

Firms at risk over workers who smoke - MinEx

Bernie Napp - Thu, 21 Feb 2019

Employers could be liable for the death of a worker from silicosis, even if he or she was a smoker, unless they did all they practicably could to prevent that death from occurring, MinEx says.

Smokers are 10 times more likely to be affected by respirable crystalline silica than non-smokers, making this a challenging issue for persons conducting a business undertaking to manage.

MinEx CEO Wayne Scott said he knows of employers who ban smoking, analogous to employers who sack workers caught not wearing a seat belt on equipment.

"It seems harsh, but if there are consequences, people will see things differently," Scott told people attending an Institute of Quarries NZ Wellington branch meeting in Otaki on Saturday.

He was responding to a question from a quarry owner about medium to heavy smokers in the workplace and their lung function, and how to determine the baseline level of exposure to RCS.

Speaking on smoking, and narcotics, Scott said, "you can give them all the reasons why they should not work impaired by stimulants, but as long as they are getting a hit, and there are no consequences, they will keep doing it."

In such cases, health monitoring is a key tool for employers, otherwise if someone falls ill in the workplace, "the worker may have a claim on you," Scott said.

"If you have done all that you could, you are probably going to be okay."

The meeting was held at Winstone Aggregates' Otaki quarry.

Government focus on worker health

Scott told the meeting the industry could expect to see WorkSafe place greater attention on worker health issues.

In New Zealand, 600-900 people die every year from work-related illnesses, compared to 49 workplace fatalities last year, across all industries.

"The government is keen on improving that statistic," Scott said.

MinEx will be publishing a new guideline on managing worker exposure to dust, mostly concerning RCS, in late February-early March.

In New Zealand, silicosis rates have halved in the last 10 years because there is less smoking, and better management of sites for airborne dust.

Silicosis is not only a quarrying disease - it also occurs in farming and other activities - but it has been prominent in mining and quarrying.

Other new MinEx guidelines

MinEx has published recently a [slope stability booklet](#).

Currently at the printer is a guideline on mental health, which affects 10 per cent of workers in New Zealand, due for release in March.

In Australia, more than 25 per cent of all workers have declared a mental health issue, Scott said. Those figures reflect only the people who report an issue, so the real numbers are likely to be much higher than that.

MinEx regional workshops for CPD

WorkSafe's review of continuing professional development revealed that B-grade ticket holders find it difficult to achieve their eight hours of formal CPD in a year, Scott said.

MinEx and WorkSafe will be running 20 workshops in regions during the year, starting this week in Palmerston North. More details are available on the MinEx app.

They are one-day workshops, providing eight hours of CPD, divided into two four-hour sessions.

"We have deliberately structured it so it is reasonably easy for people," Scott said.

Schools competition

To celebrate its 50th anniversary, the Aggregate and Quarry Association is running a competition on quarrying knowledge for schools.

Released three weeks ago, a lesson on quarrying will be distributed to 27,000 teachers around New Zealand through the educators' magazine, *Starters and Strategies*.

The competition will start from the end of March, until the end of term 2, in July, and is aimed at students of years 5-8. The awards function will be held in October to celebrate the winners.



The prize is \$1000 for the winning school, and \$100 for the winning student.

We are hoping you will get a lot of inquiries from schools,” Scott said. “If you do, we encourage that. This is aimed at the kids and their parents.”

Regulations review

Amended mining health and safety regulations will be released in October this year, with a final stage of consultation still underway.

Quarries will be included in some form, Scott said, “we suspect there will be nothing nasty in that”.

There is likely to be a requirement to report incidents to WorkSafe, currently voluntary, and many quarry companies are already reporting incidents.