

Host employers/clients

Managing the safety of workers under a labour hire arrangement

September 2008

Introduction

A host employer, or client, is an organisation that uses workers supplied by an agent. Agents are also known as labour hire agencies. Workers include employees, apprentices, trainees and contractors.

Under the *Occupational Safety and Health Act 1984* (the Act) a “labour hire arrangement” is characterised by:

- an agreement for remuneration between the client and the agent regarding supply of a worker;
- an agreement, which may be a contract of employment, between the agent and the worker; and
- a lack of contract of employment between the client and the worker.

This bulletin is designed to assist clients prepare for and manage their workers supplied by an agent. It provides information and tools to assist you to:

- clarify your occupational safety and health (OSH) responsibilities;
- identify risks to occupational safety and health;
- match the worker to tasks;
- complete induction and training; and
- supervise and monitor the safety and health of workers at the workplace.

This bulletin should be read in conjunction with:

WorkSafe Bulletin 6/2005 *Labour hire industry and duty of care.*

WorkSafe Bulletin 7/2006 *Agents providing workers to clients: Managing the safety of workers under a labour hire arrangement.*

This publication outlines the occupational safety and health responsibilities of host employers/clients.

WorkSafe bulletin 6 / 2006

WorkSafe

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Why do clients need to manage the safety of workers supplied by an agent?

If you as a client use workers supplied under a labour hire arrangement, your OSH obligations as an employer extend to these workers through section 23F of the Act. The same general duties of care that apply to an employer under section 19 of the Act apply to both agent and client, in relation to matters over which each has the capacity to exercise control. The legal responsibilities to your own employees to provide and maintain a safe work environment also apply to you in relation to workers hired through an agent.

A worker supplied by an agent has the same general duties of care that apply to an employee under section 20 of the Act. Workers must take reasonable care of their own safety and health and that of others in the workplace.

Effective consultation between the client, agent and their workers is essential to provide a safe working environment. As a client, you have a legal obligation to consult with workers on OSH matters and this responsibility is ongoing.

What do you need to do as a client?

As a client with workers under a labour hire arrangement, you need to take the following actions:

- Treat workers supplied by agents as though they are your own workers in providing and maintaining a safe working environment and conditions.
- Define the job, tasks or roles that workers will do.
- Identify hazards associated with the work, and assess and control risks in consultation with safety and health representatives and employees.
- Identify the skills and knowledge, including any licensing and certification requirements, that workers need in order to do their work safely.
- Advise the agent of the job requirements, working environment, organisation arrangements, risks associated with the work, and the skills and knowledge required for the work. Refer to the *Job description checklist* on page five in this bulletin.
- Verify that the workers selected have the necessary skills and knowledge to perform their work safely.
- Clarify who will provide any equipment, including personal protective equipment, to enable the workers to do the work safely. If equipment is brought into your workplace, ensure that it meets OSH standards.
- Conduct workplace inductions for all workers. Provide any other training that enables workers to perform their work safely. Use the *Labour hire workers selection, induction and training record* form on page six of this bulletin.

Regional offices

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- Support and encourage workers' rights to be represented in relation to OSH issues.
- Establish an open communication process and encourage workers to participate in workplace consultative arrangements. Introduce workers to safety and health representatives and the person with OSH management responsibility in the area where they will work.
- Verify that workers understand the OSH requirements of your workplace.
- Provide adequate supervision to monitor whether the work is being done safely.
- Encourage workers and the agent to participate in hazard management specific to the tasks the workers are performing.
- If there is a change to your workplace that impacts on workers under a labour hire arrangement, then inform the agent. Do not transfer these workers to other tasks until the agent responds. You should provide any further training, instruction or information to the workers as necessary.
- Encourage workers to maintain contact with the agent and cooperate with the agent to help it meet its legal OSH obligations.
- Allow the agent to have access to the workplace and relevant documents to enable them to identify hazards to which their workers are exposed to, conduct risk assessments and consider control measures in consultation with the client.

Many agents will actively assist you to manage the safety of all workers at your workplace.

What should you expect from agents?

Agents should:

- gather information about the job, including the qualifications, skills and licences needed so they can match the right candidate to the position;
- gather information from the client to determine the potential for injury to workers;
- consult with the client on ways that identified risks can be controlled;
- have a written agreement with the client that clearly outlines OSH expectations and responsibilities, including the channels to quickly communicate information;
- provide OSH induction and training. They will also require the client to provide induction and training for new workers or on new tasks to ensure work is done efficiently and safely;
- regularly visit the worksite to identify each hazard to which their workers are exposed, assess the risks and consider control measures in consultation with the client;



- have effective consultation processes in place with their workers;
- have a documented system for managing safety, including staff trained in OSH; and
- have a workers' compensation insurance policy and fulfil their duty to provide return-to-work pathways and rehabilitation to injured workers.

Agents should not provide workers when their safety assessment finds that the client does not provide a safe place of work.

Further information

Further information can be obtained from the WorkSafe website at www.worksafe.wa.gov.au or by contacting WorkSafe on **1300 307 877**.

This bulletin is available on request in other formats to assist people with special needs.

Host employers / clients: managing the safety of workers under a labour hire arrangement or a group training scheme 7/2006

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JOB DESCRIPTION CHECKLIST

Instructions for using this document.

Prior to engaging workers through an agent, the host employer should:

1. complete the job description details below;
2. ensure the worker suits the job requirements;
3. ensure the actions on the checklist are signed off when completed;
4. send a copy of this form to the agent (via fax or email); and
5. retain a copy.

Job title:					
Hours of work:					
Intended duration of contract:					
Name of host employer and address of work:					
Physical location of work (eg plant number):					
Summary of tasks or job:					
Supervisor name and contact details:					
Supervision provided:	Continuous	Frequently (hourly)	Occasional (every few hours)	Minimal (daily)	None
Qualifications (licences, etc) that the worker must possess:					
Experience the worker should possess:					
Other selection criteria (eg medical):					
Training provided:	Induction	On-the-job	Formal/ ongoing	None	
Personal protective equipment provided by:	Agent		Host employer		
Please outline any hazards or other issues in the work and workplace that have the potential to cause injury to employees, including but not exclusive to:					
Slippery or cluttered floors			Loud noise		
People and forklifts in same areas			Lifting		
Falling objects			Heavy loads		
Dangerous machinery			Stretching or reaching		
Vehicles			Electricity		
Unguarded plant and equipment			Chemicals		
Occupational violence & bullying			Other		
Working at heights					
Risk control plan attached?	Yes			No	



LABOUR HIRE WORKERS SELECTION, INDUCTION AND TRAINING RECORD

The host employer and worker should complete and sign this form.

Job title:
Hours of work:
I am satisfied that the agent has provided the person(s) capable of performing the work as described on the <i>Job description checklist</i> .
Signature and date (host employer):

Induction and training checklist

<i>Checklist</i>	<i>Tick if completed</i>
Supplied worker matches host employer requirements.	
Pre-placement induction provided by the agent that is relevant to the industry.	
Site-specific induction training completed, including reporting arrangements.	
Task-specific training provided.	
Initial task supervision completed.	
Task-specific hazard identification and risk assessments completed, eg <i>Job safety assessment</i> (JSA).	

Host employer (print name):	Worker (print name):
Signed:	Signed:
Dated:	Dated:

Induction and training checklist

<i>TASK / JOB</i>	<i>TRAINING PROVIDED Yes / No</i>	<i>HOST EMPLOYER Signature / Date</i>	<i>WORKER Signature / Date</i>

Safety issues at this worksite are to be reported to (name of person and job title) :		
How are safety issues to be reported?	Spoken	Written