

## Good housekeeping for workplace safety



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Last month I was pleased to be able to contribute to the annual conference of the Australian and New Zealand Theological Library Association (ANZTLA) in Sydney. Occasions of this sort provide a welcome opportunity to let librarians know just what ALIA is up to in the industrial field and, hopefully, to help them understand current labour market trends and shape ideas for dealing with them. Equally important, however, is the information which ALIA receives on what is happening in the many and varied workplaces in which our members are employed. I found the ANZTLA conference educational and useful in this regard.

Reflecting later on the issues to emerge, I was struck once again by just how isolated, in an industrial sense, many of ALIA's members are. Most of the conference delegates appeared to be working in small libraries, with minimal or no professional support. Few had access to trade union membership. And many seemingly were uncertain of both their precise conditions of employment and their rights in the workplace. Clearly, ALIA's decision to emphasise the importance of National Office assistance to non-unionised special librarians in its industrial services policy is highly appropriate. From day-to-day dealings with many of them, it appears to me that ALIA's assistance is particularly appreciated by this category of member.

One matter which was clearly important to the ANZTLA librarians is occupational health and safety. In particular, I was asked many questions about just where the onus lies in ensuring that the workplace remains safe. The answer lies largely in the very heavy duty of care which all employers owe to their workers. Over many years, the courts have gradually extended legal liability, to the extent that now an employer may be liable even where the injured employee is partly to blame, or another employee is entirely responsible. And sins of omission are as likely as active wrong-doing to incur damages against employers.

At its broadest, the duty of care requires employers to take reasonable action to minimise any foreseeable risk to the health and safety of their employees. This does not mean an employer is in breach every time a worker is injured. While ALIA members are unlikely to be doing it, some work is inherently dangerous. On occasions workers will be injured despite the most thorough attempts by employers to prevent it.

The critical words are 'reasonable' and 'foreseeable'. For library workers, accidents or injuries should be rare if an employer has genuinely attempted to eliminate the possibility of their occurring. Mostly, this involves good housekeeping. The risk of accidents should be obvious if the workplace is cluttered by boxes, if books, files and other materials are stacked carelessly in corridors or walkways or cables, cords and wiring are allowed to snake around areas of heavy traffic. Similarly, if slightly-built employees are forced consistently to carry very heavy equipment around the workplace, nobody should be surprised if back complaints develop. Failure to do something about what are clearly foreseeable safety risks leaves the employer totally exposed to major costs if somebody is injured. This could involve both workers compensation payments and damages for negligence.

The employer duty of care covers three areas: safe premises, safe plant and equipment and safe systems. In addition, it is important to emphasise that the employer is 'vicariously liable' for any behaviour by co-workers which might constitute a risk to their colleagues. The duty is owed individually to each worker. This means the employer must take account of known characteristics of each and every member of the workforce in devising prevention strategies. In this respect, the legal concept is to the effect that employers 'take their workers as they find them'. In other words, if an injury is suffered by a person with a particular physical handicap, for example, it will be no defence to argue that the handicap caused the accident. Courts will find that the employee was taken on in the knowledge that such a handicap existed; it is therefore for the employer to take all reasonable steps to eliminate or minimise risk, taking the handicap into consideration.

In most cases, a simple safety audit system will prevent most problems in libraries. This need involve little more than regular formal inspection of the workplace by a designated person. If all possible hazards are identified and reported in this way, action to deal with them promptly will be quite straightforward. Such a system is obviously an easy way to reduce risks, increase employee confidence and protect the employer. As such, it is something that employees are entitled to expect as a matter of course. But perhaps more importantly for employers, it is simply good business sense. ■

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