a grant from the WorkCover Tasmania Board.

People AT WORK

Bigger business? Try People at Work



People at Work helps you identify, assess and manage work-related psychosocial hazards and factors.



Lays out an easy to follow five-step process with resources, interactive learning modules, a self-administered survey, and automated custom reports.



Provides reporting with key breakdowns to identify high risk areas, with recommended control measures, benchmarking, and guidance.



Jointly funded by Australian WHS regulators, including WorkSafe Tasmania and the WorkCover Tasmania Board.

