

WORKING IN THE COLD

**Dealing with
Non-Compliance**

**Safety Alert:
Sliding Gates**

**Stressed – an
Employers right
to ask**



What's new in June?

Welcome to the June Safety News.

The first cold snap of Winter is here, so how do we protect our workers in the cold environment?

Also this month, what are the employer's rights and responsibilities in regards to stressed workers and how can we protect ourselves from what is predicted a bad flu season.

Stay Safe!



Safety Webinar – 10th June 10am

We invite you to join us at **10am on Friday 10th June** 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](#)

Welcome Jessica Kerigo



Jessica

Safety Action is pleased to welcome and introduce Jessica Kerigo to our team.

Jessica, a current International Relations graduate student at Deakin University, has joined us as a part of our administration team and comes with the experience and passion for workplace safety and customer service.

Jessica will be working closely with Miriam and Sarah, our other administrators. Jessica will be a valuable member of the team.

We look forward to introducing Jessica to our many friends and clients in the coming weeks.

Working in the Cold

Many circumstances, particularly in winter, result in exposure to cold environments. While feeling mildly cold is not normally a health concern, it can present safety issues for some workers.



Common symptoms of cold can include loss of dexterity, uncontrolled shivering, poor hand-eye co-ordination, slow reaction times and impaired decision making- all of which could contribute to incidents.

Prolonged exposure to extreme cold conditions can result in reduction of the core body temperature causing frost bite, irrational behaviour and in severe circumstances death.

To prevent workers being exposed to harmful or uncomfortable cold conditions, we need to consider:

For work in cold:

- Assessing all tasks that require working in cold conditions for long periods of time to ensure controls are suitable;
- Limit the duration workers need to be outdoors or in cold environments;
- Ensure work uniforms are appropriate for the circumstances.

For cold workplaces:

- Prevent draughts entering buildings by sealing gaps around windows and doors;
- Install insulation;
- Cover cold concrete floors with floor-coverings e.g. carpet;
- Encourage workers to regularly move about, or exercise and wear suitable clothing.



***CAUTION!**

Consider whether the control measures will introduce any new hazards into the workplace. For example, woollen or loose clothing around rotating equipment could result in entanglement, and flame-type heaters can introduce fire hazards.

[Visit our website](#) to download our fact sheet on working in the cold.

Winter Home Fire Dangers

Cold conditions can result in fire dangers in the home. According to Fire Rescue Victoria (FRV), Winter brings more preventable house fires than any other time of the year.



Some simple steps can prevent most heater-related fires;

- Have working smoke alarms in all living areas, hallways and bedrooms and test at least once a month during winter.
- Power boards should have an overload protection and not be covered.
- Avoid the use of portable heaters where possible.
- Keep anything that can burn at least one meter from all heat sources
- Have a one meter "child-free zone" and supervise children near heaters.
- Have a qualified professional install stationary space heating equipment, water heaters or central heating equipment.
- Ensure flues and chimneys are regularly cleaned.
- Have heating equipment inspected annually by a qualified professional.
- Remember to turn off all heating and extinguish open fires when leaving home or going to bed.

Gas Heater Hazards

Do you have a gas heater at home or work?

Faulty or poorly maintained gas heater can leak carbon monoxide. Carbon monoxide can be lethal as it can't be seen and has no smell. It can cause death or chronic illness. Carbon monoxide poisoning can happen in any home or building with gas heating appliances, including newer ones.

Every year Energy Safe Victoria (ESV) runs a campaign currently called "Be Sure" to help keep Victorians safe from carbon monoxide poisoning. The key message of "Be Sure" is that all types of gas heaters should be serviced at least every two years by a registered gasfitter. This includes wall units, central heating units, space heaters and gas log fires.

Get a gasfitter to check your heater



Arrange a gas heater service with your local plumber/gasfitter.

Check the Energy Safe Victoria (ESV) website [here](#) for more information.

Dealing with Non-Compliance

How should we as safety professionals' deal with the inevitable non-compliances, which occur from time to time in every business?

Should we pretend we do comply with all requirements even when we know we don't, or should we notify the regulator of every breach, or something else?



Most organisations do not conduct full legal compliance audits because they fear the report itself could be used against them

Every safety policy we see states something like "..... we will comply with all workplace safety laws and", but few organisations methodically seek to confirm this commitment is delivered.

So how do best practice businesses deal with non-compliances in order to find a workable way forward?

Remember, audits which discover non-compliances (legislative or other) do not create liabilities in themselves; it is only our in-action in response to such knowledge that will condemn us, as we already have the obligation, whether we have identified it or not.

A "safe time" for conducting legal compliance audits is during prescribed transition periods when new legislation has been introduced. However, most organisations don't have this luxury today if concerned about the level of compliance.

Occasionally concerned directors (or Boards collectively) seek written assurance from the business managers that all operations are in full legal compliance.

No manager can give an assurance of full legal compliance

Refusal to give an absolute sign-off on compliance should not be confused with belligerence or incompetence.

Some managers have agreed to provide a systems response e.g.

1. List all legislation (Federal and State) with potential relevance to the business; and
2. Identification of the relevant legislative requirements (from each piece of relevant legislation); and
3. List of systems/procedures in place designed to deliver compliance; and
4. Validation comments e.g., current status of the compliance systems.

This is a "systems response", which is consistent with most legislation which requires compliance "as far as reasonably practicable".

Managers can ensure effective systems are in place but cannot guarantee the behaviour of every individual in every circumstance.

If interested in more information on this subject, or wish to discuss a legal compliance audit, or an executive briefing, call Gary Rowe on 03 8544 4300 or [email](#).

National Safe Work Month 2022

Safe Work Australia has released the theme and campaign kit for National Safe Work Month 2022 ahead of the official campaign launch on 1 October.



The theme for 2022 is **Know safety, work safely** - encouraging everyone to make health and safety a priority in the workplace.

Safe Work Australia are encouraging interested parties to start planning their work health and safety activities for October by joining National Safe Work Month following these steps:

1. Go to the [National Safe Work Month Website](#) and download 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**, **#KnowSafety** and **#WorkSafely** when promoting National Safe Work Month on social media.

2-Day Safety Leadership Workshop

Workshop includes; effective communication, safety legislation, what to do and not to do when there's a safety incident, risk assessments, review work procedures and conduct safety talks and positively change behaviours.

Tuesday 13th & Wednesday 14th July 2022

Normal Price \$1,500+GST

Early Bird Price \$980+GST until 30th June

Includes catering, training materials and a comprehensive manual.

8am – 4pm each day

Safety Action, Clayton

[Click here](#) to register.



"I wished I had done this course 20 years ago" – Manager, Melbourne Water

"Everything I thought I knew about safety law was wrong" – Metro Manager

Stressed? An Employer's right to Ask

At a recent networking session, the topic of an employer's rights and responsibilities regarding managing the often-uncertain area of psychosocial risks in the workplace was raised.



Stress and psychosocial injuries are increasing as a percentage of workers' compensation claims. On average, 13% of a company's claims are stress based, but account for 25% of their total claims' costs.

Studies suggest the majority of stress-based claims arise from issues connected to the employee's home life, emotional state and personal circumstances, and employers are often uncertain about their rights and responsibilities in these circumstances.

The employer's duty of care is clear. Under health and safety legislation, you are required to identify hazards which could potentially cause harm in the workplace, including psychosocial risks, assess the level of risk and institute appropriate controls.

So given we have a duty of care to identify and monitor psychosocial risks, including stress, if the signs of stress in a worker are clearly observable, then you are obligated to do something about it. How then do we have conversations with employees about their mental health or stress levels, and what do employers do when they say "no, it's personal"?

If there is a genuine concern and doubt about someone's ability to work safely, then your response is clear. Discuss your concern with them openly, respectfully and with genuine care. If the risk posed is severe enough, you may need to request that they undergo a medical examination to assess their fitness for work.

In order to ensure that this process is lawful and reasonable, it is recommended that companies ensure:

- Managers and supervisors are coached to identify the signs of mental health risks.
- Managers and supervisors are trained in how to communicate well and with empathy.
- There are no biases or predetermined outcomes when requesting employees undergo an examination.
- Clear job descriptions are in place which outline the inherent requirements of the role.
- Employees are encouraged to speak to their supervisor, or a good friend, in order to seek help at work.
- Employees are reminded of their responsibilities to ensure they are fit for work and inform their employer about any issues which might affect their ability to perform their work safely.

Safety Alert – Sliding Gates

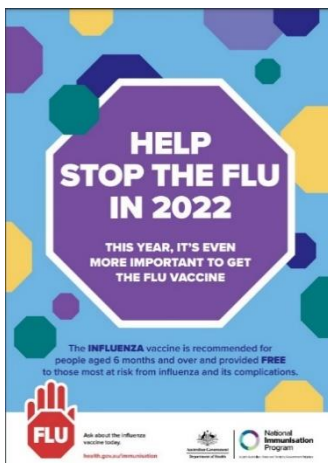
In April 2022, a truck driver was killed while attempting to close a 12-metre-wide sliding gate when it came free from its tracks and guarding rails and fell onto him.

For more information, please contact us on 03 8544 4300 or [email](#) for the Safety Bulletin.



Winter Caution: Get your Flu Shot

2022 marks our first winter outside of the COVID 19 lockdowns prevalent the last two years. With lowered immunity and exposure, this Winter's flu season is bound to be especially contagious and particularly risky for our most vulnerable.



The Department of Health highly recommends the Flu Vaccination to all individuals this winter, especially for at-risk groups such as Pregnant women, children under the age of five, people over the age of 56 and those with compromised immunity.

For more information visit the government website [here](#).