BUILDING A SAFE WORKPLACE TOGETHER

Introduction

The June edition of Building a Safe Workplace Together has a number of health and safety related, thought provoking articles for your consideration; all selected to guide and assist your workplace deliver improved safety outcomes.

In addition, Action OHS Consulting would like to invite you to join the Action OHS Consulting Red25 Club. Red25 is an unique giving program by the Australian Red Cross Blood Service, which unites workplaces, community groups, schools and universities around Australia to save lives through blood donation. We will keep you updated on our progress. To join our team - follow this link. More information on the program can be found at the Australian Red Cross Blood Services.

Following on from the advice in our February Edition of Building a Safe Workplace Together, we have included a link to our online training Training Calendar. As you would expect, we have a team of experienced trainers, who are looking forward to working with your teams. With all of our training programs, in addition to our public courses which are listed, we have the capability to run "in-house" training courses, should you request.

The next issue of Building a Safe Workplace Together will be released in October 2016. If you have any suggestions about what you would like our newsletter to include - we would warmly welcome your feedback.

Overview

- **Join the Action OHS Consulting Red25 Team**

- **Prosecutions: Summary for NSW & Victoria – January to April 2016.**

- **Planning: What is your health and safety strategic plan?**

- **Training: Improving the Impact of your training – Blocked vs Random Practice.**

- **Technology: Wait, there's more "stuff" that you don't have easy access to!**

WorkSafe Victoria offers free OHS consultations to businesses that have less than 200 employees based in Victoria.

Small businesses (less than 20 employees) are entitled to an initial visit of up to 4 hours with a consultant, with a 2 hour follow-up visit scheduled 2-6 months after the initial visit.

Medium businesses (20 to 200 employees) are entitled to an initial visit of up to 6 hours with a consultant, with a 4 hour follow-up visit scheduled 2-6 months after the initial visit.

During the review our health and safety consultant will undertake a site walk through with you and address the areas of safety concern that you have. The Safety Action Plan report that will be provided to you will consider broader management system requirements.

With the current program concluding on 30 June 2016 – should this free review be something that appeals to you, please **contact us** for details in relation to registration.

Australian Red Cross
BLOOD SERVICE

Clients & Friends are invited to join our RED25 Blood Donation Team – to join select on this icon.

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Prosecutions: January to April 2016 for NSW & Victoria

Workplace prosecutions are something that health and safety practitioners should maintain oversight of to identify trends and maintain awareness of foreseeable hazards. This article provides an overview of the prosecutions listed by WorkSafe Victoria and SafeWork NSW between January and April 2016.

Prosecutions: Numbers and Related Legislation

The first 4 months of 2016 saw a total of 42 health and safety prosecutions in Victoria and a total of 6 prosecutions in NSW.
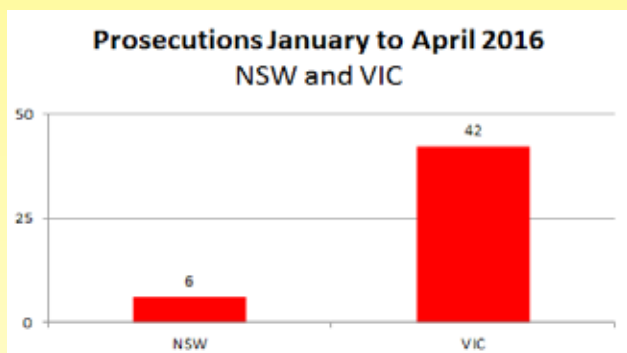
Within Victoria:

• 40 prosecutions were recorded against the Occupational Health and Safety Act 2004

• 1 prosecution was recorded against the Occupational Health and Safety Regulations 2007

• 1 prosecution involved both the Occupational Health and Safety Act 2004 and the Dangerous Goods Act 1985.

Within NSW:

• Prosecution was recorded against the Occupational Health and Safety Act 2000

• 5 prosecutions were recorded against the Work Health and Safety Act 2011

Prosecutions: An Overview of Fines

The average fine in both states came in at $83,000. The median fines varied significantly. The maximum fine issued by each state regulator is as follows:

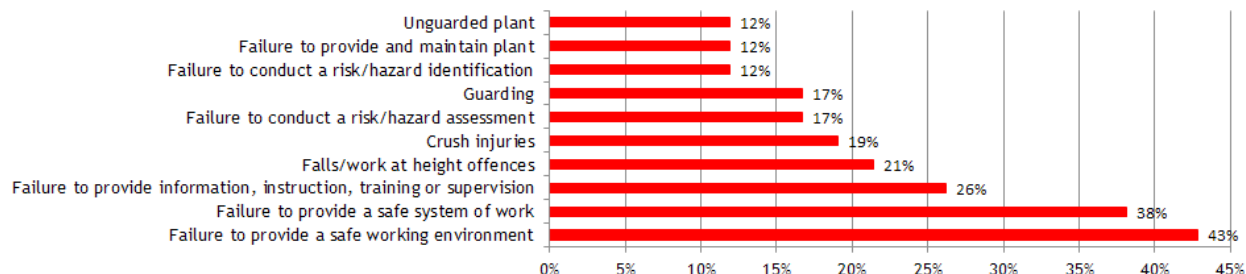• Victoria – $750,000

• NSW – $187,500
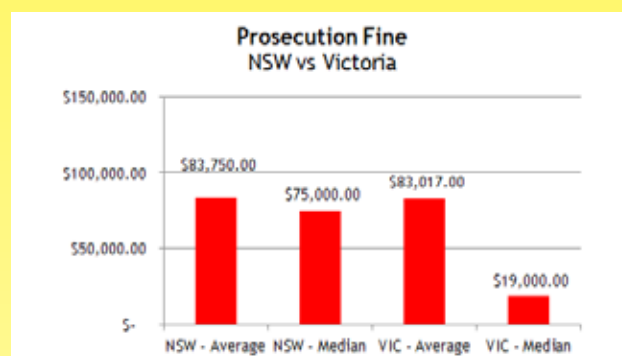
In NSW each prosecution resulted in a monetary fine. In Victoria 40 fines were issued (95% of the total prosecutions). In addition to the fines, WorkSafe Victoria issued 2 Enforceable Undertakings. In these cases, the enforceable undertaking is a legally binding agreement between WorkSafe Victoria and the employer. The employer is obliged to carry out the specific activities outlined in the undertaking. Such scenarios ensure that the workplace implement agreed corrective actions.

Prosecutions: What is the Cause and where are the Gaps?

With respect to the criteria/codes that lead to prosecution – the top 10 criteria, as defined by WorkSafe Victoria, are outlined below.

1. Failure to provide a safe working environment – 43%

2. Failure to provide a safe system of work – 38%

3. Failure to provide information, instruction, training or supervision – 26%

4. Falls/work at height offences – 21%

5. Crush injuries 19%

6. Failure to conduct a risk/hazard assessment – 17%

7. Guarding – 17%

8. Failure to conduct a risk/hazard identification – 12%

9. Failure to provide and maintain plant – 12%

10. Unguarded plant – 12%.

Code/Critera attached to Workplace Prosecutions January to April 2016
WorkSafe Victoria

Criteria	Percentage
Unguarded plant	12%
Failure to provide and maintain plant	12%
Failure to conduct a risk/hazard identification	12%
Guarding	17%
Failure to conduct a risk/hazard assessment	17%
Crush injuries	19%
Falls/work at height offences	21%
Failure to provide information, instruction, training or supervision	26%
Failure to provide a safe system of work	38%
Failure to provide a safe working environment	43%

Combined, failure to provide a safe system of work and safe working environment resulted in over one third of the prosecutions. This outlines the requirement for workplaces to actively:

• Assess their workplace risks.
• Consider safety when procuring equipment – how effective is guarding?
• Considering safety when engaging contractors.

It is noteworthy to comment that six (6) of the prosecutions in Victoria were associated with the failure of the workplace to isolate energy when repairing and/or cleaning equipment. All workplaces that have plant and equipment should strongly consider establishing Safe Operating Procedures (SOPs) in consultation with their operators, and ensure that their workers and contractors have been trained and competent in these.

Prosecutions: Of Interest

Some prosecutions that may be of interest may include:

• Once the loading of a truck was complete, the truck driver asked the employee operating the forklift to lift him up onto the truck on the tynes of the forklift. The forklift operator stated that he knew it was the wrong thing to do but he did it anyway. Whilst being lifted, the truck driver's right hand became entangled in the mast and mast channel of the forklift. The truck driver suffered bruising and some lacerations to his hand, but did not receive treatment as an inpatient in hospital. The offender pleaded guilty and was, without conviction, sentenced to pay a fine of $18,000 and to pay costs of $3,895.

• A workplace was transferring a 660 litre bin loaded with cardboard through an Automated Car Park Station. While waiting in the car park, an elderly women was struck by the corner of a 660 litre wheeled waste storage bin loaded with cardboard. The woman was knocked to the floor. The offender pleaded guilty and was, without conviction, sentenced to pay a fine of $50,000.00 and to pay costs of $4,564.00. It was reasonably practicable for the offender to control the risks to health and safety associated with the task by ensuring bins were not overfilled with cardboard, using a spotter when transporting bins through public areas and scheduling of loaded bin movements out of hours to minimise risks to the public.

• A manufacturing company that produces materials for the construction industry was sentenced to pay a fine of $40,000.00 and to pay costs of $3,975.00 following a worker breaking their leg after the 500 kg material collapsed while undertaking the task. The "task" involved two (2) employees lifting and loading a suspended material weighing 500 kilograms onto a flatbed truck. There was no safe system of work associated with the task of lifting, transporting and loading facade modules at the workplace. It was reasonably practicable for the offender to control the risk by implementing a safe operating procedure for lifting, transporting and loading materials which included the identification of the risks and the associated control measures.

• A company that provides cleaning services to various businesses via engagement of subcontracted cleaners. A cleaner was engaged to clean at a meat and poultry production business. The cleaner was cleaning a mixer (which had an interlocked grate at the top, but access via the exit point at the bottom) which mixed meat. The cleaning company failed to ensure that the workplace was safe, by failing to ensure that the workplace where the cleaning was to take place provided adequate information, instruction and training to the subcontractors, in relation to the lockout/tagout system for isolation of the mixer prior to dismantling and cleaning it, and failed to prohibit its subcontractors from

working until such adequate information, instruction and training was provided. The cleaner was cleaning the mixer with a hose and a scourer and put his hand with the scourer through the bottom opening to remove the debris. The mixer began to operate and his left hand was caught by a rotating auger, severing three fingers, only two of which were able to be surgically re-attached. The offender pleaded guilty and was, with conviction, sentenced to pay a fine of $20,000 and to pay costs of $7,000.

- An employee, who was given the job of preparing the rig for work, was unfamiliar with its controls and had never installed or been trained in how to install the 1.8 metre leader extension which had to be fitted to the mast. Despite reporting his concerns to his supervisor, work on preparing the rig continued. As a result, 10 of the 16 bolts needed to secure the leader extension to the rig were not fitted. Later that day the deceased was working at the top of the rig when the mast snapped causing the deceased to fall to the ground, along with a 20 metre section of the mast. A conviction was imposed and a fine of $750,000.00.

- An employee suffered serious arm and hand injuries which required hospitalisation after attempting to clean a cannelloni dough mixer. The guarding on the dough mixer did not prevent access to the danger area, due to the interlock device that was fitted not isolating power to the rotating paddle inside the feeder hopper. There were no policies, procedures or instructions for the cannelloni dough mixer. The incident was not reported to WorkSafe immediately or in writing in 48 hours, and the incident scene was not preserved. The offender pleaded guilty and was, with conviction, sentenced to pay a fine of $30,000.00 and costs of $2,557.00.

- A 15 year old employee of a labour hire business was driving a forklift. Three children (two of whom had no prior farm work experience), were left unsupervised and the forklift was accessible to those three children in that the keys were left in the ignition. There was a risk of serious injury or death to employees using the forklift without being licenced, and that leaving the keys in the forklift allowed unauthorised access to the forklift. The deceased was killed when the forklift he was driving tipped over causing fatal injuries. The offender pleaded guilty and was to pay a fine of $450,000.

It is worth mentioning that 10% of the prosecutions were the result of workplaces that failed to notify WorkSafe Victoria that a notifiable incident that occurred in their workplace, and 7% of the prosecutions were

the result of workplaces that failed to preserve the incident site. Both of these requirements are expressed clearly within Section 38 of the Occupational Health and Safety Act 2004. If your workplace is not familiar with what incidents require notification, or, if there is no reference in your procedures on how to manage a notifiable incident – this is something you should consider reviewing immediately. Please Contact Us if you require direction.

Finally, apart from legal fees, fines and a negative prosecution result, a conviction can comprise future work opportunities and the ability for your organisation to participate in tenders. Why? Many contractor agreements these days request that you provide information outlining your:

- Hazard management processes (i.e. SWMSs, JSAs, etc.);

- Worker competencies (e.g. licences, etc.);

- Insurance details (i.e. Workers Compensation, Public Indemnity and Professional Liability); and,

- Prosecution history (from convictions to regulator notices received).

Safe workplace practices will reduce your workplace's likelihood of incident and/or injury, and support your workplace growing. The output being a productive workplace that provides workers with both confidence and job security.

Free OHS Breifing for SME's

Train your workplace to conduct workstation assessments

Planning: Safety in Design – When and What to Consider?

The 2nd 'Safety in Design' Conference was held recently in Melbourne during May 2016. As the name suggests, the topics discussed on the day centered on the importance of considering and planning for safety in areas such as:

- process and functional safety (e.g. when designing plant and/or guarding);
- construction of new and/or refurbishment of buildings;
- purchase of new plant; and
- designing guarding for current plant (i.e. retro-fitting) – which has been raised by a number of our clients in recent times.

The presenters focused on the challenges of safety in design and the importance of balancing the risks and costs of today, whilst anticipating the needs of tomorrow through a "whole of life" design review. Whole of life considerations that are often forgotten about, include:

- repair and maintenance;
- cleaning;
- training and licence requirements;
- monitoring requirements (e.g. noise and/or dust); or
- decommissioning, etc.

A key message from the conference was that safety needs to be considered at the concept stage, when decisions are made about the 'intended purpose' and/or 'required deliverable', as opposed to safety being considered only after the design commences. The following example was shared which gave this thinking some perspective:

If safety in design was considered after a decision was made to have a rail-road crossing, the safety considerations will be specific to the design, and in line with the "agreed deliverable". The safety aspects of the design would make the rail-road crossing as safe as possible – it would include booms, lights, signals, etc. However, wouldn't it be better if safety in design was considered at the concept stage? If the "goal" was to prevent cars and trains impacting, safer solutions such as a bridge and/or underpass may have been an option for consideration.

Being consulted with in the concept phased resonates daily in the workplaces we support. We recently had a client contact us to gather advice about what they needed to ensure was in place prior to purchasing a forklift, due to their walkie stacker: (1) not being able to access the top level of racking, and (2) not being able to reach-forward. After reviewing the "efficiency" that could be generated across a small floor

area where load shifting occurred for less than 2 hours per day, against the hazards that would need to be controlled if a forklift was introduced (e.g. mobile plant moving at faster speeds, licencing requirements, fuel onsite – resulting in the management of hazardous chemicals, etc.), the client started to investigate walkie stacker options that provided the result/goal they were after.

Safety in design (and procurement) should be considered when the "goals" of the design are being considered, not once the "finalised deliverable" has been prescribed.

Consideration of safety in the concept phase will support elimination, or provide the best opportunity to significantly reduce risk of whole of life design issues with an item of plant or a building. From our view point as health and safety consultants, past experience continues to demonstrate that trying to manage and reduce hazards post implementation can:

- be financially expensive. Retro-fitting requires a new plan(s), sourcing materials and trades for smaller/one-off jobs.
- be resource demanding. Someone at your workplace (or many), will be required to focus their time on a project that could have been resolved earlier. Their time will be utilised due to their involvement in supporting risk assessments, construction, managing contractors, etc. – everything can't be "outsourced". In addition, time will be spent training your workers in the new practices and/or processes.
- impact safety culture. Your workers may feel that their voices are not considered as "known" hazards continue to reappear; as opposed to be managed better, or eliminated.

We understands that there is incredible pressure on business owners to look for cost saving measures when purchasing new plant, leasing new premises, or refurbishing current premises in order to remain profitable. Therefore, managing risk by considering safety in the concept phase of the design, when project "goals" are being agreed on makes absolute sense.

Training: Improving the impact of your training – blocked vs random practice

Training is critical for all organisations to ensure that workers have the appropriate knowledge and skill to competently complete the inherent requirements of their role safely.

What training looks like varies considerably and will often depend on the training requirement. We often ask the question to our clients "what consideration did you make when developing the training program in your workplace?" Often, their response is limited. This article takes a look at "blocked" practice versus "random" practice.

In a sporting context, everyone has been exposed to blocked and random practice. Think about going to the golf driving range, shooting a basketball or netball. When training to execute the skill, do you think it would be better to act out Scenario A 10 times, before moving onto Scenario B for 10 attempts, and then onto Scenario C for 10 attempts (this approach is referred to as blocked practice); or, would it be better to act out Scenario A once, Scenario B once and Scenario C once and repeat this 10 times (this is referred to as random practice)?

The answer is dependent on whether you were assessing the performance in the training, or the performance at a later date.

Blocked practice should produce better performance than random practice during the initial rehearsal/training.

Blocked practice is an effective way for the participant to "understand" the components of the individual skill. Once this skill is understood, it is random practice that facilitates the participant's ability to retain the skill.

Why? During random practice, the participant is required to fully focus on the skill and replay the entire motor pattern. Blocked practice sees the participant make small adjustments to the motor pattern, in line with how they executed the skill on the last occasion. In a "real" life situation, do you have the ability to make minor adjustments based on your last performance?

When designing effective training, consider the knowledge of the participants:

• If the task is new for the worker(s), you may want to

schedule training activities to transition from a blocked to a random approach when developing the training materials.

• If it is re-training and the workers are familiar with the skill, you may want to schedule all training activities in line with random practice.

In addition, you will need to consider what do the attendees' work tasks looks like? If their work requires constant variation in the task; random practice is likely to be more effective. Golf is a great example here, you often hear about players frustrated as to why their "form" at the driving range does not translate onto the golf course. The reason for this is, on the golf course they only get one shot/chance to execute the skill (and that shot counts). Whilst at the driving range, they implicitly make minor adjustments (to their motor pattern) between attempts, using the knowledge of their last attempt. This means that the consequence of errors is not as visible. It also means that the "form" they have described on the driving range, has been learnt from the adjustments they have made from their earlier shots during that practice session.

How can this be better managed? At the driving range, consider changing clubs or the scenario for each shot, train how you play. This is the same for training in the workplace – is there variation when your workers operate machines, or undertake certain activities?

To support learning, where appropriate, a key consideration for the person developing the training is to move away from a blocked approach to a randomised approach. Whilst challenging for your participants initially – it will improve their skills in the future.

Another aspect to consider is how your competency assessments are structured? If the operator can continue to attempt until they "pass", does this demonstrate competency, or does this demonstrate that they have an ability to use the feedback provided from the knowledge of the last result? The importance of getting this right will depend on the impacts to your workplace of the "error".

safe work australia

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Technology: 10 questions to consider when purchasing OHS Software
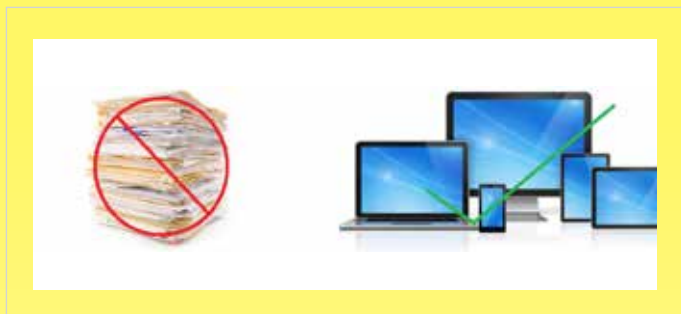
Businesses of all sizes struggle with managing their workplace safety responsibilities. When operations are busy, activities which have been initiated to ensure that the established risk controls are in place and working can often be forgotten. Let's face it, there should be a reason why these activities have been scheduled, and if this reason is to protect the health and safety of workers, contractors or visitors, they should not be placed on the "to do later" list. Increased workloads, being "busy", or "forgetting" is no justification.

At every workplace there should be a well understood reason for every health and safety task that is being undertaking. If the reason you are undertaking the task is not understood, maybe now is time to review those tasks, rather than just "forgetting" about them?

In addition to "tasks" being completed; the management of "the evidence" of tasks being completed is often unstructured.

Software can assist. Software does assist. It is common place now for OHS Software programs to automatically email the identified workplace stakeholders, with reminders of when important tasks are scheduled for completion. OHS Software programs should then provide the workplace with a way to manage the OHS record(s) on completion. The simplicity of OHS Software means that it is something that many workplaces are now considering to introduce to support the visibility of their OHS Program and establish workplace efficiencies.

Whilst there are many software applications on the market, all OHS Software is not the same. The majority of the OHS Software programs that are on the market are "commercial off-the-shelf (COTS)". This means that they have been made, ready for sale to the public. It means that they are not developed specifically to a workplace – that includes your workplace. They have been designed to be implemented easily into workplaces with minimal customisation. This means that the "80-20 rule" should be considered (i.e. at a minimum, the OHS Software program should be able to effectively deliver 80% of the outputs you require). However, with careful planning and by following the considerations below, you should be in a position to elevate that 80 closer to 100 – by identifying the OHS Software program that is "more-right" for your workplace's needs.

Procuring an OHS Software program should be considered a long-term relationship. To ensure that you get the right OHS Software program for your business, it is absolutely essential that you do your homework first. Listed below, in no particular order, are ten (10) questions you should consider, before purchasing a "web-based" OHS Software program:

- Are you looking for an "OHS Software package" or "OHS Policy and Procedures"? OHS Software packages are effectively "frameworks". This means that your workplace will be required to develop the OHS Policy and Procedures additional to the OHS Software licence. Some packages will provide a "Manual" that is in line with their OHS Software program (this is rare). If a Manual is provided, ask your supplier how much work will be required to align the Manual to meet your workplaces operational needs, and if any additional documentation may be required.

- Are you looking at OHS Software or "Web-based" OHS Software? Besides being antiquated, OHS Software that is loaded onto individual computers (think the "old" Microsoft Office), does not have the "flexibility" of web-based OHS Software. The user is locked into being at their computer to access their OHS Management System. Web-based OHS Software will also allow users to access their OHS Management System anywhere, and on any device (where they have access to the internet). A bonus of web-based OHS Software is that the supplier should provide you with "free" automatic updates as the OHS Software develops – this cannot be said for Microsoft Office!

- How easy is the OHS Software to use? This may sounds straight forward, but it is often overlooked as the procurement team gets caught up in the initial excitement of the "new" and "shinny" software program that is going to make "everyone's" life easier. While some OHS Software packages may look great when demonstrated, it is important that you are considering/questioning:

  - if it provides the functionality you need?
  - does it address your business critical workplace's needs?
  - if the user interface is clear and simple to navigate?
  - will your users, who may have varying levels of computer literacy, be able to easily use the OHS Software?

- Are there limitations surrounding the number of workers (Users) who can access the OHS Software? The evidence

tells us that health and safety is about the collective, not individuals, at a workplace. A number of OHS Software programs place limitations explicitly around the number of user licences a workplace has access to, or implicitly does this by "significant" increases in their pricing when multiple licences are requested. If there are limitations around the number of users who can access your OHS Software, ask the question...how will our workplace live the mantra that "safety is everyone's responsibility"?

- Does the OHS Software have a lock-in period? If the OHS Software package effectively delivers all of the benefits that you signed-up to during the initial procurement, it makes sense that you would continue to use the software – right? As disclosed above, the majority of OHS Software is "Commercial off-the-shelf", this means that the business you are looking to purchase the OHS Software from, often has not invested time in developing the software specifically for "your" workplace needs. This being the case, you should be very nervous of OHS Software suppliers that look to lock you into contract greater than 1 year. If the OHS Software: (i) behaves as promised; (ii) has effective help support; and, (ii) continues to improve in line with advances in technology, you will stay. For the majority of businesses, OHS Software does not need to be developed specifically for the organisation.

- Can you access the OHS Software from Mobiles and Tablets? With so many organisations operating outside the traditional office setup; would workers being able to access your OHS Software from their mobile telephone and/or tablet be of benefit?

- Does the OHS Software provide you with access to all Modules or just "some" Modules? All software can be a "tricky" to navigate. Whilst advertising a "starting" price, OHS Software providers will often charge additional fees that are "disproportional" to the initial outlay, for any extra modules that you identify in the future that could benefit your workplace as your safety program matures. Make sure you understand all potential future costs – even if you don't think you will need them all right now. Running multiple systems due to cost, as we often see, is confusing and disorganised.

- What does the OHS Software "Help" support look like? Before financially investing in an OHS Software system, you need to ensure that there is an easy way for questions and/or concerns that you have to be raised and managed. As a minimum, the OHS Software should provide you with access to:

  - A "Help" Support Manual.
  - The ability to raise issue either by email and/or

telephone.

  - Note: It may also be in your best interest to understand if there is any cost associated with any help requests that you make.

- What happens to "your" data if you decide that the OHS Software is no longer for you? Firstly, it is your data. Secondly, you have a legislative duty to maintain selected health and safety records. Therefore, it is absolutely critical that you have access to these. Can you export or download the data yourself? Or does the OHS Software provider charge you retrieval costs?

- Does the OHS Software have compatibility with other IT Systems? All software should support efficiency. With workplaces typically having at least one IT Program established prior to implementing an OHS Software package, it is worth identifying how the OHS Software package can align with your current IT system(s)? For example, will you be required to manage employee information across multiple platforms (i.e. your payroll system and your OHS Software package)? Or will the two (2) packages be able to communicate with each other? If the OHS Software cannot directly communicate with other IT Programs you have installed, what other options have been provided to you to support efficiency? For example, is there the ability to import data?

This is by no means an exhaustive list and it should not cover the full breadth of your review. If you would like further support, or have any questions, please do not hesitate to contact us. With regards to additional considerations, we will look to provide more information in future blogs. If you have any feedback on your experience with procuring OHS Software, we would love to hear from you.

A WorkSafe Approved Training Course   **WorkSafe** VICTORIA

HSR Inital OHS Training Course (5 days)

HSR Inital OHS Training Course (1 day)

Next released October 2016.
All content is general OHS advice and should not replace legal advice or advice provided by a qualified Practitioner.

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