

Benchmarking – How do you measure up?

- TOWING RISKS
- CAN WE USE MOBILE PHONES ON FORKLIFTS?
- NEW DRONE LAWS
- AMENDED VIC SILICA REGS
- NEW LAWS TO REGISTER ENGINEERS

Welcome to the September Safety Action News

This month we share a snippet of our 2018 Safety Benchmarking results. We invite our readers to come along to our breakfast briefing, where we will explain the findings.

We also explain new drone laws, amended Vic OHS regulations for Silica Dust and new ISO standard for safety signs.

A reader has asked what are the laws governing the use of mobile phones while operating forklift trucks? Find out on page 4.

Stay safe!

Andrea Rowe



Andrea Rowe, General Manager

Farewell to Zara McMahon

This month we farewell our office manager/co-ordinator Zara, as she travels to Europe for a holiday and some warmer weather.

Zara said "I have learnt a lot in my 3 years with Safety Action and feel privileged to have been a part of such a supportive and friendly team that is the Safety Action family.

A special thanks to Gary and Andrea for always being so welcoming and kind. I will be forever grateful for the professional and personal development opportunities I have had in my time at Safety Action".



Zara McMahon

Ben Olih – Ben is back from his studies and kindly agreed to assist with admin enquiries. We are happy to welcome Ben back.

Breakfast Briefing – Wednesday October 23rd

Benchmarking Safety Performance at Safety Action, Clayton

The results are in!

Come along to our breakfast briefing on **Benchmarking Safety Performance**.

The Safety Action team will present and explain the benchmarking survey report findings.

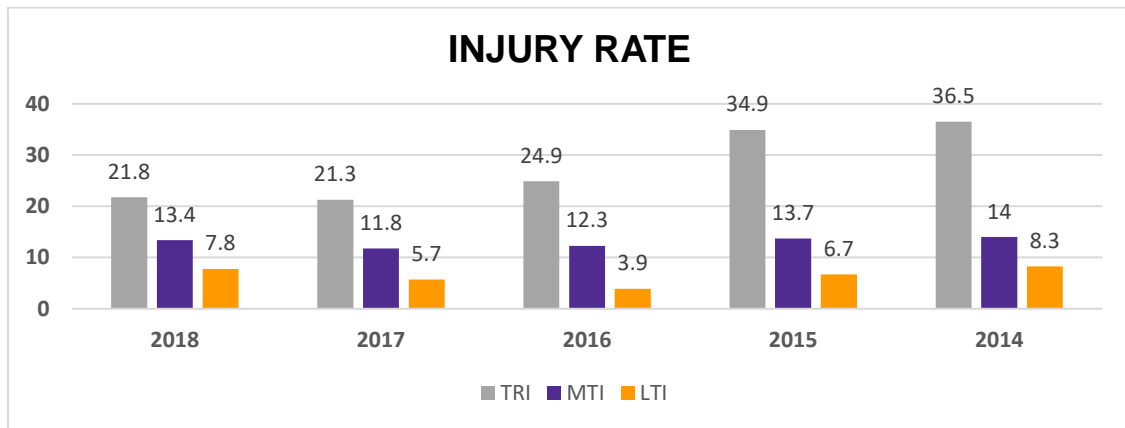
As well as presenting the key findings, we'll answer any questions you have about the report and provide tips on how to improve your safety performance.

[Click here to register.](#)

How do you measure up?

Results from the 2018 Safety Benchmarking are in.

Our long term trends indicate that injury rates are overall going down, but the small observed increase this year could call for caution not to get too comfortable.



Graph: 5-year LTI-rate, MTI-rate and TRI-rate average

Workers compensation premiums also continue to decrease, whilst the number of safety personnel (e.g. No. OHS Staff/100 employees) has increased back to almost one (1) as has been consistently observed for many years).

NEW - What activities lead to the most benefit

This year we introduced a series of questions to determine what activities lead to the most benefit and found that some activities like; having a safety system, board reporting and doing internal safety audits **did not raise safety performance** above average, yet its absence significantly reduced performance.

The top 3 things to have in place to improve safety performance are;

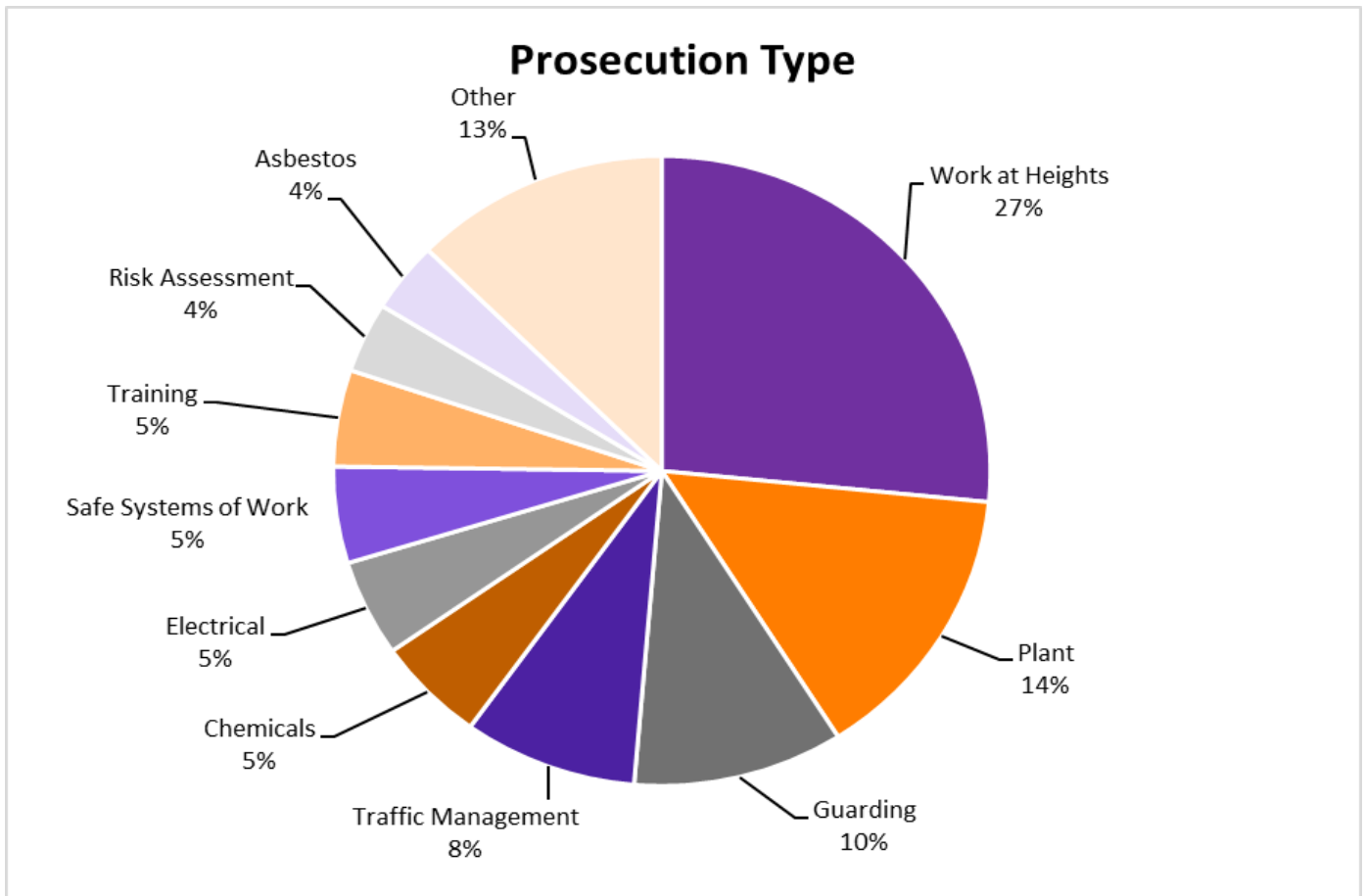
1. Key risk register
2. 5 to 10-year strategy/vision
3. Independent safety advisor informs health and safety
4. Conducting 3 yearly external audits

Prosecutions Up and Individuals Being Jailed – Max. Fine \$1.1m

Three people have been sentenced to jail this year already. Courts and the community are getting tougher on people who cause or allow others to be injured at work.

A review of Australia's safety prosecutions over the 17/18 financial year showed a 17% increase in the number of prosecutions, especially those against individuals. The increased prosecution on individuals is likely to increase with the movement of more state adopting industrial manslaughter laws.

There was also an increase in prosecutions relating to Design, load restraint, bullying/stress/harassment in alignment with each states Work Safe authority's focus and the increased obligations on businesses to ensure chain of responsibility, safe design and mental health.



Overall the total value of fines has increased by over \$5.6 million dollars on the previous year, with an average increase of around \$14,000 per prosecution, the average fine for a prosecution for 17/18 FY was \$85,000. The highest fine observed was over \$1.1 million and related to unsafe plant.

Contact Safety Action on 03 8544 4300 or [email](#) for more information on benchmarking safety performance.

Amended Vic OHS Regs – Silica Dust

New regulations have been introduced in Victoria to control exposure to silica dust from engineered stone (benchtops).

The OHS Amendment (crystalline silica) Regulations 2019 took effect from 20 August 2019.

The use of power tools to cut, grind or polish engineered stone is prohibited unless the tool is fitted with an integrated water or HEPA dust suppression system and workers must wear an appropriate (P2) respirator.



Contact Safety Action on 03 8544 4300 or [email](#) for a copy of the Fact Sheet or respirator fit-testing.

Can We Use Mobile Phones on Forklifts?

A reader has asked what are the laws governing the use of mobile phones while operating forklift trucks?

Safety Laws on Mobile Phones

The traffic laws prohibiting the use of electronic devices while driving motor vehicles applies to public roads, not factories or logistics centres.

Workplace safety regulations do not prescribe specific controls on the use of mobile phones. Therefore, organisations have greater flexibility in developing company policy on mobile phone use, including when operating forklift trucks.

Manufacturer Recommendations

Most plant manufacturers recommend mobile phones not be used in proximity of plant or other hazardous equipment.

Organisations need to consider the advice of suppliers and manufacturers when preparing company policy but are at liberty to adopt a different approach if they are confident this can be done safely.



No mobile phone use while driving policy

Policy Options

Organisations can choose to:

- 1) Totally ban use of mobile phones while on a forklift truck e.g. driver has to park and get off forklift; or
- 2) Ban use of mobile phones while operating forklifts, but allow it when safely parked out of main trafficways; or
- 3) Allow mobile phone use in certain circumstances with agreed safety precautions e.g. when stopped if required for safety or hands-free for operational reasons.

Clearly, company policy will prohibit use of hand-held electronic devices while actually driving as proper control of forklifts requires full attention to the surrounding environment and likely both hands.

Contact Safety Action on 03 8544 4300 or [email](#) for a sample mobile phone policy.

Registration for Engineers

Victoria Parliament has passed new laws which will require compulsory qualifications and registration of engineers.

Before this legislation anyone was able to call themselves an engineer.

Regulations are being developed to implement the new laws. We will update you as they progress.

New Drone Laws

The Civil Aviation Safety Authority (CASA) has introduced new laws which will require all drones in Australia to be registered.

Drones are classified as either:

- a) Commercial or
- b) Recreational.

A drone is classed as commercial if the operator receives any payment or operates the drone as part of a business e.g. real estate agent taking aerial photos of property for sale.



Key current rules for recreational drones include:

- Only operate drones in daylight, and not allowed in cloud or fog;
- Must keep the drone in line-of-sight and onboard video camera or goggles not acceptable;
- Keep drone at least 30m from any person;
- Altitude of drone must not exceed 120m (approx. 360ft) high;
- Must not operate drones over crowds, public events or incident scenes such as fires or accidents;
- Keep drone at least 5.5km from major airports e.g. controlled airports with tower;
- Drone may be within 5.5km of smaller airports but must remain clear of all planes e.g. especially clear of approach and take-off paths.

The Civil Aviation Safety Amendment (Remotely Piloted Aircraft and Model Aircraft Accreditation) Regulations 2019 will take affect later this year in stages, with commercially operated drones commencing first.

Next month we provide details of what the new laws will require for both commercial and recreational drone users.

It's OK to Say Sorry

The Qld workers compensation amendment legislation explicitly excludes expressions of regret or apologies provided by an employer after an injury from an assessment of liability for common law damages. This will allow an employer to apologise without prejudice.

A Qld spokesperson said "There are numerous positive outcomes for both workers and managers if an employer offers a sincere apology to a worker following a workplace injury. However, many employers have been hesitant to apologise to workers fearing that it will be interpreted as an admission of liability."

Are you listening?

My wife said I don't listen, or something like that.

Towing Risks

Many people have been seriously injured or killed when towing bogged vehicles went wrong.

One of the most common type of towing incidents involves the tow sling breaking or parts pulling off a vehicle and striking someone standing too close or sitting in one of the vehicles.



Attaching tow sling



Towing bogged utility

There are two main methods used for towing:

- Static tow with a non-stretch rope where the bogged vehicle is gently pulled clear; or
- Dynamic / snatch tow where a stretchable tow rope stores energy when the tow vehicle takes off swiftly and provides additional pulling power.

Both techniques pose serious risks if not correctly followed.

[Email](#) or call for a copy of our *Fact Sheet on safe towing of bogged vehicles*

New ISO Standard for Safety Signs



A new ISO standard (ISO 7010) has recently been released on graphical symbols and safety colours for safety signs.

The updated international standard provides guidance on safety signs and includes a wide variety of applications including; warnings around deep water, barbed wire, electrical hazards and instructions like "do not walk" or "stand here".

Copies of the ISO guide is available from Standards Australia



Contact the editor

Do you have questions or is there a topic you would like to see in a future newsletter? [Email](#) with your ideas.

Kirill, editor

The **BIG** Workplace Breakfast

RESPECT, MENTAL HEALTH *and* Our Workplace

This session will cover:

As work demands increase, choice increases and the world becomes less certain, evidence suggests we will see the rise of mental health issues from employees.

The law remains an eloquent source of how employers should respond and once understood, can assist employers to strategically manage mental health issues in a respectful environment. This can decrease the likelihood of employees developing serious illness, improve productivity at work, better employee health and help to attract and retain talent. Is it hard? No ! It requires learning the law, having a commitment to a respectful and generous culture and understanding the tenets of workplace wellbeing.

- What are the obligations and responsibilities of employers?
- How do employers develop the skills that safety legislation and the Law now requires of it?
- How to create a strategic mental health plan for your organisation?
- What is the evidence that supports and explains the right interventions?
- What does best practice look like, based on examples internationally and across Australia?

Meet our presenter



Andrew Douglas

As Managing Principal of FCW Lawyers, Andrew brings together many years of advisory experience, both his own and that of the team he has assembled, in this unique collaboration of diverse and deep consulting skills.

Andrew has an established reputation for achieving positive outcomes for his clients in workplace law in Australia, Asia and New Zealand.

Tuesday 27 August 2019

Wednesday 4 September 2019

Boardroom - FCW Lawyers
Level 2, 15-31 Pelham Street
Carlton VIC 3053
7:30am – 9:00am

Monday, 30 September 2019

Quest Dandenong Central
2-10 Walker Street, Dandenong VIC 3175
7:30am – 9:00am

**To secure your place for this complimentary event,
email your RSVP to events@fcwlawyers.com.au**

Spaces limited.