



The Net

From The Editor

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Bird Flu

Avian influenza is an infectious disease of birds caused by type A strains of the influenza virus. The disease, which was first identified in Italy more than 100 years ago, occurs worldwide.

All birds are thought to be susceptible to infection with avian influenza, though some species are more resistant to infection than others. Infection causes a wide spectrum of symptoms in birds, ranging from mild illness to a highly contagious and rapidly fatal disease resulting in severe epidemics. The latter is known as "highly pathogenic avian influenza". This form is characterized by sudden onset, severe illness, and rapid death, with a mortality that can approach 100%.

Direct or indirect contact of domestic flocks with wild migratory waterfowl has been implicated as a frequent cause of

epidemics. Live bird markets have also played an important role in the spread of epidemics.

Avian influenza viruses do not normally infect species other than birds and pigs. The first documented infection of humans with an avian influenza virus occurred in Hong Kong in 1997, when the H5N1 strain caused severe respiratory disease in 18 humans, of whom 6 died. The infection of humans coincided with an epidemic of highly pathogenic avian influenza, caused by the same strain, in Hong Kong's poultry population.

Extensive investigation of that outbreak determined that close contact with live infected poultry was the source of human infection. Studies at the genetic level further determined that the virus had jumped directly from birds to humans. Limited transmission to health care workers occurred, but did not cause severe disease.

Bird flu can cause a range of symptoms in humans. Some patients report fever, cough, sore throat and muscle aches. Others suffer from eye infections, pneumonia, acute respiratory distress and other severe and life-threatening complications.

Flu drugs exist that may be used both to prevent people from catching bird flu and to treat those who have it. The virus appears to be resistant to two older generic flu drugs, amantadine and rimantadine. However, the newer flu drugs Tamiflu and Relenza are expected to work – though supplies could run out quickly if an outbreak occurs.

Currently there is no vaccine, although scientists are working to develop one. It probably will take several months to complete and may not be ready in time to stop a widespread human outbreak, if one occurs.

Ed.

Breaking News!
 Department of Human Services has flicked the switch and is now live with SafetySuite!

Don't Forget...

NSW Indexation changes for Weekly Compensation effective 1st of October !!



Workers Compensation Legislation Amendment Bill 2005

Dependants of workers who die at work will get more compensation under changes to workers compensation laws in WA.

The Workers Compensation Legislation Amendment Bill 2005, introduced into the Legislative Assembly, amends the law in a number of key areas.

The proposed changes affect the ability of working directors to be covered by the statutory scheme, and the requirement of workers to form companies and undertake work as directors as a condition of employment.

They also provide a higher rate of compensation for dependants of workers who die at work, as well as minor amendments to the Workers Compensation and Injury Management Act 1981.

Section 10A will be repealed and replaced with a new s 10A. This section provides that although a director of a corporate body is not deemed a worker under the Act, a company may apply to an approved insurance office under s 160 in order to have a director deemed a worker and for the company to be recognised as the

employer of the director.

If an employer is an exempt employer as provided for in s 164, the company will not be required to comply with s 160 and a director will be deemed an employee and the company the employer.

Amendments to s 160 provide that where a company has made an application under s 10A, the insurance company cannot decline to indemnify the employer on the basis that they are employing a director who is not a worker or that the company is the employer

employer of the director unless an arbitrator makes a different finding.

The Bill also provides for amendments to death benefits by amending s 5 of the Act. Dependants of a worker whose death occurs prior to 1 July 2005 will receive the prescribed amount whereas deaths occurring on or after 1 July 2005 will receive \$200,000 less any deductions or apportionments.

27th September 2005
News Headlines
CCH
www.cch.com.au

Employer found negligent in doughnut machine injury

Content provided to you by AAP.

CANBERRA, Sept 29 AAP - The High Court has found an employer liable for a woman cutting her little finger when she attempted to assemble a doughnut machine without instructions.

The woman, pastrycook Robyn Vanessa Laybutt, initially won \$471,000 damages plus costs in a NSW District Court ruling against Sydney company Glover Gibbs.

But the company appealed successfully to the NSW Court of Appeal.

The High Court judges today unanimously ruled that the company had negligently caused injury to Ms Laybutt by rejecting her request for instructions on how to reassemble the doughnut machine.

Ms Laybutt, now 36, had been employed by Glover Gibbs for about six weeks in its Sydney factory in 1999 when her team leader asked her to reassemble the doughnut machine after washing.

She said she did not know how to but was told: "Just give it a go."

As Ms Laybutt attempted to join a pair of cylinders, the outer one slipped and sliced her right little finger, affecting the operation of her arm.

However, on later occasions she was able to reassemble the machine without mishap. Ms Laybutt sued her employer for negligence in the District Court, alleging the company failed to implement a safe system of work, to provide adequate instruction and training, to supervise her properly or to heed her

warnings that she was unskilled in the task.

Glover Gibbs pleaded contributory negligence by Ms Laybutt for failing to carry out her duties as instructed, to have proper regard for her own safety or to wear gloves.

But in the hearing her account remained substantially unchallenged and the defence was her ineptness in not holding the cylinder tightly enough.

Glover Gibbs' own production manager criticised the "just give it a go" direction.

The District Court jury found Glover Gibbs liable and rejected the claim of contributory negligence, awarding Ms Laybutt damages of \$471,000 plus costs.

Glover Gibbs then

successfully appealed to the NSW Court of Appeal which held that Ms Laybutt had not spelled out what instructions she should have been given.

But today the High Court ruled that the damages award should stand, finding there was sufficient evidence to go to the jury of the company's failure to give appropriate instructions.

The Court held that jurors use their knowledge and experience to contemplate what might reasonably be expected in a workplace and it was open to them to find Glover Gibbs negligent in failing to give instructions or warnings.

29th September 2005
News Headlines
CCH
www.cch.com.au



More than 2 million work-related deaths annually, says ILO

Globally, 2.2 million people die from work-related accidents and diseases each year, according to a new report issued at the 17th World Congress on Safety and Health at Work held this week in Orlando, Florida.

Jukka Takala, Director of the SafeWork Programme at the International Labour Organization (ILO), released the report *Decent Work — Safe Work* on 19 September at the conference session *Status and Occupational Safety and Health Worldwide*.

The report said that work-related diseases are the primary problem in the industrialised world, whereas accident hazards are more prevalent in developing economies.

Work-related malaria and cancers caused by hazardous substances are also significant in the developing world.

“The sad truth is that in some parts of the world, many workers will probably die for lack of an adequate safety culture”, said Dr Takala.

“This is a heavy price to pay for uncontrolled development. We must act swiftly to reverse these trends.”

Other emerging factors, such as psychosocial problems, violence, alcohol and drugs, smoking, stress, and HIV/AIDS are increasing morbidity and mortality globally. Workforce losses due to HIV/AIDS had



reached 28 million worldwide by 2005, according to ILO estimates.

Smoking, affecting workers in the restaurant, entertainment and service industries, causes an estimated 14% of work-related deaths or nearly 200,000 fatalities, the report said.

Gender differences were also noted. Men are more at risk of dying at working age and women suffer more from work-related diseases, psychosocial factors and

musculoskeletal disorders

To combat the problems, the ILO is promoting a global strategy that focuses on international collaboration.

*23rd September 2005
News Headlines
CCH*

www.cch.com.au

The article also provides links to obtain the Decent Work – Safe Work report and access to the 17th World Congress on Safety and Health at Work website.

NZ: More Control Needed Over Construction Site Hazards

A spate of accidents involving workers falling through skylights has raised concerns that construction site hazards are not being adequately identified or controlled.

The latest accident to be investigated by the Department of Labour is the death of a worker at a demolition site in Mount Maunganui last week. The accident occurred when a 45 year-old man fell seven metres through a skylight. He later died from his injuries.

Since the fatality, Bay of Plenty health and safety inspectors have stopped work on three further sites in Tauranga to protect workers from unsafe working conditions.

The Department is also investigating an accident in Ashburton last week, where a man died after falling through a skylight while attempting to fit an extraction system to a factory roof. Two previous accidents in the Canterbury-West Coast region this year involved workers being seriously injured when they fell through carport skylights.

A further skylight fatality occurred in Rotorua last March, where the worker died as a result of injuries sustained from the fall.

The Department's National Operations Manager for Health and Safety, Mike Cosman, says it is essential that employers take time to plan the work to be done, identify hazards and take appropriate steps are taken to ensure they are controlled.

*10th August 2005
NZ Department of Labour
www.osh.dol.govt.nz*



NOHSC Surveillance Alert - OHS and the Ageing Workforce



Australian Government
National Occupational
Health and Safety Commission

The following is an excerpt taken from the NOHSC Surveillance alert – the full alert can be obtained from the NOHSC website.

Population ageing is occurring across all of Australia due to both a sustained decline in fertility rates and a decline in mortality owing to better healthcare and technology. The shift in Australia's age structure means that the aged dependency ratio (the ratio of people 65 years of age and over to those in the workforce aged 15-64) will increase significantly over the next 40 years. In 2002-03, for every person aged 15-64 years in the workforce, there is 0.190 person over 65 years of age. By 2050-51, for every person aged 15-64 years who are in the workforce, there will be 0.460 person over 65 years of age. In addition, the percentage of the very old (85 years or over) will increase from 1.4 % of the population in 2001-02 to 8 % by 2044-45.

Population ageing has significant economic and social implications. Retention of the labour force and policies to help integrate older workers into the workplace are the two measures the Australian Government is taking to address the social and economic issues related to the

ageing population (ABS 2004). In addition, a range of legislative and policy changes in the areas of social policy and superannuation have been put in place to remove incentives for early retirement (e.g. Pension Bonus Scheme).

Currently, 90 % of males and 74.2 % of females aged 45-54 years are in the workforce. This participation rate declines much further at the 55-64 age group to 66.7 % and 43.7 % for males and females respectively. The low workforce participation rates by mature workers has been attributed to a number of factors such as retirement incentives, employer attitudes, work schedule flexibility and employee health status. Accordingly, Federal and State Governments are implementing policies and establishing programs to encourage increased mature workforce participation. These include abolishing compulsory retirement age, banning age

discrimination, removing incentives for early retirement and establishing support programs for older workers.

When considering the OHS implications of the ageing workforce, it is recognised that ageing brings about a number of changes in physiological and cognitive abilities, depending on age, fitness level, and genetics. However, age associated deterioration in muscle strength, aerobic capacity and cognition can be reduced by physical activities such as weight bearing and strengthening exercises. In addition, some cognitive function such as control of language or the ability to process complex problems actually improve with age. While both Australian and Finnish studies have found that older workers are more likely to suffer from occupational disease, in particular diseases of long latency such as pneumoconioses, cancers and noise injuries, this is due to the cumulative effect of exposure on older workers over their working lives. In addition, long latency diseases by their nature do not manifest

themselves until the exposed worker is much older. For example, if a worker is exposed to a hazardous substance at 30 years of age and the latent period of the disease is 25 years, the symptoms of the disease are likely to appear when the worker is 55 years of age or older. Moreover, reductions in exposure limits arising from an increased knowledge of hazards meant that the level of exposure for older workers to many agents has been higher than that among younger workers.

Since ageing is an individual process, one centralized intervention program is not feasible. Individuals need to be assessed for their work ability, allowing mature workers' strengths to be utilised, while compensating for any age related impairment.

NOHSC Surveillance Alerts
OHS and the Ageing Workforce - July 2005
www.nohsc.gov.au



OSHA Fines BP Products North America More Than \$21 Million Following Texas City Explosion... *Company Agrees to Make Extensive Plant-Wide Improvements*

WASHINGTON -- BP Products North America Inc. has agreed to pay more than \$21 million in penalties for safety and health violations following an investigation of a fatal explosion at its Texas City, Texas, plant March 23 that claimed the lives of 15 workers and injured more than 170 others. The penalties are part of a settlement agreement announced today by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA).

"We know this settlement can never replace the lives that were lost or comfort the families that were devastated by this tragedy," said Jonathan L. Snare, acting assistant secretary of labor for OSHA. "But the agreement means that BP Products employees will be working in safer facilities because BP will be making the necessary safety and health upgrades."

The agreement settles citations issued against BP Products following the fatal explosion at the Texas City refinery complex caused by a fire in the Isomerization Unit (ISOM) when a cloud of hydrocarbon vapors ignited during the start up of the ISOM. The settlement also addresses other ongoing investigations at the Texas City Refinery and requires BP Products to address

process safety management (PSM) plant-wide.

"This citation and penalty - nearly double the next largest fine in OSHA history - sends a strong message to all employers about the need to protect workers and to make health and safety a core value," Solicitor of Labor Howard M. Radzely stated. "BP will pay the full fine, abate all the hazards, and significantly improve their safety measures."

Under terms of the settlement, BP Products agreed to:

- pay \$21,361,500 in penalties and abate all hazards for which they were cited;
- complete a review of the ISOM unit to determine how it can be operated safely and alert OSHA if and when a decision is made to start up the unit in the future;
- retain a firm with expertise in process safety management (PSM), including pressure relief systems, safety instrumented systems, human factor analysis and performing process safety audits, to conduct a refinery-wide comprehensive audit and analysis of the company's PSM systems;
- hire an expert to assess

and report on communication within and between management, supervisors, and authorized employee representatives and non-management employees and the impact of the communication on implementation of safety practices and procedures;

- submit to OSHA and BP Products' authorized employee representative, every six months for three years, logs of occupational injuries and illnesses ("OSHA 300 Logs") and all incident reports related to PSM issues;
- notify the OSHA area office of any incident or injury at the Texas City facility that results in an employee losing one or more workdays during the same three-year period. chemical labels and Material Safety Data Sheets, is critical in ensuring that chemicals are handled and used safely in Australian workplaces."

BP Products North America Inc. is part of BP of London, England, which engages in petroleum exploration and refining. The Texas City refinery, where the explosion occurred, is BP's largest oil refinery with thirty process units spread over 1,200 acres and 1,600 permanent employees.

Employers are responsible for providing a safe and healthful workplace for their employees. OSHA's role is to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

SUMMARY OF PROPOSED PENALTIES: (specific detail can be obtained from the OSHA website)

EGREGIOUS WILLFUL \$20,720,000

WILLFUL \$490,000
[\$350,000 for Safety & \$140,000 for Health]

SERIOUS \$156,500
[\$86,500 for Safety & \$70,000 for Health]

OTHER THAN SERIOUS \$2,000
[Health]

TOTAL FOR ALL VIOLATIONS:
\$21,361,500

22nd September 2005
OSHA National News
Release
www.osha.gov



Spy Eye: C-Net News!!

Another baby for C-Net! Congratulations to Faiq and his wife whom gave birth to a baby girl in August!



C-Net Website!!!

Our new website is receiving rave reviews!!
Check it out at www.c-net.com.au

About C-Net

C-Net is an Australian owned company that specialises in SAP based OH&S Solutions. C-Net are the developers and distributors of "SafetyNet for SAP".

"SafetyNet for SAP" was developed for Australian & NZ companies who require an integrated, legislatively compliant and supported OH&S Solution to complement their integrated SAP infrastructure.



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