

## Contractor Work Health & Safety Management in Meat Processing Plants

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### Duties of employers when hiring contractors

Under state Work Health and Safety (WHS) laws a person conducting a business or undertaking (PCBU) has the responsibility to ensure the safety of everyone on site. This includes contractors and subcontractors. The PCBU is the most senior manager of the company (generally the CEO). The PCBU must take all reasonable steps to:

- Protect the safety of contractors from risks they might be exposed to in the workplace.
- Ensure work conducted by contractors does not affect the health and safety of others.

Companies should have a system in place that outlines how they will manage contractors in their workplace that includes:

- Developing and implementing the system to manage contractors.
- Planning and preparing the contract work to be undertaken.
- Onsite management and supervision of contractors.
- Contract record-keeping and evaluation.

### Establishing the contractor management system

#### The tender

**Develop overall tender criteria.** Tender criteria will vary according to the size of the contract and the nature of the work. A small contract for example, may require a description of the work and WHS management system with quotation from say two contractors. Large tenders for construction work where the cost is greater than \$250,000 will be governed by the requirements for safe work method statements for high risk construction work.

**Develop tender specifications** that set out the work to be completed as part of the contract and clear criteria for tender selection. The specifications required for WHS include details of the contractor's general WHS management system and specific WHS requirements related to the contract work to be undertaken. Requirements for the contractor's general and WHS management systems include:

- Contractor company details including company registration to verify that the contractor is a legitimate business.
- Workers compensation and public liability insurance coverage details.
- Names, registration, licences and qualifications of contractors doing the work.
- Details of any sub-contracting of all or parts of the work to other contractors in regard to their company details, insurance, competencies and WHS systems.
- Evidence that the contractor has procedures to manage safety, site safety plan, risk assessments, safe work method statements (SWMS) for work you require them to perform, work instructions, relevant emergency procedures, induction and training processes and records and equipment maintenance records.
- Accident reporting and investigation procedures and copies of accident records.



- Safe work method statement for high risk construction work.
- Contacts for references from previous jobs.

Specific WHS requirements related to the contract including:

- How the contract work will be coordinated in your workplace; how any shared responsibilities will be managed; supervision and monitoring of contracted work.
- Breakdown of contract work into tasks and risk management for hazards of each task.
- Work instructions for tasks.
- Safety requirements for work area, e.g. for cordoning off work area.

**Develop a tender process** that includes tender specifications, timelines and criteria for evaluating tenders.

**Conduct tender evaluation** to confirm that the contractor has met the tender specifications and is suitable and will work safely in your workplace. The evaluation needs to be made by a person with the skills and experience to make the assessment. Particular note should be taken in regard to sub-contracting of all or parts of the work to other contractors in regard to their competencies and WHS systems.

### **The contract**

Depending on the nature of the work to be done, the contract between the employer and the contractor may include the following WHS areas:

- Meat processing company WHS policies and procedures.
- WHS roles, responsibilities and reporting requirements for the contract including identifying the meat processing company contractor supervisor to whom the contractor will report.
- Information, instruction and training provided to all workers as appropriate.
- Requirements for contractor supervision.
- Safety requirements for work area.
- Methods, purposes and schedule of communication for contract.
- Risk management processes for reducing risks to lowest possible levels for work in contract.
- Schedule of inspections and audits of work.
- Procedure for handling any changes in the work/contract.
- Contract reporting and record-keeping requirements including reporting on:
  - Site inductions and training
  - Incidents, hazards, etc
  - Formal meetings for consultation and communication during contract work
  - Process to be taken by site management if contractors are non-compliant with company policies and procedures.

### **Contractor WHS responsibilities**

The contract will include contractor WHS responsibilities on site during the contract. These responsibilities will generally include:



- Your responsibility for your own safety and the safety of your co-workers and others that your work activities may impact upon.
- All persons working for or contracted by you must complete a site induction have been vaccinated against Q fever (at least 2 weeks before entering the site to build up immunity to Q fever), and have read and understood the safety requirements detailed below. This must be done before starting work.
- All contractors must sign in upon arrival and contact their contractor supervisor to escort them to the area of work.
- Contractors must also sign out when they leave the site.
- Maintain reasonable standards of housekeeping, cleanliness and hygiene.
- Safety and PPE (such as hearing, foot, eye protection, hard hats, high visibility vests) must be worn/used as appropriate to the area and work being carried out.
- Smoking, alcohol and illegal drugs are prohibited at the site.
- Contractors who are on prescription medication should report the medication they are on to the contractor supervisor.
- No work is to start until everyone working for you or contracted by you, have been authorised to do so by the supervisor of the area where you are working.
- Do not enter any areas that you are not authorised to enter.
- Before starting work, the principal contractor will review the work to be done with the site contractor supervisor and the supervisor of the area where the work is being conducted and explain any implications of the work being undertaken for the area, eg need to cordon off the area.
- All contractor equipment, materials, and PPE must be in good condition, properly maintained and suitable for the work.
- All hazards must be controlled in consultation with the contractor supervisor to reduce risks to the lowest possible levels.
- No equipment is to be repaired or maintained unless properly isolated/switched off and de-energised.
- Any equipment or materials found to be unsafe should be reported immediately to the contractor supervisor and locked and tagged out of service.
- On a construction site, all mains powered electrical equipment must have a current test tag.
- A current safety data sheet must be available for any hazardous/dangerous chemicals used.
- For any high risk work (such as work at heights over 2m, confined space work, working with hazardous substances) you must have appropriate training and the correct equipment. An appropriate formal risk assessment, safe work method statement or job safety analysis must be completed before starting work.
- All injuries, incidents and equipment damage/breakages/failures are to be reported immediately to the site contractor supervisor as appropriate.
- The site WHS procedures must be followed for accident/incident and hazard reporting and submitted to the site contractor supervisor.
- A serious incident that may be notifiable should be reported to the site contractor supervisor or area supervisor immediately and the scene of the incident preserved.
- Be aware of vehicle traffic operating on site. Follow the designated pedestrian walkways.



- Demarcate/isolate visitors/clients from the work you are doing with appropriate warning signage and barriers.
- No form of harassment/bullying will be tolerated.
- Understand site emergency requirements (basic evacuation procedures, exit locations, evacuation assembly location).
- Comply with any reasonable direction from the PCBU, principal contractor, site manager or site contractor supervisor. You could be asked to leave the site if any of the above requirements are not followed to reasonable expectations. Please ask the person in charge of your work if any doubt exists.

### **Contractor register**

Compile a contractor register of all contractors used in your business. The register includes company details and other general information from each contractor to verify their legitimacy and that they follow safe work practices. Your organisation may compile a list of preferred contractors for specific areas of work. Your organisation will, in turn provide your company information and evidence of your WHS management system to each contractor to demonstrate that you follow safe work practices.

### **Planning and preparing the specific contract work to be undertaken**

#### **Induct contractor to site policies and procedures, hazards and risk controls**

Every contractor or sub-contractor who will be on your premises must participate in site induction prior to commencing work at your site. Site induction will include:

- Contractor WHS responsibilities, workplace/site procedures and practices (including personal protective equipment) and code of conduct.
- Zoonotic diseases including Q fever vaccination (well in advance of commencing work to ensure the vaccination has had sufficient time to take effect).
- Emergency response and evacuation procedures.
- Site entry and egress, access to restricted/hazardous areas and amenities for worker welfare.
- Incident, accident, near miss and hazard reporting.
- First aid procedures.
- Consultation mechanisms and how you will monitor contractors to make sure they are working safely.
- Risk management processes – Hazard analysis, risk assessment and controlling the risk.
- Food safety requirements.
- Anti-harassment and drug, alcohol and smoking policies.
- WHS policies and procedures relevant to the work being conducted such as hazardous substances, working at height, high risk work, working with hazardous energies and LOTO, hot work.

#### **Consult with contractor about contract specific WHS requirements prior to commencement of work**

This should include consultation about:

- Notification of site contact person for coordination of work, permits and reporting requirements.
- Identification of any shared responsibilities for each contract on site and how they will be managed.





- Review of work to be done and identification of implications of that work for the area in which it is being done.
- Review of hazards associated with work to be done and implementation of controls to reduce the risks to the lowest possible levels.
- Provision of information on workplace hazards, supervision and monitoring of work to be carried out by the contractor.
- Review contractors safe work procedures/SWMSs and steps to control risks associated with the job.
- Connection to services, vehicle access on site, work organisation and practice.
- Contractors plant, powered tools and equipment and any hazardous substances that the contractor(s) will use on the job.

### **Monitor and supervise contractors on site**

Contractors need to be monitored and supervised to ensure the contractors work safely and follow workplace procedures and WHS requirements.

- Check all workers are inducted and follow access and egress requirements for the workplace.
- Ensure contractor has access to appropriate resources and processes to work safely.
- Check tools and equipment are in good condition and fit for purpose.
- Check the contractor is working in a safe manner, workplace hazards are accounted for and managed and contractor is taking appropriate actions to eliminate or reduce risks arising from their work.
- Check permits are completed and specific workplace procedures and rules followed.
- Supervise high risk work closely.
- Check all workers are wearing appropriate PPE.
- Check work organisation, area signed/barricaded, work area clean and orderly, hazardous substances handled and stored safely, spills and rubbish disposed of correctly, food safety and safety of others not put at risk.
- Review new hazards, near misses and incidents with contractor and address WHS issues promptly.
- Stop any unsafe work, discuss issues with the contractor and correct any issue or improve safe work procedure.

### **Contract record keeping and evaluation**

Your company may have specific requirements for keeping records of contractors. You should also be following your company's WHS requirements in the same way as you do for your own employees. For example, contractors should follow your WHS procedures to report incidents and the incidents need to be investigated in the same way as other incidents on site.

### **Work health and safety laws related to contractors**

#### **Primary duty of care**

The most senior manager in the company (generally the CEO) is called a 'person conducting a business or undertaking' (PCBU) in the WHS legislation. Under the legislation the PCBU has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of:



- Workers engaged, or caused to be engaged by the person, and
- Workers whose activities in carrying out work are influenced or directed by the person while the workers are at work in the business or undertaking.

A person conducting a business or undertaking must also ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

### **Contractors are workers under the WHS Act**

A person is a 'worker' if they carry out work in any capacity for the organisation. Workers include employees, contractors, subcontractors, employees of contractors or subcontractors, labour hire employees, apprentices, trainees, outworkers, persons gaining work experience and volunteers.

### **WHS duties of workers**

While at work, a worker must:

- Take reasonable care for his or her own health and safety, and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and
- Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act, and
- Co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

### **Concurrent liability**

Contractors are responsible for their workers health and safety however a business or undertaking that engages the services of a contractor can also be liable under WHS laws if the contractor or any worker employed or hired by the contractor is injured at their workplace and you failed to take reasonable actions to protect their safety. This is known as **concurrent liability**.

Implementing and maintaining effective contractor management helps to mitigate the risk of any concurrent liability (when two or more parties can be liable for the same incident).

### **WHS laws that apply to construction work, high risk construction work and construction projects over \$250,000**

The PCBU and principal contractor must not allow a worker to carry out construction work (work relating to the construction, alteration, conversion, fit-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure), without proof of successfully completing Construction General Induction Training.

If the training was completed more than two years previously, the worker must have carried out construction work within the last two years.

A SWMS is required for high risk construction work (work carried out: on a telecommunications tower; in or near a confined space; on or near energised electrical installations or services; in an area that may have a contaminated or flammable atmosphere; in or near a shaft or trench with an excavated depth greater than 1.5m or a tunnel; on or near pressurised gas mains/piping; on or near chemical, fuel or refrigerant lines; where there is any movement of powered mobile plant; in an area where there are artificial extremes of temperature; in or near water or other



liquid that involves a risk of drowning; or involving: structural alterations/repairs that require temporary support; a risk of a person falling more than 2m; the disturbance of asbestos; demolition of a load bearing element of a structure; the use of explosives; tilt-up or precast concrete; diving work).

The PCBU must ensure work is carried out according to the SWMS, and work is stopped immediately if it is not. A copy of the SWMS must be provided to the principal contractor before work commences.

The Principal Contractor on a construction project (where the cost of the work is \$250,000 or more) is required to:

- Display signage showing their name and contact details.
- Prepare a written WHS management plan.
- Inform all persons carrying out work on the project of content of the WHS management plan.
- Obtain copies of SWMS for any high risk construction work.
- Manage risks related to:
  - storage, movement and disposal of materials and waste
  - storage of plant not in use
  - traffic in the vicinity of the workplace, and
  - essential services.

#### **Failure to comply with health and safety duties**

WHS legislation is now consistent across Australia (with the exception of Victoria and WA who have not yet enacted the new legislation). State and territory WHS authorities enforce the legislation in each state. Penalties for breaches of the WHS laws may incur fines to the company and/or fines and gaol sentences to individuals including directors, managers, supervisors, workers, contractors or anyone associated with the business. Fines to corporations may be as high as \$3 million and fines to individuals may be as high as \$600,000 to CEOs and senior managers, and \$300,000 to other individuals. Gaol sentences to individuals may be up to a maximum of five years.

#### **Workers compensation insurance for contractors**

Contractors are in most instances responsible for their own workers compensation insurance. If they are a sole trader they should obtain personal accident insurance.

If the contractor is defined a deemed worker under Workers Compensation legislation your business or undertaking will be required to take out workers compensation insurance. The definition of a deemed worker varies depending on the legislation in your state or territory. Most jurisdictions recognise a deemed worker to be a contractor engaged to carry out regular work on a regular and systematic basis and you have a significant amount of control over the worker and the work they do.

#### **Contractor work health and safety management checklist**

This checklist aims to ensure that contractors work safely on meat processing plant sites and follow the site's safety procedures in the course of their work so that contract work is conducted safely to specifications.

The checklist is designed to be completed by meat processing company personnel who are responsible for managing contractors undertaking contract work in meat processing plants. These personnel are called contractor supervisors in this checklist. They are most likely to be maintenance personnel (qualified tradespersons and/or maintenance supervisors or managers).



The checklist should be modified to meet the needs of specific contracts, the nature of the work being conducted, and the specific WHS and work procedures of your meat processing plant. The checklist is not designed to cover the requirements for high risk construction work.

Contract details		
<b>Title of contract</b>	<b>Contractor company name</b>	
<b>Principal contractor name and contact</b>	<b>Site contractor supervisor name and contact</b>	
<b>Brief description of contract</b>	<b>Contractor contact details</b>	
<b>Duration of the contract</b> <b>Start date:</b>	<b>Completion date:</b>	
WHS items	Yes/no	If no, comments and resolution
<b>Work health and safety in the tender specifications</b>		
<b>General contractor WHS management system</b>		
Contractor company details including ABN, registration and insurance details		
Names, licenses, qualifications and registration of individuals conducting the work		
Issues from a contractor sub-contracting work to others have been addressed and WHS confirmed across all workers		
Components of contractor WHS management system cited and include work instructions, risk management program, workplace inspections, consultation processes, accident reporting and investigation, emergency procedures		
Induction and training processes		
WHS record-keeping		
<b>Specific WHS management system for work to be conducted in the contract</b>		
Breakdown of contract work into tasks/steps		
Risk management for each task that includes identification of hazards, assessment of risks and identification and implementation of controls that reduce risks to lowest possible levels, arrangements for monitoring and reviewing during work		
Work instructions cited for tasks		
Inspections of work area as required		
Safety requirements identified for work area (eg cordoning area off) and how this information is relayed to staff		
Emergency procedures (as required)		
Safe housekeeping practices		





<b>Tender evaluation</b>		
Assessment of the contractor's WHS systems by a person with the skills and experience to make the assessment		
WHS information collected for all personnel conducting the work including sub-contractors		
Need for more WHS information?		
<b>The contract</b>		
Meat processing company policies and procedures		
Meat processing company contractor supervisor identified and principal contractor informed		
Principal contractor conducting work identified and company contractor supervisor informed of name and contact details		
WHS roles, responsibilities and reporting requirements for contract		
Supervision requirements determined		
Safety requirements for work area eg cordoning area off		
Risk management processes for reducing risks to lowest possible levels for work in contract		
Methods, purposes and schedule of communication for contract		
Procedure for handling any changes in the work to be conducted in the contract		
Contract reporting and record-keeping procedures for inductions, training, incidents, hazards, meetings, communication, process if non-compliance with company WHS procedures		
<b>Contractor register</b>		
Enter contractor data onto contractor register		
Ensure company information and WHS management system information provided to contractor as appropriate		
Start to collect contractor data and performance information for possible inclusion on preferred contractor list as appropriate		
<b>Contractor induction</b>		
Ensure every contractor and sub-contractors (as appropriate) participate in company induction program		
Maintain records of personnel who have completed induction program		
Ensure contractors and/or any sub-contractors have information on Q fever, have Q fever vaccination (with sufficient time for immunity), bring proof of vaccination and keep records of vaccinations		
<b>Preparation for start-up of work</b>		
Consult with contractor about any shared responsibilities on site and how they'll be managed		
Consult with contractor to review the work to be done		



Consult with contractor about implications of the work for the area in which its been done and how they'll be managed		
Consult with the contractor to review the hazards, associated risks and control measures		
<b>Onsite management and supervision of contractors</b>		
Confirm contractors have had Q fever vaccination and time to build immunity after vaccination (at least two weeks)		
Confirm contractors have attended the onsite induction prior to entry to site		
Meet contractors on arrival, complete sign in, provide PPE and escort them to work area		
Review work to be done and risk management in consultation with the supervisor of the area		
Review site WHS requirements with contractors		
Review methods of resolving and documenting non-compliance with WHS procedures		
<b>Contractor record-keeping and evaluation</b>		
Ensure contractor follows company WHS procedures in regard to reporting hazards, incidents, first aid etc		
Complete your company record-keeping procedures for WHS and contractors		
<b>Summary</b>		
Signature _____ Date _____		

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