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Date: 16 / 09 / 2019
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FINAL REPORT



SILICA DUST

JULY 2019

Recommendation 1: First Review into the Dust Diseases Scheme Manufactured Stone Industry Taskforce

LET'S TALK SAFETY

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1 Executive Summary

On 13 March 2017, the Legislative Council Standing Committee on Law and Justice (NSW Legislative Council) commenced inquiries for the *'First Review into the Dust Diseases Care Scheme.'* Submissions for the Inquiry closed on 23 April 2017, with hearings conducted in June 2017.

On 24 August 2017, the Committee published its Final Report, which included five recommendations for the NSW Government and Insurance and Care NSW (icare). These recommendations included the better protection of workers in the stone manufacturing industry, who can be exposed to respirable crystalline silica (silica) dust in work processes such as cutting, sanding, carving, grinding, blasting and polishing of stone materials, that can lead to the lung disease silicosis.

On 27 February 2018, the NSW Government response was published with Recommendation 1, the establishment of a 'Taskforce' in the manufactured stone industry, to be incorporated within SafeWork NSW's existing *Hazardous chemicals and materials exposures baseline reduction strategy* (Chemicals Strategy) 2017-2022 under the *Work health and safety roadmap for NSW 2022* (Roadmap).

Recommendation 2 was for the State Insurance Regulatory Authority (SIRA) to examine the feasibility of establishing a national dust diseases data collection system, with Recommendations 3-5 that relate to the compensation claims process to remain with icare Dust Diseases Care.

In July 2018, the 'Manufactured Stone Industry Taskforce' (Taskforce) was established – convened by SafeWork NSW and comprised industry, peak bodies, medical professionals, Lung Foundation, Australian Industry Group and Unions NSW and other government agencies including the Ministry of Health and TAFE NSW (see 10.3). The taskforce met monthly until its conclusion on 30 June 2019, with the outputs to be maintained within SafeWork's Chemicals Strategy to 30 June 2022.

At the onset, it was recognised by the Taskforce members that whilst Recommendation 1 related to considering any regulatory changes necessary to protect workers in the manufactured stone industry, that regulation alone and/or any one agency could not solve the problem on their own. Awareness and education and behaviours relating to complacency also require attention, with collaboration between government, industry, medical and education sectors being the key to addressing the deterioration within workplaces.

It was also recognised that whilst the scope of Taskforce was limited to the manufactured stone industry (or engineered stone), silica is also present in other materials such as sandstone and other building products (concrete blocks, tiles and bricks) and various other industries e.g. tunnelling, mining, foundry moulding etc.

Third, that the problem was solvable as it was previously in the 1940s, '50s and '60s in workers who were jack-hammering Sydney sandstone – the materials that contain silica are known, the risks are identifiable and the safety controls are achievable.

There were three key significant milestones achieved by the Taskforce during its operation:

1. **Milestone 1: regulatory findings** - the regulatory review component of the work was submitted to the Minister for Better Regulation and Innovation (SafeWork NSW Minister) in November 2018. The Taskforce's findings fell within three portfolios - work, health and safety (WHS), health and trade education. Progress on the responses is available at 5.2.
2. **Milestone 2: awareness and education** – three awareness campaigns were delivered by SafeWork NSW during the Taskforce's operation – November 2018, April 2019 and June 2019 – with the SafeWork NSW Silica Symposium held at the International Convention Centre, Darling Harbour on 7 May 2019. Evaluations at 6.2.
3. **Milestone 3: compliance and enforcement** – all manufactured stone sites in NSW were visited by SafeWork NSW during the operation of the Taskforce – 246 sites (514 visits) with 596 notices issued (557 improvement and 39 prohibition). Health monitoring increased from 562 workers to 3,538. See section 7 for full details.

This Final Report is submitted for the conclusion of Recommendation 1.

2 Background

The re-emergence of the relatively forgotten lung disease silicosis has alarmed Australian health professionals and governments and has prompted various national calls for action.

According to the Cancer Council, 1 in 100 workers are predicted to develop silicosis due to past exposures to respirable crystalline silica dust at their work, noting exposure is 100 per cent preventable.

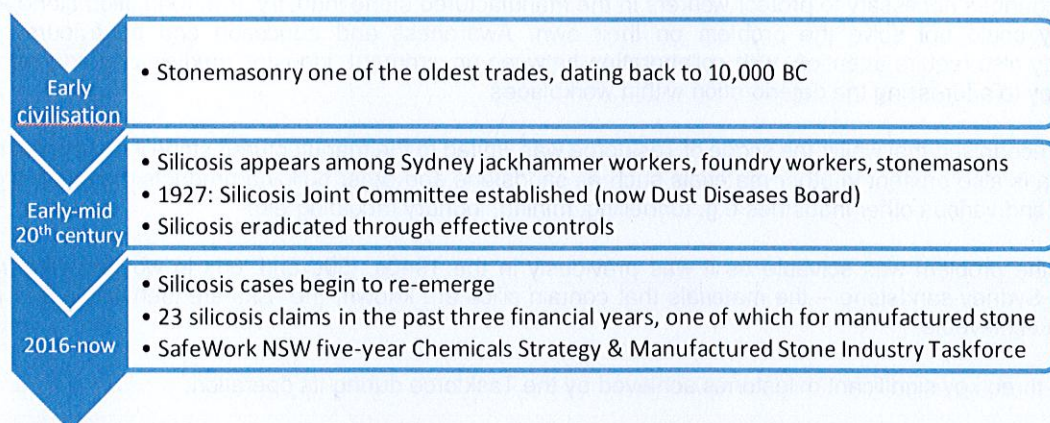
What heightens this alarm is the relatively short latency period compared to other dust diseases e.g. asbestosis that may take decades to surface. Diagnosis of silicosis in manufactured stone workers is occurring for some in the first 5-10 years of their working life. For advanced silicosis, it is terminal with the only treatment being a lung-transplant.

Silica is present in various natural and artificial stones within many industries (e.g. tunnelling, stonemasonry, foundry moulding, mining etc) where the safety controls are similar. However, a significant number of cases are emerging from the manufactured stone industry where workers are cutting, grinding and polishing manufactured stone kitchen and bathroom benches, due to working with inadequate protection. These manufactured stone products contain 93% silica (or higher).

This is a disease that is entirely preventable if the correct safety measures are in place. This involves communicating the hazards through labelling products, providing safety data sheets, providing safe systems of work such as adequate ventilation systems, installing dust capture systems on portable tools, wetting down the stone, providing personal protective equipment such as masks and respirators; and using wet methods instead of compressed air or brooms to remove or clean-up settled dust.

Businesses should also conduct regular air monitoring to confirm that workers are not exposed to silica dust above the Australian Workplace Exposure Standard and provide health monitoring to workers.

The timeline



Where can you find silica dust?

It is commonly thought that silica is only in manufactured or engineered stone, or that only manufactured stone has high silica concentrations. Silica is in both natural and artificial stone and many building products and worker exposure occurs when airborne dust is generated from any of these. Typical silica concentrations are:

- Sand, sandstone – 70-100%
- Engineered stone – 93% or higher
- Granite – 20-45%, typically 30%
- Concrete, mortar – 25-70%
- Calcium-silicate bricks – 50-55%
- Slate – 20-40%
- Brick – up to 30%
- Fibre cement sheets – 10-30%
- Demolition dust – 3-4%
- Marble – 2%
- Limestone – 2%

3 SafeWork NSW Chemicals Strategy



In September 2016, SafeWork NSW launched the '*Work health and safety roadmap for NSW 2022*' (Roadmap 2022) and called out reducing exposure to hazardous chemicals and materials as a key priority area under Action Area 2.

By 30 June 2017, SafeWork NSW had completed pilot visits as part of a research project to identify the Top 10 hazardous chemicals and materials that are causing the most harm to workers from a list of over 40,000 chemicals available in Australia. The results were confirmed through stakeholder consultation in a range of industries and pilot visits, followed by the development and launch of the '*2017-2022 Hazardous chemicals and materials exposures baseline reduction strategy*' (Chemicals Strategy) in October 2017 by the Minister for Better Regulation and Innovation (see www.safework.nsw.gov.au). The initial focus of the chemicals strategy is on the top two priority chemicals: formaldehyde and silica.

The strategy consists of four key components for SafeWork NSW intervention:

- awareness (webinars, factsheets, video safety alerts, social media)
- interactions (workplace visits, conferences, events)
- research (health monitoring, international modelling, medical testing)
- legislation (review of WHS laws, workplace exposure standards, supporting guidance material and/or codes of practice).

icare Dust Diseases Care are supporting SafeWork NSW's inspection program by providing subsidised health monitoring in Sydney and regional NSW. A total of 562 workers in 2017/18 and 3,538 in 2018/19 received silicosis health monitoring (screening) provided by icare Dust Diseases Care; with icare Dust Diseases Care to continue supporting SafeWork's five-year Chemicals Strategy with subsidised screening to 30 June 2022.

Parallel to this timeline, the NSW Legislative Council conducted the '*First Review into the Dust Diseases Care scheme*' with Recommendation 1 for SafeWork NSW to develop a Taskforce. Recommendation 2 was issued to the State Insurance Regulatory Authority (SIRA) to assess the viability of an occupational dust diseases register, with recommendations 3-5 to icare Dust Diseases Care for the claims processes.

A second review has since been undertaken by the NSW Legislative Council with its Final Report issued in February 2019 (8 recommendations). The NSW Government is currently considering the recommendations.

4 The Taskforce

4.1 Objective

Recommendation 1: First review into the Dust Diseases Scheme

"That the relevant Minister urgently convene a taskforce of industry, regulatory and workforce representatives to review safety standards in the manufactured stone industry and consider regulatory changes necessary to protect workers in the industry."

4.2 Scope

The scope of the Taskforce was limited to the manufactured stone industry, but where relevant and applicable, other industry sectors and their workplace controls for crystalline silica were referred to.

4.3 Deliverables

The terms of reference outlined that the Taskforce, representing NSW Government, workplaces and industry, will:

- Provide experts to deliver the objective
- Undertake a stocktake of existing regulatory measures and extent of the issues to protect workers in the manufactured stone industry
- Identify any gaps and drivers in legislation, workplace controls, behaviours and engagement
- Provide progress reports to the NSW Legislative Council
- Deliver a final report with recommendations.

4.4 Meeting schedule

Meeting date	Key agenda items
11 July 2018	Taskforce membership, Terms of Reference, Legislative Council recommendations, scope of the Taskforce and the interrelated five-year SafeWork NSW Chemicals Strategy.
3 August 2018	SafeWork NSW presentation of behavioural insights research. Workshop to prepare a manufactured stone industry "worker journey map" that mapped a worker's movement through the lifecycle of systemic touchpoints, as well as the horizontal touchpoints between portfolios, to identify what is working well and what is not, opportunities for education, monitoring, detection and treatment of silicosis, as well as general awareness raising.
14 September 2018	Assessment of the workshop findings for regulatory recommendations to be formed. A SafeWork NSW Chemicals Strategy progress update was also provided. The Taskforce provided its first update to the NSW Legislative Council on 18 October 2018 (see 10.2).
26 October 2018	Finalisation of the regulatory findings and review of awareness campaign materials. The Taskforce submitted its regulatory findings to the Minister for Innovation and Better Regulation (SafeWork NSW Minister). The Minister approved the findings on 8 November 2018 and issued to the respective portfolio Ministers. Findings recommended changes to WHS, Health and Trade Education. Release of the "which mask will you wear" multi-channel awareness campaign (15 November 2018). A SafeWork NSW Chemicals Strategy progress update was also provided.
7 December 2018	Campaign statistics reviewed. Within 2 weeks 24,000 views of the silica video safety alert, 2900% increase in website visits to the silica page (increase of 9,000). Three forums advertised for Wollongong, Bankstown and Newcastle in February 2019. Discussions on the development of a SafeWork NSW Silica Symposium. A SafeWork NSW Chemicals Strategy progress update was also provided.

Meeting date	Key agenda items
22 February 2019	Pre-election period with caretaker commencing on 1 March 2019. Limited agenda (no policy position items as per convention). Review of SafeWork NSW 2019 Silica Symposium agenda and keynote speakers. Promotion of the Safe Work Australia public comment period for the proposed Australian Workplace Exposure Standard for silica (closed 30 April 2019). Noted release of Safe Work Australia report for the review of the Model WHS laws. A SafeWork NSW Chemicals Strategy progress update was also provided.
March 2019	No Taskforce meetings held – caretaker period 1-24 March.
7 April 2019	Release of the silica feature in the SafeWork NSW 'Safety Starts with You' campaign. Radio advertisements, social media and digital advertising.
7 May 2019	2019 Silica Symposium, International Convention Centre, Darling Harbour. See event program appendix 10.2. Release of the second phase of the "which mask will you wear" multi-channel awareness campaign.
10 May 2019	Evaluation of Symposium. Update on WHS, Health & Trade Skills recommendations – WHS Senior Officials Meeting 29 March 2019, Heads of Workplace Safety Authorities (HWSA) meeting 17 April 2019, options paper currently under consideration by NSW Health, letter of support from NSW Skills Minister that is now with the National Industry Skills Council's Industry Reference Committee for consideration. A SafeWork NSW Chemicals Strategy progress update was also provided.
28 June 2019	Review of the Taskforce's Draft Final Report and the SafeWork NSW Chemicals Strategy progress update. Taskforce completed with report provided to the NSW Department of Premier and Cabinet NSW for submission to the Legislative Council.

5 Milestone 1: regulatory findings

5.1 Recommendations

At the second Taskforce meeting in August 2018, the first workshop was held. Each member provided a 'vertical' analysis of their role, scope of control/legislation, any initiatives they have deployed and the guidance material they have available in relation to silica. A number of gaps were evident in this stocktake.

This was followed by a second workshop in September 2018, where a 'horizontal' view was taken for the linkages between the portfolios. This established/confirmed the nature of the (wicked) problem, in that not one agency could solve the problem on their own. It would require a multi-pronged approach and that a mix of strengthened regulation and education was needed to prevent exposure to silica dust and the silicosis disease.

By October 2018, the Taskforce had completed the regulatory analysis of the workshop's findings, with two problem statements identified:

- Problem Statement 1** - There is uncertainty within the industry regarding the responsibilities of employers to protect workers from silica dust exposure, in relation to air monitoring and health monitoring. The WHS regulator (SafeWork NSW) is also not being notified when cases of silica dust-related disease are diagnosed or adverse health monitoring reports are received by the employer. Employers are not identifying when workers are at significant risk of exposure; there is no clear picture of the number of silicosis cases in the community; and the WHS regulator does not have the information to investigate where workers are at risk of further harm from silica dust.

- **Problem Statement 2** - Within the industry there is inconsistent levels of awareness of silica exposure risk and understanding of best practice controls to reduce exposure. There is no single resource that describes what good practice looks like, no specific licensing, an increasingly diverse workforce with untrained workers or workers from other trades and a lack of focus on silica in trade training packages. Organisations are willing to support awareness and education but lack the resources to do so. The cost of current methods of air monitoring to assess the level of worker exposure can be prohibitively expensive for workplaces, resulting in this monitoring not being carried out.

The recommendations to address these problem statements fell into three broad categories, which were approved by the SafeWork NSW Minister in November 2018 and issued to the respective portfolio Ministers.

- **WHS** - Federal Minister for Jobs and Industrial Relations for various issues within the Model WHS laws relating to health monitoring, air monitoring, reporting requirements and a National Code of Practice.

Note: SafeWork NSW operates under national model WHS laws, that are set out by Safe Work Australia. These laws set out the duties for persons conducting a business or undertaking (businesses), officers and workers and well as suppliers and manufacturers, including the requirements for working with hazardous chemicals. In NSW, there are also three regulators that administer the model WHS laws – the NSW Resources Regulator for mine sites, Comcare under the Federal Scheme (businesses include Lend Lease, John Holland etc) and SafeWork NSW for all other sites. Therefore, to amend or seek changes to the model WHS laws, the matters need to be referred to Safe Work Australia members for national decision making.

- **Health** – NSW Health Minister to consider silicosis as a notifiable disease and to support an occupational lung disease register.
- **Trade Skills** – NSW Minister for Trade and Industry for the introduction of mandatory silica syllabus in all relevant trade certificate training and the development of a general awareness course for those not seeking a formal trade, who subsequently referred to the NSW Skills Minister (Deputy Premier).

Specifically, it was recommended that Safe Work Australia as part of its review of the Model **WHS** laws:

- a) Include long latency disease as an incident notification within the WHS Act. Currently notification is only required if medical treatment is sought within 48 hours of exposure to a substance.
- b) Include the requirement for medical practitioners to notify the WHS regulator of adverse health reports under the WHS Regulation. Currently only the employer is required to notify and SafeWork NSW has only received one notification for silica exposure.
- c) Develop clearer requirements for when air monitoring and health monitoring is required in the WHS Regulation. Terms such as “significant risk” or “on reasonable grounds” has created inconsistent understanding and as a result air monitoring is not undertaken.
- d) Include the requirement for the employer to notify the WHS regulator when the Australian Workplace Exposure Standard (air monitoring limit) has been exceeded. Currently employers only need to notify the WHS regulator of an adverse health report, when it is too late to prevent harm.
- e) Expedite the review of the Australian Workplace Exposure Standards (air monitoring limits) with priority placed on silica. The United States is half that of Australia at 0.05mg/m³ compared to Australia's 0.1mg/m³ and lower limits of 0.025mg/m³ have also been advocated.
- f) Increase the health practitioner requirements to undertake health monitoring to ensure there is suitable training, accreditation and expertise to detect silicosis.
- g) Develop a National Code of Practice for working with silica.
- h) Consider the previous Unions NSW/CFMMEU's submission to the review of the model WHS laws in relation to providing unions with a right of review of the actions taken by a WHS regulator. Currently only the employer or the worker can request a review.

Suggested options for Safe Work Australia to achieve points a) to f) are as follows:

- i. A targeted approach – applying the changes to all Schedule 14 chemicals only. There are currently 16 hazardous chemicals on this schedule, including silica.
- ii. A specific approach – developing a new Part within the model WHS laws specific to silica that mandates the requirements for this chemical only, as currently exists for lead and asbestos.

Recommendations to **Health**:

- Make silicosis a notifiable disease.
- Introduce an occupational lung disease register.

Currently there is a lack of clarity on the total burden of occupational lung disease in NSW and nationally. It is difficult to identify areas of disease prevalence and project its future impact to target services.

Recommendations for **Trade Education**:

- A mandatory unit of competency to be introduced by the relevant Industry Skills Councils in all relevant training packages and trade courses that involve working with natural and manufactured stone; and construction materials such as concrete, bricks and tiles that contain silica. Currently there is inconsistent levels of training and understanding of silica in the multiple industries in which it is a risk and no mandatory training is required.
- The development of a general awareness course for workers that are not seeking a formal trade qualification or who wish to refresh their skills and knowledge. Many workers at risk of exposure to silica already have their trade qualifications or are working in jobs that do not require trade qualifications.

5.2 Responses

5.2.1 WHS

In addition to the submission of the Taskforce's recommendations to the Federal Minister for Jobs and Industrial Relations (Federal WHS Minister), The Hon Kelly O'Dwyer MP, the recommendations were submitted to the national review of the WHS laws that was completed in February 2019 and tabled at the Senior Officials' meeting on 29 March 2019 and the Heads of Workplace Safety Authorities (HWSA) meeting on 17 April 2019.

At the 12 December 2018 Safe Work Australia Members' meeting, a forward work plan for occupational lung diseases was agreed to complement existing priority projects, including the review of the Australian Workplace Exposure Standard for silica and updating the health monitoring guides.

The workplan to February 2020 includes:

- Writing of Occupational Lung Diseases in Australia, 2018 Report
- Investigating effective dust mitigation strategies
- Publication of ThinkPlace report: Exploring dust exposure
- National awareness campaign
- Investigating the Multi-Agency Data Integration Project (MADIP) to identify and capture more cases of occupational lung disease
- Collection and analysis of data to support national policy interventions.

The national public comment period for the review of Australian Workplace Exposure Standard for silica closed on 30 April 2019. There were 87 submissions received with an update provided by Safe Work Australia at the 30 May 2019 National Strategic Issues Group WHS (SIG-WHS) meeting. The outcome is expected at the Safe Work Australia Members' meeting on 31 July 2019.

Also at May 2019 SIG-WHS meeting, the draft National guide for working with silica and silica containing products (as per above workplan) was issued for comment, that is also expected to be completed by 31 July 2019.

In terms of the 2018 National review of the WHS laws, the recommendations were published in February 2019. There were 34 recommendations, with the following having a touch point to the Taskforce's recommendations:

- Recommendation 1 – Review the model WHS Regulations and model Codes.
- Recommendation 3 - Safe Work Australia to develop criteria to continuously assess new and emerging business models, industries and hazards to identify if there is a need for legislative change, new model WHS Regulations or model Codes.
- Recommendation 8 - right of workplace entry of union officials when providing assistance to a HSR.
- Recommendation 20 – Review incident notification provisions in the model WHS Act to ensure they capture relevant incident, injuries and illnesses that are emerging from new work practices, industries and work arrangements.

On 24 June 2019, a Consultation Regulation Impact Statement (Consultation RIS) was released for a six-week period to 5 August 2019. The purpose of the Consultation RIS is to canvas stakeholder views on the 2018 Review's recommendations.

Safe Work Australia will use the information received from stakeholders to develop a Decision Regulation Impact Statement (Decision RIS) that will identify the options with the greatest net benefit, based on an analysis of the costs and benefits. The Decision RIS will be provided to WHS ministers to assist them to decide whether the 2018 Review's recommendations or an alternative option should be implemented, and if so, how.

Of the 34 recommendations made, 12 are the express focus of the Consultation RIS. The remaining recommendations, which includes Recommendations 1, 3 & 20 above, have been considered an "amendment with no or minor compliance impact" (in which case they don't need to be raised in the Consultation RIS to progress); or "further work is required before the impact can be assessed".

The following table provides a summary of the Taskforce's WHS recommendations as at 30 June 2019:

TASKFORCE RECOMMENDATION	COMMENTS
a) Incident requirements – s35 & 36 WHS Act	Safe Work Australia Consultation RIS is currently open for submissions. Recommendation 20 (review incident notification provisions) has been presented as having no impact and/or further work recommended.
b) Reporting adverse health monitoring (screening) – cl 376 WHS Regulation	Recommendation also given to Health. Currently with SafeWork NSW and NSW Health Ministers to determine what is considered appropriate by the NSW Government.
c) Air monitoring and health monitoring – cl 49, 50 & 368 WHS Regulation	Safe Work Australia Consultation RIS is currently open for submissions. Recommendation 1 (review of model WHS Regulations and model Codes) has been presented as having no impact and/or further work recommended.
d) Notification of air monitoring exceedances – cl 49 WHS Regulation	Safe Work Australia Consultation RIS is currently open for submissions. Recommendation 1 (review of model WHS Regulations and model Codes) has been presented as having no impact and/or further work recommended.
e) Review of Workplace Exposure Standard	Underway – Safe Work Australia National comment period closed 30 April 2019, with a SIG-WHS update provided on 30 May 2019. Safe Work Australia Members' decision expected on 31 July 2019.
f) Health screening qualifications	To be advised - health monitoring guides currently under review by Safe Work Australia. Awaiting comment period.
g) National Code of Practice	Dependent on outcome of Safe Work Australia Consultation RIS Recommendation 1 (review of model WHS Regulations and model Codes). In the interim, a National guide for working with silica and silica containing products is expected for completion on 31 July 2019.
h) Union right of review	Recommendations relating to unions in the Safe Work Australia Consultation RIS are focused on "right of workplace entry of union officials when providing assistance to a HSR" (Recommendation 8).

5.2.2 Health

Two options to make silicosis a notifiable disease are under consideration by the NSW Minister for Better Regulation and Innovation and the NSW Minister for Health to determine what is considered appropriate by the NSW Government.

These options have been confirmed as lawful, provided that, where legislation is required to be amended, there is political will to change that legislation.

Option 1 would provide the notification direct to the regulator responsible for workplaces (SafeWork NSW). However, it would be a departure from the model (National) WHS laws by introducing a duty to third party (medical practitioner) that is not regulated under these (workplace) laws and would be a matter for Parliament to make such an amendment.

Legally, it is also queried whether this is an approach constitutionally given the significant expansion that would be needed to SafeWork NSW's powers in comparison to the existing provisions for medical practitioners under the Health laws.

Alternatively, under Option 2 (NSW Health) there appears to be several ways in which the existing provisions of the *Public Health Act 2010* could be relied on to provide for the notification of silicosis.

- a – establish a silicosis disease register
- b – identify silicosis as a notifiable disease under the *Public Health Act*
- c – identify silicosis as a Category 1, 2 or 3 conditions.

Note: on 30 April 2019, Federal Minister for Health Greg Hunt announced \$5 million for a National Dust Diseases Taskforce, reporting to State and Federal Health Ministers. The Taskforce will commence on 1 July 2019 with a report to be submitted to the Federal Minister for Health by December 2020.

5.2.3 Trade Education

On 26 February 2019, the NSW Minister for Skills at the time, The Hon John Barilaro MP, responded that working safely with silica is an important matter and that he supports the Taskforce taking its recommendations to Artibus Innovation – the relevant Skills Service Organisation responsible for the National Construction Plumbing Services Training Package. Following the State election, the NSW Minister for Skills (and Tertiary Education) is Geoff Lee.

On 22 May 2019, Artibus Innovation responded that under the direction of the Construction, Plumbing and Services Industry Reference Committee (IRC) they have been undertaking a review of the Brick and Block and Stonemasonry qualifications, with the review nearing finalisation. The draft units of competency now contain silica awareness and can be downloaded [here](#). For example, to be competent in unit *CPCST3026 Use stonemasonry tools, plant and equipment*, a person must demonstrate knowledge of exposure to silica.

In addition, at the IRC meeting on 18 June 2019 it was agreed to apply a mandate to all other construction industry units to include silica awareness; and that a general awareness course for workers not seeking a formal trade qualification or who wish to refresh their skills and knowledge would be developed.

Artibus Innovation will now approach the Department of Education to seek an Activity Order to undertake the work.

6 Milestone 2: awareness and education

6.1 Behavioural insights research

6.1.1 Safe Work Australia

Safe Work Australia engaged a researcher in June 2018 to conduct rapid qualitative research into dust exposure from the manufacture and cutting of natural and manufactured stone benchtops, which they shared with SafeWork NSW.

The research was designed to gain insights into the risks and behavioural factors, which might impact on the WHS practices of manufacturers and installers of stone benchtops in Australia due to the inherent risk of exposure to airborne contaminants and the increasing prevalence of associated dust diseases.

While sites in New South Wales, Victoria and the Australian Capital Territory were only interviewed and may not necessarily be reflective of the broader industry, the research adds to the body of WHS evidence in the manufacture, cutting and installation of natural and manufactured stone and aligns with the findings of other research and industry concerns.

The information was considered useful by the Taskforce to stimulate further conversation and to further shape SafeWork NSW's intervention activities.

Behavioural problem statement:

- Why aren't businesses identifying hazards and controlling risks relating to dust exposure, when information and interventions appear to be readily available?

Key insights:

- Dust exposure is viewed as an unavoidable part of the job with little clarity of safe options
- Workers are not prioritising their own health until they see the personal effect on others
- Manufactured stone is easier to work with, reducing professional skill and safe practice
- Health, safety and reasonable timelines are sacrificed under the pressure to take on a job.

Key statements:

- *"No-one experiences the whole system, we experience pathways through it"* THE PROFESSOR
- *"All the guy wanted from me was a pay-check, nothing about knowing and understanding the material"* THE SUPERVISOR
- *"It's everywhere, when you are working you knock it up, the light shines through and you can see – just – fine particles, they're very fine.... you know there's problems in the industry"* THE VETERAN
- *"Sometimes I hold a water bottle to keep the dust down, I wouldn't use a mask then, generally [it's] just the tradie cutting"* THE JUNIOR
- *"Our dog spends every day in our workshop. Last year we had so much work we were sleeping here. We did 36 hour shifts, slept, got up and did more. Then our dog developed a nasty cough, he's so close to the ground, kicking up dust all the time, imagine what it was doing to us"* THE SUPERVISOR
- *"The trouble is the stone changes colour when wet, so you have to wait until it's dry to see the finish, so at the end of the job you are minimising the wet work so you can get out quicker"* THE BUSINESS OWNER

Additional comments:

- *"There are just times you have to work with dust...even if you're wearing a mask you're covered in stone, it's in your car, your clothes, your hair, you can't avoid it"* THE JUNIOR
- *"When you forget your mask, you hold your breath and cut, walk away and breathe, come back and cut"* THE VETERAN

- *"I hate dust, it gets everywhere, you see it's all over the office, it follows you home, you see it in your baby's hair. We both had small girls a year ago, so we decided to stop doing dumb sh*t, not jeopardise going home at the end of the day. But you can still be cavalier, if you are in a hurry and you just start" THE SUPERVISOR*
- *"It not about if people will get ill, it's when...because everyone is now working with these engineered stones. For MDF you need a sign up, with stone you don't have to. There's nothing saying you are working with a hazardous material. What's needed is more awareness, to know what you are working with" THE VETERAN*
- *"We try and do most of our work in the factory, it's where you do the best work and you have all the safe equipment, this means taking down a lot of dimension measurements, but being able to that depends on the quality of the people measuring, some people just can't do it" THE BUSINESS OWNER.*

6.1.2 SafeWork NSW

To further inform SafeWork NSW's Chemicals Strategy and its awareness campaign initiatives, a market researcher was engaged by SafeWork NSW in July 2018 to undertake qualitative research in the occupations considered most at risk of silica exposure to:

- Gain an understanding of their current awareness of the dangers of exposure to crystalline silica dust and their behaviours and attitudes to shape an awareness campaign
- Provide a benchmark to measure effectiveness of behavioural change post campaign initiatives
- Meet the NSW Government advertising requirements for the investment to be approved.

In-depth interviews were conducted with workers and employers in the manufactured stone, building products, tunnelling and stonemasonry industries.

Key insights:

- Some variance in relation to awareness of the dangers of silica dust exposure. Some workers are well informed while others have minimal or no knowledge
- Irrespective of awareness levels, some continue to take risks in relation to safety. Most are supplied with equipment and information to help keep them safe, but when the task is small or it's a small space, they might take the risk
- Low recall on previous communications on silica dust. Communications on general dust dangers feel like reminders rather than 'new news' – silica needs to be highlighted specifically from the outset
- Future communications require significant impact to encourage real reflection on current behaviours. The consequences need to be shocking.

Current behaviours and attitudes to safety:

- The target feels generally comfortable in the work they do with stone and stone cutting
- Many attribute blame to others for unsafe behaviour when working with stone and do not feel that they are part of the issue
- They can become over confident and complacent with tasks performed more frequently, and so do not always take precautions they should
- They can be more concerned about more tangible risks such as cutting themselves or dropping heavy stone. Protection from dust can be a secondary safety concern and so is not as top of mind when working with stone
- While all understand there are dangers associated with exposure to dust, specific awareness of silica can vary. This variance in knowledge levels indicates a need for refresher communications in relation to the dangers of silica dust among those working with stone
- When it comes to exposure to potentially dangerous chemicals/dust, they feel broadly knowledgeable but continue to take 'short cuts'
- They don't actively seek out information beyond what is fed to them through training or their employer. As the majority relies on their knowledge and the stories they have heard from others, communications need to have a strong impact to effectively challenge this target in relation to the current practices they employ to minimise risk of exposure to silica dust

- They constantly balance the reality of acknowledging the risks they face and a desire to ensure they are productive at work
- Awareness of SafeWork NSW is generally low among workers but higher among employers/managers.

Responses to existing UK and Australian communication materials on silica:

- Elements that worked well
 - Messages that contained factual information about the dangers of exposure to silica
 - Messages that provide real insight into the consequences of not taking all possible safety measures consistently
 - Messages that emphasise the benefits and ease of taking the right safety measures (i.e. consistently wearing a mask, using extractor fans and wet cutting, which are not considered onerous but can be 'forgotten' for small tasks.
- Elements that don't work as well
 - Scenarios that feel too far away from their own working life which allows them to 'dismiss' information as not for them
 - Complex, wordy messages or 'advertising statements' that are not perceived to provide compelling information/advice
 - Messages that feel largely obvious, restating what they already know without a strong call to action
 - Messages that don't acknowledge the role/responsibility of the employer in managing safety onsite.

Key considerations for future communications:

- Messages need to be succinct for maximum cut through and impact
- Messages should reinforce current knowledge and assume the target has some understanding of the dangers of silica dust exposure
- The right impact is critical for success. It will be critical in future communications to strike the right balance between creating impact and presenting imagery and stories that feel too extreme and therefore become easy to dismiss
- Focus on what could happen. As silicosis may not present for a number of years following exposure, it can be easier for this target to disregard in the here and now, more immediate risks such as cutting or crushing limbs is front of mind. Long term consequences should always be present to provide a call to action in any future communications
- Empower workers and make employers responsible. All acknowledge the roles of both the worker and the supervisors/employers in relation to managing risks in relation to dust and silica dust more specifically. However, communications that reinforce the roles and responsibilities of each party would be welcomed as a reminder – particularly for workers who may not be receiving the guidance or equipment they need.

Channel preference:

- Social media – text, images and videos
- Advertising on transport – billboards and posters on motorways, signs at train stations or on buses
- Traditional media – during popular shows
- In-situ reminders – posters at work, on slabs of stone, tools and equipment.

Three key considerations for ensuring maximum effectiveness and behaviour change:

- Strong impact is required
- Clear consequences and a call to action likely to be well received
- Messages are more likely to cut through if received in-situ.

In summary, in order to encourage this target to reconsider their habitual behaviours and 'calculated' risks they take in relation to exposure to silica dust, the following were highlighted as essential to any future safety messages.

- Confronting, Recognisable/relatable, Impactful and Empowering.

6.2 Awareness campaigns

6.2.1 November 2018



On 15 November 2018 SafeWork NSW released the first phase (pilot) of the “Which mask will you wear?” campaign. The campaign included a press release, radio and digital advertising, social media, a video safety alert and the translation of the materials in five languages (Arabic, Hindi, Korean, Mandarin and Vietnamese). Radio pilot was with Triple M (Sydney Metro) and SBS radio in the above languages for a one month period.

- Website views increased by 29-fold (increase of 9,000 views)
- Social media had a reach of over 70,000
- 43,000 views of the video safety alert
- Over 3,189 safety factsheets (five languages) were distributed to identified businesses, as well as via relevant industry associations and government departments and available from the SafeWork NSW website.

Evaluation

An independent evaluation was conducted by Instinct and Reason. Four focus groups were interviewed on 7 February 2019, which included employers, supervisors and workers.

Key take out points:

1. The communication elements are all working well
2. The link between the social media advertisement and the website should be stronger
3. The call to action should be stronger and providing people with places to go, to learn, get advice and learn about equipment and personal protective equipment (PPE).

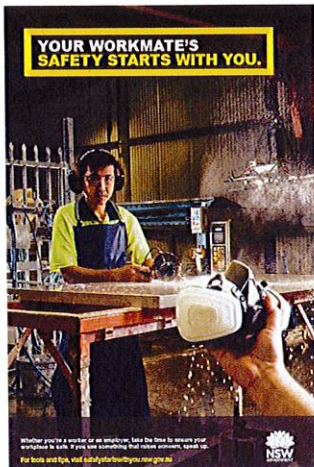
Focus group feedback:

- Video is the right length for a toolbox talk or similar but a shorter piece would be good for online and for younger audiences
- Similar to anti-tobacco advertising – confronting and straight to the point
- Excellent messages about early intervention and prevention
- “it needs more of a call to action to get me to the place where I can find out more about these safety ideas” (small business owner)
- Relieved to learn there are ways to help control dust (extraction, clean up, etc.)
- PPE fit-testing needs to be talked about
- Workers think silicosis is a 30-year disease – need to show ‘accelerated silicosis’ to show that it can happen in 3-5 years
- Ad imagery is “confronting yet effective”, “gets your attention”
- Struggle to believe 100% preventable message.

Overall feedback:

- "Everyone in the four focus group discussions liked the three communication pieces tested. They are talking about a highly salient subject so they are very personally relevant at the moment. Personal relevance is one of the keys to getting the attention of the target audience and at this moment workers, supervisors and management are taking silica exposure very seriously. The timing of the campaign is good."
- The three communications elements struck a good tone of voice. They:
 - Did not talk down to people
 - They had the right pace (slow, thoughtful and serious)
 - They struck the right balance between raising fears and providing education and awareness
 - They took the subject seriously (and this was felt to be right)
 - They provided some new news that captured attention and interest.
- They also thought:
 - The ads would struggle get the attention of the younger workers because they would not find the communication as personally relevant given the long onset of the disease.
"Young people live for immediate gratification ... they plan to have three jobs in the next year and so don't see themselves in the same way we do ... working in the industry for a lifetime... there was a time I didn't worry about dust too... but now I do ... we know it's bad for us ... we cough up the black sh%% all the time".
 - The video was too long for the younger workers as they don't concentrate for 3 minutes ...
"It would only work if they were made to watch it as in a toolbox talk.... they wouldn't watch it if their own accord when on a break". There were no young workers aged 17-25 years in any of the two worker group discussions so we were unable to test these assertions.
 - The claim of '100% preventable' is an overstatement and reduces the credibility of the video. They would like to believe it but they don't. This seems to lack connection to the real world and especially for off-site work where many things are out of your control.
 - That there could be more calls to action (1) equipment that could be purchased (2) monitoring regime set up (3) mask fitting (4) transition to wet cutting – what's the best method.
- Issues to be considered include:
 - 'Who' is each element targeting? Most thought it targeted them as well as others. In other words, all who watch get something out of it even if they don't feel particularly targeted at them. Most who read/ see the communications felt they were being targeted as well as everyone else. While the target is unclear, it looks as though this is not diminishing the impact of the communications.
"It's not 100% clear who it's targeting but I'm listening and watching anyway. It feels it's for me" stone worker
 - There is no clear link between the three pieces of communication. How would you know one links to another? There was no real connection except made by the topic. It is likely to be somewhat more powerful if such a connection could be made.
 - Lack of a call to action between the social media ad and the radio ad and the video and this needs to be improved. Suggestions included website details being provided, a hotline, or telling workers what to google (i.e. google 'how to protect yourself from silicosis [for example]'). There needs to be a strong call to action to the other elements of the program. Some participants had already become involved in the program through other elements of the program.

6.2.2 April 2019



Chemical exposure harms were also integrated within the broader SafeWork NSW "Safety Starts with You" campaign – Year 3 – with a focus on silica.

- Digital advertising
- Radio
- Social Media.

Years 1 & 2 targeted business owners and supervisors, with Year 3 aimed at workers and specific harms including silica. The campaign commenced in April 2019 and ran until June 2019.

Evaluation:

- XXXXXXXX

6.2.3 June 2019



Phase 2 of the SafeWork NSW "Which mask will you wear?" campaign was released in June 2019. "Dr Karl" Kruszelnicki is the face, and voice, of the campaign.

The campaign includes a press release, state-wide radio and digital advertising, social media, a video safety alert and the translation of the materials, and will run for 8 weeks concluding in the last week of July 2019.

An evaluation will then follow.

6.3 Education activities

6.3.1 SafeWork NSW presentations and Manufactured Stone Industry Forums



Targeted industry presentations and meetings were delivered by SafeWork NSW at 36 locations, with three safety forums delivered in February 2019 in Western Sydney, Newcastle/Hunter and South Coast.

The forums included a mix of advice from regulators and business showing best practice controls, safety behaviours and case studies and a panel discussion.

Over 40 participants were at each session with workers, managers, business owners and executive members in attendance.

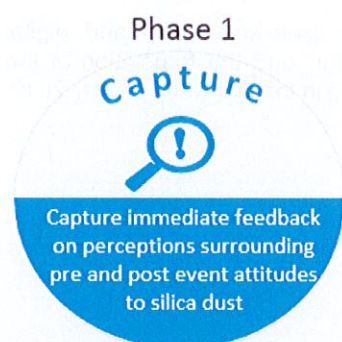
Evaluation

- 100% of respondents indicated they will apply something they learnt back in the workplace
- Score of 1 to 5:
 - 4.5 – learnt more about silica risks, issues, trends and concerns
 - 4.2 – could discuss safety solutions in my workplace
 - 4.2 – learnt more about safety solutions for my workplace
 - 4.2 - became aware of new manufacturing WHS tools, resources and practical solutions that can help me improve safety
 - 4.2 - generated ideas on how to improve work health and safety systems, capability and return to work practices.

6.3.2 Silica Symposium



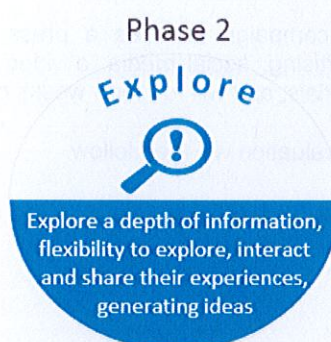
Over 350 participants attended the event, including business owners and workers, chemical associations, peak bodies, universities, medical professionals, government representatives and industry experts. Dr Karl was the MC for the event. The event program and the biographies of the keynote speakers is available at 10.1. A mixed qualitative and quantitative method was used to evaluate the event.



Technique: 2-minute online survey

Target: All attendees to the event

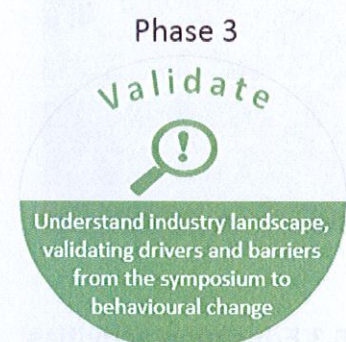
Timing: During the days following the event



Technique: 3 x focus groups (1 hour) and 1 x online forum for 5 days for those unable to attend a face-to-face discussion

Target: All attendees to the event

Timing: 2 weeks after the symposium



Technique: 10-minute online survey

Target: All attendees to the event, and non-attendees (those who showed interest but did not attend)

Timing: The week after the focus groups.

Evaluation

Phase 1:

- There was near universal acknowledgement amongst respondents that the Silica Symposium was valuable. The expertise of the speakers & the information on specific techniques and approaches were of most value.
- However, perceptions in the days following the event highlighted that the Symposium may not have shifted perceptions on the risk of silica dust in attendee's workplaces. Prior to the event, only 3 in 10 respondents perceived a high risk in their workplace and this result was the same post event. A majority indicated that their perception of silica dust risk remained largely unchanged (7 in 10 attendees), with only 2 in 10 stating they felt there was a higher risk. This may be due to these workplaces already having good safety controls.
- Despite the unchanged perceptions, 2 in 3 attendees wanted more information, specifically on techniques, approaches and products to manage silica dust exposure. This additional information will aid in the higher level of internal education within the organisation.
- Phase 2 'explore' and phase 3 'validate' then explored some of these findings in greater detail.

Phase 2:

A great event (and necessary)

- The group discussion participants expressed a universal view that the Silica Symposium was valued by attendees and that it was desperately needed. Many described being overwhelmed by the realization of the consequences of silica exposure as described by the medical speaker. His message gripped all those present and focused their attention on the topic for the entire day. The event provided attendees with new insight into the situations where silica dust exposure might be present and, in doing so, made the attendees more aware of the need for silica dust risk assessments. The symposium also covered practical measures such as the use of PPE, the types of PPE available and the need to properly fit PPE as well as broadening their understanding of the perceived risk factors.

Universal agreement on the quality of the event

- Participants acknowledged that the event and its design had heightened their awareness, interest, desire to create workplaces without silica exposure to their workers. They were extremely satisfied with:
 - The Symposium itself and acknowledged that it was needed. Many wanted to bring more people to the symposium but found the numbers limited. The focus groups made it clear the demand for the symposium greatly outstripped the places available
 - The speakers were knowledgeable and informative
 - The clear and concise nature of the talks and their timing. Most lasted around 20 minutes and kept everyone concentrating
 - The breadth of topics covered ensured there was something for everyone
 - The challenge that the symposium put to all attendees. Most left with a desire to take action on silica dust exposure.

Universal increase in awareness, interest and desire to learn more about silica exposure

- The Symposium was an incredible success in generating heightened awareness, interest, desire to create better workplaces and in some cases, new actions that participants would be taking. In particular, the need for starting or increasing a dust monitoring regime. This was one area of focus. The other key area for action was a desire to find out more about engineering solutions that would decrease silica dust exposure. Again, the symposium had increased their awareness, interest and desire to know more about these engineering solutions.

Phase 3:

- The attendees to the Symposium will be surveyed again in July 2019 to understand if the time elapsed since the Symposium has improved knowledge and willingness to engage in further education. It will also report on any behavioural changes and will help to inform what is next for communication materials.

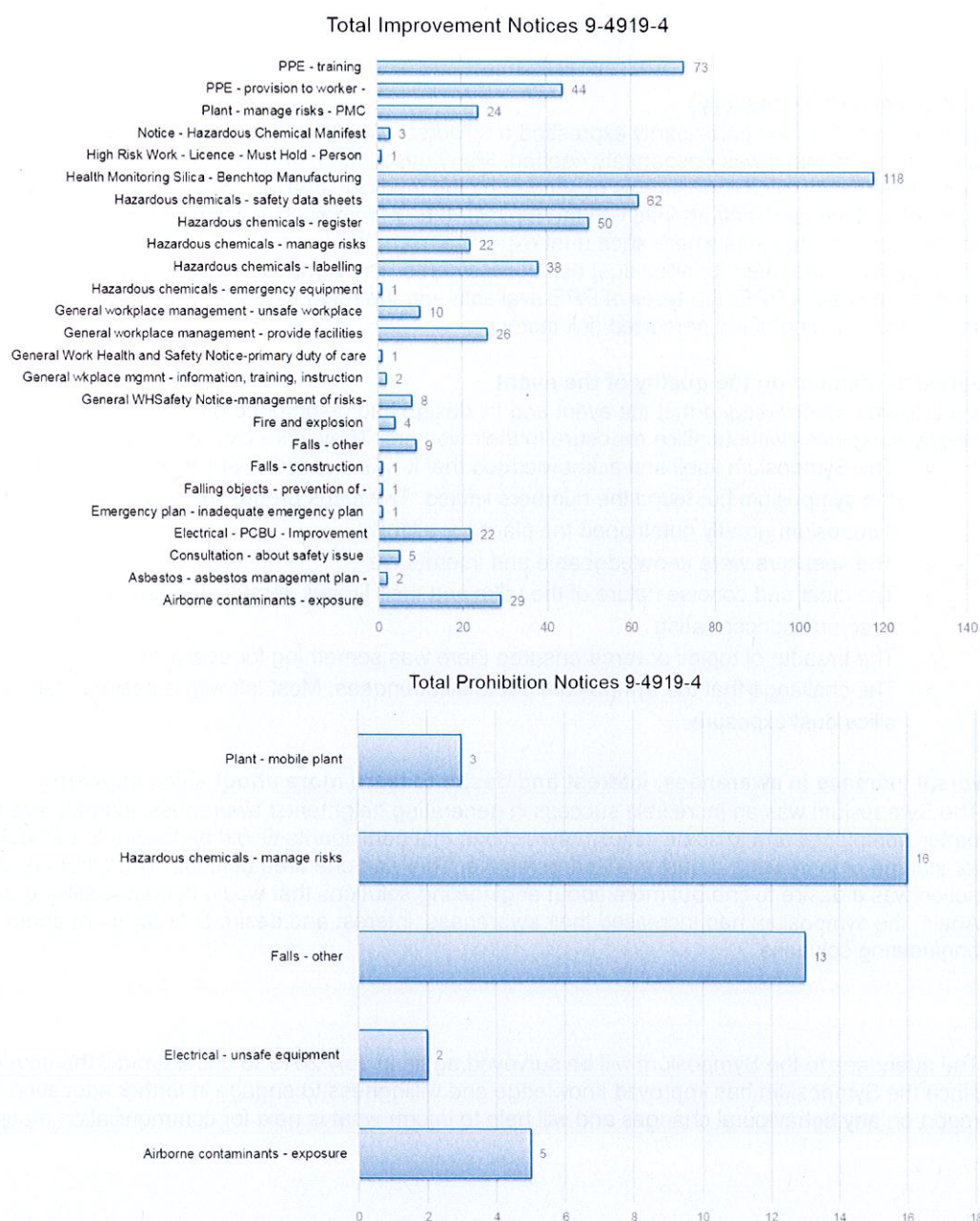
7 Milestone 3: compliance and enforcement

All Manufactured Stone sites in NSW were visited during the operation of the Taskforce (246 sites, 514 visits).

- o 1950 interactions with businesses, 962 of these as Inspector visits
- o Of the 962 Inspector visits, 514 were manufactured stone (some stone sites have had more than one visit)
- o 640 inspector notices issued, with 596 of these for manufactured stone (557 improvement, 39 prohibition)

lcare health monitoring increased from 562 in 2017/18 to 3,538 in 2018/19.

Breakdown of Inspector notices issued – (benchtop 9-4919-4)



8 Other initiatives and requests

8.1 Industry accreditation scheme & advertising

The Australian Engineered Stone Industry Group (AESIG) comprising of major engineered stone suppliers was formed in April 2019. The AESIG is developing an industry accreditation scheme to assist in resolving the current silica problem. They recognise Government/regulation alone cannot resolve some of the behaviours and the industry needs a "no tolerance" approach to facilitate the change.

- There are four main suppliers/importers in NSW who are part of the AESIG
- They have appointed Greencap to deliver their industry accreditation program – training, tools, resources and online support
- Pending advice from the Australian Competition and Consumer Commission (ACCC), AESIG will write to all fabricators shortly advising that they need to achieve accreditation by December 2019 or they will no longer be supplied with stone products
- 75-80% of the market are in agreement that the scheme is needed – the lower end of the market will require further attention
- Personal protective equipment suppliers (e.g. 3M) have also expressed interest in being involved
- The scheme will provide opportunities for regulators to tap in to data – e.g. online records of business accreditation status, location of premises etc.

The AESIG provided a presentation on the above at the Silica Symposium on 7 May 2019.

Boral, a major supplier of NSW building products has agreed to place SafeWork NSW's silica awareness advertising on the side of their trucks in 2019/2020 for a twelve-month period. These trucks enter tunnelling, domestic and civil construction sites, as well as have high visibility on major roads and motorways.

CDK Stone, a major stone supplier has agreed to undertake in-situ advertising in stone benchtop workplaces by printing SafeWork NSW's campaign messaging on their product wrappings for their next 20,000 deliveries.

Total Tools, a major tool supply company that hires out equipment to the various industries that cut, sand, drill and polish stone and building products that contain silica, has embedded SafeWork NSW's video safety alert into their training materials and information sheets and distributed this information to their email subscription list.

8.2 Federal Minister for Health

On 30 April 2019, the Federal Minister for Health Greg Hunt MP announced a \$5 million National Dust Diseases Taskforce for the early detection, control and management of dust diseases in Australia, and a National Dust Diseases Register. The Taskforce will report to the COAG Health Council, under the direction of the Federal Minister for Health. The Taskforce will commence in July 2019 and will provide a final report by December 2020.

8.3 Research

The NSW Centre for WHS are currently undertaking research into wearable detectors that could alert workers of the presence of silica dust (and other chemicals), as well as the development of an 'App' to estimate the level of exposure before commencing a work task with the applicable safety controls advised. Expected completion 2019/2020.

The University of Newcastle are assessing the adequacy of the current Australian health monitoring (screening) tests with a report also expected in 2019/2020.

The University of Western Sydney are assessing exposure level differences with dry and wet cutting.

8.4 CFMEU motions

On 5 November 2018, the CFMEU sought Taskforce support for the "prohibition" of manufactured stone. The majority of the Taskforce did not support this request.

All Taskforce members were advised that any views differing from the majority of the group could be raised separately with the Minister responsible for Taskforce - the Minister for Innovation and Better Regulation. The CFMEU met with the Minister on 10 December 2018.

As the Model WHS laws were under review at the time, the CFMEU were advised to raise a submission to Safe Work Australia, noting the various products that contain silica (natural and manufactured), safety data sheets and labelling (safety instructions) that are supplied with products and the various industries involved.

At 22 February 2019 Taskforce meeting the CFMEU proposed a motion for the Taskforce to write a letter to the Minister for NSW to adopt Safe Work Australia's proposal for the silica exposure standard for all NSW Government construction contracts now, rather than wait for the National consultation period result. The motion was considered out of scope of the Taskforce's terms of reference as it does not relate to Manufactured Stone and was also raised by the CFMEU in the NSW Government pre-election caretaker period where SafeWork NSW and other NSW Government members advised that they are required to abstain from participating in any significant policy decisions.

On 3 May 2019, the CFMEU requested the Taskforce to support the "substitution" of manufactured stone. Substitution in the hierarchy of controls is already available. Businesses and consumers can instead choose marble, granite, sandstone and other stone materials from the market.

9 Conclusion

Exposure to silica dust and the re-emergence of the silicosis disease is entirely preventable and solvable. The materials that contain silica are known, the risks are identifiable and the safety controls are achievable.

However, legislation and enforcement alone will not solve the current deterioration within the various industries. Collaboration between government, industry, the medical profession and education sector is the key to eradicating silicosis again, at all levels and across the entire lifecycle.

The Taskforce achieved three significant milestones:

- a whole of NSW government regulatory review
- awareness and education
- compliance and enforcement.

All manufactured stone fabrication workshops in NSW were also visited by SafeWork NSW and the review of the silica exposure standard was prioritised with the decision expected on 31 July 2019 (Safe Work Australia Members).

In relation to the Taskforce's recommendations:

- The WHS recommendations are being considered in the review of the model (national) WHS laws
- The Health recommendations are currently with the NSW WHS and Health Ministers to determine what is considered appropriate by the NSW Government
- The Trade Skills recommendations were approved by the National Industry Skills Council's Industry Reference Committee with an Activity Order currently being requested from the Department of Education to commence the works. In the interim, the draft units of competency for Brick and Block and Stonemasonry qualifications now contain silica awareness and will be finalised shortly.

It is anticipated that the outcomes of the WHS and Health recommendations will be available by the end of 2019.

Regardless, silica will remain a key priority of SafeWork NSW through the delivery of its five-year 2017-2022 Chemicals Strategy to 30 June 2022.

SafeWork NSW formally extends its appreciation to the Taskforce members for their participation and collaboration in this important initiative.

10 Appendices

10.1 SafeWork NSW 2019 Silica Symposium program – 7 May 2019

7.00am	REGISTRATION, NETWORKING AND LIGHT BREAKFAST
9.00 am	Welcome & housekeeping Master of Ceremonies, Dr Karl Kruszelnicki
9.10 am	Opening remarks Opening by the Minister for Innovation and Better Regulation who will outline the NSW Government's five-year chemicals strategy to reduce exposure to hazardous chemicals.
9.30 am	Silicosis – the dangers of working with silica dust Andrew Gavrielatos, Executive Director, Specialist Services, SafeWork NSW Dr Anthony Johnson, MBBS, MOHS, FRACP Silica is a very common mineral found in natural and manufactured stone as well as building products such as concrete, tiles and bricks. When disturbed by cutting, sanding, blasting or grinding, silica dust is released which can get into worker's lungs and lead to the lung disease silicosis
9.50 am	The regulators approach Meagan McCool, Director, Hazardous Chemical Facilities and Safety Management Audits, SafeWork NSW Snapshot of NSW progress, legislation, challenges and opportunities, behavioural insights and the four-pronged approach. An update on the Safe Work Australia reviews will also be provided.
10.10 am	Controlling the dust Michael Weller, State Inspector, Hygiene & Toxicology, SafeWork NSW Exposure to silica dust in all industries is preventable if the correct safety controls are in place. This includes having adequate ventilation systems, installing dust capture systems on portable tools, wetting down the materials when cutting, providing personal protective equipment such as masks and respirators and using wet methods to remove and clean-up settled dust.
10.30 am	Choosing the right respiratory protective equipment (RPE) and the importance of fit testing Mark Reggers, Occupational Hygienist, Personal Safety Division, 3M When respiratory protective equipment is required as part of a silica control strategy, it is critical it selected and used appropriately to ensure the required levels of protection are being achieved for all workers. There are a number of factors and considerations that need to be evaluated to provide confidence that workers are being protected for the specific task and working environments where silica exposure may be present.
10.50 am	Risk assessment and air monitoring to confirm exposure levels Kate Cole, Occupational Health & Hygiene Manager, Sydney Metro Businesses should conduct risk assessments and conduct regular air monitoring to confirm that the workplace controls are effective and silica dust is not exceeding the Australian Workplace Exposure Standard. This session will cover what this looks like in each industry.
11.10 am	MORNING TEA AND NETWORKING BREAK
11.40 am	Health monitoring Sam Khochaiche, Dust Diseases Care Dr Susan Miles, Lecturer, University of Newcastle Schedule 14 chemicals, such as silica, require regular health monitoring (screening) in accordance with Safe Work Australia guidelines. This includes a health questionnaire, lung X-ray and spirometer testing. If an adverse report is received a CT scan is then undertaken with referral to a respiratory physician.
12.00 pm	Industry accreditation scheme David Cullen, Australian Engineered Stone Industry Group The Australian Engineered Stone Industry Group has recognised the need to have the Engineered Stone Industry self-regulated. In this regard, initial steps towards an Accreditation process has begun. This will gain significant momentum in 2019 commencing with agreed standards, online systems, audits and education. The aim is to have all Fabricators in Australia Accredited. This will represent a significant step forward for the Industry.
12.20 pm	Achieving effective tripartite collaboration, past present and future Justin Smith, Australian Workers Union How lessons learnt in reducing the risk of poor air quality, particularly silica exposure (RCS) in mining workers, achieved through decades of tripartite cooperation, could be been similarly applied to achieving better health and safety outcomes for tunnel workers in NSW and Australia.
12.40 pm	Industry panel 1 – Q&A • Meagan McCool, SafeWork NSW • Mark Reggers, 3M • Kate Cole, Sydney Metro • Sam Khochaiche, Dust Diseases Care • Susan Miles, University of Newcastle • David Cullen, Australian Engineered Stone Industry Group • Justin Smith, Australian Workers Union
1.10 pm	NETWORKING LUNCHEON

1.50 pm	Choose your workshop - industry best practice sessions & group exercise "Top 5 things you need to do to keep yourself safe in your industry" • Manufactured Stone & Stonemasonry - Carl Strautins, Occupational Hygienist, Australian Stone Advisory Association • Tunnelling & Mining - Kate Cole, Sydney Metro & Daniel Beavon, Team Manager, Infrastructure, Construction & Asbestos Services • Civil & domestic construction (excavation, demolition concrete, tile, brick & sandstone cutting) - Jason Simcocks, Director of Operations, Delta Group & David Solomon, Executive Officer Safety & Risk, Master Builders Association of Australia
2.40 pm	Workshop collaboration session • Manufactured Stone & Stonemasonry • Tunnelling & Mining • Civil & domestic construction
2.55 pm	Industry panel 2 - Q&A • Daniel Beavon, Team Manager, Infrastructure, Construction and Asbestos Services • Carl Strautins, Australian Stone Advisory Association • Jason Simcocks, Delta Group • David Solomon, Master Builders Association of Australia
3.10 pm	AFTERNOON TEA AND NETWORKING BREAK
3.30 pm	How space dust is proving life on Saturn's Moon Dr Karl Kruszelnicki
3.50 pm	Case study Paul Thurlow, Stonemasonry Manager, Heritage Stoneworks Bringing today's event all together, this case study will show how best practice was achieved following high air monitoring readings - by improving the dust controls, mandating RPE and commencing a health monitoring program.
4.10 pm	Where do I get help? Regulators, hygienists and consultants Meagan McCool, Director, Hazardous Chemical Facilities and Safety Management Audits, SafeWork NSW Where to from here? Join this session to find out where to go next to start making changes in your workplace.
4.20 pm	Closing remarks Dr Karl Kruszelnicki
4.30 pm	EVENT CLOSE

Speaker Biographies



Andrew Gavrielatos

Andrew commenced with SafeWork NSW in April 2018 after more than 25 years in consumer protection at NSW Fair Trading. Andrew chairs the Centre for Work Health and Safety's Research Foundation, is the NSW representative on the Heads of Workplace Safety Authorities committee and leads TestSafe Australia's commercial services. The technical areas that report to Andrew include hazardous chemicals, engineering and workplace health (mental health, musculoskeletal disorders etc).



Dr Anthony Johnson, MBBS, MOHS, FRACP

Dr Anthony Johnson is a respiratory physician in private practice in Liverpool NSW who has a special interest in occupational lung diseases. He has completed a Masters of Occupational Health and Safety with a thesis on Malignant Mesothelioma and has published and is active in research on occupational asthma, silica and asbestos related lung diseases.



Meagan McCool

Meagan has over 20 years' experience in the NSW Public Service across a range of portfolios from Dangerous Goods, Explosives, Major Hazard Facilities, Safety Management Systems, Hygiene & Toxicology and High-Risk Plant & Equipment at SafeWork NSW; to Builders & Tradespeople, Consumers, Tenants and Traders at NSW Fair Trading. Meagan was seconded to the Commerce Regulation Program from 2015-2016, a key NSW Government initiative to make it easier to start a business in NSW (and stay in business) by improving the customer experience of those who deal with regulating agencies.



Michael Weller

State Inspector Hygiene and Toxicology. Michael is a Certified Occupational Hygienist* and has worked in occupational hygiene and safety for over 30 years, mostly in heavy manufacturing, transport, waste management and consulting. Prior to joining SafeWork NSW in 2017 as an Inspector, he was Senior Occupational Hygienist at RailCorp NSW and safety professional in the Major Works and Asset Management Divisions of Sydney Trains. Earlier on in his career, Michael managed occupational hygiene programs focussed on the sampling and analysis of respirable crystalline silica and controlling exposures in industrial environments.



Mark Reggers

Mark is a passionate occupational hygienist providing technical and end user guidance and advice around the selection, use and maintenance of personal protective equipment. This is backed by his experience as an Occupational Hygiene/Property Risk Consultant, Masters in Science (Occupational Hygiene Practice), Certificate IV in OHS, Licensed Asbestos Assessor and over 15 years in the safety equipment and training industry.



Kate Cole

Kate is an Environmental Engineer and Certified Occupational Hygienist working in the construction industry. A passionate advocate for preserving the health of workers in the construction sector with a major focus on silica dust control and tunnels under construction, Kate is also the recipient of a 2016 Churchill Fellowship to Investigate Best Practice in the prevention of illness and disease in tunnel construction workers.



Dr Susan Miles, BMed FRACP

Dr. Susan Miles is a respiratory sleep and general physician. She works as a Staff Specialist at the Calvary Mater Newcastle and in private practice. She is a Conjoint Senior Lecturer with the Faculty of Medicine and Public Health at the University of Newcastle. She has a clinical and research interest in occupational lung disease especially diseases related to silica, coal and asbestos. She is a member of the NSW Dust Diseases Board and the NSW Taskforce into Silicosis in the Engineered Stone Industry.



David Cullen

David has been Caesarstone's Managing Director for Australia and New Zealand since April 2010, bringing with him a wealth of corporate knowledge across a variety of industries with a deep regional focus. He was previously General Manager of Komatsu Ltd.; CEO of Global Food Equipment Pty Ltd.; CEO of White International Pty Ltd.; CEO of Daisytek Australia Pty Ltd.; and CEO of Tech Pacific Australia Pty Ltd., preceded by other management positions at other companies since 1980 in both Australia and the USA. Mr. Cullen holds a Bachelor of Commerce degree from University of New South Wales.



Justin Smith

Justin Smith is the Australian Worker's Union WHS Coordinator whose role includes advancing safety initiatives that promote the long term health and safety of workers. Before joining the AWU, Justin worked predominately in mining and construction, including as a registered surveyor, technical services supervisor and open cut mining examiner. Apart from formal technical qualifications, Justin has a Masters Degree in Employment Relations along with WHS and training certifications.



Carl Strautins

Carl started his career at CSIRO and is now a principal at Safe Environments. He holds a degree in materials science, has a masters in occupational health and safety and a masters in science in occupational hygiene. Carl provides guidance to industry and is engaged on a regular basis to provide expert opinion for disputes and legal proceedings.



Paul Thurlow

Paul is a stonemason with over 25 years experience in the industry. He is currently the Stonemasonry Manager at Heritage Stoneworks, a business unit within the Department of Finance, Services and Innovation, which is tasked with maintaining heritage buildings within NSW. He leads a team of 24 stonemasons, based in Alexandria, where they saw and work sandstone, before they install it in projects like Sydney Hospital, Newcastle TAFE and Bathurst Courthouse.



Daniel Beavon

Daniel is Team Manager, Infrastructure, Construction and Asbestos Services, a Fitter and Machinist by trade, he has worked for SafeWork NSW and its predecessor WorkCover NSW for over 20 years. He began his career with WorkCover as an inspector before moving into various management roles including Working Environment and Occupational Health Team, Manufacturing team and Construction and Asbestos Services team. In January 2018 Daniel initiated and developed the Infrastructure Team, which was set up to service the huge increase in Infrastructure work across the Sydney Metropolitan area. A key health focus for the team is reducing the exposure levels of silica dust to workers undertaking work across these Infrastructure projects.



Jason Simcocks

Since joining Delta Group in 2001 Jason has been a driving force in Delta Group's growth and expansion across Australia. His strong leadership, structural engineering background and extensive experience in demolition and civil works have been invaluable as Delta diversified their services to meet the needs of some of the largest construction, industrial and mining businesses in the country.



David Solomon

David has worked in the Building & Construction Industry for over 30 years. David is a dual international ISQEM Safety Award winner 2015 & 2016, for his commitment and involvement in developing positive safety culture in the Building and Construction Industry. He is recognised as "Fellow" at the International Association ISQEM and participates in the standards development process nationally and internationally and recognised as a "Standards Expert".

10.2 Taskforce update to Legislative Council – 18 October 2018



SafeWork NSW

92-100 Donnison Street, Gosford 2250
Locked Bag 2906, Lisarow NSW 2252
Customer Service Centre 13 10 50
ABN 81 913 830 179 | www.safework.nsw.gov.au

Our Reference: 00752/18

Mr David Blunt
Clerk of the Parliaments
Legislative Council
Parliament House
SYDNEY NSW 2000

Dear Mr Blunt

Please find enclosed an update to the Law and Justice Committee in relation to its First Review of the Dust Diseases Scheme.

This update provides a progress report on the Manufactured Stone Industry Taskforce, which was established in July 2017 in response to recommendation 1 of the Committee's report.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A. Gavrielatos'.

Andrew Gavrielatos
Executive Director Specialist Services
SafeWork NSW

Date: 18 October 2018

Update to the Legislative Council Standing Committee on Law and Justice – first review of the Dust Diseases scheme by SafeWork NSW on progress of the Manufactured Stone Industry Taskforce

Recommendation	Update
Recommendation 1 That the relevant Minister urgently convene a taskforce of industry, regulatory and workforce representatives to review safety standards in the manufactured stone industry and consider regulatory changes necessary to protect workers in the industry.	In July 2017, the NSW Government announced the establishment of the Manufactured Stone Industry Taskforce. The Taskforce is convened by SafeWork NSW and comprises industry peak bodies, medical professionals, government agencies, the Australian Industry Group and Unions NSW. The Taskforce will run until 30 June 2019, with outputs of the Taskforce to be maintained within SafeWork's Chemicals Strategy under the WHS Roadmap for NSW 2022 - to 30 June 2022. As at 16 October 2018, the Taskforce has met three times to discuss and refine operational responses to this issue across government regulators, industry and employee organisations, with the fourth meeting scheduled for 26 October 2018. The Taskforce is also reviewing any potential gaps in relevant legislation. Some key initiatives of the Taskforce and SafeWork NSW's Chemical Strategy to date include: • preparing a manufactured stone industry "worker journey map" which maps a worker's movement through the lifecycle of systemic touchpoints, as well as the horizontal touchpoints between portfolios, to identify opportunities for education, monitoring, detection and treatment as well as general awareness raising. • development of a multi-channel awareness campaign, scheduled to commence in November 2018. • state-wide training for 156 SafeWork NSW Inspectors so they can spot and address the dangers of silicosis. • 281 SafeWork NSW inspector visits, 123 of which specifically in the manufactured stone industry. ○ These visits have resulted in 74 inspector notices: 71 improvement and two (2) prohibition, for a range of related and non-related silica issues. 59 of these were for manufactured stone. Approximately ten (10) notices relate specifically to health monitoring. Other matters include electrical, personal protective equipment, safety data sheets and labelling, plant and other chemical and site management issues, and other chemical and site management issues. • targeted industry presentations and meetings at 26 locations, with an additional three safety forums for manufactured stone scheduled for February 2019 in Western Sydney, Newcastle/Hunter and South Coast locations. • distribution of 3,189 safety factsheets to identified businesses, as well as via the relevant industry associations and government departments. Factsheets were translated into Arabic, Chinese (Mandarin), Hindi & Vietnamese. • Promotion of a health monitoring webinar, which has received 337 views and 368 views of the crystalline silica webpage. • safety rebates of \$500 to 24 businesses to improve work safety systems. • general awareness through media releases issued in October 2017 and July 2018 and Facebook posts (23 October 2017, 24 October 2017, 9 March 2018, 26 March 2018, 2 July 2018 & 23 July 2018, with reach of 14,700). Dust Diseases Care are supporting SafeWork NSW's Inspection program by providing subsidised health monitoring in Sydney and regional NSW. A total of 2,070 workers exposed to silica have undergone health monitoring provided by Dust Diseases Care. Dust Diseases Care will continue supporting SafeWork NSW's Inspection program to June 2022 under SafeWork's broader five-year Chemicals Strategy. Employers can elect to have health monitoring provided via: • Dust Diseases Care Lung Bus • Dust Diseases Sydney CBD medical centre • Through local service providers contracted by Dust Diseases Care to undertake health monitoring on their behalf • Their own medical practitioner that meets the requirements outlined in the WHS Regulation. Silicosis has also been raised in submissions to the national review of the Work Health and Safety Model Laws being conducted by an independent reviewer, which is due to report in December 2018. Senior WHS Officials will be meeting in November to consider an update from the NSW Taskforce and other jurisdictions taking action on this issue.

10.3 Taskforce membership

- Chair – Meagan McCool, Director, Hazardous Chemicals and Safety Management Audits, SafeWork NSW
- Secretariat – Tash Tuite, Senior Project Officer, SafeWork NSW
- Aklesh Nand – Manager, Hygiene and Toxicology, SafeWork NSW
- Michael Weller – State Inspector, Hygiene and Toxicology, SafeWork NSW
- Christine Callaghan – Interim General Manager, Specialist Care, icare Dust Diseases Care
- Sam Khochaiche – Manager, Medical Screening Services, icare Dust Diseases Care
- Rod Jackson, Industry Relationship Lead, General Construction and Plumbing, TAFE NSW
- Dr Jeremy McNulty, Director, Health Protection, NSW Health
- Natasha Flores, Industrial Officer, WHS & Workers Compensation, Unions NSW
- Ben Kruse, Legal/Industrial Officer, Construction Forestry Mining and Energy Union & Dust Diseases Board
- Justin Smith, Construction and WHS Organiser, Australian Workers Union
- Mark Goodsell, NSW Head and National Lead - Manufacturing, Australian Industry Group
- Associate Professor Deborah Yates, Thoracic Medicine St Vincent's Hospital Sydney & Thoracic Society of Australian and New Zealand (TSANZ)
- Dr Anthony Johnson, Respiratory Physician Liverpool & TSANZ
- Dr Susan Miles, Respiratory Physician Newcastle & TSANZ
- David Cullen, Managing Director, Caesarstone Australia
- Nigel Ferguson, Chief Executive Officer, Edstein Creative Pty Ltd
- Carl Strautins, Occupational Hygienist & Principal, Safe Environments & Australian Stone Advisory Association.

Ben Kruse

From: mandy.polgar@fwc.gov.au
Sent: Tuesday, 10 September 2019 4:06 PM
To: Ben Kruse
Subject: FWC Letter - U2019/8827 - Coghlan v Newcastle Glass Pty Ltd
Attachments: Concil_Settled.doc; 38EAC88AF37648C6FABD83BCBAF35BD11387613877.doc

Please find attached correspondence regarding the matter **U2019/8827 - Coghlan v Newcastle Glass Pty Ltd**

This correspondence was sent automatically from the Fair Work Commission.

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