



This document provides information to the construction industry about WorkSafe Victoria's current focus on Part 5.1 (Construction) of the OHS Regulations 2017.

We're focusing on compliance with the OHS Regulations for construction work

WorkSafe inspectors are currently visiting construction sites to ensure duty holders are complying with their obligations under the Occupational Health and Safety Regulations 2017 (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.

For construction projects with a cost of \$350K or more, principal contractors (PCs) must:

- prepare a health and safety co-ordination plan for construction work, before the work commences
- monitor and keep the plan up to date and available for inspection, for the duration of the construction work
- ensure that before a person starts work on the project, they are aware of the plan and are provided access to the plan, including any revisions
- put in place signs that are clearly visible from outside the workplace, showing the name and contact telephone numbers of the principal contractor.

Employers and self-employed persons (including PCs and contractors who are employers) must:

- eliminate risks associated with construction work, so far as is reasonably practicable
- if risks cannot be eliminated, reduce them so far as is reasonably practicable
- review and, if necessary, revise risk control measures in specific circumstances
- ensure all persons engaged to work on site:
 - are provided with site-specific training (site induction)
 - before starting work, have undertaken construction induction training and hold evidence of having completed the training, for example, holding a construction induction card (CI card – 'white card').
- 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 (for example multiple contractors). The OHS Regulations apply to all employers.

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 and 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, or reviewed and if necessary, revised.

The SWMS must also be reviewed and, if necessary, revised if 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 kept for the duration of the HRCW.

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

Emergency Procedures

If there is a risk of a person becoming engulfed by soil or other material, an employer or self-employed person must establish emergency procedures. The emergency procedures must:

- so far as is reasonably practicable, enable the rescue of and the provision of first aid, to a person who has become engulfed, and
- be able to 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.

Construction Regulation Compliance

Enforcement

Where a WorkSafe inspector identifies that a duty holder has not complied with their obligations, they 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 some common non-compliance matters relating to construction work, 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 or complied with
- inadequate risk control measures in place
- signage of the principal contractor not displayed
- performing construction work without site specific training (site induction)
- no emergency engulfment procedures developed where there is a risk of a person becoming engulfed by soil or other material.

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

Contact WorkSafe Advisory Service on 1800 136 089 or go to worksafe.vic.gov.au

- 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
- Civil Construction, Industry Standard, A guide to managing safety
- Information about: Emergency procedures for risk of engulfment in construction work
- Information About – Safe Work Method Statements
- Safe Work Method Statements (SWMS) template for high risk construction work
- WorkSafe Victoria inspectors – How inspectors support and enforce health and safety at work, handbook
- Construction Induction Training (white card) (webpage)

Note: This guidance material has been prepared using the best information available to WorkSafe, and should be used for general use only. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, WorkSafe cannot be held responsible and extends no warranties as to the suitability of the information.