

Enforcement of coronavirus (COVID-19) physical distancing requirements on construction sites

The Victorian Building Authority (VBA) is committed to protecting the safety and wellbeing of our people, our industry and the Victorian community. We are working hard to slow the spread of coronavirus (COVID-19) by ensuring physical distancing rules are maintained on construction sites at all times.

Under Victoria's Occupational Health and Safety Act 2004 (OH&S Act), employers must ensure that a workplace under their management or control is safe and free of risk to anyone attending that workplace.

The spread of coronavirus (COVID-19) is recognised as an occupational health and safety risk. This risk must be actively managed by ensuring that workers, contractors and visitors to worksites always observe the required physical distancing measures (unless there is a valid occupational health and safety reason preventing them from doing so). This requirement applies when staff and contractors are carrying out work or taking meals or rest breaks.

If a worker at a site is placed at risk of illness (in this case, contracting coronavirus) by working in close proximity to others without adequate health and safety measures in place, their employer may have committed an offence under the OH&S Act. The Building Act 1993 empowers the VBA to take action against registered builders or site supervisors in such cases.

The VBA's role

The VBA will monitor and enforce physical distancing rules introduced as part of the nationwide response to coronavirus (COVID-19) through its audit and inspection programs.

If a VBA inspector identifies or observes non-compliance with government directives designed to slow the spread of coronavirus (COVID-19), the VBA will consider taking disciplinary action against the practitioners concerned.

The VBA is taking a graduated enforcement approach to disciplinary action, to balance the serious health and safety risks posed by exposure to coronavirus (COVID-19) with the importance of building and construction to the economy.

First-time and trivial offences where the responsible person on site is cooperative with VBA directions will be addressed using an educative approach, such as an education letter. More significant breaches may warrant a warning letter.

A stricter disciplinary response will be applied to continued breaches and serious cases of non-compliance. Immediate suspensions of registration will be reserved for the most serious cases, due to the potential for disruptions to occur to on-site work schedules and activities.

Physical distancing rules introduced to protect the safety of people on worksites may change over the coming months, as rules are relaxed, or alternative rules come into effect. The VBA's monitoring and enforcement activities may pause or evolve if restrictions are eased or stronger restrictions are introduced.