

the monitor

Keeping all those with an interest in OHS informed of current developments in workplace health and safety nationally and internationally



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President's Report

The slings and arrows of 2021 now growing across the public holiday footprint towards Australia Day in 2022. Hospital ramping is still a thing, but Princess Margaret Hospital is no longer a thing, a fair few asthmatic friends were pleased to see it flattened, even though it saved their life many times over as kids.

The planned network meetings have been squashed before they began, but I am virtually meeting the Commissioner with the Society's Vice President Janis and committee member Sheryl Kelly as we progress towards another wave, or hopefully Omicron butterfly flutter that Dr John Campbell is predicting. I fear that we are still trying to incubate Delta strains while trying to make our sunburnt country in WA virus free, but the assumed protection from vaccinations is still also to be tested here in WA.

Refuge chambers, vaping, building mold issues, workers' compensation trends and changes, mental health and artificial stonemason health are relevant items we will endeavor to pursue this year, maybe under masks, as the regulatory mandate continues to mature, so stay tuned. We will spend some time with our legal professionals and friends, too, as they are usually busy.

I do rely on the committee and Society members to advise of what they want to talk about, and the magic of one of our three life members. Dr KC Wan, Professor Geoff Taylor and Allaine Coleman. Allaine puts the Monitor together with limited help, and certainly limited creatively from me!

Les Vogiatzakis
President
Principal consultant - DGaS Services

New Committee - 2022

Welcome to the Society's new Committee. Once again, Les Vogiatzakis has stepped up to take on the President's role.

Janis Jansz has again taken on the Vice President's role. Dave Lampard has returned to the Treasurer's role, taking over from Lee Cherry. Lee unfortunately has had to step down from an Executive Committee member role due to work and family commitments but has agreed to remain as a co-opted Committee member. Lee did a great job as Treasure and the 2021 Committee were most appreciative to Lee for her efforts and contributions to the Society.

Once again Dr KC Wan and Peter Nicholls have nominated as Committee Members. Dr Wan is a founding member of the Society and past President. Peter has been a long-term Committee Member. Thank you both for your continual support of the Society.

The Committee welcomes back Lance Van Nierkerk, who renominated to return to the Committee.

A huge welcome to Dr Sherilyn Mills, Kaye Felgate and Alex Farquhar who have joined the Committee for the first time. It is fantastic to see our members stepping up to devote their time to supporting the Society.

Peter Rohan and Allaine Coleman leave the Committee. Allaine will continue to compile the Monitor. A big thank you to both for your contributions to the Society.

Unfortunately, we had no nominations for Secretary so Les Vogiatzakis, agreed, at the AGM, to take on this role until such time as it can be filled permanently. If you have a desire to contribute and be part of the Committee, please email the Society to let us know, ohswa@outlook.com.au.

Write an article

The Society is constantly looking for articles, information, etc to include in the Monitor. If you would like to contribute or simply provide a Bio of yourself to share with other members, please get in touch with the Secretary ohswa@outlook.com.au. Alternatively email Allaine Coleman – allaine.coleman@inet.net.au

Get involved

At the AGM, there were no nominations for the role of Secretary, so Les Vogiatzakis took on these duties. This put enormous pressure on Les as he is also the current President of the Society. Les devotes a lot of his time to the Society, combined with his running his own business.

Fortunately, Lance Van Nierkerk took up the mantle and volunteered to take on the Secretary's role. This leaves a vacancy on the Committee.

If you would like to nominate to become a Committee member for 2022 and be involved in taking the Society forward. please email the Society ohswa@outlook.com.au.

The Committee is also looking for someone to take over the role of compiling the Monitor. Allaine Coleman has been organizing this, with the assistance of Sheryl Kelly and Pat Gilroy, for some years. Since Allaine's retirement, travel plans have been on the agenda. This will mean that at some time Allaine will be unavailable to compile the Monitor. The Committee has received fantastic feedback on how much our members enjoy the Monitor. If you enjoy research, communicating with and keeping people updated, think about taking up this challenge. If this sounds like something you might enjoy, contact the Society for more information.

Membership fees

You should have received your membership renewal notice by now. If not please contact the Secretary. Payment as soon as possible would be appreciated. This will allow the Committee to determine what funds might be available to organise events.

New Committee members will assuredly bring some exciting and interesting plans and events for 2022. If you want to be part of this or wish to continue to receive the Monitor, please pay your annual subscription.

There is a list of current financial members at the back of the Monitor. If your name does not appear on this list, contact the Society immediately.

Bio – Sheryl Kelly

My first experience in occupational health and safety (OHS) started in 2003, whilst undertaking contract consultancy and training for IBM delivering infrastructure projects to Barclay Bank in the United Kingdom. This first exposure to occupational safety and risk management, spurred a lasting interest.



On my return to Australia in 2006, I obtained a position as the Training Manager for a small registered training organisation (RTO) and broking company. One of the aims of this company was to deliver training to clients in OHS outlining their obligations and responsibilities for workplace safety. This led me to approaching the Mining and Resource Contractors Safety Training Association (MARCSTA) a non-for-profit group that specialised in providing entry level induction programmes for the mining and resources sector. My relationship with MARCSTA continued for many years as their RTO Training Manager that included providing to Board Member Organisations training services, safety and health consultancy, OHS auditing and I continued as the volunteer Training Manager after leaving the association.

I then worked in the mining and construction sector as a Health, Safety, Environment and Training (HSE&T) Coordinator, developing safety and tender documentation for national and international projects, conducting contractor auditing and travelling Australia working on varying types of plant construction and mining projects for engineering companies. During this time, I completed my Diploma in Occupational Health and Safety.

I left the mining industry and moved to oil and gas, where I worked for an international service and maintenance organisation as a National Training Coordinator. It was good exposure to a new industry where I developed training and safety documentation, implemented an E-Learning Management System and developed online course content. I was required travelled to nationally,

providing training and conducting on site safety audits of facilities and offshore project works. It was in this period that I became a member, then committee member of the Society.

I worked as a Safety and Risk Consultant to the insurance industry, I found this a very challenging and rewarding occupation. Working with small to medium and large companies across a broad scope of industries has given me the opportunity to grow my skills and knowledge, whilst assisting employers to develop and implement safety and injury management systems to reduce their worker's compensation premiums and injury rates.

I have completed my Post Graduate Certificate in Occupational Health and Safety, having previously completed an Associate Degree in Training and Development whilst serving as a Police Officer with the Western Australia Police Force.

For some time, I have had a personal interest in Mental Health and raising awareness in the community. In 2019 I completed the Mental Health First Aid Instructors course and have been delivering the Mental Health First Aiders course, both privately for organisations and publicly at [Business Station](#), and I find this a very rewarding course to deliver.

Currently I operate as a Safety and Risk Consultant for private clients and have undertaken employment with a Transport and Logistics Company as their HSEQ Manager.

I have continued my association with the Society, having held the role of Secretary and remain an active committee member and assistant editor for the Monitor publication.

<https://www.verumsolutionsaustralia.com.au/>

IN EVENTS

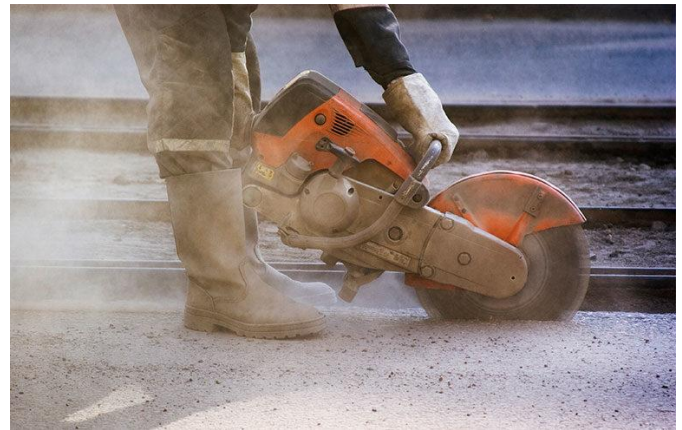


At the Society's Annual General Meeting in November, an extremely interesting and informative presentation by Lana Darbyshire from Perth Radiological Clinic; Lana was involved in the Silica Project with WorkSafe.

Unfortunately, at the time of publication of the Monitor, we had been able to obtain a copy of Lana's presentation to enable some information to be included.

There is an article under the In Health section of the Monitor with some information about the project and the publications relevant to this issue.

Further information can be found on WorkSafe Western Australia's website.



Silica dust

IN SAFETY

WA funds for WHS transition

Western Australian Industrial Relations Minister Stephen Dawson has allocated funds to peak employer and worker representative groups to help duty holders transition to the new WHS Act and confirmed that the laws will "come into full effect" in January 2022.

The total funding of \$300,000 per year across four years will be shared by: the Chamber of Commerce and Industry WA; Master Builders WA; the Chamber of Minerals and Energy; the Housing Industry Association; the Association of Mining and Exploration Companies; and Unions WA, the Minister said.

These organisations will use the funds to run conferences and training workshops, develop education materials, and utilise social media, websites and printed publications to raise awareness about the new legislation, he said.

"I encourage employers and workers to access education and information initiatives about the new work health and safety requirements as they become available."

The new laws passed Parliament late last year implementing much of the national model WHS Act and provisions recommended by national reviews, including those creating the offence of industrial manslaughter and prohibiting insurance against safety fines.

Guidelines released

The Department of Mines, Industry Regulation and Safety (DMIRS) WA has produced publications to help organizations and associated workplaces to prepare for the new Work Health and Safety (WHS) laws due to be implemented this year. The publications also includes information for volunteers.

It is anticipated that further guidance will be added as it becomes available.

- The overview documents provide information on the new WHS laws. These are:
- Western Australia's Work Health and Safety Act 2020 - guide

- Overview of Western Australia's Work Health and Safety (General) Regulations 2021
- Guidance for the mines and petroleum regulations will be released at a later date.

Interpretive guidelines have also been released and describe how the WHS regulator will operate and provide an indication on how the laws will be

- The meaning of 'person conducting a business or undertaking' (PCBU) – interpretive guideline
- How to determine what is reasonably practicable to meet a health and safety duty - interpretive guideline
- Discriminatory, coercive and misleading conduct - interpretive guideline
- The health and safety duty of an officer
- Duty of persons conducting business or undertakings that provide services relating to work health and safety

An additional guide provides information on how the WHS Act applies to organizations that engage volunteers.

- Guide to Work Health and Safety for volunteer organisations

How young is too young



The Prime Minister, Scott Morrison, has shelved his proposal to lower the age at which people can legally operate forklifts.

To operate a forklift legally in a workplace environment, Australians must be 18 or older and obtain a high-risk work licence from their state or territory safety regulator.

The licensing requirements vary, but each is bound by the National Standard for Persons Performing High-Risk Work, which stipulates licensees be "at

least 18 years of age". Australian Standard AS 2359, sets out the minimum age for licensing, but it would still rest with the states to sign off on the licences.

While the Prime Minister has abandoned plans to let under-18s drive forklifts – and could not have bypassed the states to do so – there is no doubt Australian children may be driving other types of machinery, particularly in an agricultural setting. There is a history of farmers allowing children to drive tractors and other vehicles.

The suggestion was made presumably in an effort to relieve some of the national supply chain problems being experienced. Operating a forklift, sometimes requires working in a complex environment, making decisions about load centres, estimating weights etc. Whilst some 16 year old's may be mature enough to deal with this, some may not. Would employers be prepared to take the risk?

WorkSafe WA investigates death of a shearer

WorkSafe is investigating the work-related death of a shearer at Katrine, between Northam and Toodyay.

The man was reported to have been placing wool into a wool press when he was caught in the machinery.

WorkSafe investigators examine the circumstances of incidents in workplaces with a view to ensuring compliance and preventing future incidents of a similar nature.

WorkSafe WA Commissioner Darren Kavanagh said any work-related death was a tragedy and relayed his sincere condolences to the man's family.

"The agriculture industry has unfortunately experienced six deaths over the past ten months, and this needs to improve," Mr Kavanagh said.

"Agriculture frequently appears as one of the top three industries for workplace deaths, and there's an increasing need to give greater priority to safety and health."

Personal comment (the views expressed here do not necessarily reflect the views of the Society). *These types of incidents, people being killed or injured operating a wool press, were not uncommon in the past. It appears we learn nothing from history. The Agricultural industry has been*

one of the top three industries for workplace deaths for a long time. Nothing changes. The priority areas, as specified by the Commission Occupational Safety and Health (COSH) likewise have remained the same for a long time. Same old, same old. One does wonder how effective our regulator's activities are in addressing and improving safety and health in high risk industries and tasks.

The COSH priority areas can be found under [Priority areas \(areas of focus\) | Department of Mines, Industry Regulation and Safety](#)

DMIRS - New Publication

The Department for Mining, Industry Regulation and Safety (DMIRS) has released a Dangerous goods information sheet which summarizes the significant differences between WA's Dangerous Goods Regulations 2007 (Transport Regulations) and the corresponding National Transport Commission (NTC) Model Subordinate Instrument on Transport of Dangerous Goods by Road or Rail (MSI).

Work Health and Safety Laws information sessions

On 15 December 2021, Minister Stephen Dawson announced Work Health and Safety (WHS) laws will bring WA workplaces under a single WHS Act in March 2022.

Information sessions and webinars will be held in the metropolitan Perth and regional areas.

This includes:

Albany	Broome
Bunbury	Cannington
Carnarvon	East Perth
Esperance	Fremantle
Geraldton	Joondalup
Kalgoorlie	Karratha
Kununurra	Mandurah
Midland	Newman
Northam	Port Hedland

Dates and venue details can be obtained from [Work Health and Safety laws information updates | Department of Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](#)

Harvesting company fined \$150,000 for amputation

A harvesting company in Queensland has been fined \$150,000 over an incident in which a worker's leg was amputated after it was caught in a skidder.

The company was recently sentenced for breaching section 32 of the Work Health and Safety Act 2011, having failed to comply with its primary health and safety duty under section 19(1) of the Act.

An 18-year-old worker was engaged to operate the skidder. The worker did not have any experience using forestry machinery and was only shown the basic operation in a 10-minute demonstration. He was not provided with a formal induction or training on the risks associated with operating the skidder. There was no documented safe work method for the skidder and the defendant had not documented any formal risk assessment. The worker operated the skidder without supervision.

On the day, the worker used chains to secure logs from a tree line to the winch of the skidder. He climbed onto the 'pivot plate' of the skidder, between the cabin and the winch drum, and engaged the winch lever to winch in the line. The worker placed his left boot on top of the winch line to guide the line onto the winch drum when his boot became caught in the winch line and his leg was suddenly drawn into the winch housing. The man's leg was required to be amputated to free him from the winch.

The magistrate considered both the high likelihood of the hazard occurring and the degree of resulting harm, noting there was an obvious need for workers to interact with the winch cable of the skidder, and the risks of the work were significantly increased when workers were not adequately trained and supervised.

Gross negligence conviction set aside

An employer's amputation-related gross negligence conviction has been downgraded to a general safety duty charge, in a judgment examining the "actual knowledge" of the defendant and a finding of "wilful blindness".

The Western Australian Supreme Court also set aside a finding that the employer unlawfully failed

to comply with a WorkSafe WA improvement notice.

In July 2020, Resource Recovery Solutions Pty Ltd (RRS) became the first entity to be found guilty of breaching Western Australia's Occupational Safety and Health Act in circumstances of gross negligence. The charges related to an incident in 2016 where a labour hire worker's arm was dragged into an unguarded pinch point and torn off.

It was subsequently fined \$310,000 for the serious offence, fined \$20,000 for defying the improvement notice, and ordered to pay \$234,000 in costs, by Perth Magistrate Lynette Dias.

At the time of the amputation, the employer was being prosecuted over the September 2013 death of another labour-hire worker, who was crushed when an overloaded roof panel collapsed onto him.

Lag indicators and "decrementalism" conceal WHS issues

Workplace safety systems that rely on traditional lagging indicators and individual-focused remedial actions, like disciplinary actions and training, can lead to dangerously flawed processes being "commended and reinforced" within the organisation.

Employers that blame incidents on individuals and over-focus on addressing human error "ignore the latent conditions in their work systems that contribute to human error across the workforce", a National Offshore Petroleum Safety and Environmental Management Authority paper reported.

"Human error should be recognised as an outcome of combined factors, instead of the root cause of an incident"

Beware "feedback imbalance" and "decrementalism"

Offshore petroleum companies operate in a competitive environment where "economic, workload, and safety constraints create boundaries to productivity", NOPSEMA stresses.

Problems arise from a "feedback imbalance", where the "economic or workload consequences of a trade-off decision are measurable, relatively immediate, and tangible", but the safety consequences of such a decision are "not always

obvious or measurable, particularly if there is no immediate observable effect".

Over time layered defences can experience systematic degradation, as individual decisions meet workload and economic drivers with no observable impact on safety boundaries.

In this manner, the safety margin is gradually encroached upon during what is known as an incubation period, and organisations move closer to the boundary of safe performance.

This migration often occurs so gradually that it is difficult for members of the organisation to identify and reflects a pattern of decision-making known as decrementalism.

The incremental nature of each departure [from a standard] makes it unremarkable and unreportable at the time and so, over time, the distance between the original established safe standard and the current 'safe' norm increases, and safety margins are eroded.

NOPSEMA warns employers against "focusing on the performance variability of an individual which happens to coincide with a hazardous event".

Organisations should seek to better understand and monitor trade-off decisions, identify where they are beneficial and where not, use them to drive learning and change within the sociotechnical system, and develop strategies to support safer adaptations.

NOPSEMA have drafted a paper with the purpose to highlight the benefits of understanding how people adapt to local and temporal factors to balance competing safety goals, and how employers can use this inside to guide decisions that maintain rather than erode safety.

The draft information paper, [Risk Migration](#), is open for comment until 26 February.

Source OHS Alert

FWC rejects worker's vaccine claims and \$50m clause

A commission has upheld the dismissal of a worker for refusing to get regular flu shots. The man claimed his employer's vaccine directions involved unlawful coercion, and it should have agreed to pay him millions of dollars in compensation for any adverse effects from vaccines or masks.

Fair Work Commissioner Bruce Williams found Bethanie Aged Care's flu-jab rules was required by a legally binding government public health direction, and "self-evidently lawful and reasonable".

The "answer" to the worker's many queries of the employer's right to demand he be vaccinated "was simply that Bethanie had no option other than to comply with the Chief Health Officer's direction, and both he and Bethanie Aged Care were subject to significant financial penalties if they did not comply.

The Perth-based electrician told the Commissioner he complied with the employer's direction to get a flu shot in 2020 out of fear of losing his job and not aware this would be an annual requirement.

The electrician argued that the employer's direction was unlawful, and it failed to provide a compelling reason to justify why a mandatory vaccination was required for him to carry out his electrical duties.

Before being dismissed, the worker sent a notice to the employer stating he would not get a flu vaccination or wear a mask unless it met a number of conditions, including providing him evidence of its right under the Commonwealth Fair Work Act to "force, coerce or use undue influence to demand" that he do so. The notice said Bethanie needed to provide information showing the vaccine "has been proven 100 per cent safe and effective" and that wearing a mask did not cause a "risk of bacterial infection by breathing in one's own expired breath".

The employer should agree to pay him compensation if he suffered any adverse health impacts from a shot or a mask, including \$50 million for his family if they caused his death.

Bethanie rejected the notice as well as a subsequent "employer warrantee to amend employment contract" document from the worker. It told the FWC that under public health directions, it was obligated to ensure workers without up-to-date vaccinations did not enter or remain at its residential aged care facilities and it could incur significant fines for breaching the rules.

In the current case, Bethanie Aged Care "clearly" had "no power to alter, modify or challenge the Chief Health Officer issuing the direction", the Commissioner said in dismissing the electrician's claim.

Thomas Tew v The Bethanie Group Inc. T/A Bethanie Aged Care [2022] FWC 96 (20 January 2022)

WA Silica Project



Between July 2018 and May 2021, WorkSafe WA undertook a proactive compliance project into engineered stone benchtop fabrication and installation to investigate respirable crystalline silica (RCS) exposure risks and controls. The project also included a review of RCS dust hazards during wall chasing activities in the construction industry and sample preparation processes in assay laboratories.

The WorkSafe WA silica compliance report provides a summary of the compliance project, including findings, actions taken and recommendations. It can be found on WorkSafe WA's website.

Further information is also available. See the following:

- Guidance note – Working with stone: Product fabrication and Installation - Commission for Occupational Safety and Health –
- Checklist – Stone benchtop fabrication and installation - WorkSafe
- Dust hazards in assay labs - WorkSafe –
- Safety alert 11/2018 - Stone benchtop workers at risk of silicosis - WorkSafe –
- Silica Dust (respirable crystalline) – Health Surveillance – Guide for medical practitioners 2021 - WorkSafe
- Bulletin – Issues with wall chasing – 2019 - WorkSafe
- Guidance on the interpretation of workplace exposure standards for airborne contaminants - Safe Work Australia
- Life Shavers Campaign – RPE – WorkSafe NZ

Positive COVID-19 in mining industry

The recent positive COVID-19 cases in the WA mining industry have promoted DMIRS State Mining Engineer to remind mining operators they are required to:

Appoint an “infectious Diseases Manager. This person should regularly check the Australian and WA Department of Health (DOH) websites for up-to-date information.

Implement an Infectious Diseases Management plan. This should be applicable to the specific requirements of the mining site. Consider information from the DOH and any recommendations in mitigating the potential risk of COVID-19 exposure. Measures should include social distancing in mess areas, mask wearing and hygiene practices.

The plan should include how operations can safely continue if key personnel are required to isolate. Reliance on a possible exemption from the Chief Health Officer is not an appropriate continuity response.

Sites should also ensure:

- Staff cooperate with and follow the directions of DOH officials including contact tracers if required
- Resource workers that work in rural or remote locations, remote operation's centres and mission critical locations are fully vaccinated from 1 January 2022.
- Systems are in place to restrict access to Aboriginal communities to essential personnel only.

Consideration needs to be given to the impacts on the mental health of workers that could arise if isolation on site is required or their roster is modified. Further information is available online on DMIRS website – COVID-19 Managing modified rosters and fatigue

Silica compliance improving in South Australia

South Australian businesses appear to be heeding the warnings on the dangers of exposure to silica dust, with SafeWork SA issuing far fewer statutory notices in a recent compliance campaign than in an equivalent blitz in 2019.

SafeWork inspectors issued 173 silica-related improvement and prohibition notices to construction businesses and fabricators and installers of engineered stone products in the 2019 blitz.

In the latest compliance campaign, conducted over the six months to April 2021 and broadened to include monumental stone masons and mining and quarrying sites, inspectors issued 102 notices.

The largest area of non-compliance involved the failure to conduct air monitoring to determine whether implemented controls were effectively minimising workers' exposure to respirable crystalline silica.

SafeWork SA noted that construction activities exposing workers to silica risks are classed as high-risk construction work requiring safe work method statements.

Hazardous chemical information system (HCIS)



HCIS is an internet advisory service that assists in finding information on chemicals classified in accordance with the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) by an authoritative source, such as the European Chemicals Agency (ECHA) or the Australian Industrial Chemicals Introduction Scheme (AICIS), formerly the National Industrial Chemicals Notification and Assessment Scheme (NICNAS).

HCIS is provided for guidance only and is not a comprehensive database of all hazardous chemicals. Safe Work Australia (SWA) monitors the quality of the information available on HCIS

and updates the information regularly. SWA does not make any representation or warranty about the accuracy, reliability, currency or completeness of any material contained in HCIS.

It is the responsibility of the Australian manufacturer/importer to determine if their product is a hazardous chemical and if so, to correctly classify their product. If unsure about the classification of a chemical not included in this database, contact your chemical supplier, manufacturer/importer for more information or source independent professional advice.

HCIS also includes workplace exposure standards (WES). Mandatory exposure standards are also listed in the legal document Workplace Exposure Standards for Airborne Contaminants. No exposure standard should be applied without reference to the Guidance on the Interpretation of Workplace Exposure Standards for Airborne Contaminants and to the related documentation.

Shaving your beard could save your life



When you're wearing respiratory protective equipment (RPE) at work, you should be clean shaven to make sure it's forming a seal and protecting you from breathing in harmful materials.

There are Australian and New Zealand Standards (AS/NZS) for respiratory equipment. These are AS/NZS 1715 and AS/NZS 1716.

Information on RPE for workers and businesses, including how to find the right respirator should be sourced from your supplier or go to your regulator's website.

WA mandates resources vaccinations



The Western Australian Government has followed public health advice to make COVID-19 vaccinations mandatory for fly-in, fly-out (FIFO) and other resources sector workers from December.

The mandatory first doses were due to be received before December 1, with full vaccination expected of resources workers, workers in remote operations or working in rural and remote locations by January 1, 2022.

Premier Mark McGowan said this was in line with the state's strategy so far and acknowledged the sector's contribution to that.

"WA has followed the health advice which has kept us safe and protected our family, friends and the WA community," McGowan said.

"We've worked with industry along the way and what is not lost on all of us is that because the resources sector was able to operate during the height of the pandemic, Western Australians have benefited and enjoyed freedoms other places in the country cannot."

The changes come due to FIFO and resources workers' mobile nature, with higher rates of contact with more vulnerable Aboriginal communities.

"To all the impacted workers who have done their share throughout the pandemic, stay the course and heed the health advice. I'm urging you to take this next step and get the COVID vaccine now," Mr McGowan said.

Western Australia currently has more than 100 state-run COVID-19 vaccination clinics, including walk-in locations in the state's regional communities.

Mines and Petroleum Minister Bill Johnston said the sector has always stressed the importance of health and safety and that this was no different.

"This is about workers protecting themselves, their colleagues and their workplaces and communities they operate in," Johnston said.

"As an industry in WA, we pride ourselves on a range of factors including the health and safety of our workforce and getting the COVID-19 vaccine is the next obvious critical element."

Chamber of Minerals and Energy of Western Australia chief executive officer Paul Everingham said the mandate could impact up to 250,000 people.

This included 140,000 to 150,000 direct employees, plus another 100,000 in the contracted workforce, ancillary services, drivers and maintenance providers.

"We've done some survey work across all kinds of Australian industries. It tends to be about 10 to 15 per cent initially where there's some concerns or fear around COVID vaccinations," Everingham said.

"That tends to drop to around 5 per cent with information and education."

Claims dismissed against COVID vaccine mandates.

A commission has rejected a union's bid to block a BHP COVID-19 vaccine mandate pending a ruling on whether the company met its WHS consultation requirements. In NSW the Supreme Court has dismissed claims that vaccine orders for workers defy a United Nations covenant.

The union, the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU), applied to Fair Work Commission (FWC) Deputy President Tony Saunders for interim orders suspending the requirement for all workers entering BHP's Mt Arthur open cut coal mine in NSW to have had at least one dose of a COVID-19 vaccine from this week, and be fully vaccinated by 31 January 2022.

The union will contend BHP implemented the site-access requirement without complying with its consultation duties, under NSW, Work Health Safety (WHS) Act, and didn't need to implement its national policy at the Mt Arthur site, where there are no public-facing roles or fly-in-fly-out workers, and physical distancing is easily achieved.

Deputy President Saunders agreed with the union that there are "serious questions" as to whether the mine properly consulted workers before implementing the site-access rule, or tailored the

mandate to the particular circumstances of the site and its personnel.

But President Saunders also stressed that it is "not possible to operate a large open cut coal mine such as the Mt Arthur mine without workers coming in reasonably close proximity to at least some other workers on their way into the mine or during their shift at the mine".

"The consequence of the COVID-19 risk eventuating is very serious for the employees, all other workers and visitors who attend the mine, and all their families and persons with whom they come into contact," he said in dismissing the union's bid for interim relief.

"The risks include serious illness and death."

The Deputy President noted the mine has undertaken to compensate any employees who lose wages for refusing to comply with the access requirements, if the FWC full bench finds the vaccine mandate is not lawful and reasonable.

ISO 45003 guide

The recently launched International Standard, ISO 45003 - *Occupational health and safety management - Psychological health and safety at work - Guidelines for managing psychosocial risks*, can help employers meet their work health and safety duties in Australia. The Standard could also be used by regulators "looking for evidence of compliance" with safety laws, according to a new report by Sonder. The review is entitled – A Simple Overview of ISO 45003. The review can be downloaded from the internet.

The 19-page review provides organisational wellbeing and safety services to multiple industries and states that the Standard provides a "timely reminder that organisations have both a responsibility and an incentive to create safe and healthy workplaces if they care about employee wellbeing, recruitment, retention, productivity, innovation, brand reputation, and organisational resilience". ISO 45003 is considered a risk management tool to help organisations in their shared responsibility to build safer and healthier workplaces".

ISO 45003 is the first International Standard to address workplace mental health and aims to help users satisfy the requirements of *ISO 45001:2018, Occupational health and safety management systems – Requirements with guidance for use*.

The review states that what makes the Standard unique is that it emphasises the business imperative for promoting and protecting psychological (not just physical) health in the workplace.

A section in the was prepared in conjunction with McCullough Robertson Lawyers and lays out the four "primary levels" of WHS regulations and guidelines across Australia and New Zealand. The first and strongest level being WHS legislation, which is enforceable by law; level two being mandatory national standards; level three being codes of practice; and level four being international standards like ISO 45003. The provisions of international standards are not enforceable unless compliance is specifically mandated in WHS regulations. Regulators may however, look for evidence of compliance in guidance material and documents.

On the latter issue, as an example, the Standard includes practical guidance on investigating a reported incident and communicating with workers on the proposed process; determining whether the event constitutes a notifiable incident that must be reported to a regulator; recording the risk management processes and outcomes; and, where applicable, supporting each worker's return to work, it says.

How to make workplace health programs more effective



Programs for improving health and wellbeing in male-dominated workplaces are often ineffective, but UK researchers have identified ways to break down the barriers to engagement.

A review of 35 studies of workplace programs carried out in such workplaces found "limited to moderate" evidence of any beneficial effects on participants' health.

Evidence from more gender-mixed or female-dominated industries generally reports much more positive findings.

Interventions are likely to be more effective when they target organisational factors rather than individual behaviours.

In industries like construction, agriculture, manufacturing, mining, transport and technology, masculine norms and cultural standards that constrain masculine behaviours contribute to poorer health outcomes for both male and female workers.

Due to the nature of the work, employees in male-dominated industries have an elevated risk of work-related injuries and fatalities, while they also have a higher prevalence of poor health outcomes (in men and women) compared with gender-balanced industries.

While the majority of the interventions included in the review were targeted at the individual level, those "engaged at multiple levels, that is, policy, environmental and individual, appeared to be more effective.

These multi-level interventions included:

- reducing job hassles and stress for bus drivers by introducing changes to a major bus route, separate bus lanes and a priority traffic signal system;
- improving workers' work ability and recovery from injury by conducting "visual mapping" discussions with managers, leaders, union members and health and safety representatives;
- improving workers' mental health by conducting mental health workshops where participants identified actions to improve work environments; and
- an Australian alcohol harm reduction intervention where the employer introduced a formal alcohol policy, employee programs, manager training and employee referral pathways.

Interventions addressing individual behaviours, that is, smoking cessation, sedentary behaviour and alcohol consumption, limited the long-term adherence to behaviour changes.

This suggests that including employees alongside management in the promotion of behaviour changes provides a learning experience to understand the working environment and

ultimately increase the effectiveness of the intervention.

The researchers add that to be successful, any initiatives must tackle barriers to engagement in male-dominated industries like varied shift patterns and "transient" work environments.

In comparison with face-to-face delivery, using the internet can be more cost-effective, sustainable and potentially scalable to a wider audience.

Due to the transient nature of an employee's working environment, particularly common within male-dominated industries, an internet intervention can be relevant to remote workers and those with non-conventional schedules.

[Workplace interventions that aim to improve employee health and well-being in male-dominated industries: a systematic review.](#) Paige Hulls, et al, UK, Occupational and Environmental Medicine, volume 79, issue 2, February 2022.

Source OHS Alert

Beware burnout "cure" and other work wellbeing myths

Pervasive wellbeing myths that block employers from improving their workers' wellbeing, and can waste time and money, include that paid mental health leave "cures" burnout, and wellbeing apps can replace social support.

A [25-page report](#) from organisational wellbeing and safety services provider, Sonder, says businesses wanting to look after workers are confronted with conflicting messages on what sorts

Sonder says there are five wellbeing myths decision makers need to be aware of when developing an evidence-based strategy for organisational resilience. They are:

- Paid time off cures employee burnout.
- Digital-only is the answer.
- Wellbeing cannot be measured.
- Workers need psychological debriefing after critical incidents or traumatic events.
- Work perks keep people engaged.

The release of ISO 45003 reminded us that workplaces are complex ecosystems and a multitude of factors influence employee satisfaction and engagement – including how work is organised, social factors at work, and the safety of the work environment.

Occupational Health Society of Australia (WA)



Membership of the Society is open to all those interested in occupational health and safety.

\$100 Corporate membership

\$50 ordinary membership

\$20 student membership.

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Incorporated in 1978, the Occupational Health Society of

Australia (WA Branch) is a non-profit association which provides a forum for the wide range of disciplines engaged in the occupational health profession in Western Australia.

The aims of the Society are:

- to develop effective occupational health practice within Western Australia
- to encourage awareness by individuals, organisations and other bodies, of the role of occupational health
- to provide a forum for professional contact between persons interested in, and working in, occupational health
- to express an independent, professional viewpoint on all aspects of occupational health considered desirable in the public interest
- to seek the improvement or an extension of the existing legislation for the promotion of safety and health at work
- in order to ensure uniform principles are applied in all occupational activities.

Please contact the Secretariat on ohswa@outlook.com.au regarding membership matters.

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