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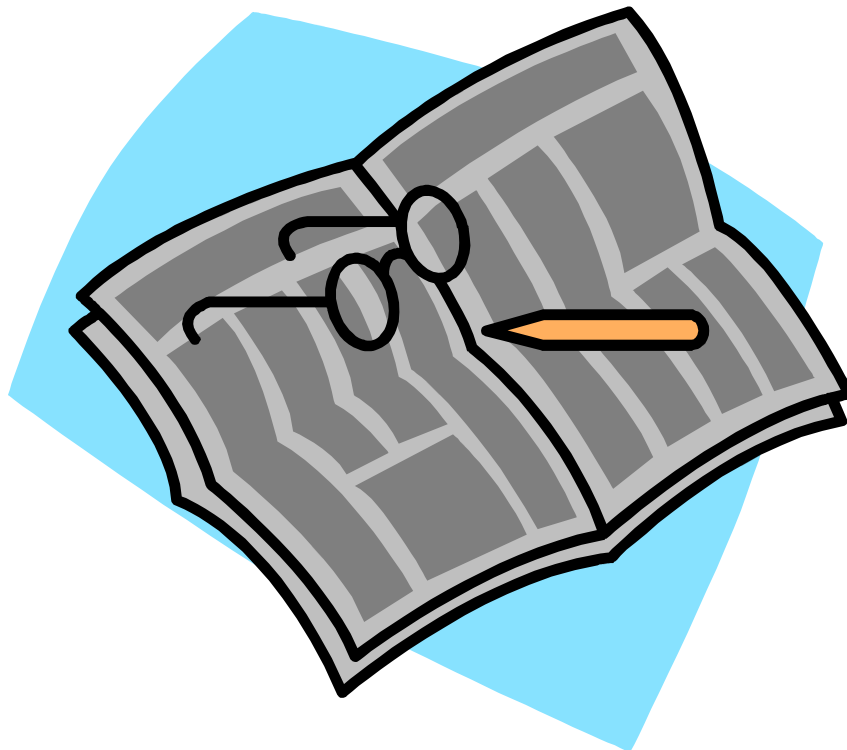
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Easy HR™ Newsletter
June 2006

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Construction Induction 'Green Cards' Expire

WorkCover NSW is extending the period during which 'green cards' can be used as proof of induction training in the building industry until the 1st of September 2006.

WorkCover Chief Executive Officer, Jon Blackwell said "Although a large number of cardholders have already converted their old 'green cards' to new WorkCover cards, some cardholders missed the two-year conversion period, which ended on 29th March 2006.

"A high demand on WorkCover accredited trainers, particularly in some country areas, is being experienced by some card holders," said Jon Blackwell.

To enable green card holders who missed the deadline to continue working and not be disadvantaged employers will be able to accept both the 'green card' or a pre 29 March 2004 training certificate as proof of construction induction training up to 1st September 2006.

"Green card holders who missed the 29 March 2006 conversion deadline will still be required to undertake re-training," said Jon Blackwell.

For training info please visit our website: http://www.easyhr.com.au/training/ohs_green_card.htm

Anyone who would like further information should contact WorkCover on **13 10 50**.

Source: WorkCover NSW

Quotable Quotes

- *Don't knock the weather; nine-tenths of the people couldn't start a conversation if it didn't change once in a while. Kin Hubbard*
- *Genius may have its limitations, but stupidity is not thus handicapped. Elbert Hubbard*

Wife Allergic To Her Husband

Doctors used to laugh when ladies came in complaining that they must be allergic to their husbands, but now we know that you can develop an allergy to just about anything--including husbands!

One lady became allergic to her hubby after 25 years of happy marriage. As soon as he came into the house she became uncomfortable with various aches and pains for which her physicians could find no solution. The couple was actually forced to live apart for months before the source of the problem was discovered: the husband was a dentist and had switched to a new type of anaesthetic for his patients, and his unfortunate wife was reacting to the residues of these substances.

So, how'd they solve their problems? Thorough washing by the dentist and a quick change of clothing before coming home restored their conjugal bliss.

Source: *Condensed Knowledge* by Will Pearson, Mangesh Hattikudur and Elizabeth Hunt

Arrange Your Affairs To Avoid Prosecution

A South Australian Industrial Magistrate, Michael Ardlie, told a defendant that he could have avoided prosecution for an OHS offence if he had "properly arranged his affairs".

The defendant, a sole trader, trading as Garage World, manufactured and sold garages, sheds and carports.

In February 2004, two employees were erecting a steel shed at a vehicle repair shop when the roof structure collapsed. The safety of the employees had been put in danger, even though there was no injury. Both employees engaged in the erection of the shed were experienced, and one of the employees was a licensed builder.

The court heard that the defendant was not involved in the organisation of the erection nor in any way was he hands on as far as the erection process was concerned. His role was restricted to the manufacture of the shed.

He had however "failed to properly arrange his affairs to ensure that he was not the employer of [the workers]". As a result, he came within the ambit of s19(1) of the State OHS&W Act.

Due to his misunderstanding of his position and therefore his responsibilities as employer, he failed to develop or implement safe operating procedures, to undertake a full hazard and risk analysis and to provide training and supervision.

In arriving at a sentence, the magistrate took into account a guilty plea and also the defendants financial difficulty. A fine of \$10,000 plus costs was imposed.

Nizamis v Leo (t/as Garage World) [2006] SAIRC 1

\$137 940 Fine After Apprentice Loses An Arm

A Sydney green waste recycling company and its director have been fined a total of \$137,940 by the NSW Industrial Court after a 15 year-old apprentice lost his arm as a result of a workplace incident.

Australian Native Landscapes Pty Ltd, of Terry Hills, and its Managing Director, Mr Patrick Soares, pleaded guilty to breaches of the Occupational Health and Safety Act 2000.

The conviction resulted from an incident at the company's North Ryde recycling facility on 19 November 2003 when the apprentice was cleaning mulch from a green waste conveyor while it was running.

The apprentice's right arm became caught under the roller, and later had to be amputated.

Justice Schmidt fined Australian Native Landscapes Ltd \$125,400 and its Managing Director \$12,540.

In handing down the penalties, Justice Schmidt said: "On the evidence, there can be no doubt at all that what occurred was both entirely foreseeable, and that there were simple steps available which would have ensured that this risk to safety could not have materialised."

WorkCover NSW Chief Executive Officer, Jon Blackwell, commented: "This appalling injury to an apprentice at the start of his working life is a tragic lesson that should be borne in mind by all employers and others in the workplace who are responsible for the health and safety of our young workers."

Source: WorkCover NSW

The Language We Speak

I take it you already know
Of tough and bough and cough and dough?
Others may stumble, but not you,
On hiccough, thorough, lough and through?
Well done! And now you wish, perhaps,
To learn of less familiar traps?
Beware of heard, a dreadful word
That looks like beard and sounds like bird,
And dead: it's said like bed, not bead -
For goodness sake don't call it deed!
Watch out for meat and great and threat
(They rhyme with suite and straight and debt).

A moth is not a moth in mother,
Nor both in bother, broth in brother,
And here is not a match for there
Nor dear and fear for bear and pear,
And then there's dose and rose and lose -
Just look them up - and goose and choose,
And cork and work and card and ward,
And font and front and word and sword,
And do and go and thwart and cart -
Come, come, I've hardly made a start!
A dreadful language? Man alive!
I'd mastered it when I was five!

Quoted by Richard Krogh, in D Bolinger & D A Sears, Aspects of Language, 1981.

Though For the Day

- *If a train station is where a train stops, what's a workstation?*

How Tall is Tall?

The following question appeared in a physics degree exam at a Danish university.

"Describe how to determine the height of a skyscraper with a barometer."

One enterprising student replied: "You tie a long piece of string to the neck of the barometer, then lower the barometer from the roof of the skyscraper to the ground. The length of the string plus the length of the barometer will equal the height of the building."

Needless to say the student failed. He was so incensed for failing after having given an undisputedly correct answer, and appealed the mark. An arbitrator was appointed.

The arbitrator judged that the answer was indeed correct, but did not display any knowledge of physics which was the object of the examination. An oral test was conducted and the student was allowed six minutes in which to verbally provide an answer which showed at least a minimal familiarity with the basic principles of physics.

For five minutes the student sat in silence, forehead creased in thought. The arbitrator warned him that time was running out. Eventually the student responded that he had a number relevant answers, but couldn't make up his mind which to use. On being advised to hurry up the student replied as follows:

"One, you take the barometer up to the roof of the skyscraper, drop it over the edge, and measure the time it takes to reach the ground. The height of the building can then be worked out from the formula $H = \frac{1}{2}gt^2$ (height equals half times gravity time squared). The problem is that you can not replicated the test using the same barometer.

"Two, if is a sunny day, you could measure the length of its shadow. Then you measure the length of the skyscraper's shadow, and thereafter it is a simple matter of proportional arithmetic to work out the height of the skyscraper.

"You could tie a short piece of string to the barometer and swing it like a pendulum, first at ground level and then on the roof of the skyscraper. The height is worked out by the difference in the gravitational restoring force ($T = 2\pi \sqrt{\frac{l}{g}}$).

"Four, if the skyscraper has an outside emergency staircase, it would be easy to walk up it and mark off the height of the skyscraper in barometer lengths, then add them up.

"Five, if you merely wanted to be boring and orthodox about it, of course, you could use the barometer to measure air pressure on the roof of the skyscraper, compare it with standard air pressure on the ground.

"Six, since we are constantly being exhorted to exercise independence of mind and apply scientific methods, undoubtedly the best way would be to knock on the janitor's door and say to him 'I will give you this nice new barometer, if you will tell me the height of this skyscraper.'"

The arbiter re-graded the student with an 'A.'

\$231 000 Fine After Factory Explosion

A fireworks company and its director have been fined a total of \$231,000 in the NSW Industrial Court following two explosions at a Leppington fireworks factory in which an employee was seriously injured and another hurt.

The employee suffered third-degree burns to 80 per cent of his body on 10 June, 2003 when a spark from either a mechanical source or static electricity started a chain reaction at International Fireworks Pty Ltd.

The first explosion occurred when about 3-4kg of red star fireworks mix ignited, followed by 2kg of gunpowder exploding in an adjacent room.

The extent of the employee's injuries will prevent him from returning to work.

Evidence provided by WorkCover showed that the employee was not wearing sufficient protective clothing at the time of the incident.

In handing down her judgment, Justice Schmidt said the necessary safe system of work was not implemented or maintained, exposing employees to risks of the most serious kind, which were entirely foreseeable.

International Fireworks was fined \$210,000, and its Director, Mr Fortunato Foti, \$21,000.

Source: WorkCover NSW

The Procrastinators Creed

- 1. I believe that if anything is worth doing, it would have been done already.*
- 2. I shall never move quickly, except to avoid more work or find excuses.*

Victorian Long Service Leave

The changes proposed to statutory long service leave provisions that the Victorian Government introduced last year, became effective on January 1.

Under changes to the Victorian Long Service Leave Act, employees whose long service entitlement is not covered by an award, certified agreement or AWA (or, like building and construction workers, regulated separately) are now entitled to two months leave after 10 years, rather than three months after 15 years.

This is to be phased in, with workers with 10 years service on January 1 only able to count two-thirds of that time when seeking to access their first two months leave (with the remainder to be taken at the 15-year mark.)

In other changes:

- Employees are entitled to pro rata long service leave on termination of employment after seven years (previously 10 years), regardless of the reason for termination (including summary dismissal);
- Employers won't be able to unreasonably refuse an employee's request to take double leave at half pay;
- Employers will be able to direct employees to take their leave by giving three months notice in writing if the timing can't be agreed on;
- Long-term casual and seasonal workers are included under the definition of employee;
- All forms of paid and unpaid leave, except unpaid parental leave, will count as service;
- Where employees' hours vary, they will be paid long service leave at the greater of their average pay over the last 12 months, or their average over the last five years;
- Public holidays falling within the leave period will now be added to the leave period;

Directors can be prosecuted for offences under the Act, such as cashing out long service leave. There are increased penalties for breaching the Act.

The State Government said last year that the purpose of the amendments was to make the long service laws more consistent with modern working practices and with similar laws in other Australian jurisdictions; guarantee that employees who take leave for family reasons are not disadvantaged; and ensure categories of employees such as casual and seasonal employees are treated fairly

For more information, go to www.business.vic.gov.au/

Interesting Thought

The following is the philosophy of Charles Schultz, the creator of the "Peanuts" comic strip. You don't have to actually answer the questions. Just think about the answers to get the message.

Quiz 1

- Name the five wealthiest people in the world.
- Name the last five 'Australian Of The Year' Recipients.
- Name the last five winners of the Miss World.
- Name ten people who have won the Nobel or Pulitzer Prize.
- Name the last half dozen Academy Award winner for best actor and actress.
- Name the last decade's worth of Football Grand Final winners.

Quiz 2

- List a few teachers who aided your journey through school.
- Name three friends who have helped you through a difficult time.
- Name five people who have taught you something worthwhile.
- Think of a few people who have made you feel appreciated and special.
- Think of five people you enjoy spending time with.

The lesson: The people who make a difference in your life are not the ones with the most credentials, the most money, or the most awards. They are the ones that care.

Sydney Firm Convicted Of Obstructing Union Safety Inspection

A Sydney company has been convicted in the NSW Chief Industrial Magistrate's Court of unlawfully obstructing union officials investigating suspected breaches of the Occupational Health and Safety Act 2000.

Two Shop Distributive and Allied Employees Union (SDA) officials were ordered to leave the premises of Ourcorp Pty Ltd by the company's warehouse manager while conducting a safety inspection on 23 September 2004.

The officials complied with the order to leave, and reported the incident to WorkCover NSW.

Ourcorp Pty Ltd was convicted of two charges brought under Section 136(1)(a) of the Occupational Health and Safety Act 2000, which states that a person must not "obstruct, hinder or impede any authorised official in the exercise of the official's function under the Act".

Chief Industrial Magistrate Hart found the union officials went to the warehouse to conduct an inspection in response to complaints from the SDA over safety issues.

He ruled that the authorised officials had been obstructed in the exercise of their functions under the legislation, and that they had complied with the relevant statutory requirements associated with the exercise of their functions.

The case is listed for further hearing on 28 June 2006 for the filing and serving of evidence relevant to sentencing.

Take Me To Your Master

A Japanese employment agency is suggesting companies try recruiting a robot, instead of hiring a temp receptionist.

For just under 50,000 yen (\$570) a month, a fraction of the cost of a human temp, the PeopleStaff agency will dispatch 'Hello Kitty Robo', a robotic receptionist capable of sensing a visitor's presence, greeting him or her and holding simple conversations.

The Nagoya-based agency is also offering the services of 'Ifbot', an elderly-care robot that chats and poses riddles and arithmetical problems to train the brain and help avoid dementia.

Spaceman-like 'Ifbot', which also quizzes people about their health, is aimed at hospitals and old peoples' homes.

A spokeswoman for PeopleStaff said it would cost more than 300,000 yen (\$3,400) a month to employ a person for this type of work, but warned that the robots were not capable of doing everything human employees can do.

Source: www.abc.net.au

To Hire or Not to Hire ?

In the SA Industrial Court, hearing a prosecution against labour hire firm, Magistrate Richard Hardy found that a labour hire company's OHS obligations are limited by the fact its awareness and knowledge of hazards at a work site can never equal that of the host employer

An employee was placed by labour hire firm Select Australasia Pty Ltd. with environmental waste company SITA Australia, at a recycling facility owned by Mitsubishi Motors. The employee had suffered an injury to his arm.

Workplace Services charged all three companies over the incident. SITA and Mitsubishi were convicted (under s19 and s24A of the Act respectively) and each was fined \$14,000.

Industrial Magistrate Hardy heard there were no safe operating procedures for the conveyor. Select had given its employee a general safety induction but it hadn't covered conveyor training.

A Select employee visited the site about once a fortnight, but never watched the workers or looked at the plant they operated. As well, no safety check list had been completed for the site.

Select accepted that it had equal responsibility but said that being removed from the site made the task more difficult.

Industrial Magistrate Hardy found that Select's penalty should be less than that imposed on Mitsubishi and SITA. This was because those parties should have been aware of the practice of workers using the bin lifter to access the conveyor, but hadn't informed Select. He said that regardless of having proper processes in place, a labour hire company's awareness and knowledge "can never equal that of the operator".

Industrial Magistrate Hardy fined Select \$12,250 plus court costs and fees, less than the \$14,000 fine imposed on the other two parties.

Ruling Prevents Sailor Seeking Compo

The ACT Supreme Court has ruled that a man cannot pursue legal action against the Australian Government for post-traumatic stress disorder he claims to have suffered after witnessing the collision between HMAS *Melbourne* and HMAS *Voyager* in 1964.

Barry Thomas Blunden was on board HMAS *Melbourne* when it ploughed into the *Voyager*, killing 84 people.

In his application to extend the period for legal action, Mr Blunden told the court he suffered post-traumatic stress disorder as a result of the experience.

He said after the incident he endured nightmares, wet the bed and became an alcoholic.

In ruling against his application, Justice Ken Crispin said he could not be satisfied a fair trial would be possible after such a long time.

He said he realised this meant the former sailor would be unable to pursue any damages claim.

But he said in balancing the arguments he was not satisfied it would be just or reasonable for the case to continue.

Source: www.abc.net

Coffee Break

A recent survey of Australian dairy farmers by CowTime found that 1 in 10 had suffered an injury during milking in the last 12 months, with the injury forcing 9 farmers (3%) to miss more than 4 weeks of milkings.

In the 4½ years to the end of 2004, there were 21 deaths on Australian dairy farms and, on average, there are 150 deaths from non-intentional injury on farms each year.

www.cowtime.com.au and www.dairysafety.org.au

New ACT Code Of Practice For First Aid

A revised ACT First Aid in the Workplace Code of Practice has been approved under the ACT Occupational Health and Safety Act 1989. The revised code will come into effect on **1 July 2006**.

The revised code of practice provides updated practical guidance on achieving a safe work environment. Changes to the code include aligning workplace classifications with New South Wales, grouping previously scattered information under appropriate headings, simplified definitions, and revising first aid kit content lists to reflect current industry practice. The code of practice is available at: www.workcover.act.gov.au/pdfs/guides_cop/first-aid_cofp.pdf

Casual Attitude Results In Heavy Fine

A employer that demonstrated "an unacceptably casual attitude towards its obligation to ensure the safety of all employees and visitors" to its scrap yard was recently fined \$32,000 plus costs.

The employee was required to cut the lids from 44 gallon drums (200 litres). The employee had observed other employees performing the task and proceeded to do as he had observed. Unfortunately one such drum had contained methanol and when an attempt was made to cut it using oxy-acetylene equipment, the drum exploded.

Although wearing gloves at the time of the accident, the employee was not wearing a helmet or face shield.

The employer, when interviewed by the investigating authorities said that he had been running the business for 26 to 27 years. He believed that the employee had been shown how to cut the drums. Prior to the accident they had been using an air gun but at the time of the accident, the air gun was not working hence the oxy-acetylene.

The defendant has conceded that the work procedure was flawed and that the instruction was flawed. The procedure in use was not only plainly unsafe, but it defied common sense.

The defendant was found guilty (a) of failing to ensure a safe system of work, (b) failed to identify risks created by hazardous substances and (c) failed to provide adequate training.

In arriving at a sentence, it was recognised that this was a first offence and that the defendant had made an early plea of guilty, and had cooperated in investigations. A fine of \$32,000 was imposed, plus costs.

Colella v Ilesha Pty Ltd (trading as Denron Scrap Metal Merchants)

Victorian OHS Changes

The Victorian OHS Act 2004 reflects an increasing focus around Australia on employers' obligations to consult with employees and, in some cases, contractors at workplaces. The new requirements for consultation came into effect in Victoria on January 1, 2006.

Consultation encourages employee buy-in to occupational health and safety (OHS) and helps tap the valuable experience, insight and knowledge that exists in all organisations.

Section 35 of the Victorian OHS Act outlines when employers must consult. As far as reasonably practicable, consultation is mandatory when:

- Identifying or assessing hazards or risks (employees could be involved in inspections).
- Making decisions about risk-control measures (employees could be consulted when purchasing new equipment).
- Making decisions about procedures to consult with employees on health and safety issues (employers and employees could agree that OHS be placed on staff meeting agendas or that health and safety representatives will be consulted).

- Resolving health and safety issues (employees could adopt the WorkSafe flow chart in the WorkSafe publication Talking Safety Together).
- Monitoring employees' health and workplace conditions (employees could be consulted about how audiometric tests will be conducted).
- Providing information and training (OHS information could be placed on noticeboards or be discussed at toolbox meetings).
- Determining the membership of health and safety committees (for example, one management representative and one employee representative from each department).
- Proposing changes to the workplace (employees could be consulted about changes to internal layouts).
- Discussing plant, substances and other items used in the workplace (employees could be included in discussions about new forklifts or cleaning chemicals).
- Considering how the work performed may affect the health and safety of employees (employees could be asked about changes to workflow).

Useless Facts

- The longest nonfatal fall known occurred when an air hostess for a Yugoslavian air-line dropped--without a parachute--33,000 feet over Czechoslovakia and survived.

Meaning Of Safety

S = Safety

A = Action

F = For

E = Efficiency

T = Towards

Y = Yield

Thanks Swastik Chatterjee for your contribution ☺

To Tax or Not To tax

The Commissioner for Taxation has released the new Tax Tables. These tables are effective from **1 July 2006**.

Schedule 4 - monthly tax table incorporating medicare levy with and without leave loading

Nat 1007 www.ato.gov.au/content/downloads/n1007-05-2006.pdf

Schedule 3 - fortnightly tax table incorporating medicare levy with and without leave loading

NAT 1006 www.ato.gov.au/content/downloads/n1006-05-2006.pdf

Schedule 2 - weekly tax table incorporating medicare levy with and without leave loading

NAT 1005 www.ato.gov.au/content/downloads/n1005-05-2006.pdf

Other tax tables are also available on the ATO website <http://www.ato.gov.au>

Who Wears The Pants?

Work gangs on Queensland roads will be forced to ditch shorts by the end of the month and wear long trousers instead.

Despite complaints from some workers that it doesn't suit the Sunshine State's climate, Main Roads acting deputy director-general Ray Breust said the change was all about health and safety.

He said it would be compulsory for Main Roads staff and contractors working outdoors to wear long pants from May 31.

"Construction sites are hazardous places to work in. Main Roads' commercial arm RoadTek reported 50 injuries to the knee and lower leg between July 2002 and January, 2004," he said.

"These included abrasions, bruising, burns, lacerations, snake bites and insect bites.

"This does not include other injuries such as sprains, strains or injuries to ankles."

Mr Breust said Main Roads had been talking with its staff and with unions for the past two years over the change which he hoped would also cut down on skin cancers.

"Queensland Cancer Council figures state that almost eight per cent of skin cancers appear on the lower leg," he said.

"A skin check for the 128 employees at RoadTek Nerang showed 57 needed further testing or biopsies.

"Eleven had to undergo surgery. These resulted in Workcover claims."

A Main Roads spokesman said staff or contractors who turned up to an outdoor job with shorts would not be allowed on the site.

"As with the failure to wear any other safety equipment they will obviously not be able to work on the site," he said.

"They would be required to wear the equipment before they could work - that includes long pants."

Source: SMH 18/5/06 - AAP

Kiss Me Quick

According to a news report, a certain school in the USA was recently faced with a unique problem. A number of 12-year-old girls were beginning to use lipstick and would put it on in the washroom. That was fine, but after they put on their lipstick they would press their lips to the mirror leaving dozens of little lip prints.

Every night, the maintenance man would remove them and the next day, the girls would put them back.

Finally the principal decided that something had to be done. He called all the girls to the washroom and met them there with the maintenance man. He explained that all these lip prints were causing a major problem for the custodian who had to clean the mirrors every night.

To demonstrate how difficult it had been to clean the mirrors, he asked the maintenance man to show the girls how much effort was required. He took out a long-handled squeegee, dipped it in the toilet bowl, and cleaned the mirror with it.

Since then, there have been no lip prints on the mirror.

--oOo--