



OSH7 – CONTRACTORS POLICY

MANAGEMENT PRACTICE:

DELEGATION:

OBJECTIVE

The safety and health of all people working for the Shire of Jerramungup is of primary concern and safe working practices must be observed at all times.

It is therefore required that contractors carrying out any work for the Shire shall comply with the Shire's OSH Policies and Procedures.

This will entail both a general induction, site-specific induction and the presentation of insurance cover notes and licenses.

POLICY

PROCEDURE IN THE ENGAGEMENT OF CONTRACTORS

All formal written contracts entered into with contractors shall contain the following clauses

- The contractor warrants that whilst undertaking the contract, the requirements of the *Occupational Safety and Health Act 1984*, regulations, codes of practice and applicable Australian Standards shall be complied with.
- The contractor accepts the terms and conditions of the Shire of Jerramungup Contractor Safety and Health Policy, and/or shall provide a copy of their own policy before contract commencement.

Shire of Jerramungup officers responsible for awarding contracts shall ensure that the successful contractor holds adequate insurance cover for workers compensation, public liability and professional indemnity. The contractor is to comply with all relevant statutory requirements, Codes of Practice, Australian Standards and the Shire of Jerramungup Contractor Policy. Copies of relevant documentation shall be made available to the contractor.

When required, the contractor and/or employee(s) must be able to display that they are adequately qualified to perform the required duties. The contractor/employee shall:

- Hold an appropriate license (e.g. plumber, electrician)
- Hold a certificate of competency (e.g. crane driver, scaffolder)
- Be registered (e.g. builder)
- Hold relevant certificates (e.g. first aid)
- Hold relevant qualifications (e.g. engineer)

Nothing in the preceding clauses shall restrict the Shire of Jerramungup or its representative(s) from stopping dangerous work or practices, requiring the contractor to take remedial action to comply with safety requirements. Contracts shall be written in such a manner as to permit termination of the contract for failure to comply with safety requirements.

HAZARD IDENTIFICATION AND ACCIDENT/INCIDENT REPORTING

An integral component of occupational safety and health management is the identification of hazards. All employees, including contractors, as far as practicable are required to:

- Identify each hazard to which a person in the workplace is likely to be exposed.
- Assess the risk of injury or harm to a person resulting from each hazard.
- Consider the means by which the risk may be reduced.

Employees must, as soon as practicable, report to the employer any situation believed to be hazardous, which the employee cannot remedy. All accidents, injuries and “near miss” incidents must be reported and documented in accordance with the Shire of Jerramungup Occupational Safety and Health Policy. Report forms are available from the Shire office or depot.

BREACH OF SAFETY REQUIREMENTS

If a contractor, or an employee of the contractor, is observed working in an unsafe manner, the safety breach shall be brought to the immediate notice of the contractor. The contractor must take immediate action to rectify any such breach of safety requirements.

If the breach is of a serious nature or is not able to be rectified immediately, the Chief Executive Officer shall instruct the contractor to cease work. Where there is a difference in opinion as to safety requirements, Worksafe Western Australia shall be requested to adjudicate.

SAFETY STANDARDS ADVICE TO CONTRACTORS

Management has a Review for the safety of all contractors that it employs. The *Occupational Safety and Health Act 1984* section 19 (4) states:

- 4) For the purposes of this section, where in the course of a trade or business carried out by him, a person (in this section called “the principal”) engages another person (in this section called “the contractor” to carry out work for the principal –
 - a) the principal is deemed, in relation to matters over which he has control or but for an agreement between him and the contractor would have had control, to be the employer of – a) the contractor; and ii) any person engaged by the contractor to carry out or to assist in carrying out the work; and
 - b) the persons mentioned in paragraph (a) (i) and (ii) are deemed in relation to these matters to be employees of the principal.
- 5) Nothing in subsection (4) derogates from –
 - a) the duties of the principal to the contractor; or
 - b) the duties of the contractor to persons employed or engaged by him.
- 6) An employer who contravenes section (1) or (3) commits an offence.

This section of the Act clearly indicates the responsibilities of the principal notwithstanding the existence of a contract, tender or purchase order.

On the basis of this responsibility, the Shire wishes to ensure that the safety standards and procedures carried out by contractors and their employees are adequate. It is expected that contractors and their employees comply with the same standards as our own employees.

In view of this, please read the following conditions and ensure that all your employees engaged in the contract are aware of their responsibilities and obligations. Please sign the bottom of this document and return it to us together with insurance Certificates of Currency as soon as possible.

NON-COMPLIANCE

Any contractor or their employee contravening the Shire of Jerramungup OSH Policies and Procedures can be asked to leave the premises or worksite and can be refused re-entry.

Workplace Information:

Contact Person: Admin: Building Officer
OSH Supervisor
Works: Works Manager
Telephone: 08 9835 1022

Copies of this Policy shall be made available to all employees, contractors, volunteers and visitors, and displayed within the workplace.

Relevant Legislation:	<i>Occupational Health and Safety Act 1984</i>
Related Documents:	N/A
Related Local Law:	N/A
Related Policies:	OSH1 – Occupational Safety and Health Policy OSH2 – Fitness for Work Policy OSH4 – Workplace Bullying Policy OSH5 – Sexual Harassment Policy OSH6 – Injury Management Policy
Adopted:	October 2009
Last Reviewed:	April 2011 May 2014 April 2016 21 August 2019
Next Review Date:	2020