

WORKPLACE AMENITIES AND FIRST AID IN RESIDENTIAL CONSTRUCTION

RICK NUSKE REPORTS ON THE CHALLENGES TO ACHIEVING EFFECTIVE HEALTH AND SAFETY REGULATION IN AUSTRALIA'S HOUSING INDUSTRY.



Over a century ago Australia's first factory legislation and inspectorates were established, and at that time the provision of workplace amenities became a focus of government interventions. It followed that a requirement for workplaces to provide hand-washing facilities and toilets was introduced to address unhygienic conditions that existed in many workplaces during that time.

A lot has changed since then and in today's workplaces there is an expectation that appropriate amenities will be provided to achieve effective health and hygiene outcomes.

The focus of this article is residential construction and the issues they face in providing suitable amenities and first aid. To summarise, the housing sector is made up of small businesses, e.g. sole traders and partnerships, and the industry is very competitive, extremely price sensitive, operates with tight timelines and has a largely transient workforce.

The residential construction industry relies heavily on subcontractors to build homes. Upon winning a building contract, residential builders in turn issue individual service contracts to selected contractors whilst retaining the overall responsibility for health and safety on the project. The use of subcontracting has seen the evolution of a number of trends including a willingness to take health and safety risks.

Although generally not as well equipped in comparison to their commercial counterparts, the residential sector is still required to achieve similar health and safety performance standards but generally lack the resources to do so. Thus the health and safety performance of the residential industry continues to fall short as the sector is not able to focus as much attention on matters of health and safety despite their importance to the industry and to Australia's economy. In part, this can be attributed to the focus by unions and legislators on the commercial construction sector where, by virtue of an inherently larger workforce, greater impact on health and safety performance can be achieved.

A housing worker's objective is to build physical products that go into a home using their skills, experience and tools of trade and their safety knowledge generally develops as part of learning how to perform their job. Workers in the industry believe that residential construction sites are safe for them to work on, but not for people who do not understand the nature of a residential construction site. Given the resources available to small operators to achieve compliance, many may consider their financial risk as more important than personal safety.

In building a house, different trades must often work together to complete their work; however, the industry is built on an ability to operate independently and in reality, a contractor is interested in getting onto a site, finishing their work and moving onto the next site with as little fuss as possible. Thus, it is reasonable to suggest that a contractor may unwittingly fail to consider the health and safety needs of other persons working on site leading to an increased risk of injury.

Today's residential construction industry is in the midst of a downturn, however, the industry continues to provide employment and influence Australia's economy. With this downturn comes an increase in operational pressures and now more than ever, builders must ensure all of their activities are organised in such a way that every aspect of their business performance is efficient and effective whilst continuing to operate safely. Residential builders are not only required to operate safely, they are required to deliver high quality products and services to their customers, and do it in a way that enables them to make a profit and remain competitive.

In complying with a range of health and safety obligations, amongst other things, builders are to provide access to appropriate amenities. In providing amenities, builders are able to facilitate the basic needs of workers which not only assist worker comfort, they also contribute to productivity. In broad terms, amenities are the facilities provided for the health, safety, welfare and personal hygiene needs of workers and include drinking water, toilets,



hand washing facilities, meal facilities, personal storage, change rooms, shower facilities, and in certain circumstances accommodation.

All workers must have safe access to workplace amenities and every opportunity is to be provided for workers to use them. In determining which workplace amenities are required on a residential site, a number of factors are to be considered including the nature of the work, the size and location of the workplace, the number of persons onsite, workers with special needs or disabilities, the temporary nature of the workplace, proximity to existing facilities and the time taken to access them.

An example of the several challenges faced by housing builders in providing amenities arises during the early stages of construction; at this stage of a build there are generally no suitable areas for providing hygienic and weatherproof meal and shelter facilities. Given this, workers are forced to use what is available to them; for example, workers will use vehicles to take rest and meal breaks and for escaping inclement weather.

Another example is a site restricted for space that makes the provisioning of onsite toilets difficult, if not impossible; and although toilet facilities may be provided on a site, their usefulness can be diminished by a lack of maintenance and poor user standards. Other issues to consider include the activities of neighbouring properties, restrictions in site access, unusual site layout, undulating terrain and the potential for negative consequences on road and public safety.

To ensure the adequate provision of amenities, residential builders must take an active role in deciding, providing and maintaining amenities to ensure they meet basic human needs. Builders are to be organised and plan for amenities well in advance, and communicate those plans to all persons working on their site. Importantly, builders must positively influence various trades to ensure that the amenities provided are maintained for the benefit of all workers.

In the event that an injury requiring first aid occurs on a residential site there are to be facilities

available where first aid can be administered. Given the issues previously identified with providing amenities, finding an area for the administration of first aid can be difficult. Legislation also obligates employers to arrange access to first aid supplies to administer first aid to any person who is injured or becomes ill as a result of being at the workplace or arising from the work performed.

The term 'first aid' is concerned with the primary application of medical assistance to injured persons. In many instances, the application of first aid can reduce the severity of the injury or illness, calm the injured person, and in some cases, is literally the difference between life and death.

Workers in residential construction are continually exposed to the potential for injury and illness as the industry is filled with many hazards that in an uncontrolled condition can and often do result in personal harm. In planning to avoid potential workplace injury and illness builders are obligated to systematically identify foreseeable workplace hazards, assess the risk to personal health and safety and in turn, implements controls before they have an opportunity to cause harm; this process is referred to as risk management.

The effectiveness of the risk management process is dependent on a number of factors including the competency of the person undertaking the process, what is known about the incident history within the business, the number of persons working on site, work processes, common medical conditions, materials used and any other factors unique to the site. Outcomes of the hazard identification and risk assessment process are further strengthened by involving and gathering the views of workers.

During hazard identification consideration should be given to the different types of hazard sources on the site which include physical, chemical, psychological, ergonomic, biological and radiation hazards. Thought is to be given to what is known about typical injuries and illnesses within the industry, the ease in which a worker can access and egress from the workplace, time it would take for emergency services to attend site and time it would take to deliver an injured person to the nearest medical service or hospital.

Upon completion of the risk assessment process, suitable first aid supplies can be selected. There are a number of first aid kit types which may apply to a workplace given what is known about the potential health and safety risks. There is a basic kit for workplaces where the risk of injury is low, a remote kit for working in remote locations and a major trauma kit designed for particular environments and injuries; all of which can be tailored to suit the needs of different workplaces. The contents of a first aid kit on a typical residential construction site must be appropriate to the injuries and illnesses likely to be experienced and contain sufficient quantities of each item to facilitate effective administration of first aid.

First aid supplies are to be readily accessible by all workers and they are to be easily identifiable as first aid. There are two ways in which first aid can be identified, symbols containing a white cross on a green background, and First Aid written in English on a green background. First aid information is to be communicated during site induction and where available, through the use of onsite notice boards displaying information relating to the location of first aid kits, designated first aid personnel, emergency procedures and emergency phone contacts.

As each building site has the potential for a range of injuries, e.g. lacerations, burns, fractures etc., training specific to identified risks should be provided to enable first aider personnel to respond appropriately. First aid training has been proven to have a positive effect on the behaviour of first aid personnel as it increases awareness of workplace risks and the trained person's ability to positively influence workplace safety.

It is essential to understand what motivates people to control health and safety risk. Recent studies indicate that individuals who undergo first aid training are less tolerant of health and safety risks and work-related incidents and thus training has proven to bring about both practical and motivational outcomes. This improved awareness also assists in educating the workforce, improving worker motivation and influencing workplace safety culture.

Fiske (1999) reports that following a workplace incident where first aid is required, the quality of the first aid outcome will depend on both the severity of the injury and the speed in which first aid was administered. Dependent on response times and the quality of first aid, injured workers can be subjected to various outcomes ranging from a speedy or protracted recovery, to temporary or permanent injury or illness.

Often having a trained first aid person on a residential work site and situating first aid kit supplies in a clean, prominent and accessible location is not always practicable. First aid kits where available at all, are commonly located in locked vehicles which limit ready accessibility, and in the event of an incident this will hinder the immediate administration of first aid. Most residential construction sites do not have a dedicated site hut or dedicated first aid person on site to administer first aid which may see a minor injury escalate into a more severe injury or illness.

First aid personnel are required to apply first aid consistent with their level of training and although first aid personnel play an important part in response to work-related injuries and illness, any further medical care required by the injured person will become the responsibility of trained medical professionals.

Codes of practice exist for first aid in the workplace and have been developed to assist employers, contractors, self-employed persons and persons in control of workplaces to comply with health and safety legislation and should be used to achieve appropriate first aid standards. Codes of practice describe the methods and actions to be taken and provide users with practical information on selection, maintenance and use of first aid equipment. A number of codes of practice are currently under development in preparation for the introduction of the new model work health and safety legislation scheduled for January 1, 2012.

In addressing the need for amenities and first aid and in maintaining appropriate standards of health and safety performance, the importance of consultation cannot be understated. Having





workers involved in the consultation process can result in a workforce willing to be involved and see workers actively contributing on matters of health and safety which will assist in achieving positive health and safety outcomes. That being said, given the transient nature of the residential construction industry, the process of consultation is not necessarily performed well on all residential sites due to the fact that workers are not always available onsite at the same time.

The residential construction workforce has a great deal to contribute to improving health and safety performance, particularly as they are the people most at risk of injury and ill health. Workers have real life experiences relating to the conditions experienced on the site and are often the first to identify potential problems. It is well known that the law obligates employers to consult with workers on matters of health and safety; unfortunately, this obligation to consult is perceived by some residential workers as one which ticks a legislative box rather than being seen as an effective way to contribute to positive health and safety outcomes.

In selecting amenities and first aid provisions workers have the right to be involved and to comment on decisions concerning their health and safety; and although decisions ultimately rest with the employer, the consultation process helps builders make better quality decisions. As residential construction contains a range of health and safety risks at almost every stage of production, ongoing worker consultation is essential.

With new Model Work Health and Safety Legislation commencing next year, builders will be required to comply with the new framework which identify a number of codes of practice including 'Facilities for Construction Sites' and 'Managing the Work Environment and Facilities'. There are a significant number of other codes of practice addressing a range of topics which will need to be considered.

With the new legislation come very specific obligations on a person conducting a business or undertaking ("PCBU") in relation to providing amenities which include special provisions for

principal construction contractors. Consistent with existing legislation, the new WHS Regulations require PCBU's to provide and maintain adequate and accessible facilities for workers.

New legislation requires PCBU's to consult, co-operate and co-ordinate activities with all other persons who have a work health and safety duty in relation to the same matter. Therefore this will mean that each PCBU must work together to decide on what is reasonably practicable in providing amenities for residential construction sites. However principal contractor PCBU's have the primary responsibility for having arrangements in place to meet their duty to provide and maintain adequate facilities.

Within the new legislative framework, there are a number of codes of practice. The proposed code of practice named 'Facilities for Construction Sites' identifies facilities for residential construction sites and references housing construction as 'type 5' construction. The table for type 5 construction sites requires access to meal and shelter facilities, seating, a clean surface to place food, a rubbish bin, at least one sewer, septic or portable toilet, access to hand washing soap and drinking water.

The current version of the code fails to clearly delineate amenities requirements between residential and commercial construction sites and appears to focus on type 1 construction - major constructions. Consequently, there is an absence of appropriate guidance for the residential sector leading to confusion about what amenities are reasonable to provide on residential sites.

Consideration must be given to the impact the absence of specific guidance on residential amenities requirements will have; for example, there may be an increase in industrial action and build cost. There is however, an option available to legislators in the form of the Eastern Seaboard Alliance Guidance Material on Amenities for Housing Construction; this material provides practicable solutions for the industry whilst achieving its main objective - maintaining the wellbeing of person's onsite.

In light of what is known about the current and emerging challenges faced in the residential construction industry, a number of bodies across Australia have made an attempt to address amenities issues by developing a basic housing industry guide. The guide contains realistic solutions to the provision of onsite amenities which include:

- Use of a contractors vehicles until adequate shelter becomes available.
- Use of garages or other covered areas as weatherproof meal and shelter facilities.
- Sharing of toilet facilities between sites.
- Providing drinking water in containers including flasks, labelled containers or water bags until mains water becomes available.
- Providing seating using a board across two trestles and other alternatives to chairs.
- Providing a clean surface upon which to place food which could include an esky or other clean material.
- Providing an adequate amount of time for workers to access eating facilities where they are unavailable onsite.

Most builders and contractor's working in the residential construction sector desire to be safe, but many perceive workplace health and safety obligations as a threat to their income and existence in the industry. The cost burden associated with compliance is a real concern and those working in the industry do not believe there are tangible benefits in complying with health and safety regulations and evidence suggests many workers operate in a way that saves time and money but compromises personal health and safety.

Due to the competitive nature of the residential construction industry smaller builders are often pressured to under-quote to win work which can negatively impact on health and safety compliance. In turn this impacts on resource allocation and in some cases further reduces the likelihood that adequate amenities will be provided. The cost of

operational overheads which includes amenities is initially borne by the builder but is likely to be passed down to a home buyer which in turn makes the aspiration of owning a new home potentially unaffordable.

In many instances and for a number of reasons, there is a failure to provide adequate facilities for the welfare of workers at the residential workplace under the control and management of the employer. More often than not on a residential site there is very little in the way of amenities, first aid supplies and first aid personnel, management supervision, and consultation with workers which in effect, by virtue of poorly designed legislation, results in repeated breaches and a residual risk retained by builders.

To be effective, health and safety regulation must consider the specific needs of the housing industry as it operates differently to other construction sectors. In addressing the residential sector's specific compliance issues, significant progress towards improving industry performance will be realised and where undertaken intelligently; legislation will serve to not only reduce workplace injury and illness, it will reduce operational costs that can be passed on to home buyers.

In conclusion, by working together, legislators, unions, employer associations, builders and workers can bring about balanced solutions for the sector resulting in compliance, positive outcomes for workers and a reduction in operational costs. More can and should be done to address the issues with legislative design to enhance the industry's modus operandi. If not addressed, this current state of operation will continue into 2012 when we will see the new laws enacted which may result in the new legislation having marginal impact on the residential sector.



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