

WORKSTREAMS NEWS

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Watch out for dirty workplaces

Experts who count the kind of germs that lead to sick days, absenteeism and reduced productivity say disease-causing microbes lurk in unexpected places, and the average desk is home to 400 times more germs than the toilet.

The term "germs" covers bacteria, viruses, fungi and even parasites. Not all cause disease, but many are bad news in the workplace.

Studies show the average desk surface has 20,961 germs per square inch, according to a Canadian company promoting anti-bacterial office products. Citing experts in their February press release, the Grand & Toy company explained that under the right conditions bacteria concentrates on keyboards, mice and telephones, and particularly on shared equipment.

Their experts counted more than 49 microbes per square inch on toilet seats, 69 microbes per square inch on photocopiers, 1,676 microbes per square inch on mice, 3,295 per square inch on keyboards and 25,127 microbes per square inch on telephones.

And there are other germ hot spots. Charles "Dr. Germ" Gerba, a microbiologist at the University of Arizona, counts more germs on bathroom door handles and on bathroom faucets than on toilet seats. In an interview with Delaware On Line in February, he suggested workers also need to be wary of shared pens, elevator buttons, vending machine buttons, chair armrests, escalator and elevator handrails.

Unlike toilets, which tend to be cleaned regularly, our keyboards, phone receivers and desks rarely receive a wipe-down, Gerba said. He's even found *E. coli* in candy bowls. For shared workspaces, Gerba recommends using disinfecting wipes on any exposed hard surface, especially the phone, which is the top offender for cold and flu bugs. Plain antibacterial wipes won't do because they don't kill cold and flu bugs, he said.

Employers concerned about the high cost of an unhealthy workplace need new weapons. Anti-bacterial wipes and desktop items coated anti-microbe chemicals are available for the purpose. Germ counting experts regard awareness of the places germs concentrate as a particularly solid defense against illness, combined with frequent hand washing to flush off microbes before they can cause trouble.

Employees could nullify HR laws through the Magistrates Court

Laws receiving favour in some Australian courts could see changes in industrial relations legislation nullified, according to Brisbane Barrister John Dwyer.

The concept of 'implied trust and confidence' could make inroads into the Australian courts system, allowing unions scope to "reinvent the wheel", says the experienced barrister.

Following the Howard government's removal of unfair dismissal for businesses with less than 100 employees, it has been suggested workers will be able to work their grievances through other avenues including the magistrates court.

"As most would appreciate, every employment relationship sits on a foundation of common law contract of employment," Dwyer said. "However the difficulty with common law is at this point it doesn't carry a lot of the burden in terms of procedural fairness. But beware. In England there is the concept of implied trust and confidence, which has been applied to employment contracts in the UK and has also had some favourable exposure in Australia at various levels."

The implied terms of 'trust and confidence' in an employment contract effectively imposes in common law contracts some of the notions in relation to procedural fairness. This means that parties won't do anything inappropriate.

"If you're going to dismiss a person for poor performance, part of the implied term of mutual trust and confidence includes the need to give a person reasons for that and give them an opportunity to improve before you dismiss them and possibly give them warnings if that's a practice in your workplace," explained Dwyer.

A little-known New South Wales Supreme Court decision accepted an amendment to an employment

contract dispute to include 'implied trust and confidence' as a term to consider.

"The strong support for the existence of a 'trust and confidence' implied term in contracts of employment by the highest court of the United Kingdom has to be given due weight.

"If it expands it could bring us back to the position we're in at the moment in terms of requirements for fairness particularly," for unfair dismissal.

"If [the employer] has acted in a way that leads the employee to believe they have a long career with you, there is potential that person will have action available to them under the law" he said.

A recent case saw a north Queensland newsagent fined a total of approximately \$75,000 for sexual harassment of three employees. Workers' compensation is likely to be a considerable area of angst for employers, according to Dwyer.

"I've never met a single person who has lost a job who wasn't in some way distressed or agitated," he said.

An employee can in practice get a medical certificate from a GP claiming stress-related concerns, put in a Workcover claim and then establish the stress was caused by unreasonable management action.

In August last year the Queensland Industrial Relations Commission, QIRC was given the jurisdiction to deal with appeals from WorkCover and Qcom, meaning employees can as an alternative go to the QIRC.

While compensation amounts are regulated, this opens the door on common law claims that will have a direct impact on Workcover premiums.

Public servants' stress costs NSW \$77M

The NSW government spends a startling \$77M per year to assist public servants with mental disorders. The government has revealed that in the last 12 months 2,558 workers compensation claims were lodged. 42,413 days were lost due to mental anxiety, stress, nervous disorder and depression.

Rail freight company fined over workplace fatality

When the rail freight company Pacific National Pty Ltd was moving a train of four locomotives to the company's provisioning centre at Footscray on 19 August 2002, one of the drivers began climbing the steps of the second locomotive. His head struck a girder of a railway bridge and he fell between the train and the bridge, receiving fatal injuries.

Last month, the employer was prosecuted for breach of s 21(2)(a) of the Occupational Health and Safety Act 1985 (Vic) and pleaded guilty. It had failed to provide and maintain safe plant and systems of work.

The Melbourne Magistrate's Court was told that, while the train driver had not obeyed a company safety alert prohibiting the boarding of a moving locomotive, the lack of a clear communications procedure between the drivers had been the real problem.

After the accident, the company had issued an alert instructing drivers to be in communication with each other when trains were being moved. Train marshalling procedures were improved, as was visibility at the railway bridge. The magistrate noted that these safety improvements had been both practical and relatively inexpensive.

A media release from the Victorian WorkCover Authority on 8 February reported that the court had recorded a conviction and fined the company \$50,000.

RBD & Associates: Take the headache out of recruitment!

Australian employers know well how hard it is to find suitable candidates "who can hit the ground running" with little or no supervision.

RBD & Associates is a small boutique company that understands the plight faced by employers today when it comes to recruiting the best possible employees.

As a small business, they understand that when it comes to recruiting new employees, you don't want to be landed with a liability that you are going to be stuck with for a long period of time. To avoid this problem they apply every bit of experience they have gained throughout the years, whilst operating in this field. Through the latest discoveries in cognitive testing and psychometric evaluations, RBD psychologists can quickly and accurately perform job matching ensuring your next executive is as close as possible to what your position requires.

Being the new kids on the block their fees are extremely competitive. Ring Patrick Henderson on 93478060 or 0410663165 to have a chat about your next vacancy.

New work tragedy

A man has been crushed to death by a concrete slab on a Melbourne building site. The man, aged in his 50s, was at a building site at outer south-eastern Pakenham when the accident occurred, said Liana Cross from the Metropolitan Ambulance Service. He was working at the site when the concrete fell on him about 10.50am (AEDT), she said.

"Three of his other workmates managed to get out of the way. They are understandably shaken, but otherwise okay," Ms Cross said. The man died at the scene. Michael Birt from WorkSafe said the building industry should ensure their practices were safe. "I call on the building industry across the board to

review their practices in the wake of this tragedy," he said. "These are the clarion calls for Victorian workplaces to look at health and safety because when these things go wrong, they often go tragically wrong."

He said WorkSafe investigators were at the scene. "They will look to see if there are any breaches of the Occupational Health and Safety Act and to see where it goes from here," he said.

The last death in Victoria's construction industry occurred in January last year, a record period without a fatality.



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Mining industry in WA needs greater commitment

A series of recent accidents in Western Australia's mining sector clearly demonstrated the urgent need for employers and employees across the state to refocus on OHS issues, according to Employment Protection Minister John Bowler.

Addressing the Chamber of Minerals and Energy of Western Australia's 2006 Occupational Safety and Health Conference, Mr Bowler said all stakeholders in the resources sector needed to demonstrate their commitment to ensuring workers are able to return home safely at the end of every shift.

"The job ahead is to create a uniform approach to safety that fosters innovation and improvement, and makes working in the industry easier," he said.

Mr Bowler said WA was well placed to deal with mining emergencies, not only because of its dedicated emergency response teams, but also because it is a leader in technology for safe refuges for workers threatened by incidents such as an underground fire.

The Department of Consumer and Employment Protection's 'Guideline on Refuge Chambers in Underground Metalliferous Mines' has become a world standard for such installations, and WA is home to world-leading designer and manufacturer of the refuge chambers, Mr Bowler said.

Asbestos found in seven locations: experts

A SPECIALIST crew will begin cleaning up the former Supertex site this week after environmental consultants identified seven small areas containing asbestos. Supertex's owner Peter Felemegas commissioned the report by Sydney-based Airsafe Occupational Health consultants last week under instruction from WorkCover.

The authority's inspectors issued a prohibition notice to Mr Felemegas on Wednesday after finding broken asbestos mixed with rubble on the site, in breach of regulations. WorkCover laws require the material to be kept in tact, separated from other materials, bagged, sealed and disposed of appropriately in a landfill licensed to accept asbestos.

Mr Felemegas submitted the hygienist's report to WorkCover on Friday, which he said identified seven small areas containing a "low-range asbestos" known as chrysotile. It also noted that some of the chrysotile was 'friable' or broken. In other areas, there was no evidence of asbestos.

Chrysotile is known as the least noxious of all types of asbestos but becomes a health issue if it is old, deteriorating and breaking up. An Occupational, Health and Safety Amendment Regulation banned it, along with all other types of asbestos in December 2003, according to WorkCover's website. The regulation also reduced the exposure standard from 0.5 to 0.1 fibres per millimetre of air.

WorkCover describes it as a naturally occurring fibrous silicate mineral that can cause lung cancer, mesothelioma and asbestosis.