

## INTRODUCTION

As we move towards the middle of the year, there have been a number of exciting developments within Action OHS Consulting. As of June, Action OHS Consulting has launched an online shop which provides PPE, office and workstation equipment, first aid kits and spill kits; priced better than other online stores we have compared against. Our online store is for you and aligns with the services we offer (e.g. noise and dust monitoring, risk and ergonomic assessments). We see our product range growing, so support us in the journey by letting us know what products you would like to see us stocking.

In this edition of 'Building a Safe Workplace Together' we investigate the safety considerations for workplaces managing workers who are pregnant, whilst also providing you with an understanding of the duties that the health and safety legislation places on your workers.

We know this edition will provide you with additional knowledge and tools that will support your business in establishing and maintaining positive health and safety behaviours.

The next issue of *Building a Safe Workplace Together* will be released in October 2014.

## OVERVIEW

- What have we been up to lately?
- Let's Go Shopping
- FREE OHS Consultations
- Managing Pregnancy in the Workplace
- Employees do have legislated health and safety duties
- Legislation Update

## WHAT HAVE WE BEEN UP TO LATELY?

Action OHS Consulting continues to work closely with our clients to build a safer workplace together. Some exciting projects undertaken since our last newsletter include:

- Spent two weeks on the road completing respirable dust and noise monitoring across multiple concrete plants and quarries.
- Conducted a risk profiling project at an aviation maintenance hangar that included planes from the Army, RFDS and Elvis (the firefighting helicopter)!
- Delivery on a number of ergonomic projects. These have seen us facilitate engaging lunch time training sessions and one-on-one assessments.
- We continue to commission our OHS Compliance Software across businesses operating across multiple sites – simplifying safety management and removing the paper usage.

For more details on our service offering, please follow the link to the [Action OHS Consulting website](http://www.actionohs.com.au).

# LET'S GO SHOPPING

[www.actionohs.com.au/shop](http://www.actionohs.com.au/shop)

## Do you purchase any of the following?

- ✓ Office Chairs
- ✓ Office Equipment (document stands, monitor raisers, footrests, wrist rests, headsets, etc.)
- ✓ Safety Equipment (trolleys, safety steps, traffic cones, hazard tape, etc.)
- ✓ PPE (hi-visibility vests, hearing or respiratory protection, hard hats, safety glasses, etc.)

**As of June, Action OHS Consulting's online shop started trading.**

We stock high quality items at the best prices so you can remove the noise when making a purchase. Our product lines will continue to grow. If there is something that you need, that you can't see – [please let us know](#). With over 20,000 product lines, we know we can help.

During June 2014 use the Promo Code:

**'ActionOHS-IntroOffer'**

...for a 10% discount on all of your purchases.



**HURRY – THIS INTRODUCTORY OFFER WILL EXPIRE 30 JUNE 2014.**

# FREE OHS CONSULTATIONS

Does your business employ less than 200 employees? You may be eligible.

Contact us NOW: [info@actionohs.com.au](mailto:info@actionohs.com.au)

## MANAGING PREGNANCY IN THE WORKPLACE

Employers must provide and maintain a working environment for their employees, including those who are pregnant, that is safe and without risks to health, so far as is reasonably possible.

If it's not safe for a pregnant employee to do her usual job, she may be transferred to a safe job if she:

- is entitled to unpaid parental leave and has provided their employer with the notice and evidence required; and
- has provided their employer with evidence they are fit for work, but that it is inadvisable to continue in their current position for a period of time (the risk period) because of illness or risk due to the pregnancy or hazards connected with that position.

As an employer you are entitled to request that the evidence be provided by way of a medical certificate. If these requirements are met, you must transfer the employee to a safe job for the risk period with no changes to their ordinary hours and rate of pay. If there is no safe job available; the employee may be entitled to take paid 'no safe job' leave. This must be paid at the base rate of pay for their ordinary hours of work.

If the employee takes paid 'no safe job' leave, that leave ends when their unpaid parental leave, or unpaid special maternity leave (if applicable), begins.

There are certain work environments and activities that pregnant women should avoid, to protect both the mother and the baby. These include:

- Excessive Noise (above the noise exposure standard) – whilst the mother can wear hearing protection, the baby cannot, and excessive noise can damage the baby's sensitive, developing ears.
- Manual Handling – heavy lifting and awkward postures during pregnancy can result in abdominal separation, torn muscles/ligaments (due to hormonal softening during pregnancy), as well as increase risk of falls, due to change in centre of gravity and balance.
- Standing for long periods – during pregnancy, a woman's total blood volume can increase by 30-40% and the load on the heart increases. Blood tends to pool in deep veins in her legs which brings a risk of thrombosis (clotting) and varicose veins, and of fainting episodes if she spends long periods standing, especially in a hot environment.
- Working with screen-based keyboard computer equipment – physical changes that occur during pregnancy will mean that adjustments to workstation setup will be required over the course of the pregnancy to reduce stress placed on the lower back.
- Lead and lead compounds – Lead poisoning is caused by breathing or swallowing lead. Lead can pass from a mother

to her unborn baby and increase the risk for miscarriage, cause the baby to be born too early or too small, or result in learning or behavioural problems for the child.

- Chemicals – refer to the MSDS to ensure the chemical that a pregnant woman is exposed to is not a health risk.
- Fumes (particularly chemical) – can make a pregnant woman feel ill, in addition to affecting the development of her unborn child.
- Shocks and vibration – regular exposure to shocks, low frequency vibration or excessive movement, may increase the risk of a miscarriage. Examples would be driving or riding in off-road vehicles or earth moving equipment.

Consultation between the employer and pregnant woman is the best way to identify hazards, and eliminate or reduce the risks.

### Working until the birth

Employees may work until the expected date of birth of their child. However, under the National Employment Standards (NES), if an employee wishes to work in the last six weeks of their pregnancy they may, if asked, need to provide you, their employer, with a medical certificate stating that they are fit to work.

If the medical certificate is not provided within seven days, or if the certificate says that the employee is not fit for work, you may require your employee to take personal leave, such as sick leave, or start unpaid parental leave as soon as possible.

### Time off for antenatal appointments

Employees are not entitled to additional time off work for pregnancy-related appointments by law. Employees should refer to their workplace policy on pregnancy or speak to their manager.

### Next Steps:

- Identify if any of the above hazards exist within your workplace.
- Establish methods to manage and control the hazard.



## Hazard Management

We manage our summer based hazards like UV and heat well – do you need to consider “more” winter based hazards for outdoor work like working in the cold or wet?

## EMPLOYEES DO HAVE LEGISLATED HEALTH AND SAFETY DUTIES

We are all aware on the duties placed on businesses, but did you know that employees also have documented responsibilities under the health and safety legislation?

Section 25 (Division 4) of the [Occupational Health and Safety Act 2004 \(Vic\)](#) covers the duties of employees:

(1) While at work, an employee must—

(a) take reasonable care for his or her own health and safety; and

(b) take reasonable care for the health and safety of persons who may be affected by the employee’s acts or omissions at a workplace; and

(c) co-operate with his or her employer with respect to any action taken by the employer to comply with a requirement imposed by or under this Act or the regulations. Penalty: 1800 penalty units.

(2) While at work, an employee must not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health, safety or welfare. Penalty: 1800 penalty units.

(3) In determining for the purposes of sub-section (1)(a) or (b) whether an employee failed to take reasonable care, regard must be had to what the employee knew about the relevant circumstances.

(4) An offence against sub-section (1) or (2) is an indictable offence.

Note: However, the offence may be heard and determined summarily (see section 53 of, and Schedule 4 to, the Magistrates’ Court Act 1989). Penalties for breaching these laws can result in criminal convictions, and/or fines which can add up to almost \$260,000 (based on the current Penalty unit of \$144.36).

Section 28 (Division 4) of the [Work Health and Safety Act](#) (i.e. the harmonised legislation) covers the duties of workers:

(1) While at work, a worker must:

(a) take reasonable care for his or her own health and safety; and

(b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and

(c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and

(d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Under this Act, Offences and Penalties are covered in Sections 30-34 (Division 5). Offence for individuals can result in fines of up to \$300,000 and/or 5 years imprisonment.

Everyone in an organisation needs to consider the impacts of their actions on other people, to ensure that they don’t put anyone (including themselves) at risk.

It is important that employees are aware of their rights and responsibilities, which can be communicated at any time, but especially during induction, as well as specialised training.

Whilst the consequences of unsafe behaviour can often be minor; if a worker or member of the public is hurt or killed as a result of a decision you have made, or action you have (or haven’t) taken – the penalty will be stronger than a talking to.



## Next Steps:

- Ensure health and safety duties are part of your business’ induction program.
- Ensure training incorporates communication of:
  - Organisational policies and procedures;
  - Legislative duties.
- Establish communication plans when new policies and/or procedures are introduced.

## LEGISLATION UPDATE

According to the Ministerial Advisory Panel on Safety Legislation Reform (the Panel), the WA Government plans to pass its own version of the national model Work Health and Safety laws in November 2014 (“dependent on the parliamentary drafting process”).

As per the Panel’s report from its March 2014 meeting, the WA Government’s plan is for WorkSafe WA to administer legislation based on Safe Work Australia’s (SWA’s) model WHS legislation which would cover general industry. Workplaces involved with mining and petroleum would be covered by separate WHS (Resources) legislation.