

Industry Restart Guidelines General & Safety Related Construction FAQs

September 2020





Where can I find more information about restrictions impacting the construction industry?

The fundamental enforceable requirements for the construction industry are published in the [Workplace Directions and Workplace \(Additional Industry Obligations\) Directions](#).

Further information to help you keep your construction business compliant is available on the Business Vic website (<https://www.business.vic.gov.au>) with the following fact sheets:

- large-scale construction
- small-scale construction
- early stage land development
- general and safety information for construction

Additional best practice information developed by industry in partnership with unions is also available and can assist operators in implementing change.

This includes the

Corona Virus (COVID-19) guidelines for the Building and Construction industry Victoria
https://www.vba.vic.gov.au/_data/assets/pdf_file/0020/116417/COVID-19-Guidelines-for-the-Building-and-Construction-Industry-Revision-7.pdf

There is also a range of COVIDSafe Worksite Resources available in 16 languages developed in partnership with industry bodies and unions
<https://www.culturalpulse.com.au/covidsafe-worksite-resources/>

For small scale construction, the HIA guidelines are also available

Housing Industry Association “Making Space on Site” guidelines

<https://hia.com.au/covid-19/managing-workplace-safety-and-employees-mental-health/making-space-on-site>



Do the restrictions apply to all construction sites?

There are common requirements that apply to all workplaces, including construction sites, and across all restriction levels. All construction sites, regardless of the level of restriction that applies, are required to have a High Risk COVIDSafe Plan, must follow density restrictions of no more than one worker per four square metres in enclosed spaces and must comply with other additional obligations. These additional obligations are set out in the Workplace (Additional Industry Obligations) Directions.

Additional restrictions apply to:

- Workers visiting multiple sites
- Early stage land development sites
- Small-scale construction sites
- Large-scale construction sites

Are the restrictions on construction the same in regional Victoria as they are in metropolitan Melbourne?

No. The further restrictions apply to all works in metropolitan Melbourne under the Second Step ('Restricted') and will move in line with the roadmap steps.

What is the definition of a worker?

Workers refer to people working on a site including, but not limited to, owners, managers, employees, contractors, workers on labour hire and security.

For the purposes of calculating workforce capacity caps, 'workers' does not include workers specifically dedicated to oversight of COVIDSafe functions in the workplace, such as workers doing additional cleaning of high-touch points or overseeing the implementation of COVIDSafe practices. It also does not include suppliers and deliveries (e.g. concrete testers and the like) who are only present on-site for a short period of time.

Can new construction contracts in metropolitan Melbourne be signed and started?

Construction contracts can be signed and started if they are works relating to a permitted construction work premises, including:

- Building and non-building construction (including residential);

- Construction of critical and essential infrastructure and services to support these projects; and
- Critical repairs to any premises, are allowed, where required for emergency or safety.

Employers of a permitted construction work must have a High Risk COVIDSafe Plan in place for each workplace/site.

If there are separate contracts/projects being carried out concurrently within the same building, are these treated as individual projects for the purposes of operating reductions?

No, not under the Second Step ('Restricted'). All workers on a site count towards the daily worker limit, with the exception of:

- Workers specifically dedicated to oversight of COVIDSafe functions in the workplace.
- Workers undertaking emergency repairs and maintenance.
- Workers engaged as suppliers and in deliveries (e.g. workers operating concrete trucks, concrete testers and the like) who are only present on-site for a short period of time.

Each construction site must have a High Risk COVIDSafe Plan in place.

Is there an exemption process for civil construction?

All civil works, building and construction activities (whether publicly or privately funded) are subject to the large-scale, small-scale and early-stage land development restrictions, unless those activities:

- Are any works up to (and including) the 'Base Stage' works, or following the 'Fixing Stage' for small-scale residential construction, under the definition of the Domestic Building Contracts Act 1995;
- Constitute construction of critical and essential infrastructure; or
- Constitute critical repairs to any premises where required for emergency and safety, as provided for by the Permitted Work Premises list published on the DHHS website



Are specialists who provide safety services limited in the number of sites they visit each week?

Specialists who provide safety services which enable a permitted work premises to safely undertake permitted activity are not limited in the number of sites they can visit per week. However, they should try to limit the number of sites visited in a week.

This includes specialists who install critical OHS equipment, including scaffolding, safety rails, guardrails, stair void protection systems, other critical safety equipment/installations, traffic controllers, asbestos removalists, and those who conduct safety inspections (including fire safety services) and training talks.

What constitutes an emergency or safety reason for repairs?

Emergency repairs are urgent repairs and maintenance which must be undertaken to ensure safe and secure use and occupancy of properties and work premises, prevent individuals (including workers) from injury, to prevent property damage or damage to goods, or for urgent repair to an essential service (for example for example fixing a roof or restoring an electricity connection). If you need to have a tradesperson over, maintain your distance, wear a face covering and minimise physical contact through contactless payment or another non-cash method.

Can I carry out work where a building has not been vacated to address matters associated to a Notice or Order that has been issued by a Private Building Surveyor or Municipal Building Surveyor?

Yes, if the works constitute critical repairs required for emergency or safety.

Where the Notice or Order that has been issued by a Private Building Surveyor or Municipal Building Surveyor requires works that are to address matters that have been identified as a safety matter and/or is a danger to the life, safety or health of any member of the public or of any person using the building/land/place of public entertainment or to any property, the required works can be carried out if a building is occupied.

Works can also be undertaken where safety or emergency service(s), installation(s) or equipment have not been maintained in accordance with the occupancy permit.

Can more workers than the limit come on site if there is an emergency?

Yes. Emergency responses or repairs are not impacted by restrictions.

What are a COVID Marshall's roles and responsibilities?

COVID marshals are recommended for large scale construction sites.

COVID Marshals are appointed by the respective site managers and are responsible for supporting site compliance and providing advice to employers and workers on the following measures:

- Ensuring workers practise appropriate physical distancing measures
- Ensuring workers practise minimum-level hygiene measures (as per Infection Control Awareness training)
- Ensuring adequate ventilation
- Maintaining accurate and robust record keeping (subject to audit)
- Informing required updates to respective COVIDSafe plans.

The COVID Marshal is also the lead Point of Contact for contact management. COVID Marshals are individuals who have (at a minimum) certifications and training for:

- Infection Control Awareness Training (mandatory); and
- First Aid (Level 2) (recommended).

Site managers can appoint multiple COVID Marshals. The role does not need to be a single dedicated appointment, however, the COVID Marshal role must be their primary role when on duty (i.e. an existing HSR or Site Supervisor can also be appointed as COVID Marshall concurrent with their extant duties, however their COVID Marshall duties must account for >50 per cent of their daily work activities).

The employer has ultimate responsibility for ensuring the COVIDSafe obligations are met.

How many workforce bubbles are permitted on-site?

Workforce bubbles aim to minimise movement of workers across sites. Employers must comply with mandatory restrictions on numbers of workers and worker movements between sites. Employers are encouraged to operate one workforce bubble on a work site or ensure there are mitigations to limit movement between multiple workforce bubbles.

FAQs: Compliance & Enforcement



What documentation is required?

Specified worksite operators will be required to declare in an attachment to their COVIDSafe Plan (state-wide) and High Risk COVIDSafe Plan (metropolitan Melbourne only):

- The location and nature of the activities undertaken at sites intended to continue restricted operations
- (If applicable) the baseline workforce levels calculated for each site and the methodology and time period used to establish these levels
- The restricted workforce levels proposed for each site during the restriction period calculated in compliance with the order
- That the operator will retain and make available for inspection the business records and calculations used to establish the restricted workforce levels, and demonstrate compliance with those restricted workforce levels through the period to which the restrictions apply.

What documentation do I need to retain?

The COVIDSafe Plan (regional Victoria and metropolitan Melbourne) and High Risk COVIDSafe Plan (metropolitan Melbourne only) must be retained and be available for inspection on request.

Operators will also be required to retain and make available for inspection evidence of compliance with the daily workforce limits, including roster, time and attendance, payroll and other site attendance records.

Does Government need to approve my High Risk COVIDSafe Plan?

No. You do not need to submit or seek approval of your High Risk COVIDSafe Plan. However, you must have the plan in place and comply with all the relevant requirements. You must produce this plan upon request by WorkSafe or other relevant authorities.

How will compliance be monitored?

Site operators will be selected for independent compliance review and asked to demonstrate compliance with the order. To facilitate these compliance reviews operators will be required to retain and make available for inspection project resourcing plans, site rosters, time and attendance data, payroll data and other site attendance records as requested by relevant authorities.

All members of the community can report a suspected breach of public health restrictions, including isolation, a mass gathering or business breaches, by contacting the Police Assistance Line on 131 444 or reporting it online at police.vic.gov.au/palolr

Who will enforce these restrictions?

Authorised officers will be undertaking site inspections for workplaces subject to reduced operation requirements to ensure they are complying and have a complete High Risk COVIDSafe Plan.

If our workers inform us that they share accommodation with anyone working at another high-risk workplace, what do we do with that information and what actions are we expected to take?

Details of workers who share accommodation with individuals who work at other high-risk workplaces will help support contact tracing in the event of a positive case. If your employee discloses that they live with another person who works in a high-risk workplace, you should retain this information in worker records.

However, workers are not required to inform their employer if they share accommodation with anyone working at another high-risk workplace.