



Occupational Health News No 960

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## Female journos 'sexually harassed'

Most female journalists have experienced sexual harassment by male colleagues or managers and struggle for promotion because men decide most opportunities, according to a new Monash University survey. Researcher Dr Louise North said 577 women working in media responded to an online survey in February covering recruitment, promotion, segregation, working conditions, child care and sexual harassment. She told *OHN* the industry and the Media, Entertainment and Arts Alliance (MEAA) had ignored problems reported in a 1996 MEAA survey. In 2012, 57.3% of women reported sexual harassment compared to 51.6% in 1996. The reported harassment was mostly by male colleagues (52.2%) or males in senior positions (46.1%). Just 12.8% of women had complained (13.2% in 1996), mostly because they saw no benefit, feared victimisation, or thought they could handle it themselves. North said the survey showed sexual harassment was systemic and must be urgently tackled. "Gender bias is experienced by [most] female journalists in Australia at all seniority levels across all platforms, and in rural, regional and metropolitan areas. While the media often shine[s] a light on gender inequality in other occupations, it has refused to act on its own dirty little secret," she said.

## Court finds for injured port officer

The NSW Supreme Court has found in favour of a port officer who was seriously injured when the shackle on a gangway counterweight failed, the gangway rotated suddenly and he was thrown onto the wharf below. Justice Ian Harrison said it was agreed the shackle failed because it was made of unsuitable stainless steel. The officer, Philip Collins, alleged his employer, Sydney Ports Corporation (SPC), was negligent and breached statutory duties, and Australian Winch & Haulage (AWH) was liable because it selected the shackle. SPC said it complied with its duty by relying on AWH's expertise. AWH said it sourced the shackle from a third party by referring to an appropriate spec-

ification. AWH was unaware the shackle did not comply with the specification and was defective and the defect was not reasonably ascertainable. AWH cross-sued against SPC on the grounds SPC had ignored its recommendation for a replacement hydraulic system and had not conducted proper maintenance. Justice Harrison said SPC breached its duty of care to Collins by not providing a safe workplace or means of access. "The gangway had previously failed and [SPC was] aware of what caused it to fail." He said there was no evidence regular inspections or replacements were ever made, except in response to periodic failures. AWH had breached its duty to exercise reasonable care in selecting a grade of shackle fit for the intended purpose, and in its installation. Agreed damages from AWH were \$1.65m. Some amounts from SPC were in dispute but agreed damages so far were \$850,761. Justice Harrison said he had not calculated damages payable by each defendant under the NSW Workers' Compensation Act or interest that might be payable. He stood the case over for further submissions. (*Collins v Sydney Ports Corporation [2012]*, NSWSC 115, 24/02/2012)

## SA Libs vow to kill off WHS Bill

The South Australian Opposition plans to vote against the state government's work health and safety (WHS) legislation when debate resumes in the Upper House later this month (*OHN 950*). Shadow industrial relations minister Rob Lucas told *OHN* the Liberals were concerned about the potential impact on small business and housing affordability. "There is no doubt this Bill is a full frontal assault on the subcontracting and small business sectors in South Australia," he said. Lucas said the Liberals would push for significant amendments should the party not have the numbers in the Legislative Council. He said Family First would vote against the Bill and Independents John Darley and Ann Bressington were opposed to its current form. The Greens and Independent Kelly Vincent plan to support the govt.

## Common law injuries claim denied

The Vic Supreme Court has ruled a worker who suffered physical injuries with serious psychological consequences, and was granted a serious injury certificate for the psychological but not the physical injuries, cannot claim common law damages for the physical injuries. In 2006 painter John Georgopoulos was working for Silafort's Painting Pty Ltd when he fell from scaffolding at premises in Malvern, Vic. He reported an ankle injury and two spinal injuries. In 2008 he sought damages for pecuniary loss and pain and suffering. The Vic WorkCover Authority (VWA) refused a serious injury certificate. Georgopoulos's lawyers did not seek leave to start common law proceedings within the period allowed and the case was dismissed by consent. In 2009 Georgopoulos served a second serious injury application on VWA, adding serious psychological injuries resulting from the accident. VWA rejected it. In 2010 the Vic County Court granted Georgopoulos leave to sue over the psychological injuries and VWA then issued a serious injuries certificate for them. Silafort's Painting asked the Vic Supreme Court to disallow a damages claim for physical injuries. Justice Stephen Kaye said the Vic Accident Compensation Act 1985, on its face, authorised recovering damages for serious injuries only. "The clear purpose was to preclude proceedings for damages [for] minor injuries." He said that might lead to some artificial results but he did not feel justified in attempting to rewrite the Act. He struck out the physical injuries from Georgopoulos's claim. (*Georgopoulos v Silafort's Painting Pty Ltd & Ors [2012], VSC 56, 27/02/2012*)

## Principals suffer workplace violence

Australian school principals experience nearly five times more threats of violence in their workplaces than the general population, a new study has revealed. The survey of the health and well-being of 2,005 school principals revealed they endured about four times the rate of bullying by colleagues or superiors compared with other managers and employees. Study author Dr Philip Riley, of Monash University, told *OHN* government school principals working in large rural and other remote towns were most at risk. He said secondary school principals reported more violence than their primary school counterparts. The research revealed one in three of government school principals was physically attacked or witnessed physical violence in their workplaces last year. Riley said anecdotal evidence suggested aggressive parents rather than students or teachers appeared to be the main perpetrators. In Catholic schools, 20% of principals were exposed to violence and one in eight in

independent schools, according to the Australian principal health and well-being survey's interim findings. Riley said he was surprised by the level of violence principals reported. "It may be there is something about the front-line helping professions where the trend is going up - so that would be nurses, social workers, teachers, principals," he said. Riley said education's hierarchal structure meant principals had a complex network of department staff to deal with, which might explain the bullying trend from superiors. Managing underperforming teachers also emerged as a problem. "One of the big stressors is dealing with performance management of teachers who are not up to scratch," Riley said. The survey, to be conducted annually for the next 10 years depending on funding, is the first long-term independent study to measure the well-being of principals in government, Catholic and independent schools across Australia. "Everyone is saying the trend is increasing," Riley said. "Hopefully the data that comes out of the report will be targeted towards primary intervention (prevention) but also secondary intervention ... how to better deal with stressors."

## Coroner refers ladder death to DPP

A Victorian Coroner has referred to the Director of Public Prosecutions a matter in which an air-conditioning company employee died after falling from a ladder at a Melbourne building site. Coroner Kim Parkinson concluded the ladder used by Keith Dickman, 56, before he fell was defective and unstable from modifications and irregular replacement parts. Dickman was installing air-conditioning ducting on the eighth level of a Southbank site when he fell off the ladder on March 5, 2009. The inquest heard one of the ladder's feet was damaged, as were the replacement bolts on the folding braces. Parkinson criticised the company's safe work practices statement, saying it was "inadequate and incomplete", failing to highlight the risk of falls from ladders. She also said the employer, Allstaff Airconditioning Pty Ltd, failed to adequately supervise to ensure safety equipment was worn. "It is easy to be blindsided by the existence of voluminous documentation, rely upon it having been 'ticked off' and lose sight of the need to actively interrogate the actual work process and supervise its undertaking on the ground," she said. Coroner Parkinson recommended WorkSafe Victoria advise building and construction contractors to stop using A-frame ladders for installing air-conditioning ducting - and publish a safety alert. She also recommended changes to published guidelines about the risk of fall from ladders.

## Firm fined \$100k for faulty jacks

A Federal Court judge has fined a tools and accessories supplier \$100,000 for selling hydraulic trolley jacks that failed to comply with safety standards. Justice Bernard Murphy found Trade Quip Pty Ltd breached the Trade Practices Act 1974 for supplying more than 2,000 jacks between August 2009 and September 2010 with a warning label in small font. Some jacks contained the incorrect warning message, Justice Murphy said. "This decision sends a strong message to suppliers of products subject to mandatory product safety standards," Australian Competition and Consumer Commission (ACCC) chair Rod Sims said. "The ACCC will continue to prosecute traders that engage in repeated breaches of the law, particularly where the conduct puts consumers at risk of physical harm." Justice Murphy found Trade Quip engaged in misleading or deceptive conduct by claiming the "2019" model jack complied with a mandatory standard, when it did not. The ACCC said the standard requires trolley jacks to meet performance requirements and include important safety information warning against anyone getting under a vehicle only supported by a trolley jack. An ACCC spokesperson yesterday told *OHN* the jacks were used in trade and would have posed health and safety risks in workplaces. Justice Murphy ordered Trade Quip to publish corrective notices and establish, maintain and administer a trade practices compliance program for three years. He granted an injunction restraining Trade Quip from supplying hydraulic trolley jacks unless it first inspected the labelling on samples from each batch and gave written evidence they met safety standards. In a separate but related proceeding, the ACCC said Justice Murphy found Trade Quip's conduct constituted contempt of orders made by Justice Weinberg in August 2007 and imposed a penalty of \$7,500.

## Striking miners take to airwaves

The Construction Forestry Mining and Energy Union has "turned to TV" in its fight for improved job security, rosters and safety at BHP Billiton Mitsubishi Alliance's (BMA's) Bowen Basin mines, associate news service *WorkForce* has reported. In an ad CFMEU Qld district president Steve Smyth authorised, and screening on Central Queensland television this week, Pike River disaster victim Josh Ufer's mother Joanne talks of the importance of safety at mines. "Mine safety is a matter of life and death. It is too important to be handed over just to management," she says. While Ufer didn't mention BHPB (Pike River is not a BHPB mine), the ad ended with a written message from the union stating "Fair go, BHP: don't undermine our safety" - an

apparent reference to alleged efforts by BMA to include a clause allowing its representatives to do union safety roles in the current EBA negotiation round. More than 3,000 miners are engaged in rolling stoppages at the company's seven mines as part of their EA demand for improved job security, rosters and safety. The ads, which ran until March 6, are being countered by ads by BHPB highlighting the company's community work. Smyth told *WorkForce Daily* stoppages were continuing at all seven mines, varying from shift length to two-day rotating stoppages. "We have had a correspondence across our desk this morning suggesting the company is digging in four the long haul - our members are equally intent on achieving their goals," Smyth said. Smyth said it was "clear" BHPB now saw the Bowen Basin dispute as "having ramifications nationally". "It's become a union-busting exercise, along the same lines as Rio Tinto's 1990s exercise to break the union's hold in its mine sites," Smyth claimed. "Obviously BHP is not happy earning \$6m a day off our members." BMA did not return calls before press time.

## Safe rates won't improve safety

The Federal Government's Road Safety Remuneration Bill 2012 came under further attack from the Nationals federal leader who claimed it would not improve road safety (*OHN 955*). "If we could pass a law to eliminate tragedies or make roads safer for truckies and other road users the Coalition would support it in a heartbeat," Nationals leader and shadow infrastructure and transport minister Warren Truss said in a statement. He said the gov't's regulatory impact statement failed to establish a "causal link between rates and safety". Truss derided a new remuneration tribunal and "arbitration arrangements" as "industrial relations measures hiding under a very thin veil of road safety". Truss cited Australian Bureau of Statistics data that showed a 3.5% decline in road deaths involving articulated and a 14.7% fall in deaths from heavy rigid trucks in the 12 months to the end of June 2011, despite the increase in trucks on the road. "New national initiatives, such as the National Vehicle Regulator and the national heavy vehicle law, the national fatigue management rules and the soon-to-commence national chain-of-responsibility provisions, are far more likely to deliver safer roads."

## Traumatic work deaths edge up

The number of traumatic work deaths increased in the past month, according to new Safe Work Australia figures. The data showed 13 work-related deaths in November 2011, compared to 12 in October 2011 and 16 deaths in November 2010.



## Woolworths worker awarded \$441k

A Woolworths Ltd contractor has been found liable in negligence for injuries sustained by a Woolworths worker when a "white hose" collapsed and scalded her, according to *OHN* news associate *Workers Compensation Report*. In July 2002, Christine Joan Ferenczfy was working as a Woolworths Ltd or related company (Woolworths) employee in the delicatessen section of its Tea Tree Plaza store in SA. She was badly scalded on July 26, 2002, when she walked through a jet of hot water at ankle height. The incident occurred when a hose blew off plumbing fittings attached to a hot water source. Ferenczfy alleged defendant JohnsonDiversey Australia Pty Ltd, which supplied the hose and plumbing fittings to Woolworths, negligently caused the incident.

On March 1, SA District Court Judge Kevin Nicholson agreed and found Woolworths' contractor JohnsonDiversey Australia failed to detect the deteriorating state of the connection, "which must have been present at the time". Either the contractor's employee who installed the hose at Woolworths' Tea Tree Plaza delicatessen did not inspect the connection or did not test it properly when it was installed, Judge Nicholson said.

The judge was satisfied that ordinarily the method of attaching such a hose with a single worm drive clamp would have been adequate for the job, provided the connection was regularly inspected and maintained. "However, the Tea Tree Plaza delicatessen was not just any installation. The use of a worm drive clamp brought with it the risk that, over time, inadequate maintenance might occur so as to reduce its effectiveness." Judge Nicholson said in such "a dangerous environment" as was the Tea Tree Plaza delicatessen, JohnsonDiversey Australia's representative, as a matter of routine, during each monthly visit, "should have tightened the clamp with an appropriate tool to the best of his physical ability and ideally to the manufacturer's recommended torque using a torque wrench if necessary". Given the incident "and its cause", Judge Nicholson said he was satisfied JohnsonDiversey Australia's Timothy Marrocco "did none of this during his visit on July 3, 2002. Had he done this, the accident would not have occurred. Had the defendant employed a factory-fitted end at the Tea Tree Plaza delicatessen the accident would not have occurred". He awarded Ferenczfy \$441,719 in damages. (*Ferenczfy v JohnsonDiversey Australia Pty Ltd [2012], SADC 22, 01/03/2012*)

## Resilience curbs psych claims

Workers who can bounce back from stressful situations are more likely to lodge psychological injury

claims, according to a leading workplace psychologist. Rachel Clements, psychological services director at the Centre for Corporate Health, told a high-risk occupational health and safety summit in Melbourne employees with strong emotional resilience and interpersonal skills were less inclined to experience psychological problems in workplaces. Clements said the current parenting trend towards inflating self-esteem had produced a generation of young workers with a strong sense of self worth but low efficacy. These employees and/or managers tended to crumble when confronted with negative feedback, she told delegates.

Clements said emotional resilience was the ability to adapt well, maintain self-control and bounce back in the face of adversity and stress. Problem-solving and planning skills, social competence and optimism were some of the qualities a resilient person possessed. High resilience heightened job satisfaction and motivation, increased productivity, reduced sick leave - leading to higher staff retention and less psychological injury claims.

Clements cited Comcare data that showed psychological injury claims increased 54% since 2006-07 and accounted for 22% of all serious claims that required at least one week off work. She said Lifeline 2011 research showed 93% of Australians were stressed, with 48% reporting extreme stress. "Much of it is due to work pressures but also poor emotional resilience," she said.

WorkSafe Victoria data revealed mental disorder claims increased to 2,601 in 2008-09 from 2,518 in 2007-08. Mental disorder claims cost \$737m from 1985 to 2009, costing \$14,000 on average. In New South Wales, such claims cost \$76m in 2008-09, up from \$74m in 2006-07. The average claim cost grew from \$28,952 in 2006-07 to \$29,901m in 2008-09. "Occupational stress is a result of broader organisational dysfunction," Clements said. "In building resilience, we need to tackle the real causes not just the symptoms." Interpersonal conflict was the leading cause of occupational stress, she said. Factors such as hyper-sensitivity, depression/anxiety, perfectionism and paranoia increased the likelihood of someone lodging a psychological injury claim. Team development, learning how to manage conflict, constructive leadership and a strong organisational culture were some of the strategies that could build emotional resilience among employees, Clements said.

## THE WORLD VIEW

Abstracts from the world's occupational health literature. An occasional series compiled by **Dr Graham Hall**, MPH, FRACP, FAFOEM, occupational physician.

### How well do long-haul truck drivers sleep in truck cabin sleeper berths?

Fatigue is known as an important factor in truck accidents and long-haul drivers are particularly at risk. Few studies have examined truck sleeper berth effectiveness so this study of 32 experienced livestock transport drivers in remote parts of Australia is important. Drivers wore wrist activity monitors and recorded bedtimes for two-weeks. On average they obtained 6.07 hours (standard deviation +/- 1.18) of sleep per 24 hours. Most of the sleep was between 8pm and 6am (the usual rising time) but many drivers each took a nap during the day, mostly between noon and 6pm. Of the 513 sleeps 77% were in truck berths, 12% at home and 11% in truck depots. Night sleeps were sometimes interrupted by activity, presumably to tend livestock. Drivers were much less likely to attempt sleep when livestock was loaded than when their truck-trailers were unloaded. Sleep onset was earlier at home (46 mins) and of longer duration (52 mins) than in truck berths. Corresponding figures for truck depots were 38mins and 24 mins. There were no great differences in sleep quality (to the extent wrist monitors could assess it) between locations. No assessment of fatigue was possible. Sleep durations were consistent with those in other studies of truck drivers and shift workers, but less than the recommended optimal eight hours a day. Given the observed variability in daily sleep amounts, it is likely many drivers would have experienced cumulative deficits in waking alertness. While the study did not identify specific safety concerns associated with the use of truck sleeper berths, concerns about the amount of sleep truck drivers obtained were raised. The authors recommended regulatory reform to increase the amount of sleep drivers in the industry obtained. *Darwent D, Roach G, Dawson D. How well do truck drivers sleep in cabin sleeper berths? Applied Ergonomics 2012; 43: 442-446.*

### Overlaps in shift handovers critical

Two types of handover between shifts occurred at an aircraft assembly line: with meeting and face-to-face dialogue; and (for non-consecutive shifts) with only written handovers so no possibility of dialogue. Shift overlap time is essential for the former but a possible target for those trying to minimise 'unproductive' time. For various reasons, including long production cycles,

it was not possible to compare handovers using measures of efficiency such as error rates. There were two shifts 0730-1615 hrs and 1615-0030 hrs, and four supervisors, two for each of the two work sections and each responsible for about 10 workers. Over two weeks 15 handovers were observed. The supervisors were allowed a flexible period from 1545-1630 hours, during which their attendance was optional. One measure of the importance of the handover was taken as the extent to which the supervisors made use of this period to meet their counterparts. Over 15 shifts all incoming supervisors were present by 1605hrs and the average period the incoming supervisors used was 36 mins. The number of topics discussed was recorded and those arising from the shifts just finishing were distinguished from those unrelated to the shifts. In the meetings, an average of 19 (47%) of the 41 topics dealt with during the shifts were brought up, whereas in the written handovers only 10 (30%) of 33 were conveyed. A further 20% of the topics discussed were unrelated to the shifts just finishing, whereas no such topics were raised in the written reports. With those results, and many details for which there is not space to include, the authors argued for the importance of overlap time in shift work and, in particular, the opportunity to share information not entirely focused on the 'here and now'. *Le Bris V, Barthe B, Marquié J-C, et al. Advantages of shift changeovers with meetings: ergonomic analysis of shift supervisors' activity in aircraft building. Applied Ergonomics 2012; 43: 447-454.*

### An unusual cause of ear eczema

A 56-year-old typist whose main task was typing from dictation wore a headset for 5-6 hours a day. She presented with a six-month history of recurrent eczema of the auditory canal and adjacent auricle. It cleared during holidays and recurred soon after return to work. There was no history of allergy except from jewellery as a teenager. She had used two different types of rubber olive on her headset, one black and one white. Thiurams used in producing natural and synthetic rubber are a common cause of allergic contact dermatitis. Frequently seen in those wearing rubber gloves, such as cleaners and health and food workers, it is uncommon in office workers. Skin tests were positive to thiurams and to extracts from both black and white headset olives. The eczema settled when steroid cream was applied for five consecutive days and did not recur when she was supplied with non-rubber alternatives. *Pföhler C, Körner R, Müller CSL, Vogt T. Occupational allergic contact dermatitis of the ears caused by thiurams in a headset. Contact Dermatitis 2011; 65: 242-243.*

## Pike River families seek photo ruling

Families of the 29 men killed in NZ's 2010 Pike River coal mine have applied to the royal commission investigating the disaster to have photos showing two bodies made public. New Zealand's *Sunday Star-Times* reported the families' spokesperson Bernie Monk saying they had been shown photos identifying two bodies and others showing self-rescue kits had been opened, proof some miners had survived the first blast on November 19. A police officer at the mine previously said he experienced his worst day when a second explosion hit the mine (*OHN 940*) on November 24. Further explosions occurred on November 26 and 28. Monk said the families were frustrated by slow progress towards recovering the bodies and had written to NZ Prime Minister John Key urging action.

## Fund for murdered police officer

The NSW Police Association (PANSW) has established a memorial fund to support the wife and six children of Senior Constable David Rixon, 40, who was shot dead in Tamworth last week. Rixon was working alone when he and another man were shot. Both were taken to hospital, where Rixon died. PANSW president Scott Weber said the death highlighted police work's inherent danger, just after Sydneysiders had watched 800 officers march to commemorate 150 years of NSW policing. Officers were encouraged to support the fund personally and create public and business awareness.

## Officer suffers syringe stick injury

The Qld Police Service has confirmed an officer last month was injured at Brisbane's West End station late by a syringe taped to a police car door. A spokesperson told *OHN* no further details would be released to avoid copy-cat attacks.

## Health checks for cab drivers

Taxi drivers getting ID photos taken at Ballarat, Vic, are being offered free, confidential WorkHealth checks, through WorkSafe Vic, covering risks associated with diabetes and heart disease.

## Carbon nanotubes guide launched

Safe Work Australia (SWA) this week has launched a new publication on the safe handling and use of carbon nanotubes. Carbon nanotubes had raised health

concerns, given they could share structural similarities with asbestos, SWA chair Tom Phillips said. The publication provides information on how people can work safely with carbon nanotubes in the workplace.

## OHS one-stop shop established

Adelaide-based Theresa Hines, an Australian Industry Group SA OHS board and SA Government industrial advisory committee member, has established Safety & More, a "one-stop shop" for OHS training and advice.

## Asbestos fund grants awarded

Federal workplace relations minister Bill Shorten has awarded government asbestos fund grants to applicants from Queensland, New South Wales, Victoria and Western Australia. The govt in December 2010 launched the Comcare asbestos innovation fund to encourage programs and research that raise asbestos awareness, improve its management and removal and provide better treatment and support for sufferers and their families.

## Small business program unveiled

WorkCover NSW has launched a new small business rebate program to help businesses fund and implement safety measures. NSW small business owners and sole traders with 0-20 full-time employees or equivalent are eligible for the program if they attend WorkCover safety workshops, webinars, programs, events or participate in workplace advisory visits. WorkCover health and safety division general manager John Watson said the program, which offers rebates of up to \$500, said: "Small businesses owners know a safe business is sustainable and more competitive."

## Nominations open for safety awards

Nominations for the inaugural Comcare Work Health and Safety Awards are open until April 16. The winners will be named at a gala dinner in Sydney on September 20.

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