

## The unique obligations owed to older, risk-prone workers

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Australia's ageing workforce brings with it connotations of increasing vulnerability to age-related injury and health; and, therefore, employers have a greater need to demonstrate „due diligence“ in respect of their older workers, an OHS consultant has argued.

In a paper that was intended for Informa's [National Workplace Safety Summit](#), Raymond Schaffer, principal consultant for OHS and environment consultancy firm RMH Schaffer & Co, explains that although older workers bring with them more experience, more skills and potentially more productivity, they are also associated with an vulnerability to injuries, more severe injuries, life threatening illnesses (including dementia) and longer return-to-work periods following injury.

With workplace safety issues associated with older workers only set to be exacerbated as the pension age shifts quietly from 65 to 67 years of age, Schaffer explains that it is more crucial than ever that employers begin preparing to manage more older workers in the workplace.

### A greater need to demonstrate due diligence

„Common sense will indicate that the age related worker percentages are increasing significantly and that will be the trigger for the employer to look at the need for improving the Duty of Care obligations being applied to the business' workers,“ Schaffer says.

„The greater the number of employees displaying signs of some age related disease the greater the need for the employer to demonstrate „due diligence“ and have an industrially trained MD review the older workers' health and recommend improved health management of these workers.“

„Employers are facing a whole slew of new and sensitive challenges in the years ahead as regards their Duty of Care obligations in re their working employees.“

„In anticipation of these new challenges employers should consider what may be their „due diligence“ next steps and start now to plan ahead as to how best to meet them.“

### Determine age risks and develop management plans

In order to ensure the safety of older employees, Schaffer says that employers should first risk assess the critical requirements of each key job. For example, employers must understand the job's duration as well as its standing, manual handling, eye-sight, hearing, shift-work, repetitiveness and muscular-strength requirements (Schaffer says this list is not exhaustive). Employers must then consult with their employees in order to determine whether any age-related factors will make it necessary for an older employee *not* to be appointed a particular job or to be appointed the job, but according to a set of conditions.

In the paper, Schaffer identified eye-sight, hearing loss, prolonged exposure to chemicals and manual handling tasks as key risk areas affecting older workers, which employers need to address through the creation of safety management plans.

#### Reduced eye sight

The reduced visual capability associated with older workers increases the likelihood workplace injuries (eg slips, trips and falls related injuries) and Schaffer says this issue is exacerbated in circumstances where an older worker has been required over a number of years to spend long, uninterrupted hours in front of a computer monitor — this can lead to detrimental eye sight issues, and related problems such as headaches (including migraines), eye strain and blurred vision.

The increase of older workers in the workforce will only see this vision deficiency problem increase substantially, so employers must discharge their „due diligence“ obligations by introducing a suitable safe eye work management plan. According to Schaffer, this plan would comprise of the following:

- „Conduct a risk assessment of both the process and the person performing the task;

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- Consult with all employees in carrying out the risk assessment — obtain their input — both as regards hazards of the task and how to eliminate these or at least minimize these;

- As appropriate, it may be advisable for the employer to have the workers' eyes professionally tested by an optometrist and properly corrected with prescription eye-glasses;

- Plan the employee's day so as to include:

  - Where possible, job rotation to include work not needing to be done on a monitor and keyboard, for perhaps a half hour, then a return to keyboard work;

  - Adequate, staged work breaks through the day;

  - Where this concentrated eye work is done "seated" ensure a risk assessment is made of the work station and its suitability — chair height, desk height, monitor height and its distance from the worker's eyes, etc;

  - Encourage seated workers to perform a set of suitable work station exercises repeatedly through the work day

  - Involve workers in training sessions that educate them and encourage them in developing good work habits."

#### Exposure to noisy workplaces

Older workers have often been exposed, perhaps over a period of 20 to 30 years, to noisy environments and Schaffer says the potential for reduced hearing capacity can increase a worker's exposure to related safety risks (eg workers with reduced hearing capability may not be able to hear safety warnings especially in an abnormal equipment operation).

Schaffer says that as the workforce ages, employers will face increasing incidence of hearing-related workers compensation claims. He advises employers to introduce a hearing protection management plan to better manage this age-related risk. According to Schaffer, this plan would comprise of the following:

- „Conduct a risk assessment of a "noisy" work environment or a "noisy" work station;

- Attempt to eliminate the noise source or reduce the intensity;

- Where appropriate, introduce suitable hearing protection plugs or muffs;

- Ensure training is given in *how* to use the noise attenuators;

- Conduct a further risk assessment to test the attenuation level achieved with the hearing protectors;

- Address any worker problems with "using" the hearing protection gear;

- Post suitable safety signs in those work areas where noise is excessive;

- Introduce a hearing loss education Program for workers.

- As appropriate have selected workers take an audiometric test;

- Ensure Supervisors monitor noisy work environments re worker use of noise attenuators;

- Establish a Noise Control Plan, with key elements as follows:

  - Risk assess all "noisy" work areas/stations;

  - Prioritize all noisy work environments;

  - Introduce noise attenuator equipment as a matter of urgency;

  - Where possible, take steps to eliminate these "noisy" work areas/stations;

  - If elimination is not possible, minimize these noisy areas/stations;

  - Eliminate or minimize according to a formal Plan over a fixed period of time."

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##### **Prolonged exposure to chemicals**

Employers in the manufacturing sector must consider the consequences that the use of toxic chemicals will have for employees who work in the industry over a long period such as 30 or 40 years (eg the manifestation of asthmas, cancers and skin dermatitis).

Schaffer says employers must develop a chemicals management plan, because the risks associated with exposure to chemicals will only increase as the working life of all Australians is extended.

Schaffer provided an example of a chemicals management plan that can be adopted by the printing industry, where the employers have a „bad habit of hoarding old half used cans, bottles and other containers of inks, solvents and adhesives, all of which may contain toxic chemicals” . According to Schaffer, a chemical management plan for the printing industry would comprise of the following:  
„Step 1 — in establishing such a Plan we recommend a general clean out of ALL ink, solvent and adhesives residues. This really MUST be done ruthlessly.

Step 2 — Compile a Chemicals Register listing EVERY ink, solvent and adhesive. This step can be combined with gathering additional information about your chemicals use in to a Assessment Table under headings such as

##### **Printing Process/Print work/Chemicals used/Hazardous chemicals/Substitutions/Controls/OH&S/Other**

This information should be gathered as chemical containers and residues are discarded (environmentally responsibly).

Step 3 — Check your MSDS Manual for completeness and add any omissions or oversights.

Step 4 — Consider next identifying workers with a long period of service with the business. Identify as best as possible the “key” toxic chemicals they have worked with over time.

Step 5 — Conduct a series of risk assessments not only of chemicals used but, also of working environment atmospheric contaminants and their efficient evacuation.

Step 6 — Arrange for these workers to visit an MD specializing in Industrial diseases. Discuss with the MD the chemical exposures and the medical tests the MD should arrange to be carried out. (As well as any incidence of skin dermatitis, include asthma or other symptom the MD considers appropriate.)

Step 7 — Prepare with the MD a Schedule of blood, urine and other tests as may be required extending forward. (Early detection always has its advantages.)

Step 8 — Establish a set of Records to monitor exposures and incidence of any medical symptoms.

Step 9 — Examine all chemicals in use in the business according to the Hierarchy of Controls; from elimination through substitution, to engineering Controls, to Admin Controls and, last of all, use of PPE.

Step 10 — Examine each Printing process separately with a view to identifying possible chemical substitutions. (The person who can greatly assist you in this task is your chemicals supplier representative.)

Step 11 — Ultimately, the best approach to managing chemicals safely is to use ALL of the elements of the Workcover Hierarchy of Controls as appropriate.”

##### **Manual handling risks**

Schaffer says that not only are manual handling injuries the biggest risk exposure for employers, but the risk will increase for older employees. Repetitive and awkward nature of, and strength required by, certain manual handling tasks will particularly affect older workers who suffer from osteoporosis — a calcium deficiency prevalent amongst older persons, which leaves bones more frail and therefore more vulnerable to fracture and breakage. Unfortunately, Schaffer says this condition often goes undiagnosed. Schaffer says employers must establish a manual handling safety plan for their older employees. According to Schaffer, this would comprise of the following:

- „Establish a List of ALL foreseeable risks of a Manual Handling nature — refer to the definition above;

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- Establish a List of ALL necessary risk assessments (RA) re manual handling tasks carried out;
- Obtain from the manufacturer or supplier their RAs and safety information. Augment this with your own RAs;
- Disseminate same to ALL employees by way of Education/Training sessions;
- Establish Education sessions about osteoporosis and encourage workers to undergo a Medical Review;
- Establish a Medical Screening program for all workers (certainly those older than 50 years). But, the wise move here is to seek the guidance of a suitably qualified industrial MD;
- Establish a Review program re all manual handling equipment — examining equipment maintenance records and equipment replacement programs;
- Obtain the support of ALL Supervisors re implementation of No Lifting Policy — unaided, and No Repetitive Work Policy — without effective work rotation.”