

BSBWHS408

Assist with effective WHS management
of contractors



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ASSESSMENT FOR BSBWHS408

Student name	Sandra McCarthy
Date of assessment submission	24/02/2019
Trainer/Assessor's name	
Date of assessment marking	
Outcome for unit	☐ Competent ☐ Not Yet Competent

TASK INSTRUCTIONS

- The assessment for this unit of competency consists of the following:
 - A series of activities:** Some of these activities will require you to provide a response within this document, others will require you to gather evidence to demonstrate your knowledge and skills (overview below)
 - Quiz:** You will be required to complete a series of questions to demonstrate your knowledge and skills.
 - Practical task:** You will be required to have an observer attest to your knowledge and skills and sign a report to this effect.
- At times, you will be provided with a specific business context to which you must respond, otherwise it is anticipated that you will use a workplace of your choosing (your own, or hypothetical) to provide the context to the task.
- At all times, the responses in your assessment must reference **Australian** (Queensland or Federal) documentation, including legislation, regulations, codes of practice, standards and guidance publications.

ACTIVITY OVERVIEW	REQUIRED FOR SUBMISSION
1. Services provided by contractors	Workbook response (below)
2. Policies, procedures, processes, systems, practices and activities	Workbook response (below)
3. Legislative requirements	Workbook response (below)
4. Developing, implementing and evaluating improvements	Workbook response (below)

ACTIVITIES

For the following activities, name a workplace that you wish to examine.

Name of workplace	Civforce Traffic Management
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- a) Identify two (2) on-site services that may be supplied by contractors to your workplace.
For example:
- Labour hire and temporary workers
 - Cleaning
 - Catering
 - Security
 - Maintenance
 - Repairs
 - Installations and alterations
- b) Explain the context, situation and arrangement of how these services are provided.
- c) Identify one (1) document that would support the contractor's contract
- Explain where contracts and other relevant contract documentation would be found.

Name of Service 1

Labour Hire

Context, situation and arrangement of how service is provided

There are some areas for which contractors are hired to provide short term or long term positions to supplement staffing.

Supporting document and location

Labour Hire are contractors that have their working arrangements outlined in a contract, which is kept in a locked file in hard copy form and electronically

Name of Service 2

Cleaning

Context, situation and arrangement of how service is provided

Cleaners are contracted to clean and maintain the office areas after hours

Supporting document and location

The contact person for cleaning arrangements is the Human Resource Manager They would possess the details of the contract

Outcome for Activity 1	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

Identify and describe the requirements of each of the following within your chosen organisation, with regards to contractor WHS arrangements:

- a) WHS policy
- b) WHS procedure
- c) WHS process
- d) WHS system
- e) WHS practice and activity (i.e. common practice that is not outlined in one of the above documents)

Name of WHS policy

Civforce Traffic Management (CTM) Occupational Health and Safety Management System Policy and Procedures

Requirements

Under section 1.0 outlines that it is the policy of CTM to conduct its activities in such a manner that the health, safety and wellbeing of employees, subcontractors and the public are not in any way harmed or prejudiced as a result of working within or for the organisation.

CTM shall provide information, instructions and training for employees and subcontractors to increase personal understanding of workplace hazards, to ensure proper supervision and involve them on WHS matters.

Name of WHS procedure

Civforce Traffic Management (CTM) Occupational Health and Safety Management System Policy and Procedures

Requirements

Under section 4.1 outlines that all workers and contractors are required to have a work Safety in the Construction Industry White Card on them at all times

Appendix B provided the structure for the SWMS that contractors will be required to use and sign

Name of WHS process

Civforce Traffic Management (CTM) Occupational Health and Safety Management System Policy and Procedures

Requirements

Under section 3.5 outline that all subcontractors are to:

- To carry out their work in a safe manner by not placing themselves or others at risk of injury
- To conduct themselves in accordance with the legislation and or Safe Work Method Statements (SWMS)
- To fill out day the Job Hazard Analysis (JHA)
- To assist in maintaining plant and tools in a safe working condition
- To report all hazards, incidents or near misses to the Occupational Health and Safety Advisor
- To be mindful of their WHS duties in relation to themselves and their work colleagues
- To act only in accordance with legislation and or Safe Work Method Statements (SWMS)
- To provide and comply with Safe Work Method Statements (SWMS) for activities undertaken for and on behalf of Civforce Traffic Management
- To notify Civforce Traffic Management of any incidents and or hazards that occur whilst undertaking activities on projects for and on behalf of Civforce Traffic Management

http://territorygeneration.com.au/wp-content/uploads/2016/12/WHS-46_Contractor_Safety_Management_Procedure1.pdf

<https://safetyrisk.net/example-contractor-management-procedure/>

Name of WHS system

Civforce Traffic Management (CTM) Occupational Health and Safety Management System Policy and Procedures

Requirements

Under section 3.5 outlines that subcontractors are to report all WHS issues to the OCCupation Health and Safety Advisor

Under section 5.3 outlines that all employees and contractors will be made aware of their requirements with regards to OHSMS requirements through the onsite induction process

Name of WHS practice and activity

Subcontractors Site induction Form

Requirements

Along with the Subcontractors Site Induction Form, subcontractors will be required to have read and understood the conditions of entry to site documentation prior to signing in.

Outcome for Activity 2

- ☐ Satisfactory
☐ Not satisfactory

Trainer/Assessor comments	
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Identify one (1) of each of the following document types which addresses contractor arrangements and where such documents can be found:

- a) Act
- b) Regulation
- c) Code of practice
- d) Standard
- e) Guidance publication

Identify a relevant excerpt or requirement from each document that assists with determining whether contractor arrangements within your nominated workplace (i.e. policies, procedures, processes, systems, practices and activities) are compliant.

Example:

Name and location of Legislation (Commonwealth or State)

Work Health and Safety Act 2011 (Qld) found at www.legislation.qld.gov.au

Relevant excerpt/requirement for determining compliance

Section 7: A person is a worker if the person carries out work in any capacity for a PCBU, including work as a contractor or subcontractor

Name and location of Legislation (Commonwealth or State)

Work Health and Safety Act 2011 (QLD) found at www.legislation.qld.gov.au

Relevant excerpt/requirement for determining compliance

Under section 7 outlines that a person is a worker if the person carries out work in any capacity for the PCBU and this includes work as a contractor or subcontractor.

Under section 19 of the Work Health and Safety Act 2011 (Qld) a PCBU must ensure so far as reasonable practicable the health and safety of workers.

<https://www.legislation.qld.gov.au/view/pdf/asmade/act-2011-018>

Name and location of Regulation

Work Health and Safety Regulations 2011 (Qld) found at www.legislation.qld.gov.au

Relevant excerpt/requirement for determining compliance

Under section 39 outlines that a PCBU must ensure that information, training and instruction provided to a worker is suitable and adequate, having regard to:

- (a) the nature of the work carried out by the worker; and
- (b) the nature of the risks associated with the work at the time the information, training or instruction is provided; and
- (c) the control measures implemented.

<https://www.google.com/search?client=safari&rls=en&q=whs+act+2011+qld&ie=UTF-8&oe=UTF-8>

Name and location of Code of Practice

The Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice 2011 found at www.worksafe.qld.gov.au

Relevant excerpt/requirement for determining compliance

Section 1.1 outlines that a PCBU must consult, so far as is reasonably practicable, with contractors and sub-contractors and their employees, on-hire workers, volunteers and any other people who are working for you and who are directly affected by a health and safety matter

https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0020/58205/WHS-consultation-coop-coord-COP-2011.pdf

Name and location of Standard

As 4000 General conditions of contract

Relevant excerpt/requirement for determining compliance

Under section 9.5 Except where the contract otherwise provides, the contractor shall be liable to the Principal for the acts, defaults and omissions of subcontractors and employees and agents of subcontractors as if they were those of the Contractor.

https://infostore.saiglobal.com/en-au/Standards/AS-4000-Set-2006-122285_SAIG_AS_AS_256682/

Name and requirement of Guidance Publication

Workplace Bullying found in Workplace health and Safety Law <https://www.worksafe.qld.gov.au>

National guide to workplace bullying update found in forms and resources <https://www.worksafe.qld.gov.au/forms-and-resources/newsletter/esafe-newsletters/esafe-editions/esafe/october-2016/health-and-safety-hotspots/national-guides-on-workplace-bullying-updated>

Relevant excerpt/requirement for determining compliance

Organisations should implement control measures to manage these risks, and monitor and review the effectiveness of these measures. These should be carried out on a regular basis and in an effective way by people with the required knowledge and expertise. Where necessary, training should be provided in the use of risk assessments. The results of these control measures/ risk assessments should be analysed thoroughly and appropriate action taken. e.g. Providing information and training on workplace bullying policies and procedures, what available support and assistance, and how to prevent and respond to workplace bullying, prioritising measures that foster and protect the psychological health of all workers irrespective of whether they are employees or contractors.

Outcome for Activity 3

- ☐ Satisfactory
- ☐ Not satisfactory

Trainer/Assessor comments	
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For the purpose of improving contractor arrangements in your workplace, you are to develop a report (in the following structure), which evaluates current contractor practices and outlines improvements.

1. INTRODUCTION

- Outline the background of your company, its role and purpose
- Briefly identify the role of contractors within the organisation (e.g. services provided)
- Identify what you wish to achieve by conducting a review and evaluation of current WHS arrangements for contractors

2. CURRENT PRACTICES FOR CONTRACTORS

- Describe two (2) contractor arrangements in place at your organisation and how/where they are outlined.
- Identify the organisation's WHS policies, procedures, processes and systems with regards to contractors.

3. LEGISLATIVE REQUIREMENTS

- Outline contractors' WHS duties under the legislation
- Identify contractors' WHS rights under the legislation
- Explain contractors' WHS obligations under the legislation

4. REFLECTION ON BEST PRACTICE

- Identify examples of best practice in industry
- Compare best practice with current practice
- Identify areas for improvement

5. RECOMMENDATIONS

- Propose improvements to address needs, explaining how they would meet best practice and/or legislative requirements
- Identify how proposed improvements could be implemented
- Outline how improvements could be evaluated for effectiveness

6. CONCLUSION

- Explain the importance of WHS to your company
- Identify contractors' varying WHS duties, rights and obligations under the legislation
- Express the importance of improving practices

TIPS:

- Use the report template (below) and elaborate on the points above.
- Write in simple English. Remember that people from a range of backgrounds and abilities would be reading this document, such as health and safety committees, health and safety representatives, managers, supervisors, and PCBU's or their officers.
- Be sure to refer to supportive documents specifically (e.g. section numbers of legislation, reference best practice and WHS information and data) so that the reader could refer to the legislation for more information if they wanted to.

1. INTRODUCTION

Civforce Traffic Management is a registered traffic control company which tailors professional traffic management to meet the needs of small and large business by providing licensed traffic controllers, equipment hire, traffic management plans (TMR) and traffic control plans (TCP), and training. Civforce is committed to provide safe, cost efficient traffic management solutions.

As part of fulfilling its duties Civforce undertakes the services of a variety of contractors, from labour hire which contractors are hired to provide short term or long term positions to supplement staffing, to those performing duties around the office e.g. cleaners. The details of their contractor arrangements are found within their contracts which are held by Civforce Traffic Management.

Civforce holds the highest possible standards of work health and safety, it is essential that contractor arrangements in particular to work health and safety are reviewed to ensure their effectiveness.

2. CURRENT PRACTICES FOR CONTRACTORS

Two key areas that Civforce Traffic Management hires contractors for include labour hire and cleaning. Contract Labour Hire are hired to supplement staffing such as traffic controllers for offsite. They are required to maintain and carry at all times their white card, traffic control industry licence. Contract labour hire have their working arrangements outlined in a contract which is kept in a locked file in hard copy as well as electronically.

Cleaners are contracted to maintain the office area after hours. The contact person for the cleaning arrangements is the Human resource manager, he possesses the details of their contracts.

In relation to WHS for contractors Civforce Traffic Management Occupational Health and safety Management Systems (OHSMS) under section 1.0 outlines that it is the policy of Civforce to conduct its activities in such a manner that the health, safety and wellbeing of employees, subcontractors and the public are not in any way harmed or prejudiced as a result of working for or within the company. While doing so Civforce provides information, instructions, training for employee and subcontractors to increase understanding of workplace hazards and to guarantee proper supervision and involve them on WHS matters.

3. LEGISLATIVE REQUIREMENTS

Contractors, under the Work Health and Safety Act 2011 (Qld), are deemed to be a 'worker'. Under section 28 of the Work Health and Safety Act 2011 (Qld), workers have duties and obligations to:

- Take reasonable care for their own health and safety
- Take reasonable care for the safety of others
- Comply with the reasonable instructions of a Person Conducting Business or Undertaking (PCBU)
- Cooperate with the PCBU's reasonable policies or procedures for health and safety

To meet their obligations, workers should:

- Cooperate with and follow instructions from the PCBU regarding WHS
- Use personal protective equipment and clothing (PPE) that has been provided by the PCBU
- Report to the PCBU on any hazards or injury to harm or health

As part of fulfilling these rights under the legislation, workers are entitled to certain rights under the legislation. For example, the right to health and safety, as owed by others (including the PCBU).

Section 19 of the Work Health and Safety Act 2011 (Qld) provides that in holding the primary duty of care the PCBU should ensure, so far as is reasonably practicable, the health and safety of workers affected by the business or undertaking.

This duty includes providing:

- Safe work environment
- Safe plant and structures
- Safe systems of work
- Safe use, handling and storage of plant and substances
- Adequate facilities
- Information instruction and training; and
- Monitoring of the workplace

The requirement of 'reasonable practicable' means what can be reasonably done to eliminate or reduce a risk, weighing up a number of factors. It does not mean that PCBUs are required to do everything possible, just what is reasonable. Refer to section 18 of the Work Health and Safety Act 2011 (Qld) for further details.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018#sec.28>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018#sec.19>

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018#sec.18>

<https://www.safeworkaustralia.gov.au/system/files/documents/1702/guide-reasonably-practicable.pdf>

4. REFLECTION ON BEST PRACTICE

McNab is a privately owned design and construction contractor. In a case study of McNab undertaken by the Queensland WHS regulator, Work Health and Safety Queensland, best practices were identified for WHS contractors by achieving three million hours without a Lost Time Injury (LTI) for the past two years. McNab wants to ensure that safety is a natural consideration when workers are planning their job, this is compulsory. McNab provides a good system of consultation, if an incident occurs, it is reported at the next pre-start meeting for discussion, as well as open communication between the injured worker, the employer and the GP or treating specialist can make all the difference in getting an injured worker back to work.

Civforce Traffic Management abides by this to some extent by implementing Safe Work Method Statements (SWMS) that all workers have to abide to, also daily at pre-start meeting discuss any incidents that might have occurred. Civforce also ensures that subcontractors have read and understood the conditions of entry to site documentation prior to signing. The person that has also called the contractor on site is also required to induct the contractor into Civforce Traffic Management emergency evacuation procedures. Due to this Civforce incident reports rate are relatively low.

<https://www.worksafe.qld.gov.au/forms-and-resources/case-studies/employer-best-safety-practice/leighton-contractors>

5. RECOMMENDATIONS

To improve its practices, Civforce Traffic Management may consider looking into pre-employment medical checks and align these with worker based risk assessments in order to extend their approach in line with best practice demonstrated by other workplaces. In doing so Civforce Traffic Management will be upholding their legislative requirements. This would be an appropriate approach when dealing with contractors who regularly visit the workplace and could be a part of the induction process.

To determine whether such improvements are effective, Civforce Traffic Management should compare the level of incidents prior to and after such procedures have been implemented. Contractors should also be consulted for their feedback.

6. CONCLUSION

Civforce Traffic Management is committed to providing safe, cost effective traffic management solutions, not only by training its workers about the importance of WHS, but also ensures that it practices what it preaches. As outlined in the legislation, Civforce (as a PCBU) and its workers have the duty to ensure that workplace health and safety is recognised and each party has a role in upholding it.

As part of maintaining compliance Civforce reviews its contractor arrangements, addresses staff needs and amends its practices, as required. In doing so ensures the highest level of safety in the workplace for all workers.

Outcome for Activity 4

- ☐ Satisfactory
- ☐ Not satisfactory

Trainer/Assessor comments	
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QUIZ

QUESTIONS	CORRECT
1. Which of the following services are more likely to be supplied by contractors? Select all that apply. ☒ Repair work ☒ Installation of equipment ☐ Fire wardens ☐ Management	☐
2. The definition for 'worker' under the <i>Work Health and Safety Act 2011</i> (Qld) includes contractors. ☒ True ☐ False	☐
3. As contractors are not employees, they are not required to be consulted with regards to WHS matters. ☐ True ☒ False	☐
4. Due to the different nature of contractor arrangements, contractors may be required to have a separate workplace induction. ☒ True ☐ False	☐
5. All information relevant to a contractor must be exclusively included in their contract. ☐ True ☒ False	☐

Outcome for Quiz	☐ Satisfactory ☐ Not satisfactory
Trainer/Assessor comments	

PRACTICAL TASK

You are required to have a suitable observer verify your ability to complete the following tasks. These tasks may be simulated (using the handouts provided) or real.

TASKS	VERIFIED
A. Access contracts (and other relevant contract documentation, information and data) to: - Identify the services supplied by contractors - WHS arrangements relevant to contractors - Identify contractor WHS workplace policies, procedures, processes, systems, practices and activities	☐
B. Compare contractor WHS policies, procedures, processes, systems, practices and activities with requirements under WHS legislation.	☐
C. Consider best practice/legislative requirements and identify any areas of improvement for contractor WHS policies, procedures, processes, systems, practices and activities.	☐
D. Develop potential improvements to contractor WHS policies, procedures, processes, systems, practices and activities – outlining requirements for implementation and evaluation of these improvements.	☐
E. Develop an electronic presentation outlining your findings, and present this to the PCBU.	☐
Name of observer	
Role of observer (Confirm their suitability to sign)	☐ Trainer/Assessor ☐ Other (specify):
Phone number of observer	
Email address of observer	
Signature of observer	
Date	Click here to enter a date.
Comments	

Outcome for Practical Task

- ☐ Satisfactory
☐ Not satisfactory

Trainer/Assessor comments	
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