

WORKSTREAMS NEWS

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Inside this issue...

Women still battling workplace	1
Worker gets \$403,000	1
Union man claims heated work role against Toll	2
When society loses the plot	2
SA WorkCover under the pump	2-3
Beat the Heat	4

Women still battling workplace discrimination

Women continue to suffer discrimination in the workplace despite strict anti-discrimination legislation, according to a recent survey.

Human resources and recruitment firm Talent2 said its survey of 1,960 respondents found that 38% of women reported suffering discrimination in the workplace. Those working in the legal sector were the most likely to experience sexual discrimination and HR also reported high levels of discrimination, the survey said. About 10% of men also reported discrimination.

Meanwhile last week the High Court ruling on the federal government's industrial relations laws will mean that women will find it more difficult to claim equal pay. This according to a University of NSW research.

The High Court last week dismissed a constitutional challenge by the states and territories to its employment laws. State premiers say the decision increases the federal government's powers.

UNSW Faculty of Commerce and Economics deputy director Dr Anne Junor said the decision was a setback for women after most jurisdictions had developed equitable pay models in the past six years.

Worker gets \$403,000

A builders' labourer who lost the tops of four fingers in a workplace accident has been awarded damages of more than \$403,000. Darren James Shields was working for Zoran Gurcinowski, who owned a refrigeration and air-conditioning business, in 2002. He was working on the demolition and rebuilding site of the Watson IGA supermarket when a circular saw being operated by builder John Saals, severed his fingertips.

The ACT Supreme Courts Master, David Harper, said Mr Saals should bear 80 per cent of the blame and Mr Gurcinowski 20 per cent, as it was his duty to supply a safe workplace.

The final award included \$120,000 for pain and suffering and \$182,000 for lost earnings and superannuation.

Union man claims heated work role against Toll

A petrol tanker driver claims he was forced to polish wheels in the blazing heat until he collapsed from dehydration. Ian Corlass alleges he was ordered to work outside in a truck yard in 40°C. The man said he was treated by ambulance officers and taken to hospital and is still suffering complications.

Mr Corlass, 38, of Sunbury, has accused transport giant Toll Holdings of discrimination and wants compensation for embarrassment, humiliation, stress and medical costs. He claims he suffered bullying and unfair treatment because he is a union delegate. The company is fighting the complaint before the Victorian Civil and Administrative Tribunal and wants the claim struck out.

When society loses the plot

Workers' compensation claims over injuries caused by personal digital assistants (PDAs) could become a corporate headache, according to a Washington DC lawyer, but they can be minimized.

Lawyer Frank Morris stressed in a recent USA Today article that employers need to develop policies on PDA use. The risk is growing apace with the popularity of PDAs. The family includes palmtops, hand-held computers, even pocket computers. The devices help employees remain productive when they are away from their computers as they can store, organize and retrieve information quickly. There is a price: if used repetitively and haphazardly PDAs can cause symptoms such as hand throbbing, tendonitis and swelling

"If you develop full-blown symptoms, it's pretty severe. Employers can train people how to correctly hold and use the handheld device to write brief e-mails," Alan Hedge, an ergonomics professor at Cornell University, told USA Today.

A recent article in the online publication Healthy Computing sees another way to minimize risk. It pointed out that one culprit in injuries is text entry on a PDA, a repetitive motion. Noting that the area to enter text on a typical PDA isn't that big, which exacerbates

the problem, the article advises learning the PDA's shortcuts. Many offer combinations for copying and pasting text, which is easier than retyping information on the small device. And some software programs let you configure your entire screen to accept stylus input, according to the article, instead of just a small area at the bottom. It emphasized that bigger hand motions means less stress.

The best solution is not to enter data on the PDA, according to the Healthy Computing article. It advises entering all contacts, appointments and information on the PC via a comfortable keyboard and big screen, then synchronizing. It's a way to use the PDA mainly for information retrieval.

Thumb injuries related to BlackBerrys, Treos and Sidekicks are occurring in part because employees who rely on the technology also use them extensively beyond normal working hours, she told USA Today. "I've seen people use them for hours on end. You're really stressing the fingers," she added. "In the workplace, you should dock them into a regular-size keyboard and monitor."

Lawyer Morris told USA Today that employers face an additional risk of liability because some employees could argue they're entitled to overtime if a staffer is expected to use a company-provided PDA after work hours.

SA WorkCover under the pump

Pressure is mounting within the industry and employer groups for the State Government to consider radical changes to the WorkCover system. Revelations the fund is more than \$690 million short in its provision for estimated future claims has led to calls for changes to workers' benefits, employer levies or incentives to get people off the scheme.

"It's now become a system of unemployment insurance," said Self Insurers SA manager

Robin Shaw. His group represents employers who opted out of the WorkCover scheme and elected to insure themselves. "If something isn't done it will get worse – and quickly," Mr Shaw said. "WorkCover's problem

is the 5 per cent of its claims that go on for too long – it's a long tail with a high cost." He said industry professionals were telling the Government that changes were needed, including: reductions in duration of benefits; limited access to common law remedies; and incentives for people to get off the scheme and return to work.

Employers Responsibilities

ACH Australia members often ask about the employers' responsibilities under the Accident Compensation Act 1985. Here is a quick summary copied from the Victorian WorkCover Authority web page:

The following checklist outlines your basic legal responsibilities as well as providing you with some practical information on managing a workplace injury.

1. Record the injury or illness in your Register of Injuries

Ensure the injury or illness is recorded in your workplace Register of Injuries. This is required by law. If required the worker may visit a doctor. The doctor may call you to advise of possible return to work/alternative duties options.

2. Stay in touch with the injured Worker

It is also advisable that you maintain contact with the injured worker as it can be beneficial to their recovery to feel that they have not been forgotten.

3. Lodge claims as soon as you can

Upon receiving a completed Worker's Claim Form or Dependant's Claim for Compensation, you must complete the employer section of the form and acknowledge receipt of the claim for compensation in writing as soon as reasonably practicable.

You must complete an Employer Claim Report and forward the Worker's Claim Form or Dependant's Claim for Compensation, the Employer Claim Report and other relevant documents such as Certificate(s) of Capacity to your VWA authorised agent within 10 days if:

- **medical expenses are likely to exceed \$531*;**
- **any time off work is required.**

If the claim is for medical services only and is not likely to exceed \$531, the claim can be submitted at no greater than 3 month intervals.*

However, the sooner the claim is lodged, the sooner that activity can commence on getting the worker back to active duty.

4. Your liability

If you accept a claim you are liable for the first 10 days lost from work that the injured worker misses and also the first \$531* of medical services, unless you have elected the Excess Buyout option.

If you are not accepting liability at this point, you do not have to pay anything at this stage. Simply forward the claim forms and certificate/s to your VWA agent. more on disputing liability...

5. For death or serious injuries

For death or a specified serious injury you are also required to notify the VWA on **13 23 60**.



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Beat the Heat

As the weather warms up, watch out for the effects of heat stress in the workplace. These can range from simple discomfort to life threatening illness. It is important to recognise the signs in order to minimise the risk of injury or accident.

Heat stress involves six factors - temperature, humidity, air movement, radiant temperature of surroundings, clothing and physical activity.

Know what to look for:

Heat Exhaustion is the milder form of heat stress. It is characterised by:

- High heart rate
- Dizziness
- Headache
- Loss of endurance/skill
- Confusion
- Nausea
- Cool or sweating skin

To avoid heat exhaustion, individuals should cease activity immediately, rest and drink fluids. Misting or spraying with water can also help. If a person does not rapidly improve, seek medical attention.

Heat Stroke is a potentially fatal condition that may arise when individuals, who have not been identified as suffering from heat exhaustion, continue activity. Heat stroke is characterised by:

- High heart rate
- Dizziness
- Headache
- Loss of endurance/skill
- Nausea
- Confusion
- Likely to collapse
- Hot, dry skin (lack of sweating)
- Oral temperature 40-43°C

It is important to note medical attention should be sought immediately for those suffering heat stroke. Until medical help is available, cool the person down as much as possible by wetting the person's clothing, giving cool fluids and increasing air movement by fanning.

Keep cool:

Under law, employers are required to provide, where practicable, a working environment with a quality atmosphere. When dealing with heat stress, this can include insulation of heat sources, providing fans, rest areas, sunscreen, air-conditioned vehicles and protective clothing.

Employees have a responsibility to take care of their own health and safety at work as well. When heat stress is a possibility, employees can:

- **Stay hydrated** - Reduce the heat load by drinking 100-200ml of water or juice at frequent intervals to reduce fluid loss in sweating.
- Have rest pauses in a cool place
- Help your sweat evaporate by maintaining air circulation
- Maintain a healthy lifestyle