

Mad dogs andgo out in the midday sun?

Insurance company Sedgwick recently published the following sober reminder of the possible consequences of excessive sun exposure in terms of negligence claims against employers.

"That well loved image of the macho bronzed Aussie wearing singlet and shorts or in many cases, shorts and a bare chest, is alive and well, even though he may be wrecking his skin and, in some cases, not complying with regulations.

We are, of course, exposed to ultra violet rays the whole year round, but it is the scorching sun which is the real killer. And the summer season with its inevitable high temperatures has now arrived.

Equally as inevitable will be the number of people who find they have skin cancer after years of working outdoors without taking, in many cases, any precautions at all.

There have already been instances where employees have made successful workers' compensation claims against employers for causing skin cancer through negligence in not providing a safe workplace.

A few months ago the NSW Industrial Relations Commission gave a local government authority the power to enforce a dress code so that its outside workers could be protected from the sun.

Male council employees who worked out of doors had refused to wear long-sleeved shirts and trousers.

Under the Occupational Health and Safety legislation, there are obligations on both the employer and the employee to take preventative action against injury or illness. The Commissioner said the ruling on a dress code was consistent with these obligations and that shorts and skirts worn by people working outdoors should be knee-length. Although the judgement was against the council, the ruling has implications for all employers.

Many councils and organisations do provide outside workers with hats and sunscreen, but is this enough? And will outside workers comply?

Apparently men working in the construction industry do not take kindly to wearing hats or using a sunscreen which according to a recently released report, they consider as being 'effeminate'. NSW *WorkCover* says more than 60% of 140

construction workers surveyed worked without a hat or shirt and that only 22% used sunscreen.

The *WorkCover* report recommended that exposure to ultra violet rays be reduced by employees working in shade, working when sun exposure is least harmful, erecting artificial shades over work areas during the middle of the day, and by job rotation.

Even the use of a sunscreen is now considered inadequate by itself. Sunscreen is mainly used to prevent sunburn, and the Australian Cancer Council says work still needs to be conducted on its prevention of sun cancers.

The Council recommends that workers use a sunscreen as an adjunct to preventing skin cancer, not as a first line of defense.

If as many advocate, weather patterns are changing and the climate is getting warmer, companies would be well advised to make sure that all outside workers are protected to the best of their ability to avoid liability claims in the future.

(first appeared in *Sedgwick Newslink*, November 1995)

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