

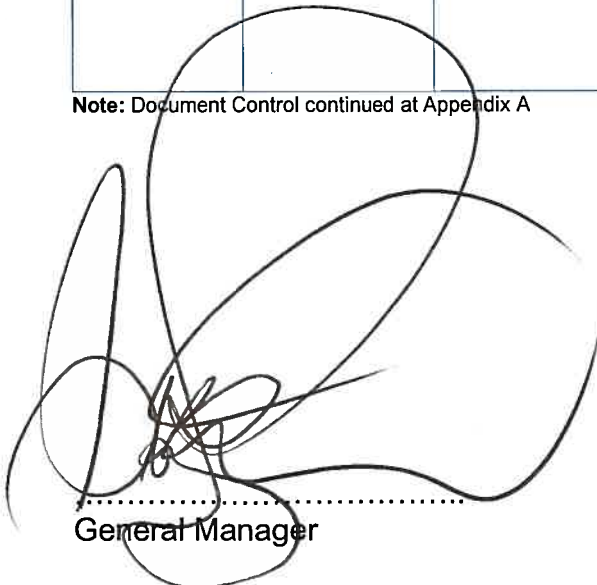


**Contractor  
Work Health and Safety  
(WHS)  
Management Policy**

**DOCUMENT AUTHORISATION**

<b>RESPONSIBLE OFFICER:</b>		WHS COORDINATOR			
<b>REVIEWED BY:</b>		NSW Resources Regulator, MANEX, Work Health and Safety (WHS) Consultative Group			
<b>DATE ADOPTED:</b>		22 July 2021			
<b>ADOPTED BY:</b>		Glen Innes Severn Council			
<b>RESOLUTION NO:</b>		9.07/21			
<b>REVIEW DUE DATE:</b>		July 2024			
<b>REVISION NUMBER:</b>		6			
<b>DOCUMENT NUMBER:</b>		WHS:POL:005			
<b>PREVIOUS VERSIONS:</b>	<b>DATE:</b>	<b>RESOLUTION NO:</b>	<b>DESCRIPTION OF AMENDMENTS:</b>	<b>AUTHOR / EDITOR:</b>	<b>REVIEW / SIGN OFF:</b>
6	22/07/2021	9.07/21	Inclusion of: What existing Council policies, procedures and safety management systems this policy is to be read in conjunction with. The requirement for contractors and their workers to individually complete the WHS online induction. Reinduction of Contractors a specific time frame has been set. References to relevant mines and petroleum sites legislation and Glen Innes Aggregates Safety Management System.	WHS Coordinator	Council

Note: Document Control continued at Appendix A



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General Manager

29/7/21  
.....  
Date

## PURPOSE

The purpose of this policy is to:

- Assist Council in meeting its legal and social obligations to provide safe workplaces and ensure, as far as is practicable, that contractors and their employees are not injured or suffer harm while engaged in work for Council;
- Ensure Council meets its WHS obligations in regard to the engagement of contractors on Council works, by implementing a system that identifies and addresses WHS risks;
- Ensure Contractors are aware of and meet their WHS responsibilities toward themselves, their employees, subcontractors, Council employees and the general public when engaged on Council works;
- Ensure Contractors maintain safe worksites and systems of work that do not endanger or put at risk themselves or others.

## APPLICABILITY

This policy applies to all contractors engaged by Glen Innes Severn Council regardless of the type or length of contract.

This policy is to be read where applicable in conjunction with:

- *Glen Innes Severn Council Work Health and Safety (WHS) Policy;*
- *Glen Innes Severn Council Contractor WHS Management Procedure;*
- *Glen Innes Severn Council – Glen Innes Aggregates Safety Management System.*

## OUTCOMES

Glen Innes Severn Council meets its legal and social obligations to provide safe workplaces and ensure, as far as is practicable, that contractors and their employees are not injured or suffer harm while engaged in work for Council.

## ROLES AND RESPONSIBILITIES

### ENGAGEMENT OF CONTRACTORS

All contractors engaged to perform work for Council must, ensure prior to commencing work on a Council site, all their workers individually complete an online safety induction and satisfactorily demonstrate their knowledge of Council's central WHS systems. If unable to complete the online induction prior to commencing work at Council, contractors including their individual workers may complete the online safety induction at a Council office. Council employees who are managing the contract are to ensure all relevant WHS information has been completed and provided by the contractor prior to commencement of work on site.

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In addition to the WHS online induction, all contractors must complete a site-specific induction and risk assessment prior to commencing work activities. Such induction and risk assessment will identify and control all risks that present at the worksite or are associated with the work activities to be carried out.

Contractors must also provide the following:

- Evidence of all required insurances (workers compensation, public liability, professional indemnity, etc) and that insurance cover is relevant for the activity to be carried out, current and up to date. This includes evidence of appropriate insurances for any subcontractors who are engaged;
- Evidence of safe systems of work, which will include but not be limited to:
  - Sound knowledge of the typical risks associated with the work to be performed;
  - Appropriate WHS certification for all staff and subcontractors;
  - WHS training for all staff and subcontractors to ensure that they are competent to safely carry out all tasks assigned to them;
  - Machinery and equipment that is properly maintained and safe for the purpose;
  - Risk / hazard identification and assessment procedures;
  - Consultation and communication mechanisms for keeping employees and subcontractors informed of relevant WHS information.

It is the responsibility of the contractor to meet these requirements with respect to the contractor's employees, any subcontractors that are engaged by the contractor to carry out works, and any other persons who may be affected by the contractor's work activities while on site.

No contractor(s) will be engaged unless all of the above requirements are met. It is the responsibility of the Council employee who is engaging the contractor(s) to ensure that these requirements are met, which will be the person who has the authority or delegation to engage the contractor and approve payments to the contractor.

Responsibility for ensuring that all or some of the contractor's WHS obligations are met may be delegated (for example, to a site supervisor); however, the person with authority to engage the contractor will remain the person with ultimate accountability for ensuring that requirements are met.

### **WHS REINDUCTION OF CONTRACTORS**

All contractors and their individual workers will be required to undertake a WHS reinduction process by completing an online safety induction and satisfactorily demonstrate their knowledge of Council's central WHS systems.

The reinduction will occur:

- A maximum of two (2) years from the initial online WHS induction;
  - If there is a change to the contractor WHS induction platform used by Council;
  - If there is a change to WHS legislation that requires a reinduction;
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- If there is a change in Council requirements for contractors i.e. updated procedures and
- If there is an incident on a Council site involving a contractor.

When it is deemed a WHS reinduction is required for contractors and their individual staff as a result of any of the events listed above, contractors will be advised by the Council employee who engaged the contractor(s) initially in consultation with the Councils WHS Coordinator.

A WHS reinduction will be arranged by Council for the contractor and their individual workers.

## DEFINITIONS

### CONSTRUCTION PROJECTS:

Construction projects are defined by the *NSW Work Health and Safety Regulation 2017 (Clause 292)* as all construction work where the cost is \$250,000 or more. Such contracts must have a principal contractor engaged to manage the project. The principal contractor must prepare a written WHS Management Plan before work on the project commences. The principal contractor may be Council or another person conducting a business or undertaking (PCBU) engaged as the principal contractor on Council's behalf.

### CONSTRUCTION WORK:

Construction work is defined by the *NSW Work Health and Safety Regulation 2017 (Clause 289, Subclause 1)* and SafeWork Australia as any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure, or preparation of a building site. Under the *NSW WHS Act 2011*, the term 'demolition' includes 'deconstruction'.

Construction work includes the following:

- (a) any installation or testing carried out in connection with an activity referred to in Subclause 1;
  - (b) the removal from the workplace of any product or waste resulting from demolition;
  - (c) the prefabrication or testing of elements, at a place specifically established for the construction work, for use in construction work;
  - (d) the assembly of prefabricated elements to form a structure, or the disassembly of prefabricated elements forming part of a structure;
  - (e) the installation, testing or maintenance of an essential service in relation to a structure;
  - (f) any work connected with an excavation;
  - (g) any work connected with any preparatory work or site preparation (including landscaping as part of site preparation) carried out in connection with an activity referred to in Subclause 1;
  - (h) an activity referred to in Subclause 1, that is carried out on, under or near water, including work on buoys and obstructions to navigation.
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**CHAIN OF RESPONSIBILITY (CoR):**

Under the Chain of Responsibility (CoR), complying with transport law is a shared responsibility and all parties in the road transport supply chain are responsible for ensuring the safety of their transport activities. This approach recognises the effects of the actions, inactions and demands of off-the-road parties in the transport chain. Anybody, not just the driver, who has control over the transport task can be held responsible for breaches of road laws and may be legally liable.

**EMERGENCY WORKS:**

Emergency works are works to be undertaken due to an urgent situation such as an unplanned disruption to utilities where immediate repair works are necessary or where there is an immediate risk to the health and safety of workers.

Emergency works are to be undertaken by prequalified contractors where practicable. Non-prequalified contractors can only be engaged if prequalified contractors are unavailable or do not have the expertise to carry out the work at the time.

**POLICY STATEMENT****CLASSIFICATION OF CONTRACT**

Council will classify contracts (and likely contracts) to assist in determining the appropriate arrangements for managing each contractor, including the requirements for WHS documentation, supervision, and monitoring. Contracts will be classified as Building Construction Projects (Principal Contractors), Major Contracts or Minor Contracts as described below.

**Category 1 – Construction Projects**

Projects / contracts where the cost of works is equal to or more than \$250,000 (excluding GST) and an external organisation is appointed as the Principal Contractor (*WHS Regulation 2017, Clause 292*).

**Category 2 – Major Contracts****Construction works and high-risk construction activities**

All construction works under \$250,000 (excluding GST) including high-risk construction activities as defined by the *WHS Regulation 2017 (Clause 289)*, will be classified as major contracts.

**Non-Construction Contracts**

Non-construction contracts will be classified as major based on an assessment of the following:

- Value of the contract – e.g. a value of \$50,000 and above may be considered as a guide for Major Contracts;
  - The level of complexity and nature of the work – e.g. contracts involving multiple work activities performed by the contractor, co-ordination across multiple sites, the use of subcontractors, and the use of hazardous chemicals;
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- Duration of the project – e.g. contracts that extend beyond six (6) months.

Examples may include but are not limited to cleaners, pest control, passenger transport, event management, waste management, facility management.

### **Category 3 – Minor Contracts**

Other service providers (including consultants and suppliers) who provide an ongoing or one-off low risk service, including but not limited to professional consultants, providers of temporary workers and labour hire.

Delivery contractors will be classified as minor contractors provided that their work does not involve high-risk tasks, such as crane operation to unload a truck.

## **WHS REQUIREMENTS FOR CONTRACT CLASSIFICATIONS**

Contracts are classified depending on their value, complexity, and level of risk. There are differing WHS requirements for different categories of contractors. These are summarised below:

### **Requirements for Category 1 Contracts (Construction Projects / Principal Contractors)**

The engagement of Principal Contractors for Construction Projects will be undertaken using a tender process.

As a minimum, all Construction Projects must satisfy the requirements for Major Contracts, including the completion of the Prequalification Questionnaire – Full Version. In their tender, Principal Contractors must demonstrate how they will meet the specific legislative requirements for the management of construction projects including:

- Producing a written WHS Management Plan prior to the commencement of work;
- Posting clearly visible signage identifying the Principal Contractor's name, contact details and the location of the site office (if present);
- Providing Safe Work Method Statements (SWMS) for any high-risk construction works undertaken as part of the project prior to the commencement of work;
- Complying with general duties prescribed in Chapters 3 and 4 of the WHS Regulation 2017, and
- Providing audit and inspection records to demonstrate compliance with WHS Legislation, Codes of Practice, and relevant Australian/New Zealand Standards.

Where practicable in the tender process, Council will provide the Principal Contractor with any information relating to known hazards and risks at, or near the workplace where the construction works are to be carried out e.g. known or suspected asbestos-containing materials (ACM).

### **Requirements for Category 2 Contracts (Major Contracts)**

The following requirements must be met for Major Contracts:

- Completion of the Prequalification Questionnaire – Full Version;
  - Provision of the names and details of any subcontractors to Council and completion of Prequalification Questionnaire(s) for all subcontractors prior to engagement;
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- Completion of a Project Risk Assessment prior to commencing any works; and
- Identification by contractors of the specific WHS hazards associated with the works they will undertake and the methods they will adopt to adequately control any risks.

Contractors may be required to provide other evidence of documentation, including:

- Plant / equipment risk assessments and maintenance records;
- Other site assessments (e.g. Dial Before You Dig plans, geotechnical reports);
- Traffic management and worker on foot plans;
- SWMS for high-risk construction works;
- Work permits;
- Evidence of their worker's licences and verification of competency;
- Consultation records with workers and Council on relevant WHS matters, and
- Audit and inspection records to demonstrate compliance with WHS Legislation, Codes of Practice, and relevant Australian / New Zealand Standards.

### **Requirements for Category 3 Contracts (Minor Contracts)**

Construction contractors undertaking works classified as a Minor Contract are required to complete the *Prequalification Questionnaire – Short Version* and may be asked to provide evidence of the following, at any time:

- SWMS / work procedures for the tasks / activities to be undertaken;
- Any licences and/or qualifications required to perform the work activities and provide evidence if requested;
- Consultation records with workers and Council on relevant WHS matters;
- Maintenance records for plant and equipment to an appropriate standard, and
- Audit and inspection records to demonstrate compliance with the NSW WHS Legislation, Codes of Practice, and relevant Australian/New Zealand Standards.

Council recognises that in some cases, Major and Minor Contractors may not have adequate / documented safety management systems in place. Where this is the case, council may assist the contractor to develop their own systems by providing the contractor with blank templates and advice on where to access the relevant WHS laws, Codes of Practice, and Australian/New Zealand Standards to use when developing their own systems.

Council is not obliged to do this and would only do this where resourcing permits and where this will benefit Council's management of WHS risks. Council will refuse the contract until the Contractor has safety management systems in place.

### **Minor Contracts with Other Service Providers**

Due to the low risk associated with Minor Contracts provided by other service providers (e.g. consultants and delivery personnel) these service providers are not required to complete the Prequalification Questionnaire. All service providers will be made aware of, and must comply with, any council safety procedures that are relevant to the service being provided.

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## **RECORD KEEPING**

Adequate and complete recordkeeping is a vital part of the contractor engagement process. It is the responsibility of the Council employee who is engaging the contractor(s) to gather and register all required information, which will include but not be limited to copies of insurance certificates and documentary evidence of safe systems of work.

Such information, once gathered, is to be registered into Council's ECM information management system, unless stored elsewhere in an approved recordkeeping system (e.g. Council's VendorPanel online procurement and supplier registration system).

## **COMPLIANCE AUDIT AND REVIEW**

Compliance with Council's Contractor WHS Management Policy and associated processes will be audited and reviewed on a regular basis by Council's WHS Coordinator, as part of Council's internal WHS workplace audits.

## **CONSULTATION**

The Glen Innes Severn Council is committed to consultation and cooperation between other Persons Conducting a Business or an Undertaking (PCBU) on all work health and safety matters. The Council will consult with the workers of the other PCBU and their elected health and safety representatives on all matters that affect work health and safety.

## **IMPLEMENTATION / COMMUNICATION**

This Policy will be communicated to contractors and all new employees that are affected by it as part of their induction. Revised versions of the Policy will be communicated to directors and managers by Human Resources / Work Health and Safety staff, for highlighting and discussion at all team meetings and communication to current contractors.

## **LEGISLATION AND SUPPORTING DOCUMENTS**

### **Relevant Legislation, Regulations and Industry Standards include:**

- *NSW Work Health and Safety Act 2011;*
- *NSW Work Health and Safety Regulation 2017;*
- *NSW Work Health and Safety (Mines and Petroleum Sites) Act 2013;*
- *NSW Work Health and Safety (Mines and Petroleum Sites) Regulation 2014;*
- *NSW Heavy Vehicle (Adoption of National Law) Act 2013;*
- *NSW Heavy Vehicle (Adoption of National Law) Regulation 2013.*

### **Relevant Council Policies and Procedures include:**

- *Glen Innes Severn Council Work Health and Safety (WHS) Policy;*
  - *Glen Innes Severn Council WHS Management Plan;*
  - *Glen Innes Severn Council – Glen Innes Aggregates Safety Management System;*
  - *Glen Innes Severn Council Contractor WHS Management Procedure.*
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## **VARIATION AND REVIEW**

The Contractor Work Health and Safety (WHS) Management Policy shall be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council.

The term of the Policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.

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## Appendix A

### Document Control Continued

PREVIOUS VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR / EDITOR:	REVIEW / SIGN OFF:
5	26/11/2020	14.11/20	<p>Inclusion of document control tables.</p> <p>Expanded definition section.</p> <p>Inclusion of current dates and clause numbers for legislation.</p> <p>Classification of contracts into three (3) categories</p> <p>Inclusion of a consultation requirement for WHS with contractors.</p> <p>Additional references to relevant legislation and Council policy and procedures.</p>	WHS Coordinator	Council
4	28/09/2017	17.09/17	Updates to reference / version numbers and an increase in review period from two to three years.	WHS Coordinator	Council
3	25/06/2015	11.06/15	<p>Removal of out-of-date documents and references.</p> <p>New responsibilities added for contractors and Council, including online WHS inductions, site specific inductions, evidence of insurances / safe systems of work, audits, record keeping requirements and communication with workers.</p>	WHS Coordinator	Council
2	20/12/2012	13.12/12	<p>Amendments to Acts and Regulations.</p> <p>Inclusion of references to relevant Council Policies.</p> <p>Updated insurance requirements (StateWide Mutual Contractor Insurance Management System).</p> <p>Inclusion of Principal Contractor requirements.</p>	WHS Coordinator	Council
1	22/02/2007	17.02/07	New Policy	WHS Coordinator	Council