

# Stopping unsafe construction work

## A guide for employees to manage unsafe acts or hazardous conditions identified during construction work

### What to do when you observe unsafe acts or safety hazards

This information is intended for use by Department of Education employees (an employee) on Department of Education facilities in circumstances where an external contractor performing construction work may be acting in an unsafe way or a way that creates a hazard within our facilities.

Action should be taken to consult with the people in control of the work and the facility to inform them about the hazardous situation. This consultation should include the contractor (workers) on site, the Officer in Charge (OIC) of the facility and project managers.

In these circumstances, apply the following consultation process:

1. Identify the contractor in control of the work site or hazardous activity.
2. Speak to an identified worker or the site supervisor of that contractor to give advice about the observed safety hazard. Note: If a Health and Safety Representative (HSR) for that contractor is available, then consultation with that HSR should occur.
3. Discuss your concerns with the OIC of the facility and identify their level of engagement with contractors and project managers. If there is an immediate concern for the safety of students, staff and visitors, the OIC can make decisions about relocating people or limiting access to an area.
4. If the worker, site supervisor or HSR fail to act and control the safety risk, further consultation with the Project Manager (PM) in charge of the construction work should occur. This person may be a representative of QBuild or another project management firm.
5. If the project is centrally or regionally controlled by a Project Coordinator (PCo) who is also an employee of the Department of Education, make contact with this person to raise your concerns.
6. If the contractor doesn't provide a suitable response to control the hazard, contact Workplace Health and Safety Queensland (the Regulator) to report the hazard and request a response.

**IMPORTANT:** As employees of the Department of Education, our duty of care is directed to our level of influence. In this case, our primary concern is the safety of the students, staff and visitors using the facility.

While consulting with a contractor, it is critical for employees to take reasonable steps to ensure the safety of students, staff and others visiting the facility. Employees can work with OIC's to assist them to take immediate action. For example, access to areas where a hazard is present can be restricted and student activities can be moved from one location to another.

## **Relevant sections of the *Work Health and Safety Act 2011***

### **Section 19 – Primary duty of care**

A person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, that the health and safety of workers and other persons are not put at risk from work carried out as part of the conduct of the business or undertaking.

### **Section 46 – Consultation, Cooperation and Coordination**

Each PCBU has a duty to consult, cooperate and coordinate activities with all other PCBUs with a duty in relation to the same matter, so far as is reasonably practicable.

### **Right to cease or direct cessation of unsafe work**

Only certain people are permitted to formally direct and enforce the cessation of work under the *Work Health and Safety Act (2011)* and are as follows:

1. Health and Safety Representative (HSR)  
Can legally stop work (cease work notice) if there is a reasonable belief that carrying out the work would expose a worker to a serious risk to their health and safety.
2. Regulator (Work Health and Safety Queensland)  
Can direct compliance and enforce stop work at a workplace by issuing notices (e.g. prohibition, improvement and non-disturbance) that can prevent the continuation of certain activities until the identifies risks are addressed.

## **Support**

Contact the Infrastructure Safety team for support via our email address or reach out to your local Senior Safety Advisor (Regional):

[Infrastructure.safety@qed.qld.gov.au](mailto:Infrastructure.safety@qed.qld.gov.au)

## **References**

- [Working on DoE facilities.pdf](#)
- [Qld Work Health Safety Act 2011](#)
- [Worksafe Qld Code of practice – WHS consultation cooperation and coordination](#)
- [Worksafe Qld Consultation representation and participation](#)
- [Worksafe Qld Ceasing unsafe work](#)