



A collection of our

Blogs & Briefs



To help you manage
complicated
occupational
health and safety
requirements
and issues

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Note from the writer.....

This book has OHS management tips I've handpicked from blogs and articles I have written.

Why read this book?

I've carefully selected these tips because:

- ✓ The individual blogs and briefs can be read in less than 5 minutes
- ✓ The actionable blogs & briefs can solve OHS management issues your business may be having in a day or at least in the same week. You don't have to wait.
- ✓ I've proven the actionable blogs and briefs work with my existing clients and unfortunately many of them my clients and past employers have learned the hard way.

Who is this book for?

This book is for businesses whose employees are at an increased risk of injury due to the nature of the work tasks they must undertake as part of their employment.

Our clients currently work in commercial and civil construction, manufacturing, waste management, rail, retail, facilities management and heavy engineering.

Feel free to share and I trust you will benefit. Enjoy!



"Safety doesn't happen by accident"

Author Unknown

Solving OHS issues can be a mind boggling labyrinth of out of date and non-compliant information.

This book contains a few briefs that may help you out! 😊

A handwritten signature in black ink, appearing to read 'Cathal Uniacke', written in a cursive style.

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1. What's Trending

Industrial Manslaughter

In Victoria, from July 1 this year, the consequences of a workplace fatality will become far more serious for employers who are not providing a safe workplace. This date marks the passing of the Workplace Safety Legislation Amendment Bill 2019 – Workplace Manslaughter into law.

The Victorian Parliament has created Australia's highest safety fine and made Victoria the third Australian jurisdiction to make industrial manslaughter a criminal offense.



Where are the new laws & who so the laws apply to?

The new industrial manslaughter laws have been added to the Victorian Occupational Health and Safety Act 2004 (Vic) (**OHS Act**) and will apply to employers, designers, manufacturers, self-employed persons as well as officers. The laws apply to all businesses irrespective of size.

The new laws will introduce maximum fines of approx. \$16.5m for employers and jail terms of up to 20 years and fines of up to \$1.65m for officers whose actions or omissions:

- cause the death of a worker or member of the public;
- involve a breach of an OHS duty;
- were negligent

Where there are principle contractors and contractors involved in a workplace they will both have duties and they will be identified on a case by case basis.

The accused must be/or circumstances must involve:

- A body corporate and not a person who is an employee or volunteer
- Must owe a duty pursuant to sections 21-24 & sections 26-31 of the OHS Act 2004
- Must have breached the duty with a criminal offence where there is a high risk of death or injury
- The act causing the death must have been carried out consciously
- There must be a death

How is negligence defined?

The negligence standard is the criminal negligence standard and applies where there is a great falling short of the care that would have been taken by a reasonable person in the circumstances in which the conduct was engaged in, and involves a high risk of death or serious injury or serious illness.

Who is an Officer?

An officer – Defined on a case by case basis. Typically a person who has the means to affect a safe work culture via day to day control over work processes and resources. An officer is typically somebody senior in the business must have a contribution to the significant company decisions.

What should businesses do now?

It is important to note that if you comply with the legislation now you will comply after July 1 the new laws are an increase in consequence change not a duty change and all existing laws pre 1st July 2020 will still apply post 1st July 2020.

However, it is important for businesses that they continued to ensure adequate OHS systems, instruction, training, supervision and also place a heavy focus on worker engagement and a strong safety culture within the organisation.

Now is a good time to review your organisations workplaces and processes. The steps you should look at taking include:

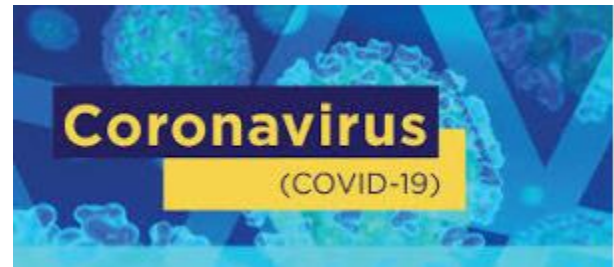
- Reviewing all the potential hazards and risks in the workplace and ensuring that these risks are assessed and controls implemented.
- Completing a formal review of all the safety systems and controls currently in place and ensure they are fully effective
- Reviewing OHS leadership and culture to ensure that any alleged negligent conduct is not authorised or permitted by the company or culture;
- Education and awareness for directors, senior officers and managers on the new legislation and offences;
- Reviewing incident action plans and responses
- Self-employed persons must consider how their business affects the safety people
- Designers and manufacturers must design and make safe equipment

2. COVID Response

Assessing Your COVID-19 Response

Under the Australian OHS Acts, employers are required to take all reasonably practicable steps to protect the health and safety at work of their employees.

Employers must consult with their employees when assessing a risk to the health and safety of employees at any workplace under the employer's control.



Consultation is also required in the selection and application of control measures. In assessing the risks posed by a pandemic, employers should consult widely using existing workplace arrangements ranging from committee or workgroup meetings down to tool box talks or daily pre-starts.

Employees also have duties under the OHS Acts. Employees must co-operate with their employer in implementing risk control measures. They should take practical steps to ensure they don't do anything that creates or increases a risk to the health and safety of themselves or others.

In a pandemic situation it is reasonable to expect that these obligations placed on the employee and employer will include complying with public health advice such as the Coronavirus disease (COVID-19) Department of Health & Human Services website – <https://www.dhhs.vic.gov.au/coronavirus> and any emergency measures such as introduced in Victoria during lockdown 2.0.

As part of planning and preparedness, risk management should be applied to pandemic health and safety risks. This involves identifying and assessing the likely risks at the workplace and those risks associated with the way work is performed. Risk control measures to eliminate or minimise risks need to be determined. Risk management should be done in consultation with employees and call on expert advice when needed.

What new have found during this crisis is that employers are finding the task of adequately identifying and addressing all workplace risks with practicable control measures a daunting task.

When we consider the literal overnight changes to the way we live our lives, the negative mental health effects that come with the mandatory social distancing and stay at home orders the government is currently enforcing it is easy to see why employers may struggle to comprehensively manage the risk control of the Coronavirus outbreak at their workplaces.

Through the provision of support services such as COVID-19 response audits we may be able to provide some relief and assistance to employers and provide assurance that they are doing the right things and complying with the aforementioned legal obligations. We may also be able to identify any areas of concern in an employer's COVID-19 risk management and provide direct recommendations on how to adequately address these areas of concern.

Working from Home

While working at home may be a new concept for some industries and job roles many employers have been adopting and implementing work from home employment agreements since cloud computing and high speed internet have become common place within industries.

With the recent uptrend in working from home even before the COVID-19 came about there have been some experience based learning's that we can share with you. If adopted with the right attitude working from home does provide opportunities for business improvements and may result in some innovative new practices within businesses moving into the future.

Establishing a Routine

It is important that you keep yourself in a regular morning routine so that you're in the right frame of mind for work. i.e. shower, get dressed for the day, and eat breakfast just as if you were leaving the house to go to work.

Those lucky enough to have a spare room or enough space for a dedicated workstation should set up a workstation in these areas. As much as possible try and minimise distractions, ensure comfortable seating (more on this later) and have natural light. Try to avoid working in the same space as where you sleep.

Create a schedule just as you would at work and take regular breaks. Hand out the washing, walk around the block or just make a coffee or cup or tea, all of these things will refresh your mind. Also, it is important to ensure all persons living with you are aware that you work from home and some house rules or structure are set that all persons can respect.

Ergonomic considerations

It is important to ensure your workstation is set up safely in order to reduce aches and pain associated with working at a desk.

We assist companies manage this workplace safety issue and have developed a workstation self-assessment form to guide managers and persons undertaking work at desks to implement adequate controls to reduce risks. We are happy to share this resource with you: [Workstation Self-Assessment](#)

When working off a laptop or using a non-height adjustable chair you may need to be creative. Some of the 'outside the box' controls listed below may be of use to you.

- Access an external wireless keyboard and mouse to increase posture flexibility
- Raise your screen to eye level
- Introduce a sit stand desk or dual screen
- Use pillows or a rolled up towel to provide lumbar support
- Increase your chair height
- Placing a stool on the ground so your feet have a surface to rest on

Mental Health

One of the most underestimated challenges when working from home is mental health and the often unexpected sense of isolation people can feel. We humans are a social species and need to feel connected.

While you won't have the coffee machine or water cooler for 5 minute chats when working from home there are other ways of staying connected. Here are a few ideas:

- Scheduled work team conference calls with video where possible
- Synchronised coffee or lunch breaks with work colleagues
- Work group What's app, Facebook Messenger or just plain old group texts

Our Working From Home Support Services Include:

- Remote workstation assessments including interviews or video call sessions.
- Working from home policies and procedures
- Setting up your workstation procedure

3. Here's How Briefs

SWMS V JSA

When working with clients time and time again we are asked to clarify when does a task require a Safe Work Method Statement (SWMS) or a Job Safety Analysis (JSA) and what is the difference between a SWMS and a JSA.



With that in mind I have decided to write this short blog post identify when each documents should be used and what the differences between them are.

SWMS	JSA
Must be in place for tasks involving high risk work as per the OHS Regulations	Should be in place for tasks that do not involve high risk work
Must include legislation, codes of practice and Australian standards referencing	Does not need to include legislation, codes of practice and Australian standards referencing
Must include the address and ABN of the company submitting the SWMS	Does not need to include the address and ABN of the company submitting the JSA
Should include a risk matrix where no two risk scores repeat themselves. (5x5 matrix – 1-25 risk scores recommended)	A basic risk matrix is required (3x3 - H,M,L matrix is acceptable)
Should include required training, equipment, hazardous substances, PPE and permits required to complete the task in specific requirement identification sections.	Should include required training, equipment, hazardous substances, PPE and permits required to complete the task in the risk control measures sections.
Job step, task process, possible hazards, initial risk score, risk control measures, residual risk score and control responsibility should be detailed.	Task process, possible hazards, risk control measures, control responsibility and risk score should be detailed.
Additional blank sections should be included in the rear of the document in the event that the task changes and additional safety control measures are required.	Additional blank sections should be included in the rear of the document in the event that the task changes and additional safety control measures are required.
Must be communicated to and signed by all persons undertaking the listed tasks.	Must be communicated to and signed by all persons undertaking the listed tasks.

I expect the workplace debates on whether a task requires a SWMS or a JSA to rage on into the future but I hope readers of this basic comparison can identify what type of risk control tool they should be using and what the document should include.

Tips for writing SWMS

This is a short blog that will hopefully provide you with some useful tips when writing Safe Work Method Statements (SWMS).



1. Title Page

When preparing the title page of a SWMS it is important the following information is available to the reader.

- Work Activity
- Project Name
- Project Address
- Client
- Persons involved in the development & Approval of the SWMS
- Company Name
- Company Address
- Company ABN
- Equipment Used
- Training/Licensing
- Hazardous Substances
- Permits to Work
- High Risk Work
- PPE Required
- Legislation/Standards Referenced when preparing document

2. Risk Matrix

A SWMS should contain a risk matrix that outlines how the hazards will be assessed and rated in terms of consequence and likelihood and what each rating corresponds to in a matrix table.

- Step 1. - Identify the credible consequence for each unwanted event
- Step 2. - Determine the likelihood of the event occurring and it resulting in the consequence
- Step 3. - Utilise the risk matrix to identify the risk and risk rating.

3. SWMS Body

The body of the SWMS should be tabular in form and contain the following headings:

Activity Step

1,2,3,4 etc.

Activity Process

Job Planning/Induction, Initial Site R.A, Delivery of Materials

Possible Activity Hazards

Crush injury from plant collisions, Impact injury from falling loads, Electrocution via Overhead Lines etc.

Initial Risk Score

The corresponding risk score for the hazard, before controls, from the matrix as calculated by the person preparing the SWMS

Control Measures

What measures are being taken to reduce both the consequence and likelihood of the risk. Control measures should be identified in line with the hierarchy of control. Elimination-Substitution-Engineering-Admin-PPE

Residual Risk Score

The corresponding risk score for the hazard, after controls, from the matrix as calculated by the person preparing the SWMS

Control Responsibility

Who has the responsibility of implementing the controls

4. SWMS Work Team Sign On

All employees involved in the works activities must sign onto the SWMS document to acknowledge:

- They have been given the opportunity of SWMS input
- Read and agree with the contents
- Agree to use and work in accordance with the SWMS
- Will stop immediately if the SWMS cannot be followed

This section is usually tabular in form and with the following headings:

- Employee Name
- Employee Signature
- Date

5. SWMS Amendments Page

A blank SWMS body page with the same headings as the SWMS body above should be available in the rear of the SWMS or at the end of the SWMS initial body to allow for additional/variation work activity SWMS input.

6. SWMS Amendments Work Team Sign On Page

All employees involved in the additional/variation works must review the amended SWMS section and sign on to the SWMS amendment sign on page.

DIY Site Safety Inspections

Step 1 - Find the Hazards

Start by talking. It's a legal requirement that safety is discussed in workplaces, and you gain great insights into safety issues and solutions from your workers.

Regularly scheduled meetings, such as tool box talks, production meetings, team meetings are a great way of identifying safety issues.



Make a list of the possible hazards workers are exposed to on site.

Not all injuries are immediately obvious. Some are only discovered over time, such as illnesses caused by long-term exposure to certain chemicals so consider whether these are a hazard in your workplace.

Go through any injury records you have (if you don't currently have a register of injuries start one now – it's legally required that you keep one). You'll be able to see if any problem areas exist, or if any patterns are emerging.

Step 2 – Assess the Risks

After you've made your list of possible hazards you need to make a judgment about the seriousness of each hazard, and decide which hazard requires the most urgent attention.

Take a close look at each item on your list. What is the possible outcome if things go wrong?

Are we talking about scratches and bruises, or is there potential for someone to be seriously injured or even killed?

Is it an everyday thing, or something that only comes up now and then, giving you more time to find a solution? Are there things you can do right now, as a short term fix, while you work out a permanent solution?

Once you've worked out which hazards have the greatest potential to cause injury or disease, or are a risk to public safety, mark them as your high priority hazards. After that, rank them in priority order from highest to lowest.

Step 3 – Fix the Problems

When you've prioritised the hazards on your list, you need to start immediately on the most important step of all – fixing the problems.

Your first aim should be to totally remove the risk. For example, if the risk involves a hazardous chemical, try to find a safe alternative to the chemical. If there is a slipping or tripping hazard in your workplace, see if it can be removed.

If it's not possible to totally remove a risk, you need to find ways to control it. You might have to alter the way certain jobs are done, change work procedures, or as a last resort provide protective equipment.

You'll often find there are simple solutions to many of the hazards in your workplace. Most of them will be inexpensive, and some will cost nothing at all. Of course, sometimes there are no straightforward solutions.

There are a number of options you can take in that event:

Check Worksafe publications, alerts and guidance for your industry topics and see if there is a documented solution to the problem.

Talk to other businesses in your industry to see how they handled similar problems.

Seek assistance from the principal contractor on site on how to go about solving the issue (if applicable)

Seek professional advice from consultants or industry associations.

This article was taken in part from the Worksafe Victoria 'Do Your Own Inspection' webpage

Plant Risk Assessments

Step 1 – Inspect the plant

When identifying hazards, you should think about all the activities that may be carried out during the life of the plant at your workplace, such as installation, commissioning, operation, inspection, maintenance, repair, transport, storage and dismantling. For each of these activities, you should consider whether:

- the plant could cause injury due to entanglement, falling, crushing, trapping, cutting, puncturing, shearing, abrasion or tearing
- the plant could create hazardous conditions due to harmful emissions, fluids or gas under pressure, electricity, noise, radiation, friction, vibration, fire, explosion, moisture, dust, ice, hot or cold parts, and
- the plant could cause injury due to poor ergonomic design—for example, if operator controls are difficult to reach or require high force to operate.

Step 2 – Assess the risks

To assess the risk associated with plant hazards you have identified, you should consider:

What is the potential impact of the hazard?

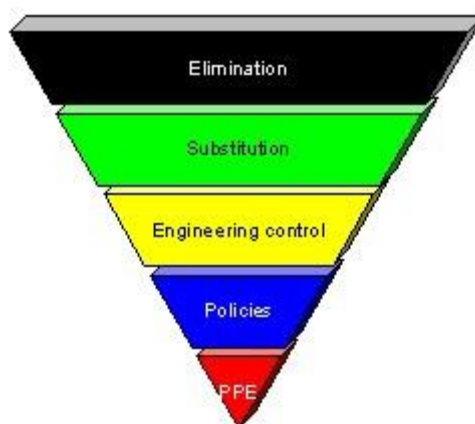
- How severe could an injury or illness be? For example, lacerations, amputation, serious or fatal crushing injury, burns
- What is the worst possible harm the plant hazard could cause?
- How many people are exposed to the risk?

How likely is the hazard to cause harm?

- Could it happen at any time or would it be a rare event?
- How frequently are workers exposed to the hazard?

Step 3 – Control the risks

The ways of controlling the risks associated with plant are ranked from the highest level of protection and reliability to the lowest. This ranking is known as the *hierarchy of risk control*. This may involve a single control measure or a combination of two or more different controls.



Step 4 – Review the risk control measures

You should consult your workers to obtain feedback on the plant and work processes being used and consider the following questions:

- Are the control measures, for example guards, working effectively in both their design and operation?
- Have all hazards associated with the plant been identified?
- Has the purchase of a new item of plant made the job safer?
- Are safety procedures being followed?
- Has an incident occurred in relation to the plant?
- If new legislation or new information becomes available, does it indicate current controls may no longer be the most effective?

This article was taken in part from Safe Work Australia 'Managing Risks of Plant in the Workplace' Draft Code of practice we hope you found it informative.

4 Tips for Hiring an OHS Consultant

Placing your company's OHS management into the wrong hands can lead to accident's resulting in injury and/or property damage and high workcover claims inconvenient and avoidable work stoppages. Where companies are contractors and clients expect a high level of compliance from contractors it can also lead to an unhealthy working relationship. It pays to do your due diligence when choosing an OHS consulting service provider. Within this article we discuss 4 critical components in choosing the right OHS consultant for your business.



1. Reputation & Quality of Work

Bringing a consultant in to assist with internal OHS management efforts may have a lot of benefits, but it can also be a significant risk if not put into the right hands. You want an OHS consultancy whom can deliver what's required with a high level of quality and whom you can trust and establish a long term relationship with. The types of questions you may want to ask include:

- Do they have any solid client references from other similar sized clients like you?
- What success stories can they share?
- What industries do they get majority of their business from?
- What areas do they specialise in?

2. Customer Service & Support

Customer service during the purchase phase is paramount and all good professional service providers will assist in the planning, development, training, trouble shooting, maintenance and upgrading of a service. You should expect to receive a detailed proposal in writing for large jobs or a quotation in writing for smaller jobs. The types of questions that should be answered in the proposal/quotation prior to project completion include:

- Job Delivery Timeframe
- Fixed Fee Guarantee
- Professional Indemnity & Insurance
- Confidentiality
- Conflicts of Interest

- Exclusions
- Availability

3. Pricing & Fee Structures

In the OHS consulting services industry it is common place for OHS service providers to charge 'day rates' without giving an accurate assessment of how long (or short) a job might be. This 'open cheque book' type of fee structure has turned many businesses away from using OHS consultants in the past as they experienced job over runs and often pay far in excess that what was originally forecast. The types of questions you may want to ask include:

- Do you provide a fixed all inclusive job proposal/quotation?
- Can you set and guarantee a job completion date?
- Do you take on jobs under \$500 in value?

4. Responsiveness & Dependability

Business moves fast. With that you need to have professional service providers such as accountants, IT and finance brokers to be both responsive and dependable. OHS consulting is no different and you need a provider that can solve your issue or assist your efforts when the time arises in the quality expected from a professional service provider.

3. OHS Management Briefs

5 OHS Management Do's

Conduct Company Inductions

The OHS/WHS Acts of all states require that employees are provided with information with regards to the job they will be undertaken. The best time to do an induction is the time directly before the employee start work. It's also a good idea to do other pre-start tasks like tax and payment details collection and the issue of any specialised work equipment.



Prepare & Communicate Written Work Instructions

The OHS/WHS Acts of all states require that employees are provided with instruction with regards to the job they will be undertaking. When taking into account the what both the employer and the employee needs to get out of work instructions the most appropriate way to manage the process is through the preparation and communication of written work instructions.

Have an Accident Reporting System

Employers have a duty to record & report accidents under workplace laws or alternatively face legal action. Employers also have a duty under agreements with insurers to record and report accidents or face there insurance cover being declared null and void by the insurer. It is important that an accident reporting system is in place and properly implemented.

Have a Risk Management Procedure

Employers are required under the OHS/WHS to provide employees with a safe place of work. Arguments between builders, contractors and employees occur every day in Australian workplaces as to what exactly a safe place of work is? In order to manage the process of managing risks and to help provide a safe place of work a risk management procedure should be in place and properly implemented.

Have a Competent Person Regularly Inspect Work Areas

Workplaces change. No matter how well managed work processes are or how well the procedures are implemented the fact is materials are brought out/in, rearranged or redeveloped. Having a competent person available to regularly inspect the work area for risks can greatly reduce the likelihood and consequences of an accident/incident occurring.

5 OHS Management Don'ts

Don't conduct high risk tasks without written work methods

Australian OHS/WHS law identifies area of work that is classified as High Risk. Where work carried out by companies comes under the category of high risk, written work methods with sequential task identification, associated hazards, initial risk ratings, controls, residual risk rating and a responsible person must be prepared and in place. The document is commonly referred to as a Safe Work Method Statement.



Don't ignore accidents resulting in injury no matter how minor they may appear

Minor accidents resulting in injury if left untreated can escalate. If insurers are not notified of injuries they may not accept the claim meaning the company may have to cover the costs themselves. Employers also have a duty to report accidents that are classified as 'serious' under Worksafe guidelines to Worksafe for further investigation and follow up action consideration. Failure to report accidents is an offence and can result in considerable fines and penalties.

Don't presume materials or equipment has adequate safe working load capacities

Materials and equipment safe work load capacities can vary depending on the manufacturer and the place of manufacture. Although materials and equipment from different manufacturers may look the same the safe working load capacities can vary so the specific specifications should always be checked prior to use.

Don't skip plant or equipment servicing, maintenance or inspection intervals

Australian OHS/WHS law outlines that all plant & equipment must be maintained. It is important that companies with the responsibility of maintaining plant and equipment develop maintenance schedules and conduct maintenance as per the manufacturer's guidelines.

Don't develop detailed OHS procedures, plans & written work methods and not inspect and maintain them throughout the job

Companies place a lot of focus on OHS management in the preliminary or pre-start stage of projects and this focus can often times wear off as the works progress. It is important that project teams keep their focus on OHS management as works progress and not just at the start when the OHS management documents are being developed.

Project OHS Management Plan Contents

What is a Project OHS management Plan and what should it include?

A Project OHS management plan is a combination of commitments from company management in the form of policies, organisation arrangement, assigning of responsibilities to internal company management and specific details and methods in the form of procedures and administrative documentation on how these commitments will be realised.



A typical contents page from a Project OHS Safety Management Plan can be seen below:

- **Introduction**
- **Project Scope**
- **Document Control**
- **Sub-Contractor Management**
- **OHS Policy**
- **Project OHS Organisational Structure**
- **Roles & Responsibilities**
 - Project Manager
 - Works Foreman
 - Employees
- **Risk Management**
 - Risk Assessment
 - Safe Work Method Statements
 - Risk Management Process
 - Risk Rating Matrix
 - Hazard Control & Hierarchy of Control
 - Permits to Work
 - Hazard Reporting
- **Site Access, Induction, Training & Communication**
 - Site Access
 - Company Induction
 - Site Specific Information
 - Visitors
 - Personal Conduct
 - Non-Compliance of Safety Rules
 - Training
 - Employee Communication & Consultation
 - Personal Protective Equipment
 - Young Workers & Apprentices
 - Environmental Considerations
 - Issue Resolution Process
- **Emergencies, Accidents & Incidents**
 - Assembly Point
 - Fire Protection
 - Emergency Contacts

Accidents & Incidents

- **Nonconformities & Corrective Action**
- **OHS Performance**

OHS Inspections & Monitoring Performance Monitoring

- **Legal & Other Requirements**
- **OHS Documentation List**
- **Employee Project OHS Management Plan Sign On**

An effective Project OHS management Plan will:

- Identify and minimize hazards associated with your organisation's business
- Reducing incidents, accidents and injuries in the workplace
- Reducing risks of legal action for worker's compensation and liability claims
- Providing due diligence evidence should an incident or accident occur
- Boost Staff Morale
- Allow staff to concentrate on core business activities
- Improve performance and productivity

Safe Asbestos Removal

Asbestos is the name given to a group of naturally occurring minerals found in rock formations. Three types of asbestos were mined in Australia: white, blue and brown asbestos.

Asbestos becomes a potential risk to health if fibres are suspended in air and breathed into the lungs. Breathing asbestos fibres into the lungs can cause a range of diseases, including mesothelioma, lung cancer and asbestosis.



In Australia, asbestos cement materials were first manufactured in the 1920's and were commonly used in the manufacture of residential building materials from the mid-1940's until the late 1980's. During the 1980's, asbestos cement materials were phased out in favour of asbestos-free products

Australia banned the use or import of blue and brown asbestos or asbestos products in the mid-1980s, and banned all manufacture or import of white asbestos products in December 2003. From 31 December 2003, the total ban on manufacture, use, reuse, import, transport, storage or sale of all forms of asbestos came into force.

Asbestos fibres are not visible to the naked eye. They are very light, remain airborne for a long time, and can be carried by wind and air currents over large distances.

Employers need to understand the extent of their management or control. For example, if you lease or rent your premises - then you should check your leasing agreement to establish to what extent you may have management or control.

Employers are responsible for additional legal duties in their capacity as an employer in relation to managing asbestos. For example, employers may have a duty to consult under

the Occupational Health and Safety Act 2004 in relation to managing and removing asbestos in in relation to managing and removing asbestos in their workplace.

Asbestos removal work is dangerous, and should always be performed by a Licensed Asbestos Removalist who is trained to remove and dispose of asbestos safely, without risk to you and your employees in the workplace.

At Custodian Safety Services we have the necessary knowledge and experience support network to assist employers with regards to any Asbestos Removal Management needs they may have.

Barry Sherriff, partner at Norton Rose Fulbright spoke briefly with regards to principle contractors perceived onus that they must supervise sub-contractors “just because you can supervise doesn’t mean you have too....., you are allowed to rely on that contractor to work safely according to recent court decisions in WA and VIC”

It was apparent to me when listening to Barry and the other guest speakers on the day that the interpretation around whether or not principle contractors are responsible for supervising their sub-contractors has shifted to the side of the principals being allowed to rely on their sub-contractors.

So how do you rely on a sub-contractor? A principle contractor can start by ensuring their chosen sub-contractor can provide:

- Detailed, specific and accurate Safe Work Method Statements for high risk work tasks.
- Ensuring the SWMS are reviewed when substantial changes to work practices occur.

And honestly consider questions like:

- Are they up to it?
- Can they develop safe systems of work?
- Can they implement the safe systems of work?

If not the responsibility must be removed from them as if the principle contractor dives in to take charge mid-way through contracts the principle contractor must wear it in the event of things going south.

One thing that can be established is that sub-contractors are going to need to get on board the OHS management train if they want to be considered as serious contenders for standalone work packages in the coming future.

Safety Culture – Where to Next?

In 1993 the UK Health and Safety Commission defined safety culture as:

“The safety culture of an organisation is the product of individual and group values, attitudes, Perceptions, competencies, and patterns of behaviour that determine the commitment to, and

The style and proficiency of, an organisation’s health and safety management. Organisations With a positive safety culture are characterised by communications founded on mutual trust, by shared perceptions of the importance of safety and by confidence in the efficacy of preventive measures.”



This definition of Safety Culture has been widely accepted in Australia ever since and was recently cited in the SIA’s Core Body of Knowledge publication in October 2014.

However, the effectiveness of ‘safety culture’ within organisations with regards to the reduction of workplace accidents and injuries has continued to come under the spotlight in recent times.

At an event focusing on OHS I attended recently a university professor at RMIT stated that ‘safety culture is not something that exists or is something that prevents accidents, organisations must work on fixing organisational and management procedures – if they act on this they will fix the problem.’

Another professor, Patrick Hudson has a more positive view on safety culture and in a recent virtual seminar for Safe Work Australia he likens organisational culture to a game of snakes and ladders— we can climb up but also slide down.

He outlines the key components in distinguishing if an organisation has a healthy safety culture is whether it is proactive or reactive with regards to its OHS management and its senior leadership.

He also states that 'climbing the ladder' is harder than company's think but the good news is that he has never encountered a company that wants to go down the ladder and if companies do get up to the top everybody benefits.

Peter's full virtual seminar can be viewed here on the Safe Work Australia website:

<http://www.safeworkaustralia.gov.au/sites/swa/australian-strategy/vss/pages/patrick-hudson-culture-ladder>

My own opinion as an OHS consultant working day in day out with businesses to improve their OHS Management across all levels is that the development of a safety culture is not a quick fix and is certainly a difficult area to focus our efforts on while still offering justifiable value for money for any business within any industry.

Whatever your opinions are on safety culture and its effectiveness within organisations at the moment this is an area where I will be watching with keen interest in the coming year as the debates surrounding the topic continue.

The Liability Bomb

The question of liability is passed between developers, principle builders, managers, contractors and employees like a bomb with a rapidly burning fuse.



Merely 'passing the buck' won't carry much weight in the event of an investigation by the workplace safety watchdog in any Australian state.

Persons in Control of Businesses or Undertakings (PCBU's can include developers, principle builders, businesses responsible for work premises and others) must be aware that it is not as simple as pointing a finger or 'passing the buck' if an accident resulting in injury that occurs at their undertaking is investigated by the workplace safety watchdog. PCBU's should be aware that they can never completely hold themselves harmless in the eyes of the watchdog.

However, with an effective and well managed Occupational Health and Safety (OHS) management system that clearly identifies the responsibilities of principle builders, senior managers, contractors and employees and requests contractor's commitments towards OHS in the form of OHS management plans, OHS policies and Safe Work Method Statements.

PCBU's while never holding themselves harmless can certainly go a long way to sharing the liability of adverse events during sub-contracted parts of their undertaking (project/production cycle) by justifiably obtaining the sub-contractors written commitment to conducting their works safely.

Also, it has been proven that clearly identifying roles, responsibilities and sub-contractor OHS requirements prior to the commencement of any physical works on site notably increases the awareness of OHS requirements and commitments to safe work practices on all levels.

Therefore the liability bomb may never even go off leaving all parties from developer to worker unharmed.

Dogman Required?

The debate over whether a dogman is required to sling and lift loads in Australian workplaces has raged on and on countrywide for quite some time now.

Every week you can rest assured that a workplace manager and a client/contractor or employees are at odds about the requirement of a dogman to sling and lift loads.

Unfortunately if we are to consider the issue of dogman requirements across all Australian workplaces and in all Australian states there is no definite yes/no answer to the issue.

If a dogman is needed in 'every instance of lifting a load' then every nurse in every hospital and aged care facility should have dogman training which is currently not the case. However, in many construction sites and steel foundry's dogman training is a pre requisite prior to performing any load slinging/lifting.



Is a bundle of steel being lifted and the persons below any more critical that a patient and a nearby nurse?

To help with this commonly encountered workplace dilemma here are a few notes on Dogman requirements we always use to provide direction:

- If there needs to be an assessment made as to the weight of the load, a dogman is required.
- If there is a need to make a selection of the lifting equipment (sling/chain) needed to lift the object a dogman is required.
- If there is a need to work out where and how the lifting chain/sling is to be attached to the load a dogman is required.
- If the load leaves the sight of the person operating the crane/hoist and whistles or radio signals are used a dogman is required.



The exact requirements on whether a dogman is required or not will continue to vary from state to state based on legislation and industry to industry based on expectations but hopefully you might find these short notes useful.