Guidance on Prevention of Falls in Housing Construction

Introduction and purpose

Workers, contractors and business owners in the housing construction industry frequently seek clarification about the requirements of the new work health and safety laws (that began in Tasmania on 1 Jnauary 2013) for preventing falls from heights.

The purpose of this guidance note is to answer the common questions that WorkSafe Tasmania receives on this.

Detailed guidance can be found in the *Code of Practice: Preventing Falls in Housing Construction.*

The information in this guidance note focuses on the housing construction sector. It is not intended to be used for the commercial construction sector because of the differences in the nature of the work, work practices and procedures, length of job, availability of solutions, and so on.

Throughout this guidance note, 'PCBU' stands for the 'person conducting a business or undertaking', the primary duty holder under the new WHS laws.

Is scaffolding required for work at a height of 2 metres or more?

Neither the WHS Regulations nor the Code make physical fall prevention, such as scaffolding, mandatory above 2 metres.

The Regulations take a flexible approach to the issue based around the level of risk. They allow the circumstances to be taken into account, especially the level of risk of a fall, the consequences of a fall, and the means of controlling or reducing the risk. Under the new laws:

- there is no threshold set (that is, a height or 'fall distance' beyond which the requirements change) in the Regulations, except in the context of the definition of high risk construction work (this is discussed later under 'Safe Work Method Statements')
- subject to the next point, whatever the fall distance, there is some choice of control measures; this is, the laws do not say that scaffolding (or any other specific preventative or protective measure) must be used in every case
- a PCBU must choose the best control measure (or combination of controls) that is reasonably practicable (there is more information on this under the next question).

What are the requirements?

In short, the PCBU needs to eliminate or manage the risks of a fall, so far as is reasonably practicable. The specific action required (that is, what is reasonably practicable) will depend on the circumstances.

The regulations set out specific control measures which must be implemented where it is reasonably practicable to do so. These control measures must be considered in the order set out in the Regulations, starting with the most effective or 'highest order' method of control (this is often referred to as the 'hierarchy of control').

The most effective method of controlling the risk of a fall is to work on the ground or on a solid construction. Therefore this is the first method to be considered. If it is not reasonably practicable to do work on the ground or a solid construction, then a safe system of work must be provided and maintained, including:

- by providing a fall prevention device if it is reasonably practicable to do so (examples include a secure fence, edge protection, working platforms and covers)
- if it is not reasonably practicable to provide a fall prevention device, by providing a work positioning system, or
- if neither of the above are reasonably practicable, by providing a fall arrest system, so far as is reasonably practicable (examples include an industrial safety net, or a safety harness system that arrests a fall).

If, after considering all the above control measures, a risk remains and there is no reasonably practicable alternative, then administrative controls are required.

In some cases, a combination of control measures may be necessary; for example using safety harnesses while working from an elevating work platform.

How does a PCBU decide what is reasonably practicable?

What is reasonably practicable will depend on the particular circumstances. It is a matter of deciding what is reasonably able to be done, taking into account all relevant matters including:

- the likelihood of falling. For example, working on a brittle roof may involve greater likelihood of falling than the same work on a solid roof, all other things being equal, because of the risk of falling through the roof
- the likely degree of harm that might result if a person did fall. For example, is it likely to result in severe injury or death?
- knowledge about the risk and the control measures. What information is available from industry organisations, government, unions, WHS professionals, suppliers of equipment? What do similar businesses do in similar circumstances, and is it effective?
- the appropriateness and availability of the proposed control
- the costs of eliminating or minimising the risk, and whether the cost is grossly disproportionate to the risk.

The Code provides further information, stating that a risk assessment will help determine what control measures are needed. The Code specifically points out that the height at which the work is carried out is not the only risk factor that should be considered when deciding which control measures to use.

Doesn't the Code talk about using particular control measures when working at a height of 2 metres or more?

The reference on page 9 of the Code to working at a height of 2 metres or more needs to be read in context.

After stating that the height at which the work is carried out is not the only risk factor, the Code goes on to say that the greater the height, the greater the risk and therefore more consideration must be given to implementing control measures at the top of the hierarchy.

> *Level 1, 2, 3 or 4 control measures are usually necessary when working at a height of 2 metres or more. Depending on the risk assessment, ladders and administrative control measures may be all that is reasonably practicable to implement for work at heights of less than 2 metres.*

This statement is intended as guidance. It is not mandatory, and the words 'usually necessary' do not necessarily mean that it will be required.

The code encourages a risk control approach, and allows for the circumstances to be taken into account.

Safe Work Method Statements

The Regulations classify a number of activities as 'high risk construction work' for that a Safe Work Method Statement (SWMS) must be prepared for before the work starts. High risk construction work includes work that involves a risk of a person falling more than 2 metres.

A SWMS must be prepared before high risk construction work commences.

A PCBU must ensure the high risk construction work is carried out in accordance with the SWMS for the work.

The primary purpose of a SWMS is to enable supervisors, workers and anyone else at the workplace to understand the requirements that have been established to carry out the high risk construction work in a safe manner. It sets out the work activities in a logical sequence and identifies hazards and describes control measures

For example, 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 (for example, signs or training) then the PCBU must describe on the SWMS each of the control measures that were considered in reaching this decision.

Further information on developing a SWMS can be found in the *Code of Practice: Construction Work.*

What can I expect from an inspector?

The preferred approach of WorkSafe inspectors is to work with duty holders and guide them on compliance with their legal obligations.

An inspector's approach in a particular situation will be determined by:

- the extent of the risk and consequences
- how the duty holder has attempted to manage the risk
- whether the implemented controls meet the legislative standards
- the compliance history of the duty holder.

If the inspector judges that there is an immediate and serious risk to the health or safety of someone working at heights, they may issue a direction prohibiting the activity until the risk is adequately controlled.

References and further reading

- Part 4.4 and Chapter 6 of the *Work Health and Safety Regulations 2012*. Go to www.worksafe.tas.gov.au and search for 'regulations'.
- *Code of Practice: Preventing Falls in Housing Construction*. Go to www.worksafe.tas.gov.au and search for 'CP127'.
- *Code of Practice: Construction Work*. Go to www.worksafe.tas.gov.au and search for 'CP104'.
- Y*our Guide to Managing Safety in Housing and Construction*. Go to www.worksafe.tas.gov.au and search for 'safety in construction kit'.

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GN050 February 2014