



Safety and health obligations – a guide for new builders

A builder who engages contractors or directly employs people has obligations to meet safety and health requirements under the *Occupational Safety and Health Act 1984* (the Act).

The Act also sets out general duty of care responsibilities for people such as employees, self - employed people, principals who engage contractors, people who have control of the workplace and workers hired out by labour hire companies.

As well as the general duties set out in the Act the *Occupational Safety and Health Regulations 1996* (the regulations) place specific obligations on various parties involved in construction work, including “main contractors”.

This bulletin sets out duties that could be relevant to builders and people that may work on a construction site, which is considered a workplace under the definitions of the Act.

Duties of builders as people in control of a workplace and/ or main contractors

As a builder, when you have contractors on site you have safety and health responsibilities to the contractor’s employees and others at the workplace. There are also obligations on builders to consult with designers and contractors to ensure that responsibilities are understood and agreed prior to work commencing.

The builder, as the person who is often the main contractor and person in control of the workplace, is required to take measures as far as are practicable to ensure the workplace and means of access to and egress from the workplace, is safe for workers and visitors to the site. The regulations impose specific safety measures that builders may have to carry out.

For instance a builder may be required to provide:

- scaffolding or fall prevention systems for working safely at heights;
- site toilets and other amenities;
- provide temporary power; and
- maintain housekeeping at the site by providing debris chutes/bins and site fencing if required.

Other people at the workplace

Employees must take reasonable care to ensure their own safety and health at work, and that the safety and health of others are not affected by their work.

Self-employed people must take reasonable care to ensure their own safety and health at work and, as far as practical, ensure their work does not affect the safety and health of others.

Designers, manufacturers, importers and suppliers of plant (equipment) must ensure that as far as practical; plant/equipment intended for use in the workplace is safe to install, maintain and use, adequate information is provided about any dangers associated with the plant/equipment provided.

Designers and builders of a building or structure for use at a workplace must ensure, so far as practical, that people constructing, maintaining, repairing, servicing or using the building or structure are not exposed to hazards.

What happens in situations of non-compliance?

A WorkSafe inspector can enter and inspect a site at all reasonable times of the day or night. Where minimum standards are not met the inspector has the powers to take a range of actions including giving verbal directions, improvement notices and where there is a serious and imminent risk to safety and health, the inspector can stop work activity until the hazards are corrected.

The Act and supporting regulations provides for a range of penalties up to \$500,000 for non-compliance.

Further information

- The Commission for Occupational Safety and Health's [Guidance note: General duty of care in Western Australian workplaces](#).
- [The first step](#)