



Department of
Employment, Training
and Industrial Relations

WORKPLACE HEALTH & SAFETY

Managing Health and Safety in the Labour Hire Industry

**Division Workplace Health and Safety
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Contents

Section 1 – Introduction And Definitions	3
1.1 Title	3
1.2 Purpose	3
1.3 How To Use This Guide	3
1.4 The Labour Hire Industry And Workplace Health And Safety In Queensland	3
1.5 Definitions	5
Section 2 – Labour Hire Organisations	7
2.1 Obligations	7
2.2 Confirming Employment Relationships	7
2.3 Labour Hire Organisations Health And Safety Strategy	7
Section 3 – Subcontractors In The Labour Hire Industry	10
3.1 Status Of A Subcontractor	10
3.2 Obligations	10
3.3 Understanding The Subcontractors Employment Relationship	11
3.4 Subcontractors Health And Safety Strategy	11
Section 4 – Group Training Providers, Trainees And Apprentices	13
4.1 What Are Group Training Providers?	13
4.2 Status Of Group Training Providers	13
4.3 What Group Training Companies Can Do	13
4.4 Responsibilities Of Host Employers For Apprentices And Trainees	14
4.5 Obligations Of Apprentices And Trainees	14
Section 5 – Contract Workers, Workers And Other Persons In The Labour Hire Industry	16
5.1 Contract Workers	16
5.2 Workers	16
5.3 Other Persons	16
5.4 Obligations	17
Section 6 – Host Employers	18
6.1 What Are Host Employers?	18
6.2 Obligations Of Host Employers	18
6.3 Confirming Employment Relationships	20
6.4 Host Employer's Health And Safety Strategy	20
Further Information	23

Section 1 – Introduction And Definitions

1.1 Title

This guide is called *Managing Health and Safety in the Labour Hire Industry*. It is primarily of interest to those people who are involved in the labour hire industry, such as:

- (a) labour hire organisations;
- (b) contract workers and subcontractors of labour hire organisations;
- (c) group-training providers;
- (d) workers or other persons working in this industry;
- (e) employers who use the services of labour hire organisations;
- (f) principal contractors with obligations for construction workplaces at which there are 'contract workers' and 'subcontractors' supplied by labour hire companies.

1.2 Purpose

The purpose of this guide is to provide practical guidance in meeting the requirements of the *Workplace Health and Safety Act 1995* (the Act).

1.3 How To Use This Guide

It will be helpful to read the guide through at least once. This will provide a good overview of the health and safety implications for the labour hire industry. Sections 2 through 6 provide information according to the identity of participants in the labour hire industry. For example, a person who is registered for work with a labour hire organisation should read all sections but particularly Section 5, which deals with workers employed directly by labour hire organisations as well as workers registered with labour hire organisations, as available for work.

1.4 The Labour Hire Industry And Workplace Health And Safety In Queensland

Popularity as an organisational tool

Subcontracting and the use of labour supplied by labour hire companies are now more popular organisational tools than ever before. The growth in what is termed 'non-standard' forms of work has come about because of economic, technological, and regulatory changes in society. Structural change in a number of sectors of industry, whereby a core of workers is supplemented by agency labour, has also fuelled growth in labour hire organisations.

Growth of labour hire services

The growth and expanse in labour hire organisations can be crudely measured by simply examining the listings in the Yellow Pages of the Telephone Directory. It is hard to find an industry in which these organisations do not operate. Labour hire organisations continue to support traditional services such as clerical, construction, transport and cleaning, and have expanded into computer related and administrative tasks in the public and private sector, home-based child care, security services and many others.

Relationship between agency and hired labour

Under normal employer/employee situations the relationship between worker and employer is not a critical element in workplace health and safety. However, studies have found that in practice, agency labour hire arrangements can have a significant influence on workplace health and safety. Experience has shown that labour hire organisations need to better understand their relationship and obligations to these workers, so that they can manage the risks to which they are exposed, when they are 'hired out' to agency clients.

This is complicated by the way labour hire organisations structure the employment relationship between them and the labour they hire to clients. In some cases 'hired labour' is contracted out as 'employees' of the organisation, whereas others enter into formal contract for service arrangements (subcontracting) with individuals, who are referred to clients. This is important, in Queensland, because it places different health and safety obligations on the parties. These differences are explained in this guide, which uses the terms 'contract workers' and 'subcontractors' to make the distinction.

The distinction between normal employee/employer relations and those applying in the labour hire industry exist because labour hire agencies are in the business of providing labour to clients (host employers) to carry out work for them and not for the labour hire agency. The agency does not supervise the work of the 'contract worker' or 'subcontractor', or control the workplace at which the work is performed. Consequently, some agencies do not understand that they have the obligations of employers, for example, when the hired labour is of the 'contract worker' type. In the case of 'subcontractors', the labour hire organisation has a responsibility to inform 'subcontractors' that they are self-employed persons and have separate obligations under the Workplace Health and Safety Act 1995. As a minimum, labour hire organisations should refer 'subcontractors' to the information in this guide.

Therefore, it is important to understand that this type of employment relationship does not diminish the responsibilities of labour hire agencies to ensure their 'contract workers' and 'subcontractors' are not put at risk of injury or disease whilst working for a client.

Relationship between client (host employer) and hired labour

The responsibility of the host employer for the health and safety of the 'contract worker' or 'subcontractor' is not diminished because labour has been hired from a labour hire organisation. For example, while the agency is legally responsible to

ensure the health and safety of their 'contract workers', the host employer has an equal responsibility for the same 'contract workers' when they are working for them.

1.5 Definitions

For the purpose of this Guide the following definitions apply:

"apprentice" see the *Vocational Education, Training and Employment Act 1991*, section 4.

"contract worker" means a person who is registered for work with a labour hire organisation and who:
has not entered into a written 'contract for services' with a labour hirer; or
is not referred to or hired out by the labour hirer as a 'subcontractor' or self-employed person; or
has not agreed in writing to be referred to as a self-employed person; or
has not agreed in writing to be responsible for their own workers compensation insurance, and
is hired out to a client (host employer) as an employee of the labour hire organisation

A contract worker is not a subcontractor or a self-employed person solely because the labour hirer makes deductions, under a prescribed payments system (PPS) from any monies credited to the contract worker.

"employer" is a person who, in the course of the person's business or undertaking, *engages someone else* to do work, other than under a contract for services, for or at the direction of the person. For an apprentice or trainee who is employed by a group-training scheme, the employer is:
when the apprentice or trainee is engaged to do work for a *host employer*, the host employer; or
otherwise, the *group training scheme*.

"engages someone else" means a person engages someone else to do work even though the person engaged works on a voluntary basis.

"group training scheme" see the *Vocational Education, Training and Employment Act 1991*, section 4.

"host employer" means a person (a client) who contracts with a labour hire organisation for the supply of labour in the form of a 'contract worker' or a 'subcontractor' or with a group training scheme for the training of apprentices and trainees.

"labour hire organisation" means a person or business entity who contracts with a client (host employer) to supply labour in the form of a contract worker or a subcontractor to work at the host employer's workplace.

"self-employed person" means a person who:
performs work for gain or reward; and

is not an employer or worker or contract worker.

“subcontractor” means a person who is registered for work with a labour hire organisation under conditions of a contract for services, is not a contract worker, and is hired out to a client (a host employer) under the conditions expressed in the contract for services.

“trainee” see the *Vocational Education, Training and Employment Act 1991*, section 4.

“worker” means a person who does work other than under a contract for services, for or at the direction of an employer.

For the purposes of this Guide, terms that are used and are defined in the *Workplace Health and Safety Act 1995* have the same meaning when used in this Guide unless the contrary intention appears.

Section 2 – Labour Hire Organisations

2.1 Obligations

As employers of workers and ‘contract workers’

When a labour hire organisation hires the labour of a ‘contract worker’ to a client, the labour hire organisation is considered to be an employer under the Workplace Health and Safety Act 1995. The Act provides that an employer has:

- (a) an obligation to ensure the workplace health and safety of each employer’s workers at work; and
- (b) an obligation to ensure his or her own workplace health and safety and the workplace health and safety of others is not affected by the way the employer conducts the employer’s undertaking.

As employers of ‘subcontractors’

When a labour hire organisation hires the labour of a ‘subcontractor’ to a client, the labour hire organisation has an obligation to inform any subcontractor that they are considered to be a self-employed person under the Workplace Health and Safety Act 1995. The Act provides that a self-employed person has an obligation to ensure his or her own workplace health and safety and the workplace health and safety of others is not affected by the way the person conducts the person’s undertaking.

2.2 Confirming Employment Relationships

The first step in developing a health and safety strategy is to confirm the types of employment relationships between the labour hire organisation and its workers, subcontractors and contract workers. There may be any one or a combination of the following employment relationships:

- (a) labour hire organisations and workers;
- (b) labour hire organisations and ‘contract workers’;
- © labour hire organisations and ‘subcontractors’.

2.3 Labour Hire Organisations Health And Safety Strategy

Once the employment relationships have been established, you need to develop a health and safety strategy to deal with them.

Labour hire organisations and workers.

If you are an employer who operates a labour hire organisation and you have a worker who works directly for you, ensure:

- (a) you are familiar with the Workplace Health and Safety Act, Regulations, Advisory Standards and any guides applicable to the type of work performed by your workers;
- (b) you discharge your health and safety obligations under the legislation;
- (c) you have systems and processes in place, which prevent or minimise worker's exposure to the risk of death, injury or illness caused by a workplace, by your workplace activities or by specified high-risk plant;
- (d) you have provided for the election of a workplace health and safety representative and the establishment of a workplace health and safety committee, to foster cooperation between you and your workers;
- (e) you have provided for the appointment of a workplace health and safety officer to assist you to manage workplace health and safety, when this is required by the Act;
- (f) you have systems and processes in place to manage health and safety, which are capable of:
 - identifying hazards
 - assessing risks that may result because of the hazards
 - identifying control measures to prevent, or minimise the level of, the risks
 - implementing control measures
 - monitoring and reviewing the effectiveness of the measures
 - ensuring a worker is given instruction and training as required by the legislation.

Labour hire organisations and 'contract workers'.

If you are an employer who operates a labour hire organisation and you have a 'contract worker' who is hired by a client (host employer), ensure:

- (a) you and the host employer are familiar with the Workplace Health and Safety Act, Regulations, Advisory Standards and any guides applicable to the type of work to be performed by your 'contract worker';
- (b) you and the host employer are familiar with and can discharge the health and safety obligations, applicable to you and the host employer;
- (c) you have systems and processes in place, which prevent or minimise a 'contract worker's exposure to the risk of death, injury or illness caused by a host employer's workplace, by workplace activities or by specified high-risk plant at a host employer's workplace;
- (d) the host employer has systems, and processes in place which prevent or minimise a 'contract worker's exposure to the risk of death, injury or illness caused by a host employer's workplace, by workplace activities or by specified high risk plant at a host employers workplace;
- (e) the host employer has provided for the appointment of a workplace health and safety officer to assist in managing workplace health and safety at the workplace where the 'contract worker' is working for the host employer, when this is required by the Act;
- (f) the host employer has systems and processes in place to manage health and safety, which are capable of:
 - identifying hazards
 - assessing risks that may result because of the hazards
 - identifying control measures to prevent, or minimise the level of, the risks
 - implementing control measures

- monitoring and reviewing the effectiveness of the measures
- ensuring the 'contract worker' is given instruction and training as required by the legislation.

Labour hire organisations and 'subcontractors'

If you are an employer who operates a labour hire organisation and you have a 'subcontractor' who is hired by a client (host employer), ensure you advise the 'subcontractor':

- (a) that under the Act, the 'subcontractor' is a 'self-employed person' and is responsible for his or her health and safety at work;
- (b) to follow the recommendations of this guide in Section 3, "Subcontractors in the Labour Hire Industry".

Section 3 – Subcontractors In The Labour Hire Industry

3.1 Status Of A Subcontractor

The Workplace Health and Safety Act 1995 makes an important distinction between the responsibilities of a worker and a self-employed person for their own health and safety at work. Essentially, a worker is a person who works under a contract of service, and is therefore reliant on the employer to provide a healthy and safe workplace. A worker has some obligations under the WHS Act, but these are limited. (See Section 36 of the WHS Act for the obligations of workers and other persons at a workplace.) A self-employed person is a person who works according to a contract for services and has an obligation to ensure his or her own workplace health and safety and the workplace health and safety of others is not affected by the way the self-employed person conducts his or her undertaking. This distinction is highlighted in the definitions of 'worker' and 'self-employed person' in Section 11 and Section 12 of the Act.

It is common practice in the labour hire industry for this distinction to be confirmed by referring to a subcontractor as a person who is registered for work with a labour hire organisation under conditions of a contract for services. In turn, the subcontractor is hired out to a client (host employer) under those conditions. These conditions are set out in a written contract, which is exchanged between the labour hire organisation and the subcontractor. This is usually a three or four page document characterised by the following elements:

- (a) the term subcontractor appears frequently in the document;
- (b) the subcontractor is required to agree in writing to the status of a self-employed person;
- (c) the contract specifically notes that the person is not an employee of an agency;
- (d) the contract makes very clear the distinction between a contract of service (an employee) and a contract for services (a subcontractor);
- (e) the contract clearly states that the subcontractor is not covered for workers compensation by Workcover Qld, and that the subcontractor is responsible for public liability and workers accident insurance.

3.2 Obligations

Of the subcontractor

A subcontractor is a self-employed person, because he or she is not a worker as defined by the Workplace Health and Safety Act 1995. The Act provides that a self-employed person has an obligation to ensure his or her own workplace health and safety and the workplace health and safety of others is not affected by the way the person conducts the person's undertaking.

Of the client (host employer)

As a subcontractor, you should be aware that the host employer also has a responsibility to ensure your health and safety while you are working at the host employer's workplace. Once you have been hired, the host employer is obligated under the Act to ensure the workplace health and safety of others is not affected by the way the employer conducts the employer's undertaking. The term 'others' includes subcontractors of labour hire organisations while they are working for the host employer.

3.3 Understanding The Subcontractors Employment Relationship

The first step in developing a health and safety strategy is to confirm that you are a subcontractor of the labour hire organisation. See 3.1 "Status of a Subcontractor" in this Section for guidance. If in doubt, you may wish to seek advice from your legal representative, accountant, business or workplace health and safety adviser.

Once you confirm your relationship to the labour hire organisation is that of subcontractor, you should ensure your health and safety strategy caters for the points shown in 3.4 Subcontractors Health and Safety Strategy.

3.4 Subcontractors Health And Safety Strategy

If you are a subcontractor to a labour hire organisation, ensure:

- (a) you and your host employer are familiar with the Workplace Health and Safety Act, Regulations, Advisory Standards and any guides applicable to the type of work performed by you and the host employer;
- (b) you discharge your health and safety obligations under the legislation, and notify the host employer that he or she also has obligations under the Act;
- (c) you have systems and processes in place, which prevent or minimise your exposure to the risk of death, injury or illness caused by your workplace, by your workplace activities or by specified high-risk plant;
- (d) you have systems and processes in place, which prevent or minimise exposure of other persons to the risk of death, injury or illness caused by your workplace, by your workplace activities or by specified high-risk plant;
- (e) your host employer has systems and processes in place, which prevent or minimise your exposure and the exposure of others to the risk of death, injury or illness caused by your host employers workplace, by your host employer's workplace activities or by specified high-risk plant;
- (f) you have systems and processes in place to manage health and safety, which are capable of:
 - identifying hazards
 - assessing risks that may result because of the hazards
 - identifying control measures to prevent, or minimise the level of, the risks
 - implementing control measures
 - monitoring and reviewing the effectiveness of the measures
 - communicating the system's requirements to the host employer;
- (g) you have a mechanism for consulting with the client (host employer) about workplace health and safety at the client's workplace;

- (h) you have a dispute resolution mechanism in place to determine who is responsible for workplace health and safety in the event of a conflict of interest between you and the host employer.

Section 4 – Group Training Providers, Trainees And Apprentices

4.1 What Are Group Training Providers?

Group training providers are usually companies (organisations) set up to provide employment for young people and are a means by which young people can receive training and acquire skills they may not otherwise have the opportunity to gain. These companies operate by placing apprentices and trainees with host employers where they receive training for an agreed period of time.

4.2 Status Of Group Training Providers

The Workplace Health and Safety Act 1995 creates a unique situation for group training providers. This is because it is not realistic to expect Group Training Companies to provide constant supervision and ensure that apprentices or trainees are not exposed to workplace health and safety risks when apprentices or trainees are doing work for host employers. Also, the working environment at some workplaces, like construction workplaces, may be subject to change.

In recognising this, the Workplace Health and Safety Act 1995 provides that “when apprentices or trainees are engaged to do work for host employers, then the host employers are, for the purposes of the Act, the employers of the apprentices or trainees”.

4.3 What Group Training Companies Can Do

Group Training Companies can help host employers meet their obligations under the Act. Helping host employers facilitates proper health and safety outcomes for apprentices or trainees when they are doing work at host employers’ workplaces. Help can be given in four ways.

Provide Safety induction

Group Training Companies can provide their apprentices or trainees with a standardised, structured safety induction program that provides a general outline of workplace health and safety as well as information that is relevant to the industry that the apprentice or trainee will be working in.

Assess host employers

Group Training Companies can assess host employers. The Group Training Company is able to place an apprentice or trainee with a host employer when they are satisfied that the Host Employer is able to provide a safe and healthy workplace.

This may be done by asking a series of questions of the host employer, and, if required, an inspection of the workplace.

Provide information to the host employer

The Group Training Company should provide information to those host employers who are unsure of their responsibilities under the Act. Different information packages are available from the Division on request.

Monitor health and safety

If Group Training Companies become aware that apprentices or trainees are being required to undertake unsafe work practices, action should be taken to minimise the risk to the apprentice or trainee. Such action may include:

- counselling the host employer;
- suggesting possible healthier and safer work practices; or
- withdrawing the apprentice or trainee.

4.4 Responsibilities Of Host Employers For Apprentices And Trainees

Because host employers are the ‘employers’ of apprentices or trainees, they assume all responsibilities under section 28 of the Act, “Obligations of Employers”. While there are a number of obligations under the Act, there are three important workplace health and safety responsibilities that stand out in relation to apprentices and trainees. These are:

- (a) introduction to the workplace (induction about hazard identification and risk prevention);
- (b) training; and
- (c) initial and ongoing supervision.

Other responsibilities include:

- (a) providing personal protective equipment (including instructions on how to properly use and wear the PPE);
- (b) guarding of hazardous plant and machinery; and
- (c) preventing or minimising the risk of exposure to hazardous substances and injuries caused by manual tasks.

For additional information on responsibilities of host employers in the labour hire industry, see Section 6 of this guide.

4.5 Obligations Of Apprentices And Trainees

For the purposes of the Act, apprentices and trainees are ‘workers’ of host employers. Apprentices and trainees have a responsibility to:

- (a) comply with instructions given for workplace health and safety at the workplace by the host employer and, if the workplace is a construction workplace, comply with the instructions given by the principal contractor;
- (b) use personal protective equipment that is provided by the employer;
- (c) not wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the host employer's workplace;
- (d) not wilfully place at risk the workplace health and safety of any other person at the host employer's workplace; and
- (e) not wilfully injure himself or herself.

Section 5 – Contract Workers, Workers And Other Persons In The Labour Hire Industry

5.1 Contract Workers

Contract workers are people who register with labour hire organisations as being available for work. They do not enter into formal contract arrangements, of the type exchanged between labour hire companies and subcontractors. Subcontractors (see Section 3) usually complete a 'contract for services' as opposed to 'workers' who are considered to be legally employed under a 'contract of service', which may or may not be documented.

Contract workers usually complete a skills and abilities questionnaire, which is kept on file by the labour hire organisation. When a client (host employer) seeks to hire labour, the contract worker is offered employment by the labour hirer if their skills, abilities and experience match the host employer's requirements. When this occurs, the contract worker takes up the appointment at the host employer's workplace, and completes the work required. Even though the 'contract worker' is located at the host employer's workplace, he or she remains a worker (employee) of the labour hirer.

This places contract workers in the unique position of being employees (workers) of the labour hire company at the same time as they are working for the host employer. This is different to the situation applying to subcontractors, who are considered to be self-employed and to apprentices and trainees, who are considered by the Act to be workers (employees) of the host employer. For information on subcontractors see Section 3, and for group training companies, apprentices and trainees see Section 4.

The obligations of contract workers are shown in 5.4 of this Section.

5.2 Workers

Workers of a labour hire company are people who work directly for the company. For example they may be managers, secretaries or accountants who carry out the administrative and other tasks necessary to find work for people registered with them. They are not a contract worker or a subcontractor.

Workers are people employed under a contract of service and have the health and safety obligations shown in 5.4 of this Section.

5.3 Other Persons

Under the Act, 'other persons' are people who are at the workplace of an employer but who are not workers of the employer, eg. visitors. This is particularly important for contract workers and subcontractors while they are working at the host employer's workplace. The WHS Act requires host employers of hired labour to provide a

healthy and safe workplace for their own workers, contract workers and subcontractors.

Other persons have the same obligations as workers while they are at the workplace of a host employer. See 5.4 of this Section.

5.4 Obligations

A worker, contract worker, subcontractor, or other person at a workplace (including a workplace of a host employer) has the following obligations:

- (a) to comply with the instructions given for workplace health and safety at the workplace by the employer at the workplace and, if the workplace is a construction workplace, the principal contractor for workplace health and safety at the workplace;
- (b) for a worker – to use personal protective equipment if the equipment is provided by the workers' employer and the worker is properly instructed in its use;
- (c) not to wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace;
- (d) not to wilfully place at risk the workplace health and safety of any person at the workplace;
- (e) not to wilfully injure himself or herself.

Note: *Contract workers must comply with the instructions given by the labour hire company as well as the host employer. Subcontractors are responsible for their own health and safety and must also comply with the instructions of the host employer*

Section 6 – Host Employers

6.1 What Are Host Employers?

Host employers are:

- (a) employers who train apprentices and trainees supplied by Group Training Companies;
- (b) employers who hire labour from labour hire companies to perform work, rather than directly employ them as their own workers (employees); and
- (c) principal contractors who have obligations for construction workplaces at which there are 'contract workers' or 'subcontractors' supplied by labour hire companies.

Employers

Section 10 of the Act provides that an employer is a person who, in the course of the person's business or undertaking, engages someone else to do work, other than under a contract for services, for or at the direction of the person.

When training trainees and apprentices

For an apprentice or trainee who is employed by a group-training scheme, the employer is:

- (a) when the apprentice or trainee is engaged to do work for a host employer – the host employer; or
- (b) otherwise – the group training scheme.

Principal contractors

Section 13 of the Act provides that the principal contractor for a construction workplace (other than a construction workplace for domestic premises) is:

- (a) the person appointed as principal contractor by the owner of the workplace; or
- (b) if no principal contractor is appointed, the owner of the workplace.

The principal contractor for a construction workplace for domestic premises is the person in control of building or demolition work at the workplace.

6.2 Obligations Of Host Employers

Employers

Host employers have the following obligations under Section 28 of the Act, "Obligations of Employers":

- (a) an employer has an obligation to ensure the workplace health and safety of each of the employer's workers at work;
- (b) also, an employer has an obligation to ensure his or her own workplace health and safety and the workplace health and safety of others is not affected by the way the employer conducts the employer's undertaking.

This means that:

- (a) when a Group Training Company supplies an apprentice or trainee to the host employer, the host employer must treat the apprentice or trainee as a worker of the host employer; or
- (b) when a labour hirer supplies a 'contract worker' or a 'subcontractor', the host employer must treat the 'contract worker' or 'subcontractor' as an 'other person' under Section 28 of the Act.

Principal Contractors

Section 31 of the Act provides that a principal contractor has the following obligations for a construction workplace:

- (a) to ensure the orderly conduct of all work at the construction workplace to the extent necessary:
 - (i) to ensure workplace health and safety at the workplace;
 - (ii) to assist the discharge of workplace health and safety obligations of an employer or self-employed person;
- (b) to ensure that persons at the workplace are not exposed to risks from :
 - (i) something that has been provided for the general use of persons at the workplace for which no other person owes a workplace health and safety obligation; or
 - (ii) a hazard at the workplace for which no other person owes a workplace health and safety obligation;
- (c) to ensure that workplace activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace;
- (d) to provide safeguards and take safety measures prescribed under a regulation made for principal contractors.

In addition, the principal contractor has additional obligations if the principal contractor reasonably believes, or should reasonably believe:

- (a) an employer at the workplace is not discharging the employer's workplace health and safety obligation; or
- (b) a self-employed person at the workplace is not discharging the person's workplace health and safety obligation.

These additional obligations mean that the principal contractor must:

- (a) direct the employer or self-employed person to comply with the employer's or self-employed person's workplace health and safety obligations; and

- (b) if the employer or self-employed person fails to comply with the direction, direct the employer or self-employed person to stop work until the employer or self-employed person agrees to comply with the obligation.

6.3 Confirming Employment Relationships

Because of these obligations, a host employer needs to confirm what employment relationships there are in operating the undertaking.

You may be involved in one or more of the following employment relationships:

- (a) host employer and workers;
- (b) host employer and 'contract workers' from a labour hire company;
- (c) host employer and 'subcontractors' from a labour hire company;
- (d) host employer and apprentices or trainees supplied by a group-training scheme;
- (e) host employer (principal contractor) and 'contract workers' and 'subcontractors' supplied by a labour hire company at a construction workplace.

6.4 Host Employer's Health And Safety Strategy

Once the employment relationships have been established, you need to develop a health and safety strategy to deal with them.

Host employer and workers.

If you are a host employer and you have a worker who works directly for you, ensure:

- (a) you are familiar with the Workplace Health and Safety Act, Regulations, Advisory Standards and any guides applicable to the type of work performed by your workers;
- (b) you discharge your health and safety obligations under the legislation;
- (c) you have systems and processes in place, which prevent or minimise worker's exposure to the risk of death, injury or illness caused by your workplace, by your workplace activities or by specified high-risk plant;
- (d) you have provided for the election of a workplace health and safety representative, and the establishment of a workplace health and safety committee, to foster cooperation between you and your workers;
- (e) you have provided for the appointment of a workplace health and safety officer to assist you to manage workplace health and safety, when this is required by the Act;
- (f) you have systems and processes in place to manage health and safety, which are capable of:
 - identifying hazards
 - assessing risks that may result because of the hazards
 - identifying control measures to prevent, or minimise the level of, the risks
 - implementing control measures
 - monitoring and reviewing the effectiveness of the measures
 - ensuring a worker is given instruction and training as required by the legislation.

Host employer and ‘contract workers’ supplied by a labour hirer

If you are a host employer and you have a ‘contract worker’ who is hired to you by a labour hirer, ensure:

- (a) you and the labour hirer are familiar with the Workplace Health and Safety Act, Regulations, Advisory Standards and any guides applicable to the type of work to be performed by your ‘contract worker’;
- (b) you and the labour hirer are familiar with and can discharge the health and safety obligations applicable to you and the labour hirer;
- (c) you have systems and processes in place, which prevent or minimise a ‘contract worker’s exposure to the risk of death, injury or illness caused by your workplace, by workplace activities or by specified high-risk plant at your workplace;
- (d) you have systems and processes in place to manage health and safety, which are capable of:
 - identifying hazards
 - assessing risks that may result because of the hazards
 - identifying control measures to prevent, or minimise the level of, the risks
 - implementing control measures
 - monitoring and reviewing the effectiveness of the measures
 - ensuring the ‘contract worker’ is given instruction and training as required by the legislation.

Host employer and ‘subcontractors’

If you are a host employer and you have a ‘subcontractor’ whom you have hired from a labour hirer, ensure:

- (a) you and the ‘subcontractor’ are familiar with the Workplace Health and Safety Act, Regulations, Advisory Standards and any guides applicable to the type of work that you require the subcontractor to perform;
- (b) you and the ‘subcontractor’ discharge your health and safety obligations under the legislation, and notify the ‘subcontractor’ that he or she also has obligations under the Act;
- (c) you have systems and processes in place, which prevent or minimise exposure of other persons (eg. the ‘subcontractor’) to the risk of death, injury or illness caused by your workplace, by your workplace activities or by specified high-risk plant;
- (d) your ‘subcontractor’ has systems and processes in place, which prevent or minimise your exposure and the exposure of others to the risk of death, injury or illness caused by the ‘subcontractor’s’ workplace, workplace activities or by specified high-risk plant;
- (e) you have systems and processes in place to manage health and safety, which are capable of:
 - identifying hazards
 - assessing risks that may result because of the hazards
 - identifying control measures to prevent, or minimise the level of, the risks
 - implementing control measures
 - monitoring and reviewing the effectiveness of the measures
 - communicating the system’s requirements to the ‘subcontractor’;

- (f) you have a mechanism for consulting with the ‘subcontractor’ about workplace health and safety at the workplace where the ‘subcontractor’ is working, and advise the ‘subcontractor’ how to use the consultative process;
- (g) you have a dispute resolution mechanism in place to determine who is responsible for workplace health and safety in the event of a conflict of interest between you and the ‘subcontractor’;
- (h) you inform the ‘subcontractor’ to also follow the recommendations of this guide in *Section 3 – Subcontractors in the Labour Hire Industry*.

Host employer and apprentices or trainees supplied by a group-training scheme

If you are a host employer and you have an apprentice or a trainee supplied by a group-training scheme, ensure you follow the instructions in Section 4.4 “Responsibilities of Host Employers for apprentices and trainees”.

Principal contractor and ‘contract workers’ or ‘subcontractors’ supplied by a labour hirer

If you are a principal contractor and you have obligations for a construction site at which there are ‘contract workers’ or ‘subcontractors’ supplied by a labour hirer, ensure:

- (a) you, the employer, self-employed person and the labour hirer are familiar with the Workplace Health and Safety Act, Regulations, Advisory Standards and any guides applicable to the type of work to be performed by the hired labour;
- (b) you, the employer, self-employed person and the labour hirer are familiar with and can discharge their health and safety obligations;
- (c) you, the employer, self-employed person and the labour hirer have systems and processes in place, which prevent or minimise hired labour’s exposure to the risk of death, injury or illness caused by the construction workplace, by workplace activities or by specified high-risk plant at the construction workplace;
- (d) you have systems and processes in place to manage health and safety, which are capable of:
 - identifying hazards
 - assessing risks that may result because of the hazards
 - identifying control measures to prevent, or minimise the level of, the risks
 - implementing control measures
 - monitoring and reviewing the effectiveness of the measures
 - ensuring hired labour has been given instruction and training as required by the legislation.

Further Information

Information about health and safety issues in those workplaces in which the labour hire industry operates is available from the Department of Employment, Training and Industrial Relations, Division of Workplace Health and Safety, Toll free 1300 369 915.

Copies of the Workplace Health and Safety Act 1995, Workplace Health and Safety Regulations and Advisory Standards may be purchased from:

GOPRINT
371 Vulture Street
WOOLLOONGABBA QLD 4102
Bookshop Telephone (07) 3246 3399
Outside Brisbane FREECALL 1800 679 778