Chapter 8

Improving Occupational Health and Safety at Work

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In the past, Australia’s relatively poor record on occupational health and safety has resulted in a high economic cost as well as high social costs.

In human terms, 500 Australians die every year in Australia and a total of between 600,000 and 900,000 work related accidents are compensated each year.

In economic terms, the total costs of these workplace deaths, injuries and diseases is estimated to be over $9 billion annually. That’s more than half the current account deficit! At a time when Australia’s strategies for economic reform and productivity improvement are under scrutiny, the important role that improved occupational health and safety can play, must by recognised.

Aside from the economically advantageous features of improved health and safety, it is only fair and just that all Australian workers enjoy the right to safe and healthy working environments. And, this means not just the coalminer or the metalworker, but also the clothing outworker and the nurse’s aide.

The human costs of poor occupational health and safety (OHS) can only be alleviated when strategies are developed to improve OHS for all workers.

To improve women’s occupational health and safety we need to ensure that their specific concerns are addressed within broad strategies as well as targeting areas of work where women are concentrated for specific action. We also need to ensure that the OHS risks and hazards that women experience are defined and recognised.

Identifying the Risks

It seems that, in the past, it has been easy to recognise the issues for women’s safety where men and women work side by side, but that the risks are a lot less obvious where women are located in highly segmented areas of the labour force. For example, women have often been prevented from lifting the same weights as men on the shop or factory floor, but in the health field, where women nurses and nurse’s aides are lifting patients, the risks of occupational injury were not so readily recognised or understood.

The National Occupational Health and Safety Commission should play a key role in identifying and addressing OHS issues of special concern to women. It provides a unique forum in which nationally consistent strategies and standards can be developed in consultation with employers, unions and governments, both State and federal.

This is a far cry from the days when OHS arrangements were characterised by extensive statutory regulation on a myriad of technical matters, often differing between States and industries. The shift towards national co-ordination, and towards new style OHS legislation which recognises the rights and responsibilities of the social partners, has also been important in dismantling some of the old protective legislation that discriminated against women. But much remains to be done.

In accordance with its charter, and in an attempt to address the specific needs of women workers, the National Occupational Health and Safety Commission has developed a national approach to OHS for women workers. There are four projects which form the focus of the national approach.

Manual Handling

The issue of manual handling has presented some difficulties. Even today, in some States, women are excluded from a lot of jobs because of limits on the weights which they are permitted to lift. This type of discriminatory law causes both men and women to suffer. Diversity within the gender groups is not taken into account, so this sort of regulation serves to discriminate against individual men and women.

What is needed is a move away from the previously regulated weight limits which differ between male and female workers, towards an approach based on individual risk assessment and control. This is, in fact, the basis for the new national standard and code of practice for manual handling developed by the Commission, which should significantly reduce the incidence of work related back injury as well as eradicate previously discriminatory work practices.

Textile, Clothing and Footwear

The focus of this project is on improving the competitive performance of the textiles, clothing and footwear industry by reducing the costs of occupational injury and illness. The project proposes an approach to total risk management at the enterprise level in an industry which employs chiefly women in its processing sector; the workplace practices arising from
this project are expected to have some applicability to other industries too.

Farm Safety

The rural industry has the second highest fatality rate in Australia (after mining). In recognition of the fact that women, not only do much of the work in rural industry, but, also act as the quasi OHS officers for it, the National Commission's Farm Safety Project defines a special role for women in improving OHS on farms. The Country Women's Association has been heavily involved with the implementation of the farm safety project. The project involves providing information and training to women in preventive health and safety activities and in safer work practices, which can then be transferred and implemented in the rural work environment.

Anthropometric Data Set

Another of the projects being undertaken as part of the national approach to occupational health for women workers is the development of an anthropometric data set of Australian workers. Until relatively recently, there has been little recognition that workplaces and products which are related to the human body must be designed with the human body in mind. The cost of such thinking is evidenced by the high rate of injury attributable to mechanical equipment: mechanical equipment injury accounted for about 28 per cent of all workers' injuries in Australia in 1986.

Inappropriate equipment design has been identified as a major cause of this injury. Most equipment used in Australia is designed to suit either West German or North American male workers. Women and other workers who are not in the upper percentiles of height and weight are not therefore catered for. Developing a data set which reflects more accurately the physical features of the Australian workforce will mean that designers have accurate data upon which to base their designs and ultimately will result in a reduction in the rate of injury for women workers.

A further matter of concern is lead. Australia is the largest mine producer of lead in the western world; domestic consumption of lead is about 65,000 tonnes per annum with about half of this used in the manufacture of electric storage batteries. In 1990, 5100 people were employed in the lead mining industry of whom 256 were women. Smelting and refining employ 4300 of whom 222 are women, while battery manufacture employs 1962 of whom 362 are women.

There is a considerable body of scientific evidence which indicates that the toxicological effects of elevated levels of lead are harmful. These elevated levels represent a particular risk to the foetus because the toxic effects of lead are reached at significantly lower levels than for adults. Because of these risks, three States currently have in place legislation which prohibits women from working in the lead industry. This sort of approach is obviously contrary to the spirit and the letter of equal opportunity law. It also disregards the potential hazards to the foetus that may result from men's exposure to lead.

While there is less research on the possible harmful effects on the reproductive capacity of the male than on the effects of elevated levels of lead on the foetus, the evidence does suggest that damage may occur to the sperm of male workers.

Code Of Practice

In response to the requirement to develop an acceptable approach to this issue, the National Commission drafted a proposed national standard and code of practice for the safe use and control of lead, which was released for public comment in early 1990. Extensive comment was received, particularly focusing on the issue of equal opportunity for women in the industry. Consequently, an expert working group has been set up to revise the draft standard and code to take public comment into account. This group comprises people with expertise in medical issues and women's employment matters. The committee is chaired by Dr Catherine Mead who is the medical services adviser from the Department of Community Services and Health (DCSH). (She was also the women's health adviser to DCSH for two-three years).

The outcome of the deliberations of this expert working group will be tabled at the Standards Development Standing Committee (one of the tripartite standing committees of the National Commission) on 6 August 1991, in anticipation of endorsement from the National Commission in December 1991.

Lead Exposure

The task and issues confronting us, the expert working group, the Commission, and society as a whole, are difficult ones. Obviously, the blanket exclusion of women from employment in the lead industry is unacceptable. However, the Commission also needs to consider the economic implications for the industry and community of lowering the lead
exposure standards to a level sufficient to minimise the risk of children with impairment being born.

One suggested approach to resolving the conflicting concerns is based on the experiences at BHAS Pasminco, a lead smelter in South Australia. This is detailed in a report which Jan Powning, the deputy chief executive officer of the South Australian Occupational Health and Safety Commission, has made to Worksafe Australia. BHAS is working to reduce lead exposure progressively, by identifying the hazards and exposure levels in particular job classifications. Extensive research has been undertaken on site, in order to classify each position in terms of the risk of lead contamination. In this way, positions have been identified which pose no risks to a worker.

This classification process also identifies jobs which are subject to inadequate control technology, or which may not be technologically controlled at present. It also makes clear which jobs should be subject to particular surveillance for data collection about the health of workers. The company is required to report regularly on its progress in achieving significant falls in the blood lead levels of its workers to the State Equal Opportunity Commission and about matters relating to employing women at the plant. In particular, on its progress with seven action steps which have been formulated in consultation with the Commissioner for Equal Opportunity, which aim to progressively open up low risk jobs to women.

Jan Powning has suggested that this sort of approach provides a model for opening up more jobs to women in the lead industry. The National Commission will need to consider and assess the broad viability of such an approach.

What is required is a solution which goes some way to reflect the interests of all workers, unions and employers. A solution which has tri-partite acceptance is the one most likely to produce a strategy which can and will be implemented and change the operations of the lead industry.

While acknowledging that the process of getting tri-partite agreement on issues like lead has been lengthy and does, by its very nature, require compromise, it is important to persevere with it.

It would be detrimental to discard the tri-partite process and rely instead on the courts to sort it out. To engage with the court system at this stage would, of course, mean further delay. More importantly, there are potential problems in relying on an adversarial system. If the issue is decided through the courts there can only be one winner; this win is necessarily accompanied by a loss to the other parties or party.

The other note of caution relates to the decision of the U.S. Supreme Court which has recently upheld the rights of women to work in a battery manufacturing plant, stating that:

Decisions about the welfare of future children must be left to the parents who conceive, bear, support and raise them rather than to the employers who hire these parents.

The danger with this decision is that we have the lead debate cast back into the private sphere where the responsibility is an individual one, and the social partners have no role defined by the courts in reducing the hazards for workers at risk.

"Getting it right" with lead is critical, because it will by no means be the last hazardous substance that requires a resolution of the sometimes conflicting issues of health and safety, equal opportunity, and economics.

If an acceptable and workable approach for the safe control and use of lead can be established, then this will help in the treatment of similar matters. One such issue is electromagnetic radiation, concern about which has recently prompted some organisations to look at foetal protection policies.

It is critical for the outcomes of the standards development process on the lead issue, as with similar issues, to be acceptable to the social partners as well as to the aims of government. The most satisfactory results are going to be those which achieve acceptance from all the concerned parties through a consensual process and which will thus be assured of prompt and appropriate implementation.