

Another death on the coast

On 6 August a 47 year old employee died when he fell from the 16th floor of the Edgewater Garden Apartments in Surfers Paradise. The incident occurred between 1-1.30 pm and it is not being treated as suspicious.

Police as well as Workplace Health and Safety Inspectors are investigating the incident.

This follows two deaths on 22 June when the scaffolding collapsed at a Gold Coast building.

Written Undertakings for government departments

DEIR has finalised a decision to introduce written undertakings for government departments that commit serious breaches of the *Workplace Health and Safety Act 1995*. Currently, the Act does not provide for sanctions against departments.

The new administrative system will involve the Director-General of the 'offending' department to enter into a Written Undertaking with the Director-General of DEIR. The written undertakings will be modeled on workplace health and safety enforceable undertakings that are already negotiated with non-government organisations, under the Part 5 of the Act. The Amendments will be introduced in January 2009.

Remake of WHS Regulation

As the *Workplace Health and Safety Regulation 1997* is due to expire on September 1, 2008, a consultative process for a new Regulation is underway.

A Regulatory Impact Statement (RIS) was circulated in late 2007 which proposed removal of WHS exemptions on the rural industry. A two year phase in period will enable rural industry to obtain appropriate training, education, certification and licensing where required.

A review of the application of confined

space regulations to; wells, rural machinery design, rural chemicals and a 'rural specific' Workplace Health and Safety Officer course will be considered.

A number of minor changes and extensive renumbering will also be included in the new Regulation.

OHS Harmonisation

The ACTU has compiled a report which was submitted to the National Occupational Health and Safety Review. The submission involved extensive input from affiliates and state labour councils, including the QCU.

The ACTU has requested the following overarching principles guide the Review;

- The right of all workers to be represented by unions at all levels
- The right of workers to the highest level of protection to prevent illness, injury and disease
- Persons who are in control must have non-delegable duties to provide and maintain safe workplaces by eliminating risks and if that is not possible, controlling hazards
- All workers have the right to elect WHS Reps with rights and powers sufficient to protect workers health and safety
- No worker or WHS Rep shall suffer discrimination, harassment or detriment in their employment due to raising OHS matters
- Unions have a recognised role in improving OHS and AREO's must have the right to enter workplaces to investigate OHS issues to provide information
- Unions must have the right to prosecute employers who jeopardise the health and safety of their members
- All workers must have the right to cease or refuse unsafe or unhealthy work

OHS laws petition

The ACTU is lobbying for 'rights at work' for employees and has detailed minimum OHS, compensation and rehabilitation requirements in an OHS

Charter. The ACTU is seeking amendments to legislation in all jurisdictions to ensure it meets the Charter.

The ACTU oppose businesses swapping OHS and workers' compensation schemes in an attempt to avoid their responsibilities. The ACTU oppose any legislative instrument designed to allow scheme swapping to occur. To sign the petition head to: <http://www.actu.asn.au/OccupationalHealthSafety/default.aspx>

Largest fine for Fosters

Foster's Brewery has been fined the sum of \$1.125 million dollars after the death of an employee in the bottling area of the Abbotsford Brewery in Victoria in 2006.

An article by the Sydney Morning Herald detailed the case. The company pleaded guilty in the County Court in July to one count of failure to provide a safe workplace and one count of failure to provide adequate training and supervision. Judge Campton said the company had a duty to avoid exposing its employees to unnecessary risk of injuries and that a 'reasonable employer' in the same position would have foreseen an accident. WorkSafe's Executive Director John Merritt stated that it is 'a very tragic set of facts. This is the largest fine that's been awarded for a health and safety matter and the reason that this fine is so high is that the company was warned about this matter and didn't fix it'.

New Asbestos web site

The ACTU and the NSW Government have launched the 'Think Asbestos' website. The site is targeted at renovating and was established as part of the James Hardie compensation agreement. <http://asbestosinfo.centricminds.com/>

Homecomings

The most important reason for making the workplace safe is not work at all!