

LABOUR HIRE AGENCIES: MANAGING THE SAFETY OF LABOUR HIRE WORKERS

HOW CAN THIS INFORMATION HELP YOU?

This guide is aimed at labour hire agencies, group training companies and other employers who provide workers or trainees to host employer companies.

This guide will help you arrange placements and help you reduce exposure of your workers to health and safety risks.

This guide provides an overview of your occupational health and safety (OHS) responsibilities as a labour hire agency, including:

- consulting with your workers on OHS matters
- taking reasonable steps to ensure risks are controlled at the host employer's workplace
- monitoring and reviewing the effectiveness of measures to protect workers.

WHAT ARE THE OHS RESPONSIBILITIES OF LABOUR HIRE AGENCIES?

Labour hire agencies are usually the direct employers of labour hire workers and, accordingly, have the OHS duties of employers under the *Workplace Health and Safety Act 1995*. Even though you will not always have direct control or management of the workplaces involved, your duty of care remains as an employer to your workers.

This means that you have a legal obligation to take action to establish that the workplace and its operations are safe before workers are placed with the host employer. You also need to continue monitoring your workers' safety throughout the term of their placement.

If you are not convinced the host workplace is safe, you should provide assistance to improve the host employer's OHS standards. If they still do not meet appropriate OHS standards, you should not provide workers.

The host employer also has OHS duties to their labour hire workers, contractors and visitors to their workplace.

It's important to understand that labour hire agencies and host employers *both* have responsibilities for the safety of labour hire workers. A labour hire agency can't 'pass on' its legal duty of care, even if the host employer agrees to this.

Effective consultation — between you, your workers and the host employer — is fundamental to securing safe work placements. You have a legal obligation to consult with your workers on OHS matters and to support their representation through employees' safety representatives and safety committees as applicable in the workplace. This responsibility is ongoing. You should also be assured of the appropriateness of the host employer's OHS consultative arrangements as they relate to your workers.

Establishing your OHS objectives

To effectively manage the health and safety issues associated with labour hire, OHS must be an integral part of the way *you* do business. You should establish:

- organisational objectives that include OHS goals
- a framework for achieving these goals
- roles and responsibilities for your staff who are accountable for OHS risk assessments and decisions
- training to ensure your staff have the right skills to manage your worker placements.

KEY STEPS TO ENSURING SAFE WORK PLACEMENTS

Achieving the safe placement of labour hire workers presents OHS situations that are distinctive to the labour hire industry. Along with the general OHS duties of an employer, you should also take these steps for every placement:

- 1 Provide an induction
- 2 Assess the placement
- 3 Monitor the workplace.

1 Provide an induction

You must provide information to your worker about the host employer's workplace and the work tasks, including workplace hazards and their controls. This should include both generic and site-specific OHS training and induction.

Usually, you will provide the general induction before the placement begins, and the host employer will provide the site-specific induction. You need to consult with the host employer to ensure all appropriate induction and training is covered.

If adequate induction and training are not provided (by both you and host employer), the worker may be exposed to unacceptable risks from the moment they start work.

2 Assess the placement

You must adequately and competently assess the host employer's workplace and the worker's capacity to safely perform the required work, *before* the placement is made.

You should keep a training register to demonstrate that all your workers (permanent and temporary) have the required knowledge, skills and capabilities to safely carry out the roles assigned to them.

3 Monitor the workplace

You must monitor the host employer's workplace to ensure that OHS requirements are being implemented as expected, and that no new or potential risks to your workers' health and safety have arisen.

TAKING EFFECTIVE ACTION

To effectively assess and control the OHS risks to your worker, you need to:

- 1 Gather information
- 2 Visit the workplace
- 3 Implement hazard controls, and assess their adequacy.

1 Gather information

The first step in securing a safe placement for your worker is to gather information about:

- the prospective host employer
- the work
- the worker
- the work environment.

The host employer

You must know about the host employer's operations and hazards, their OHS performance and their approach to managing safety in the workplace.

Remember, it's your decision to place a worker. If, after providing assistance to the host employer, you are still not satisfied that the workplace is safe and its hazards are well managed, you should not provide them with workers.

The work

You must obtain details of the jobs to be carried out by the worker. Included in the job summary should be information about: plant or equipment to be operated; materials and substances the worker could be exposed to; and specific hazards associated with any operation or activity.

Workplace arrangements for consultation and supervision should be clear to both you and the host employer, and details of induction and other training should be documented. Your duties are to ensure that consultation, supervision and training of your workers are carried out and are ongoing. You should also describe any personal protective equipment that is required, and clarify who will provide it.

The worker

You must be confident that the qualifications and experience of the worker will enable them to safely perform the required work. Their level of skills, knowledge, competency, experience and training will all contribute to making this assessment.

If the job requires certification, you must ensure your workers have the appropriate and current licences.

The work environment

You can use information about the work environment to determine whether the host employer is operating within a high-risk industry, or an industry that has risks requiring specific control measures and operating certificates.

Hazards within the work environment should be identified, risk managed and recorded.

The worker must know how to report any safety issues at the workplace.

You should also obtain information from the host employer about facilities and amenities available to your workers.

2 Visit the workplace

The objective of workplace visits is for you to assess the OHS risks at the site, and to demonstrate your commitment to carrying out your duty of care to your workers.

The number of site visits required should reflect the degree of potential risk. Known high-risk industries are likely to require more frequent monitoring.

It is essential that you engage someone competent to make an informed OHS assessment of the workplace. This will require knowledge and understanding of the host employer's operations, workplace hazards and OHS management systems. Ongoing contracts should require that site visits are repeated at appropriate intervals to ensure no changes occur that could compromise safety.

The initial site assessment should be made before the worker is placed at the host employer's workplace. The host employer's OHS documentation should reflect its safe operating procedures relevant to the work. The OHS policy manual and hazard-specific policies and procedures should be reviewed, and a job safety assessment carried out and documented.

3 Implement hazard controls, and assess their adequacy

As part of the consultative process with the host employer, you should make sure action is taken to control OHS risks. Remember, you have control over whether or not a worker is placed with the host employer. Therefore you must be satisfied that hazards will be managed effectively and your workers will be safe from injury or risk to health.

Timeframes must also be agreed with the host employer to ensure that action is taken without undue delay.

You and the host employer should document and sign off agreed risk control measures.

Review the induction provided to workers: to ensure it has taken place, and that it was sufficient to address all OHS risks specific to the site and tasks.

A monitoring inspection should be conducted and recorded. Use previous workplace assessments as a starting point. Discuss the job with the worker and meet with the host employer after the inspection, to discuss the results and to resolve any issues or concerns you have identified.



FURTHER INFORMATION

A guide for host employers is also available, *Host employers: Managing the safety of labour hire workers* (GB170B). For a copy of this or further information, visit the Workplace Safe website at www.workplacesafe.tas.gov.au or call the Workplace Standards Tasmania Helpline on 1300 366 322.

Important Note

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the *Workplace Health and Safety Act 1995*, the *Workplace Health and Safety Regulations 1998* and any other relevant legislation. Copies of the legislation can be purchased from the Printing Authority of Tasmania Bookshop: call (03) 6233 3289 or freecall 1800 030 940. It is also available on the Internet at www.thelaw.tas.gov.au

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1300 366 322 www.workplacesafe.tas.gov.au

HOBART 30 Gordons Hill Road, PO Box 56, Rosny Park 7018
LAUNCESTON Henty House, 1 Civic Square, Launceston 7250
BURNIE Reece House, 46 Mount Street, PO Box 287, Burnie 7320

For more information contact
Workplace Standards Tasmania
Phone: 1300 366 322 (within Tasmania)
(03) 6233 7657 (outside Tasmania)
Fax: (03) 6233 8338
Email: wstinfo@justice.tas.gov.au