

August 2021

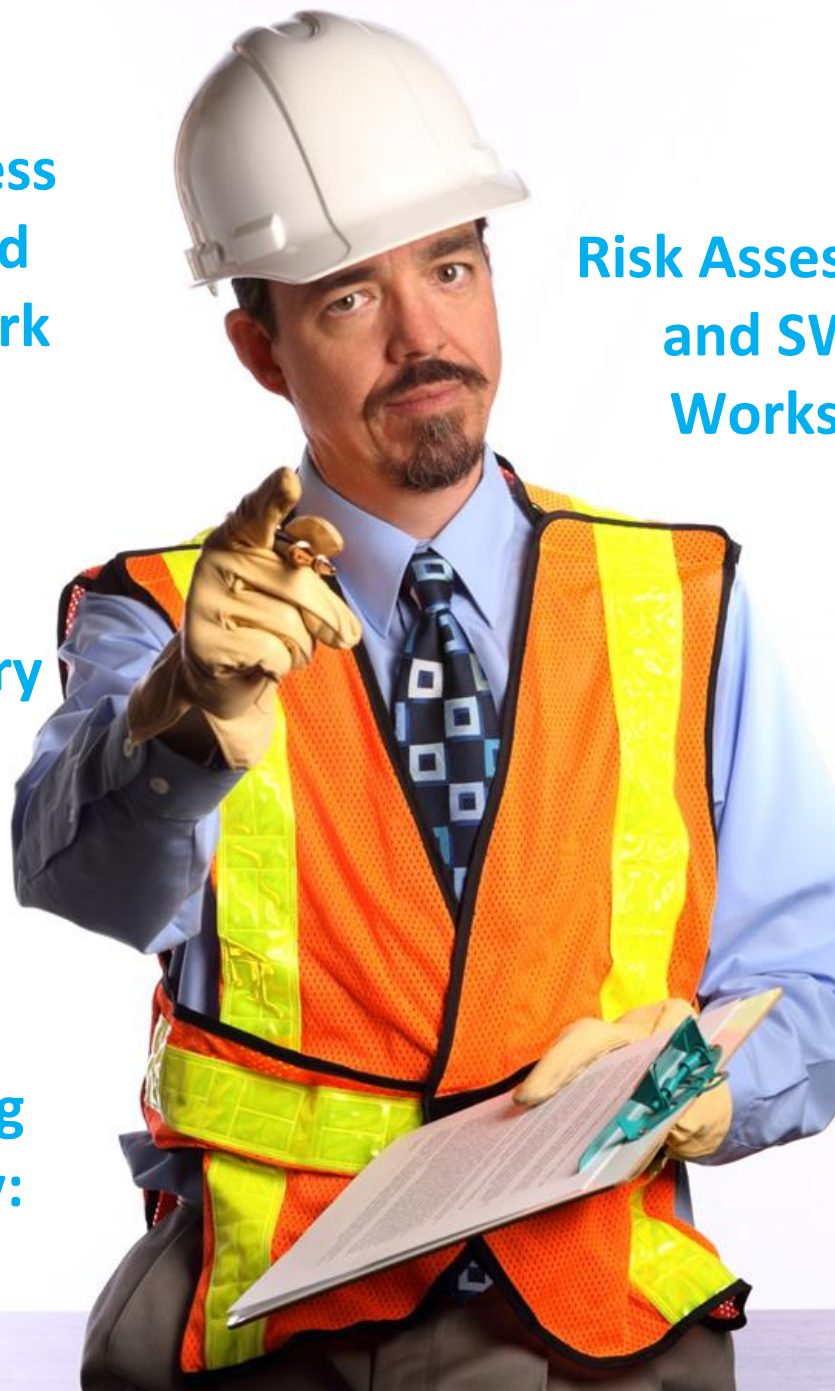
ON-THE-SPOT OHS FINES

World Congress
on Safety and
Health at Work

Risk Assessments
and SWMS
Workshop

Vibration Injury
Costs \$1.5M

Benchmarking
Safety Survey:
Enter now



What's New in August?

Welcome to the August Safety News.

From the 20th July WorkSafe Victoria has started issuing on the spot fines for selected workplace safety breaches.

Our Benchmarking Survey is open for your submissions. Enter early for more chances to win a wine or tea pack (your choice) which will be drawn from the entries weekly. See page 4 for the link to participate. Also this month we explain the new codes in the workplace.

We are pleased to announce that Andrea Rowe will be speaking at the World Congress on *Safety and Health at Work* in September. Andrea will be presenting on "Humans & Robots".



Katie Weber

Stay Safe!

Safety Webinar – 10th August 10am

We invite you to join us at **10am on Tuesday 10th August** for our free monthly webinar to keep you up to date on workplace health and safety. Gary and the team present short informal sessions of only 20 to 30 minutes on topical issues and answer your questions.

[Register here](#)

Missed our last webinar? View them [here](#)

SAFETY ACTION TEAM



Gary



Andrea



Stephen



Ben



Miriam



Sarah

On-The-Spot OHS Fines

WorkSafe Victoria has announced inspectors may issue Infringement Notices (eg on-the-spot fines) for selected workplace breaches from 20 July 2021.

The fines will range from:

\$1,090.44 eg 6 Penalty Units (at \$181.74 per PU) to \$1,817.40 eg 10 Penalty Units.

The specific offences for which WorkSafe inspectors will be able to issue an on-the-spot fine include:

- Working without a prescribed licence eg forklift, crane etc.
- Lack of worker qualifications, experience or supervision.
- Using equipment or chemicals that are not licensed or registered.
- Unsafe movement or storing of asbestos.
- Failing to keep certain OHS records.

Note: These arrangements do not introduce any new obligations under the OHS Act or Regulations, and WorkSafe will continue to prosecute serious breaches in the courts.

The Workplace Safety Minister, Ingrid Stitt, said all funds raised through on-the-spot fines will be put back into the WorkSafe scheme.



RISK ASSESSMENTS & SWMS MADE EASY

Want to learn how to prepare efficient and compliant risk assessments and safe work method statements (SWMS) without unnecessary content or bureaucracy?

This workshop will change the way you look at risk assessments and SWMS for the rest of your career.

[Book your place](#) now for this special event. Places limited and Covid compliant.

WHEN: Tue 10TH August 2021, 10am to 2.30pm

VENUE: Safety Action, Clayton, Vic

FEE: \$495+GST per person. Includes light lunch and participant notes with unique templates and sample exercises.



Booked out

Best Practice Safety Review 2021

How do you measure up?

You are invited to participate in Safety Action's 2021 safety performance benchmarking project.

Complete now to go in the draw to win a Wine or Tea Pack.

RATE YOURSELF AGAINST OTHER BUSINESSES



Strong safety performance is commonly linked to more profitable businesses. But do you know if your performance is above or below average for Australia or your industry?

Your business is busy tracking safety measures, but what do they mean?

- Are you an industry or Australian safety leader?
- Learn your businesses safety strengths and areas for improvement
- Set realistic targets for safety improvement
- Compare lead and lag indicators and learned the safety activities and initiatives that are linked to a better performance.

Help plan your next Safety Steps

RESULTS

Only participants will receive a copy of the benchmarking report and be invited to attend our end of year forum on the results.

The report will include de-identified business' results summary, industry breakdowns, comparison of safety initiatives linked to a better safety performance, prosecutions summary by state and more.

PARTICIPATE NOW

Participate online by completing 20 YES/NO questions and provide data on 10 safety performance lead and lag indicators. Takes less than 10 minutes to complete.

[Click here.](#)

**As always, all information provided is confidential and only used for this benchmarking.*

This study is the only free safety benchmarking offered in Australia.
Learn what related safety activities link with improved safety performance
Encourage your industry colleagues to participate and share the survey link with them
Email enquiries@safetyaction.com.au if you would prefer to participate via a hard copy.

Upcoming Event :

World Congress on Safety and Health at Work 2021



The World Congress on Safety and Health at Work is coming in September. The congress was originally planned to be in Canada in 2020 and the event is now reinvented as an interactive online event for the first time in its 66 years' history.

Andrea Rowe will be presenting in the stream:
"OSH and the Digital Economy"

Andrea will talk about the safety of robots.

Register here: <https://www.safety2021canada.com/>



Unclear Injury Date OK

A recent WA District Court case has confirmed that the inability of workers to accurately identify injury dates is not critical for a valid compensation claim. The judge over-turned an earlier Workcover WA Arbitration Service decision to dismiss a worker's compensation claim for shoulder injuries.

The court heard there was no dispute from any party involved that the worker did suffer a serious shoulder injury including torn tendon and shoulder bursitis, and failure to identify the exact date he first suffered pain or injury is not proof that his work did not cause or contribute to his condition.

The Judge found S.178 of the state workers compensation Act did not require workers to prove the date of injury in order to succeed in their claim.



This decision makes sense, particularly for gradual onset injuries where awareness of systemic pain or disability emerges over time. For example, manual handling sprains that arise from normal work and later people realise the pain is not temporary or minor.

New Workplace Facilities Code

The existing Victorian Compliance Code on Workplace Facilities (2008) has been updated with a draft new code recently released.

The new code includes:

- Improved guidance on facilities like toilets, hand washing and rubbish bins
- Upgraded requirements for work environment eg access & exits, ventilation, lighting, seating, flooring, and emergency preparedness
- Guidance on adequate facilities for mobile workers and outdoor workers
- Communication and emergency plans for remote workers



The new code is expected to be released later this year. We will update you on the final version.

Vic COVID Notification Requirement Extended

The new Victorian OHS COVID-19 Incident Notification Regulations 2021 continues the obligation for employers to notify WorkSafe if an employee with COVID-19 and has attended the workplace within the infectious period.

The new regulation is valid for 12 months until 27 July 2022.



Get Ready for National Safe Work Month – October 2021

Safe Work Australia has released the theme and campaign kit for the National Safe Work Month 2021 ahead of the official campaign launch on 1 October.



The campaign kit has a range of digital resources including:

- Digital brand kit
- Posters, including a customisable Poster
- Email Signature
- Hero image
- Social media tiles for Facebook, LinkedIn and Twitter
- Website Header

To participate:

1. Go to the [National Safe Work Month website](#) and download resources from the campaign kit
2. Customise and share the resources with your workplace.
3. Follow [Safe Work Australia on social media](#) to keep up to date on new campaign materials and to share National Safe Work Month updates.
4. Use the hashtags **#safeworkmonth** and **#ThinkWorkBeSafe** when promoting National Safe Work Month on social media.

How will you be taking part in National Safe Work Month? [Email us](#) to share your plans and ideas.

Real signs that make you laugh like a sticker on this light



Vibration Injury Costs \$1.5m

A Queensland company has been ordered to pay close to \$1.5m in damages to a worker who suffered “white finger” syndrome after operating machinery with high vibration levels.

The Supreme Court found Kestrel Coal Pty Ltd failed to satisfy its duty of care for the worker by requiring him to operate a loading machine for 7 to 9 hours per (12.5hr) shift, contrary to engineer’s recommendations to limit exposure to 2 hours per shift.



The company ignored advice from a vibration specialist they had engaged earlier to assess the level and risk from the loader vibrations, which were assessed to be in the high-risk category.

The majority of the compensation awarded was for future earnings, as the court heard the worker could not continue his role as a “highly paid” machine operator and would have to seek sedentary or office-based work.

The Court dismissed counter allegations from the employer that his condition was caused by a number of other factors unrelated to his employment with Kestrel, including being a smoker, previously working in fishing industry and as a boiler maker, and a pre-existing blood vessel disease.

Remember, workers don’t have to prove their current employment is the sole cause or even primary cause of their condition, but in essence if it contributes to that condition.

This case highlights the need for employers to take vibration risks seriously and implement good practice in design, facilities and exposure limitations.

New Code on Workplace Behaviour

A draft Code of Practice on Workplace Behaviour has been developed in WA. Under the Code employers will have to implement a higher level of safety control for inappropriate or unreasonable behaviour.

Among other things, the code will require employers to adjust staff levels for peak demand periods and set achievable performance targets for personnel.

The Code also emphasises use of the hierarchy of control eg elimination being the preferred course of action. Failing this option is to pursue risk minimization. For example, rotating tasks, increasing physical and social support during peak work demand periods, operating a buddy system and increased training and information on things like resilience, diversity and conflict resolution.