6.05.14 Contractor Safety Management

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Please note: All procurement requirements need to be met as per the procurement procedures.
Purpose

In accordance with the *Work Health and Safety Act (2011)*, a contractor is classed as a ‘worker’ and therefore Council has a duty of care to ensure effective contractor management systems are in place to manage all relevant health and safety risks. The purpose of this Contractor Management Procedure is to document Council’s WHS requirements in relation to the safe work related practices by and for Contractors.

To effectively manage contractor safety, Council will develop and continuously improve procedures to ensure effective and consistent. Matters covered in these procedures will include:

- Identification
- Evaluation
- Selection
- Monitoring; and
- Auditing.

Scope

This procedure applies to all Council workers, contractors, sub-contractors and volunteer organisations who are not registered volunteers of council yet undertake project work on behalf of council in accordance with Bega Valley Shire Council (BVSC) *Procedure 4.01.3 Community Project Proposal*, at a variety of sites, locations and projects.

Objectives

The following objectives detail Council’s requirements in relation to Contractor WHS Management:

- Council will develop, monitor and enforce policies, procedures and instructions which aim to ensure a healthy and safe workplace is maintained (as reasonably practicable) for contracted works.
- Council will ensure so far as is reasonably practicable that ‘workers’ undertaking contracted works are competent or adequately trained to safely perform their job.
- Prior to commencement of work, the relevant Council Contract Manager/Coordinator will review all relevant safety documentation from the Contractor and provide adequate instruction (e.g. site specific induction) to the relevant Contractor.
- Council will periodically undertake safety inspections/audits of contracted works.

This procedure should be read in conjunction with the contractor management guide.
Duties and responsibilities

Council will ensure that for every contract with health and safety implications entered into, there is a responsible Contract Manager/Coordinator who will comply with this procedure. The following duties and responsibilities apply to the positions below.

**Contract Managers/Coordinators**

Contract Managers/Coordinators are council employees who are the principle point of contact between the contract workers and Council. Contract Managers/Coordinators will:

- Ensure relevant information and instruction is provided to workers undertaking contracted works;
- Review all documented safe systems of work provided by the contractors, prior to the commencement of works. Where documented systems are inadequate, the Contract Manager/Coordinator must ensure contractors do not commence work until adequate systems are documented and implemented.
- Before commencing work the activity being performed must be assessed to identify any risks, and ensure suitable control measures have been implemented by the contractor, for the safe execution of the work.
- Ensure Contractors have an Integrated Management Plan for all construction projects over $250,000; and
- Undertake regular monitoring, inspection/auditing and reporting of WHS performance of the contract for the duration of the project.

**Contractor ‘workers’:**

Contract workers have responsibilities to take reasonable care of themselves and other people affected by their work activities and to co-operate with Council to enable compliance with health and safety legislation. Contract workers will:

- Ensure any breaches of BVSC Policies/Procedures by Contractors are reported to the relevant BVSC Contract Manager/Coordinator.
- Ensure any workplace incidents are reported immediately to the Contractor Manager/Coordinator.
- Follow any relevant legislation, Codes of Practice, Council Procedures, reasonable instruction and BVSC Contractor Health, Safety and Environment Handbook.

**Procedure**

**Contractor Accreditation**

Council has appointed BNG Contractor Services Pty Ltd to manage our contractor engagement requirements through their on-line contractor management system BNG Conserve™. All contracted works undertaken at Council must be performed by a BNG accredited contractor (excluding volunteer groups who undertake project work on behalf of Council in accordance with BVSC Procedure 4.01.3 Community Project Proposal¹). If it is not possible to engage an accredited contractor, permission must be sought from the relevant Director/Executive Manager using a non-accredited contractor engagement form.

¹ Note: Although the volunteer group themselves do not need to be accredited with BNG Conserve any sub-contractors that they engage for works on a Council site must be performed by either an accredited contractor or permission sought for a non-accredited contractor as per this instruction.
Appointement of a Principal Contractor

A Principal Contractor is to be appointed as per the requirements of the WHS Regulations and Council's Contractor Health, Safety & Environment Handbook. It is important the contractor has notified in writing that they are the Principle Contractor (see Annex 1 Contractor Checklist).

Contractor Evaluation and Appointment

Council is required to measure and assess the capacity of contractors to comply with WHS requirements as stipulated in WHS Legislation, relevant Australian Standards or Codes of practice. This evaluation will include assessing all relevant documentation and is to be incorporated in the selection of contractors prior to appointment.

Pre-commencement

The Contract Manager/Coordinator will ensure suitable WHS management requirements have been implemented by the contractor before work commences. This includes:

- Checking BNG data base that the contractor has adequate qualifications, evidence of competency and insurance.
- Ensuring the contractor has read and signed Council's generic Induction document (Contractor Health Safety & Environment Handbook).
- Review the task specific Integrated Management Plan, Safe Work Method Statements or other documented safe systems of work as appropriate.
- Ensuring any relevant site hazards or risks that are reasonably apparent to the Contract Manager/Coordinator have been communicated to the relevant point of contact representing the contractor.

Contractor WHS Monitoring, Inspection/Auditing and Reporting

Council staff who are required to manage contractors must undertake regular monitoring, inspection/auditing and reporting of WHS performance of the contractor and works. Any identified non-conformances in relation to WHS must be documented using a Contractor Non-conformance Report. This non-conformance must be communicated to the contractor and the contractor must address any issues identified immediately.

Contractor Incident Management

Any injury received or incident identified by a contractor whilst undertaking work for Council is to be reported to the Council's nominated Contract Manager/Coordinator and then forwarded to the WHS Officer. Notifiable incidents as defined in the WHS Regulation and Council's Contractor Health Safety & Environment Handbook must be reported to Risk Management team in the Organisation Development and Governance Unit immediately.

Contractor Induction

All individuals performing work on a Council site must read the BVSC Generic Induction (Contractor Health Safety & Environment Handbook). Once contractors have read the induction handbook they must indicate understanding by signing the declaration on the last page.

Site specific induction

The Contract Manager/Coordinator is responsible for ensuring the Principal Contractor has been given a site specific induction which identifies (as reasonably practicable) any relevant site hazards, amenities and other site conditions.

Note: When selecting contractors, all BVSC Contract Managers/Coordinators must also refer to Council's Procurement Guidelines as well as ensuring that contractor credentials within BNG Conserve are appropriate for the task at hand.
requirements. The Principal Contractor is responsible for ensuring all identified risks are subsequently communicated to any workers undertaking works on site. The Contractor must ensure that a register or equivalent record is maintained of all workers who have received induction training.

Training

This Procedure will be communicated to all staff through formal contractor management training, team briefings (tool box meetings), and will be available on Council’s SharePoint (internal site) and website.
Glossary of Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>Audit</td>
<td>A systematic examination against defined criteria to determine whether activities and related results conform to planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve Council’s WHS Policy &amp; Objectives.</td>
</tr>
<tr>
<td>Bega Valley Shire Council Manager</td>
<td>Bega Valley Shire Council Manager with delegated authority to sign off on the engagement or payment of a contractor.</td>
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<tr>
<td>Contractor</td>
<td>A contractor is anyone who is paid a fee to work for Council.</td>
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<tr>
<td>Contracted Work</td>
<td>Works conducted by a Contractor and includes volunteer project information as per Procedure 4.01.03.</td>
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<tr>
<td>Contract Manager</td>
<td>Member of Council staff with authority to engage or supervise Contractors and any Sub Contractor employees, who are responsible for all matters pertaining to managing particular contracts, works.</td>
</tr>
<tr>
<td>Integrated Management Plan</td>
<td>An Integrated Management Plan is a written plan that sets out the arrangements for managing site health and safety matters, considering environmental considerations.</td>
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<tr>
<td>Sub-Contractor</td>
<td>Any person or company formally, engaged by a Contractor to perform specified works for the Contractor.</td>
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<tr>
<td>WHS Instructions</td>
<td>WHS Instructions refers to any documented BVSC safety system which aims to ensure Council maintains a healthy and safe workplace.</td>
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<tr>
<td>Workers</td>
<td>Any person who carries out work for a PCBU, including work as an employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a ‘host employer’ and volunteers.</td>
</tr>
<tr>
<td>Work Health and Safety Management System (WHSMS)</td>
<td>WHSMS is a set of plans, actions and procedures to systematically manage health safety and wellbeing in the workplace that is actively endorsed by Bega Valley Shire Council (BVSC).</td>
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</table>

References

- *NSW Work Health Safety Act 2011*
- *NSW Work Health Safety Regulation 2017*
- *BVSC Contractor Health Safety & Environment Handbook*
- *BVSC Purchasing Policy*
Annex 1 – Contractor Checklist

The following checklist is provided to help identify possible issues you may need to address as Contractor Manager/Coordinator. (Please note this checklist does not cover all potential issues associated with contractor management - if in doubt contact WHS Officer).

<table>
<thead>
<tr>
<th>Issue/Concern</th>
<th>Tick</th>
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</thead>
<tbody>
<tr>
<td><strong>1. Pre Engagement</strong></td>
<td></td>
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<tr>
<td>1.1 Have you engaged an accredited Contractor?</td>
<td>☐</td>
</tr>
<tr>
<td>1.2 Have you reviewed licences, insurance, qualifications and safe systems for work?</td>
<td>☐</td>
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<tr>
<td>1.3 Have you identified a Principal Contractor?</td>
<td>☐</td>
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<tr>
<td>1.4 Has the Principle Contractor been notified in writing?</td>
<td>☐</td>
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<tr>
<td>1.5 Are there consultation arrangements in place?</td>
<td>☐</td>
</tr>
<tr>
<td>1.6 Have all hazards been identified and communicated to the contractor?</td>
<td>☐</td>
</tr>
<tr>
<td>1.7 Is there any hazardous/high risk work?</td>
<td>☐</td>
</tr>
<tr>
<td>1.8 Have contractors been inducted (this includes general and site specific) – have you checked this in BNG Conserve?</td>
<td>☐</td>
</tr>
<tr>
<td>1.9 Is it a construction project (i.e is cost of project work over $250,000)</td>
<td>☐</td>
</tr>
<tr>
<td>1.10 If over $250,000 project cost does the project include a Safety Management Plan?</td>
<td>☐</td>
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<tr>
<td>1.11 Does the contractor engagement require tendering or a request for quotation (RFQ)?</td>
<td>☐</td>
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<tr>
<td>1.12 Are all contractor employees accredited? (Must check to ensure sub-contractors used are accredited as well)</td>
<td>☐</td>
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<tr>
<td>1.13 Do contractors know about notifiable incidents? Do you?</td>
<td>☐</td>
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<tr>
<td>1.14 Have you assessed the public safety risks?</td>
<td>☐</td>
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<tr>
<td>1.15 Has the site inspection been scheduled with the WHS Officer or are you comfortable in doing inspection yourself?</td>
<td>☐</td>
</tr>
<tr>
<td>1.16 Can you prove or do you have evidence to indicate you have complied with the requirements above</td>
<td>☐</td>
</tr>
<tr>
<td><strong>2. Engagement – during contract</strong></td>
<td></td>
</tr>
<tr>
<td>2.1 Has regular site inspections been scheduled with WHS Officer, or are you comfortable in doing inspection yourself?</td>
<td>☐</td>
</tr>
<tr>
<td><strong>3. Post Contract</strong></td>
<td></td>
</tr>
<tr>
<td>3.1 Has all works been completed as per letter of engagement</td>
<td>☐</td>
</tr>
<tr>
<td>3.2 Can you prove or do you have evidence to indicate that you have complied with the requirements above</td>
<td>☐</td>
</tr>
<tr>
<td>3.3 Do you feel confident answering ‘yes to the questions above? If not do not hesitate to contact the WHS Officer.</td>
<td>☐</td>
</tr>
</tbody>
</table>

Please note: All procurement requirements need to be met as per the procurement procedures.