

# Fall CRISIS

- an urgent call to action for OHS policy makers and regulators

10 SEPTEMBER 2013

The Working At Heights Association (WAHA) formally expresses its concern at the high level of unsafe installations of height safety equipment observed by a number of members in commercial and industrial workplaces.

WAHA is concerned that the unsafe installations will result in fatalities and serious compensation claims, if not they have not already, and seeks immediate intervention by the regulator.

## 1 Equipment prone to failure

Installer members of WAHA aggregated audit data over three months and found widespread systemic failure of:

1. Anchors and static lines (vertical and horizontal) used as attachment points for harnesses.
2. Permanently installed guard railing that protects workers from falling from unprotected edges and falling off platforms.
3. Fixed ladders used to access different levels of working areas.

## 2 The evidence

Safe Work Australia reported 26,705 compensation claims for slips, trips and falls at a cost of \$6.7 billion to the community during 2008–2009. The statistics do not reveal what proportion of these were caused by fall prevention equipment, design or installation failures.

In the absence of specific injury data, WAHA collated the results of equipment audits conducted by its members over a three month period. The WAHA Fall Prevention Equipment Audit Survey Report concluded unsafe equipment installations are systemic throughout Australia and that the thousands of workers who rely on this critical equipment are unknowingly endangering their lives every day.

The survey was not of residential or commercial construction sites. It applied to industrial and commercial buildings already handed over to the occupant with a certificate of occupancy (OC).

The evidence is that the issues relate to:

1. The design and suitability of the control measures; and
2. The method of installation and structural capability of the fall prevention equipment to stop a fall.

A copy of the report is enclosed.

## 3 Who it affects and where it is used

Two distinct groups of workers are affected by the low level of fall prevention equipment compliance: installers and users.

## 3.1 Installers

There are no specific training requirements for fall prevention installers, other than the general need for “competence”. Nor are formal training courses available. As a consequence, anyone can become a fall prevention installer and issue certificates of compliance for their own work, irrespective of whether they have any expertise.

### 3.1.1 Level of risk

By definition, fall prevention equipment installers work almost continuously in a high-risk environment. They work at heights in workplaces that are yet to be fitted with height safety systems.

### 3.1.2 Scope of use

Fall prevention equipment installers must themselves apply the principles of safe work at height but without the protective equipment provided for other workers. Aside from administration and travel to site, all their time is spent working at heights.

### 3.1.3 Operator control

A great deal of skill, knowledge and judgement is required by fall prevention equipment installers. In order to maintain an adequate level of safety, they must:

- Assess each worksite – which is unfamiliar and highly variable;
- Access the site safely, generally without the benefit of existing fall prevention equipment;
- Consider external influences on the site’s safety, which may be unpredictable;
- Avoid creating new hazards from falling objects;
- Comply with multiple regulatory documents, including codes, Australian Standards and regulations.

WAHA members observe that, in practice, only a minority of equipment installers routinely meet these basic requirements and that in some cases operators do not carry the relevant level of insurances required to cover their employees in the event of a serious incident occurring.

## 3.2 Users

Typical users of the fall prevention equipment are maintenance people engaged to perform routine tasks by facilities managers including:

- Routine servicing of air-conditioning, refrigeration, extraction;
- Essential service compliance inspections and servicing of fire exhausts;
- cleaning of gutters; and
- maintaining telecommunications and electrical equipment.

Other users however, can include groundskeepers and even teachers retrieving balls from school building rooftops.

### 3.2.1 Level of risk

Working at heights is a high risk activity and falls are likely to be catastrophic. Appropriate fall prevention equipment can and does save lives, but even those users equipped with functioning fall arrest systems (harnesses and lanyards) can be killed when slamming into the side of a building due to the pendulum effect, or hitting the ground when fall distances are incorrectly computed.

It goes without saying that fall prevention equipment that is incapable of saving lives multiplies the risk as people that trust the very equipment that is designed to save their lives may in fact contribute to the injury or death resulting from a performance failure.

### 3.2.2 Scope of use

A spectrum of fall prevention equipment – from guardrails to roof safety anchors – is used almost universally to access the rooftops of Australian buildings. Unlike construction safety measures such as mesh, these fall prevention systems play an active life-saving role for workers over decades throughout the building's life.

### 3.2.3 Operator control

Users of fall prevention equipment stake their lives on the competency of the installer. Few would have the opportunity to test the safety of the equipment before use.

## 4 How this has come about

The life-saving capacity of fall prevention equipment depends on robust self-regulation and it is undeniable that self-regulation has failed.

The equipment and installations generally relate to AS/NZS1891 and AS1657. With the exception of a few limited areas in AS1657, these are not referenced in the BCA/National Construction Code for roof access or working at height. There is therefore no requirement for independent certification of safety systems or oversight from the building regulators.

Even if this was referenced in the BCA/National Construction Code, retrofitting and refurbishment work would fall outside the BCA.

Meeting the requirements of the Australian Standards are optional. None are mandated.

Whilst there are numerous Australian Standards, codes of practise, legislation and penalties for breaches of WHS legislation, the Workcover inspectors generally do not have a detailed knowledge of them and do not enforce compliance.

If equipment is unsafe, there is no mandatory reporting requirement, as it is not regarded as a near miss due to the partial failure of a building or structure.

Since the systems rely on a high degree of user skill and administrative control, it is very difficult for inspectors to appreciate the issues, or to observe the behaviour. All they see is the item. Without specialised training, it is difficult to recognise that it has to be located in a particular position and used in a particular way to save a life in the event of a fall.

## 5 Public consultation

To assess public support for change, a fall prevention industry crisis meeting was held on Tuesday 3<sup>rd</sup> September 2013 in Sydney. 191 attended representing installers, manufacturers, government departments, builders, user groups, public and private companies, local government and sole traders.

Before the meeting concluded, five specific issues were tabled and each put to a vote. There was unanimous support for each the following:

1. The safety of Australia's fall prevention equipment installations must be improved;
2. Compliance with Australian Standards for fall prevention equipment should be compulsory;
3. Formal training for fall prevention equipment installers should be mandatory;
4. Fall prevention equipment installers should be licensed; and
5. Regulators should inspect fall prevention equipment.

The public consultation session was filmed and may be viewed at the link provided in the attached sheet.

## 6 Call to action

The Working At Heights Association formally calls for action from OHS policy makers and regulators, including:

1. Communicate to stakeholders and industry that the safety of Australia's fall prevention equipment installations must be improved, and tell them what you want them to do so that they can meet their legal obligations.
2. The state OHS regulators to lead by educating inspectors and actively policing the installations and industry.
3. Mandate the application of Australian Standards AS/NZS1891 and AS1657 and AS/NZS5532 in workplaces.
4. Mandate training for installers, which is intended to both protect the installers who work at height and teach the installers how to install the equipment correctly.
5. Given that the work of fall prevention installers fulfils all of the principles listed in the National Standard for Licensing Persons Performing High Risk Work (see section 3 of this document), recognise design and installation as high risk work and license accordingly.

The Working At Heights Association requests a meeting with you to discuss this report and how we can work together to lift that safety of fall prevention equipment standards.

## 7 Other activity being undertaken

The Working At Heights Association is presently drafting an installer 'code of conduct' as a basis for setting the minimum acceptable standards for operators performing installations, as well as suggesting 'best practice' for the same. We also request input from the regulators to practical implementation and adoption of this code by industry as a basis for improving safety levels of operators during installations as well as the workplace owners and their tenants and employees.

Yours sincerely

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