

# DESIGNING SAFER BUILDINGS AND STRUCTURES

1ST EDITION

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A guide to Section 28 of the Occupational Health and Safety Act 2004

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# 1

## INTRODUCTION

This guide is intended to inform designers of buildings or structures of their duty under Section 28 of the Occupational Health and Safety Act 2004 (the OHS Act). In particular, the guide provides practical guidance about the approach that can be adopted in the design process by designers of buildings or structures, to comply with their duty under Section 28.

The OHS Act makes it clear that everyone involved in the workplace has a responsibility to prevent injury or ill health and the best way to meet this responsibility is by working together to progressively reduce the incidence, severity and cost to the community of work-related injury and disease.

The OHS Act provides a broad framework for improving standards of workplace health and safety to reduce work-related injury and illness. It aims to:

- secure the health, safety and welfare of employees and other people at work;
- protect the public from the health and safety risks of business activities;
- eliminate workplace risks at the source; and
- involve employers, employees and the organisations that represent them in the formulation and implementation of health, safety and welfare standards.

Five key health and safety principles underpin the OHS Act. They are:

- all people – employees and the general public – should have the highest level of protection against risks to health and safety;
- those who manage or control things that create health and safety risks in the workplace are responsible for eliminating those risks, and where they can't be eliminated, they are responsible for reducing those risks so far as is reasonably practicable;
- employers should be proactive in promoting health and safety in the workplace;
- information and ideas about risks and how to control them should be shared between employees and employers; and
- employees are entitled – and should be encouraged – to be represented in relation to health and safety issues.

Section 28 reinforces the OHS Act's focus on prevention and will help to eliminate, at the source, some of the risks to the health, safety or welfare of employees and other persons who work in buildings and structures. In particular, designing safer buildings and structures will support safe and healthy workplaces and presents a valuable opportunity for a significant reduction in workplace injuries, disease and death.

This guide is provided in accordance with section 7(1)(f) of the OHS Act for the purpose of assisting designers to comply with that duty. As such, it is not mandatory nor does it represent the only means by which compliance with the law may be achieved in a given case. That is, designers may choose to comply with their duty in some other way, provided that the alternative method also fulfils the requirements of Section 28.

# 2

## WHAT IS THE SECTION 28 DUTY FOR DESIGNERS OF BUILDINGS OR STRUCTURES?

Section 28 the OHS Act states that:

*A person who designs a building or structure or part of a building or structure who knows, or ought reasonably to know, that the building or structure or the part of the building or structure 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 persons using it as a workplace for a purpose for which it was designed.<sup>1</sup>*

The introduction of this duty supports a key objective of the OHS Act – to eliminate workplace risks at the source. Eliminating risks at their source is an effective way to prevent work-related injury, illness and death.

The duty under Section 28 is intended to ensure that hazards and risks that may exist in the design of a workplace are eliminated or controlled at the design stage, so far as is reasonably practicable. It requires that those who design a building or structure ensure that it is designed, so far as is reasonably practicable, to be safe and without risk to people using it as a workplace for a purpose for which it was designed.

*Note 1: Current penalties: penalty for an individual person – \$52,405;  
penalty for a body corporate – \$262,025.*

# 3

## WHEN DOES SECTION 28 COMMENCE AND WHAT IS ITS SCOPE?

This duty applies to designs commenced on or after 1 July 2006. In some situations a redesign of a design commenced before 1 July 2006 may fall within the scope of the duty where it is, in effect, a new design.

The duty applies to persons who design any of the following:

- (a) buildings or structures to be used as workplaces (structure means a construction, not necessarily roofed, which performs a function or functions requiring rigidity, and includes a bridge, dam, silo, tunnel, pit, telecommunications tower, etc.<sup>2</sup>);
- (b) buildings or structures that are occasional workplaces, such as sports stadiums or bridges under repair or maintenance;
- (c) parts of the building or structure, including fixtures integral to the use of the building or structure as a workplace;
- (d) temporary structures to be used as workplaces other than plant.

The duty does not include:

- the design of the construction and demolition phases of a building or structure's lifecycle<sup>3</sup>;
- residential dwellings which are not intended as workplaces<sup>4</sup>;
- roads and footpaths.

*Note 2: Glossary of Building Terms, Standards Australia ([www.standards.com.au](http://www.standards.com.au)).*

*Note 3: During construction and demolition, the building or structure is not being used as 'a workplace for a purpose for which it was designed'. Part 3 of the OHS Act addresses the health and safety requirements relevant to these parts of the lifecycle. In particular note Section 21 Duties of Employers, Section 27 Duties of Designers of Plant, Section 29 Duties of Manufacturers of Plant and Substances, Section 30 Duties of Suppliers of Plant and Substances, Section 31 Duties of Persons Installing, Erecting or Commissioning Plant.*

*Note 4: The duty excludes buildings designed to be residences unless they are also being designed to be a workplace, eg., residential care buildings for persons who require care because of age or disability, dwellings where part of the building is intended to be used as a workplace and buildings designed for mixed use including commercial and/or retail, mixed with residential use.*

# 4

## WHO IS A DESIGNER?

Designers under Section 28 include persons<sup>5</sup> who design buildings or structures or part of a building or structure in the course of undertaking their profession, trade or business.

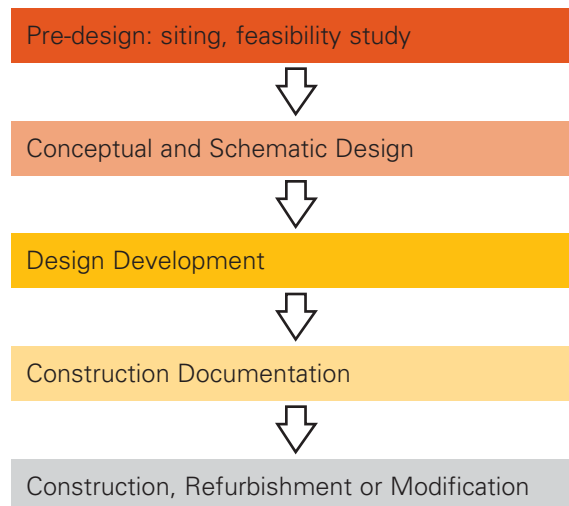
WorkSafe considers that designing includes:

- Making preliminary sketches, plans or drawings for a building or a structure before it is constructed, commissioned and used as a workplace; and
- Making specialist, expert or technical decisions for incorporation into the design that may affect the risk to health or safety of people using the building or structure as a workplace.

The duty clearly applies to professionals with the expertise and/or technical skills required to design a particular building, structure or part of a building or structure.

Given that the design process for a workplace building or structure may occur at various stages of a project, as shown in Figure 1, several persons may have duties under Section 28.

*Figure 1: General project stages involving design*



*Note 5: In the OHS Act 2004 'person' includes body corporate, unincorporated body or association and a partnership.*

# WHO IS A DESIGNER?

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Designers may include:

- architects or building designers or draftspersons who undertake the design on behalf of the clients, including conducting a feasibility study, producing a schematic design or preparing construction documentation or tendering, depending on the contractual arrangement;
- other designers who participate in the design or make decisions during any of the project phases. These may include:
  - engineers;
  - interior designers;
  - industrial designers, and
  - contractors

who design parts of the building or structure which are integral to the use of the building or structure as a workplace.

Although the design of the construction phase is not covered under Section 28, persons who make changes during the construction phase to any aspects of the design, that could affect or increase risks in later use of the building or structure that will be used as a workplace, will have a duty under this Section.

# 5

## WHAT ARE DESIGNERS' RESPONSIBILITIES AND DUTIES?

The duty requires a person who designs a building or structure that is to be used as a workplace to ensure that the building or structure is designed to be safe and without risks to the health of persons using it as a workplace. The person designing the building or structure should therefore include consideration of the range of work activities associated with the intended uses of the building or structure, and account for these, in preparing a design.

Designing safer building or structures includes providing for maintenance, repair, service and cleaning activities that will need to be undertaken in and on the completed building or structure. This is because it is foreseeable that the use of a building or structure as a workplace will require activities such as maintenance, repair, service and cleaning in order to keep it functional. In such circumstances, these activities will be integral to the use of the building or structure as a workplace. Designers need to cater for such activities being undertaken safely: for example, by designing sufficient space and safe access to a lift well, lift pit or machine room in order to ensure proper functioning of the lift.

**Reasonably practicable:** The duty is subject to what is reasonably practicable. Section 20 of the OHS Act sets out what is meant by 'reasonably practicable' and includes 5 matters which must be taken into account when determining what is reasonably practicable (see Appendix 1). In effect, these matters require consideration of:

- the likelihood of a person being exposed to harm;
- the potential seriousness of injury or harm;
- what is known, or ought to be known, about the risk (people responsible for health and safety are required to inform themselves of current and relevant information) and how to eliminate it; and
- the availability, suitability and cost of eliminating or reducing the risk.

In determining what is reasonably practicable to eliminate or control risk at the design stage, a designer must weigh up all five of these matters. In doing so, the facts and circumstances in each case will be relevant, including the particular design project and related matters such as:

- the scope of the design brief, which may be set out in contractual arrangements between the parties;
- other parties undertaking parts of the design work;
- the intended uses of the building or structure being designed; and
- the design process in each particular case.



# WHAT ARE DESIGNERS' RESPONSIBILITIES AND DUTIES?

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While the designer is not required to do the impossible, a proactive and flexible approach should be taken in identifying hazards or risks and incorporating appropriate control measures in the design of a building or structure. Where there is a risk of harm, the designer should take care in making any decision that it is not reasonably practicable to implement a control measure. The protection of the health and safety of people affected by hazards or risks arising from the design of a building or structure should be considered in all cases.

Considering matters which are within the control of the designer or what can be reasonably expected of the designer will be relevant in assessing what is reasonably practicable in the particular circumstances.

In regulating workplace safety, WorkSafe applies the principles of health and safety protection set out in the OHS Act, and focuses on assigning responsibility for those with the capacity to control/manage things that give rise to health and safety risks. WorkSafe also recognises the sometimes limited capacity of some duty holders to exert control over the matters or activities giving rise to safety risks, for example, architects or building designers working under the client's directions and contractual arrangements. However, what was reasonably practicable in each case will be considered having regard to all the facts and circumstances of each case.

It is good practice for a designer to inform the client of any high risks in the client's design requirements that may affect the health and safety of people who will be using the building or structure as a workplace. In these circumstances it is also good practice for the designer to recommend appropriate alternatives, including any design modifications which will eliminate or reduce any risks arising from the design. Communicating with the client on health and safety aspects of the design will help in addressing any hazards or risks that arise.

# 6

## WHAT ARE CLIENTS' RESPONSIBILITIES AND DUTIES IN RELATION TO DESIGN?

A variety of persons may engage a designer to design a building or structure for use as a workplace, including owners, occupiers, developers, builders, employers and government agencies. While they may have control over matters relating to the design such as functional parameters, siting in the surrounding area and design options, they are not the focus of the duty under Section 28 of the OHS Act.

However, they have duties under other provisions of the OHS Act, as set out below, which they should consider when engaging a designer to design a workplace building or structure.

### 6.1 CLIENTS WHO WILL BE THE EMPLOYER OF THE COMPLETED WORKPLACE

Clients who will be the employer for the workplace in the completed building or structure will be responsible for its health and safety under Section 21 of the OHS Act 2004.

Section 21(1) of the OHS Act provides that:

*An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.<sup>6</sup>*

### 6.2 CLIENTS WHO WILL NOT BE THE EMPLOYER OF THE COMPLETED WORKPLACE

Clients who will have the building or structure designed and built for sale and will not become the employer in the completed building or structure may have duties under Section 23 of the OHS Act. This section provides that:

*An employer must ensure, so far as is reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer.<sup>6</sup>*

### 6.3 CLIENTS WHO WILL BE THE OWNER OF THE COMPLETED BUILDING

Clients who have the building or structure designed and built for leasing are owners of the building and may have a duty under Section 26 of the OHS Act.

Section 26 of the OHS Act provides that:

*A person who (whether as an owner or otherwise) has, to any extent, the management or control of a workplace must ensure so far as is reasonably practicable that the workplace and the means of entering and leaving it are safe and without risks to health.<sup>6</sup>*

*Note 6: Current penalties: penalty for an individual – \$188,658;  
penalty for a body corporate – \$943,290.*

# 7

## WHO ELSE HAS OHS DUTIES?

Other persons have duties in relation to workplaces under the OHS Act which co-exist with those of the designer. They include:

- self-employed persons for risks to the health and safety of persons arising from the conduct of the self-employed person's undertaking<sup>7</sup>;
- employees for their own and others' health and safety<sup>8</sup>;
- those who manage or control workplaces, such as the owner of a building which is a workplace, for the safety of the workplace and the means of entering and leaving it<sup>9</sup>;
- designers, manufacturers and suppliers of plant to be used at the workplace<sup>10</sup>;
- manufacturers and suppliers of substances used at the workplace<sup>11</sup>;
- people installing, erecting or commissioning plant at the workplace<sup>12</sup>.

It should also be noted that more than one person may have OHS responsibilities relating to the environment in which a particular work activity is being undertaken.

For more information on key responsibilities under the OHS Act, refer to WorkSafe's *Guide to the OHS Act 2004* at [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au) or by contacting our Advisory Service on 1800 136 089.

*Note 7: Refer to Section 24 of the OHS Act.*

*Note 8: Refer to Section 25 of the OHS Act*

*Note 9: Refer to Section 26 of the OHS Act.*

*Note 10: Refer to Sections 27 and 29 of the OHS Act.*

*Note 11: Refer to Sections 29 and 30 of the OHS Act.*

*Note 12: Refer to Section 31 of the OHS Act.*

# 8

## SECTION 28 AND THE BUILDING CODE OF AUSTRALIA (BCA)

The focus of Section 28 is design of a building or structure which is intended to be used as a workplace. It requires consideration of a broad range of occupational health and safety matters which may impact on the people who use it as a workplace. This may include consideration of work tasks likely to be carried out at the workplace because of the intended use of the building.

Other legislative and regulatory provisions governing the design of buildings and structures in Australia do not cover the breadth of OHS matters which may arise in the design of buildings or structures as workplaces. These include the building legislation in each State and Territory and the Building Code of Australia (BCA)<sup>13</sup>. In addition, there are technical and engineering guidelines and standards produced by other government agencies, Standards Australia and relevant professional bodies.

Whereas Section 28 is a broad OHS duty on designers, requiring consideration of a variety of matters which may impact on the use of a building or structure as a workplace, the primary focus of the BCA is to ensure buildings and structures achieve acceptable standards of structural sufficiency, safety, health and amenity. It contains technical provisions for the design and construction of buildings and other structures.

The technical provisions in the BCA include structural sufficiency, fire spread within and between buildings, building occupant access and egress, fire fighting equipment, smoke hazard management and fire brigade access to buildings. In addition, health and safety amenity aspects such as ventilation, lighting, Legionella controls, sanitary facilities and damp and weatherproofing measures are covered in the BCA.

The BCA refers to Australian Standards, but designers should be aware that these may not adequately control workplace risks if applied to a situation outside that contemplated in the Standard or if the Standard is outdated.

It should also be noted that the BCA does not provide guidance for some specialised structures such as major hazard facilities (eg. refineries).

Section 28 requires occupational health and safety issues to be addressed, in addition to those in existing legislative and regulatory provisions such as the BCA which regulate the design of buildings and structures.

*Note 13: The BCA has been given the status of building regulations by all States and Territories.*

# 9

## A RECOMMENDED PROCESS TO ASSIST DESIGNERS

A systematic approach to identifying OHS issues in the intended use of buildings or structures is recommended, as it sets up a process by which OHS issues can be assessed and addressed by the designer. It also encourages collaboration between the designer and client.

The following steps can support a systematic approach which involves a structured evaluation of the OHS issues in the intended use and the design:

- Conduct a 'Preliminary Hazard Analysis' of the hazards that arise from the building or structure's intended purpose before the design is developed. Further detail is provided in Part 9.1 of this guide on:
  - a framework to identify the workplace hazards and decide which hazards are 'in-scope'<sup>14</sup> of Section 28; and
  - how the designer can conduct this process efficiently.
- After deciding which hazards are 'in-scope', use 'Systematic Risk Management' throughout the normal design process to control the identified workplace risks whilst ensuring that new or increased risks are not inadvertently introduced. Guidance is provided in Part 9.2 of the guide on:
  - whether the risk can be eliminated or controlled by applying a Recognised Standards Solution such as the requirements of, for example, the BCA, Australian Standards or recognised Industry Standards or whether a full risk assessment is needed to work out specific design solutions;
  - evaluating the final design based on the principles for health and safety protection to ensure health and safety, as set out in Section 20 of the OHS Act (refer to Appendix 1).

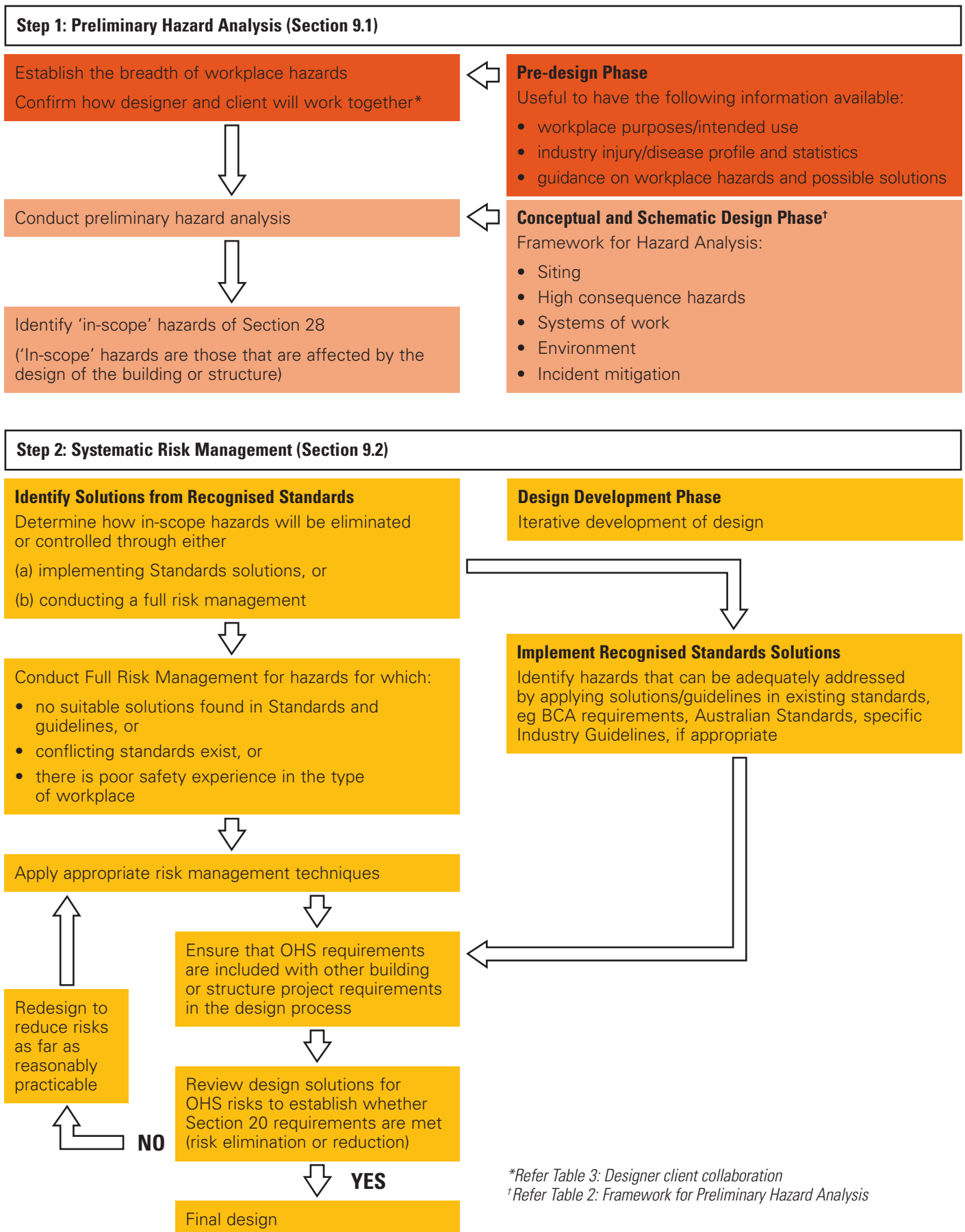
The recommended approach is shown in Figure 2.

Some of the steps or measures recommended may not be reasonably practicable for a particular design project. Designers may choose to modify or not to adopt them in some circumstances. If the process recommended in Figure 2 is clearly not suitable, the designer should ensure that safety considerations are actively taken into account during the design by some other method. This will be a matter for the particular designer to decide when considering what is required to comply with the law in a particular case.

*Note 14: 'In-scope' hazards are those that are affected, introduced or increased by the design of the building or structure.*

# A RECOMMENDED PROCESS TO ASSIST DESIGNERS

Figure 2: Recommended steps in the systematic approach to health and safety in design



# A RECOMMENDED PROCESS TO ASSIST DESIGNERS

## 9.1. PRELIMINARY HAZARD ANALYSIS

### 9.1.1 Framework for Hazard Analysis

The Preliminary Hazard Analysis ensures that the broad groupings of workplace hazards are identified before design scoping begins. The designers and others involved in the preliminary hazard analysis then decide which hazards are 'in-scope' of Section 28 and should be considered in the design process. A hazard will be 'in-scope of Section 28' if it can be affected, introduced or increased by the design of the building or structure. At this early stage, consideration can be given to possible ways that hazards could be eliminated or controlled. Table 2 illustrates a framework for hazard groupings.

Table 2: Framework for Preliminary Hazard Analysis

CATEGORY OF HAZARDS	EXAMPLES OF HAZARDS	SOURCES OF CONTROL INFORMATION TO DECIDE RISK OR CONTROL MEASURES
<b>Siting of building(s) or structure(s)</b>	Events or incidents occurring between multiple buildings or structures, arising from poor siting, or lack of separation.	Specialist risk techniques may be required. Controls will involve siting of buildings and structures. BCA requirements.
<b>High consequence hazards</b>	The storage and handling of dangerous goods, or work with high energy hazards (eg temperature, pressure) and health hazards such as biological materials.	Specialist techniques are likely to be necessary to assess risks and controls. Australian Standards and OHS legislation, Compliance Codes and guidance will provide information and possible control measures. Cumulative assessment of the overall risk may be necessary for these hazards. BCA requirements.
<b>Systems of work<sup>15</sup></b>	The systems of work (including cleaning and maintenance activities of the building or structure) that pose risks: eg. inadequate pedestrian/vehicle separation; restricted access for building and plant maintenance; exposure to hazardous substances; manual handling, exposure to occupational violence, working at height.	Professionals such as engineers, ergonomists, occupational hygienists, and materials chemists can provide information on controls and suitable assessment techniques.
<b>Environment</b>	Environmental conditions that are not part of the specific system of work, such as inadequate ventilation or lighting and welfare facilities that do not meet workplace needs.	The requirements of standards, eg BCA, Australian Standards, building and other legislation are generally sufficient if particular hazards or systems of work do not require a specific approach.
<b>Incident Mitigation</b>	The possibility of the building or structure to increase the consequences after an incident due to inadequate egress, siting of assembly areas, inadequate emergency services access.	The requirements of BCA, building and other standards. Liaison with Emergency Services.

Note 15: The systems of work involve the interaction of persons with the workplace and may be addressed through analysis of the work, including:

- tasks performed;
- work area;
- access, workplace physical layout and environment; and
- work organisation and job design.

# A RECOMMENDED PROCESS TO ASSIST DESIGNERS

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## 9.1.2 Conducting the Preliminary Hazard Analysis

WorkSafe encourages designers and their clients to establish strong collaborative relationships to ensure effective information exchange during the Preliminary Hazard Analysis. Designers should initiate and facilitate the collaborative relationship with the clients. This can be done by, among other actions, seeking details of the types of activities and tasks likely or intended to be carried out in the building or structure when it becomes a workplace, including the tasks of those who maintain, repair, service or clean the building or structure as an integral part of its use as a workplace.

Clients who will become the employer for a completed workplace will be responsible for its health and safety under the duties they have under the OHS Act as an employer<sup>16</sup>. As such, it will be in their interests to be closely involved in arranging workshops and expertise for the Preliminary Hazard Analysis.

Where clients already have control of similar workplaces, it may assist the preliminary hazard analysis process if they involve their employees and any health and safety representatives in discussions or any workshops conducted during that process.

Clients who intend to sell or lease the building or structure may also have duties under the OHS Act (see Parts 6.2 and 6.3 of this guide). While they will not become employers at the completed workplace, they should focus on the workplace's purposes when collaborating with the designer in the Preliminary Hazard Analysis process.

Table 3 provides suggestions to promote an efficient process between the designer and client:

*Note 16: Refer to Sections 21 and 23 of the OHS Act.*



# A RECOMMENDED PROCESS TO ASSIST DESIGNERS

Table 3: Designer-Client Collaboration

STEP	POSSIBLE TECHNIQUES
<b>Initial discussions</b>	Obtain information: <ul style="list-style-type: none"> <li>• workplace purposes including plant and ancillary equipment and work tasks.</li> <li>• industry injury profile and statistics and common hazards and safety issues.</li> <li>• guidance from OHS authorities and relevant associations, and standards.</li> </ul> Establish the breadth of workplace hazards and how client and designer will work together on the Section 28 issues.
<b>Pre-design Preliminary Hazard Analysis</b>	Useful techniques may include a combination of the following actions by the client: <ul style="list-style-type: none"> <li>• Conduct workshops and discussions with personnel from similar workplaces within the client company including Health and Safety Representatives.</li> <li>• Conduct onsite assessment of an existing similar workplace with feedback from the users of the existing building.</li> <li>• Research information or reports from similar workplaces on hazards of the work and relevant sources and stakeholder groups and then complete analysis for own workplace needs.</li> <li>• Conduct workshops with experienced personnel who will work at the new workplace.</li> <li>• Conduct workshops with specialist consultants, expert in the hazards.</li> </ul>
<b>Determine what hazards are 'in-scope'</b>	Workshops/discussions to determine which hazards are in-scope of Section 28. To be considered in-scope hazards must be affected, introduced or increased by the design of the building or structure.

## 9.1.3 Particular issues in Preliminary Hazard Analysis – Systems of Work

Where there are systems of work which are foreseeable as part of the likely activities in the intended use of a building or structure as a workplace, they should be identified in the Preliminary Hazard Analysis. The techniques in Table 3 may assist a designer to identify details of these systems. Some of these techniques may not be possible, for example where clients do not have business activities which involve similar workplaces.

Information in the form of likely or intended workflows, if known, will be useful as part of the design brief prepared by the client, including details at the task level. The brief may also include any work activities and systems with hazards specific to the nature of the intended workplace (eg manual handling in a health facility or occupational violence in a bank, dangerous goods storage in a warehouse) where the safety of these activities or systems is affected by the design of the building or structure. This may include foreseeable maintenance, cleaning, service and repair activities.

# A RECOMMENDED PROCESS TO ASSIST DESIGNERS

## 9.2. SYSTEMATIC RISK MANAGEMENT

Once the Preliminary Hazard Analysis has been completed, a systematic risk management<sup>17</sup> process is recommended. Table 4 provides examples of this process.

Table 4: Systematic Risk Management

STEP	POSSIBLE TECHNIQUES	BY WHOM
<b>Identify Solutions from Recognised Standards</b>	<p>Workshop to determine which hazards can be addressed with Recognised Standards.</p> <p>Plan the risk management process for other hazards.</p>	<p>Designer-led</p> <p>Client-approval of decisions</p>
<b>Apply Appropriate Risk Management Techniques</b>	<p>Integrate detailed workplace risk management into the design development process.</p> <p>For detailed risk assessment further detailed information may be required on hazards:</p> <ul style="list-style-type: none"> <li>• detailed Hazard identification eg HAZOP;</li> <li>• risk assessment checklists developed by OHS authorities (such as manual handling, noise, plant, hazardous substances risk assessment checklists etc);</li> <li>• job/task analysis techniques.</li> </ul> <p>A variety of quantified and/or qualitative risk assessment measures can be used to check the effectiveness of control measures.</p> <p>Scale models and consultation with experienced industry personnel may be necessary to achieve innovative solutions to longstanding issues that have caused safety problems.</p>	<p>Designer-led</p> <p>Client provides further information as agreed in the planned risk management process</p>
<b>Discuss Design Options</b>	<p>Take into account how design decisions determine workplace risks when discussing design risk control options.</p>	<p>Designer-led</p> <p>Client contributing</p>
<b>Design Finalisation</b>	<p>Check that the evaluation of design risk control measures for workplace risks against the requirements of Section 20 of the OHS Act (shown in Appendix 1) is complete and accurate.</p> <p>Prepare information about risks to health and safety for the workplace that remain after the design process, to be considered in workplace procedures.</p>	<p>Client and designer agree with final result</p> <p>Designer-led</p>
<b>Potential changes in Construction phase</b>	<p>Ensure that changes which affect design do not increase workplace risks, for example, substitution of flooring materials which could increase slip/fall potential and may introduce risks in cleaning work.</p>	<p>Construction team in consultation with designer and client</p>

Note 17: Both the AS/NZS 4360:2004 – Risk Management and the more OHS-focussed AS/NZS 4801:2001 – Occupational Health and Safety Management Systems – Specifications with Guidance for Use may be consulted at this stage to assist in understanding the process of managing OHS risks.

# 10

## FURTHER INFORMATION

A special email address has been established to help designers seek answers to specific questions. The Safe Design Project Team can be contacted by emailing to:

[design\\_safe\\_buildings@workcover.vic.gov.au](mailto:design_safe_buildings@workcover.vic.gov.au)

WorkSafe Victoria provides a range of guidance material on the OHS Act and particular design issues.

For further information please contact WorkSafe Victoria on 1800 136 089 or online at [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

Practice Notes prepared by Industry associations and Professional Institutes:

Building Design Professions (BDP) ([www.bdp.asn.au](http://www.bdp.asn.au))

Royal Australian Institute of Architects (RAIA) ([www.architecture.com.au](http://www.architecture.com.au))

Building Designers Association of Victoria (BDAV) ([www.bdav.org.au](http://www.bdav.org.au))

**RELEVANT SECTIONS OF THE OHS ACT**

**Section 4:** The principles of health and safety protection state, among other things, that:

- (1) The importance of health and safety requires that employees, other persons at work and members of the public be given the highest level of protection against risks to their health and safety that is reasonably practicable in the circumstances.
- (2) Persons who control or manage matters that give rise or may give rise to risks to health or safety are responsible for eliminating or reducing those risks so far as is reasonably practicable.
- (3) Employers and self-employed persons should be proactive, and take all reasonably practicable measures, to ensure health and safety at workplaces and in the conduct of their undertaking.

What is reasonably practicable will be determined by considering matters outlined in Section 20 of the OHS Act 2004.

**Section 20:** The concept of ensuring health and safety defines reasonably practicable, which will be important for persons who design. Section 20(1) provides that:

- (1) To avoid doubt, a duty imposed on a person by this Part or the regulations to ensure, so far as is reasonably practicable, health and safety requires the person:
  - (a) to eliminate risk to health and safety so far as is reasonably practicable; and
  - (b) if it is not reasonably practicable to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable.
- (2) To avoid doubt, for the purposes of this Part and the regulations, regard must be had to following matters in determining what is (or was at a particular time) reasonably practicable in relation to ensuring health and safety:
  - (a) the likelihood of the hazard or risk concerned eventuating;
  - (b) the degree of harm that would result if the hazard or risk eventuated;
  - (c) what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;
  - (d) the availability and suitability of ways to eliminate or reduce the hazard or risk; and
  - (e) the cost of eliminating or reducing the hazard or risk.

### ORGANISATIONS CONSULTED DURING THE DEVELOPMENT OF THIS GUIDE

This document was prepared by WorkSafe Victoria, the occupational health and safety arm of the Victorian WorkCover Authority, in consultation with the following stakeholders:

ORGANISATION	
Association of Consulting Engineers Australia	Master Builders Association of Victoria
Australian Council of Building Designers (BDP)	Metropolitan Fire and Emergency Services Board
Australian Institute of Building – Vic Chapter	National Union of Workers
Australian Nursing Federation (Victoria Branch)	Office of the Australian Safety and Compensation Council
Building Commission	Property Council of Australia
Building Designers Association of Victoria	RMIT School of Architecture and Design
City of Whitehorse	Royal Australian Institute of Architects – Professional Risk Services
Construction, Forestry, Mining and Energy Union	Royal Australian Institute of Architects – Victorian Chapter
Country Fire Authority	Safety Institute of Australia – Victoria Division
Department of Education and Training	The Police Association
Department of Human Services	Victorian Employers Chamber of Commerce and Industry
Department of Primary Industries	Victoria Police
Energy Safe Victoria (formerly Office of the Chief Electrical Inspector & Office of Gas Safety)	Victorian Trades Hall Council
Fire Protection Association	Victoria University School of Architecture, Civil and Mechanical Engineering
Human Factors and Ergonomics Society of Australia Inc	

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the 1990s, the number of people in the UK who are employed in the public sector has increased from 10.5 million to 12.5 million, and the number of people in the public sector who are employed in health care has increased from 2.5 million to 3.5 million (Department of Health 2000).

There are a number of reasons for this increase. One of the main reasons is the increasing demand for health care services. The population of the UK is ageing, and there is a growing number of people with chronic conditions such as heart disease, diabetes, and asthma. This has led to an increase in the number of people who are hospitalised and the length of their stays. In addition, there has been a growing emphasis on preventive care, which has led to an increase in the number of people who are screened for cancer and other diseases.

Another reason for the increase in the number of people employed in the public sector is the increasing demand for health care services. The population of the UK is ageing, and there is a growing number of people with chronic conditions such as heart disease, diabetes, and asthma. This has led to an increase in the number of people who are hospitalised and the length of their stays. In addition, there has been a growing emphasis on preventive care, which has led to an increase in the number of people who are screened for cancer and other diseases.

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## **WORKSAFE VICTORIA**

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