

Workplace Health and Safety Queensland

Working at Heights in the Construction Industry

Workplace Health & Safety Queensland

Objective:

Work with industry to reduce death, injury and harm

WHSQ Strategy:

- Awareness and education of the WHS legislation and standards
- Build the capacity of the industry to provide a safe workplace
- Enforce standards

Previous requirements for housing industry

- Under 3m – Identify each hazard that may result in a fall or cause an injury and:
 - Ensure the hazard is assessed
 - Ensure any control measures necessary to prevent or minimise the level of exposure to the risk are used
- 3m and over – Required under the regulation to use control measures, such as edge protection

Work Health and Safety Regulation 2011

- Part 4.4, section 78 of the Regulation states:
 - “the person conducting the business or undertaking must manage risks to health and safety associated with falls from one level to another that is reasonably likely to cause an injury”
- Note: No Height Threshold stated

Safe Work Method Statement (SWMS)

If a person can fall more than 2m:

First thing you must do is prepare a SWMS

- So this would mean that if you are working on the roof structure:
 - installing the bracing , placing of battens, placing the roof on, you would be working in accordance with your work method statement

SWMS are not just paperwork. They promote on-site consultation and coordination, implement site specific controls and provide a way ensuring the controls work.

Section 291, Work Health and Safety Regulation 2011

Safe work method statement required for high risk construction work

If the safe work method statement states that the only control measures to be implemented will be administrative controls or the provision of personal protective equipment:

- the safe work method statement must describe all control measures considered in determining which control measures to implement
- must address the general fall protection requirements

Section 299, Work Health and Safety Regulation 2011

Work Health and Safety Regulation 2011

If it is not reasonably practicable for the person conducting the business or undertaking to eliminate the risk of a fall the person must minimise the risk of a fall.

- Hierarchy is set down at section 79 of the Regulation:
 - Work from the ground or on a solid construction
 - Use fall prevention
 - Use work positioning system
 - Use a fall arrest system

WHSQ Inspector's approach

What activity is being performed:

- Placing of roof trusses
- Installing fascia and gutter
- Fixing the bracing
- Installing roof

WHSQ's Inspectors approach

When on site the inspector will consider:

Extent of the risk and consequences

How has the duty holder managed the risk

Do the implemented controls meet the legislative standards

WHSQ's Inspectors approach

Assess the duty holder:

The compliance history of the duty holder

The extent of the duty's holders attempts to be compliant

Is the breach a repeat offence

Working at heights

Are workers working at heights on site?

- Assess the construction activities taking place
- Review control measures being used on site (e.g. scaffolding, work platforms)
- Identify access / egress to working at heights (e.g. ladders)
- Consider the location of tools and equipment

Working at heights

Is there evidence of a risk assessment?

- 2m and above – safe work method statement
- All heights, including below 2m:
 - Has the duty holder identified the risk to workers?
 - Has the duty holder put in place any control measures to eliminate or minimise the risk?
 - For heights below 2m, this does not have to be documented, although it can sometimes be useful.

Working at heights

Has the duty holder done what is reasonably practicable?

- Likelihood
- Degree of harm
- What is known or should be known about:
 - The hazard
 - Ways of eliminating or minimising the hazard
- Availability and suitability of controls

Only after the above have been considered can the duty holder consider whether the cost is grossly disproportionate to the risk.

WHSQ Inspector's approach

For housing construction work above 3m:

- Fall prevention to be used
- An inspector will issue an **improvement** or **prohibition notice** where appropriate controls are not in place

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Department of Justice and Attorney-General



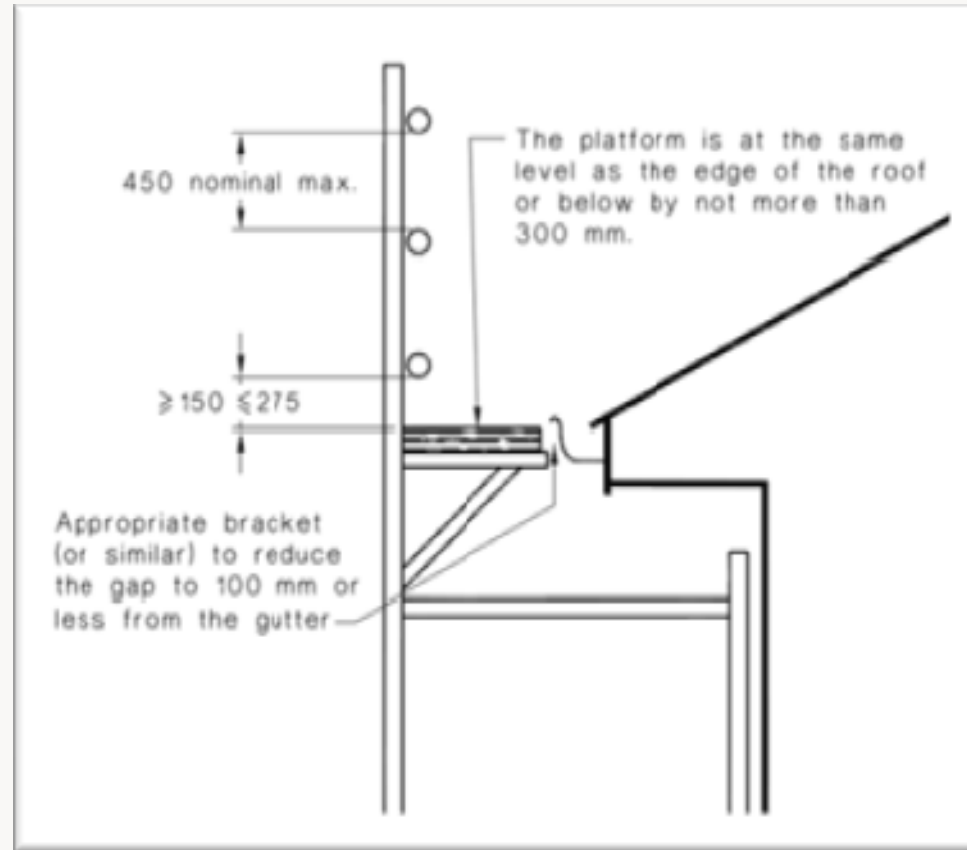
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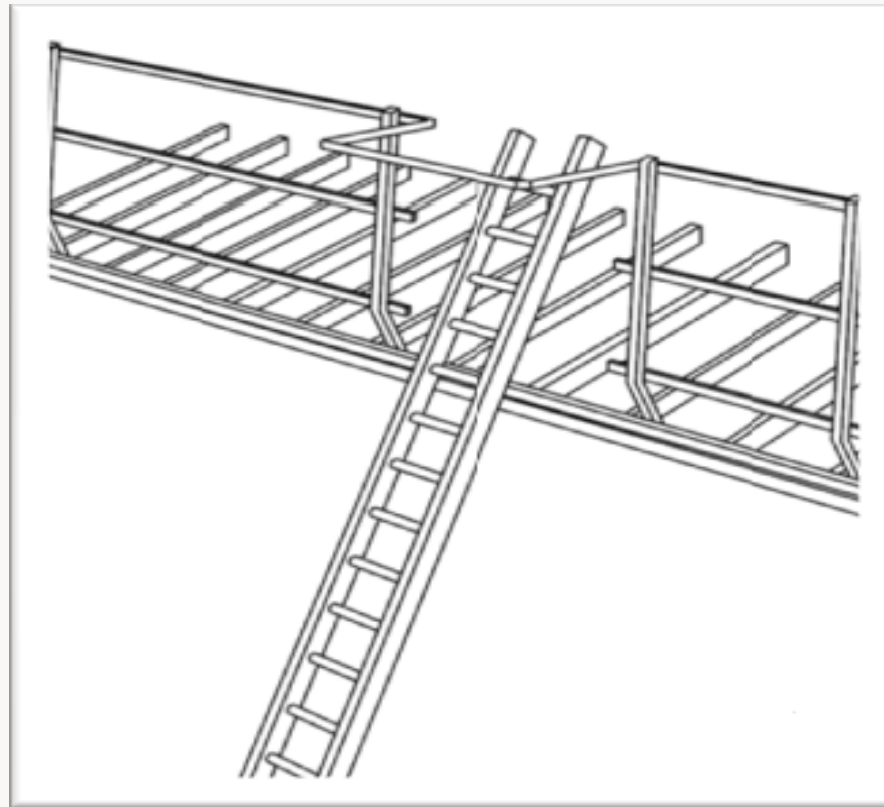
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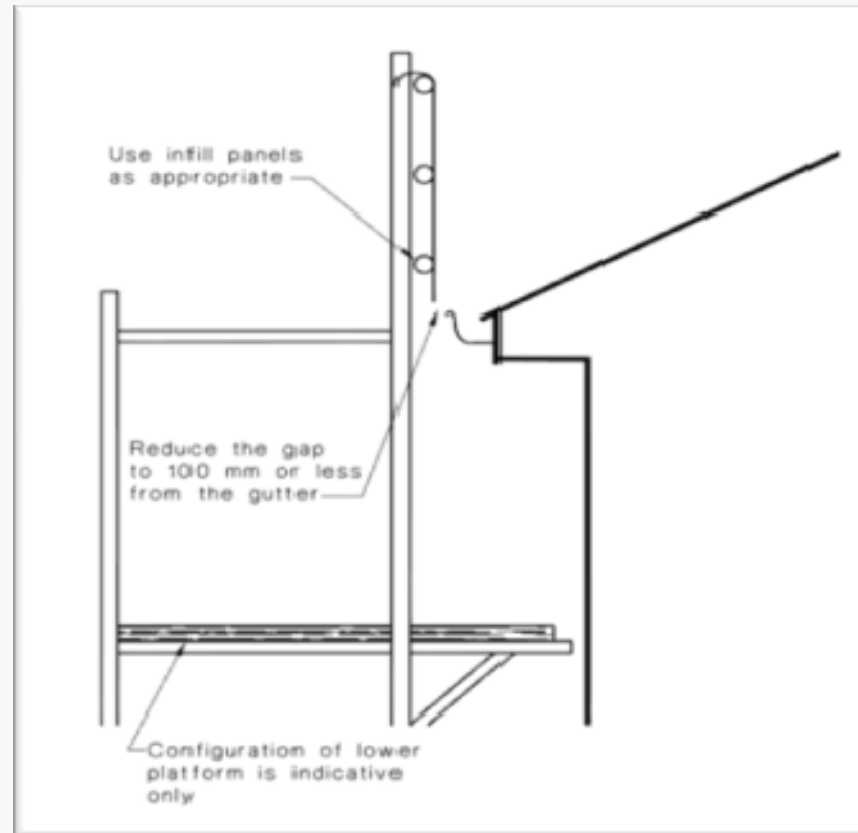
Edge protection with catch platform



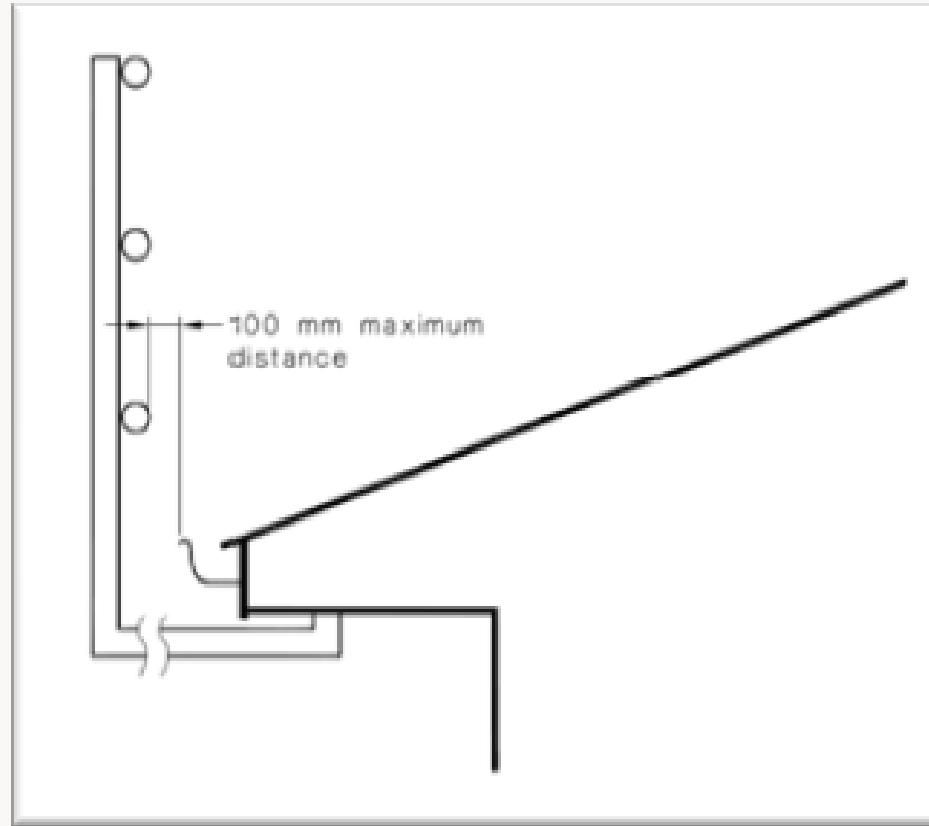
Roof access ladder system



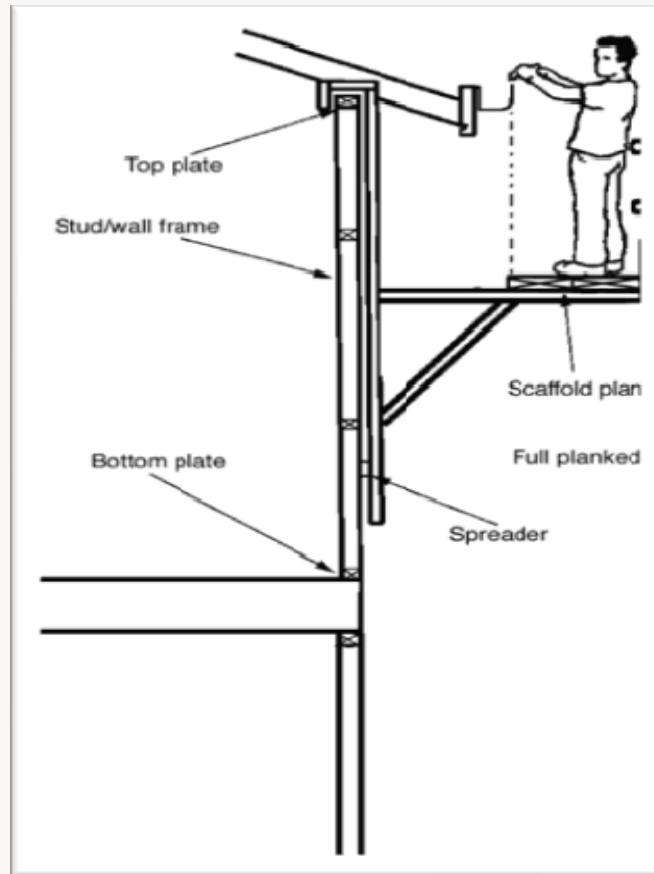
Edge protection for high-pitched roofs



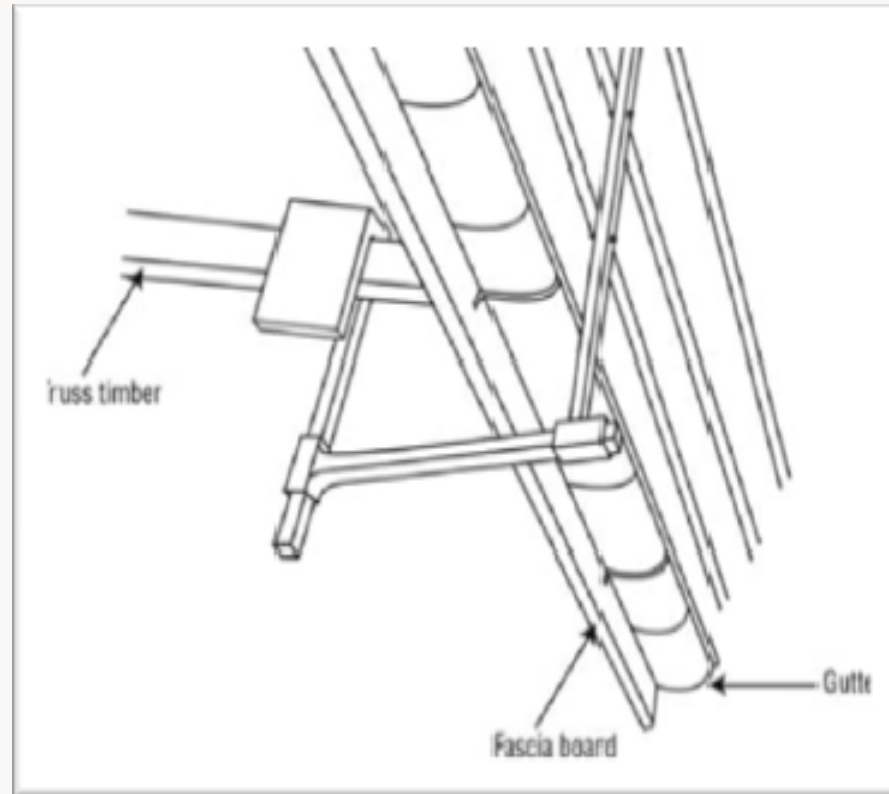
Guard rail edge protection



Hanging bracket scaffold



Edge protection system



WHSQ Inspector's approach

For housing construction work below 3m:

- An advice to use fall prevention if reasonably practicable, or other appropriate controls
- An inspector may issue an **improvement** or **prohibition notice** if the risk to workers has not been adequately managed
- This is consistent with the previous legislation

WHSQ Inspector's approach

For commercial construction work below 2m:

- As advice to use fall prevention if reasonably practicable, or other appropriate controls
- An inspector may issue an **improvement** or **prohibition notice** if the risk to workers has not been adequately managed

WHSQ Inspector's approach

For commercial construction work above 2m:

- Fall prevention to be used
- An inspector will issue an **improvement** or **prohibition notice** where appropriate controls are not in place

Construction eSafe

- Bi-monthly publication sent by email
- Provides information on:
 - WHSQ enforcement campaigns
 - Changes to legislation and policy
 - Safety alerts
 - Advice to industry
- Register at www.worksafe.qld.gov.au

Workplace Health and Safety Queensland

Harmonisation of Work Health and Safety laws

Roofing Industry Seminar
February 2012

Work Health and Safety Act 2011

- Harmonised WHS laws commenced 1 January 2012 in Queensland, NSW, ACT, NT and Commonwealth.
- The new Act:
 - repeals the *Workplace Health and Safety Act 1995*
 - ensures the *Electrical Safety Act 2002* is consistent with the national model WHS Act; and
 - regulates dangerous goods and major hazards facilities and repeals the *Dangerous Goods Safety Management Act 2001*

Duties of PCBU's - What's new

A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers and other persons.

Reasonably practicable requires a PCBU to take into account and weigh up all relevant matters including:

- the likelihood of the hazard or the risk concerned occurring; and
- the degree of harm that might result from the hazard or the risk; and
- what the person concerned knows, or ought reasonably to know, about:
 - the hazard or the risk; and
 - ways of eliminating or minimising the risk; and
- the availability and suitability of ways to eliminate or minimise the risk; and
- only after considering all the above can a PCBU then consider the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

Duties of PCBU's - What's new

New provisions for consultation, cooperation and coordination

- It is possible for multiple PCBU's to have concurrent duties of care in relation to an activity
- All PCBU's involved in the activity have a duty to consult and cooperate with each other to ensure that the work is coordinated so that it is without risk to health and safety

Workers - What's new

Workers must exercise reasonable care

Workers include:

- an employee; or
- a contractor or subcontractor; or
- an employee of a contractor or subcontractor; or
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- an outworker; or
- an apprentice or trainee; or
- a student gaining work experience; or
- a volunteer; or
- a PCBU if the person is an individual who carries out work in that business or undertaking

Similar effect to current scope of coverage

BUT - has implications for the consultative arrangements.

Penalties

3 categories of offences

Category 1: recklessly exposes a person to risk of death or serious injury or illness

= \$3 million corporations; \$600,000 individuals;
5 years imprisonment

Reckless = intentional, wilful or grossly negligent

Category 2: serious risk of harm without recklessness

= \$1.5 million corporations; \$300,000 individuals

Category 3: fails to comply with WHS duty

= \$0.5 million corporations; \$100,000 individuals

WHS regulations

- Developed and based on:
 - matters broadly common to all jurisdictions regulations
 - existing national standards and codes of practice
 - policy decisions made in line with guidelines in the Intergovernmental agreement
- Generally outcomes focused:
 - details on risks and control measures provided in relevant Codes
 - Prescriptive regulation maintained for high risk areas (e.g. confined spaces, diving work, hazardous chemicals)

Codes of practice

- Admissible in a court as evidence
- Evidence of what is known about a particular hazard or risk, risk assessment or risk control
- Can be relied on in determining what is reasonably practicable
- Do not impose mandatory legal obligations; persons may comply in a manner that is different so long as it provides a standard of health and safety that is equivalent to or higher than the standard required in the code.
- Current QLD codes continue until replaced by equivalent national model code. Eleven national model codes approved to date.

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Fall Regulations – Part 4.4

Falls

PCBU must manage the risk of a fall by a person from one level to another that is reasonably likely to cause injury to the person or any other person, including a fall:

- in or on an elevated workplace from which a person could fall; or
- in the vicinity of an opening through which a person could fall; or
- in the vicinity of an edge over which a person could fall; or
- on a surface through which a person could fall; or
- in any other place from which a person could fall

Falls

PCBU must provide safe means of access to and exit from the workplace and any area within the workplace.

PCBU must ensure, so far as is reasonably practicable, that any work that involves the risk of a fall is carried out on the ground or on a solid construction

If it is not reasonably practicable to eliminate the risk of a fall then the duty holder must minimise the risk of a fall by providing adequate protection against the risk.

Falls

Adequate protection means providing and maintaining a safe system of work (administrative controls), and:

- providing a fall prevention device if it is reasonably practicable to do so; or
- providing a work positioning system, if it is not reasonably practicable to provide a fall prevention device; or
- providing a fall arrest system, so far as is reasonably practicable, if it is not reasonably practicable to comply with either of the above.

If a duty holder implements a fall arrest system as a measure to control risk they must establish emergency and rescue procedures in relation to the use of the system.

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Continued Construction Fall Regulations – 306A to 315M



Continued Construction Falls Regulation

Model Falls regulation is outcome focused with model Codes of Practice providing guidance on managing risks of a fall.

Model codes directly relevant to falls in construction include:

- How to Prevent Falls at Workplaces (has commenced)
- Managing Risks in Construction Work (has NOT commenced)
- Preventing Falls in Housing Construction (has NOT commenced)

To maintain status quo regarding managing risks of a fall in construction Queensland has retained a numbers of prescriptive construction falls regulation from the previous WHS Regulation 2008.

Continued Construction Falls Regulation

Continued regulation is identified by use of a letter at end of section number.

Examples include:

- sections 306A to 306J relevant to falls;
- sections 315B to 315M relevant to falling objects

Continued regulation will be repealed when relevant Codes of Practice commence in Queensland.

Appropriate time will be provided for duty holders to transition to the new guidance contained in the codes.

Legislative guide – working at heights in construction (LG-C1) – provides further information for duty holders.

Workplace Health and Safety Queensland

High Risk Construction Work and Safe Work Method Statements

High Risk Construction Work

A duty holder must prepare a Safe Work Method Statement (SWMS) prior to commencing any high risk construction work.

All duty holders involved in a high risk work activity must ensure that:

- the work is carried out in accordance with the SWMS; &
- if the work is not carried out in accordance with the SWMS, the work:
 - is stopped immediately or as soon as it is safe to do so; and
 - resumed in accordance with the statement;
- all SWMS's are given to the principal contractor prior to work commencing;
- SWMS's are kept so as to be readily available for inspection.

Requirements for SWMS are consistent with current QLD regulation.

High Risk Construction Work

High risk construction work includes any work that involves the risk of a person falling more than 2m.

In the event that a PCBU determines that the only appropriate way of managing the risk of a fall of 2m or more is:

- through administrative controls (e.g. signs or training); and
- the use of personal protective equipment

then the PCBU must describe on the SWMS each of the control measures that were considered in reaching this decision.

Understanding the model WHS laws

The WHS laws are supplemented by:

- Explanatory memorandum
- Interpretative guidelines:
 - Reasonably practicable;
 - Person conducting a business or undertaking
 - Corporate officers
 - Discriminatory conduct
- Fact sheets
- National compliance and enforcement policy

More information

- www.worksafe.qld.gov.au
- Workplace Health and Safety Infoline
– 1300 369 915
- www.safeworkaustralia.gov.au