

working together for safer, healthier workplaces



Designing safer workplaces

Occupational Health and Safety Act 2004

Introduction

Working Together for Safer, Healthier Workplaces is a package of administrative and legislative reforms designed to provide employers, employees, self-employed people and other duty holders with more support in creating workplaces that are healthy, safe and free from work-related deaths, injuries and illness.

The reforms will make WorkSafe a more constructive, transparent, accountable and effective organisation able to provide duty holders with the advice and assistance they need to make their workplaces safer and healthier.

The combination of a transformed WorkSafe and modernised, straightforward legislation will deliver long-term benefits for the community and for business, by reducing the social and economic costs of work-related deaths, injuries and illness.

These reforms build on a number of significant achievements in the operation of the Victorian WorkCover Authority. These include:

- Strong financial management
- A new workplace injury insurance system that provides timely rewards to employers for improvements in occupational health and safety performance
- A 10 per cent reduction in the average premium rate from 1 July 2004 and
- Improved no fault benefits for injured workers.

Why is there a focus on designers?

The Occupational Health and Safety Bill 2004 proposes a new duty on the designers of workplaces.

Controlling risks at their source is the most effective way to prevent work-related injury, illness and death. Many deaths and injuries occur as a result of poor design of buildings and structures. For instance buildings have been erected without adequate provision for safe window cleaning, requiring window cleaners to use risky abseiling methods. Some residential care units in the health industry were not designed to enable safe lifting equipment to be installed, resulting in an increased risk of manual handling injuries among workers.

While the Occupational Health and Safety Act 1985 recognised the importance of safe design for plant and equipment, it did not specifically address the design of buildings and structures intended to be used as workplaces.

This new duty is intended to ensure that hazards and risks that may be inherent in the design of a workplace are eliminated or reduced at the design stage.

When will the duty commence?

The new duty will commence on 1 July 2006.

The duty will not apply to any part of a building or structure the design of which commenced before 1 July 2006.

What will change?

Under the Act, a designer of a building or structure (or part of a building or structure) who knows, or ought reasonably to know, that it is to be used as a workplace, must ensure, so far as is reasonably practicable that it is designed to be safe and without risks to the health of those using it as a workplace, for the purpose it was designed.

This duty will not apply to buildings or structures that are used as private dwellings.

The duty relates only to the design of the building or structure, and not to its construction or demolition.

Does this apply anywhere else?

Similar provisions already exist in Western Australia, Queensland and Tasmania.

Who does this apply to?

This provision applies to all designers of buildings or structures including architects, draughts people and industrial designers, or anyone else involved in the exterior or interior design of a building.

Who will it benefit?

Controlling risks at their source is the most effective way to prevent work-related injury, illness and death. The changes will assist:

- People who work in buildings or structures and
- People who service, clean, repair or maintain the buildings or structures.

How will this be implemented?

WorkSafe will work closely with the new duty holders to ensure that they have the information support they need to get ready for the commencement of the new duty on 1 July 2006.

These reforms will be implemented progressively and smoothly. WorkSafe will provide compliance advice and guidance. This will include consultation with stakeholders to develop codes and guidelines for safe design.

Further information

For further information visit the WorkSafe website www.worksafe.vic.gov.au or the Department of Treasury and Finance website www.dtf.vic.gov.au, or ring the information line on 1800 136 089.