



ACT PUBLIC SERVICE

MANAGING WORKPLACE SAFETY DURING REFURBISHMENT AND RELOCATION

1. PURPOSE

Refurbishment and relocation of a workplace has the potential to create long-term benefits for both workers and business. Not managing health and safety risks during the refurbishment process itself, however, may increase the risk of accidents and incidents, and decrease productivity due to:

- the possibility of introducing workplace hazards, both during the construction phase and as a result of poor design, functionality or finish of the refurbished facilities;
- worker frustration due to temporary inconvenience and the changing of work processes; and
- lack of training for different work processes or orientation to the new work environment.

This policy statement provides direction to ACT Government Directorates to ensure that refurbishment or relocation of any work environment occurs within a well-considered risk management framework which protects the health and safety of all ACT Public Sector (ACTPS) workers.

2. APPLICATION

This policy applies to all ACTPS Directorates and any person who is considered to be a worker for the ACT Government. Under current work safety legislation this includes:

- ACTPS employees;
- a contractor or subcontractor;
- an employee of a contractor or subcontractor;
- outworkers;
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or

- Students on work placements
- an apprentice or trainee; or
- a volunteer.

3. LEGISLATIVE REFERENCES

ACTPS Directorates are to comply with:

- Work Safety Act 2011
<http://www.legislation.act.gov.au/a/2011-35/default.asp>
- Work Safety Regulation 2011
<http://www.legislation.act.gov.au/sl/2011-36/default.asp>
- the ACT Government Real Estate Policy which is administered by Economic Development Directorate, and the ACT Government General Real Estate (GRE) procedures
http://www.economicdevelopment.act.gov.au/data/assets/pdf/file/0019/137602/GREP_2011.pdf
- any negotiated and signed Memorandum of Understanding between ACT Property Group¹ and the relevant agency;
- ACT Public Sector Policy Statement WHS-04-2012 – Consultation in the Workplace;
<http://www.cmd.act.gov.au/data/assets/pdf/file/0007/202876/whs0411.pdf>
- Risk Management Standard AS/NZS 31000:2009 and ACT Government risk management policies and procedures which are available from the ACTIA website:
<http://www.treasury.act.gov.au/actia/RM.htm#b>
- ACT First Aid in the Workplace Code of Practice² –
<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/first-aid-in-the-workplace>

4. DIRECTION STATEMENT

ACT Government Directorates have a duty to provide and maintain safe, clean and adequate work environments for their workers. This can be achieved through implementation of comprehensive risk management processes and effective consultation with workers.

¹ ACT Property Group is located within the Territory and Municipal Services Directorate.

² This code of practice will be replaced by the Model Code of Practice “First Aid in the Workplace” which is currently in draft form. Once finalised it will be available on the Safe Work Australia website:
<http://safeworkaustralia.gov.au/Legislation/modeiCOP/Pages/Modei-COP.aspx>

a) Risk Management

Managers/supervisors have a duty of care to:

- identify foreseeable hazards;
- assess the risk/s from the hazards; and
- eliminate the hazard, or minimise the risk from the hazard if elimination is not possible.

An assessment to determine risk in relation to refurbishment and relocation procedures, should involve:

- a workplace needs assessment and consideration of the possible impacts on work safety during the planning stages. Consultation with staff and involvement of work safety personnel should be undertaken at the scope and design stages to avoid design faults and omissions which could increase or create risks;
- a pre-occupancy assessment of new or newly refurbished premises. This assessment should identify risks associated with the accommodation, including lighting and the ergonomic functions of workstations, furniture and equipment. The assessment should include the relevant managers, work safety personnel³, and Health and Safety or Work Safety Representatives (WSRs) who represent the relevant work groups. A representative from a relevant union may also attend if requested by the relevant work group(s).
- a post occupancy inspection, undertaken by an inspection team including the relevant managers, WSR/Union representative, and work safety personnel. The team should take part in a walk-through inspection and discussion with workers in the new or refurbished workplace.
- written pre and post risk assessments listing all areas requiring safety controls. These reports should be forwarded to the supervising manager of the work area and the agency's assets management/accommodation area for any required actions to be undertaken.

For further information about risk assessment refer to the Risk Assessment Guide at <http://shareservices.actgovt/WHS/SafetyMgt/bhazardid.htm>; and the website for the ACT Work Safety Commissioner at <http://www.worksafety.act.gov.au/page/view/1039>

b) Worker Consultation

Workers are a valuable source of knowledge and experience about work safety issues that directly relate to their work tasks/practices. To effectively consult with workers about any changes to their work environment or process of work, a Directorate must:

³ Work safety personnel refers to staff from the relevant agency's Corporate Injury Prevention and Management area and/or the Workplace Health and Safety team from the Shared Services as appropriate.

- share information with workers about any matters or changes which may have impact on their health, safety or well-being;
- provide workers with a reasonable opportunity to contribute information and to express their views; and
- genuinely consider the views of workers.

Consultation with workers must be consistent with processes agreed through the relevant work groups and Section H of the Directorate's Enterprise Agreement.

If work groups have elected to be represented by work safety representatives (WSRs) or health and safety representatives (HSRs) then consultation must include these officers.

Further information and guidance on consultation with workers can be obtained from:

- ACT Public Sector Workplace Health and Safety Policy Statement no: WHS 04-2012 – Consultation in the Workplace;
http://www.cmd.act.gov.au/data/assets/pdf_file/0007/202876/whs0411.pdf
- and WorkSafe ACT website:
<http://www.worksafety.act.gov.au/page/view/1240/title/consultation>

c) Compliance with the Government Real Estate Policy.

ACT Property Group within the Territory and Municipal Services (TAMS) Directorate is responsible for the management of all government office accommodation in consultation with ACTPS Directorates and Authorities.⁴

All Directorates and Government Authorities are responsible for ensuring that any refurbishment or relocation is managed in accordance with the requirements outlined in the Government Real Estate Policy (GREP) which can be obtained from the ACT Economic Development Directorate
http://www.economicdevelopment.act.gov.au/projects_and_initiatives/government_accommodation_strategy

The GREP integrates policies, procedures, and guidelines in relation to establishing office accommodation needs, acquiring and fitting out suitable space, utilising that space effectively and managing the accommodation-change (churn) process. More specific guidance on space standards and fit out is provided in the document *GREP – Office Accommodation and Fitout Guidelines* which can also be obtained from the link referred to above.

All requests for accommodation, including private subleasing (excluding residential leasing for employment related purposes), the purchase or building of new premises and fit-out, and the conceptual approvals related to the Fitout Guidelines are

⁴ Accommodation includes office space, storage and parking.

managed through the Economic Development Directorate (EDD) – Government Accommodation Strategy Section.

ACT Property Group has responsibility for approving any office accommodation expansions and/or refurbishments in owned and leased premises and will ensure that landlord approvals are in place where necessary. This approval requirement includes all fit-outs, including minor works as private landlords may hold the Territory accountable for any works that have not been approved.

Cabinet approval is also required for any refurbishment or fit-out in excess of \$500,000. Directorates will need to allow sufficient time allowance for this to be submitted through the Minister for Economic Development and the Government Office Accommodation Committee.

A Memorandum of Understanding between ACT Property Group and each Directorate or agency will outline the relative roles and responsibilities for accommodation management and planning.

When Directorates have accommodation guidelines dealing with the utilisation of specialist facilities, i.e. ACT Health Accommodation Policy, these guidelines can be included in the procedures associated with the GREP and be submitted to the ACT Property Forum for consideration.

Further information and guidance on property and accommodation management can be found on the website:

[http://www.economicdevelopment.act.gov.au/projects and initiatives/government accommodation strategy](http://www.economicdevelopment.act.gov.au/projects%20and%20initiatives/government%20accommodation%20strategy).

5. RESPONSIBILITIES

a) The Employer

In accordance with work safety legislation, employers are required to:

- manage risk by providing a safe work environment, safe plant and equipment and safe systems of work;
- consult with their workers and to provide them with opportunities to contribute to matters directly affecting their work safety. This includes consulting on the adequacy of facilities, risk identification and management strategies and any other issues affecting work safety; and
- provide particular safety measures including those associated with entry, exit and movement within workplaces, atmosphere and ventilation, air temperature, surfaces and floors, lighting and noise management and electrical installations.

b) Directors-General

Directors-General have primary responsibility and accountability as an employer for the implementation of ACT Government policies at all levels of their organisation and overarching responsibility for workplace health and safety.

c) Directors-General are responsible for ensuring that their Directorate has:

- a process to acquire and keep up to date knowledge about workplace health and safety issues and to ensure that they are addressed and managed effectively;
- a process to consult with workers concerning changes in the workplace which may affect their health and safety;
- safe and appropriate amenities to support workers in their workplaces; and
- identified people with appropriate knowledge and skills to manage refurbishment or relocation activities.

d) Executive/Managers/Supervisor/Person in Control

Prior to the commencement of any refurbishment and/or relocation process, the management team with responsibility for the work area must:

- consult with the workers who may be affected by any change to the work environment or work systems;⁵
- contact ACT Property Group to seek approval and advice for any workplace refurbishment or relocation;
- seek advice in relation to the identification and management of any work safety risks or hazards from the agency's Injury Prevention and Management Unit or, if appropriate, the Shared Services Health and Safety Team;
- ensure that a risk assessment is conducted around any planned relocation or refurbishment; and
- implement any recommendations to eliminate or manage the risks that have been identified.

While any refurbishment or construction works are being undertaken at a workplace, the person/s in control of the workplace and managing the project must also be aware

⁵ This consultation will be conducted through work groups, in a manner consistent with agreed consultative arrangements for that work area and will include the negotiation and development of an agreed written communication strategy to promote effective information exchange with all relevant parties. A WSR may be elected to represent a Worker Consultation Unit.

that they have responsibilities to ensure the safety and wellbeing of contractors who are conducting work as well as ACT Government workers and others who may be on site. This includes the requirement for contractors to conduct their work in a safe manner and to use appropriate protective equipment and risk controls. This responsibility is informed by common sense (what a reasonable person ought to have known) and does not require the person in charge to have any technical knowledge of the work to be undertaken.

e) Workers

While at work, a worker must:

- take reasonable care for his or her own health and safety; and
- take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person in control of the work area.

f) Injury Prevention Teams

Shared Services Workplace Health and Safety Team is responsible for development of the ACTPS Workplace Health and Safety Management System (WHMS) and may provide advice and support to agencies in work safety matters. Some ACT Government Directorates also have their own injury prevention personnel within their corporate structure to provide the required knowledge and skills in injury prevention and risk management.

Managers and the person/s in control of work areas should ensure that the appropriate work safety professionals are consulted and involved in any scoping and design arrangements and in overseeing works at agreed intervals.

g) Work Safety Representative (WSR)⁶

If a WSR has been elected to represent a worker consultation unit or work group in relation to work safety, they have a function to:

- represent the workers in their work group in relation to work safety issues;
- inform the agency of potential risks and dangerous occurrences at any workplace where the workers they represent work;

⁶ To be referred to as a Health and Safety Representative under the *Work Health and Safety Act 2011* to commence in 2012.

- inform the agency of work safety matters directly affecting the workers they represent; and
- undertake training in an approved training course as required within 3 months of election.

6. DICTIONARY

“Worker” refers to:

- an employee; or
- a contractor or sub-contractor; or
- an employee of a contractor or subcontractor; or
- an employee of a labour hire company who has been assigned to work in the person’s business or undertaking; or
- an outworker; or
- an apprentice or trainee; or
- a student undertaking gaining work experience; or
- a volunteer; or
- a person of a prescribed class.⁷

“Workplace” means a place where work is, has been, or is to be carried out for an ACT Government business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

“Government Real Estate” (GRE) includes all buildings and associated land owned by the Government and used for the direct and indirect delivery of Government services. GRE includes office buildings, community facilities, schools, hospitals, health centres, work depots, libraries, correctional services facilities, warehouses and stores. It also includes Territory sublease of premises from the private sector (excluding residential leasing for employment related purposes.)

“Amenities” means facilities for the welfare or personal hygiene needs of people.

“Work Group”, for an employer, means:

- the group of all of the employer’s workers; or
- a work group which is established to be consistent with the requirements of section 50 of the *Work Health and Safety Act 2011*.

⁷ May be prescribed under section 48 of the *Legislation Act 2001*.

“Work Safety Representative” – may be elected by a work group to represent the members of that work group during consultations with the employer. This position will be referred as a Health and Safety Representative under the terms of the *Work Health & Safety Act 2011*.

“Person in control” in relation to:

- a) Premises – refers to anyone who has control of the premises, including anyone with the authority to make decisions about the management of the premises (note that there could be more than one person who holds this responsibility);
- b) Plant and equipment – refers to anyone who has control of the plant or system or the operation of the plant or system, including anyone with the authority to make decisions about these matters; and
- c) Design, manufacture, import or supply of plant or a system- refers to anyone who has control of the design, manufacture, import or supply of plant or a system, including anyone with the authority to make decisions about these matters.

“Risk” means exposure to the chance of injury or loss.

7. REFERENCES AND LINKS

- *Work Health and Safety Act 2011* <http://www.legislation.act.gov.au/a/2011-35/default.asp>
- *Work Health and Safety Regulation 2011* - <http://www.legislation.act.gov.au/sl/2011-36/default.asp>
- ACT Public Sector Policy Statement WHS-04-2012 – Consultation in the Workplace: http://www.cmd.act.gov.au/__data/assets/pdf_file/0007/202876/whs0411.pdf
- ACT Government Real Estate Policy: <http://www.economicdevelopment.act.gov.au/projects%20and%20initiatives/government%20accommodation%20strategy>
- ACT First Aid in the Workplace Code of Practice: http://www.ors.act.gov.au/workcover/pdfs/WorkSafe/CofPs/First-Aid_CofP.pdf

8. REVIEW

This Policy Statement will be reviewed after three (3) years or at an earlier date if amendment is required.

9. APPROVAL AUTHORITY

Andrew Kefford
Commissioner for Public Administration
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