Construction – **Residential**

Prevention of falls in residential construction >

This information bulletin provides a guide to the *Prevention of Falls in Housing Construction. Please refer to* Part 5 Section 55 to 57 of the *Workplace Health and Safety Act 2007* *and* Regulation 47A *of the* Workplace Health and Safety Regulations 2008 for more detail.

Background

In Australia, in the period July 2006 to July 2007, the number of deaths resulting from a fall from height across all industries was 28. Of these, 13 deaths occurred in the construction industry.

This number includes both the general and housing construction sectors. Six of these deaths were associated with falls from a ladder, trestle or scaffolding, four deaths were associated with a fall through or from a roof, and three were associated with falls from other locations on a building site.

The consequences of injuries sustained from a fall are typically more catastrophic than those sustained from other types of injury. Severe injury or death can result from a fall from any height, and the risk of death or severe injury increases proportionately with the height from which a fall occurs.

Of recorded injuries, workers' compensation data indicates that between 1997-98 and 2004-05 an average of approximately 1600 fall-related workers' compensation claims were generated each year. This represented approximately 11% of all construction industry workers' compensation claims. The median cost per claim for falls from height in the construction industry for 2004-05 was $8,800 per claim. This does not include death benefits paid or the claim related costs that the employer must meet. In addition these costs don't take account of the other costs arising from these incidents such as delays in construction, recruitment and training of replacement workers, equipment damage and so on. The total financial costs of incidents involving falls are a significant burden not only to the individual employers involved but to the industry as a whole and ultimately to the community.

Workers' compensation statistics also don't reflect the human cost of these deaths and injuries; the pain and suffering of injured workers and the family, friends, workmates and employers of those who are killed. Falls can be prevented by taking a positive approach to identifying and controlling risks.

National Standard for Construction Work

The National Standard provides a nationally consistent approach to the management of occupational health and safety (OHS) in the construction industry. Specific national Codes of Practice are being developed to support the National Standard.

These codes include the *National Code of Practice for Precast, Tilt-up and Concrete Elements in Building Construction*, the *National Code of Practice for the Prevention of Falls in General Construction* (General Falls Code) for general construction work and the draft *National Code of Practice for the Prevention of Falls in Housing Construction* (Housing Falls Code) for the residential construction sector.

These codes of practice provide practical guidance to those working in the Construction industry on how to meet their safety responsibilities and obligations as identified in the National Standard.

The General Falls Code was declared by the Australian Safety and Compensation Commission (ASCC) in November 2006. Like the proposed Housing Falls Code, the General Falls Code does not introduce 'new' obligations or requirements other than those that are already set out in the National Standard.

The law in the Northern Territory currently requires a risk assessment at any height. A risk assessment conducted in line with the code's recommendations would normally conclude that physical fall protection measures would be the most appropriate control method at 2 metres and above. For information on understanding Codes of Practice refer to information bulletin 09.01.01.

The draft Housing Falls Code has similar guidance to the General Falls Code but more specifically addresses safety issues associated with working at height in the residential construction sector.

The Employer's general statutory duty of care

An employer has a duty (the **employer's general statutory duty of care**) under the *Workplace Health and Safety Act* to ensure, as far as reasonably practicable, that workers and others are not exposed to risks to their health or safety arising from the conduct of the employer's business.

A **self-employed person** owes the general statutory duty of care to him/herself as well as to workers or others who may be affected.

The Act requires an employer to carry out the general statutory duty of care by proceeding, in a systematic way, to:

- identify hazards (or things that can hurt people); and
- identify, and assess the seriousness of risks resulting from the hazards; and
- determine appropriate risk management measures:
  - to eliminate, as far as reasonably practicable, avoidable risks; and
  - to minimise, as far as reasonably practicable, unavoidable risks; and
- carry the risk management measures into effect; and
- monitor and review the effectiveness of the measures.

Consultation

The Act requires an employer to consult with workers when they are identifying hazards and working out how they are going to control risks. This just means talking to your workers about what you think the problems are and how they should be managed, giving them the opportunity to input into those decisions and genuinely considering their point of view. At the end of the day the employer has the right and the responsibility to make decisions about managing OHS in their workplace.

Preventing Falls

1. Find the fall hazards

Employers must identify all workplace tasks where there is any possibility of someone falling. When undertaking the process of identifying these tasks, special notice has to be taken of particular tasks that are done in circumstances that make a fall more likely. For example, consideration should include things like work done on slippery, uneven or unstable surfaces, using equipment to gain height to do work and work done close to a place where a fall could easily happen such as a penetration, edge, excavation etc.

2. Assess the risks

Once the employer has identified all the tasks where there is the possibility of a fall, the employer has to work out how likely it is that a fall could happen and how serious the consequences of the fall could be in terms of death or injury. This is called doing a risk assessment. A risk assessment is really just a process that helps you work out how big a safety problem you have and what you may have to do to fix it. For more information on risk assessment refer to information bulletin 14.01.06 Guide to assessing risk.

3. Fix the problem

Where you have identified tasks where a fall from height is likely, you have to fix the problem as soon as you can. Your first priority has to be to see if the work at height can be avoided altogether or to see if the work can be done on the ground or from a “solid structure”, i.e. a place where there is no likelihood of a fall. For example, it may be possible to perform roof work from underneath using a scissor lift other elevating platform which removes the need for people to work on the roof. If this isn’t practicable, you have to use a risk control measure that produces the lowest practicable risk of a fall. The legislation outlines the method to be used in determining risk control measures and the order in which they must be considered. Generally, the most effective risk control measures are the ones that aren’t dependent on a worker’s skill or action or the integrity of personal protective equipment for them to be effective. For example, in most situations, it’s better to use a fixed barrier compared to a safety harness and anchoring system to prevent a fall.

Keep in mind that the sequence of risk control measures might not be reasonably practicable for a whole job, or one measure alone may not do enough to bring the risk of a fall under control. If this occurs you will have to look at using a combination of the risk control measures.

You must always provide information, instruction and training to your workers on the work that involves a fall hazard and on the safety measures you put in place to control the risk of a fall and provide an appropriate level of supervision to ensure risk control measures are followed and remain in place.

Risk Control Measures

You have to consider possible risk control measures in the following order:

1. **Try and eliminate the risk of a fall first**
   Firstly, you are obliged to see if you can avoid doing work at height or if you can do the work on a solid structure where there is no risk of a fall. This kind of action removes the falling hazard. Don’t be too quick to dismiss this option. It’s better to avoid having to put risk control measures in place in the first place.

2. **Use passive fall prevention devices**
   If it’s not reasonably practicable to eliminate the risk you have to look at using “passive fall prevention devices”. Examples of these include: scaffolds (fixed or mobile); guard railing or perimeter screening; building maintenance equipment; temporary work platforms such as scissor lifts, cherry pickers, work boxes specifically designed to hold people and lifted by cranes, hoists or other types of lifting equipment; or roof safety mesh which prevents the hazard of falling through roofs.

3. **Use work positioning systems**
   If the 2 risk control measures above are not reasonably practicable, you have to look at using work positioning systems that include: industrial rope access systems (they usually involve ropes, rope friction devices, harnesses and anchoring systems); travel restraint systems (these involve harnesses and anchoring systems used to limit the movement of the wearer or stop a fall); or a drainer’s hoist.

4. **Use fall injury prevention systems**
   If the 3 risk control measures above are not reasonably practicable, you have to look at using a fall injury prevention system. These systems don’t stop a fall but aim to minimise the distance someone can fall and therefore reduce the seriousness of any subsequent injuries resulting from the fall. They include things like industrial safety nets, catch platforms or a safety harness using fall arrest mechanisms.

5. **Use ladders or administrative systems**
   If all of the 4 risk control measures above are not reasonably practicable then you can consider using a ladder or administrative system to control the risk of a fall.

   An “administrative system” includes things like arranging work procedures to either eliminate or reduce risk. An example of an administrative system would be a work procedure that directs workers not to approach a place where a fall is possible.

Ladders and administrative measures don't seem comparable, so why are they grouped together? The reason these two are grouped at the end of the risk control sequence is that they are equally poor ways to control the risk of a fall.

Due to this situation, there are special requirements associated with their use. If you are using a ladder then it must be set up correctly and be appropriate for the type of work and the duration of the work. If you are using an administrative control on its own then it must be recorded along with a description of the work to which it relates so that everyone is clear on what is required to reduce the risk of falls.

If workers are required to work at height employers must give the workers adequate information, instruction and training on working from heights. It's the legal responsibility of workers to then follow these procedures and to use any safety measures the employer puts in place.

How Workplace Safety Officers from NT WorkSafe may assist in preventing falls

When a Workplace Safety Officer visits a worksite the officer may ask to see the risk assessment that has been undertaken in relation to work at height . If the Officer is concerned that the risk assessment is not satisfactory they will work through the risk assessment with the employer to assist in determining what control measures are appropriate and to assist the employer to understand and apply the process. It is not their role to tell the employer how the work must be done but to provide advice on how the safety outcomes might be achieved. Of course, at the end of the day the employer must meet their legal safety obligations but there may be a range of different ways they might do so.

NT WorkSafe Notices

If it is necessary for a Workplace Safety Officer to formally require action to be taken to comply with safety standards, the *Workplace Health and Safety Act* provides enforcement notices for this purpose.

Section 75 gives the authority for a Workplace Safety Officer to issue an **Improvement Notice** against a person if there are reasonable grounds to believe that: the person has contravened, is contravening, or is about to contravene, the Act; and the person is legally required take the action specified in the notice to remedy or prevent the contravention.

Section 76 empowers a Workplace Safety Officer who believes on reasonable grounds that workers are exposed to serious and immediate risk to their health or safety, to issue a notice (a **Prohibition Notice**) to the employer requiring the employer to stop a particular activity exposing workers to the risk, or requiring the employer to stop workers from working in a particular situation or activity in which they are exposed to the risk.

In addition, Section 77 gives workers the right to refuse to perform work which they believe exposes them to a serious and immediate risk to their health or safety until the risk is removed or controlled. Under this section a Workplace Safety Officer can also direct workers to stop work that creates a serious and immediate risk. In this situation the Officer would contact the employer to resolve the problem or issue a Prohibition Notice.

Review and appeal

If you don't agree with decisions made by a Workplace Safety Officer to stop work or issue notices, you have the right under the Act to apply for a review by the Work Health Authority of the decision. An applicant has within 14 days of the decision being made to apply for review.

Please refer to information bulletin 09.01.08 Review and Appeal, and form FM150 Internal Review Application form or email internal.review@nt.gov.au

NT WorkSafe >

GPO Box 1722	**Telephone:**	1800 019 115	**Email:**	ntworksafe@nt.gov.au
Darwin NT 0801	**Facsimile:**	(08) 8999 5141	**Website:**	www.worksafe.nt.gov.au

NT WorkSafe kindly acknowledges WorkSafe Victoria.