

a hand, and amputation of a thumb.

Pannett told *Update* the company now recognised its responsibilities to employees. A presentation on machine and conveyor guarding had been given to 60 staff at the Lorneville plant, where three of the incidents occurred, and the company has begun an audit of guarding at all plants south of Timaru. The company has also agreed to meet with OSH every three months, to review planned health and safety improvements.

9 Getting tough on fatigue

Employer responsibility for the active management of driver fatigue has been firmly established in a recent Australian test case.

The New South Wales Industrial Relations Commission found that trucking company director **James Hitchcock** had failed to provide safe working conditions after one of his drivers was killed in a fatigue-related accident.

Long-haul truck driver **Darri Haynes** was killed in September 1999 when his semi-trailer collided with another truck and burst into flames on the Pacific Highway near Grafton, in northern NSW.

Haynes had had less than five hours sleep in the two days before the crash and was using methamphetamines to stay awake.

Convicting Hitchcock for a breach of the NSW Occupational Health and Safety Act, commission vice-president Justice **Michael Walton** said the case "painted a sobering picture of the risk for long-distance truck drivers of driving when fatigued."

Hitchcock's company, **Sayogi**, pressured its drivers to meet delivery deadlines, and drivers risked their jobs or incomes if they failed to comply, he said. The company had no policy on driving hours and breaks, and its rosters did not take the effects of fatigue into account.

Justice Walton said these conditions exposed Haynes to all the risks associated with fatigue.

While there was insufficient evidence to show this was the direct cause of the trucker's death, the judge found he was fatigued at the time of the accident and this significantly impaired his ability to drive safely.

Over the last four years more than 500 people have died in truck accidents but this was WorkCover NSW's first successful prosecution of such a case.

Hitchcock, who faces of a fine of up to A\$55,000, will be sentenced next month.

10 UK safety consultant fined

A self-employed British health and safety consultant has been fined £3000 for carrying out an inadequate risk assessment of a joinery operation. A worker was subsequently injured while using a vertical spindle moulding machine.

The August edition of *The Safety & Health Practitioner* reports that STD Joinery in Hampshire was fined £5000

following the incident, in which an employee losing the top of a finger and suffering lacerations to other fingers.

However, under the UK's Health and Safety at Work Act, if someone commits an offence which can be shown to be the fault of someone else, the other party may also be prosecuted.

Christopher Hooper, an experienced health and safety consultant (now retired) and former board member of the British Safety Council, had carried out a risk assessment of the joinery just over a year before the incident. His assessment included the spindle moulder.

"The quality of the risk assessment made by Mr Hooper," noted the HSE inspector involved, "fell significantly below what we would regard as a decent risk assessment. The judge said it barely paid lip service to what was required, and I think that is a not unreasonable comment."

The type of spindle moulder in question was described in court as notoriously dangerous, and needed backstops and jigs, or workplace holders, to be used safely.

In mitigation, Hooper said he was not familiar with woodworking machinery, leading the HSE to make two points: that companies should take care to hire consultants who are familiar with their industry; and that consultants shouldn't take on work which they don't understand.

11 Summary justice

The bare bones of penalties imposed in recent OSH prosecutions. Where there is more than one fine or order of reparations in relation to the same prosecution, a cumulative figure is given.

17/9/04

Pankhurst Sawmilling Co Ltd

Fine \$4000, reparations \$2000

Dislocated wrist in unguarded conveyor.

24/9/04

Pallet Packaging Ltd

Fine \$12,000, reparations \$10,000

Finger amputated in saw.

DIARY NOTES

12 Get to grips with the Building Act

Implementation of the Building Act 2004 on November 30 will mean significant changes for those in the building industry, and those associated with it. To explain the impact of the new legislation Brookers is hosting two one-day seminars, featuring presentations from contractors, designers, the Department of Building and Housing, lawyers and local authorities.

Interpreting the Building Act 2004 will be held in Wellington on Wednesday November 24, and in Auckland on Thursday November 25. For a full programme and registrations visit www.brookers.co.nz

SAFEGUARD update

The fortnightly newsletter on Occupational Health and Safety

www.safeguard.co.nz

NEWS AND VIEWS

1 Leadership stops bullies

Good leadership and close attention to recruitment and promotion procedures will help to overcome the bullying, sexual harassment, internet abuse, and violence which are the "scourge" of many New Zealand organisations, according to author and management consultant **Andrea Needham**.

Speaking at *Safeguard's OfficeSafe* conference in Auckland last month, she said that in New Zealand's still mostly hierarchical organisations, staff behaviour was modelled closely on that of the leaders.

"In any organisation, you can track behaviour back to the top every time. If there is a bully on the shop floor, his or her behaviour has been modelled on, or colluded with, or condoned by, the most influential group – typically senior management."

Author of the book *Workplace Bullying – the Costly Business Secret*, published last year, Needham said that despite the title she wrote more about leadership than bullying as such, because the culture of an organisation was set by those in positions of influence.

Destructive cultures, she said, breed dependent people with selfish, egotistic views, who are cynical and protective of their patch. There is a high level of anxiety and despair, people feel vulnerable – and management is in denial about how bad things are.

She defined bullying as persistent, unwelcome behaviour, usually perpetrated frequently and over a long period. The result is to diminish the recipient's ability to carry out a role for which he or she was usually seen as being competent. The wider health effects can be dramatic: anxiety, poor sleep, shattered self-confidence, depression, withdrawal, panic attacks, elevated blood pressure, heart problems.

"Innocent people get hurt. Perpetrators often get promoted. Senior management – and, frequently, HR – doesn't know what to do, so does nothing." Those who do nothing, she said, are as guilty as the perpetrators.

Having solid, widely disseminated policies in place is part of what Needham described as a "safe infrastructure". Policies should cover conflict management, feedback, complaints and investigations, and should make a clear statement of zero tolerance: that such behaviour will not be tolerated and is a disciplinary offence, and that discipline may include termination.

To really get to grips with the creation of a positive culture, an organisation also needs firm policies on recruitment and promotion. "Recruitment is the key

policy. It will determine your culture and keep it positive. Attend well to it!"

Similarly, Needham said the promotion process should be just as rigorous as that put in place for initial recruitment – because bullies are typically "shoulder tapped" in a promotional exercise to remove them from the affected department.

The key, though, remains the need to have senior management model good behaviour. "Too often in New Zealand," said Needham, "leadership is a language, not a behaviour."

2 Bonuses from health programme

An effective workplace health programme can influence aspects of employees' lives that organisations generally believe are outside their control, health solutions consultant **Sarah Gotty** told *OfficeSafe*.

While employers have direct control over many factors affecting the health and safety of individuals, other elements – such as external sources of stress or fatigue, drug or alcohol use, personal values and ability to cope – are seen as areas where an employer has no influence, Gotty said. At **Vodafone**, however, the introduction of a customised workplace wellness programme, *My Life 24/7*, had brought unexpected benefits in these areas, as well as achieving its primary goal of promoting worker health.

The essential first stage of the project was determining the values on which it would be based, Gotty said.

"With health programmes you can get sucked down into what you will do, without thinking about the other aspects – what values will be applied to the process, where it will lead and why you are doing it. At an individual level most people want to get involved in these sorts of programmes because they want extra energy to do the things that are important to them."

Successful health programmes recognise and provide for people's inter-related mental, physical, spiritual, emotional, social and symbolic needs, Gotty said.

"You can't divide one part of a person off from the other aspects, but a gain in one area can bring benefits in another. For instance, if you improve physical fitness, cognitive function, problem-solving ability and resilience will improve too, and if you teach people mental exercises and deep relaxation there will often be associated physical benefits, such as improved sleep and lowered blood pressure."

Before determining the content and structure of Vodafone's programme, Gotty assessed health needs within the organisation by conducting an online survey to identify risk areas and readiness to change, providing diabetes, cholesterol and other health tests, and studying

② Safeguard UPDATE

data summaries from the company's EAP provider to see the sorts of issues for which people were seeking assistance.

"The survey found the highest risk area was nutrition, followed by exercise. Smoking was the third highest risk factor, but there was a very low readiness to change, so we decided to leave it alone and work on the other two."

Branding was developed to give the project a positive image, two managers agreed to be champions, openly sharing their successes and failures with staff, and the programme was launched company-wide.

As an office-based company email was the ideal means of delivery. Five health coaching programmes were developed, focusing on weight loss, exercise, stress management, increasing activity levels and healthy eating. When employees chose the programmes they wanted to be involved in, they received advice and information in regular, personalised emails.

"An email programme is particularly good for our contact centre staff because they can access the programme when it suits them. On top of that emails can be customised to suit individuals, are a lot cheaper than providing seminars for 1600 people, and can be shared with family and friends."

Twelve months later a second online health risk survey produced exciting results. The nutrition risk had dropped by 30 percent, the exercise risk by 23 percent, and the smoking risk by 25 percent, even though it had not been targeted for intervention. The overall focus on healthy living had convinced a number of smokers to quit, Gotty said.

"This is how you make a difference in areas that you have no control over. As people start to adopt healthier behaviour some of the other stuff gets replaced."

The programme is now being introduced in Vodafone's Australian offices, and there are plans to take it to the UK as well.

③ Call to publicise solvent risks

Better education is needed to prevent others falling victim to the serious health problems associated with solvent exposure, according to the president of the *Solvent Network for the Aldehyde and Solvent-Affected (SNFTAAS)*, **Phillippa Martin**.

Martin was commenting on the death of 29-year-old Christchurch painter **Jason Gibson**, who suffered a rare form of blood cancer which an investigating panel says was likely to have been caused by exposure to paints.

Gibson suffered irrational mood swings, headaches, chronic lethargy and nosebleeds before he was diagnosed with acute promyelocytic leukaemia last November. He died of a brain haemorrhage only days later.

A research team from Massey University's Centre for

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Public Health Research, which has received funding from OSH, the Cancer Society and the Health Research Council to investigate occupational cancers in adult New Zealanders, looked into his death. Panel convenor **Dr Evan Dryson** told *Update* they believed it was related to his occupation and the solvents he used.

"He had 15 years of exposure to these products while working as a painter. They work with solvents which are known to have links to cancers."

Although the research project is half way through, Dryson says at this point the panel has come across no other cases similar to Gibson's.

Martin told *Update* the dangers of solvents found in products like paints are not being spelled out properly to young workers.

"They are not doing enough. There may be some warnings on the products but what else are they doing? Are they running any training about the dangers?"

She suggests pre-employment testing, to identify any existing susceptibility, would be a good idea.

"There is so much coming out about chemicals these days. Somehow people need to get the message and do something about it."

Christchurch occupational medicine specialist **Dr Bill Glass** told *Update* the link between solvent use and cancer is real and it is important for people to know how hazardous solvents are for the nervous system.

"Workplace solvent use is widespread so anything which can be done to highlight the issue and get across the danger message is important."

He emphasises that there is an ongoing need to educate people, including GPs, about the dangers.

"The messages have to keep being repeated to each new generation going into industries which use solvents, because these chemicals are going to be around for a long time."

④ Site Safe thinks small

Small construction companies should find it easier to set up a health and safety management system, thanks to the recent launch of a new Site Safe product.

Communications manager **Helen Hines-Randall** says the *Health and Safety plan for Small Businesses* provides practical support to smaller building firms.

"It's to win over the hearts and minds of the residential building industry, where there continues to be a huge incidence of accidents," she told *Update*.

The plan will help businesses work through the processes and paperwork necessary to run safe projects.

"We want to show them how easy it is and how they can integrate it into their work without too much trouble."

The package comprises a 2-hour coaching seminar, a safety manual and a CD with templates and tools,

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including hazard registers, induction checklists, site safety inspection reports and incident forms.

Five safety advisors will run the coaching seminars as required, throughout the country.

To date feedback has been good, Hines-Randall says.

"The penny has dropped for some people who have thought 'wow - this is so much easier than I thought', which is exactly what we are trying to convey."

⑤ What road code?

An international survey of more than a thousand road users, including 30 New Zealanders, has shown that three-quarters of drivers are not up to date with the basic road rules of their country.

Conducted by multinational systems development company **Interactive Driving Systems (IDS)** in conjunction with UK road safety charity **Brake**, the survey found 60 to 74% of drivers questioned did not have even basic knowledge of current road rules, although half the respondents claimed to own a copy.

Over a fifth of respondents had not read the rules for more than 10 years, and 74% did not know when the legislation was last revised. Sixty-one percent of respondents, however, drove more than 10,000 miles per annum, most of it commuting or driving for work.

Brake chief executive **Mary Williams** said many of those who took part in the survey worked in road safety or fleet management, meaning the results might be even worse for the general public.

"This suggests an urgent need for concerted effort to encourage more people and their employers to purchase and read the road rules."

The findings also suggests that employers have a duty to supply staff with up-to-date copies of the road rules.

IDS managing director **Andy Cuerden** said the research was originally prompted by the results from an online risk-assessment of over 26,000 fleet drivers.

"We were shocked to find 49% of them did not fully understand the road rules or the road signs placed to help them, so if they had an accident they would not even know whether they were at fault or not."

The full report is available at www.highwaycode.net/research.php.

⑥ The unkindest cut

An OHS manager thought her company's chances of achieving WSMP accreditation were lost when the auditor stopped to talk to the receptionist and asked about the biggest hazard in her job.

"Violence," she replied immediately. And had there been any actual incidents? "Oh yes," she assured him.

The auditor was somewhat perplexed. Why had these matters not been mentioned in the company's incident

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records?

The OHS manager was similarly nonplussed. Her staff told her everything - how had this slipped their minds?

She went back to the receptionist. Had she really been a victim of workplace violence? Well, no, the receptionist confessed, not really. "But it sounds so much better than paper cuts."

After further discussions the auditor was apparently convinced that the paper cut problem was well in hand and the company achieved its WSMP rating.

ON THE LEGAL FRONT

⑦ Club liable for guest's fall

A golf club which hired out its premises for a private social function has been ordered to pay \$9000 in reparations to a guest who fell down a bank when attempting to follow an unlit path to the car park.

Paraparaumu Beach Golf Club Inc was convicted under s.16(2)(b)(i) of the HSE Act for failing in its obligations as a person in control of a place of work after an elderly woman, who had been attending a dinner at the clubrooms hosted by another organisation, fell 1.3m onto a green, fracturing her leg and hip. The whole penalty was awarded to the victim (Porirua DC, August 6).

The night of the incident was particularly dark and the club's outside lighting had not been turned on. The timer to control the lights was located inside the pro shop, and other staff did not have keys to access the area after hours.

When the woman left the dinner, at about 11pm, the only lighting was from a streetlight behind the car park. The path looped around between the clubhouse and car park and the woman apparently wandered from it in the dark before falling down the unfenced bank.

Since the accident the club has had the edge of the path fenced, installed new lighting and moved the timer to an area that is accessible to all staff.

⑧ OSH meets meat processors

OSH Southland service manager **John Pannett** says the service has had "very useful" discussions with senior managers from the **Alliance Group**, following four serious accidents at two of the company's meat processing plants over a six week period early this year.

The company was charged under the HSE Act in relation to each of the incidents, although a s.8 charge laid in relation to an incident in which a worker suffered hot water burns has subsequently been withdrawn. It has pleaded guilty in the other three cases and will be sentenced on November 17. All these incidents involved workers who were caught in machinery, resulting in the amputation of a leg below the knee, crushing injuries to

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