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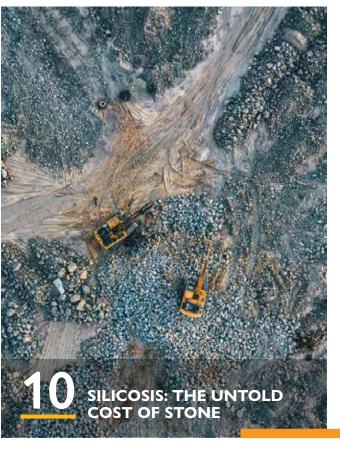


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In our last edition we looked at the psychosocial hazards of bullying and disrespectful behaviour. This edition we discuss other psychosocial hazards including job characteristics, design and management.



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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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ELISE ARCHER MP

Attorney-General Minister for Workplace Safety and Consumer Affairs

Welcome to the Autumn edition of Workplace Issues. As Attorney-General and Minister for Workplace Safety and Consumer Affairs, as I've said before, I want all Tasmanian workers to return home safely to their families at the end of every day.

In Tasmania, we have seen a re-emergence of workers compensation claims for silicosis. Many relate to those working in engineered stone businesses, but workers in other industries (such as quarrying) are also being affected. Exposure to silica dust has had a significant impact on people's health; breathing in silica dust can cause lung disease, kidney disease, and silicosis, which can be fatal.

Commonwealth, state and territory work health and safety Ministers met in February and affirmed our shared commitment to preventing worker exposure to respirable crystalline silica and endorsed a coordinated national approach to address this issue. Ministers agreed that joint deliberate efforts are required from all levels of government, industry, and unions to eliminate silicosis and silica related diseases, and to increase the quality of life of those already impacted and their families.

Ministers also agreed to deliver national initiatives to increase awareness of the issue and behaviour changes; stronger regulation of high-risk crystalline silica processes for all materials (including engineered stone) across all industries, including

additional training requirements, and a requirement to conduct air-monitoring.

These and other measures come after the Tasmanian Government has had a focus on managing silica exposure for some time. In 2019, WorkSafe Tasmania's silica dust media campaign raised awareness of the re-emergence of silica dust diseases, an important step in getting those in the engineered stone and construction industries to adopt safer working practices that limit exposure for their workers.

At the same time, WorkSafe's inspectors conducted a comprehensive statewide compliance program, inspecting workplaces involved in quarrying, manufacturing and supply of stone, stone products and engineered stone products.

I am also working with all Australian governments to support the work of the National Dust Diseases Taskforce and its recommendations. This has included adopting the code of practice for Managing the Risk of Respirable Silica from Engineered Stone in the Workplace.

If you do any kind of work that exposes you, your workers or others to silica dust, I encourage you to find the code and other resources on WorkSafe's website. Simply go to worksafe.tas.gov. au and search for 'codes' and 'silica'. You'll find practical guidance for creating safer work practices and conducting important health monitoring.

At the same February meeting, Ministers discussed industrial manslaughter. At the outset, I wish to stress that every workplace death is a tragedy and more must be done to prevent workplace deaths and serious injuries. The majority of Ministers agreed to adopt industrial manslaughter into the model WHS laws, reflecting one of the in-principle recommendations of the 2018 Boland Review of the model WHS laws (the template for each jurisdiction's own WHS laws).

Many jurisdictions have already introduced industrial manslaughter offences, or committed to doing so, but the way in which they operate varies. The Commonwealth Minister indicated the Australian Government's intention to scope and consult on an industrial manslaughter offence under Commonwealth WHS laws. In recognition of this decision, Ministers by majority agreed to amend the model WHS Act to include a jurisdictional note and model penalty dealing with industrial manslaughter.

Tasmanian laws allow for people to be tried and penalised for workplace fatalities. Tasmania already has a manslaughter offence provided for in the Criminal Code Act 1924 with the potential for imprisonment upon conviction, determined by the courts on a case-by-case basis.

As this remains a contentious topic and there is currently a lack of harmonisation, Tasmania will review any amendment to the model WHS Act prior to making a decision in relation to the adoption of a model industrial manslaughter offence into Tasmania's legislation.

Our Government is committed to ensuring Tasmanian workplaces are the safest in the country and will continue to work with other jurisdictions to ensure our laws provide the appropriate level of protection for workers.

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



ROBYN PEARCE

Executive Director, WorkSafe Tasmania

WorkSafe Tasmania and the WorkCover Tasmania Board are continuing to focus on improving workplace mental health in 2023. In recent years we have hosted WorkSafe Month webinars and presentations, developed our online guidance, and held the mental health awareness media campaign in 2019.

Building on this work, the Board and WorkSafe are developing initiatives to prevent mental health injuries because of work, and better manage them when they do happen. These initiatives include:

- building information, education and compliance programs to support workplaces as they comply with the new regulations for psychosocial hazards. This includes developing a psychosocial hazards regulation strategy that will inform industry about our focus, including priority psychosocial hazards, priority industries, and WorkSafe's approach to education, advice, compliance and enforcement
- working with employers, unions and researchers to develop a workplace mental health framework to improve mental health outcomes for Tasmanian workers

- developing information and training to increase understanding of PTSD among GPs, workers compensation scheme participants and others
- working with State Government agencies and unions to identify solutions to improve injury outcomes in the Tasmanian State Service
- developing a family support framework that supports seriously injured workers and families of workers who have died in a workplace incident.

Our work is informed by national and state initiatives, reports and resources which have value for workplace leaders and employers. To inform your progress towards respectful and mentally safe workplaces, I encourage you to look at:

- Respect@Work, which aims to create safe inclusive and respectful workplaces for us all. Go to respectatwork.gov. au for information, videos, training programs and guides that can help organisations put measures in place to prevent and appropriately respond to sexual harassment in the workplace
- the Australian Human Rights
 Commission's National survey on sexual harassment in Australian workplaces, and its practical guidance. This aims to help employers create safe workplaces where sexual harassment is a problem of the past. Go to humanrights.gov. au and search for 'ending sexual harassment' for the guide
- Rethink 2020, Tasmania's strategic mental health plan. It is a shared approach to improving mental health outcomes for Tasmanians. Go to health. tas.gov.au and search for 'rethink 2020'
- the 2018 Australian Senate conducted an inquiry into the prevention, investigation and prosecution of industrial deaths in Australia, which highlighted the devastating personal, social and economic impacts on bereaved families. Go to aph.gov.au and search for 'they never came home'

• the new Tasmanian Suicide Prevention Strategy 2023-2027 setting out the vision and priorities for preventing suicide in Tasmania for the next five years. The strategy includes statements from people with lived experience, drawing on the experience and expertise of the Tasmanian community to develop a strategy that is relevant and meets community needs and expectations. Go to health.tas.gov.au and search for 'suicide prevention'.

I also encourage you to start leading the change in your workplace to prevent psychosocial hazards from happening, or managing them to ensure your workers are safe. Tasmania recently adopted the code of practice for Managing Psychosocial Hazards at Work. I encourage you to use the code to understand what these hazards are, and start doing risk assessments with your workers to find out if they exist in your workplace and start working to control them. Go to worksafe.tas.gov.au and search for 'psychosocial'.

Use the free psychosocial risk assessment tool People at Work (peopleatwork. gov.au) to understand the hazards in your workplace. Help your staff learn about psychosocial hazards using the free competency-based Head4Work training and assessment program (head4work. com.au).

La Trobe University's APHIRM toolkit provides free, cloud-based tools and resources to help you manage physical and psychosocial hazards. Workplace Musculoskeletal disorders (MSDs) are linked to psychosocial hazards, so this is an exciting new tool. Go to aphirm.org. au.

Managing psychosocial hazards may seem new and daunting at first, but as you've read, there are many resources available to support you and your workers take important steps towards mentally safer workplaces.

In 2023 our Inspectors are continuing with compliance programs across the four main priority areas of distilleries, construction, silica exposure and transport. Inspectors have been visiting workplaces in these industries and areas checking for compliance with requirements under the work health and safety laws.

If you're an employer in these areas, make sure your safety systems are compliant before an inspector visits your workplace by using our online guidance. Go to worksafe.tas.gov.au and search for 'inspectors compliance'.



WORKSAFE OFFERS MORE WAYS FOR YOU TO LEARN WHS!

This year, WorkSafe Tasmania is offering even more ways for you to learn how to be safe and healthy in the workplace.

Exploring the theme Safe Bodies, Safe Minds, these events will include webinar presentations and facilitated inperson discussion. You'll hear the latest developments in safety, health, mental health, wellbeing, return to work and better work/life balance.

Safe Bodies, Safe Minds Conference

The 2023 Safe Bodies, Safe Minds Conference will be held on Wednesday 26 July at the Hotel Grand Chancellor, Launceston.

Delivered in a hybrid format, the Conference is an opportunity for individuals with a passion for WHS, wellbeing and injury management to come together to share best practice, be challenged by presentations, and build valuable networks to ensure workers return home safe and well every day.

October's WorkSafe Tasmania Month

WorkSafe Month is a great opportunity for you and your colleagues to learn the latest in WHS, return to work and wellbeing.

Online webinars will run again. These sessions give you the flexibility to learn in your own time, at your own pace. There will also be a face-to-face program of events in Hobart, Launceston and Devonport.

WorkSafe Tasmania Awards

Entries have opened for the WorkSafe Tasmania Awards, with winners to be announced at a gala dinner in Hobart on 3 November 2023.

Since 1996, the WorkSafe Awards (now held every two years) have recognised individuals, teams and organisations that go above and beyond to reduce workplace harm and improve outcomes for workers who have been injured due to their work.

Winning a WorkSafe Award can boost worker morale, help you attract quality staff and help develop a more positive workplace culture.

All category entries that demonstrate strong leadership are eligible for nomination by the judging panel for the overall Leadership Excellence Award.

Entries are open to all Tasmanian-based employers and workers.

Better Work Tasmania

Better Work Tasmania will, year round, continue to harness the power of networking to provide industry, employers and workers with new approaches to support and improve WHS.

Find out more

As the programs for all these events develop, you can find more information and register at our website. Go to worksafe.tas.gov.au.



PSYCHOSOCIAL HAZARDS AT WORK

The Work Health and Safety Regulations 2022 now explicitly set out legal requirements for workplaces to prevent psychosocial hazards from occurring and managing them when they do.

In our last edition we looked at the psychosocial hazards of bullying and disrespectful behaviour, and in this edition we cover sexual harassment.

However, there are other psychosocial hazards that relate to job characteristics, design and management. They include high or low job demands, lack of role clarity, inadequate support or recognition, poor change management, and more.

Sometimes workplaces don't adequately recognise that these are hazards; many people think they are just 'part of the job'.

But these matters become hazards when they are severe, prolonged or long term, or they happen often. They are hazards in their own right, but they can also lead to others, such as bullying.

Work-related mental health injuries — including those caused by psychosocial hazards — have longer recovery times, higher costs, and require more time away from work than any other injury. They cause disruptions because of staff turnover, absenteeism, fractured workplace relations between workers, and even bad business reputations.

Let's also focus on some of these psychosocial hazards relating to job design and management, and how they affect individuals and WHS.

Consult with your workers

Managing these kinds of hazards is the same as managing physical hazards: you need to do a risk assessment where you identify if they are happening, or have the potential to happen, in your workplace, then develop control measures to reduce or remove their risks.

The starting point is to consult with your workers. Workers may talk about hazards in different ways. For example, when it comes to job demands, they may say they feel stressed, burnt-out, worried or unmotivated. They may raise concerns about the workload, tasks or timeframes. You might see workers rushing or making a lot of mistakes, which may indicate job demands are too high.

High or low job demands

High job demands mean high levels of physical, mental or emotional effort are needed to do the job. It's more than sometimes 'being a little busy'. It includes working long hours, without a break or to unreasonable deadlines, doing physically tiring tasks, not having the right training or skills for the tasks, or having to be friendly to difficult customers. It can also include unrealistic expectations about being available/responsive outside work hours or while on holidays.

Low job demands is more than just having an occasional slow afternoon. It means sustained low levels of physical, mental or emotional effort are needed to do the job. It includes long idle periods, particularly if workers can't do other tasks (for example while waiting for supplies or repairs) and highly monotonous or repetitive tasks (for example packing products).

Lack of role clarity

Lack of role clarity means workers aren't clear on their job, responsibilities or what is expected. This may happen when they aren't given the right information to do their job, or things keep changing.

Lack of role clarity may include unclear work priorities (not knowing which tasks are most important or urgent) and conflicting or frequently changing expectations and work standards (like changing deadlines or contradictory instructions)

Poor organisational change management

Poor organisational change management means changes that are poorly planned, communicated, supported or managed in the workplace.

It includes not consulting with workers or genuinely considering their views on the proposed change, not thinking about how the change will affect workers health and safety risks, and not providing enough support for the changes (for example, training workers in using new equipment).

Low job control

Low job control is when workers have little control or say over their work, including how or when the job is done. Examples include inflexible start/finish and break times, needing permission for routine or low-risk tasks, or supervisors not having the authority to do their job well.

Workers with low job control may say they feel stressed, undermined or frustrated. They may raise concerns about work processes or decision making.

A lack of role clarity may mean workers feel confused, frustrated or 'kept in the dark'. They may raise concerns about their responsibilities or be unsure what is expected of them. You might find there are arguments about who is responsible for what.

Make sure you have a way for workers to report to you, and treat their concerns seriously and respectfully.

Consider their impact

Hazards can interact and combine to create new, changed or higher risks. For example, poor change management may create a higher risk in workplaces with a lack of role clarity if workers are already unclear on who does what.

Lack of role clarity may create a higher risk in workplaces with poor organisational justice because workers are afraid to ask questions or raise concerns.

Low job control may create a higher risk in workplaces with high job demands if workers can't take breaks or change tasks to manage fatigue.

Put solutions in place

Control measures for job demands may include planning non-urgent work for quieter periods, scheduling enough time for difficult or complex tasks to be done safely, and planning your workforce to ensure there are the right number of skilled workers to do the job.

For lack of role clarity, controls measures to consider include inducting new workers and ensuring they understand the role and expected standards of work and behaviour; clearly outlining key tasks, responsibilities and expectations in position descriptions; and explaining how and why tasks are assigned, particularly if a worker is given a task that is not usually part of their job.

Options for managing low job control might include giving supervisors and team leaders the appropriate autonomy to do their work and make decisions, give workers discretion to deal with changing situations.

And finally for controlling poor organisational change management, remember that as an employer, you must consult with your workers who are or are likely to be affected by a WHS matter. You should make sure changes are reasonable and fair, provide practical support such as training and clear information, and allow workers more time to do new tasks while they get used to them.

Again, talk to your workers, and consider the other hazards (physical and psychosocial) in your workplace and how they may interact. After a reasonable amount of time, review your control measures to check they are working as planned and have not introduced any new hazards.

See the code of practice

In this article we've covered only a handful of psychosocial hazards that relate to job characteristics, design and management. And we've only given a few examples of control measures for each.

The code of practice for managing psychosocial hazards at work goes into practical detail about all psychosocial hazards and ways to prevent and manage them in your workplace. Go to worksafe. tas.gov.au and search for 'psychosocial'.

Over the last few years, regulators, employers and workers have

recognised that managing hazards extends to managing psychosocial hazards.

The impact of someone directly experiencing burnout or micromanagement or witnessing workplace bullying and violence can be significant. Someone might become anxious, depressed, withdrawn, fearful, develop post-traumatic stress disorder (PTSD) or have an increased risk of suicide. They might not be able to sleep, or turn to alcohol or drugs to cope.

Work-related mental health injuries have longer recovery times, higher costs, and require more time away from work than any other injury. They cause disruptions because of staff turnover, absenteeism, fractured workplace relations, and even bad business reputations. These are not good for your business.

— Robyn Pearce, Executive Director WorkSafe Tasmania

SEXUAL HARASSMENT IN THE WORKPLACE: ADVICE FOR WORKERS

In our last edition, we explained how sexual harassment is a workplace hazard and what employers must do to prevent it. Read this issue by visiting worksafe.tas.gov.au and searching for 'magazine summer'.

What if you are being sexually harassed at work?

How you respond to sexual harassment depends on the nature of the incident, and your comfort and safety levels. You might do one or more of these things:

- tell the other person that you object to their behaviour, that it makes you feel uncomfortable or unsafe, and ask that it stop. They may not realise the effect of their behaviour, and your feedback may be enough to have them change their actions
- seek support from other workers, other people nearby, or security personnel
- remove yourself from the situation: go to a safe location, ask the harasser to leave the work area, or end the phone call from the harasser
- get help from police, for example if the behaviour involves physical assault or the threat of physical assault.

In some circumstances, workers or their health and safety representatives have the right to refuse to carry out or stop unsafe work. The risk must be serious and imminent. If you stop work because it is unsafe, you must tell your employer as soon as possible and be available for other suitable work.

After experiencing sexual harassment, you should consider (again taking into account your comfort and safety levels):

seeking support from a trusted

- co-worker or support person, counselling service, employee assistance provider, union or legal service
- reporting what happened to a manager or human resources officer, or someone in your workplace designated to deal with these matters. Your employer should have policies and procedures for sexual harassment, including how to report it
- talking to the other person(s) about your concerns, after the incident. You could have someone with you when you do this
- keeping a record of what happened, when and where it happened, who was involved, and anything else you think may be important.

At any time, you can contact WorkSafe Tasmania for further advice, or lodge a complaint with the Australian Human Rights Commission (humanrights.gov. au) or Equal Opportunity Tasmania (equalopportunity.tas.gov.au).

YOU MAY BE WORRIED THAT THINGS WILL GET WORSE IF YOU REPORT SEXUAL HARASSMENT. REMEMBER, YOU HAVE A RIGHT TO FEEL SAFE AT WORK.

It is illegal for you to be disadvantaged because you have reported sexual harassment. If you are, you can seek help from the Fair Work Ombudsman (fairwork.gov.au).

What if you witness sexual harassment at work?

If you see sexual harassment happening or hear about it, you might do one or more of these things:

• if you feel that it won't put you in an unsafe situation, tell the harasser that

- you object to their behaviour and ask that it stop
- talk to the person being harassed.
 One of the best things you can do is listen and ask them what support they need. You can also help them find information so they can decide what to do next
- report sexual harassment to a manager or human resources officer, or someone in your workplace designated to deal with these matters — while taking into account the privacy concerns of the person being harassed.

The focus should always be on your safety and the safety of the person who is being harassed.

What if you are accused of sexual harassment at work?

Being accused of sexual harassment can be upsetting and may even come as a surprise. You may not realise your jokes or comments make someone feel unsafe or humiliated. But it's important to take the accusation seriously, be open to feedback from others, and if necessary, be prepared to change your behaviour.

You might want to get advice and support from a trusted co-worker or support person, counselling service, employee assistance provider, union or legal service.

What does your employer need to do?

Your employer must provide a safe physical and online work environment. They must consult with you to identify how sexual harassment could happen, or be happening in your workplace, and work out how to prevent and manage it. This includes having policies and procedures, including reporting procedures as mentioned above.

Your employers should also provide

training and information so people understand what sexual harassment behaviours look like, and who is most at risk.

Importantly, your employer and managers should role model expected standards of behaviour and create a safe and respectful workplace culture.

What are the laws?

Sexual harassment is covered by:

- the WHS laws, because it is a workplace hazard that creates physical and psychological risks to health and safety
- the national Sex Discrimination Act 1984
- Tasmania's Anti-Discrimination Act 1998
- the national Fair Work Act 2009.

Some actions — such as indecent exposure, stalking, sexual assault, and obscene or threatening phone calls, letters, emails, text messages and social media posts — may be offences under criminal law. Victims may want to report criminal offences to the police.

Resources

Safe Work Australia has resources to help you understand workplace sexual harassment and what to do if you experience it, witness it or are accused of it. There is also information for employers/managers on how to prevent it from happening in the workplace. Go to swa.gov.au and search for 'workplace sexual' to find this information.

WorkSafe Victoria has resources on work-related gendered violence. Go to worksafe.vic.gov.au and search for 'gendered violence' or scan the QR code.





SILICOSIS

The untold cost of stone

Silicosis is an often-fatal disease that has struck miners and quarry workers for thousands of years. It has been the focus of recent WorkSafe Tasmania compliance programs and media campaigns that have targeted the engineered stone benchtop industry, following a re-emergence of cases of the disease and claims for compensation for it.

Earlier in the year, Commonwealth, state and territory WHS ministers consolidated their commitment to preventing worker exposure to respirable crystalline silica, endorsing a coordinated national approach to addressing this issue (see the Minister's column on page 3 for more details).

Fortunately, silicosis and other diseases caused by respirable crystalline silica are preventable if basic risk control measures, supported by air and health monitoring, are put in place and maintained.

Safe work practices at quarries

In Tasmania's quarries, work practices to reduce the risk of exposing workers to respirable crystalline silica dust focus on five main areas:

- minimising the amount of dust that becomes airborne by supressing it with water
- isolating workers from airborne dust using extraction ventilation or enclosed cabs and control rooms
- using appropriate respiratory protection where required
- carrying out regular monitoring of airborne dust concentrations
- providing workers with regular health monitoring to detect the development of any lung disease.

Examples of control measures

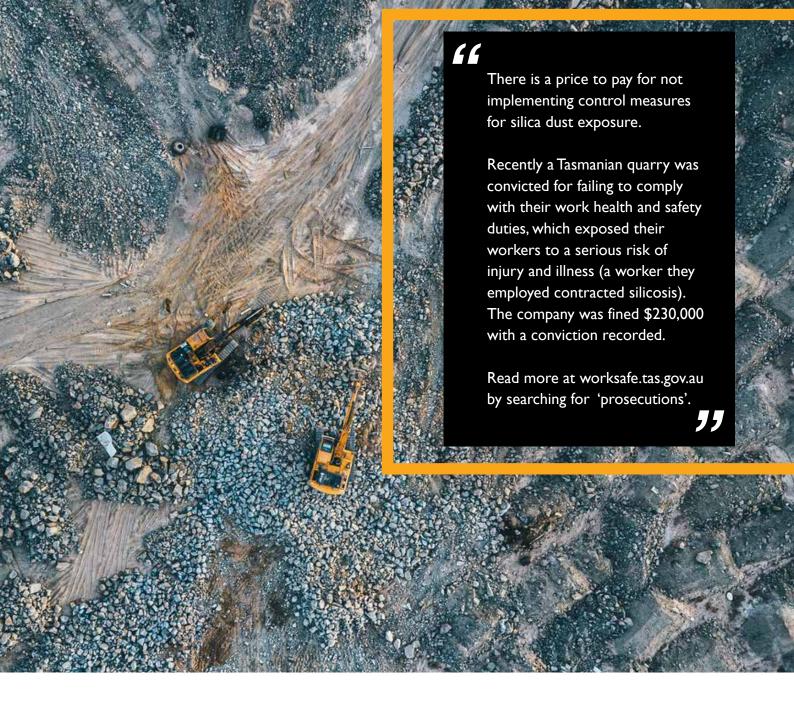
Typical good practice at quarries to manage the risks associated with respirable crystalline silica includes:

- using water trucks or sprays to minimise airborne dust generated from roads. Additives are available that improve the efficiency of the dust suppression
- using skirts and extraction ventilation

- at transfer points and screens to minimise airborne dust generated from these areas
- using either water suppression or dry cyclone systems on drills to minimise the airborne dust generated from this equipment
- using fully enclosed crushers with dust extraction ventilation, and locating crushers away from offices and crib rooms where possible
- using fully enclosed and sealed cabs with appropriate air filtration on loaders, trucks and other mobile plant to isolate workers from respirable crystalline silica, along with appropriate maintenance and cleaning of these cabs
- using enclosed crusher control rooms with appropriate air filtration to isolate workers from respirable crystalline silica, along with appropriate maintenance and cleaning of these control rooms
- taking care when cleaning mobile plant cabs, control rooms, offices and other enclosed areas to minimise the amount of airborne dust. This can be achieved by using appropriate M or H class industrial vacuum cleaners and by wet-wiping areas, instead of dry sweeping or using compressed air
- using vinyl or other non-absorbent seats and other furnishings in areas where silica dust may be present, to minimise the amount of silica dust trapped in these surfaces
- in areas where workers can't be isolated from respirable crystalline silica, using appropriate respiratory protection by workers when working in these areas, along with appropriate training and signage specifying that respiratory protection must be worn
- providing appropriate respirator fit testing and a clean shaven policy, or using powered air-purifying respirators, along with appropriate maintenance of these devices
- providing appropriate training, instruction and supervision for workers to ensure that risk controls are fit for purpose and are being used as intended.



Silica is a naturally occurring mineral that exists in most rock types found in Tasmania. When rock is drilled, blasted, loaded, crushed and screened in quarries, silica dust is created. The dust contains particles that may be invisible to the naked eye in normal light. Silica dust that is less that ten millionths of a metre in diameter is known as respirable



crystalline silica and can be breathed deep into the lungs, causing diseases such silicosis and lung cancer. As the old mining saying goes, it's the dust that you can't see that can kill you.

Engineered stone typically contains over 90% silica, compared to sandstone (typically 70-90% silica) and granite (typically 20-45% silica).

Health monitoring practices

There should be regular monitoring of the amount of respirable crystalline silica and other airborne dust that workers are exposed to. Monitoring should be carried out by a qualified occupational hygienist and, over a period of time, should prove whether or not the risk control measures are effective.

The occupational hygienist will provide the quarry operator with a report with the results of the monitoring and recommendations for improvements. These recommendations should be discussed with the occupational hygienist and put in place where practical.

Health monitoring is required by the WHS legislation if there is significant risk to workers' health because of exposure to respirable crystalline silica. Given that airborne dust monitoring only gives a snapshot of dust monitoring on the day of the sampling, providing health monitoring to all workers exposed to respirable crystalline silica should be considered. It is important that contemporary methodologies such as low dose high-resolution computed tomography (HRCT) scans and enhanced respiratory function testing be included, wherever practicable, as the minimum requirement for health monitoring. The symptoms of silicosis may not appear for many years after exposure, which is why continued health surveillance beyond employment for workers in at-risk industries is critical. Such monitoring also provides an opportunity to raise awareness of the risks of silica and to educate business owners and workers about the need to correctly apply protective controls to reduce their risk of developing silicosis.



HEALTH AND SAFETY REPS: HAVING A VOICE IN SAFETY

You'll achieve effective consultation when your workers have the opportunity to hear about and raise any WHS concerns or issues.

If you have a small workplace, this is (hopefully) easy to achieve — direct conversations between the employer/manager and workers.

But if you have a bigger organisation — perhaps over multiple work sites and/ or with different operations, skills bases and hazards — then having health and safety representatives (or HSRs) who communicate with you on behalf of work groups can be your solution.

How to establish workgroups and HSRs

You have two options:

- a worker may ask you to hold elections for HSRs to represent them
- you can advise your workers of their right (under the Work Health and Safety Act 2012) to elect a HSR, and that you'll support their decision to hold elections.

If you choose option two — bravo for being proactive about consultation and safety!

You need to consult (and agree) with workers to determine how many work groups (and therefore HSRs) you need to effectively represent all workers in your organisation. Influencing factors may include:

- your number of workers
- any overtime or shift arrangements
- the number and grouping of workers performing the same (or similar) tasks
- the location of work areas
- the nature of hazards at your workplace.

For example, you may have a work group representing workers in your southern

base and those in your northern base; or you may have one representing electricians across both southern and northern regions, and welders across both regions. Through discussion, you and your workers will work out what best suits their needs and the workplace.

For consultation to be effective, workers need to have confidence in those who will represent them. That's why workers need to be involved in the selection process.

The election

The election process may be informal, for example with a show of hands. Or it may be more formal, using ballots. If the majority of workers in a work group agree, the election may be conducted with the help of a union or other organisation or person.

HSRs must be elected by members of the work group they will represent (if there is more than one work group, there needs to be a separate process to elect HSRs for each one). And all workers in the work group must have every reasonable opportunity to nominate HSRs and vote in the election.

Get more detail

We have more guidance on our website about HSRs and electing them in your workplace. Go to worksafe.tas.gov.au and search for 'HSRs'.

Communicate, document!

Make sure you let everyone know about the election and its results, including names and even pictures of the successful HSRs. Use emails, inductions and team meetings, noticeboards and whatever other communication channels you use in your workplace.

You must also notify WorkSafe of any HSRs and Deputy HSRs. Go to worksafe.

tas.gov.au and search for 'HSRs notify'.

For your safety system, make sure you document the results: which HSRs represent which work groups. And make a record of the election process that was used (whether it was informal or formal).

Once the HSR is doing their role, they also need to keep records and communicate these with staff. For example, they should document what's discussed at their work group meetings, and their participation in:

- risk assessments
- workplace inspections
- incident investigations
- committee meetings
- developing safety policies and procedures.

Remember, it's not meant to be imposing, time consuming admin work — but a simple record of consultation and your safety system in action.

Support your HSRs

It's not mandatory for HSRs to be trained, but training does give them the skills and knowledge to be effective at their role and use certain powers under the Act. The training provider must be one approved by WorkSafe Tasmania, so go to worksafe.tas.gov.au and search for 'HSR training' to find a list.

Provide your HSRs with the time and resources (such as access to meeting rooms, printers/photocopiers, phones or computers) they need to do their role in the workplace: that is, communicating with their work groups. Allow time during work hours for HSRs and their work groups to meet regularly.

This demonstrates your support of the HSRs and of genuine consultation — and ultimately, your commitment to WHS.

WHAT TO REPORT TO WORKSAFE

In 2022, WorkSafe received over 770 incident notifications from workplaces.

You don't need to report every incident that occurs to WorkSafe; in their caution, some workplaces are reporting trivial injuries. So which ones must you tell us about, and how?

What to notify

Report these to WorkSafe:

- if someone dies, or
- if someone suffers a serious injury or serious illness (they require immediate hospitalisation or medical treatment in certain circumstances), or
- if a dangerous incident occurs (for example a fire, explosion, infrastructure collapse, chemical spill or leak, electric shock)
- if someone contracts certain infections or occupational zoonoses.

You can find fully detailed definitions of the last two categories on the WorkSafe Tasmania website. Go to worksafe.tas.gov. au and choose the red 'Notify WorkSafe' button.

Electric shocks must also be notified to TasNetworks: call 132 004.

What doesn't need to be reported

An incident is not notifiable just because it happens at or near a workplace. To be notifiable, an incident must arise out of the conduct of the business or undertaking.

Only work-related incidents are notifiable.

Incidents may happen for reasons that don't have anything to do with work or the conduct of the business or



- a worker or another person suffers a heart attack while at work, which is unrelated to work or the conduct of the business or undertaking
- an amateur athlete is injured while playing for the local soccer team and requires immediate medical treatment (this is not work)
- a person driving to work is injured in a car accident (where driving is not part of their work)
- a person with epilepsy has a seizure at work.

These kinds of incidents are not notifiable.

How to notify

You can notify WorkSafe Tasmania at any time by calling 1300 366 322.

You must follow this up within 48 hours, by lodging our Incident Notice Form to WorkSafe by email, fax or mail. Find this form on our website — go to worksafe.tas.gov.au and choose the red 'Notify WorkSafe' button.

You must also preserve the site of the incident until an inspector arrives.

However, there are exceptions to this:

- to help an injured person
- to remove a deceased person
- when it is essential to make the site safe or to reduce the risk of a further notifiable incident happening
- when it is associated with a police investigation
- when an inspector or the regulator gives permission.

Resources

Safe Work Australia has a fact sheet listing the triggers for notification, with examples of things that are and are not notifiable.

This fact sheet also covers public places and sporting events. To find this fact sheet, go to safeworkaustralia.gov.au and search for 'incident notification'.

Record keeping

Finally, you must keep a record of each notifiable incident for at least five years from the day that notice of the incident is given to the regulator.

There are penalties for not doing this — just as there are penalties for not telling WorkSafe about a notifiable incident.





HEALTH AND SAFETY COMMITTEES

Health and safety committees are separate to health and safety representatives (HSRs) — and you can have both successfully contributing to safety at your workplace.

What's the difference

Committees tend to address broad organisational issues; HSRs on the other hand will usually concentrate on issues specific to their work group.

Purpose and benefits

A health and safety committee can bring together workers and managers to improve and ensure safety for all by:

- facilitating co-operation between the employer and the workers
- developing and reviewing WHS policies, safe work procedures and safety systems
- performing other safety-related functions agreed upon by the employer and the committee members.

Establishing a committee

If you're an employer, you have two options:

- five or more workers, or a HSR, may ask you to set up a committee. If this happens, you have 2 months to do so
- you can take the initiative and form a committee without being asked.

We hope you choose option two. Being proactive like this demonstrates your commitment to WHS.

Who makes up the committee?

Worker reps: At least half of the members of your committee must be workers who haven't been nominated by the employer.

Employer reps: These should be in a management level senior enough to make decisions about WHS 'on the spot' without the need to refer matters along for further approval. This makes the committee a more effective WHS tool and encourages committee members (and workers) because they can see their recommendations being implemented immediately.

HSRs: HSRs are automatically members of the committee, unless they don't want to be. If you have more than one HSR, they may decide who'll be on the committee (that is, the employer doesn't decide); they may agree to have more than one HSR on the committee.

Finally, keep the number of members to a minimum. If necessary, you could set up sub-committees to tackle specific tasks or issues; these might be a more efficient and speedy option.

How the committee functions

WHS committees must meet at least every three months — but hold meetings as often as needed to deal with WHS issues as soon as possible. Make meetings planned and structured; keep everyone focussed by drawing up a simple agenda to guide discussions each time (and don't make it too long).

Have a chairperson with good communication and negotiation skills, who can keep meetings and discussions on track and ensure the committee can resolve matters and perform its tasks.

Make sure:

- committee members are given the time and resources they need, such as access to meeting rooms, printers/ photocopiers, phones or computers
- the committee is given information about the workplace's hazards, risk assessments and other safety matters (this doesn't include access to worker's personal or medical records)
- records are kept of meetings.
 This should be clear and concise, identifying any issues raised, decision or solutions, and who's responsible for following up any matters
- these records are shared with everyone in your workplace, whether that's by email, team meetings, noticeboards and any other communication channels you use. This helps workers see the effectiveness of the committee and the importance that is placed on safety in the workplace.

If you're a committee member

Make sure you can attend meetings, and actively participate. If you've put your hand up to be on the committee, it's a commitment you need to take seriously! Stay up to date with WHS developments, attend relevant training, and stay in touch with the interests and concerns of the workers you represent.

HOW TO: CONTRACTOR MANAGEMENT

You may be contracting in someone to perform a specialist task in your workplace — but that doesn't mean you can contract out your safety obligations.

You must manage the safety of the contractors you employ (and their workers) the same way you would manage the safety of your own workers.

To what extent depends on the size and complexity of your project, but it will include:

- providing them with a safe working environment
- giving them an induction before they start working for you, so they're aware of your safety expectations and standards
- consulting and communicating with them on safety issues, hazards and risks
- supervising them appropriately
- covering them in your safety policies.

Where it starts

When you plan your project, scope out the contractor's work tasks, any WHS issues associated with these tasks, and the level of supervision required. Consult with the contractor at this stage for the most effective planning.

You must identify the WHS hazards that need to be managed. You should consider:

- will the contractor's tools, materials and equipment they bring onsite create hazards?
- what activities are needed to get the work done? Do these involve high risk work or hazardous materials?
- where can things go wrong? For example, where might shortcuts be taken?

Get proof

You should develop and document clear criteria for contract selection. Ask the company tendering for your contract for evidence or details of:

- their approach to WHS, especially in the planning stages
- a third-party certified WHS management system, if they have one
- safety records, safety incidents, any WorkSafe actions including notices, enforceable undertakings or prosecutions
- safety qualifications, licences, and certificates held by their workers
- equipment maintenance records
- selection processes for plant and substances
- processes for worker inductions, training, consultation and communication
- processes for communicating with you, the PCBU contracting the work.

What goes in the contract?

The contract between you and the contractor should include:

- WHS requirements: policies, safe work procedures, maintenance requirements, bringing tools and substances onsite
- WHS roles and responsibilities of you and the contractor
- procedures for what will happen if the contractor does not comply with WHS requirements. You may want to include a provision to terminate the contract for breaches, and removing them from your worksite
- processes for hazard/risk management
- reporting requirements: incidents/near misses, site inductions



- training and consultation arrangements
- processes for work inspections, maintenance
- processes for communicating with one another
- the requirement for contractors to inform you when they are on site.

You should also keep records of these.

Supervision

The level of supervision you provide a contractor and their workers depends on a number of factors. For example, you may need to give high levels of supervision at least for:

- the start of the contracted works
- new contractors to your worksite
- the introduction of new equipment, substances of systems of work
- high risk work
- complex work.





CONTRACTOR VS PCBU: WHO'S WHO WITH WHS

When is a PCBU also a worker? Who is responsible for WHS? Can a PCBU also be a worker? If so, who is responsible for WHS? These examples explain.

Case study

Spark Free Electrical is a small electrical business, working mostly in the residential sector. It employs five people.

It is a PCBU and has WHS obligations for its five workers.



Spark Free sends one of its workers to Mrs Smith's house to fix her bathroom light.

In this situation, it is not being engaged by another PCBU; it is the sole and primary WHS duty holder.

Situation B

Spark Free is engaged by Brickie Builder to wire a new house.

In this situation, Spark Free is still a PCBU, but Spark Free's workers are also workers engaged by Brickie Builders. This means that Spark Free and Brickie Builders have shared PCBU WHS obligations.

Tools and resources

We have a generic contractor safety management form. If you're a PCBU, it can help provide some structure and a systematic approach to managing contractors. Find this at worksafe.tas.gov.au by searching for 'FC1'.



MANAGING CHEMICAL SAFETY IN SMALL BUSINESS

Good chemical management is one aspect of WHS that often needs attention, says our Advisory Service. 'We often identify shortcomings or problems with how hazardous chemicals are stored, labelled and handled, and how workers are trained in the safe use of chemicals,' said Senior WHS Advisor Glenn Gregg. 'Emergency planning around chemicals is also often an issue.'

Read on for the Advisory Service's practical ideas to get you started.

What do you have?

Start with a good clean up. Rationalise your existing stores, and safely dispose of empty containers and unwanted

chemicals. Call your local council or supplier to find out how to do this.

Create a chemical register of your remaining chemicals. This is not about stock control: it is a record of the chemicals you have on site and their maximum possible quantities. For a template go to worksafe.tas.gov.au and search for 'registers'.

If you have significant quantities of hazardous chemicals (for example 200 litre drums or compressed gas cylinders), provide your local fire brigade with your chemical register and a site plan showing your storage locations and site access. This will help local first responders put appropriate plans in place to handle an

emergency situation at your workplace or a nearby site.

Safety info for your chemicals

Next create a folder of up-to-date safety data sheets (SDS). You can get SDS from your chemical manufacturer or supplier, or through online searching. Ask you supplier to include all relevant SDS with your deliveries.

SDS have information on potential health effects of the chemicals, precautions for use, personal protective equipment, first aid, and safe handling, storage and disposal procedures.

Keep SDS where workers can access them: for example, your first aid room; major storage locations (outside and undercover); and emergency shower or eyewash station. Keeping SDS in these locations enable first aiders and emergency responders to have the information they need to provide appropriate help to an injured worker.

Keep a second set of SDS for emergency services and first responders at your reception area, with your chemical register and site plans.

Keep your SDS current: check with the manufacturers/supplier or online to make sure they are no more than five years old.

Storing your chemicals

Keep chemicals in their original containers, with the labels intact (if the labels come off, always re-label them). Labels contain important safety warnings and guidance. If you must decant your chemicals into smaller sized containers, label those too. Most manufacturers/ suppliers will provide you with appropriate labels. Chemicals should be stored:

- in a ventilated, well-lit shed with solid floors and shelving. Some hazardous chemicals (particularly some dangerous goods) may require specialised storage cabinets
- with a bund or other spill containment system to contain leaks and spills
- away from food, protective clothing and equipment
- away from other incompatible chemicals (check the SDS or Australian Standard or ask your supplier for guidance). Some dangerous goods (such as flammable and oxidising compressed gases) have specified separation distances for safe storage
- away from ignition sources from heaters, grinders, battery chargers, light fittings, light and power switches, and air compressors that could produce a spark and result in a fire or explosion. These possibilities for ignition are often missed, and the potential for a serious incident goes unnoticed
- in a lockable shed secure from

- unauthorised access
- with access to nearby fire-fighting equipment.

If you have limited quantities of hazardous chemicals, a metal garden shed that is bunded and ventilated may suit your needs and be a practical solution. You can locate this shed away from the major buildings of your worksite.

Other options include separate covered outdoors wire cages for pressurised flammable and oxidising gases in cylinders. Bunded plastic pallets are a good way to store 20 litre carboys and 200 litre drums of liquid chemicals, while reducing the risks of contaminating the ground or floor with drips/spillages.

Dealing with an incident

Work out what equipment you might need to deal with any spill or incident (the SDS can help). These might include an eye wash station, emergency shower and an appropriate first aid kit.

You must also consider environmental factors, such as nearby stormwater channels. It may be appropriate to have a spill kit available. You can get this from businesses that deal in safety equipment.

You must also make sure your workers:

- have sufficient knowledge about safe storage and handling, by providing them with information, education, training and supervision
- are provided with and wear any necessary personal protective equipment; such as respirators, gloves, and chemical resistant aprons and boots.

Resources

- Book a free site visit with an Advisor to help you manage chemical safety. Go to worksafe.tas.gov.au/ advisoryservice.
- See the codes of practice 'Managing risks of hazardous chemicals in the workplace' and 'Labelling of workplace hazardous chemicals'. Go to worksafe. tas.gov.au and search for 'codes'.
- See our online guidance on chemical

- safety; go to worksafe.tas.gov.au and search for 'chemicals'.
- See Safe Work Australia's online guidance; go to safeworkaustralia.gov. au and search 'chemicals'.
- Ask your suppliers for any guidance that is specific to your workplace needs.

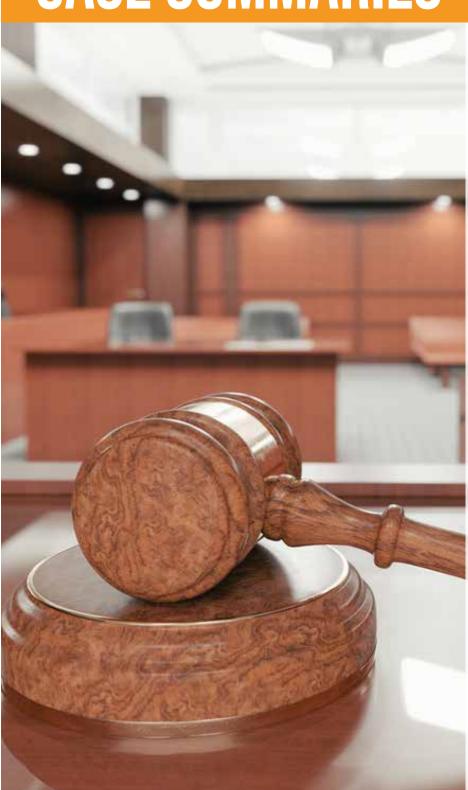
whether a particular chemical is hazardous or not, look at the label. If it has a dangerous goods warning label like this below, or it says 'keep out of reach of children' or 'hazardous substance' then treat it as a hazardous chemical.



IN THE COURTS:

WORKERS COMPENSATION

CASE SUMMARIES



Here are recent decisions in workers compensation disputes dealt with by the Supreme Court of Tasmania and the Tasmanian Civil and Administrative Tribunal (TASCAT).

Worker breaks leg while walking dog

A worker broke his leg when he fell while walking his dog. He was 'on call' when he was injured. He made a workers compensation claim for his injury.

His employer, the Hydro Electric Corporation, disputed the claim.

TASCAT determined that his injury arose in the course of his employment.

The Hydro Electric Corporation appealed, and the Supreme Court ordered that the TASCAT was incorrect. The worker then appealed to the Full Court of the Supreme Court which ordered that TASCAT was correct and the worker's injury arose in the course of his employment.

Background

The worker was employed as a relief area coordinator, based in Tullah. The Hydro Electric Corporation provided his residence; he had to work from 7am to 5pm; and he had to be available on call.

When on call, he was required to answer his phone within 15 minutes, be able to leave Tullah and attend a work site within 15 minutes of a phone call, be fit to drive, be rested to enable a reasonable response, and to remain within an area of phone reception with suitable response times.

The dispute

The Hydro Electric Corporation argued that the worker's injury did not arise out of or was in the course of his employment.

The worker argued that he broke his leg in circumstances that were related to his employment (that is, being on call).

Findings

The Full Court of the Supreme Court found that the worker did not injury himself during an interval between work periods, but while he was performing duties required by the Hydro Electric Corporation (being on call).

Given that the worker was required to be in Tullah, the whole period of time being there constituted a period of work. Walking his dog is not a duty of his employment, but it's not unreasonable to think that this is what the worker could be doing when on call.

Even if the worker injured himself during an interval between work periods, the Court said the result would be the same; that is, the worker was induced or encouraged to be at a designated place (Tullah).

When an injury 'arises out of' employment, it means the work is a causing or contributing factor. When an injury is 'in the course of' employment, it means there is a time-based connection between the work the worker was doing and the employment.

Worker injures lower back

A worker experienced lower back pain and back spasms when she picked up an object at work in February 2016. She underwent back surgery in October 2018. She made a workers compensation claim for the medical costs of the surgery.

Her employer, the Department of Health, denied payment.

The dispute

As well as denying payment of the worker's medical costs, the Department of Health asked a medical panel to determine:

 the injury the worker suffered in February 2016 if the surgery performed in October 2018 was a result of the February 2016 injury.

TASCAT said these were not medical questions (medical panels can only determine medical questions).

The Department of Health appealed that decision.

The findings

The Supreme Court overturned TASCAT's decision and allowed the appeal, stating these were 'medical questions'.

Worker injures ankle in work carpark

A worker parked at his workplace carpark and walked towards the building where he worked. He stepped in a gutter, tripped and injured his ankle. He made a workers compensation claim for his injury.

The dispute

His employer Mondelez argued that the worker was travelling between his home and his workplace; he had not yet entered the building where he usually worked and had not yet begun his shift.

The worker argued that he was at his employer's place of employment, so he was entitled to workers compensation.

The findings

TASCAT found in favour of Mondelez, stating that because the worker had not yet passed through the gatehouse from the car park when he injured his ankle, he had not yet reached his place of employment.

Worker injured lower back

A worker injured his lower back when he was supporting a client's personal care needs. He made a workers compensation claim for his injury.

His employer, Mosaic Support Services, terminated the worker's weekly workers compensation payments.

The dispute

Mosaic Support Services disputed the claim, based upon a medical opinion

that the worker had completely or substantially recovered from their injury; and that any incapacity that the worker still suffered wasn't due to the workplace injury. Mosaic Support Services relied on medical records that referred to the worker's past episodes of back pain and past surgery.

The worker relied on medical evidence from his doctors who believed the worker's condition was an exacerbation of pre-existing degenerative changes in his spine; and that the workplace incident was the critical triggering event for the worker's current condition.

The findings

TASCAT stated that if the worker's pain is a result of a compensable injury, and that pain gives rise to incapacity, then the worker is entitled to workers compensation.

TASCAT therefore rejected Mosaic Support Services' evidence that the worker had wholly or substantially recovered from the effects of the work injury, as the worker continued to suffer from the effects of the injury and he has an ongoing partial incapacity for work.

TASCAT ordered that the workers compensation payments be reinstated from the date they were unlawfully terminated.

Workers compensation is compensation payable under the Workers Rehabilitation and Compensation Act 1988 to a worker who suffers an injury arising out of or in the course of their employment or a disease to which the worker's employment must have contributed to it to a substantial degree. You can find information about workers compensation on our website at worksafe.tas.gov.au by choosing the compensation tile.

Injured workers can get help on workers compensation from Worker Assist by calling 1300 027 747. Employers can get information from your workers compensation insurer.

CHANGES TO FIREWORKS



With Cracker Night almost upon us, please remember that the new Explosives Regulations 2022 have changes that affect fireworks displays for Cracker Night.

Permit conditions now extend display times to 45 minutes in duration, and permit them only to occur between 7pm and 7:45pm, or 7:45pm and 8:30pm.

The changes for Cracker Night provide sufficient time for the permit holder to use all of the fireworks permitted to them, while simultaneously reducing the overall window of time in which fireworks can be used. This supports feedback from the public and will help protect any animals that may be affected by the displays.

For information about holding your fireworks display safely, go to worksafe.tas. gov.au and search for 'fireworks' to find information on safe firing distances, sensitive areas, permit conditions, and our flyer *Using fireworks safely on Cracker Night*.

New framework for accrediting workplace rehabilitation providers

The new framework for accrediting workplace rehabilitation providers (WRPs) comes into effect on 1 July 2023. This follows an extensive stakeholder consultation and review process conducted by the WorkCover Tasmania Board, which accredits WRPs operating in the Tasmanian worker compensation scheme.

Key changes

The new Tasmanian Accreditation Framework for WRPs will now require individuals providing workplace rehabilitation services to:

 acquire and maintain full membership, accreditation or registration with an approved professional association or the Australian Health Practitioners Regulation Agency (AHPRA) registration board and

 have 12 months or more recent experience delivering workplace rehabilitation services.

These changes ensure professionals are undertaking regular professional development. This will improve the quality of the service they provide, ultimately benefitting injured workers. Individual WRPs currently providing workplace rehabilitation services have two years from 1 July 2023 to acquire the required full membership.

The new framework now also recognises chiropractors and osteopaths, meaning they can deliver certain workplace rehabilitation services.

What existing and new WRPS need to do

Existing and new WRPs will need to apply to the WorkCover Tasmania Board in relation to the new requirements. To enable this to occur, the Board will revoke accreditation of all currently accredited WRPs on 30 June 2023.

Applications opened in March 2023. Existing WRPs are urged to submit their applications as soon as possible to enable a smooth transition. Successful applicants will need to comply with the new requirements from 1 July 2023.

For more information on the new Tasmanian Accreditation Framework for WRPs and how to apply, go to worksafe. tas.gov.au and search for 'WRPs'.



MINING INDUSTRY SNAPSHOT 2021

The workforce

This industry covers a wide range of activities, separated into ten groups. The three largest employing groups are:

- Metal Ore Mining
- Other Mining Support Services
- Oil and Gas Extraction



The injuries

72 injuries across the industry in 2021

serious injuries per million hours worked



20% lower serious injury frequency rate in 2021 than ten years ago



The people

Metal Ore Mining reported the highest serious injury frequency rate



Occupations with the highest percentage of serious injuries

26%

Construction and Mining Labourers

16%

Stationary Plant Operators

The causes

Falls, trips and slips

Body stressing

Being hit by moving objects

Action areas

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







HAZARDOUS MANUAL



SLIPS, TRIPS AND FALLS



MOVEMENT **OF VEHICLES** AND PLANT

FOUR THINGS TO DO NOW THAT YOU'VE READ WORKPLACE ISSUES!

CONSULT WITH YOUR
WORKERS
Improving WHS
communication is as
easy as creating a health and safety
committee or electing HSRs. See
page 13 and page 15 to get started.

FOCUS ON OVERLOOKED PSYCHOSOCIAL HAZARDS
Poor change management, lack of ob control or unreasonable job emands are workplace hazards

job control or unreasonable job demands are workplace hazards that you can't ignore. Find out how to manage them on page 6.

CHANGES TO REHAB PROVIDER CONDITIONS

If you're a workplace

rehab provider, learn what you need to do to comply with the WorkCover Board's new accreditation framework. Check out page 22.

CHANGES TO SILICA SAFETY

Get up to date with recent changes to the laws to prevent workers being exposed to respirable crystalline silica. See the Minister's column on page 3 and the article on page 10.

