

Topic 5 Section 1

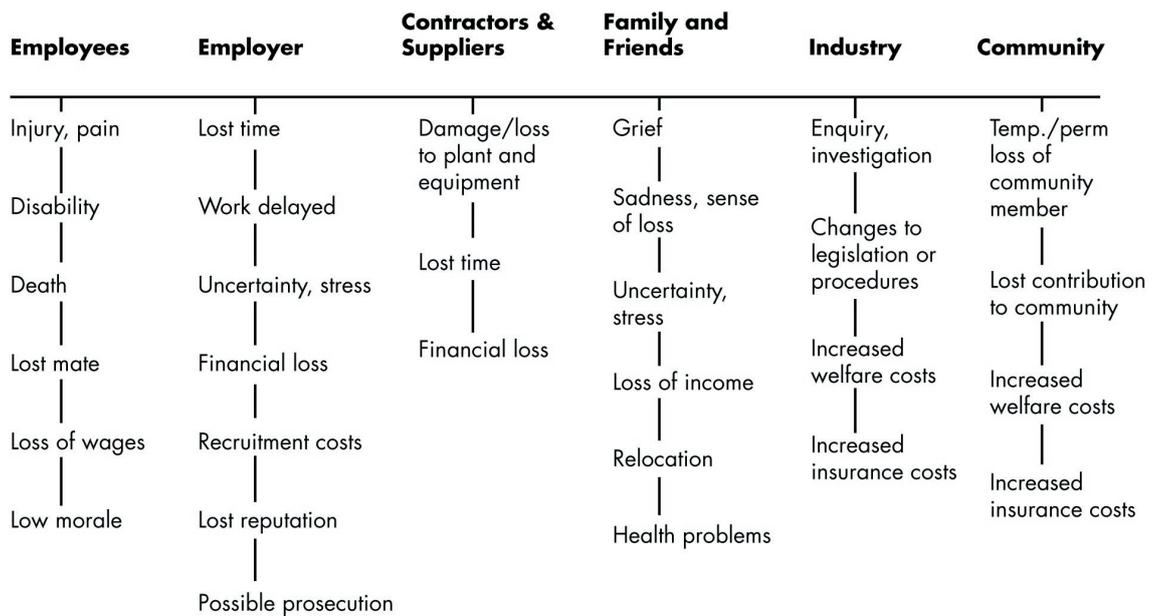
Safety Issues

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The Importance of Job Safety

Safety on the job affects everyone: not only employees, employers, contractors, suppliers and others who work on or visit a job site, but also their families, friends, business associates and communities. The following diagram shows how the consequences of a single industrial accident involving either serious injury or death may have flow-on consequences for many other people, both on and off the job.



Because the consequences of injury and damage can potentially affect so many, every person present on a workplace has some responsibility for safety. This means both the employee in the practice of his or her daily work, and the person who has control of other people, whether as a supervisor, employer, contractor or supplier. All of these people are obliged (both by legislation and morally) to take preventive action. The aim of all in the workplace should be to eliminate the causes of accidents, which result in death, permanent disability, pain, suffering and hardship.

The Cost of Accidents

It costs money to implement a safety program in the workplace. The program costs may include:

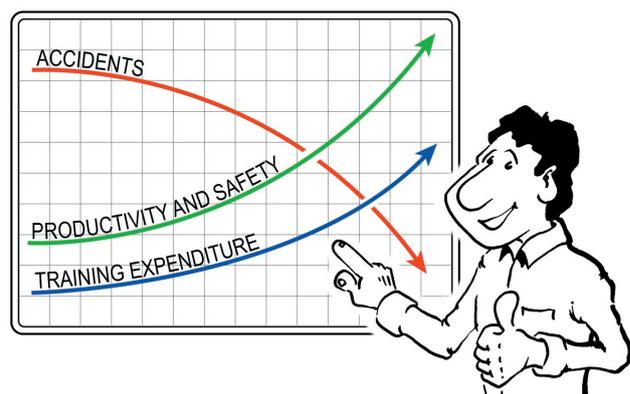
- personal protective equipment and clothing
- guards and other safety features on machinery
- advisory and warning signs, fire extinguishers, communications equipment and alarms
- changes to work practices
- training people in safe working practices and to use safety equipment
- recording accident statistics.

However, the increased on-the-job costs of safety are insignificant when compared to the costs of accidents.

In Australia, industrial accidents cost billions of dollars every year in direct losses, lost time, damage to and loss of machinery, increased insurance costs, increased welfare payments and increased health costs.

Examples of increased direct and indirect costs resulting from accidents include:

- compensation payments
- disruption to the job and loss of production
- repairs to damaged plant and equipment
- replacement of lost plant and equipment
- other administrative costs.



Accidents cause everyone more work and worry, while job safety often leads to the discovery of more efficient ways of getting the job done. For these reasons alone, investing time and money in job safety becomes an attractive proposition.

Because of the ever-increasing costs to the community of industrial accidents generally, governments have legislated to establish responsibilities for safety in the workplace and have set standards that all must abide by.

Therefore, taking steps to implement safety in the workplace is no longer just a ‘good idea’; it is a legislated requirement. It is no longer a question of whether anyone in the workplace, even a visitor, has a responsibility for safety— all must accept some degree of responsibility for safety, and are required to do so by law.

Safe Attitudes

State of mind is all-important when it comes to preventing accidents. Safety is a journey, not a destination; therefore, maintaining a constant ‘safety awareness’ on the job is paramount.

The kinds of attitudes that promote a safer workplace are of the “you, I and we” variety; for example:

- a. Job safety is a matter of teamwork. Unless I co-operate with everyone else on the job, accidents will happen to some of us.
- b. Accidents don’t just happen— they are caused by people, meaning you and me.
- c. Prevention is better than cure:
 - There is an element of risk in everything I do. Some risks are obvious and others are hidden, therefore I must always be alert and observant.
 - Safety rules are made for my protection.
 - I must always wear or use the protective gear available, even though it may be inconvenient. A little discomfort is better than death or disablement.
 - To look after my own safety I must be prepared to look after my team’s interests, because their safety problems are the same as mine.

A job cannot be called safe unless everyone on the job is made aware of the apparent and hidden dangers, and is prepared to co-operate in preventing accidents. This means eliminating hazards, guarding and warning against them and reporting the existence of any danger that comes to notice. If people are not prepared to co-operate, it becomes necessary (as a last resort) to enforce safety in the workplace.



Safe Behaviour

Accident prevention is the real objective of job safety.

Most injuries are caused by lapses in behaviour and personal failures, such as failures to:

- observe the safety rules
- use safe working methods
- keep the job area tidy, thus creating hazards
- use and wear protective equipment
- help others when they are in need of help
- ask for help when help is needed.

Failures such as these come about through lack of knowledge, or lack of communication and understanding between the people on the job.

These considerations tend to suggest that job safety is basically a human relations problem.



Enforcement or Co-operation?

There are two ways to organise a safe job: one is by enforcement and the other is through participation and co-operation. From past experience, we know that enforcement is much more time-consuming and much less effective than participation. We also know that there will be occasions when enforcement may be necessary as a last resort. So the problems are:

- How do we get people on the job to co-operate in making the job safe?
- How and when should we use enforcement?

The problem stems back to the attitudes and behaviours of each and every person on the job. It might be said that, psychologically, we are all accident-prone. While this might seem to be a harsh judgement, it is true because we all tend to think and feel:

- “It just can’t happen to me or on my job”
- “It was his own fault, the idiot”
- “If there is a short cut, I will use it (regardless of the apparent or hidden risks)”.

Laws Related to Workplace Health and Safety

The Basics

All Australian law consists of three main elements:

- principal legislation
- subordinate legislation
- legal precedent.

Principal legislation consists of Acts (and amendments to acts) passed by houses of parliaments, each of which consists of representatives elected by the people.

In each Australian state and territory, and in the national government, there is an Executive Council. It consists of the Governor and state ministers in a state, the Administrator and ministers in a territory, or the Governor-General and ministers of the Commonwealth. They are empowered to make regulations, but can only do so under the authority of principal legislation (i.e. the regulations refer to a specific Act only). The difference between an act and subordinate legislation (i.e. a regulation) is that regulations can be repealed (cancelled) at any time by the relevant Executive Council. An Act, however, can only be changed ('amended') or removed ('repealed') by majority vote of the Commonwealth, state or territory parliament that passed it.

Acts provide the authority for people to bring legal action against another party. Courts are responsible for making decisions about each case that comes before them. Any previously recorded decision of a court is called a 'precedent'. It continues to have effect in relation to administration of the Act under which it was made. Courts cannot make or change Acts; they can only interpret the meanings and intents of an Act in a practical setting.

In addition, governments may nominate advisory standards and industry codes of practice in an Act or regulation, and may make Ministerial Notices. These have the force of subordinate legislation only when nominated in an Act or regulation, but have a different scope of operation from those applicable to acts, regulations or precedents.

Advisory Standards and Industry Codes of Practice

Advisory standards and industry codes of practice state ways to manage exposure to risks that may arise in the workplace. For example, in Queensland, current advisory standards include Asbestos, First Aid, Formwork, Scaffolding and PPE in Building and Construction. Industry codes of practice exist for Delivery of Plasterboard to Site and Abrasive Blasting.

The effect of an advisory standard or code of practice is that you can choose another way to perform a task (other than the method nominated in the standard or code), but it is your responsibility to prove that you took the proper steps to meet your obligations.

In addition, advisory standards and industry codes of practice may be used as evidence in legal proceedings against a person under the Act.

Ministerial Notices

If an urgent situation arises where there is risk of serious bodily injury to someone:

- at or near a workplace because of workplace activity, or
- at any place because of specified high-risk plant

The Minister responsible for the principal legislation may issue a ministerial notice that prescribes ways of preventing or minimising exposure to the risk.

Legislative Instruments Applicable to the Civil Construction Industry in Queensland

Note!

The remaining discussion in this section is based on Queensland legislation. In addition, other Australian states and territories may have Acts, regulations, advisory standards, code of practices or ministerial notices, or equivalent safety provisions that are applicable to the civil construction industry. Trainees are advised to consult the legislative provisions applicable to the state or territory in which they will be carrying out construction work.

The following list of acts, regulations and advisory standards are applicable to the construction industry in Queensland. The most recent list can be downloaded from <http://www.whs.qld.gov.au/subject/construction.htm>

(see Guides/Safety in the Civil Construction Industry).

Acts and Regulations	Advisory Standards
Building Fire Safety Regulation 1991	Electrical Safety (Codes of Practice) Notice 2002
<i>Electrical Safety Act 2002</i>	First Aid 2004
Electrical Safety Regulation 2002	Formwork 2004
<i>Electricity Act 1994</i>	Hazardous Substances 2003
<i>Explosives Act 1999</i>	Manual Tasks 2000 (Safety Links/Brochures)
<i>Gas Act 1965</i>	Noise 2004
<i>Health Act 1937</i>	Personal Protective Equipment (Brochures)
<i>Local Government Act 1993</i>	Plant 2000 Supplement No1— Concrete Pumping 1999
<i>Public Safety Preservation Act 1986</i>	Risk Management 2000
<i>Radiation Safety Act 1999</i>	Scaffolding 2004
<i>Transport Operations (Road Use Management) Act 1995</i>	Steel Construction 2004
<i>Workplace Health and Safety Act 1995</i>	Welding (Safety Links/Brochures)
<i>Workplace Health and Safety Act 1995</i>	

Acts and Regulations	Advisory Standards
Workplace Health and Safety (Miscellaneous) Regulation 1995	
Workplace Health and Safety Regulation 1997	

The effects of specific requirements of the *Workplace Health and Safety Act 1995* and the *Workplace Health and Safety Regulation 1997* on contractors, supervisors, workers and others in the workplace is discussed in more detail in Sections 2–5 of this Topic.

Duty of Care

‘Duty of care’ is a legal term, used to describe the obligation of one party to accept responsibility for the safety and well-being of another, due to the nature of the relationship between the two.

Two types of duty of care may exist in a workplace:

- common law duty of care
- statutory duty of care.

Common Law Duty of Care

Common law duty of care is based on legal precedent. Past court decisions create a ‘general duty’ of an employer to take reasonable care of the health and safety of his or her employees in all aspects of their employment.

The employer has a duty to ensure employees are not subject to unnecessary risks. This duty generally comprises five elements:

- provision of a safe place to work
- provision of a safe system of work
- provision and maintenance of proper plant and equipment
- provision of competent staff to manage and supervise the business
- use of care in the selection of employees.

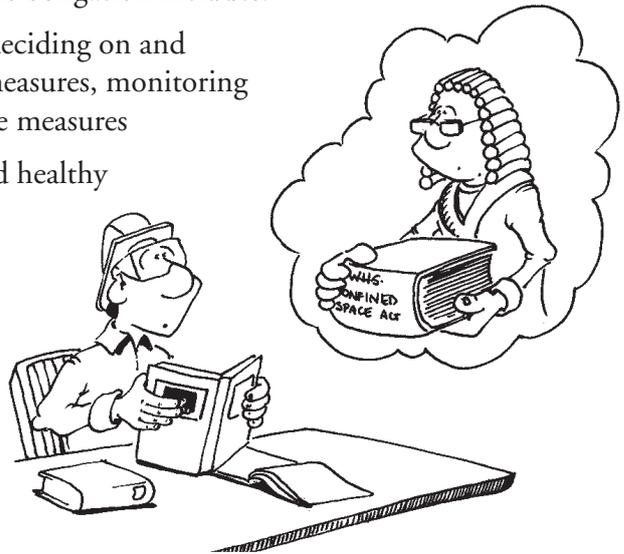
Under common law, therefore, the employer must take reasonable care of the safety of his or her employees and this duty is owed personally to each and every employee.

Statutory Duty of Care

Statutory duty of care exists as a result of legislation. All Australian states have legislation dealing with Workplace Health and Safety, and each such Act specifies duties for employers, employees and non-employees.

In Queensland, the principal legislation (*Workplace Health and Safety Act 1995*) places an obligation on every person to ensure his or her own workplace health and safety, and the workplace health and safety of others. This obligation includes:

- identifying hazards, assessing risks, deciding on and implementing appropriate control measures, monitoring and reviewing the effectiveness of the measures
- providing and maintaining a safe and healthy work environment
- ensuring the safe use, handling, storage and transport of substances
- ensuring safe systems of work
- providing information, instruction, training and supervision.



Safety Training

Safety training may be designed for an activity, a project, for individuals or a work team. It may be about a wide variety of subjects, ranging from risk minimisation to use of particular items of PPE.

However, the basic training need relates to attitudes and behaviour. This means changing habits and entrenched attitudes, which may be a difficult process. The best way of achieving this is to treat safety as a part of the normal work process. Safety training should apply in some form from the minute someone starts working on the job, and continue throughout a person's employment. This means building safety into the job, consistently and persistently.

Continual Improvement in Workplace Safety Performance

Most large, modern organisations keep statistics about the occurrence of injury and death in the workplace. Usually, the rates are expressed as the number of lost-time injuries per million work-hours. Most organisations realise that workplace injuries mean high costs, both now and in the future (e.g. for rehabilitation of injured workers), and have the potential to affect work output, workforce morale and financial results.

Therefore, most employers are keen to see reduced injury rates, in both the short and long term. However, it is no easy task to achieve and then maintain a reduction in injury rates.

Whatever the current injury rate in the organisation, improvement can only take place if everyone from the CEO down is committed to safety, and continually includes safety in planning and day-to-day action. The appropriate steps affect everyone in the workplace and include:

- publishing a clearly stated OH&S policy, that identifies who bears responsibility for safety, and is communicated to all persons in the workplace
- collecting statistics on safety and measuring the organisation's performance, which includes filling out reports for every accident and incident
- consulting staff about safety, including local safety committees
- identifying, assessing, eliminating or controlling risks on a continuous basis
- making sure all staff have plenty of opportunity to take part in training
- setting up a procedure for treating and managing injuries when they occur
- setting up a procedure for managing workers' compensation claims
- recording, investigating, analysing and reviewing all safety-related incidents, whether they result in accidents or not
- regularly reviewing safety procedures
- including safety in all planning processes.

As a leading hand, foreperson or supervisor, you will need to be involved in some (or perhaps all) of these processes.

Section 1 – Assessment Activities

For information on how these assessment activities may be used as part of the learning process, see the section on ‘Assessment’ in the ‘Topic Descriptor’ section at the front of this topic.

Theory Questions

The following questions allow you to assess your progress in understanding the material presented in Section 1. The questions may be of any of the following types:

- multiple choice (identify correct answer or answers)
- multiple choice (identify incorrect answer or answers)
- fill in the gaps in a sentence or statement
- identify a sentence or statement as TRUE or FALSE
- write a few sentences or a short paragraph.

Answers to the question are shown in the separate ‘Answer’ section.

Question 1

Name four groups of people who may be affected if there is an accident in the workplace involving death and/or serious injury.

Question 2

Name at least three possible consequences of an industrial accident for the individual who is directly involved.

Question 3

List at least four items that result in increased costs to the employer when implementing a safety program in the workplace.

Question 4

Give four reasons why the sum total of the costs of industrial accidents to the community in Australia is calculated to be billions of dollars a year.

Question 5

Identify the INCORRECT statement from the following list.

- Safety is a journey, not a destination.
- Maintaining a constant 'safety awareness' on the job is paramount.
- Job safety is mainly a matter for the individual.
- Personal protective equipment may be inconvenient to wear but is better than death or disablement.
- The team's safety problems and interests are the same as mine.

Question 6

There are two main methods of ensuring safety on the job: enforcing safe behaviours, and promoting the co-operation of everyone on the team. Identify the CORRECT statement from the following list.

- Enforcement is generally more effective than co-operation.
- Co-operation is generally more effective than enforcement.
- Enforcement is much less costly and time-consuming than gaining co-operation.
- Gaining co-operation is much more costly and time-consuming than enforcement.

Question 7

Identify the CORRECT statement or statements from the following list.

- An Act is a law passed by the Commonwealth, or a state or territory, parliament.
- A regulation is another type of law passed by the Commonwealth, or a state or territory, parliament.
- A regulation is a law made under the authority of an Act and passed by the executive council of the Commonwealth, or a state or territory.
- A precedent is a decision made and recorded by a court about the administration of an Act.

Question 8

Identify the CORRECT statement or statements from the following list.

- Advisory standards and industry codes of practice, when nominated in an Act or regulation, have the force of subordinate legislation and have the same scope of operation.
- Advisory standards and industry codes of practice have the force of subordinate legislation, but a different scope of operation to those applicable to acts, regulations or precedents.
- Under an advisory standard or code of practice, you can choose another way to perform a task (other than the nominated method), but must prove that you took the proper steps to meet your obligations.
- Under an advisory standard or code of practice, you must use the nominated method to perform a task.

Question 9

You are in the middle of a concreting job on site when a visitor says to you that he thinks the work you are doing does not conform to the requirements of the Formwork Act 2004 and could be illegal. What would your answer be?

Question 10

What is the difference between common law duty of care and statutory duty of care?

Question 11

List four steps that a large construction company can take to ensure that workplace safety performance is continually improving.

Practical Exercises

Practical Exercise 1

Carry out an on-site ‘hazard hunt’ in your normal workplace. List any hazardous materials, conditions or practices that you see. Describe the steps that you might take to:

- eliminate hazardous materials, conditions or practices
- reduce the extent or severity of any hazardous materials, conditions or practices.

Practical Exercise 2

Using the list you made in exercise PE6.1, write a “wish list” of items you would need to purchase (or ask the boss to purchase) to address the hazardous materials, conditions or practices you saw.

Practical Exercise 3

Think about the site conditions applying to your current workplace and how co-operation or enforcement might be used to help create a safe workplace. Which method would work better at your workplace? Explain briefly why you think that this is the case.