

# PREVENTION OF FALLS – CONTRACTOR MANAGEMENT

1ST EDITION

JUNE 2005

The following information is provided for people in the workplace who have responsibilities under the Occupational Health and Safety (OHS) Act 2004 for ensuring a safe and healthy environment. This guidance is intended to illustrate practical methods of reducing the likelihood of injuries from falls, both above and below two metres. You should also check the Occupational Health and Safety (Prevention of Falls) Regulations 2003 and the OHS Act to determine the legal requirements that relate to your specific situation.

Employers have safety obligations to independent contractors and any employees of the independent contractors as well as to their own employees. They must provide and maintain, so far as is reasonably practicable, a working environment that is safe and without risks to health.

All employers have the same safety obligations to contractors and subcontractors as they have to their own employees in relation to matters over which the employer has control or would have control but for any agreement between the employer and the contractor to the company.

In relation to workplace safety it is important to remember the following:

- The imposition by contract of responsibilities on another party such as a contractor does not remove your obligations for ensuring health and safety of persons working for your business.
- More than one party, at any given time, may have responsibility and therefore liability for occupational health and safety.
- It is not an excuse to say what other parties have done has compromised your ability to adequately address health and safety.
- Reliance on another party does not represent compliance with occupational health and safety obligations.

- You need to focus not only on the health and safety of your direct employees, but also take into account how others may affect and be affected by what you do.
- The principal employer may seek to fulfil its obligation by contractually requiring the subcontractor to provide adequate fall protection. This is acceptable providing the principle employer adequately monitors and supervises the performance of the subcontractor to ensure that the contractor fulfils its duties under the Occupational Health and Safety Act 2004.

The Occupational Health and Safety (Prevention of Falls) Regulations 2003 provide duties for all employers in Victoria. Each employer must identify fall hazards and undertake an assessment of any work-related tasks that are performed where there is a risk of someone falling more than two metres.

In relation to working at heights, it is essential that you use the following process to control any fall hazard.

- **Identify the risk of a fall.** What tasks involve someone working at a height that could result in a fall of more than two metres? Conduct a Job Safety Analysis (JSA) prior to the job or before a new worker starts.

# PREVENTION OF FALLS – CONTRACTOR MANAGEMENT

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- **Assess** all tasks identified above. How likely is it that someone could fall or be injured while working for you? Consider the duration of the task, how the work is to be done and the conditions and surroundings involving the task.
- **Control the risk of a fall.** If injuries are possible, put in safety measures to prevent injuries from occurring. If you are an employer with multiple contractors working on your site your obligations extend to each of the contractors or labour hire firms and their employees to provide a safe and healthy work environment.

## 'SHARED' WORKSITES

When a contractor works at your workplace, part of the workplace is physically 'shared' with the contractor, just as your safety obligations are shared.

Prior to undertaking any work at height, a contractor, group training company or labour hire company is required to identify all the tasks involving fall hazards and to undertake a risk assessment of the work task to identify ways of performing the task in a safe manner. The contractor should supply you with a copy of the assessment and information about the safety measures that will be used in completing the task.

## IDENTIFYING FALLS HAZARDS AND ASSESSING RISKS

When identifying falls hazards under the Occupational Health and Safety (Prevention of Falls) Regulations 2003, give some consideration to the following:

Does the task involve:

- Any plant or structure being constructed, demolished, inspected, tested, maintained, repaired or cleaned?
- Fragile, slippery or potentially unstable surfaces?
- Equipment to gain access to an elevated level or to carry out the task at an elevated level?
- Sloping surfaces on which it is difficult to maintain balance?
- Close proximity to an unprotected edge?
- Close proximity to a hole, shaft or pit which is of sufficient dimensions to allow a person to fall into the hole, shaft or pit?

Note: the above is not an exhaustive list and duty holders are encouraged to take an active, imaginative and flexible approach to potential dangers in the knowledge that human frailty is an ever present reality.

## ASSESSING FALLS RISKS

**What is the nature of the task?** – For example, will the worker need to use both hands for the task? Does the task involve using power tools?

**How long will the task take?** – For example, is it a 'two minute' job? Will it take all day? Will it take longer?

**Do the physical surroundings present a risk?** – Is the ground under the worksite messy and full of obstacles? Is the ground unstable? Is the worksite near overhead powerlines, for instance?

**How will the tasks be supervised, and by whom?**

**Under what conditions will the task be done?** – Will the worker be exposed to extremes of temperature? Will the worksite be isolated? Does the worker have trouble understanding safe work procedures? Is the task in close proximity to traffic, for instance?

All of these considerations, and more, must be considered by employers and contractors when assessing the risks of having someone working at height.

## PREVENTION MEASURES

It is a legitimate business decision to contract someone else to undertake work for which your own staff are not suitably equipped or trained. But, in most cases, there remains an overlapping and shared OHS liability.

Safety obligations need to be an integral part of the contract specification. It is important to state that workplace safety will be as important an element in the service or product delivery as any other element. Contract negotiations and clauses should specify that the provision of any work undertaken through the contract must be performed in a safe manner and without risk to the health and safety of employees, and must comply with current OHS legislative requirements.

Tenders and contract applications should be evaluated to ensure that safety obligations are included. These statements and commitments should be supported by documentary evidence or references that show compliance with contemporary legislative requirements, Codes of Practice and Australian Standards. Accepting tender commitments on safety unquestioningly can leave all parties exposed to unnecessary risk. Specifying these expectations at the beginning of a commercial relationship establishes the 'ground rules' and indicates to tenderers and potential suppliers that you take your safety obligations seriously.

# PREVENTION OF FALLS – CONTRACTOR MANAGEMENT

## ENSURING SAFETY AT THE WORKSITE

A typical worksite could have contractors servicing air-conditioning units, cooling towers and antennae and regular or scheduled visits by plumbers, electricians, and cleaners. All of these may need to work at heights of more than two metres.

Many contractors operate at the workplace on a scheduled basis or in a time of need. Some organisations, such as local councils, may have hundreds of contractors active at any one time. With multiple contractors, safety is best monitored through a formal Safety Action Plan that schedules inspections and audits of the work that each contractor undertakes. Supervision of the work being carried out is a legislative requirement as is the need to inform, instruct and train workers to help them to perform their work in a manner that is safe and without risks to health.

### Contractor Chain

The responsibility described above is the basic link in a chain of responsibility that extends up and down all the layers of contracting and subcontracting. Each level of contracting has the same safety obligations to their own employees and workers as they have to their clients in relation to matters over which each has control.

### Single Contractors

Even in workplaces that have only one contractor on site at a time, an effective way to make sure they are working without risk is to undertake inspections. It is important to ask questions of the contractor if you feel that what they are doing is not safe. If you are not satisfied with the contractor's response, or feel insufficiently qualified to pose questions, it may be suitable to engage a suitably qualified person with the correct expertise or contact your WorkSafe Victoria regional office and ask for advice.

### Existing Contractors

You may also have a contractor who has been undertaking the same work for many years. They may never have been formally contracted to undertake the work. This situation does not remove them from the requirement to work in a safe manner. It is their principal obligation and your responsibility to make sure that their work practices comply with the current legislative safety status.

Identifying these expectations at the beginning of a commercial relationship establishes the 'ground rules' and indicates to tenderers and potential suppliers that you take your safety obligations seriously.

## Eliminating the Hazard

In line with other WorkSafe guidance on fall prevention, the most effective way to make sure that your employees and the employees of your contractors are not injured by falling from height is to eliminate the need to work at height. One of the most obvious ways to do this is by relocating the task required to ground level where it's reasonably practicable to do so. Some examples might be relocating air-conditioning units to ground level and relocating the motors of roller doors from the tops of doors closer to the bottom. Installing gauges and filling points at ground level will also eliminate the risk of employees and contractors falling from height.

## Reducing the Hazard

If eliminating the hazard is not reasonably practicable then measures that reduce the hazard should also be considered and implemented where reasonably practicable to do so. *Some examples are: checking the integrity of roof structures and placing signs and barricading access if the roof or sections are found to be fragile; replacing the use of ladders with elevated work platforms, step platforms or scissor lifts; and installing suitable anchorage points if they need to be accessed regularly or semi-regularly by contractors using work positioning or fall arrest systems.*

Many changes to reduce the hazard can be undertaken without incurring a direct cost by insisting that contractors need to comply with contemporary OHS legislation and industry standards.

# PREVENTION OF FALLS – CONTRACTOR MANAGEMENT

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## MORE INFORMATION

### WorkSafe Victoria

Specific information on working at heights can be obtained by contacting WorkSafe on 1800 136 089.

### Acts and Regulations

Occupational Health and Safety Act 2004

Occupational Health and Safety (Prevention of Falls) Regulations 2003

Occupational Health and Safety (Plant) Regulations 1995

Acts and regulations are available from Information Victoria on 1300 366 356 or online at [www.dms.dpc.vic.gov.au](http://www.dms.dpc.vic.gov.au).

### Publications

Prevention of Falls in General Construction (Code of Practice No. 28, 2004)

Prevention of Falls in Housing Construction (Code of Practice No. 29, 2004)

Guide to Manual Order Picking

Forklift Safety

These Codes and other falls prevention information are available from WorkSafe at [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au).

### Australian Standards

Standards Australia has some useful information on ladders and fall protection devices available from [www.standards.com.au](http://www.standards.com.au).

### Other tools that may assist with fall prevention

- Job analysis sheets
- Visual observations of work process
- Industry, union and professional publications and forums
- Consultation with Emergency Services on emergency procedures required for a particular job

### Acknowledgements

Thank you to the staff and stakeholders who contributed to the development of this material.

On 18 June 2017, the Occupational Health and Safety Regulations 2017 (OHS Regulations 2017) replaced the Occupational Health and Safety Regulations 2007 (OHS Regulations 2007), which expired on this date. **This publication has not yet been updated to reflect the changes introduced by the OHS Regulations 2017 and should not be relied upon as a substitute for legal advice.**

Information on the key changes introduced by the OHS 2017 Regulations can be found in the guidance titled *Occupational Health and Safety Regulations 2017: Summary of changes* - available at [https://www.worksafe.vic.gov.au/\\_data/assets/pdf\\_file/0011/207659/ISBN-OHS-regulations-summary-of-changes-2017-04.pdf](https://www.worksafe.vic.gov.au/_data/assets/pdf_file/0011/207659/ISBN-OHS-regulations-summary-of-changes-2017-04.pdf). However, this guidance document contains material of a general nature only and is not to be used as a substitute for obtaining legal advice.

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