This Work Health and Safety Briefing presents recent developments in work health and safety regulation in Australia, and some recent research and reports from our monitoring of the work health and safety literature. In addition to developments in work health and safety law and policy, there are contributions relating to workforce factors, competency of work health and safety professionals, other regulatory strategies, workplace arrangements, and hazards, risks and prevention.

Developments in Work Health and Safety Law and Policy in Australia

Adoption of national model legislation

As we have previously reported, the Model Work Health and Safety Bill and Model Work Health and Safety Regulations came into operation in five jurisdictions on 1 January 2013. These jurisdictions are the Commonwealth, New South Wales, Queensland, the Australian Capital Territory and the Northern Territory.

In Tasmania, legislation giving effect to the national model Bill and model Regulations will come into effect on 1 January 2013. The Work Health and Safety Act was assented to in April 2012, enabling the Work Health and Safety Regulations 2012 to be submitted for 'making' by the Governor. More information about the status of adoption of the model legislation in Tasmania is at:

A Bill to enact the national Model Work Health and Safety Bill was introduced into the South Australian Parliament in 2011. The Bill was passed in the House of Assembly (the Lower House) in November 2011, but the Upper House of the South Australian Parliament voted to adjourn debate on the Bill until February 2012.
National model legislation continued

Safe Work South Australia advises that the Work Health and Safety Act will commence in 2012 once the Bill passes through the South Australian Parliament. The Work Health and Safety Regulations 2012, which are the national model regulations, will come into effect once the Work Health and Safety Act is proclaimed. More information about the status of adoption of the national model legislation in South Australia is at:

In the remaining jurisdictions, Victoria and Western Australia, there has been no further progress towards adopting the national model legislation.

Model codes of practice

Safe Work Australia has released for public comment five model codes of practice intended for adoption under legislation giving effect to the Model Work Health and Safety Bill. The codes of practice are for:

- Safe Design, Manufacture, Import and Supply of Plant
- Working in the Vicinity of Overhead and Underground Electrical Lines
- Traffic Management in Workplaces
- Scaffolding Work, and
- Formwork and Falsework.

The public comment period closes on 22 June, 2012. The draft codes are online at:

Road safety remuneration legislation

The Road Safety Remuneration Act 2012 received assent in April, following its passage through the Australian Parliament in March. The object of this legislation is to promote safety and fairness in the road transport industry by: (a) ensuring that road transport drivers do not have remuneration-related incentives to work in an unsafe manner; (b) removing remuneration-related incentives, pressures and practices that contribute to unsafe work practices; (c) ensuring that road transport drivers are paid for their work, including loading or unloading their vehicles or waiting for someone else to load or unload their vehicles; (d) developing and applying reasonable and enforceable standards throughout the road transport industry supply chain to ensure the safety of road transport drivers; (e) ensuring that hirers of road transport drivers and participants in the supply chain take responsibility for implementing and maintaining those standards; (f) and facilitating access to dispute resolution procedures relating to remuneration and related conditions for road transport drivers. The Act is online at:
Australian Work Health and Safety Strategy

Safe Work Australia has released for public comment a draft Australian Work Health and Safety Strategy 2012-2022. The draft Strategy proposes outcomes to be achieved by 2022 (the 2022 Outcomes); seven action areas; strategic outcomes for each action area; fatality, injury and illness targets; and priority industries. Public comment on the draft Strategy closes on 21 May, 2012. The draft is online at:

Books on work health and safety legislation

Johnstone R, Bluff E and Clayton, Work Health and Safety Law and Policy, Thomson Reuters, Sydney, 2012. This book examines the provisions of the national model work health and safety legislation, and discusses the court decisions that are likely to help interpret those provisions. Readers in jurisdictions that have not yet adopted the model legislation are provided with a structured way to examine the provisions in their current legislation. The book also includes chapters on the role of law in compensating and rehabilitating workers with work-related injuries and diseases. More information about the book is at:


Tooma M, Due Diligence: Duty of Officers, CCH Australia, Sydney, 2012. This book explains the different aspects of the duty of officers including the definition of an officer, the elements of due diligence, and liabilities for breach of the duty. The book also provides recommendations for compliance. More information about the book is at:
Competency of Health and Safety Professionals

Educational standards

The Australian OHS Education Accreditation Board has been established under the auspices of the Safety Institute of Australia in response to concerns that there have been no education requirements or regulated standards for the competency of persons who provide work health and safety advice. The Board will set educational standards and accredit work health and safety professional education programs provided by universities with the aim of ensuring confidence in the qualifications of persons employed or engaged to provide health and safety advice, and providing guidance to students in selecting a program of study. Agreed learning outcomes, which are the measure of quality used by the Tertiary Education Quality Standards Agency, are the foundation of the educational standards for the work health and safety profession. More information is online at:

http://www.ohseducationaccreditation.org.au

Body of knowledge

The OHS Body of Knowledge (BOK) which describes the core knowledge expected of work health and safety professionals was launched in April. It is intended that the BOK will provide a basis for accrediting education programs for professionals, and will underpin professional certification for those providing work health and safety advice and support. The BOK will therefore inform development of programs and learning materials by education providers (including continuing professional development), and will provide a benchmark for assessing professionals who seek certification. The BOK can also be used by work health and safety regulators, employers or recruiters as a benchmark for professional practice. The BOK is online at:

http://www.ohsbok.org.au

Other Regulatory Strategies

Economic incentive schemes

European Agency for Safety and Health at Work, How to Create Economic Incentives in Occupational Safety and Health: A Practical Guide, European Agency for Safety and Health at Work, Brussels, 2011. This publication is a guide to economic incentives schemes. It is aimed at helping incentive providers of incentives to create or optimise their schemes. The report is online at:

Worker Representation

European Foundation for the Improvement of Living and Working Conditions, *Workplace Employee Representation in Europe - Executive Summary*, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2012. This report examines how social dialogue functions in European workplaces, the different forms of representation and how well they function. Based on the 2009 European Company Survey (ECS) conducted in 30 countries and other data sources, the report considers the factors that influence social dialogue at the company level, discussing the role of works councils, unions, company size and age, the nature of the product or service delivered, employer choices and the composition of the workforce as well as whether national governments intervene in social dialogue and the level of negotiations. The report is online at: [http://www.eurofound.europa.eu/publications/htmlfiles/ef12141.htm](http://www.eurofound.europa.eu/publications/htmlfiles/ef12141.htm)

Bryson A, Forth J and George A, *Workplace Employee Representation in Europe*, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2012. This report presents detailed information about employee representation in Europe. Around one third (34%) of workplaces with 10 or more employees have a union or works council, but this differs from 55% of workplaces in Denmark, Sweden and Finland, to 20% in countries such as Turkey, Greece and Portugal. There are also substantial variations by industry sector and workplace size. Workplace representation is also more prevalent in countries where there is national or sectoral bargaining, and with more extensive levels of legislative support for workplace representation. The report is online at: [http://www.eurofound.europa.eu/publications/htmlfiles/ef1214.htm](http://www.eurofound.europa.eu/publications/htmlfiles/ef1214.htm)

Work and Workforce Trends


Australia at Work Five Year Study - This five year study by the Workplace Research Centre at the University of Sydney has sought to understand the nature of employment in Australia and how it is changing. The researchers have produced a series of factsheets on topics examined in the study including workplace consultation, trust in managers, employee attitudes to managers, changing jobs, incidence of job change, and employee perceptions of risk of work-related injury or illness. A report, and statistics and stories have also been published. The factsheets and reports are online at: [http://australiaatwork.org.au/temp-1913374402.php](http://australiaatwork.org.au/temp-1913374402.php)
**Work and workforce trends continued**

**Age Barriers to Work Inquiry** - the Australian Law Reform Commission (ALRC) has released an issues paper entitled *Grey Areas—Age Barriers to Work in Commonwealth Laws* (IP 41) which is the basis of consultation for the Age Barriers to Work Inquiry. Work health and safety is among the issues on which the ALRC has sought comment. In particular, the ALRC has asked:

- in what ways, if any, can plans developed under the Australian Work Health and Safety Strategy 2012–2022 take account of work health and safety issues of particular relevance to mature age workers?
- is it necessary, and if so where is it best to include information about work health and safety issues relevant to mature age workers; for example in codes of practice or guidance materials?
- in what ways, if any, do work health and safety duties and responsibilities affect volunteering by mature age persons?

More generally, the ALRC is interested in comment on measures that encourage employer responsiveness to the needs of mature age workers, and provision of support and assistance to them where necessary and ways, if any, to regulate and monitor their responsiveness. The closing date for submissions is 14 June 2012. More information is at:


---

**Hazards, Risks and Prevention**

**Diesel exhaust**

Silverman D et al, “The diesel exhaust in miners study: a nested case–control study of lung cancer and diesel exhaust” (2012) 104 *Journal of the National Cancer Institute* 1–14. This article reports a study evaluating the relationship between quantitative estimates of exposure to diesel exhaust and lung cancer mortality, after adjustment for smoking and other potential confounders. The study found statistically significant increasing trends in lung cancer risk with increasing cumulative respirable elemental carbon (REC) and average REC intensity. The findings provide further evidence that diesel exhaust exposure may cause lung cancer in humans, and are important not only for miners but also for the many other workers exposed to diesel exhaust. The paper is accessible online from:

Hazards, risks and prevention continued

General working conditions

Parent-Thirion A et al, *Fifth Working Conditions Survey - Overview Report*, European Foundation for Living and Working Conditions, Dublin, 2012. This report presents an overview of the fifth European Working Conditions Survey (EWCS). Based on interviews with 44,000 workers across 34 European countries, the survey examines working conditions across European countries on a harmonised basis. The report analyses relationships between different aspects of working conditions; identifies groups at risk and issues of concern; and monitors trends over time; and contributes to European policy development in areas such as quality of work and employment issues. The report presents findings relating to physical risks, working time, gender segregation, work–life balance, employee representation, work organisation, stress at work, skills development and pay, and health and well-being. The report is online at:
http://www.eurofound.europa.eu/publications/htmlfiles/ef1182.htm

“Green jobs”

International Labour Organization, *Promoting Safety and Health in a Green Economy*, International Labour Office, Geneva, 2012. This paper discusses the risks associated with technologies intended to protect the environment, in particular in the renewable energy sector. Examples discussed are the manufacture of photovoltaic panels which use at least 15 dangerous materials; wind power technology which involves exposure to epoxy resins, styrenes and solvents during production, installation and maintenance. Other sectors of concern are the recycling industry which exposes the often poorly paid and trained workers to a large number of risks. The ILO recommends that a true green job must integrate health and safety into design, procurement, operations, maintenance, sourcing and recycling policies, certification systems and standards. The report is online at:

Construction, health and hospitality

European Agency for Safety and Health at Work, *Innovative Solutions to Safety and Health Risks in the Construction*, Healthcare and HORECA Sectors, European Agency for Safety and Health at Work, Brussels, 2012. This report pursues an outcome of the EU-OSHA economic incentives project; that incentive schemes should reward specific prevention efforts that aim to reduce future injuries and ill-health. The report compiles preventive solutions for construction, health care, and hotels, restaurants and catering (HORECA). The report aims to promote these preventive measures in their own right and also to promote their use in economic incentives schemes. The report is online at:
Hazards, risks and prevention continued

Denim jeans and silicosis

A report issued by the “Clean Clothes Campaign” has asked the International Labour Organization and World Health Organization to include denim-production chains in their global programmes to eradicate silicosis. Sandblasting has become the key method for finishing jeans with a “worn-out” look. In the sandblasting process the denim is smoothed, shaped and cleaned by forcing abrasive particles across it at high speeds. The report also asks for multi-stakeholder initiatives dealing with labour standards in the garment industry use their influence to implement a complete ban on sandblasting throughout their supply chains. The report is accessible online from:
http://www.cleanclothes.org/resources/ccc/working-conditions/deadly-denim-sandblasting-in-the-bangladesh-garment-industry

Ambient intelligence—emerging hazard or solution

A series of research projects conducted by the Federal Institute for Occupational Safety and Health in Germany are investigating adaptive work assistance systems (AWAS) which apply ambient intelligence (AmI) in the work environment. This is technology that is embedded into the fabric of the work environment so that the environment is sensitive and responsive to people, anticipating their behaviour and responsive to their presence.

One of the projects is examining the opportunities and risks of AmI in terms of safety. For example, in the production process AmI-based safety solutions might facilitate the collaboration of person and machine without separating protective devices, such as protective fences, but it is uncertain whether such technology actually improves the standard of safety. A cause for concern is that measures using AmI technology might replace inherently safe design measures. This could be a safety concern as it is foreseeable that such measures could be manipulated. The research project is therefore assessing the risk of AmI-based safety technology and comparing the AmI solutions with inherently safe design and classic protective measures, taking into account the foreseeable behaviour of users and potential to manipulate protective devices. AmI-based safety solutions also entail increasing complexity in programmable electronic systems and, as such, safety requirements for this technology must be different from conventional safety technology. The project aims to shift the focus of product developers from a purely technocentric approach to a holistic and anthropocentric one.

Other projects are dealing with: the classification and conditions of use of AmI as work assistance systems; safe use of head-mounted displays; “intelligent” protective clothing; AmI-based ventilation and air-conditioning systems; and AmI-based lighting systems. More information about each project is online at:
http://www.baua.de/nn_34490/en/Homepage.html__nnn=true