

Registered group training organisations

Managing the safety of workers

September 2008

Introduction

The following information provides an overview of your occupational safety and health (OSH) responsibilities as a registered group training organisation including:

- consulting with apprentices and trainees on OSH matters;
- taking reasonable steps to ensure risks are controlled at the client (host) workplace; and
- monitoring and reviewing the effectiveness of measures to protect apprentices and trainees.

Registered group training organisations must not arrange placements that will expose apprentices and trainees to OSH risks.

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 registered group training organisations regarding supply of a worker;
- an agreement, which may be a contract of employment, between the registered group training organisations and the worker; and
- a lack of contract of employment between the client and the worker.

Registered group training organisations and other employers who provide workers to clients are also known as agents. Workers include apprentices and trainees.

This bulletin should be read in conjunction with the Commission for Occupational Safety and Health *Guidance note: General duty of care in Western Australian workplaces* and the *WorkSafe bulletin 2/2008 Host employers/clients: Managing the safety of workers under a group training arrangement*.

What are the OSH responsibilities of registered group training organisations?

For agents, including registered group training organisations, OSH obligations as an employer extend to apprentices and trainees 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 the agent and client, in relation to matters over which each has the capacity to exercise control. Even though you will not always have direct control or management of the workplaces involved, the duty of care remains as an employer to your apprentices and trainees.

This publication outlines the occupational safety and health responsibilities of registered group training organisations providing apprentices and trainees to clients or host workplaces.

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It is important to understand that registered group training organisations, and clients both have responsibilities for the safety of apprentices and trainees. An agent cannot 'pass on' its legal duty of care, even if the client agrees to this.

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

If you are not convinced the host workplace is safe, you should not provide apprentices and trainees.

A worker supplied by a registered group training organisation has the same general duties of care as those that apply to an employee under section 20 of the Act. Apprentices and trainees must take reasonable care of their own safety and health and that of others in the workplace.

Effective consultation between registered group training organisations, their apprentices and trainees and their clients is fundamental to securing safe work placements. The registered group training organisation has a legal obligation to consult with apprentices and trainees on OSH matters and to support workers' rights to be represented. This responsibility is ongoing. You should also be assured of the appropriateness of your clients' OSH consultative arrangements as they relate to your apprentices and trainees.

Establishing OSH objectives

To effectively manage OSH issues associated with supply of apprentices and trainees, OSH must be an integral part of the way a registered group training organisation does business. You should establish:

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

Key steps to ensuring safe work placements

Achieving the safe placement of workers presents OSH situations that are distinctive to group training arrangements. Along with the general OSH duties of an employer, registered group training organisations should also take the following actions for every placement:

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

1. Provide an induction

Information must be provided to apprentices and trainees about the client workplace and the work tasks, including workplace hazards and their controls. This should include both generic and site-specific OSH induction and training.

Usually, the registered group training organisation will provide the general induction prior to placement and the client will provide the site-specific induction and training.

You need to consult with your client to ensure all appropriate induction and training is covered and provided. If adequate induction and training are not provided by both the agent and client, the apprentices and trainees may be exposed to unacceptable risks.

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2. Assess the placement

The registered group training organisation must adequately and competently assess the client's workplace and the apprentices and trainee's capacity to undertake the required work safely prior to the placement being made. This may not involve going onto the site but will involve ongoing consultation with the client. Checklists are usually developed for each industry group by the organisation.

You should keep a 'training register' to demonstrate that apprentices and trainees have the required knowledge, skills and capabilities to safely carry out the roles assigned to them.

3. Monitor the workplace

The registered group training organisation must monitor the workplace to ensure that OSH requirements are being implemented as expected and no new or potential risks have arisen.

Taking effective action

To effectively assess and control the risks to the worker, the registered group training organisation needs to:

1. Gather information
2. Visit the workplace and/or consult with the client
3. Implement hazard controls in consultation with the client and assess their adequacy

1. Gather information

The first step in securing a safe work placement is to gather information about the:

- host client;
- work;
- apprentice or trainee; and
- work environment.

The client

You must know about the client's operations and hazards, their OSH performance and their approach to managing safety in the workplace. Clients should be made aware of the *WorkSafe bulletin 2/2008 2008 Host employers/clients: Managing the safety of workers under a group training arrangement* which assists host employers to prepare for and manage apprentices and trainees.

Remember, it is your decision to place apprentices or trainees. If you are concerned that the workplace is not safe or that its hazards are not well managed, you should not provide workers.

The work

You must obtain details of the tasks to be carried out by apprentices and trainees in accordance with the host employer training agreement. Included in the task summary should be information about:

- plant or equipment to be operated;
- materials and substances to which the worker could be exposed; and
- specific hazards associated with any operation or activity.

Arrangements in relation to consultation and supervision should be clear to both the registered group training organisation and the client, and details of induction and other training should be documented. Your duties are to ensure that consultation, supervision and training of apprentices and trainees are carried out and ongoing. Describe any personal protective equipment (PPE) that is required and ensure that PPE is provided without any costs to the apprentices and trainees.

The worker

You must be confident that the basic OSH competencies of apprentices and trainees will enable them to undertake the work safely. Their level of skills, knowledge, competency, experience and training will all contribute to making this assessment. If the job requires certification, you must ensure apprentices and trainees have the appropriate and current licences.

The work environment

You can use information about the working environment to determine whether a client is operating within a high-risk industry or an industry that has safe systems of work requiring specific control measures and operating certificates. Hazards within the working environment should be identified and recorded by the client. Apprentices and trainees must know how to report any safety issues at the workplace. You should also obtain information about facilities and amenities.

2. Visit the worksite

The objective of workplace visits is to demonstrate commitment to carrying out your duty of care to your apprentices and trainees, as far as practicable considering control measures in consultation with the client. 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 the registered group training organisation engages someone competent to make an informed OSH assessment of the worksite. This will require knowledge and understanding of the client's operations, workplace hazards and OSH management systems. Ongoing contracts should require that site visits are repeated at appropriate intervals to ensure no changes occur that could compromise safety.

An initial consultation with the client should occur, which may involve a site visit, before an apprentice or trainee is placed at the client's workplace. The client's OSH documentation should reflect its safe operating procedures relevant to the work. The OSH policy manual, hazard-specific policies and procedures should be reviewed and a job-specific risk assessment carried out and documented.

3. Implement hazard controls and assess their adequacy

As part of the consultative process with the client, you should ensure action is taken to control OSH risks. Remember, the registered group training organisation has control over whether or not an apprentice and trainee is placed with a client. Therefore, you must be satisfied that hazards will be managed effectively and apprentices and trainees will not be at risk.

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

Representatives of the registered group training organisation and the client should document and sign-off agreed risk control measures when an agreement is established .

Review the induction provided to apprentices and trainees to ensure it has taken place and that it was sufficient to address all OSH risks specific to the site and tasks.

Monitoring inspections should be conducted and recorded. Use previous worksite assessments as a starting point. Discuss the job with the apprentice or trainee and meet with the client after the inspection to discuss the results and to resolve any issues or concerns you have identified.

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**.

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