

Compliance code

Facilities in Construction

Edition 1
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COMMENT



Preface

This Compliance Code (**Code**) provides practical guidance for those who have duties or obligations in relation to the provision of facilities at construction site workplaces under the *Occupational Health and Safety Act 2004* (**OHS Act**) and Occupational Health and Safety Regulations 2017 (**OHS Regulations**).

The Code was developed by WorkSafe Victoria (**WorkSafe**). Representatives of employers and employees were consulted during its preparation. It was made under the OHS Act and approved by Robin Scott MP, Minister for Finance.

Duty holders under the OHS Act and OHS Regulations should use the Code together with this legislation.

While the guidance provided in the Code is not mandatory, a duty holder who complies with the Code will – to the extent it deals with their duties or obligations under the OHS Act and OHS Regulations – be considered to have complied with those duties or obligations.

If conditions at a construction site are different to those covered by the Code, compliance will need to be achieved by other means. WorkSafe publishes guidance to assist with this at **worksafe.vic.gov.au**.

Failure to observe the Code may be used as evidence in proceedings for an offence under the OHS Act or OHS Regulations. However, a duty holder will not fail to meet their legal duty simply because they have not followed the Code.

A WorkSafe inspector may cite the Code in a direction or condition in an improvement notice or prohibition notice as a means of achieving compliance.

An health and safety representative (**HSR**) may cite the Code in a provisional improvement notice when providing directions on how to remedy an alleged contravention of the OHS Act or OHS Regulations.

Approval for the Code may be varied or revoked by the Minister. To confirm the Code is current and in force, go to **worksafe.vic.gov.au**.

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PART 1 – INTRODUCTION

Purpose

1. The purpose of this Code is to provide practical guidance to duty holders about how to comply with their duties under the OHS Act and the OHS Regulations in relation to providing adequate facilities for the welfare of employees working on construction sites.

Scope

2. This Code provides information about the provision of workplace facilities for employees at construction sites, subject to the exclusions set out in paragraphs 5 and 6. It provides guidance on identifying the type of facilities that are appropriate and how to maintain them.
3. It is not possible for this Code to include every type of facility a duty holder may be required to provide at a construction site. The guidance in the Code should therefore be considered with regard to the particular characteristics and circumstances of the construction site.

What are workplace facilities?

4. Workplace facilities are things provided for the health, safety, welfare and personal hygiene of employees (including independent contractors). They include toilets, shelter, dining rooms, drinking water, personal storage and washing facilities.

Exclusions

5. This Code does not apply to construction sites for the construction, renovation or extension of residential buildings, plus any associated building or structure, if:
 - each residential building is classified as class 1 or 2 under the building Code of Australia; and
 - each associated building or structure is classified as class 10 under the Building Code of Australia.
6. This Code does not apply to civil construction and infrastructure maintenance sites where:
 - no more than six people are expected to be on site and/or are working; and
 - works are expected to take no more than five days.
7. Although this Code does not apply to these types of construction sites, it may still be a useful resource.
8. For specific information on the provision of facilities for housing sites, multi residential developments, mobile and short-term civil construction, and infrastructure maintenance sites go to worksafe.vic.gov.au. For information on the provision of facilities for all other

workplaces (ie not construction sites) refer to the *Workplace amenities and work environment* Compliance Code at worksafe.vic.gov.au.

Application

9. This Code applies to employers and persons in management or control of a construction site which is a workplace in Victoria. Additionally, it may be useful for health and safety representatives (HSRs) and employees (including independent contractors).

The word 'should' is used to indicate a recommended course of action, while 'may' is used to indicate an optional course of action. The words 'must', 'required' or 'mandatory' indicate a legal requirement that has to be complied with.

Who has duties?

10. **Employers** must, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risk to health for employees < OHS Act s21>. To ensure that employers provide a working environment that is safe and without risk to health they must eliminate risks to health and safety so far as is reasonably practicable, and if it is not reasonably practicable to eliminate the risks to health and safety, reduce those risks so far as is reasonably practicable. <OHS Act s20>
11. This general duty includes providing adequate facilities for the welfare of employees (including any independent contractors engaged by the employer and any employees of the independent contractors) at the workplace under the management and control of the employer, so far as is reasonably practicable. <OHS Act s21(2)(d), s21(3) and s22(1)(b)>
12. Employers also have a duty to monitor conditions at any workplace under the employer's management and control, so far as is reasonably practicable <OHS Act s22(1)(b)>.
13. An employer's duties also extend to independent contractors engaged by the employer and any employees of an independent contractor working at the workplace. The duties may extend, for example, to persons engaged to work through a labor hire agency. However, these extended duties are limited to matters over which the employer has control or would have control if there was not an agreement in place purporting to limit or remove that control. <OHS Act s21(3) and s35(2)>.
14. Employers must ensure, so far as is reasonably practicable, that members of the public (eg site visitors and volunteers) are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer. <OHS Act s23>

For information about what 'reasonably practicable' means when complying with Part 3 of the OHS Act, see the WorkSafe Position - 'How WorkSafe applies the law in relation to reasonably practicable' at worksafe.vic.gov.au

15. A **person with the management or control of a workplace** has a duty to ensure that the workplace and the means of entering and leaving it are safe and without risks to health, so far as is reasonably practicable. <OHS Act s26(1)>. These duties only apply in relation to matters over which the person has management or control. <OHS Act s26(2)> A builder is typically the person with management or control of a construction site.
16. A person who has the management or control of a construction site which is a workplace must ensure adequate facilities are provided for everyone working on the site as part of their general duty. Generally, there will be several employers who engage employees to carry out construction work on a site. In these circumstances, each employer must ensure the facilities are adequate for their employees under the OHS Act. Accordingly, the person with management or control of the workplace should coordinate with other employers on site in relation to what facilities are required for all employees onsite.
17. A **self-employed person** must ensure, so far as is reasonably practicable, that persons are not exposed to risks to their health or safety arising from the conduct of the undertaking of the self-employed person. <OHS Act s24>
18. **Employees**, while at work, have a duty to take reasonable care for their own health and safety and that of others who may be affected by their acts or omissions in the workplace. Employees must also cooperate with their employer's actions to make the workplace safe (eg by following any information, instruction and/or training provided). <OHS Act s25(1)>

Consultation

19. Employers must, so far as is reasonably practicable, consult with employees and HSRs, if any, when making decisions about the adequacy of facilities for the welfare of employees. <OHS Act s35(1)(c)> This duty extends to independent contractors (including any employees of the independent contractor) engaged by the employer. <OHS Act s35(2)-36>

Note: *Employers should consult with employees (including independent contractors) to the extent that is reasonably practicable in all the circumstances. What is reasonably practicable will depend on a range of factors. For example, the size and structure of the business, the nature of the work, work arrangements (eg shift work), and characteristics of employees (eg language or literacy) will all have an impact on the way consultation is provided.*

20. Employers who are required to consult must share information about the matter with employees (including independent contractors) and HSRs, give them a reasonable opportunity to express their views, and take those views into account before making a decision. <OHS Act s36>
21. Employers should consult with employees as early as possible when planning to:
 - introduce new work or change existing work
 - select new plant
 - refurbish, renovate or redesign existing workplaces
 - carry out work in new environments.
22. Employers should also encourage employees to report any problems immediately so that risks can be managed before an injury occurs.
23. Employees may have practical suggestions or potential solutions that may be implemented.
24. See **worksafe.vic.gov.au** for more information on consultation.

PART 2 – IDENTIFYING AND MAINTAINING FACILITIES

What facilities should be provided?

25. To determine what are adequate facilities in each case, the needs and requirements of employees on site should be identified and assessed in consultation with employees and HSRs.
26. Determining what facilities are required will depend on the activities or operations carried out at the construction site. This includes:
- the type of site (eg remote, long term or short term project)
 - the type of construction activities to be undertaken (eg will employees need to change clothes, handle chemicals?)
 - the composition of the workforce (eg number of employees, the requirements of both men and women on site, types of trades, any employees with special needs).
27. The various trades at construction sites may require specific facilities not needed by other trades due to the activities undertaken and the type of equipment used. The checklist in Appendix B may help determine what facilities are required.

Providing access to facilities

28. Employees should be able to easily access any facilities provided. For example:
- facilities should be located so they are conveniently accessible to employees on the site, but not so close to the work location as to cause a nuisance to anyone working
 - where the construction work extends over many storeys, the toilet facilities should be located at least on each fifth floor so that employees do not have to walk more than two floors to reach the toilet facilities
 - drinking water should be provided at various locations around the site depending on the layout and size of the site. Additional drinking water should be located close to areas where hot or strenuous work is being undertaken (eg work on exposed formwork decks)
 - employees onsite outside normal site hours should have access to all site facilities
 - the entry and exit to facilities should be safe, and include emergency exits and lighting.
29. For more information on emergency lighting and exit signage, go to worksafe.vic.gov.au.

Maintaining facilities

30. Workplace facilities should be maintained in a condition that is safe and without risks to health.
31. Facilities such as meal areas and change rooms should be cleaned regularly to ensure they are clean and hygienic. Any refuse and waste should be removed regularly from bins, floors, stairways and passageways.
32. Showers, toilets and washing facilities should be sanitised regularly and kept in a clean and tidy condition. Toilets and sanitary disposal units should be serviced regularly.
33. Consumable items such as soap and toilet paper should be replenished regularly. Any repairs required to keep facilities in good working order (such as plumbing, air conditioning and lighting) should be undertaken in a timely manner. Furniture such as lockers or seating should be maintained.
34. Electrical equipment such as toasters, fridges, boiling water units and kettles should be maintained and regularly inspected for damage and electrically tested (tested and tagged). For more information on electrical safety go to **worksafe.vic.gov.au**.
35. When using portable generators, they should be capable of providing power to facilitate lighting, heating and boiling water at the same time. The portable generator should be positioned so that any harmful exhaust gases do not enter any facilities.
36. Portable gas appliances for heating or boiling water should not be used, due to risks of asphyxiation or explosion. If they are used, such appliances should not be used or stored inside facilities.

Monitoring and review

37. The type and number of facilities provided should be periodically reviewed in consultation with affected employees, contractors and HSRs.
38. A review of facilities should be done when:
 - more employees and/or contractors are engaged
 - the work place environment changes as the build progresses and impacts on the facilities or access to facilities
 - following a complaint about the adequacy of the facilities, or
 - requested by an HSR.

PART 3 – TYPES OF FACILITIES FOR CONSTRUCTION SITES

Drinking water

39. Clean drinking water should be provided for employees at all times. The water should be cool, clean, potable (safe for consumption) and palatable. Water should be hygienically provided (eg disposable cups).
40. Drinking water taken from mains water supply should be from separate taps to those supplying water for washing, general site water and not be located inside toilet areas, including the toilet hand washing area to avoid contamination. Drinking water taps should be labelled to avoid confusion.
41. Where a connection to mains water supply is not practicable (such as temporary, remote or mobile site), drinking water should be provided by another means (eg bulk water dispenser or individual disposable bottles). Bottled water should be kept cool and stored in a hygienic manner.

Toilets

42. Employees should have access to clean and hygienic toilets at all times while on site.

Design of toilets

43. Toilets should include at least one closet and where required, a combination of closets and urinals. Where a slab urinal is provided, each 600 millimetres can be regarded as one urinal.
44. A unisex toilet is a toilet that comprises of one closet pan, one wash basin and a sanitary disposal unit. Unisex toilets should be fully enclosed for privacy and have a door that can be securely locked from the inside.
45. The toilet facilities should be connected to a sewerage system. Where it is not reasonably practicable to connect to the sewerage system, self-contained fresh water flushing type toilets (eg portable water seal toilets) or an equivalent should be used. Pan type closets or straight drop toilets do not meet hygiene requirements.
46. Toilets should:
 - be clearly marked
 - be fitted with a hinged seat and lid
 - be fitted with a hinged door capable of locking from the inside of each closet
 - have a floor constructed of, or covered with, a durable impervious material and situated at least 75 millimetres above the surrounding ground level.

47. Each toilet should include hand washing facilities (general washing facilities may be used if it is located adjacent to the toilet facility).

Number and gender ratios

48. The number of toilets required by employees depends on the number of employees and the composition of the workforce.

49. Generally, separate male and female toilet facilities should be provided where there are both male and females onsite.

50. Subject to the provision of unisex toilets in limited circumstances (see paragraph 53), the number of closets and urinals should be provided in accordance with the following scale:

(1) For up to 100 employees of one gender at the site at any one time:

Employees/Contractors	No of closets	No of urinals
1 – 5	1	Nil
6 – 10	1	1
11 – 20	2	2
21 – 35	3	4
36 – 50	4	6
51 – 75	5	7
76 – 100	6	8

Note:

1. In the case of toilets for male use, a closet can be substituted in place of a urinal.
2. In the case of toilets for female use, the allocation for urinals should be replaced by additional closets.

(2) Where there are more than 101 but no more than 200 persons of the same gender on the site provide:

- for each additional 20 males, one additional closet and one additional urinal; and
- for each additional 20 females, two additional closets

(3) Where more than 200 persons of the same gender are on the site provide:

- for each additional 35 males, one additional closet and urinal; and
- for each additional 35 females, two additional closets.

51. In the case of toilets for female use, the allocation of urinals should be replaced by closets. A sanitary disposal unit should be provided in at least one in every three closets. Where female toilets are not part of a block of toilets but are single units (eg a portable toilet), a sanitary unit should be provided in each unit.

52. If the exact make-up of the workforce is unknown, toilet facilities should accommodate both male and females.
53. Unisex toilets may be provided where:
- the total number of people who normally work at the site is 10 or fewer, and
 - there are two or fewer employees of one gender.

Example: Two male and three female employees on a construction site can share a unisex toilet as there are fewer than 10 employees in total, and two or fewer of one gender. Only one unisex toilet should be provided as there are only five employees in total.

Example: Two female and eight male employees on a construction site can share unisex toilets as there are 10 employees in total, and two or fewer of one gender. Two unisex toilets should be provided as there are 10 employees in total.

Hand washing

54. Construction sites should have hand washing facilities available so employees can maintain personal hygiene and clean the by-products of their work from their hands and faces before eating or leaving the site.
55. Hand washing facilities should:
- be adjacent to toilets if toilets do not have internal washing facilities
 - be separate from troughs or sinks used in work processes
 - include hot and cold water outlets or temperature mixing outlets
 - have soap or other cleaning products
 - have hygienic hand drying facilities (e.g. disposable paper towels, or air dryers for hand drying), and
 - have waste containers for the disposal of paper towels etc.
56. Mirrors should be provided and located near hand washing facilities.
57. The number of hand washing stations required depends on the number of employees, the composition of the workforce and the type of work being done. Where the number of females requires a separate female toilet to be provided, separate female hand washing facilities should be established.

Showers

58. Shower facilities should be provided where the nature of the work may require employees to shower (eg where processes are particularly dusty).

59. Shower facilities should include access to hot and cold water.
60. The number of showers should be determined by the number of employees involved in those types of work processes who require showers at any one time. At least one shower cubicle for every 10 employees should be provided.
61. Separate shower facilities should be provided for male and females. However, in small or temporary workplaces where privacy can be assured it may be acceptable to provide one unisex shower if:
 - the shower and adjacent change room walls are full height
 - shower and adjacent change room doors can be locked from the inside.

Other washing facilities

62. Where there is a risk of contact with harmful substances, an immediately accessible eye bath should be provided.
63. Where an employee is required to change clothes and wear special protective work clothing to work with harmful substances, an appropriate facility for decontamination that is separate from washing facilities should be provided (eg drench showers). In these cases, change room facilities should be duplicated. Protective clothing that gets wet during decontamination should be stored in a separate, well-ventilated area to dry.
64. Storage provided for protective clothing should be separate to that provided for personal clothing. Protective clothing and personal clothing should not come into contact with each other or be stored in the same facility.

Decontamination facilities

65. The OHS Regulations include specific requirements for work involving the removal of asbestos or working with lead, including the provision of decontamination facilities.
<OHS Regulations Parts 4.3 and 4.4>
66. For further guidance on asbestos, go to the *Managing Asbestos in Workplaces* Compliance Code and *Removing Asbestos in Workplaces* Compliance Code, at **worksafe.vic.gov.au**.
67. For further guidance on working with lead, go to **worksafe.vic.gov.au**.

Meal facilities

68. Employees should be provided with access to hygienic meal areas with appropriate facilities to prepare and eat meals and store food.

69. A meals area should:

- be hygienic and weatherproof
- be separated from toilet facilities and any hazards (including noise, heat and atmospheric contaminants)
- be separate from any work processes
- be maintained with a comfortable temperature range. This may be achieved through artificial heating and cooling
- have a floor
- have a lined ceiling and walls
- have adequate ventilations and lighting (natural or artificial)
- have fly screens if fitted with outside fitting windows
- have washable surfaces
- have exit doors that can be opened at all times from the inside.

70. The meals area should provide at least 0.75 of a square metre of floor area, exclusive of benches, sinks and refrigerators, for each person working on the site at any one time and should not be:

- less than 4.65 square metres where there are four or less employees or contractors, or
- less than nine square metres where five or more employees or contractors are working at any one time and it appears that the building operation will take at least two weeks to complete, or
- less than 1.0 square metre for each person working on the site where more than 20 employees or contractors are working at any one time and accommodation for eating meals is not provided separately from accommodation for other purposes.

71. Dining facilities or meals areas should not be used for any other purpose than for preparing and eating meals. They should not be used for storage of construction materials or equipment other than personal tools that can fit into a worker's secure storage (see paragraph 77).

Change rooms

72. Employees who are required to change in and out of clothing should have access to appropriate change rooms. This includes employees who:

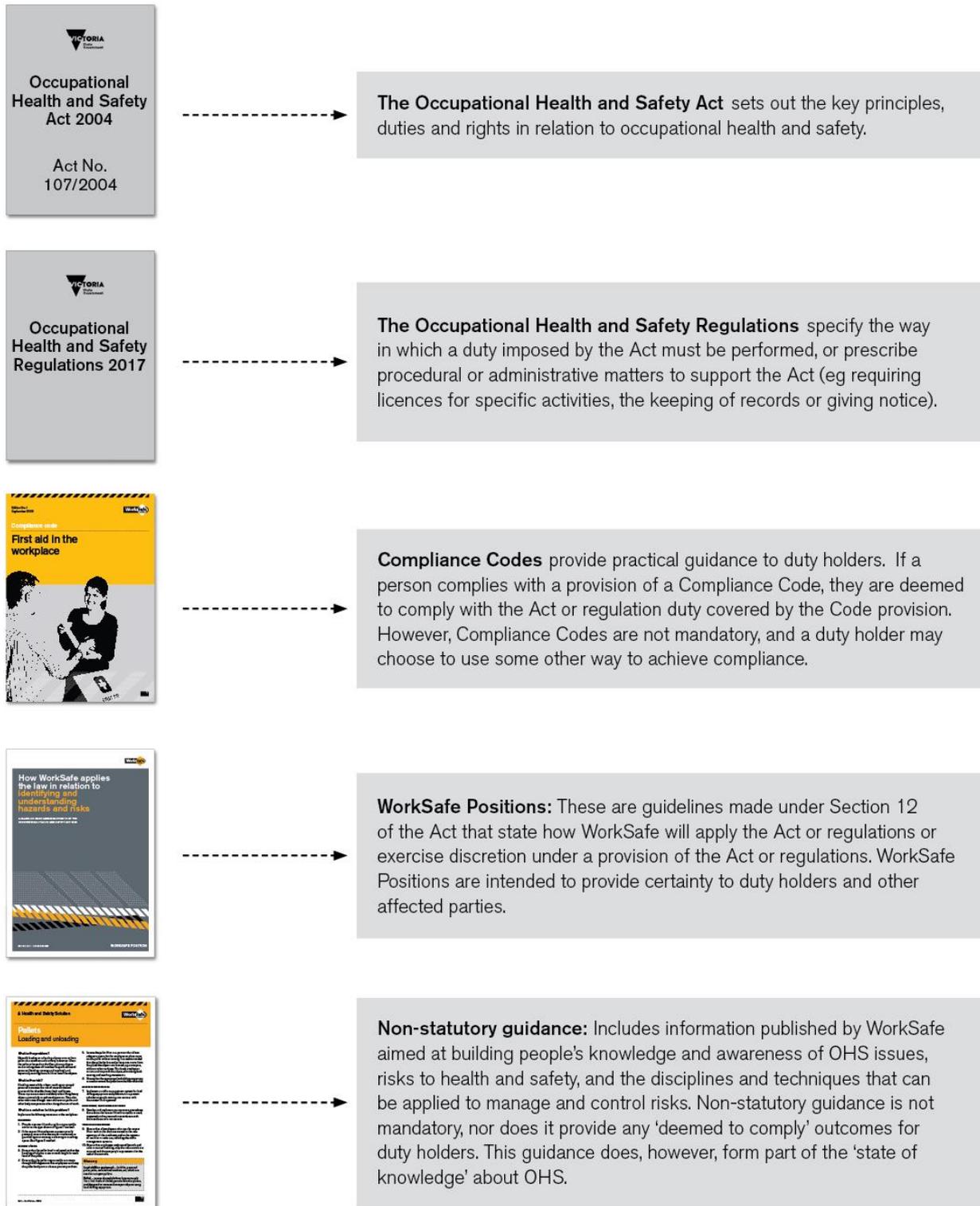
- need to wear personal protective clothing and equipment while at work
- are required for other reasons to wear particular clothing, such as uniforms, while they are at work.

73. Where there are both male and female employees at the site and separate change rooms cannot be provided, change rooms with enclosures or compartments that can be reasonably used by persons of either gender with suitable privacy can be provided.
74. Dedicated change rooms should be provided where 20 or more employees are on the site. A clear space of at least 0.5m² for each person who is required to change clothes at any one time should be allowed.
75. Change rooms should be conveniently located and have enough space to hang and dry clothing if required.
76. A bench or seat should also be provided to allow a person to sit when dressing or undressing, and the temperature in the change rooms should be at a comfortable level (additional heating or cooling may be required).

Personal storage

77. Employees should be provided with accessible, secure storage at the workplace that:
- enables personal property (such as bags, jewellery, keys, mobile phones or personal medications) to be stored securely while employees are at work; and
 - is separate from the storage provided for personal protective clothing and equipment to avoid contamination of personal property.
78. Where lockers are provided for clothing, they may also serve as secure storage for other personal property.

APPENDIX A – The Compliance Framework



APPENDIX B – Facilities planning checklist

Facilities planning checklist	
Drinking water (page 10)	✓ x Action to be taken
Is drinking water available for employees and contractors?	<input type="checkbox"/>
Are the drinking water outlets separate from toilet and washing facilities?	<input type="checkbox"/>
Is the water hygienically provided – no shared cups or glasses?	<input type="checkbox"/>
Is the water clean, cool, safe for human consumption and palatable?	<input type="checkbox"/>
Toilets (pages 10)	✓ x Action to be taken
If the workplace has 10 or fewer employees and contractors (and two or fewer of one gender):	<input type="checkbox"/>
<ul style="list-style-type: none"> • have separate male and female toilets been provided; or • have unisex toilets been provided? 	
Have the appropriate number of toilets been provided?	<input type="checkbox"/>
<ul style="list-style-type: none"> • Where there are up to 100 employees and contractors, have toilets been provided in accordance with the table on page 11? • Where there are 101 to 200 employees and contractors, is there at least one additional toilet and one additional urinal for every 20 males and two additional toilets per 20 females? • Where there are more than 200 employees and contractors, is there at least one additional toilet and one additional urinal for every 35 males, and two additional toilets per 35 females? 	
Are toilets	<input type="checkbox"/>
<ul style="list-style-type: none"> • connected to the sewer where reasonably practicable; or • if it is not reasonably practicable to connect to the sewer, are self-contained fresh water flushing type toilets or equivalent used? 	
Are toilets clearly marked and do they have lockable doors?	<input type="checkbox"/>
Are toilets cleaned and sanitised regularly?	<input type="checkbox"/>
Is there adequate toilet paper, hand washing facilities and soap, rubbish bins and sanitary disposal?	<input type="checkbox"/>
Hand washing (page 12)	✓ x Action to be taken
Are there sufficient hand washing facilities taking into account the number of employees and contractors, the composition of the workforce and the type of work being done?	<input type="checkbox"/>
Are the hand washing facilities:	<input type="checkbox"/>
<ul style="list-style-type: none"> • separate from work-related troughs or sinks, protected from weather? • accessible from work areas, dining facilities and toilets? 	
Is hot and cold water and soap (or another cleaning product) provided?	<input type="checkbox"/>
Is hygienic hand drying provided?	<input type="checkbox"/>
Showers (pages 12 – 13)	✓ x Action to be taken
Are showers provided for employees and contractors where the nature of their work may require them to shower (e.g. dusty processes or work that involves hazardous substances)?	<input type="checkbox"/>
Is there one shower cubicle for every 10 employees and contractors who may need to shower?	<input type="checkbox"/>

Are there separate facilities for male and female employees/contractors, or other appropriate forms of security to ensure privacy?	<input type="checkbox"/>
Is there hot and cold water and soap (or other cleaning product) provided?	<input type="checkbox"/>
Other washing facilities/decontamination (page 13)	✓ x Action to be taken
Have decontamination facilities been provided for employees and contractors who use harmful, toxic or hazardous substances?	<input type="checkbox"/>
If there is a risk of contact with harmful substances, is an immediately accessible eye bath provided?	<input type="checkbox"/>
Meal facilities (page 13)	✓ x Action to be taken
Is the meals area appropriate for preparing and eating meals as well as for storing food?	<input type="checkbox"/>
Does the meals area have adequate protection from the elements, contaminants and hazards, and separation from the work area?	<input type="checkbox"/>
Is the meals area of sufficient size to accommodate the number of employees and contractors on site?	<input type="checkbox"/>
Change rooms (pages 14 – 15)	✓ x Action to be taken
Are change rooms provided for employees and contractors who are required to change in and out of clothing apparel?	<input type="checkbox"/>
Do change rooms provide appropriate privacy for male and female employees and contractors?	<input type="checkbox"/>
Do change rooms allow a clear space of at least 0.5 square metres for each employee and contractor?	<input type="checkbox"/>
Is the change room temperature comfortable for changing clothing?	<input type="checkbox"/>
Personal storage (page 15)	✓ x Action to be taken
Is there accessible, secure storage at the workplace for employees' and contractors' personal property?	<input type="checkbox"/>
Is personal storage separate from any storage facilities provided for personal protective clothing and equipment?	<input type="checkbox"/>
Consultation (page 6)	✓ x Action to be taken
Has there been employee and contractor consultation on any decisions about the adequacy of the facilities?	<input type="checkbox"/>
Have HSRs been consulted?	<input type="checkbox"/>
Maintaining facilities (page 9)	✓ x Action to be taken
Have arrangements been made for consumable items such as soap and toilet paper to be replaced regularly?	<input type="checkbox"/>
Have processes been put in place to ensure equipment and furniture such as fridges, lockers and seating are well maintained?	<input type="checkbox"/>
Have arrangements been made for workplace facilities to be cleaned regularly?	<input type="checkbox"/>
Have processes been put in place for the type and number of facilities to be reviewed periodically? E.g. when work practices or workplaces are modified, more employees and contractors are engaged, new work processes are introduced, or an incident impacting health, safety or welfare of employees and contractors occurs.	<input type="checkbox"/>