



The Police Association

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InTact
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Coroner's Report into the death of Senior Constable Tony Clarke

On the 9 June 2010 the Coroner handed down her findings in relation to the murder of Senior Constable Tony Clarke.

The Coroner's greatest concern appeared to be with one-up patrols in dangerous circumstances. However, she also criticised poor holster design, inappropriate OSTT training as well as deficient tendering processes and supply chains.

The Coroner made no recommendations in relation to faulty holsters as she believed those issues had been addressed.

These findings clarified that staffing in the policing industry is an occupational health and safety issue. The Coroner accepted that the Force's statistical analysis had shown relatively few incidents to members patrolling alone but said that "some element of regard for the seriousness of the incident must be calculated into the statistic for risk for it to be a meaningful assessment and of assistance in determining the level of the risk involved." She recommended that one-up patrols be abolished in high risk circumstances like drink-driving intercepts, late night and remote area intercepts.

The Coroner also criticised the poor communication system within Victoria Police which discouraged members from reporting "Code 4" incidents. As stated, no recommendations were made in relation to communications.

The Coroner recommended her report be forwarded to the Department of Public Prosecutions (DPP) for investigation of indictable offences under the Occupational Health and Safety Act 2004.

Regionalisation

The roll-out of new regional boundaries has created new Police Service Areas, and Divisions. While it is **not** compulsory, traditionally the structure of designated work groups from which HSRs are elected has followed the management structure of the Victoria Police Force including the region structure.

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HSRs nominate themselves or are elected to represent employees in a designated work group. The Occupational Health and Safety Act 2004 does **not** provide any guidance on this. Accordingly, you and your constituents may wish to adopt the “reasonable person” approach. If you reasonably feel that the current designated work group structure that you represent should fit-in with the new regional structures, simply:

- a) ask your constituents what they want you to do;
- b) talk to other affected HSRs from other designated work groups near you; and
- c) see what local management thinks.

In the end if you do feel that the current structure of your designated work group will not enhance employee’s occupational health and safety the designated work group may have to change and you will have to stand down from the HSR role. Please note that you do have to option to re-nominate in order to represent the new designated work group.

The Association’s website has a list of all current HSRs and their designated work groups.

The post implementation review of the roll-out of energy conducting devices by Western Australia Police

Western Australia (WA) Police recently conducted a Review following the roll-out of energy conducting devices (ECD). WA Police use the “Taser” brand ECD and there were some interesting findings, including:

- ECD use (in all modes) increased from 805 applications in 2007 (roll-out) to 1252 in 2008
- In 2009 ECD use decreased to 1013 applications
- The deployment mode of ECD altered significantly during 2009. The use of ECD fell in both the projectile deployment mode (approximately 25%) and in the drive-stun mode (approximately 40%). However, the “control” application of ECD – where a member only draws the ECD - increased by approximately 30% during 2009 (*an important finding given the presence of an ECD was enough to achieve compliance*)
- In 2009 ECD was the force option most widely used by WA Police officers. Its use amounted to more than double the total of all other force options.
- Training must continue to have a strong emphasis on tactical communication. This emphasis will ensure communication, presence and negotiation will remain the three most utilised tactical options to resolve an incident
- ECD is better than the ASP baton because it is not an impact weapon and does not usually cause injury
- ECD gave officers the greatest opportunity to maintain a safe distance from a violent subject, while still controlling an incident

Victoria’s first reckless endangerment OHS conviction for company

In December 2006 a young truck driver was crushed to death when the truck he was driving went out of control on a steep slope and overturned on him.

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Last week his employer was convicted and fined \$750,000 under section 32 of the Occupational Health and Safety Act 2004 – “a person shall not recklessly engage in conduct that may place another person at the workplace in danger.”

The Melbourne County Court found that the employer failed to ensure the driver was properly instructed and trained to operate the truck off-road on a steep slope; and failed to ensure the truck he was driving was in proper working order. The driver had held a licence for little more than two weeks when he died – which involved only eleven hours of driving lessons. He was instructed to drive the overweight truck in off-road conditions on a slope exceeding 10 degrees. He was not trained to understand gear selection for this terrain. He had not undergone an induction or safety training, nor had he had the chance to build up his heavy vehicle skills under supervision.

WorkSafe Victoria’s investigation also established the truck’s primary brake and the emergency hand brake were not working, and the secondary brake had been disconnected. In addition, the truck had not been serviced for over six months.

Effects of shift-work can be reversed

A new study has found that although the effects of shift-work on sleeping patterns may persist for a while after giving up shift-work, they are not permanent. Shift workers are more likely to suffer from "premature awakening" and other sleep problems than day workers, but this new study has found that the symptoms can be reversed. The study, by French and Welsh researchers, began in 1996 and assessed the work and sleep patterns of more than 3000 workers and retirees born in 1934, 1944, 1954 and 1964. It followed two in three workers up to five years later and a further 40 per cent again in 2006. They found that the main effect of shift work on sleep was premature awakening, followed by difficulty getting back to sleep and difficulty falling asleep. The researchers said that the sleep problems seemed to be a reversible consequence of shift work rather than a cause of shift work intolerance - “The Effects of Age and Shift-work on Perceived Sleep Problems: Results From the VISAT-Combined Longitudinal and Cross-Sectional Study” (Tucker, P. et al, Wales, *Journal of Occupational and Environmental Medicine*, Volume 52, Issue 4, April 2010).

Mobile phone and cancer

Findings from the world’s biggest study into phone use and cancer were released last week. Countries participating in the study included Australia, Canada, Denmark, Finland, France, Germany, Israel, Italy, Japan, New Zealand, Norway, Sweden and the United Kingdom.

The study found disturbing but inconclusive evidence of a danger to heavy mobile phone users: adults using mobiles for more than 30 minutes per day had an average 40 per cent increased risk of developing glioma, the commonest type of brain cancer. However, the study's authors also said there was no overall increased cancer risk from mobile phone use. While the Australian Mobile Telecommunications Association (AMTA) welcomed the release of the study’s findings, with some now claiming mobile phones are safe, two Australian experts, neurosurgeon Charlie Teo and Professor Bruce Armstrong, urged caution. Professor Armstrong of the University of Sydney's School of Public Health led the Australian part of the survey.

Microwave News, an online publication which has been reporting on the potential health and environmental impacts of electromagnetic fields and radiation for almost 30 years, has a [detailed discussion](#) of the study's results "Commentary: call me on my mobile phone ... or better not? – a look at the INTERPHONE study results" (Saracci, R. & Samet, J. [International Journal of Epidemiology](#), May 2010).

Police and Safety Laws in the United Kingdom

One of the first acts of the new Government in the United Kingdom was to conduct a review of that country's occupational health and safety laws. Lord Young, who will conduct the review, has been especially concerned in how the laws apply to emergency service workers. This has prompted the Police Federation of England and Wales, to issue the following statement:

"We would welcome the opportunity to meet with Lord Young, now he has been appointed to head a review of health and safety laws and regulations. As police officers we take an oath to protect life and property. This oath means police officers are often called upon to make split second decisions in highly volatile and dangerous situations. Part of the decision making process is to ensure we do not place the public, ourselves or colleagues in further danger.

"Health and safety laws do not stop police officers doing our duty and are not about protecting the police at the expense of the public. We are certainly not risk averse; the Police Bravery Awards we host every year are testament to the heroism of police officers across England and Wales who put the safety and wellbeing of others above their own.

"There is no need whatsoever to make police officers exempt from health and safety legislation. The legislation exists to protect everyone – the public and the police. Last year, together with the Association of Chief Police Officers, the Police Superintendents' Association and the Association of Police Authorities, we signed up to a Health & Safety Executive document entitled 'Striking the balance between operational and health and safety duties in the police service'. This document sought to stamp out the myth that health and safety regulations prevent police officers from doing our duty and made clear that we have a responsibility to balance the risk between our role fighting crime whilst ensuring the public are protected.

"An early meeting with Lord Young, as part of his review of health and safety legislation, will allow us the opportunity to dispel the inaccurate and misleading 'risk averse' myths promulgated by the media and we will be able to clearly demonstrate that there is no useful purpose removing police officers from national health and safety legislation designed to safeguard all."

Bicycle Patrols

Over several years researchers from the United States National Institute of Safety and Health ("NIOSH") have investigated the potential health effects of prolonged bicycling in police bicycle patrol units.

NIOSH worked with several police departments with bicycle patrols to conduct reproductive health research. In these studies NIOSH did more than assess a problem; it also tested a solution. Several bicycle saddle manufacturers have developed saddles without protruding noses.

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NIOSH has investigated whether these saddles, which remove the pressure from the urogenital area, will alleviate any potential health problems. For full details follow this link - www.cdc.gov/niosh/topics/bike

Asbestos found in the lining of safes

In older safes asbestos was used as a fire-proofing agent. Members should be advised that they should contact the Metropolitan Fire Brigade or WorkSafe Victoria if they happen upon any damaged safes rather than attempt to access the safe themselves and risk exposure to the asbestos.



GREG DAVIES
Secretary

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