

ACTION TO BE TAKEN BY VICROADS CONSTRUCTION AND MAINTENANCE PERSONNEL IF UNSAFE HIGH RISK WORK PRACTICES ARE OBSERVED

VicRoads has some duties to its contractor employees because it has safety responsibilities for contractor safety under the Occupational Health and Safety (OHS) Act 2004.

VicRoads manages this through various means including contract specifications, Health and Safety Coordination Plan requirements, safety audits and some surveillance. If the contractor has been appointed as the Principal Contractor by VicRoads (for projects over \$350,000) then the contractor has control of the site and has additional responsibilities for preparation of safety documents. Despite this, because of its audit function, VicRoads retains responsibility to ensure that any situations of risk which have arisen on a work site, and of which VicRoads becomes aware through its Surveillance Managers or other VicRoads employees, are appropriately addressed in a timely manner.

On-site Safe Work Method Statements (SWMS) are a legal requirement for all high risk construction work as defined in OHS Regulation 5.1.3. Compliance with SWMS requirements is mandatory as described in detail in the Regulations. Under the Regulations the following are required:

1. A SWMS is prepared before the high risk construction work commences;
2. The work must be performed in accordance with the SWMS;
3. If there is non-compliance with a SWMS, the employer must stop that work immediately or as soon as it is safe to do so; and
4. The employer must not resume the work until the SWMS is either complied with or reviewed and, if there is an indication that risk control measures are not controlling the risks to health or safety adequately, revised.

VicRoads' Contractors have a responsibility to ensure that appropriate SWMS are on each high risk construction worksite. If SWMS appropriate to the work that is being undertaken are not present on a particular high risk construction worksite, then that work must be stopped on that site until the relevant SWMS are produced.

If a VicRoads' Surveillance Manager or any other VicRoads personnel becomes aware:

- a) that SWMS appropriate to the work that is being undertaken are not present on a particular high risk construction worksite; or
- b) of any non-compliance with a high risk construction work SWMS requirement then that person must immediately advise the Contractor's supervisory management of the risk and the four obligations above, including the need to stop that high risk construction work. If the risk posed by the non-compliance gives rise to an immediate risk of a serious or fatal incident to workers or to the public, the VicRoads employee must cause the work to be stopped immediately.

CE Directive

July



If a VicRoads' Surveillance Manager or any other VicRoads personnel identifies any other situation that seems, on the information available, to pose a risk of a serious or fatal incident to workers or the public, that person must immediately advise the Contractor's supervisory management. If the risk posed is immediate, the VicRoads employee must cause that work to be stopped immediately.

In each case referred to above, the contractor must be issued with a written non-compliance.

If there is any dispute with respect to the requirements (which cannot be resolved through consultation with the contractors in the first instance) then that work shall cease until WorkCover (ph. 1800136089) can attend the site.

VicRoads staff will be supported by me in implementing this Directive.

A handwritten signature in black ink, appearing to read "John Merritt". The signature is fluid and cursive, with a large initial "J" and "M".

JOHN MERRITT
CHIEF EXECUTIVE

28 / 7 / 14

CE Directive

July



Dear

I am taking this opportunity to write to all contractors who undertake high risk construction work for VicRoads in the road construction / maintenance industry.

In response to VicRoads becoming aware of a number of recent incidents and near misses, I am reinforcing to VicRoads staff their existing obligations in relation to contractor management, by issuing the attached Directive. I am doing so in the area of high risk construction work as defined in the OHS Regulations 2007.

I enclose a copy of my Directive to VicRoads staff who have, as part of their jobs, contractor management responsibilities. I am sending you a copy to make you aware of VicRoads requirements. This Directive is in addition to your responsibilities contained in our contracts and at Law. We want to work with you to do what it takes to reduce injury and death in our industry.

As employers, you have health and safety responsibilities. We expect that all of our contractors and their sub-contractors will set the standard. My Directive does not reduce your responsibilities.

My Directive is clear. Unsafe work practices, particularly where mobile plant and pedestrians are concerned, will not be tolerated, and every effort must be made by all of us to eliminate workplace hazards.

Thank you for your cooperation in our ongoing endeavours.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Merritt", written in a cursive style.

JOHN MERRITT
CHIEF EXECUTIVE

29 / 7 / 2014