

Construction Safety Focus

June 2017



Construction Regulation Compliance

This document provides information to the construction industry about WorkSafe Victoria's current focus on Part 5.1 (Construction) of the OHS Regulations.

We're focusing on compliance with the construction Regulations

WorkSafe inspectors are currently visiting construction sites to ensure duty holders are complying with their obligations required by the Construction Regulations of the Occupational Health and Safety Regulations (OHS Regulations).

Duty holder obligations

In construction there are a number of obligations that principal contractors, employers, and self-employed persons need to comply with, including (but not limited to):

Principal contractors (PCs) must:

- prepare, monitor and maintain a health and safety co-ordination plan for construction work and keep the plan up to date and available for inspection, for the duration of the construction work
- put in place signs that are clearly visible from outside the workplace, showing the name and contact telephone numbers of the principal contractor

Employers (including PC's and contractors who are employers) must:

- ensure risks associated with construction work are controlled, so far as is reasonably practicable and that risk controls are reviewed and, if necessary, revised
- ensure all persons engaged to work on site
 - have site-specific training (site induction)
 - have undertaken construction induction training and hold evidence of having completed the training, for example, holding a construction induction card (CI card – 'white card')
- comply with safe work method statement requirements if engaging in high risk construction work
- ensure that emergency procedures have been developed if there is a risk of a person becoming engulfed by soil or other material (see "Emergency Procedures").

Note: Often there will be several employers that have employees carrying out construction work on a project (eg multiple contractors). The OHS Regulations apply to each employer, as far as they control the work.

Self-employed persons have similar duties to employers, to the extent that they must not expose other persons on site or the public to risk from their conduct.

Consultation

An employer must consult affected employees and their health and safety representatives when identifying or assessing hazards and risks, and determining or reviewing risk controls, so far as is reasonably practicable.

High Risk Construction Work & Safe Work Method Statements

Employers and self-employed persons must prepare a Safe work method statement (SWMS) before commencing High risk construction work (HRCW), if that work poses a risk to the health or safety of any person (including persons on site and members of the public).

The SWMS must:

- identify work that is high risk construction work
- state the hazards and risks of that work
- sufficiently describe measures to control those risks
- describe how the risk control measures are to be implemented; and
- be set out and expressed in a way that is readily accessible and comprehensible to the persons who use it.

An employer or self-employed person must ensure that once a SWMS has been developed and implemented, the HRCW to which it relates is performed in accordance with that SWMS.

If an employer or self-employed person becomes aware that there is non-compliance with the SWMS, they must stop the HRCW immediately or as soon as it is safe to do so, and not allow it to resume until the SWMS is complied with; and, if necessary, revised so the HRCW is performed safely.

The SWMS must also be reviewed and, if necessary, revised whenever the HRCW changes or if there is an indication that control measures are not adequately controlling the risks (such as following an incident that occurs during the HRCW).

A copy of the SWMS must be retained for the duration of the HRCW.

Note: The SWMS should be kept available at the location of the HRCW, where it can be readily referenced by affected persons, or reviewed and revised.

Emergency Procedures

An employer or self-employed person must, so far as is reasonably practicable, establish emergency procedures if there is a risk of a person becoming engulfed by soil or other material when construction work is performed. The emergency procedures must:

- enable the rescue of and the provision of first aid, to a person who has become engulfed; and
- can be carried out immediately after a person becomes, or is likely to become, engulfed.

An employer or self-employed person must ensure that any risk associated with carrying out the emergency procedures is eliminated, so far as is reasonably practicable; or if it is not reasonably practicable to eliminate the risk, reduced so far as is reasonably practicable.

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Enforcement

Where a WorkSafe Inspector identifies that a duty holder has not complied with their obligations, an Inspector may direct that the work cease; issue notices to fix any safety issues; or refer the matter for further investigation where non-compliance may warrant prosecution.

Below are the common non-compliance matters relating to the Construction Regulations, as identified by Inspectors:

- performing HRCW without a SWMS
- performing HRCW with an inadequate SWMS
- no health and safety coordination plan in place
- hierarchy of controls not considered / complied with
- inadequate risk control measures in place
- signage of the principal contractor not displayed
- performing construction work without site specific training (site induction).

Employee responsibilities

While at work, employees must take reasonable care of their own health and safety and that of others who may be affected by their acts or omissions at a workplace. This includes following the SWMS when performing HRCW.

Further Information

Visit [worksafe.vic.gov.au](https://www.worksafe.vic.gov.au) to access the following publications and information:

- Working safely in the general construction industry - A handbook for the construction regulations
- Working safely in the housing construction industry - A handbook for the construction regulations
- A guide to managing safety, Civil Construction, Industry Standard
- Information About, Safe Work Method Statements
- Safe Work Method Statements (SWMS) - Template
- WorkSafe Victoria inspectors - How inspectors support and enforce health and safety at work, handbook
- Construction Induction Cards ([webpage](#))
- Induction Training ([webpage](#))
- Guidance Note, Interstate construction induction cards

Contact WorkSafe's Advisory Service on (03) 9641 1444 or free call 1800 136 089.

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