

## WORKPLACE SOLUTIONS UPDATE

August 2006  
Developments in HR & IR Law in Australia

### Inside this Issue:

Special Edition on the “Business of Health”

Stricter OHS Regulations – the Bottom Line for Employers

Happy Workers – Healthier and More Productive?



### SPECIAL EDITION

Welcome to my second Workplace Solutions Update. This Update is a special edition focusing on the “Business of Health” for your business. I hope that all friends of my practice find this information helpful.

### Cancer Risks related to Occupation: Employer Alert

An article in the Australian Financial Review a few weeks ago looked at the proportion of cancers caused by exposures at work. Brad Hatch reported that many employers have traditionally relied upon unions to enforce safety standards, however, with recent changes to the industrial landscape, employers have to take more care to ensure workers are protected. Recent surveys show that workers exposure to carcinogens is greater than had been previously known or suspected, and employers are under greater scrutiny than ever before on the way they approach occupational health and safety (OHS).

Hatch reported that a joint study by the Queensland Cancer Fund’s, Lin Fritschi, and the University of Sydney’s, Tim Driscoll, has revealed that,

*“...about 1.5 million Australians were identified as being exposed to deadly toxins at work, each year.”*

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Fritschi suggests that **11% of all cancers in men** and **2% of all cancers in women** are **linked to occupation**.

Workers in forestry, logging, construction and mining industries are most at risk followed by those in the hospitality industry. The study reveals that, lung cancer is one of the most prevalent work-related cancers, with about 30% of all lung cancer cases in Australia each year being caused by asbestos, fumes, engine exhaust and passive smoking.

The study links bladder cancer to exposure to dye, lead, and solvents at work, and colon cancer to metalwork and asbestos. Agriculture workers are commonly exposed to pesticides and UV radiation. Workers in the construction industry are at risk of cancers caused by exposure to silica, UV radiation, and diesel exhaust.

## Top 5 Industries for Exposing Workers to Cancer-Causing Substances:

% proportion of employees exposed

Forestry, Logging:	85.4%
Furniture, Fixtures, Manufacturing:	76%
Mining (excl. coal, metal ore)	71%
Petroleum, Coal Products Manufacturing	69.2%
Non-metallic Mineral Products Manufacturing	67.2%

*[Source: Australian NZ Journal of Public Health (2006)]*

## So, How Can Employers Protect their Workers?

One of the greatest difficulties faced by employers is that the number of carcinogenic agents is still unknown. So, preventing illness of workers requires some education and culture change, which includes changing the 'workers' behaviour. A good example, for instance, is in order to deter skin cancer, outdoor workers must learn to cover exposed skin rather than roll up their sleeves or work in a singlet. Hatch observed that there are employers who generally do not take care with their employees' working conditions, and given the delay between exposure and disease, these employers are escaping liability.

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## Case Study: Changing a Worker's Behaviour

Hatch reported on an interesting case study at the Bathurst Regional Council. The Council noticed that its outdoor workers were increasingly getting skin cancers removed, and they noticed that some of the problem was the workers attitude to the sun. The Council assumed some of the responsibility for allowing a culture to develop where employees would work in the sun, without protective gear and with sleeves rolled up.

The Mayor, Norm Mann noted that the Council provided protective gear such as wide brim hats and sunscreen, but, an attitude existed amongst the workers that, "... a tan was considered a sign of good health", and that, "...skin cancer could [not] kill them".

The Council conducted a risk assessment which revealed its outdoor workers were highly susceptible to melanoma. The Council then embarked on an ambitious plan to educate workers and their families of the dangers of the sun. The workers also contributed directly in determining the best form of protective clothing that they felt comfortable wearing (as the younger workers despised the wide brim hat, as it was 'old-fashioned') in order to ensure compliance. This path proved extremely successful for the Council in reducing risk of exposure to the sun.

### **Practical Ways to Reduce Your Workers Exposure to Cancer-Causing Agents include:**

*(According to the Cancer Council WA and NSW Cancer Council)*

- conduct an audit of health and safety,
- provide protective wear and equipment (and consult with workers on this),
- run health education programs for workers,
- arrange outdoor work at times when the UV radiation is not at its highest,
- change the culture of employers and workers at work,
- offer employees assistance to quit smoking,
- offer free health checks and cancer screening days,
- provide materials handling training and instruction,
- eliminate hazards, seal off hazards,
- provide effective ventilation.

[Source: Australian Financial Review, Special Report, B. Hatch, 13 July 2006, Page 12]

## Happy Workers: Healthier & More Productive?

Lucy Battersby reported in the Special Report, Australian Financial Review, that keeping a workforce happy is not easy, but, it certainly pays off for the employer.

Battersby reported that,

*“People who are happy at work are healthier, more productive, and more committed to their employers. They are also less likely to take time off for sickness or leave unexpectedly, and are unlikely to be driven solely by financial rewards.”*

This is really nothing new, but making employees happy is a lot more complicated than occasionally providing your staff with a free lunch. Workplace happiness is not directly proportional to an employee’s salary (though, it does help!), nor has it to do with office furniture, office windows or annual bonuses.

Workplace happiness has much more to do with management style and culture, and it is a shared responsibility between the boss and the employee.

Joanne Gavin, assistant professor of management at Marist College in the US, states that,

*“Research has found that for many, money keeps people from being unhappy, but it does not make them happy...real happiness in a job comes from feeling valued and appreciated.”*

### So, Who is Happy at Work?

Studies reveal that workplace happiness is not about being rich, or powerful, or having the corner office, but about feeling satisfied, appreciated and valued. Gavin believes that people primarily want to work in a fair and just environment where their efforts are recognised by co-workers and bosses. If employees know that good work is properly recognised and appreciated, they will always strive for the best outcome...which, in turn, improves business output.

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Jim Bright, a professor of career and education and development and partner at Bright and Associates, says that responsibility for workplace happiness also rests with employers, who need to provide staff with “wriggle-room” and with discretion. If workers are micro-managed, they will feel suffocated, and this will lead to resentment, restriction and a sense of dependence.

Gavin advises that “good managers” have a sincere and deep respect for people, and that,

*“...this respect for everyone, even the lowest person, leads to a real family atmosphere which often leads to the kind of financial success companies want. You just can't do it for the money.”*

[Source Australian Financial Review, Special Report, L.Battersby, 13 July 2006, page 15]

## Number Crunch - FYI

- The average working week has increased by 1.9 hours to 43.2 hours for men, and 1.7 hours to 39.3 for women, in the past 20 years.
- One third of men with children under 15 work more than 50 hours each week.
- Almost a third of these men are making use of flexible working arrangements, compared to 3 years ago.
- More than 50% of all women over the age of 15 are working outside the home, compared to 40% in 1979.
- Almost two thirds of women will have paid employment into their 50's, compared to just over a third 20 years ago.

[Source: Australian Social Trends 2006, released by the Australian Bureau of Statistics]

**If you would like more information on any of the issues raised in this Update, please do not hesitate to contact Brooke Pendlebury on 02-9231 0250, mobile 0403 818 912, or by email [info@pendlebury.com.au](mailto:info@pendlebury.com.au).**

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