

Understand your rights

Despite the fact that suppliers of height safety systems are required by law to provide detailed installation and compliance information, this is often not the case. Michael Biddle, Director of RIGCOM and Chairman of the Working at Heights Association (WAHA) explains why this can cause problems when it comes to re-certifying a system.

As a height safety company, RIGCOM installs, certifies and re-certifies safety systems for a vast array of business sectors and industries. While completing this work, we are continuously asked why safety manufacturers and installers fail to provide detailed drawings, diagrams, engineering and load calculations for the systems they have installed.

Typically, height safety manufacturers spend many years and millions of dollars developing products to meet Standards. They appoint accredited/trained installers to interpret a client's specific requirements in line with the manufacturer's guidelines, the Australian & New Zealand Standard as well as Codes of Practice from regulators to design a safe system for access. In some cases, manufacturers sell and install directly for clients.

As a stand-alone installation company, RIGCOM is not conflicted by commercial interests from manufacturers. We review the best product for the specific location/circumstance and recommend products to be installed based on our training, skills and significant years of industry experience.

When RIGCOM performs an installation, or certifies a safety system, we always supply the documentation required to demonstrate that the safety systems that we have installed meet all these criteria. It follows that a client has a right to know that the system they have purchased in good faith is compliant for their specific structure and roof type and that it is in line with the *Industry Code for the installation of Permanent Anchors, Static Lines & Rail Installations* (published by the peak body, the *Working at Height Association (WAHA)*), and that it therefore represents current best practice.

Despite this, a significant number of installations that RIGCOM is asked to re-certify, and which have not been installed by our company, do not have this information supplied. This means that either there were no assessments, drawings or load calculations made for the safety system in the first place (prior to installation), or that the manufacturer or installer is unwilling to supply the information for 'commercial' reasons.

This situation is concerning, but also completely understandable. In a market where safety system installation is quite competitive, with a wide number of manufacturers and installers competing, suppliers also wish to retain some kind of competitive advantage. This may come in the form of tightly controlling data access or promoting 'intellectual property' protection.

RIGCOM completely accepts this as the manufacturer/installer's right. As a consequence, in some instances we are not certified to inspect or install certain manufacturers' products as they do not wish companies like ours to be awarded contracts for re-certifying systems they have installed. This is fine, but only until the client wishes to use our business for other reasons. At this point, an issue arises as the manufacturer or installer refuses to release information/documentation for the certification process to be undertaken. And in doing so, they are not operating in accordance with the law.



RIGCOM Pty Ltd
PO Box 730 North Sydney
NSW 2059 Australia
Phone 1300 893 230
admin@rigcom.com.au

www.rigcom.com.au

The *Workplace Health & Safety Act (NSW) 2011* (and its recent amendments) refers to the supply of safety systems under *Section 25 - Duties of persons conducting businesses or undertakings that supply plant, substances or structures*. A link to the full sub-section of the Act is here: <https://www.legislation.nsw.gov.au/#/view/act/2011/10/part2/div3/sec25>

Specifically, the section of greatest interest is in part 4:

The supplier must give adequate information to each person to whom the supplier supplies the plant, substance or structure concerning:

- (a) each purpose for which the plant, substance or structure was designed or manufactured, and
- (b) the results of any calculations, analysis, testing or examination referred to in subsection (3) including, in relation to a substance, any hazardous properties of the substance identified by testing, and
- (c) any conditions necessary to ensure that the plant, substance or structure is without risks to health and safety when used for a purpose for which it was designed or manufactured or when carrying out any activity referred to in subsection (2) (a)–(e).

In essence, this section of the Act compels a manufacturer to supply information about the safety of a system installed to the end user. Failure to do so - or in fact a refusal to do so - may mean they are in breach of the law.

At the end of the day, as an installation company, RIGCOM is not interested in discovering the intellectual property secrets of different manufacturers or competing installation companies. Our primary interest is in the safety of the client and their staff using the systems installed on their buildings.

We can only do this through the inspection of the systems installed in conjunction with an assessment of supplied documentation. If this is absent, we are effectively forced to start the process from scratch.

Clearly this is not in the best interests of the client as it costs them more money - money that they have already paid in good faith for safety systems designed to protect their workers – but which they now can't access.

If you would like further information on having the right level of supporting documentation for your safety systems, contact RIGCOM on 1300 893 230 or email WAHA on admin@waha.org.au



RIGCOM Pty Ltd
PO Box 730 North Sydney
NSW 2059 Australia
Phone 1300 893 230
admin@rigcom.com.au

www.rigcom.com.au