

- Definitions
- Introduction
- Purpose
- Scope
- Contractor classification
- Safety breaches
- Responsibilities
- Contractor management

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## 1. Definitions

**Contractor:** a person or business which provides goods or services to another entity under terms specified in a contract or consultancy agreement (verbal or written). This includes people who provide goods or services on a voluntary basis.

**Contractor's workers:** this includes the contractor and their employees as well as any sub-contractors or labour hire personnel and their employees.

**High-risk contractor:** a contractor who engages in high risk work during the course of their contract.

**High-risk work:** as defined by Work Health and Safety Regulations 2011, is any work that involves any of the following:

- a risk of a person falling more than 2m
- work carried out on a telecommunication tower
- demolition of an element of a structure that is load-bearing or otherwise related to the physical integrity of the structure
- is likely to involve, the disturbance of asbestos
- involves structural alterations or repairs that require temporary support to prevent collapse
- work carried out in or near a confined space
- work carried out in or near:
  - a shaft or trench with an excavated depth greater than 1.5m, or
  - a tunnel
- involves the use of explosives
- work carried out on or near pressurised gas distribution mains or piping
- work carried out on or near chemical, fuel or refrigerant lines
- work carried out on or near energised electrical installations or services
- work carried out in an area that may have a contaminated or flammable atmosphere
- involves tilt-up or precast concrete
- work carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor that is in use by traffic other than pedestrians
- work carried out in an area at a workplace in which there is any movement of powered mobile plant
- work carried out in an area in which there are artificial extremes of temperature
- work carried out in or near water or other liquid that involves a risk of drowning
- involves diving work

**Moderate-risk contractor:** a contractor whose work represents a moderate to high risk (as deemed by the USC contact person) but is not undertaking any high-risk work—as defined above.

**Officer:** a person who makes or participates in making decisions that affect the whole or a substantial part of the organisation. This could incorporate heads of departments or schools and/or cost centre managers.

**PCBU:** person conducting a business or undertaking (The Act s5):

- whether the person conducts the business or undertaking alone or with others; and
- whether or not the business or undertaking is conducted for profit or gain

**Principal contractor:** a person engaged for a construction project that has been given the authority to manage or control the workplace or part thereof. For the purpose of the project the principal contractor is considered the PCBU for the workplace under their control until the work is completed.

**USC contact person:** a USC employee who engages a contractor (or their nominated representative) and is responsible for overseeing the work of that contractor.

The Act: The Workplace Health and Safety Act 2011

USC: All campuses and learning nodes

WHS: work, health and safety

Additional terms are outlined in the glossary of terms for policy and procedures.

## 2. Introduction

### Legislative Background/Information

In accordance with the Work Health and Safety Act 2011 (The Act s5), USC constitutes a 'person conducting a business or undertaking' (PCBU) and has health and safety obligations in their capacity as a PCBU.

Under The Act (s7), contractors and their workers are considered USC 'workers'. Under the Act the definition of 'worker' would also include; vendors, stall holders, volunteers, performers, guest lecturers etc.

The PCBU has a primary duty of care, so far as is reasonably practicable, to ensure the health and safety of all workers and hence contractors engaged by the PCBU while the contractors are at work. The PCBU must also ensure that the health and safety of other persons is not put at risk from the work carried out by contractors while they are working at and/or for USC (s19).

s14 of The Act clearly states that the duty that the PCBU has to its workers/contractors cannot be transferred to another person.

The contractor also has a health and safety duty, but this in no way diminishes the duty of USC.

s27 of The Act details the duty of officers. An officer MUST exercise due diligence to ensure that the PCBU fulfils their duty or obligation with respect to health and safety of workers and others who may be affected by work being carried out at or for USC. The requirements for due diligence are detailed in s27 of The Act.

It has been determined that to fulfil our obligations to contractors, USC is required to have a system in place that inducts, trains, monitors and supervises contractors while they are engaged to work at or for USC. This system should include that contractors:

- be inducted into the work site
- be inducted into USC workplace policies and procedures, and demonstrate that they are competent in them and
- participate in and understand the risk assessment process for work they are undertaking.

USC may be prosecuted for failing to meet the obligations under The Act and the officers of USC may also be personally liable where they do not discharge their obligations to exercise due diligence in ensuring USC meets its obligations under The Act.

As USC is committed to providing and maintaining a safe and healthy work environment for all workers, including contractors, the following guideline has been developed.

## 3. Purpose

The overall purpose of this guideline is to realise USC's commitment to providing and maintaining a safe and healthy work environment for all workers, including contractors. In accordance with this commitment, this guideline will assist personnel who engage the services of contractors to understand their obligations with respect to health and safety and what is required for them to fulfil these obligations.

This guideline and its associated resources will also assist USC personnel to ensure that the contractors they engage:

- work in accordance with Work, Health and Safety legislation
- work in accordance with USC policies and procedures
- work in and maintain a safe and healthy environment
- participate in the risk assessment process for the work they are undertaking

To achieve this purpose there are several supporting documents to be used in conjunction with this guideline:

- USC Contact Person Summary
- 'USC Low-Risk Contractor Package', which includes:
  - USC Low-Risk Contractor Induction Guide
  - USC Low-Risk Contractor Health and Safety Checklist
  - USC Contact Person—Low-Risk Contractor—Checklist
  - USC Contact Person—Low-Risk Contractor—Q & A
- 'USC Moderate and/or High-Risk Contractor Package', which includes:
  - USC Moderate and High-Risk Contractor Induction Guide
  - USC Moderate and High-Risk Contractor Health and Safety Checklist
  - USC Contact Person—Moderate-Risk Contractor—Checklist
  - USC Contact Person—High-Risk Contractor—Checklist
  - USC Contact Person—Moderate and/or High-Risk Contractor—Q & A

## 4. Scope

To ensure compliance with WHS legislation and the subsequent ongoing health and safety of all working at USC or engaged in USC activities, this guideline applies to:

- contractors and their workers
- USC personnel who engage the services of contractors and their workers on behalf of USC

## 5. Contractor classification

Contractors will be broken into three groups to ensure that they receive health and safety information appropriate to the level of risk associated with the work they will be conducting at or for USC.

The three groups are:

- Low-risk contractors
- Moderate-risk contractors
- High-risk contractors

Contractor classifications are defined in Section 1 and further explained in the 'USC Contact Person Summary'.

## 6. Safety breaches

USC treats instances of health and safety breaches very seriously. If at any time a contractor or one of their workers is observed by a USC employee to be acting unsafely, the contractor will be instructed to suspend their work and take immediate action to rectify the situation. If repeated health and safety breaches are observed, this may be considered a breach of the contract and the contractor may be instructed to leave the site.

Examples of health and safety breaches include (but are not limited to):

- failure to wear PPE
- incorrect handling of hazardous materials
- inappropriate or inadequate barricades, hoarding or fencing
- any work that is not in accordance with the contractor's risk assessments

## 7. Responsibilities

### 7.1 Contractors

A contractor must, so far as is reasonably practical provide and maintain a working environment in which people are not exposed to hazards. To achieve this, a contractor must work in accordance with:

- WHS legislation, Codes of Practices and relevant Australian Standards
- USC policies procedures and guidelines relevant to the work they are undertaking
- 'USC Contractor Induction Guide' and associated documents

### 7.2 Cost centre manager

Cost centre managers are responsible for ensuring that the particulars contained within these guidelines and supporting documents are implemented when contractors are engaged in areas under their responsibility or control.

### 7.3 The USC contact person

The person who engages the services of a contractor to carry out work at USC becomes the USC contact person for that contractor and has the responsibility to:

- select contractors on the basis of their commitment and competence in WHS issues as well as their suitability for carrying out the required work
- determine contractor classification
- ensure that they follow the instructions in the 'USC Contact Person Summary'
- ensure the contractor receives the appropriate contractor Package:
  - Low-risk contractors receive 'USC Low-Risk Contractor Package'
  - Moderate and high-risk contractors receive 'USC Moderate and/or High-Risk Contractor Package'
- ensure that they are familiar with the contents of the package they send to the contractor
- monitor the contractor's performance and adherence to safety documents for the duration of their contract

### 7.4 USC Human Resources (HR) Health Safety and Wellbeing

USC HR Health Safety and Wellbeing team are to provide advice and guidance to assist USC personnel to adhere to this guideline.

## 8. Contractor management

### 8.1 Engaging a Contractor

The USC employee who engages the services of a contractor becomes the USC contact person and is hence responsible for not only engaging an appropriate contractor but for overseeing the work of that contractor.

### 8.2 Classifying a Contractor

The USC contact person is required to classify the contractor and provide them with information appropriate to their classification and the work they are to undertake. (Refer to 'USC Contact Person Summary'). Assistance with contractor classification can be obtained from HR HSW.

### 8.3 Information to be sent to a contractor

The USC contact person is required to send the contractor the appropriate package and any additional information as stipulated in the 'USC Contact Person Summary'.

### 8.4 Information received from a contractor

The contractor is required to submit safety documents as per the instruction provided by their USC contact person. The USC contact person is required to ensure that the contractor documentation is appropriate before the contractor is to commence work at USC.

### 8.5 Commencing contract work at USC

The USC contractor induction guides stipulates check in and out procedures for contractors. this can also be clarified with the USC contact person.

### 8.6 A contractor arrives without having completed the required induction

Prior to commencing work at USC, all contractors must complete the online induction, accessed via the USC website . There are no exceptions. If the work is not urgent the contractor should be asked to return once they have completed the induction, or to contact their USC contact person for further instructions. If the work is urgent, the USC contact person must make arrangements for the contractor to complete the online induction.

If the work is urgent and outside of USC business hours, the USC contact person or the emergency on call person for USC must ensure that the contractor completes the online induction.

### 8.7 Site induction

In accordance with WHS legislation and 'USC Contact Person Summary', contractors require a site induction when they arrive. This must be arranged by the USC contact person and include:

- location specific emergency procedures (eg exit routes and specific emergency evacuation assembly point)
- location of amenities
- information regarding any areas specific hazards

### 8.8 Monitor and review of contractor work

The USC contact person is required to monitor the work of the contractor while they are undertaking work at USC. Any observed breaches or complaints regarding contractor work and/or conduct, are to be dealt with by the USC contact person (as per Section 6).

The USC HR HSW and Asset Management Services may also randomly audit contractors to ensure that the requirements of their contract are being met and that they are working in accordance with their health and safety responsibilities.