

March 2020

SAFETY CULTURE EXPLAINED

- **NEW WA SAFETY LAWS**
- **OOPS, HOW DID THAT HAPPEN?**
- **CAN I RECORD WORK CONVERSATIONS?**



What's new in March?

Welcome to the March edition of Safety Action News!

This month we explain Safety culture in the workplace as well as whether you are allowed to record work conversations.

We have some exciting workshops coming up on; safety leadership, human error & safety performance. We also have a free breakfast briefing on the new manslaughter laws.



Andrea Rowe, GM

Stay Safe!

CONSULTING TEAM



Gary



Stephen



Katie



Ben

SUPPORT TEAM



Zara



Sarah



Kirill

Safety Culture Explained

A popular notion is that safety culture is embedded in each organisation as part of the values, beliefs and attitudes, and that these directly affect behaviours.

Yet, the concept of culture within a business is hard to define, of measure, and even harder to create and maintain.

Culture as a Universal Answer

Despite the lack of clarity around what safety culture is and how to build it, many organisations are seeing safety culture as a universal remedy for all of their perceived safety deficiencies. For example:

Incident	Universal Solution
Hand caught hand in machine	Improve safety culture
Worker struck by forklift	Improve safety culture
Person trips over	Improve safety culture

There is a large number of safety culture models, and a growing number of proprietary safety culture products available.

To help determine what we should do we need to understand that culture is not who we are, but what we do eg the way we do things around here, particularly when we think no one is watching.

Measuring Safety Culture

Many safety culture programs have simplistic concepts and for the most part only consist of popular buzzwords and catchy phrases. For example, ***everyone goes home safely*** is not a culture it is an aspirational desire and is a hollow statement unless supported with significant and credible efforts to bring it about.

Values, beliefs and attitudes cannot easily be measured, and it takes significant effort to consistently capture the real “way we do things around here”, particularly when we think no one is watching.

“the way we do things around here - when we think no one is watching”

This brings us to perceptions. A simple, albeit imperfect, way to measure an organisation’s culture is to conduct a safety perception survey.

Just ensure the questions focus on worker’s level of satisfaction with the safety systems and support provided, or concerns about their safety, as this is what we are interested in.

Measuring Safety Performance

High performance is commonly accepted as when we have no injuries or a low injury rate eg measuring safety through accident rates.

An organization with a low work injury rate may well be safe, but they may simply be fortunate for a period of time, or not report all incidents e.g. suppress the willingness of people to report accidents.

In some cases, organizations were widely regarded as having a superior safety culture and performance right up until they experienced a catastrophic failure. The NASA space shuttle disasters, BP Texas refinery explosion and Deepwater Horizon oil spill are classic examples.



Working from home

Safety performance can also be influenced by management strategies. For example, injured workers assigned to administrative tasks or working from home (if unable to drive) is often a good thing. This reduces the number of days lost due to work injury and therefore improves reported safety performance.

It always remains a question for debate whether the improved safety performance from the return to work strategies were coincidental or designed for that purpose, and if so is that a bad thing?

Risky Decisions Every Day

Everyday millions of actions and decisions are made in a typical organisation and they lead to safe outcomes the vast majority of time. However, many of the actions could have involved significant risk or caused an incident or injury, but most fortuitously do not.

It may be more correct to think about a risk culture

Therefore, we need to be mindful of the context of our business and circumstances in which our staff operate and make minute-by-minute decisions.

Counting Meetings

Many safety culture programs differentiate between high and low performance by comparing the occurrence of certain activities. For example, it's claimed that employees in high-performing companies give more positive survey ratings to such things as the frequency of safety meetings or belief that all injuries can be prevented.

It is assumed these beliefs and practices are related to a "good safety culture", but this is not necessarily correct.

Many workers will have experienced a boring safety meeting where safety instructions are read out, rules and reminders are drummed into people, or managers condescendingly point a finger at “workers not paying attention”.

Tone of meetings & succinct delivery of information workers need now is more important than the number of meetings

Increasingly we also hear that a “belief in the preventability of all injuries” is related to high-performance in safety, and that employees with that belief are also more cautious and safer in their work.

If you fall it doesn't matter what your values and beliefs are when you hit the ground

Zero harm is OK as long as we make it clear that it is an aspiration and we have genuine strong actions being implemented each year to bring us progressively closer to our vision, but we should not pretend we are a zero harm business now.



What Makes a Strong Culture?

James Reason (1997) was one of the first to identify a set of perceptual patterns, or cultural characteristics which point towards a safety culture.

A good safety culture, as explained by Reason, is where workers are willing to report risks, wrong-doing or mistakes, from which we can continuously learn and improve.

The desired safety culture can only be achieved if:

- Employees feel comfortable to report safety concerns and know they will not be harassed and indeed should be thanked; and
- Workers believe they will be treated fairly (ie a just culture) if they make a mistake (Dekker, 2012); and
- There is a high level of trust between workers and their immediate manager and between the various organisational layers; and
- All front-line managers and supervisors display a high level of safety leadership and support; and
- There is a balance between production efficiency objectives and safety requirements; and
- The business is prepared and capable to respond to identified concerns.

Widespread agreement among employees that the organisation is indeed flexible, just, trusting and transparent is a strong indication of the culture.

Culture is Like an Onion

Culture is just like an onion, said Trompenaars (1993). There is no core “thing” in the middle of it. The layers of the onion are the onion, and if peeled away, nothing is left in the centre.

The layers of the onion are the onion – if peeled away there is nothing left

This is the same with safety culture. All the layers and employee perceptions point toward the level of safety culture within the business.

You can't buy a safety culture, your supervisors and managers build the culture you want and deserve, which is why we at Safety Action run safety leadership courses to train your frontline leadership team in the skills and day-to-day activities that will build your desired safety culture.

***Call Safety action for a quote Safety Leadership training
On 03 9544 4300 or [email](#).***



“The Onion rings are the culture”

Safety Leadership Workshop

Book before 6 March for Early Bird price

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 17th & Wednesday 18th March 2020

Early Bird Price \$950+GST until 6th March

Normal Price \$1,500+GST includes catering for both days and a comprehensive manual.

8.00am – 4.00pm each day

Safety Action, Clayton

[Click here to register.](#)

"I wished I had done this course 20 years ago"

– Manager, Melbourne Water

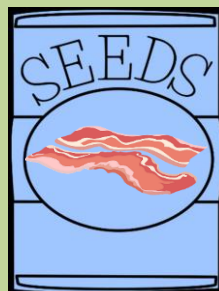
"Everything I thought I knew about safety law was wrong"

– Metro Manager

BOOK NOW

Thought of the Month

**I WANT TO GROW MY OWN FOOD,
BUT I CAN'T FIND BACON SEEDS**



Coronavirus - Do face masks work?

Following the Coronavirus outbreak, face masks are being worn by many wishing to protect themselves, but do they protect the wearer?



Call 03 8544 4300 or [Email](#) for our fact sheet.

Oops, How Did That Happen?

A FREE Workshop on Error, safety, and performance

Wednesday 29th April 2020

We all make mistakes and thankfully most are not too serious, but occasionally serious outcomes arise particularly in the workplace. Traditional approaches to accident investigation have focused on the behaviour of the individuals involved, which has often failed to get to the root causes.

We are very fortunate to have Dr Todd Bentley, Director HSA and former Director of Safety at Metro Trains, who is going to introduce us to an interesting and different approach to looking at human error and workplace safety performance.

This short workshop is focused on understanding human error, and the various ways that we can develop practical systems to help minimise the adverse effects.

Timing: 10am to 12noon (2 hrs)

Venue: Safety Action, Clayton, Vic

Cost: Free



Facilitator: Dr Todd Bentley

For a [copy](#) of the workshop outline or to [book](#) your free place call 03 8544 4300 or [email](#) Safety Action.
[Click here to book.](#)

Can I Record Work Conversations?

A friend recently asked if they are allowed to record conversations at work.

With the widespread availability of mobile phones and increasing use of recordings systems in vehicles and computers it is has become even easier to secretly record conversations.

When conflicts occur in the workplace some personnel may seek to use audio and or video recordings to support their case e.g. allegations of inappropriate behavior. In these circumstances' managers need to know how to deal with this appropriately.



Under the Victorian Surveillance Devices Act 1999, you can record a conversation that you are party to whether or not you let the other party/s know that you are recording the conversation. However, it may be an offence to publish a recording unless certain criteria are met e.g. in the public interest or necessary to protect lawful interests.

Except for authorized law enforcement officers, it is an offence in Victoria and many jurisdictions to record a conversation that you are not party to.

In WA it is an offence to record any conversation without consent, even if you are a participant of the conversation.

In regard to industrial matters, the Fair Work Commission (FWC) have not looked favorably at recordings taken without consent of the other party, with FWC treating such behavior as a breach of the duty of trust and mutual confidence necessary between employers and workers.

However, a recent High Court case (CBA v Barker) may affect the FWC's approach, as the High Court found there is no common law duty to inform the other party.

Clearly this is a sensitive topic and there are different laws at Federal and state level, so we recommend you seek legal advice before undertaking any recording without consent of all parties or considering reliance or use of secret recordings.

In addition to the legal obligations we also need to be mindful of the requirement for trust and fairness within our inter-personal relationships

WA Introduces Mirror WHS Laws

The Western Australian government tabled a Bill in parliament on 18 February 2020, to introduce mirror Workplace Health and Safety laws. The WHS Bill has similar requirements to those currently applying in all other states and territories, except Victoria which has separate OHS laws.

The key points of the WA legislation include:

- **A 2-level industrial manslaughter offence** eg:
 - 1) Industrial Manslaughter Crime which involves conduct knowing the conduct is likely to cause death; and
 - 2) Industrial Manslaughter – Simple Offence which will be heard in the Magistrate’s Court and does not require prosecutors to establish that the defendant knew the conduct was likely to cause death.
- **Prohibiting insurance** against WHS fines.
- **Safety committees** to have at least one senior manager as a member.
- **Specific duties for WHS service providers** such as; lawyers, consultants, trainers, software providers, firms who conduct workplace monitoring.

Note: The WA Chamber of Commerce has challenged the assertion that industrial manslaughter offences will deter unsafe practices, as stated by the WA Industrial Relations minister Bill Johnston.

The WA Chamber cited UK statistics which they say show ***96% of UK industrial manslaughter prosecutions targeted; micro, small and medium businesses*** which don’t have the resources to defend complex legal cases.

The inference being executives of major companies to continue to avoid personal prosecutions for alleged WHS offences under these newly proposed laws.

Time will tell!



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BREAKFAST BRIEFING (FREE)

A Practical Look at the Manslaughter Laws

**Wednesday 15th April, 2020
Safety Action, Clayton, Vic**

7.30am

Light breakfast and networking

How the New Manslaughter Laws Will Operate in Practice

Andrew Douglas, Principal FCW Law, will explain the difference between existing reckless endangerment offences and the subtle differences between state manslaughter laws and penalties, and importantly who has duties and liable for prosecution.



Andrew Douglas

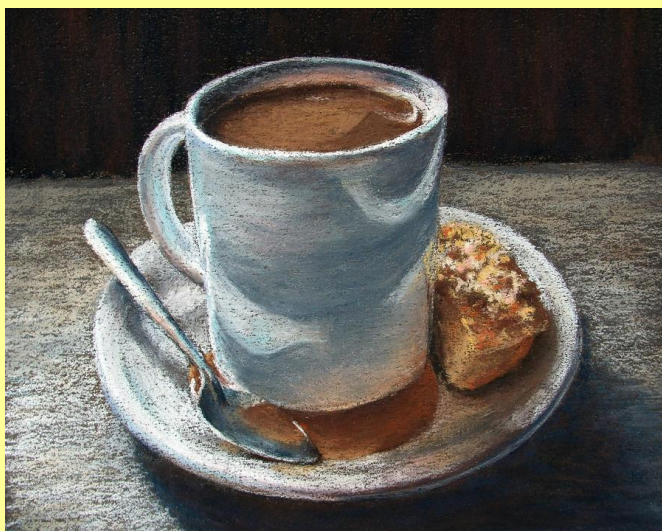
How to Avoid Manslaughter Prosecution

Gary Rowe, CEO Safety Action, will provide some practical tips on how your business can minimise the risks, based on his extensive experience with workplace accidents and fatalities.



Gary Rowe

9am Close



***To book your free place
click here or email
us at
Safety Action
Places limited***

Vaccination Laws for Health Workers

The Victorian government has introduced a bill which will require specified persons in the health sector who have direct contact with patients to be vaccinated.

Under the amended bill certain persons employed or engaged in the health sector will be required to be vaccinated against, or prove immunity to specific diseases like Influenza and Hepatitis A and B.

Those to be impacted include workers in:

- Public or denominational hospitals;
- Health services establishments;
- Ambulance services; and
- Acute care settings.

The start date for the proposed amendments is yet to be confirmed and further information will be provided in subsequent publications.

Dreamworld Coronial Report

As you probably heard in the news last week, the coronial report has been released on the Dreamworld Thunder River Rapids ride accident of October 2016.



Dreamworld entrance

One of the key findings was that the design and construction of the Thunder River Rapids ride posed a significant risk, which is interesting to me a qualified safety engineer and person who loved going on that ride decades ago with my young family.

It shows design and construction from decades earlier will be held account to today's standards and you will not be given any credit for previous decades of safe operation. The key lesson therefore is we all need to re-assess the level of safety of our plant and equipment periodically, and don't assume it was originally correct, or satisfactory for the standards of today.

We will expand on the other important learnings from this tragic accident in coming editions.