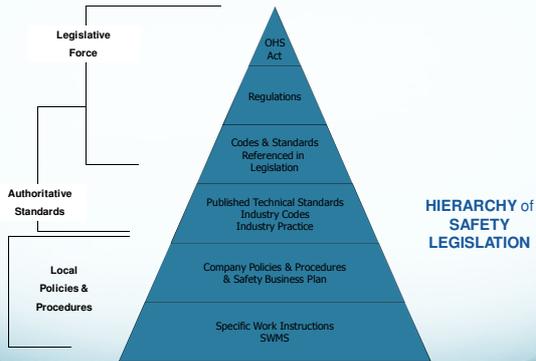


OHS for Surveyors





ACTS

- Accident Compensation Act 1985
- Occupational Health and Safety Act 2004
- Dangerous Goods Act 1985
- Equipment (Public Safety) Act 1994
- Road Transport (Dangerous Goods) Act 1995



REGULATIONS

- Occupational Health and Safety Regulations 2007
- Dangerous Goods (Storage and Handling) Regulations 2000



COMPLIANCE CODES

- Workplace amenities and work environment
- First aid in the workplace
- Prevention of falls in general construction
- Managing asbestos in workplaces
- Removing asbestos in workplaces
- Communicating occupational health and safety across languages
- Confined spaces
- Foundries



CODES OF PRACTICE

- Building and construction workplaces
- Demolition
- Manual handling
- Plant
- Prevention of falls in housing construction
- Safety precautions in trenching operations



STANDARDS

- **OVER 200 AUSTRALIAN STANDARDS FOR OHS**
 - AS 4801 Occupational health and safety management systems
 - AS 4488 Industrial rope access systems
- **INDUSTRY STANDARDS**
 - MBA Master Builders Association – OHS Manual
 - ISV – Guides, Standards



OHS ACT 2004 VICTORIA



WorkSafe Victoria

- WorkSafe Victoria is the Victorian WorkCover Authority's occupational health and safety arm
- Responsibilities include:
 - prevent workplace injuries
 - enforce Victoria's OHS Laws



Concept of Ensuring Health^{S20} and Safety

- **Eliminate** risks to health and safety so far as is **reasonably practicable**
If not **reasonably practicable** to eliminate risks
- Reduce risks so far as is **reasonably practicable**

Note: health includes psychological health



S20

When determining what is Reasonably Practicable regard must be had to ...

- likelihood of the hazard or risk eventuating
- the degree of harm that would result if the hazard or risk eventuated
- what the person concerned knows, or ought to reasonably know about the hazard or risk and ways of eliminating or reducing it
- the availability and suitability of ways to eliminate or reduce the hazard or risk
- the cost of eliminating or reducing the hazard or risk



Duties of Employers ^{S21 (2) (a-e)}

Employers must so far as is reasonably practicable:

- provide or maintain plant or systems of work
- manage risk when using, handling, storing and transporting plant or substances
- maintain workplaces under their control and management in a safe and healthy condition
- provide adequate facilities for the welfare of employees
- provide information, instruction, training or supervision to employees to perform their work that is safe and without risks to health



S21(3)(a)

Contractors

“Employee” includes an independent contractor engaged by an employer and any employees of the independent contractor



S21(3)(b)

Contractors

- the **duties** of an employer under those sub-sections **extend** to such an independent contractor and the independent contractor’s employees, in relation to matters over which the employer –
 - has control; or
 - would have had control but for any agreement between the employer and the independent contractor to limit or remove that control.



S22

Duties of Employers

An employer must so far as is reasonably practicable

- monitor the health of the employees
- monitor the conditions at the workplace
- provide information to employees (in appropriate languages) concerning health and safety at the workplace, including the names to whom an employee may make an enquiry or complaint about health and safety
- keep information and records relating to health and safety of employees
- employ or engage qualified people to provide advice on occupational health and safety



S25

Duties of Employees

- Take reasonable care of themselves
- Take reasonable care of others who may be affected by their acts or omissions
- Co-operate with their employer on safety matters
- Not to intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health, safety or welfare
- In determining failure to take reasonable care regard must be had to what the employee knew about the relevant circumstances



Employers and Self Employed Persons S23&24

Responsibility to ensure that persons (other than employees) are not exposed to risks arising from conduct of their undertaking



CONSULTATION & REPORTING



Consultation

Employer must

S35&36

Consult employees on OHS matters that directly affect them especially when:

- Identifying or assessing hazards and risks
- Making decisions about control measures
- Making decisions about the adequacy of facilities
- Issue resolution procedures
- Consultation procedures



WORKSAFE COMMENTS ABOUT CONSULTATION

- Sharing information about health and safety issues with employees
- Giving workers the opportunity to express their opinions about resolving OHS issues
- Valuing the opinions of workers and taking them into account when making decisions or changes to do with health and safety



NATIONAL MODEL LEGISLATION



Harmonisation Update

- NSW, NT, ACT, SA Tasmania & Queensland - implemented
- Victoria & WA – stalled indefinitely



How will it work?

- National uniformity of OHS legislative framework comprised of:
 - a model Act
 - model OHS regulations and codes of practice
 - a nationally consistent approach to compliance and enforcement policy



Scope of the model Act

- A person conducting a business or undertaking - PCBU
- Must ensure, so far as is reasonably practicable, the health and safety of workers while they are engaged at work in the business or undertaking, and that other persons are not put at risk from the conduct of the business or undertaking.
- Worker



Scope of the model Act

- Key issues
 - does not require that the duty holder is an employer or that the workers in question are employees
 - designed to capture a broad range of work relationships and business structures including:
 - subcontractors and their employees
 - customers
 - members of the public
 - volunteers



Duties and standards of care under the Act

- PCBU – *reasonably practicable*
- Officers – *due diligence*
- Workers – *reasonable care*
- Others (eg visitors) – *reasonable care*



Duties

- All duties are non delegable, its **NO DEFENCE** “OHS is not my responsibility”
- A person can have more than one duty if they fall into more than one class of duty holder
- More than one person can owe the same duty
 - if more than one person holds the same duty then each person is responsible for discharging that duty to the extent that it is within their capacity or control; and
 - they must consult, cooperate and coordinate their activities with the other duty holders



Who is an officer?

“Officer” of a corporation means:

- (a) a director or secretary of the corporation; or
- (b) a person:
 - (i) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation; or
 - (ii) who has the capacity to affect significantly the corporation's financial standing; or
 - (iii) in accordance with whose instructions or wishes the directors of the corporation are accustomed to act



Definition of ‘due diligence’

- Must take reasonable steps:
 - to acquire and keep up to date knowledge of OHS matters in relation to the undertaking
 - to gain an understanding of the operations and the associated risks and hazards
 - to ensure appropriate resources, including advice, and processes to identify risks and then minimise or eliminate those risks



Duties of Workers and others

- Workers
 - must take reasonable care of themselves and others
 - must cooperate with the person conducting the business or undertaking regarding OHS
- Others
 - duty similar to workers
 - includes visitors, members of the public and others authorised to enter premises.



Prosecutions

- Prosecution to be brought within 2 years or 1 year after an inquest, whichever is the later.
- Only a public official may prosecute
- Onus on prosecution to prove beyond reasonable doubt



OHS MANAGEMENT SYSTEMS



Health and Safety Pressures



OHS System Drivers

- Legislation - Victoria
 - Reg 5.1.16 – Health and Safety Coordination Plan for projects > \$250k
 - Reg 5.1.9 SWMS for High risk construction work
 - General Duties
- Tenders
- Principle contractors
- Certification Audits
- Worksafe
- Preferred Suppliers List



Management of OHS Risk



WORKSHOP

Make a list of incidents or accidents that may occur when surveying



Hazard Identification

- Heights
- Fork lifts
- Plant and equipment
- Confined Spaces
- Excavations
- Excavators
- Dust
- People
- Asbestos
- Snakes
- Vermon
- Traffic
- Noise
- Heavy Objects
- Electricity
- UV Radiation
- Heat and Cold
- Hazardous Substances
- Pathogens
- Unsafe Air
- Ladders
- Fatigue
- Working Alone



Accidents and Incidents

- Traffic Accident during travel
- Traffic strikes worker
- Medical incident
- Loss of communication
- Sunburn
- Snake bite



Hazard Identification Records

- Risk Assessment
- JSA
- JSEA
- SWMS
 - Project or work type
 - Specific activity



HIGH RISK WORK CONSTRUCTION WORK

New safety rules for construction work

New health and safety regulations for construction work are now in effect. These regulations reflect national safety standards and build on industry's existing safety practices.

Making high-risk construction work safer

Do you perform construction work that involves...	Or work that is in, on or near...
<input type="checkbox"/> Heights of more than two metres	<input type="checkbox"/> Electrical installations or services
<input type="checkbox"/> Demolition	<input type="checkbox"/> Roads or railways in use by traffic
<input type="checkbox"/> Removal or disturbance of asbestos	<input type="checkbox"/> Water/liquids that pose a drowning risk
<input type="checkbox"/> Diving	<input type="checkbox"/> Telecommunications towers
<input type="checkbox"/> Trenches or shafts deeper than 1.5 metres	<input type="checkbox"/> Pressurised gas distribution mains or piping
<input type="checkbox"/> Temporary supports for structural alterations	<input type="checkbox"/> Artificial temperature extremes
<input type="checkbox"/> Powered mobile plant	<input type="checkbox"/> Contaminated or flammable atmospheres
<input type="checkbox"/> Explosives	<input type="checkbox"/> Chemical, fuel or refrigerant lines
<input type="checkbox"/> Confined spaces	
<input type="checkbox"/> Tunnels	
<input type="checkbox"/> Tilt-up or precast concrete	

- Regulation 5.1.9. Must not perform high risk construction work without SWMS



HIGH RISK WORK LICENCES

- Scaffolding
- Rigging
- Dogging
- Asbestos Removal
- Fork Lift
- Construction Induction
- Concrete placing boom
- Crane & Hoist Operation
- Pressure Equipment Operation
- Use Carcinogens
- Explosives
- Dang Goods Transport
- High Consequence Dang Goods



Certificates Classes Discontinued eg;

- Crane Chaser
- Excavator
- Loader
- Dragline
- Pile Driver

Operators in these classes still need to demonstrate adequate training



AS 4360 RISK MANAGEMENT

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	H	H	E	E	E
B (likely)	M	H	H	E	E
C (moderate)	L	M	H	E	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H



When to Assess Risk (What Worksafe say)

- ✓ **DO WHEN**
 - ✓ Only limited knowledge about the hazard
 - ✓ Uncertainty about whether all risks have been identified
 - ✓ Lack of understanding about how hazards impact on each other
- ✓ Risk assessment should be straightforward, purposeful and actionable
- ✓ Does not have to be a long, complex process with lots of paperwork
- ✓ **May not need to do when the risk is well known and the solution is obvious**



CONTROL HAZARDS

