Construction – **Residential**

Risk management terminology and requirements >

This information bulletin provides guidance to requirements under the *Workplace Health and Safety Act* 2007. Please also refer to the National Standard for Construction Work [NOHSC:1016(2005)]

Terminology

There is sometimes confusion as to the various terms used when talking about risk assessment and understanding the legislative requirements. Many companies *brand* their risk assessment processes and use varying terminology for what is essentially the same thing. There are however some particular references under legislation that require certain prescribed information and action by the duty holder. While "Risk Management Plan" is a common terminology in a risk assessment process – when referred to in the *Workplace Health and Safety Act* 2007 it has a particular meaning and requirements in regard to content.

Similarly "Hazardous Activity" as referenced in the Act carries specific obligations. Some of these hazardous activities are similar to "High Risk Activities" defined in the National Standard for Construction Work [NOHSC:1016(2005)].

To avoid duplication of the paperwork required NT WorkSafe has determined the requirements to meet the legislative obligations and these are outlined in Tables 1 and 2 at the end of this bulletin.

The following terms and their application are explained in this bulletin:

Terminology	Source and context
Risk Management Plan	*Workplace Health and Safety Act* 2007
Hazardous Activity	*Workplace Health and Safety Act* 2007
Safe Work Method Statement	National Standard for Construction Work
High Risk Work	National Standard for Construction Work
Safety Plan	National Standard for Construction Work
Job Safety Analysis (JSA)	General Industry
Risk Assessment	Workplace Health and Safety Regulations

Level of Documentation required

A person with control of a construction project must ensure that information relating to the hazard identification, risk assessment, and risk control process, is compiled and recorded and it is incorporated into the occupational health and safety management plan.

The level of detail to be recorded must be commensurate with the degree of risk identified.
This means that you don't necessarily have to have volumes of complex paperwork to meet your obligations but depending on the risk simple forms or diary entires may suffice.

Why keep records?

Records are the means by which an organisation can demonstrate compliance with it's Occupational Health and Safety Management Systems (OHSMS). They are also necessary to demonstrate compliance with your legal obligations. They can be used to assist you in the implementation and operation of your OHSMS and provide useful information that can assist you when you are reviewing your safety performance. Records are proof or evidence that certain actions have been undertaken.

Hazardous Activity or High Risk Work?

The list of 'High-Risk Construction Work' is listed in the National Standard for Construction Work. Some of these are also listed as 'Hazardous Activities' under the Workplace Health and Safety Regulations. Where high risk work is the same as a hazardous activity under the regularities, NT WorkSafe requires a Risk Management Plan and Notification. This covers the obligation under the standard for a Safe Work Method Statement. These requirements are outlined in Tables 1 and 2 in this bulletin.

Risk Management Plans

An employer who proposes to undertake a hazardous activity must prepare a risk management plan and have it certified as adequate by a person with qualifications or credentials acceptable to NT WorkSafe. A risk management plan must comply with the requirements imposed by the Regulation 39B.

An employer must, before commencing a hazardous activity, lodge a copy of the relevant risk management plan with the NT WorkSafe. For more information please refer to NT WorkSafe information bulletin 09.01.11 Risk Management Plans.

Documented Risk Management plans are required for the following activities:

- Excavation work requiring shoring under Regulation 145
- Demolition of a building or structure using explosives
- Demolition of a building or structure of a height greater than 6 meters
- Removal of asbestos or a substance containing asbestos that is required to be performed by a person who is the holder of an asbestos removalists license.
- Work involving the use of suspended scaffolding
- Erection of a public stand constructed of scaffold components

Content of risk management plan

- Hazards involved in the activity are identified
- Risks resulting from the hazards and the seriousness of those risks are identified
- The risk of *high consequence* / *low probability* events are addressed
- Appropriate risk management measures are determined
- To eliminate, as far as reasonably practicable, avoidable risks
- To minimise, as far as reasonably practicable, unavoidable risks
- Means by which the risk management measures will be implemented are specified
- Mechanism for monitoring and reviewing the effectiveness of the risk management measures is determined
- Training which must be provided to a worker who may be exposed to a hazard is specified
- Any requirements for health surveillance of workers are specified
- The records particular to the risk management plan that must be kept are specified
- The qualifications or credentials of the person who prepared the risk management plan are specified
- The plan has been lodged with NT WorkSafe prior to commencing the hazardous activity

High-Risk Construction Work

Duties of employers – high-risk construction work

Each employer (including contractors) must ensure that a Safe Work Method Statement (SWMS) is prepared for their direct workers. Builders should encourage their contractors to prepare an SWMS if that is required. However, nothing prevents a builder, by agreement, from preparing an SWMS on behalf of contractors.

Workers, Health and Safety Representatives (HSRs), as well as contractors and their employees, must be consulted in the preparation of the SWMS so far as is reasonably practicable.

If the work does not involve any risks to anyone, an SWMS does not have to be prepared.

If the high-risk work that would normally require an SWMS involves a hazardous activity for example the removal of asbestos, the employer only needs to prepare and comply with a risk management plan submitted to NT WorkSafe.

Safe Work Method Statements

Employers must ensure a safe work method statement is prepared before any high-risk construction work is done, the employer must ensure that a safe work method statement (SWMS) is prepared if anyone's health or safety is at risk because of the work.

The SWMS is similar to a Job Safety Analysis (JSA), which is widely used in the construction industry. Employers may continue to use existing JSA formats or other company formats, providing they contain all the information required in an SWMS.

Preparing an SWMS is part of the planning of the work. The SWMS is designed to help employers think through the hazards and risks involved in the work and to choose effective control measures.

Make sure the work is done in accordance with the SWMS

The work must be done in the way outlined in the SWMS.

If any work is being done that is not in line with the SWMS, the employer must stop the work immediately (or as soon as it is safe to stop it). The work must not be started again until:

- it can be done in the way outlined in the SWMS; or
- the SWMS has been reviewed and if necessary changed (e.g. if circumstances have changed and the SWMS is no longer accurate or suitable).

Keep a copy of the SWMS

The employer must keep the SWMS for as long as the high-risk construction work is being done.

What is a Safe Work Method Statement?

An SWMS is a document that:

- lists the types of high-risk construction work being done;
- states the health and safety hazards and risks arising from that work;
- describes how the risks will be controlled; and
- describes how the risk control measures will be put in place.

One SWMS can be prepared to cover all the high-risk construction work, provided that it takes into account the changing nature of the construction environment. Alternatively, a separate SWMS can be prepared for each type of high-risk work. In this case, thought must be given to situations where different types of high-risk work impact on each other (for example, movement of powered mobile plant during a basement excavation).

Note that an SWMS needs to deal with the specific hazards and risks on the site where the high-risk work is being done. For this reason a pre-prepared generic SWMS (e.g. for electrical work on all housing sites) is unlikely to meet the Regulations, unless it has first been reviewed in light of the hazards and risks.

Occupational Health and Safety Management

A person with control of a construction project where five or more persons are working, or are likely to be working, simultaneously on a construction site must ensure that a site-specific occupational health and safety management plan is prepared before the work commences; and the plan is monitored, maintained and kept up to date during the course of the work.

What is an Occupational Health and Safety Management System (OHSMS)?

An OHSMS is a set of plans, actions and procedures to systematically manage health and safety in the workplace that is actively endorsed by a committed employer to achieve the following:

- Provision of a safe and healthy workplace and the prevention/reduction of illness and injury equally for employees and contractors;
- Identification of workplace hazards, assessment and control of all risks;
- Active involvement in health and safety matters by managers, supervisors and employees and their representatives;
- Provision of information and training for employees at all levels so they can work safely;
- Audit and review of the OHSMS.

Any Safety Management System should help you meet your legal obligations but it is not a substitute for the law or the outcomes required by the law The duty of care in the OHS legislation is outcome based and the Safety Management System is essentially a way of managing OHS, or a process that should be followed. A Safety Management System represent ways in which employers are planning to meet their duties but they are not substitutes for the law.

For more information please refer to NT WorkSafe information bulletin 14.01.01 Occupational Health and Safety Management Systems (OHSMS).

What is a Workplace Occupational Health and Safety Plan?

A Safety Plan is a simple written document, which outlines how you intend to manage safety during a particular contract or on a particular worksite. It is a living document, which must be available to all persons involved. They must understand and comply with the requirements included in the plan. The plan should be compatible with your overall Occupational Health and Safety Management System (OHSMS). For more information please refer to NT WorkSafe information bulletin 14.01.04 Developing a Safety Plan.

Where to start

1. Review the scope and type of work you do and records that relate to safety performance by your organisation.
2. Conduct an inspection of the premises or work site and discuss the implementation of a safety plan with workers and others who may be affected.
3. Identify all hazards at the workplace and assess the risks, list how you intend to manage those risks, include the key requirements of the legislation relating to the hazards and risks.
4. List the names of the key personnel and their allocated responsibilities and accountability to ensure that controls are put in place and maintained.

Contents of a Safety Plan

Employers developing a Safety Plan need to consider their particular workplace and organisational needs to ensure the plans relevance.

As a minimum, the Safety Plan must contain:

(a) a statement of responsibilities, listing the names, positions and responsibilities of all persons who will have specific responsibilities on the site for occupational health and safety;

(b) the detail of arrangements for ensuring compliance with the occupational health and safety induction training requirements of this national standard;

(c) the detail of arrangements for the co-ordination of health and safety issues of persons engaged to undertake construction work;

(d) the detail of arrangements for managing occupational health and safety incidents when they occur, including the identities of and contact details of all persons who will be available to prevent, prepare for, respond to and manage recovery from such incidents;

(e) any site safety rules, with the detail of arrangements for ensuring that all persons at the site, whether employees, contractors, suppliers or visitors, are informed of the rules;

(f) the hazard identification, risk assessment and risk control information for all work activities assessed as having safety risks; and

(g) the safe work method statements for all high-risk construction work.

The person with control of the construction project must ensure that a copy of the occupational health and safety management plan is available for inspection throughout the course of the construction work by any person engaged to undertake construction work at the site; any person about to commence work at the site; and an employee member of an occupational health and safety committee, an occupational health and safety representative, or a person elected by persons employed at the site to represent them on health and safety matters.

The person with control of the construction project must ensure that any person engaged to carry out construction work at a construction site is provided with a copy of all relevant parts of the occupational health and safety management plan for that site before they commence work.

If an occupational health and safety management plan is changed during the course of construction work, the person with control of the construction project must ensure that all persons engaged to carry out construction work at the site concerned are promptly provided with a copy of the changed parts of the plan of relevance to their work.

Risk Assessments

Employers are required under Workplace Health and Safety legislation to identify, assess and control hazards and risks in their workplace Where a hazard has been identified, there is a need to assess the level of risk associated with it. Risk is a function of how likely an accident is to happen and how bad the outcome could be. Assessing the severity will enable the risks to be prioritised so that action can be taken to prevent accidents from happening.

There are many techniques for carrying out risk assessments ranging from complex techniques such as fault tree analysis and reliability studies through to using simple tables such as the one in this bulletin. Given the needs of most employers, the method shown in this bulletin is suitable for most situations and provides a structured way of assessing risks to reduce the level of individual subjectivity.

For more information please refer to NT WorkSafe information bulletin 14.01.06 Guide to assessing risk.

Table 1: Section 58 Hazardous Activities of the *Workplace Health and Safety Act* and Regulation 26 Work to be notified (as listed in Schedule 5)

Hazardous Activity	Requirements			
	Risk Management Plan	Notification to NT WorkSafe	Safe Work Method Statement	Risk assessment
Excavation work requiring shoring under Regulation 145	✓	✓	✕	✓
Demolition of a building or structure using explosives	✓	✓	✕	✓
Demolition of a building or structure of a height greater than 6 metres	✓	✓	✕	✓
Demolition of a building or structure of a height greater than 6 metres	✓	✓	✕	✓
Work involving the use of suspended scaffolding	✓	✓	✕	✓
Erection of a public stand constructed of scaffold components	✓	✓	✕	✓

Table 2: High Risk Work as listed in the National Standard for Construction Work

High Risk Work	Requirements			
	Risk Management Plan	Notification to NT WorkSafe	Safe Work Method Statement	Risk assessment
work involving demolition	✓	✓	✗	✓
work involving the disturbance or removal of asbestos	✓	✓	✗	✓
work involving structural alterations that require temporary support to prevent collapse	✗	✗	✓	✓
work involving a confined space	✗	✗	✓	✓
work involving excavation to a depth greater than 1.5 metres;	✓	✓	✗	✓
the construction of tunnels	✗	✗	✗	✓
work involving the use of explosives	✓	✓	✗	✓
work on or near pressurised gas distribution mains and consumer piping	✗	✗	✓	✓
work on or near chemical, fuel or refrigerant lines	✗	✗	✓	✓
work on or near energised electrical installations and services	✗	✗	✓	✓
work in an area that may have a contaminated or flammable atmosphere	✗	✗	✓	✓
tilt-up and precast concrete construction work;	✗	✗	✓	✓
work on or adjacent to roadways or railways used by road or rail traffic	✗	✗	✓	✓
work on construction sites where there is any movement of powered mobile plant	✗	✗	✓	✓
work in an area where there are artificial extremes of temperature	✗	✗	✓	✓
work in, over or adjacent to water or other liquids where there is a risk of drowning	✗	✗	✓	✓
work involving diving	✗	✗	✓	✓

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