TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s.23 application for award or variation of award

Construction, Forestry, Mining and Energy Union, Tasmanian Branch (T11434 of 2004)

BUILDING AND CONSTRUCTION INDUSTRY AWARD

COMMISSIONER T J ABEY

Award variation - Clause 38 - Amenities - consent application - application approved - operative date 15 December 2004

ORDER BY CONSENT -

No 3 of 2004

AMEND THE **BUILDING AND CONSTRUCTION INDUSTRY AWARD** IN THE FOLLOWING MANNER:

1. By deleting from Part VIII – Occupational Health and Safety, Tools and Amenities, Clause 38 – Amenities, Division A – Building Work and inserting in lieu thereof the following:

"38 AMENITIES

DIVISION A – BUILDING WORK

- (a) This clause covers the provision of amenities for persons engaged in work within the scope of this award (excluding sub-clause 3(c) Civil Construction and Maintenance Work) including:
 - General provisions
 - Change rooms
 - Meal rooms
 - Toilets and sanitation
 - Washing
 - Showers
 - Safe keeping of tools and personal belongings
- (b) Consultation

The principal contractor, the contractor, self-employed persons, employers, employees and their Unions are to consult with each other regarding requirements of this clause prior to commencement of site work, where requested by the principal contractor.

(c) Establishing What is Reasonably Practicable

The provision of workplace amenities that are reasonable or reasonably practical (referred to in the table in (g)) shall take into account the following:

- the type of workplace
- the location of the workplace
- the nature of the work done
- the number of workers on a site
- the distance from the workplace to the nearest available and appropriate amenities
- the time required to access the amenities
- the availability of power and services

(d) Planning and Preparation

(i) Planning by the Principal Contractor

The principal contractor, as an employer or person in control has a statutory duty under the *Workplace Health and Safety Act 1995* to provide and maintain, so far as is reasonably practicable a workplace that is safe and without risks to health for their employees and any other person present at the workplace, or affected by the work in relation to those matters over which he or she has control.

To fulfil these obligations the principal contractor is to plan for the provision of amenities. The minimum level of amenities required will depend on the type of workplace.

(ii) Workplaces are divided into four types. (The provision of amenities for each type of workplace is outlined in (g) Table - Amenities for Various Workplaces):

Type 1 - Major building construction

This is usually of fixed location where there are more than 10 persons working for the duration of work which is more than six consecutive weeks. For example, commercial building, engineering construction and multiple residential construction. For housing construction see Type 4.

Type 2 - Minor building construction

This is usually of fixed location where there are less than 10 persons, working for the duration of work which is less than six consecutive weeks. For example, commercial building, engineering construction and multiple residential construction. For housing construction see Type 4.

Type 3 - Building alterations (with access to amenities)

This is usually of fixed location with reasonable access to existing building amenities such as major and minor fit-outs, alterations and extensions.

Type 4 - House construction (see definition of house)

A workplace where workers carry out construction of, or major alterations to a house.

(e) General Provisions for All Workplaces

At the planning stage of each building construction project, the principal contractor responsible for amenities on site is to plan for the following:

- (i) The provision of the type of amenities required as determined by the type of workplace (see (g) Table Amenities for Various Workplaces.
- (ii) The safe and convenient location of amenities required.

- (iii) Where they are required enclosed amenities are to:
 - be of sound construction and weatherproof
 - be appropriately insulated against weather conditions
- (iv) All amenities are to be kept clean and sanitary. (Surfaces should be finished to allow for regular and easy cleaning.)
- (v) An adequate supply of cleaning equipment and accessories, such as soap, hand drying facility, toilet paper, cleaning agents, mops, brooms etc should be made available.
- (vi) Amenities should not be used for the storage of any building materials or equipment, with the exception of employees' personal work tools and protective equipment.
- (vii) Adequate lighting (natural and/or artificial) should be provided for safe access to amenities.
- (viii) Where change rooms and meal rooms are provided, they are to be separate or separated by an internal wall.

(f) Types of Amenities

Refer to Table in (g) - Amenities for Various Workplaces to determine what amenities should be provided for workplace Types 1 - 4.

For Type 1 workplaces only, all amenities covered in this section should be provided. For workplace Types 2, 3 and 4 refer to the Table in (g) to determine which amenities should be provided.

(i) Change Rooms

- (1) Change rooms should be provided where it is reasonably practical and the type of work or location of work necessitates that employees change their clothes.
- (2) Change rooms should be for the exclusive use of persons engaged on site.
- (3) The change room area should have a minimum floor area of 0.5 square metre for each person changing clothes at any one time. The floor area includes bench seating, but excludes floor occupied by furniture, fittings, fixed storage space, or any other permanently fixed items.
- (4) Suitable bench seating in all change rooms at least 400mm wide and 460mm in length for each person using the room at any one time.

- (5) Adequate numbers of secure hooks should be provided for hanging clothes and be spaced at least 460mm apart. Where appropriate to the type of work being performed, additional hooks for hanging up personal work tools should be provided.
- (6) Change rooms with suitable enclosures or compartments for privacy should be provided where both males and females are employed on the site.

(ii) Meal Rooms

- (1) Adequate numbers of suitable tables and seating shall be provided for eating meals.
- (2) The floor area provided should be at the rate of at least one square metre of floor space for each person using the room at any one time. This space includes space occupied by any tables, seating, refrigerator and sink.
- (3) Seating may be individual chairs for each person or bench seating appropriate to the number of persons using the room at any one time.
- (4) Tables of sturdy construction should be provided and of a length calculated at 560mm for each person using the facility at any one time.
- (5) Meal rooms should have adequate means of cooling or heating, such as:
 - flow through ventilation
 - heaters
 - other alternate methods such as cooling fans.
- (6) A refrigerator(s) of adequate size should be provided in each meal room to store perishable foods for all persons using the meal room.
- (7) An adequate supply of boiling water for hot drinks should be provided.
- (8) Food warming facilities of adequate size should be provided in each meal room.
- (9) A sink unit of adequate size, with a supply of clean water, should be provided in each meal room.
- (10) A suitable space or shelves for storage of employees' provisions should be provided such as for utensils and food.
- (11) Garbage bins, with removable liners and secure lids should be provided. Bins should be emptied weekly or more frequently if required.

(iii) Toilets

- (1) Toilets are to be clearly marked where separate toilets are provided for males and females.
- (2) Where urinals are provided for males, provide toilets at a ratio of at least one for each 20 persons or fraction of 20 persons.
- (3) Where no urinals are provided for males, provide toilets at a ratio of at least one for each 15 persons or fraction of 15 persons.
- (4) The number of toilets provided for females should be at a ratio of at least one for each 10 persons or fraction of 10 persons.
- (5) Toilets and urinals should be installed so as to provide adequate privacy.
- (6) Toilets are to be connected to the sewer where reasonably practical.
- (7) If connection to a sewer is not practicable self-contained freshwater flushing or open closet portable toilets are to be provided.
- (8) Toilets that are not connected to a sewer are to be serviced at least once every two weeks for a toilet used by up to five persons, or at least once every week for a toilet used by more than five persons.
- (9) Toilet facilities should be installed to prevent any odours reaching dining facilities.
- (10) Portable toilets are to be installed to prevent them toppling over.
- (11) Toilets should be located as close as practicable to the workplace and/or amenities.
- (12) Toilets should be soundly constructed single units, or separated by partitions of strong construction at least 1.5m in height, with internal measurements of at least 1400mm long X 850mm wide and 2.2m high. Each toilet should be weatherproof and provided with adequate natural/artificial lighting and ventilation. The internal measurements for portable toilets should be at least 1.05 square metres in area and 1.9 metres high.
- (13) Each toilet should be fitted with hinged seat and lid and hinged door. The door should be capable of being fastened from the inside.
- (14) Each toilet should be well drained and have a floor constructed of, or covered with, a durable waterproof material.
- (15) Sanitary disposal units for female use should be provided, where required, and serviced regularly.

(iv) Washing Facilities

- (1) Washing facilities within or adjacent to each toilet or urinal are to be provided.
- (2) Clean water and cleansing agents (and disinfecting agents where appropriate) are to be provided for the purposes of washing.
- (3) Basins or wash trough points should be provided with water, and hot water where practicable, at the rate of at least one for each 10 persons or fraction of 10 persons.
- (4) Water taps over a trough should be at least 500mm apart.
- (5) Adequate number of mirrors should be provided at convenient points.
- (6) Garbage bins, with removable liners and secure lids are to be provided. Bins should be emptied weekly or more frequently if required.

(v) Showers

- (1) Shower facilities should be provided where required by the type of work being done and where it is reasonably practical to provide the facilities.
- (2) When required, a minimum of one shower for each project should be provided and at the rate of at least one for each 25 persons or fraction of 25 persons. A higher ratio should be provided for work such as demolition, tunnelling or work of a dirty nature.
- (3) Separate shower facilities should be provided with adequate privacy for the exclusive use of male or females, where both males and females are employed.
- (4) Each shower cubicle should have a shower curtain or door, soap holder, and hot and cold water.
- (5) Shower facilities are to have non-slip flooring throughout.
- (6) Bench seating at least 400mm wide and at least 460mm in length for each shower adjacent to each group of showers should be provided.
- (7) At least one hook or peg for hanging clothes (for each shower cubicle) should be provided.

(vi) Drinking Water

- (1) An adequate supply of drinkable water is to be available on work sites.
- (2) Where a connection to a water supply is not reasonably practicable, supply will be provided by other means suitable for dispensing drinking water.
- (vii) Facilities for the Safe Keeping of Tools and Personal Belongings
 - (1) A space should be provided for employees to bring hand tools inside amenity sheds during breaks/change times.
 - (2) Hooks or pegs (not nails) should be provided to enable hand tools to be kept off the floor. These should be in addition to hooks provided for clothes.

(g) Table - Amenities for Various Workplaces

The following table summarises the amenities required for each type of workplace.

Type of workplace	Type 1 Major building construction	Type 2 Minor building construction	Type 3 Building alterations (with access to amenities)	Type 4 House construction
General provisions	Provide as in (e)	Provide as in (e)	Provide as in (e)	Provide as in (e)
Change rooms	Provide as in (f) (i)	Provide change rooms if required by the type of work or as determined to be reasonably practicable. Alternatively, provide mobile amenities, eg. A caravan.		

Meal rooms	Provide as in (f) (ii)	Provide reasonable access to a meal facility if no existing dining facilities are close by.	Provide access to existing facilities.	Provide reasonable access to a meal facility. Alternatively, provide mobile amenities, eg. A caravan.
Toilets	Provide as in (f) (iii)	Provide access to at least one sewered, septic or portable toilet as specified in (f)(iii).	Provided access to existing facilities.	Provide access to toilet(s), or provide portable toilet(s) as specified in (f)(iii).
Washing/ showers	Provide as in (f) (iv), (f) (v)	Provide access to hand washing and shower facilities where the work requires and where it is reasonably practical to provide.	Provide access to existing facilities.	Provide or arrange access to hand washing facilities.
Drinking water	Provide as in (f)(vi)	Provide as in (f)(vi)	Provide as in (f)(vi)	Provide as in (f)(vi)

(h) Definitions

For the purposes of this sub-clause, the following definitions have application.

'Employee' means an individual who works under a contract of employment or apprenticeship.

'Employer' means a corporation which, or an individual who, employs persons under contracts of employment or apprenticeship.

'Principal contractor' means the person with overall responsibility for the construction work and includes the owner builder. Depending on the contractual arrangements which are in place, the principal contractor may be an employer, self-employed person or a person in control within the terms of the *Workplace Health and Safety Act 1995*.

'Self-employed person' means a person who works for gain or reward but not under a contract of employment or apprenticeship, whether or not they employ others.

'Multi-storey unit blocks' means where more than 4 units are being constructed on more than 1 level.

'House' means:

a building other than multi-storey unit blocks that must be indemnified in accordance with the *Housing Indemnity Act 1992* and *Housing Indemnity Regulations 1993.*"

OPERATIVE DATE

These variations shall come into operation from 15 December 2004.

Tim Abey **COMMISSIONER**

17 December 2004