



Summary

Architects as designers are committed to improved occupational health and safety (OHS) outcomes through Safe Design approaches. Safe Design processes integrate hazard identification and risk assessment early in the building procurement process.

The Australian Institute of Architects (the Institute) strongly believes that the recent focus on the effect of 'upstream factors' such as building design on workplace accidents and deaths is based on a fundamental misinterpretation of the available research.

As designers never have ultimate control of the construction process, the Institute argues that some changes to OHS legislation set an impossible standard for designers. Governments must recognise that many parties share Safe Design responsibilities and that legal obligations must be directly related to the extent of control. Only legislation that creates 'reasonable and practicable' obligations will bring about improvements in OHS outcomes through building design.



Background

The Institute believes that architects as designers have a real contribution to make, as part of a community-wide strategy, in helping improve occupational health and safety (OHS) outcomes through a Safe Design approach. We support State and Federal Government objectives to assist those involved in the construction of buildings to adopt a 'Safe Design' approach. Safe Design is a process that integrates hazard identification and risk assessment early in the building procurement process to eliminate or minimise the risks of injury throughout the life of the building. Workplace accidents and deaths in the construction industry must be avoided wherever possible.

The effect on workplace accidents and deaths during construction of 'upstream' factors, such as building design, has been receiving increasing attention in recent years. It has been wrongly concluded that safety in construction can be influenced more by the design of the building for its end-use than by the design of construction plant, work practices or the layout of the construction site.

The Institute strongly disagrees that research supports such a causal relationship. Research has consistently failed to distinguish between the quite different 'design' activities involved. Product failures of construction equipment causing death or injury, or unsafe construction processes are not part of building design undertaken by architects. Better analysis is required to ascertain the extent to which design decisions made by architects and other designers of the end result are indeed a causal factor as opposed to failure to



apply (or design) appropriately safe construction processes to the inherent risks.

Designers never have ultimate control of the construction process. Responsibility for managing hazards during construction must lie with those best able to control them, i.e., those who have control of the building site, the building contractor and its subcontractors. The Institute strongly believes that the obligation and effectiveness of architects in minimising risks does not extend to managing hazards during construction.

Recent changes to OHS legislation have in some cases directly translated the unproven causal relationship between 'upstream' building design and workplace accidents into imposition on designers of a duty during construction to ensure workplace health and safety.

For example, under Section 30B(1) of the Workplace Health and Safety Act 1995(QLD)

A Designer of a Structure has an obligation to ensure the design of the structure does not affect the workplace health and safety of persons:

- 1) during construction of the structure; and
- 2) when the structure has been constructed and is being used for the purpose for which it was designed.



Not only does the legislation misconstrue the designer's level of control over construction activity required to produce the building, but the duty is extended beyond taking reasonable precautions and effectively becomes a duty to guarantee that the building will not affect a person's health and safety (ever) – an impossible standard.

Legislation which misunderstands the limited role of designers and sets impossible obligations will be difficult to put into practice and is therefore unlikely to be effective in improving safety. Only legislation that is conditional on what is 'reasonable and practicable' is likely to bring about improved OHS outcomes through building design.

Some building design alternatives may present fewer construction safety risks than others and cooperation between designers, owners and building contractors is essential to minimize such risks while still meeting project objectives.

What Governments need to do

All governments must recognise that architects can only act in a reasonable and practicable manner in minimising risk and hazard in design. Many parties share Safe Design responsibilities and the level of these responsibilities must be directly related to the extent of their control.

The following are priorities for action:

- Legislation and associated guide documents in all jurisdictions must recognise the limitation of the designer's Safe Design duty as that which is reasonable and practicable for the designer in the circumstances of their engagement.



- There must be a clear distinction between the safe 'design' of the construction and demolition processes and the design of completed buildings for safe use during occupation and maintenance.
- Legislation should reinforce that the building contractor has the responsibility for selecting construction methods, not the designer. Legal requirements that dilute or confuse this role should not be introduced. Designers of buildings should only be required to report on residual risks that a qualified contractor could not reasonably be expected to identify when assessing construction risks.
- National occupational health and safety (OHS) template legislation, supported by appropriate guidelines, should be adopted as the foundation for improved OHS on construction sites and in the construction process. An immediate two-year moratorium on any further Commonwealth and State-by State OHS legislative changes, guides or codes should be implemented while a nationally consistent framework is developed through wide consultation.
- For completed buildings, the Building Code of Australia model, supported by a referenced National OHS Standard, offers the best framework to achieve improved outcomes for the design of buildings as workplaces. Overlapping legislation in OHS Acts should be removed.
- Governments should continue to pursue a broad based approach to achieving improvements in OHS, exploring other avenues in addition to regulation under OHS statutes.



What Institute members need to do

- Attend to all OHS obligations relating to architectural and other staff, all construction parties, clients, the public and professional colleagues.
- Adopt Safe Design principles in all dealings with other parties to the construction process.
- Understand the nature of the role that they have as an architect in a particular projects according to levels of responsibility and how this may affect OHS responsibilities of all the parties.
- Undertake CPD to improve knowledge of Safe Design principles
- Communicate Safe Design issues to clients and contractors and keep records of these communications.

Institute activities and initiatives

- OHS Working Group continuing to monitor legislative implications for members
- Participation in and endorsement as a methodology for safer construction of CRC for Construction Innovation's Guide to Best Practice for Safer Construction
- Practice Advisory Notes
- Continuum OHS module for improving Safe Design knowledge as part of Continuous Professional Development.



Further Information and Links

List of Institute submissions

<http://www.architecture.com.au/i-cms?page=4104>

Queensland Chapter OHS webpage

<http://www.architecture.com.au/i-cms?page=1.18.3145.8549>

Guide to Best Practice for Safer Construction

<http://www.construction-innovation.info/index.php?id=1070>

If you have any questions or feedback regarding this policy, please email [here](#)