

Your health and safety guide to Construction



If this Industry Guide does not contain an up-to-date *More information* sheet, please go to www.worksafe.vic.gov.au to download the PDF or contact us on 1800 136 089 to request a printed copy.

There's plenty more information
about health and safety...
www.worksafe.vic.gov.au
1800 136 089

Because construction work often involves a dynamic working environment, hazards can change daily and need to be systematically managed.

Around 225,000 Victorian workers are employed in construction – the state's fastest growing industry.

This guide will help you understand the risks of working in the industry, and will explain what you need to do, now and in future, in order to make your workplace safe.



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About the industry

What is construction?

Construction is any work done in connection with the construction, alteration, conversion, fitting out, commissioning, renovation, refurbishment, decommissioning or demolition of any building or structure, or any similar activity.

The main sectors of construction are:

- housing (makes up nearly 60% of the industry and includes the construction of domestic houses, flats and associated outbuildings)
- commercial (deals with the construction of office buildings, shops and shopping centres, public buildings, factories and medium to high rise apartment buildings)
- civil (includes the construction of roads, railways, bridges, tunnels, wharfs, reservoirs, dams and similar infrastructure works)
- engineering (includes the construction of power stations, chemical processing and storage facilities, major industrial processing plants and ship building).

What are the risks?

The constantly changing nature of construction work distinguishes it from other types of work.

Different hazards and risks emerge on a daily basis and coordination of work to manage risk is further complicated by the staggered commencement and conclusion of stages of a construction project, high turnover of workers and temporary workplaces, and the prevalence of contractors and subcontractors in a highly competitive market.

About the industry continued

The risks faced by construction workers are many and varied. The main causes of death are:

- falls
- electrocution
- structural collapse
- working with powered mobile plant and equipment
- roadside traffic.

No go zones are a common hazard in construction. These include areas in close proximity to overhead or underground utility assets distributing electricity, telecommunications, gas, water or sewage.

Serious risks to health and safety include noise, hazardous chemicals, asbestos, manual handling and UV radiation.

Injuries tend to be serious and the average cost of supporting injured construction workers is nearly 20% higher than in other industries.

Construction Regulations 2008

In Victoria, health and safety in the construction industry has been regulated through the OHS Act and a number of hazard-specific regulations, such as those for falls prevention and plant, but not through construction-specific regulations.

In recognition of the risks associated with construction work and as a result of the making of a national standard for construction, a set of minimum safety standards specific to the construction industry have now been created.

While new OHS Regulations came into effect from July 2007, **the construction part of these Regulations will not come into effect until 1 July 2008**, giving the industry time to adopt and implement the new requirements outlined in the Regulations.

The construction part of the OHS Regulations will help the industry work more safely without imposing significant new administrative or cost burdens. The new minimum safety standards include:

- employees having to complete basic OHS training before commencing work
- principal contractors having to maintain health and safety coordination plans for larger construction sites
- employers having to document safe work method statements for defined types of high-risk construction work.

Your legal duties

The law

Occupational Health and Safety Act 2004 (OHS Act)

The OHS Act came into effect on 1 July 2005. It sets out the key principles, duties and rights in relation to occupational health and safety. The duties imposed by the Act cover a wide variety of circumstances, recognising the need for a duty-holder to have flexibility in determining what needs to be done to comply.

The OHS Act is based upon the following key health and safety principles:

- All people – employees and the general public – should have the highest level of protection against risks to health and safety.
- Those who manage or control things that create health and safety risks in the workplace are responsible for eliminating or reducing the risks, so far as is reasonably practicable.
- Employers should be proactive in promoting health and safety in the workplace.
- Information and ideas about risks and how to control them should be shared between employers and employees.
- Employees are entitled – and should be encouraged – to be represented in relation to health and safety issues.

Occupational Health and Safety Regulations 2007 (OHS Regulations 2007)

New Regulations for occupational health and safety came into effect on 1 July 2007.

Additional Regulations specific to the construction industry commence operation on 1 July 2008.

These will provide new minimum standards that will help employers and employees reduce injuries.

Your legal duties continued

Your current duties

Specific construction regulations commence on 1 July 2008. In the meantime, employers and employees in the construction industry must still observe the general duties under the OHS Act and duties under the OHS Regulations relating to specific hazards and other OHS issues affecting their workplaces.

Employers

By law, employers must provide a safe working environment for their workers, as far as reasonably practicable.

This means:

- you must eliminate any risks to health and safety, as far as reasonably practicable
- if it's not reasonably practicable to eliminate the risks, you must reduce them as far as reasonably practicable.

In addition to protecting the health and safety of your workers, you also must ensure that other people (such as your customers, visitors and the general public) are not exposed to risks as a result of your business.

You also have specific duties in relation to hazards such as:

- falls
- manual handling
- noise
- plant and machinery
- asbestos
- hazardous substances
- confined spaces.

Contact the WorkSafe Advisory Service on 1800 136 089 or visit www.worksafe.vic.gov.au for more information on your duties relating to these specific hazards.

Notification of excavation work

The *Mines Act 1958* requires you to notify in writing of an intention to excavate a shaft, trench or tunnel at least three days before the work starts, if the excavation can be entered by a person or if the work is a risk to anyone's health or safety.

This requirement does not apply to a trench or shaft on a building construction site (but applies to a tunnel, whether on a building construction site or not).



Employees

Your employer is required to protect you from any risks to your health and safety in the workplace.

At the same time, you have a general duty to take reasonable care for your own health and safety, and that of others who may be affected by your work, and to cooperate with your employer's efforts to make the workplace safe.

This includes following workplace policies and procedures, attending health and safety training, as well as helping to identify hazards and risks.

Owner builders

If you perform construction work at a domestic premises owned by you, or if you have engaged the services of another person (such as a builder) to manage or control the workplace, the construction part of the Regulations does not apply to you.

Your additional duties from 1 July 2008

In addition to general duties under the OHS Act and duties under the OHS Regulations relating to specific hazards and other OHS issues affecting all workplaces, principal contractors, employers, self-employed people and employees working within the construction industry will have new specific OHS duties. The following requirements come into effect from 1 July 2008.

Principal contractors

If the construction work is valued at \$250,000 or more, principal contractors will need to:

- post signage outside the workplace, showing the principal contractor's name and phone number
- prepare a health and safety coordination plan, keep it up to date and make it available for inspection.

N.B. Templates to assist small and medium sized building companies document coordination plans are being developed.

Your legal duties continued

Employers

In addition to your general duties under the OHS Act and duties under the OHS Regulations relating to specific hazards and other OHS issues affecting all workplaces, from 1 July 2008 employers will have the following duties relating to construction work.

Control risk

You will continue to have a duty to eliminate any risks to health and safety associated with construction work.

From 1 July 2008, if it's not reasonably practicable to eliminate the risk, you will need to take the following steps to reduce it, as far as reasonably practicable, by:

- substituting the hazard with a new activity, procedure, plant, process or substance that is less of a risk
- isolating people from the hazard, or
- using engineering controls.

If there is still a risk after using these methods, you will need to reduce it by using administrative controls and, if any risk still remains, reduce it with personal protective equipment.

You will also need to review (and, where necessary, revise) your risk controls if things change or at the request of a health and safety representative.

Further, you will be required to consult employees and health and safety representatives when identifying hazards and deciding on control measures.

Notification of excavation work

From 1 July 2008 you will be required to notify WorkSafe in writing of an intention to excavate a shaft or trench at least three days before the work starts. This does not apply to construction work covered by a building permit. Additionally, from 1 July 2008 you will be required to notify WorkSafe in writing of an intention to excavate any tunnel (whether covered by a building permit or not) at least three days before commencing the work.

Prepare a safe work method statement (SWMS)

You will need to prepare a safe work method statement before any high-risk construction work begins, and you must ensure the work is done in accordance with that statement.

The SWMS must be kept for the duration of the work and you will need to review (and, where necessary, revise) it if things change.

Provide induction training

You will need to ensure that any person who will carry out or supervise construction work completes an accredited general OHS construction induction (unless they are already registered and have done some construction work in the past two years).



Provide site-specific training

You will need to ensure that anyone you've employed to perform construction work is provided with health and safety training relevant to the particular workplace. The level of site-specific training will vary between construction sectors.

Self-employed persons

If you are a self-employed person, you will have the same legal duties as an employer to ensure, as far as reasonably practicable, that people other than yourself are not exposed to health and safety risks arising from your work.

Employees

From 1 July 2008 you will not be permitted to do any construction work unless you have completed a general OHS construction induction.

Your employer will still be responsible for protecting you from workplace hazards and risks, and you will continue to have a general duty to take reasonable care for your own health and safety, and that of others who may be affected by your work, and to cooperate with your employer's efforts to make the workplace safe.

This includes following workplace policies and procedures and attending health and safety training, as well as helping to identify hazards and risks.

Compliance and enforcement

WorkSafe applies a strategy of 'constructive compliance' – a combination of incentives and deterrents – to improve workplace health and safety.

This strategy recognises that real and sustainable improvement in workplace health and safety requires active involvement from employers and employees in identifying hazards and controlling risks.

WorkSafe inspectors have the primary role of targeting unsafe workplace activity, enforcing compliance with health and safety laws, and providing guidance and advice on how to comply with those laws.

Further information on workplace inspections and WorkSafe's enforcement policy is available through the WorkSafe Advisory Service (1800 136 089) or at www.worksafe.vic.gov.au

How to comply

WorkSafe has a range of guidance material, including codes of practice, guidance notes and alerts on specific hazards and OHS issues which provide solutions and advise on the required processes and actions that duty holders should take in order to meet their legal obligations. The enclosed *More information* sheet contains a listing of WorkSafe's current guidance materials on hazards and issues related to the Construction industry.

Consult

Employees' expertise can make a significant contribution to improving workplace health and safety.

Regular, proactive consultation can help identify issues in the workplace and build a strong commitment to health and safety by including all views in the decision-making process.

Under the OHS Act, employers must consult with employees when identifying and assessing hazards or risks, and making decisions about risk control.

'Employees' includes independent contractors (and any employees of the independent contractor(s)) who perform work which the employer has, or should have, control over.

If employees are represented by health and safety representatives, the consultation must involve those representatives – see *Your health and safety guide to Consultation* for further information.



Construction guidance

WorkSafe has a range of guidance for the construction industry on particular issues. This includes industry standards and codes of practice made under the previous OHS Act (not yet translated into new compliance codes).

Our current suite of construction guidance, which includes industry standards, WorkSafe codes of practice, guidance notes, incident reports and checklists, can be accessed from WorkSafe's website www.worksafe.vic.gov.au or can be ordered from the WorkSafe Advisory Service (1800 136 089).

WorkSafe is also developing a range of new construction guidance, such as compliance codes, to assist duty-holders in meeting their OHS obligations under the construction regulations which come into operation on 1 July 2008.

Safety soapbox

WorkSafe provides a free weekly email service to keep you up to date with the latest information on construction-related safety issues – the **Safety soapbox**.

The **Safety soapbox** includes 'Bodgey Scaffold of the Week' and 'Absolute Shocker of the Week'. These are photos of dangerous construction work sent in by subscribers. They are ideal for construction safety training, tool-box meetings and site noticeboards to remind everyone of the dangers of unacceptable work practices.

The service is open to everyone, but is particularly useful to:

- construction workers' health and safety representatives
- managers of construction companies
- site supervisors
- construction industry industrial skills trainers
- construction industry OHS consultants
- suppliers of plant and equipment to the construction industry.

To subscribe to the **Safety soapbox** visit the construction page of the WorkSafe website www.worksafe.vic.gov.au

GLOSSARY

Administrative control – Using methods such as policies, procedures, safety signs, training or supervision, or a combination of methods, to control risk.

Employee – A person employed under a contract of employment or contract of training.

Employer – A person who employs one or more people under contracts of employment or contracts of training.

Hazard – A potential source of harm or injury. The potential to cause injury, illness or disease.

Hazardous substance – A substance that has the potential to harm people's health. The substance can be solid, liquid or gas, and when used in the workplace, is often in the form of fumes, dusts, mists and vapours.

Health and safety representative (HSR) – A member of a designated work group elected to represent employees on matters relating to occupational health and safety.

Manual handling – Any activity requiring the use of force exerted by a person to lift, push, pull, carry or otherwise move, hold or restrain any object.

No go zones – Areas in close proximity to overhead or underground utility assets distributing electricity, telecommunications, gas, water or sewage.

Plant – Any machinery, equipment, appliance, implement or tool; any component of any of these things; and anything fitted, connected or related to any of these things.

Principal contractor – The owner of the premises where work is being undertaken, or the organisation or individual appointed by the owner to perform the construction work or authorised to manage or control the workplace. In relation to housing construction, the person engaged to perform the work is taken to be the principal contractor.

Reasonably practicable – See section 20(2) of the OHS Act and the WorkSafe Position on *How WorkSafe applies the law in relation to reasonably practicable*.

Safe work method statement (SWMS) – A document that identifies work that is high-risk construction work, states the hazards and risks to health or safety of that work, sufficiently describes measures to control those hazards and risks, and describes the manner in which risk control measures are to be implemented.

In this series

Hazards

- Your health and safety guide to asbestos
- Your health and safety guide to confined spaces
- Your health and safety guide to dangerous goods
- Your health and safety guide to falls prevention
- Your health and safety guide to hazardous substances
- Your health and safety guide to lead
- Your health and safety guide to manual handling
- Your health and safety guide to noise
- Your health and safety guide to plant

Industries

- Your health and safety guide to construction
- Your health and safety guide to forestry
- Your health and safety guide to foundries
- Your health and safety guide to major hazard facilities
- Your health and safety guide to mines

Subjects

- Your health and safety guide to communicating across languages
- Your health and safety guide to consultation
- Your health and safety guide to controlling OHS hazards and risks
- Your health and safety guide to licensing and registrations
- Your health and safety guide to workplace amenities and first aid

Visit www.worksafe.vic.gov.au for online guidance on all of these topics and more...

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