

NEW LAWS FOR WORKING AT HEIGHTS APPLY FROM 31 MARCH 2004

A SUMMARY OF THE REGULATIONS.

In the last three years 23 people died at work as a result of a fall and many more people were severely injured.

WorkSafe Victoria has been producing guidance for employers to help them prevent falls happening, but something more had to be done to stop the deaths and injuries.

That's why from 31 March 2004 new regulations are being introduced that will affect the way you and your employees work at height. The information in this brochure is only a summary of the requirements. You must consult the actual Regulations for precisely what the new laws require.

WHO IS COVERED BY THE NEW REGULATIONS?

The new laws (their full title is the Occupational Health and Safety (Prevention of Falls) Regulations 2003) apply to all employers and employees across all industries when working at heights above 2 metres. If your workers do work where there is any chance at all of a fall of more than 2 metres, then the Falls Regulations apply to you.

There are some activities that are excluded from the Regulations and those exclusions include performing things like stunt work, acrobatics, theatrical work, rock climbing and similar activities.

I'M AN EMPLOYER – WHAT'S THE MAIN THING I HAVE TO DO?

If a fall is likely you have to take action to either make a fall impossible or if that isn't practicable you have to reduce the likelihood of a fall as much as you can. The Regulations say you have to do this by following 3 basic steps.

3 STEPS TO A SAFER WORKPLACE.

1. Find the fall hazards.

Employers must identify all workplace tasks where there is any chance at all of someone falling more than 2 metres. The Regulations call this identifying a fall hazard.

The Regulations say that in 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. The Regulations list particular tasks; they include things like work done on slippery or unstable surfaces, using equipment to gain height to do work, and work done close to a place where a fall could easily happen.

2. Assess the risks.

Once the employer has identified all the tasks where there is any chance at all of a fall, the employer has to work out how likely it is that a fall could happen. 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.

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 what the Regulations call a "solid structure", i.e. a place where there is no likelihood of a fall. If this isn't practicable, you have to use a risk control measure that produces the lowest practicable risk of a fall. The Regulations say what these risk control measures are and the order in which they must be considered. Generally, the preferred risk control measures are the ones that aren't dependent on a worker's skill or action 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.

At the end of this brochure we've listed the risk control measures that the Regulations say you have to consider, and the sequence you have to use to select the best one for your situation. Keep in mind that the sequence of risk control measures in the Regulations recognise that any one of the risk control measures might not be 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 HAVE TO MAKE SURE YOUR WORKERS KNOW HOW TO WORK SAFELY.

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.

YOU HAVE TO MAKE SURE EMERGENCY PROCEDURES ARE IN PLACE.

Under the Regulations if using risk control measures, employers must have emergency procedures in place unless workers are working on the ground or a solid construction. The procedures must cover rescue and first aid and have to be implemented quickly if an emergency arises. Keep in mind that rescuing people from some fall protection measures, such as individual fall arrest systems, can in itself be dangerous and require a high level of skill to carry out safely. Think carefully about what emergency procedures you'll need before you commit to a fall protection measure.

INVOLVE YOUR HEALTH AND SAFETY REPRESENTATIVE.

The Regulations make it an obligation for you, as the employer, to consult any health and safety representative in the workplace in all work you do on fall hazard identification, risk assessment and decisions on control of risk. The obligation to consult the “rep” has to occur as long as it’s practicable. But we know that the best performing workplaces are those that actively involve health and safety representatives in their safety decisions. It’s expected that there would be very few occasions when it would not be practicable to consult the rep.

EMPLOYEES NEED TO BE RESPONSIBLE TOO.

If you or your fellow employees work at heights, your employer must give you adequate information, instruction and training on working from heights. It’s your responsibility by law to then follow these procedures and to use any safety measures the employer puts in place.

NEED MORE HELP? IT’S AVAILABLE.

If you need more help, there are a number of options available to you

- Visit our website **www.worksafe.vic.gov.au**
It contains comprehensive information on the prevention of falls from heights
- Call the WorkSafe Advisory Service on **1800 136 089**
- View a copy of the OHS (Prevention of Falls) Regulations by visiting **www.dms.dpc.vic.gov.au**
- You might even qualify for a free safety consultancy.
Visit **www.worksafe.vic.gov.au**
- Contact your industry association. They may also be able to offer a free safety consultancy
- Contact your relevant union. They may also be able to offer advice on preventing falls

THE RISK CONTROL MEASURES YOU HAVE TO USE AND THE SEQUENCE OF SELECTING THEM.

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. 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 practicable to eliminate the risk you have to look at using what the Regulations call “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.

3. Use work positioning systems: If the 2 risk control measures above are not 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 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 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 practicable then you can look at 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 systems 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 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 using an administrative control on its own then it must be recorded along with a description of the work to which it relates.

Remember the Regulations allow for a combination of risk control measures to be able to control the risk of a fall properly.

