

CONSTRUCTION WORKS

Construction Work Coordination Act



COORDINATION OF CONSTRUCTION WORKS

A study commissioned by the European Union revealed that two thirds of all occupational accidents at construction sites can be attributed to planning errors and to poor organisation of construction sites and coordination of the firms involved; such deficiencies result from decisions taken before construction begins.

The EU has adopted the 'Construction Site' Directive 92/57/EEC, which has been transposed into Austrian law through the Construction Work Coordination Act (Bauarbeitenkoordinationsgesetz, BauKG).

In keeping with the principle of the responsible party assuming liability, the BauKG is aimed primarily at clients.

WHAT ARE THE CLIENT'S RESPONSIBILITIES?

The client ensures compliance with all principles of risk prevention in the design, planning and preparation of the construction project, and when estimating the duration of works.

- The client commissions the planners to implement the principles of risk prevention in the design, planning and preparation of the construction project;
- the client submits **prior notice**, including the most significant details of the building project, to the Labour Inspectorate (except with minor building projects)
- and also appoints an experienced construction expert to coordinate worker safety and health for the planning stage (**planning coordinator**) and the building stage (**construction site coordinator**) when workers of more than one firm will be working simultaneously (or in succession) on the construction site;
- the client ensures that planning coordinators prepare a **safety and health plan** (except with minor building projects involving no unusual risks);
- the client ensures that planning coordinators prepare the **document** for later works;
- the client ensures that the firms performing construction **implement** the safety and health plan and the document – by including this item in the construction contract;
- when the construction site coordinator draws attention to any changes required in the safety and health plan or the document, the client ensures that the modified plan or document is implemented;
- when the construction site coordinator draws attention to any **risks to workers**, the client ensures that the firms performing construction eliminate those risks.

To carry out the building project, the client, who is usually not a construction expert, will make use of trusted construction supervisors (project supervisors) and delegate the responsibilities specified in the BauKG to project supervisors.

The client solely decides on whom to appoint as project supervisor.

Where a client is apparently not familiar with the BauKG, in accordance with general principles of law and with the rules applying to the practice of their individual professions, the

master builders, engineering consultants, engineering firms and similar professionals commissioned by the client are obligated to inform the client of the requirement to appoint coordinators and of other obligations set out in the BauKG (obligation to warn and inform).

WHAT ARE THE PLANNING COORDINATORS' RESPONSIBILITIES?

- Planning coordinators have the task of coordinating the planners in implementing the principles of risk prevention;
- they additionally draw up a **safety and health plan** and compile a **document** for later works;
- they ensure that the client and/or project supervisor take consideration of the safety and health plan and the document – **by including these items in the call for tender.**

With the inclusion of the safety and health plan and the document for later works in the call for tender, the firms carrying out construction are obligated by contract to implement in practice the safety and health plan and the document (experience shows that any measures not already stipulated in the invitation to tender are usually able to be implemented only at additional expense to the client, specifically in relation to later claims raised by the construction firms).

WHAT IS THE SAFETY AND HEALTH PLAN?

A safety and health plan is required in these cases: any 'major building project' for which prior notice must be submitted to the Labour Inspectorate (where construction works entail a total of more than 500 person-days), or when works are performed that involve special hazards for workers' safety and health (e.g. underground construction work, blasting work, work in compressed air, work with heavy prefabricated elements, work near high-tension lines, etc.).

The safety and health plan must contain these specific items:

- the most important details of the **building property** and the **surroundings of the construction site**, such as any existing structures;
- a complete list of works including a timetable for carrying them out, which will usually be a project schedule – most often in the form of a Gantt chart;
- the rules required for the specific construction site, such as special steps required to secure the excavation area due to a road in immediate proximity;
- **measures and facilities to prevent mutual risks**, in other words risks arising to workers of one firm through the activities of another company's workers, such as avoiding situations where personnel work above one another;
- the **collective facilities, protective devices and measures used by several firms**, such as a fall arrest scaffold to protect all firms working on the roof or collective sanitary installations for all firms working on the site;
- **specification** of the firm responsible for carrying out each of the measures listed above.

WHAT IS THE DOCUMENT FOR LATER WORKS?

A document for later works is additionally required for each construction project. This document can be consulted for the specific measures and facilities that are required for later use, maintenance, remodelling and even demolition.

Examples of the specific details the document must contain include:

- available anchoring points (e.g. hooks for window cleaners or roof workers);
- the building materials used that might be related to hazards for safety and health during later work on the building;
- instructions for mounting and removing any prefabricated or system building components used;
- facilities for bridge maintenance or for cleaning glass roofs;
- access to workplaces in exposed areas;
- position of power and gas lines.

WHAT ARE THE RESPONSIBILITIES OF CONSTRUCTION SITE COORDINATORS?

- Construction site coordinators are responsible for coordinating the construction firms to ensure:
 - compliance with the principles of risk prevention and
 - with the occupational health and safety regulations applicable at the construction site;
 - monitoring of proper application of work procedures.
- They also adapt the safety and health plan and the document to reflect changes arising in practice.
- They ensure that the firms carrying out construction adhere to the principles of risk prevention and to the safety and health plan as well as install the facilities specified in the document for later works.
- They manage the site to ensure that the construction firms cooperate and coordinate their activities.
- They ensure that the firms involved mutually inform one another.
- They take the necessary measures to ensure that only authorised persons access the construction site.
- Where construction site coordinators identify any risk to worker safety and health, they immediately inform the client or project supervisor and the firms affected. If such deficiencies are not corrected at their request, the construction site coordinators are entitled to appeal to the Labour Inspectorate.

To avoid any misunderstandings:

- Construction site coordinators have only the obligation to inform the firms carrying out construction and are not entitled to enforce regulations – unless the client has authorised the coordinators accordingly and the construction firms have recognised such authorisation by signing the construction contract.

As misunderstandings sometimes arise concerning the role of construction site coordinators, please note:

- Construction site coordinators are not comparable to labour inspectors who verify that the firms carrying out construction are complying with the law.

As the name suggests, construction site coordinators are especially responsible:

- for attending to matters concerning more than one firm;

- they are to manage the facilities that serve several firms;
- they are responsible for any potential mutual risks posed by workers from different firms;
- they are especially responsible for ensuring that the safety and health plan is implemented and modified if necessary.

In addition to these coordination duties and providing assistance, construction site coordinators are obligated to monitor the firms carrying out construction:

- They are required to perform site inspections that are suited to the risk situations existing at the construction site and frequent enough to ensure that the firms carrying out construction do in fact apply the principles of risk prevention.

WHAT ARE THE RESPONSIBILITIES OF FIRMS CARRYING OUT CONSTRUCTION?

- Where a client is apparently not familiar with the BauKG, in accordance with general principles of law and with the rules applying to the practice of individual professions, the master builders, engineering consultants, engineering firms and similar professionals commissioned by the client are obligated to inform the client of the requirement to appoint coordinators and of other obligations set out in the BauKG (obligation to warn and inform).
- In carrying out construction works, firms are required to comply with the occupational safety and health regulations that apply to those works (including the Health and Safety at Work Act –ArbeitnehmerInnenschutzgesetz, Regulation on work equipment– Arbeitsmittelverordnung and in particular the Regulation on protection of construction workers – Bauarbeiterschutverordnung).
- The firms carrying out construction implement the measures defined in the safety and health plan and in the document, to which they agree by contract.
- The firms carrying out construction cooperate mutually, informing their workers of risks and coordinating jobs and protective measures so as to avoid putting their own employees at risk through the activities of other firms.
- The firms carrying out construction take consideration of the information provided by the construction site coordinator.

LEGAL FRAMEWORK

Construction Work Coordination Act

(Bauarbeitenkoordinationsgesetz, BauKG), Federal Law Gazette I no. 37/1999

Health and Safety at Work Act

(ArbeitnehmerInnenschutzgesetz, ASchG), Federal Law Gazette no. 450/1994

Regulation on protection of construction workers

(Bauarbeiterschutverordnung), Federal Law Gazette no. 340/1994

“Construction Site” Directive 92/57/EEC

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The competent Labour Inspectorate will be happy to advise you.

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