

BSBWHS408 Assist with effective WHS management of contractors

Assist with identifying existing contractor WHS arrangements

Apply knowledge of workplace to identify services supplied by contractors

You need to be convinced that the contractor is aware of all WHS legal requirements, codes of practice and standards. If they are bringing equipment on site:

- Does it meet Australian Standards
- Are dangerous goods and hazardous substances signed, stored and separated correctly, with current (less than 5 years old) current licenses and statements of competency for operators
- Completed pre starts on machinery etc.

Guidelines

Clear guidelines under the new WHS Model Act by Safe Work Australia in an article titled, Worker Representation and Participation Guide www.safeworkaustralia.gov.au explain how contract and/or labour hire labour working alongside a Company's workforce:

- Doing the same task
- Working in the same conditions
- And facing similar hazards and risks

can negotiate and agree on single representation even if they are members of more than one designated work group.

Access contracts and other relevant contract documentation, information and data

Arrange regular consultation and communication with:

- Written communication (for example, by email)—to assist in maintaining records
- Regular meetings—at nominated points during the contract, or as required
- Reporting processes—both formal and informal against contract deliverables
- Conversations—file noted if records are required, but are especially good for establishing positive working relationships
- Regular visits and inspections on-site with the contractors that allows you to
- Monitor progress and compliance with contract requirements.

Identify content relevant to contractor WHS arrangements

When arriving and working on site, contractors must be aware of your specific WHS requirements.

Even if a contractor frequently works with you, each site may have site specific requirements. Inductions must be conducted and recorded.

Note that Safework Australia makes the following statement: 'inductions are required by law. If an accident happens in your workplace and one or more of your workers were not trained for the specific task or equipment they were using, you could be charged with an offence under OHS legislation.'

Induction process

Some items that might be covered in an induction process are:

- Contact points (supervisors, first aid officers, HSRs etc.)
- Permit issuing processes
- Specific hazard and incident reporting requirements
- Emergency procedures
- Specific work practices
- Access and exit requirements and arrangements
- Relevant policies such as PPE and how to wear them, drug and alcohol, smoking, vehicles on site
- Manual handling
- First aid, HSRs, wardens
- Bullying harassment and anti discrimination
- Lock out tag out (LOTO) procedures

Site Induction

Watch the You Tube video 'Site Induction Training'



<https://www.youtube.com/watch?v=pmh0GoCF32s>

Site supervision

- It is important to have a competent site supervisor to ensure that the terms of the contract, including those relating to WHS are being met.
- Providing the site supervisor with the contract, meeting minutes, training and resources to manage the contract will help you help meet your WHS obligations.
- Knowing who is accountable for what and by when should be clearly defined in the contract. Make sure these accountabilities are regularly monitored and reviewed as a priority using established reporting processes.

Assist with identifying workplace policies, procedures, processes, systems, practices and activities relevant to contractor WHS arrangements

Risk and Control - The risk of injury, incidents and workplace illness increases with the loss of control from outsourcing work.

Contractor Management System - The purpose of a contractor management system or program is to better centralise, qualify and monitor a contracted workforce.

Contractor Management System

As a result of implementing a contractor management system, an organisation can expect to experience some, or all, of the following advantages:

- Cost savings
- Better supplier/client relationships
- Higher quality contractors and suppliers
- Less paperwork for both principles and contractors
- Instant information sharing
- Reduced risk – continuous improvement in loss control
- Moving towards using leading indicators vs. lagging indicators
- Contractor awareness of regulatory and best practices

Assist with evaluating contractor
WHS arrangements and making
improvements as required

Apply knowledge of WHS legislation to assist with determining if contracts and workplace policies, procedures, processes, systems, practices and activities comply with WHS legislative requirements

As an employer, you should be aware of other legal issues which may affect your WHS obligations including:

- The jurisdiction you are working in
- How a contractor is engaged and under what circumstances
- What legal entity the contractor is working under
- Where the contractor is working i.e. Corporate Office is interstate and under a different WHS Act
- Whether you or the contractor controls the site or the type of work and manner in which it is carried out. We will refer to this later in this section

Duty of care

Broadly the duty applies where, in the course of trade or business, a person (called a principal) engages a contractor to carry out work.

As the employer, you owe a duty of care to your contractors, in the same way you owe a duty of care to your employees.

Watch the following You Tube video "Duty Of Care"

<https://www.youtube.com/watch?v=PeIBIMZKOM4>

Contractual control

Does the contract provide you, as the principal/employer, with a legal right to direct the contractor to perform work or a work activity in a certain manner?

If it does, and the particular activity or matter has a health and safety risk you need to ensure you have completed your risk assessment and implemented the appropriate controls, to minimise and manage the risks.

Practical control

Even without the legal right to direct the contractor, the principle/employer may direct the contractor to perform work or a work activity in a certain manner and take practical steps to control risks.

- What is an example of this?

Apply knowledge of best practice and workplace WHS information and data to assist with evaluating effectiveness of contractor WHS arrangements

The Stepped Model

- 1 Get your own house in order –
 - All the requirements that you would put on your own managers and supervisors should be expected from your contractor, as both of you need to be able to demonstrate a duty of care, with Systems, Communication and Monitoring and Review processes.

The Stepped Model cont..

2 Documents and Record Management –

- If you have a quality system and for robust risk management, integrate your database to capture, record and access your safety data with the contractor's safety management program.
- The database needs to be updated regularly, to ensure that all stakeholders are kept informed of any changes, particularly if the contractor management program is being used to eliminate subpar performers.

3 Have a contractor prequalification process

- Correctly selecting your contractor will assist in meeting your organisation's WHS obligations, ensure positive safety outcomes and will clarify your expectations on safety right up front.

Pre-Qualification

Effective contractor safety management starts with pre-qualifying your contractor and this is often part of the purchasing/contracts function. Pre-qualification provides the contractor with clear guidelines on what safety expectations you have.

Have a clear statement of your health and safety requirements and management arrangements (who is responsible for what) in the tender specification documents.

Assist with identifying areas of contractor WHS arrangements needing improvement

It is important to review the effectiveness of the contract safety management process at the end of each project undertaken. This will be partly reflected by the contractor's compliance to the KPI's set out in the contract.

Some large companies have financial penalties for not meeting KPIs' written into the contract so the review in this situation is critical.

Assist with developing, implementing and evaluating improvements to contractor WHS arrangements

Post contract reviews - opportunity to capture useful intelligence in relation to each contractor's safety performance.

Provide feedback - Provide feedback to the contractor both positive and negative comments, as this will help improve future safety performance.