

**GUIDE TO
WORKPLACE HEALTH AND SAFETY ASSESSMENTS
IN THE
LABOUR HIRE INDUSTRY**



Queensland
Government

**Workplace Health
and Safety**

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GUIDE TO WORKPLACE HEALTH AND SAFETY ASSESSMENTS IN THE LABOUR HIRE INDUSTRY

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Guide to Workplace Health and Safety Assessments in the Labour Hire Industry

When a labour hire company places a casual worker at a host employer's workplace, the labour hire company and the host employer must ensure their workers' workplace health and safety.

This document provides guidance on performing workplace health and safety assessments in the labour hire industry. These assessments seek to assist the Labour hire company to identify the level of safety afforded to their workers at the host employer workplace, the types of hazards the worker may be exposed to, and the available control measures required to manage the workplace hazards.

An overview of workplace health and safety issues in the labour hire industry is provided in the document [Managing Health and Safety in the Labour Hire Industry](#). That document provides information regarding the obligatory workplace health and safety requirements of all parties involved in the industry. Labour hire companies (also known as Recruitment companies) should access this publication from the Division to obtain relevant information.

Over the last few years, there has been an increasing demand for workers supplied by labour hire companies as a result of structural reforms across a number of industries.

Managing workplace health and safety issues presents special problems for the labour hire companies, as they do not always undertake the day-to-day control or supervision of on-hired workers, neither do they provide their plant, equipment or working environment. Nevertheless, labour hire companies have legal obligations under workplace health and safety legislation as the employer of on-hired workers. As such, the labour hire company must take all reasonably practicable steps to ensure the safety of the worker.

This guide will help you determine what steps you should take to meet your legal obligations under the *Workplace Health and Safety Act 1995*.

How can Labour Hire Companies ensure the Health and Safety of Workers?

To ensure the safety of its workers, the measures that labour hire companies can take include the following:

1. Identify potential risks by asking the host employer about risk controls. This would involve determining for each placement:
 - Generally what tasks the worker will be required to perform and where they will be performed.
 - Whether the tasks are likely to involve potentially hazardous plant, equipment, substances or materials.
 - What knowledge, skills, experience and formal qualifications are required to perform the agreed tasks safely and competently.

- What specific regulations and codes of practice are applicable to the job.
 - What training and supervision the host employer will provide.
2. Reinforce workplace health and safety requirements with the host employer by, for example:
- Conducting regular site visits to verify the information provided by the host employer and assess workplace health and safety risks posed by the work environment and the host employer's compliance with regulatory requirements (refer to the workplace health and safety assessment in Appendix 1).
 - Securing improvements to any unacceptable workplace hazards or inadequate risk controls identified (for example, guarding installed on a machine).
 - Obtaining information on the host employer's workplace health and safety performance (for example, requesting the employer to provide information on WHS Notifications in the last 12 months).
3. Ensure that the contractual arrangements between the host employer, worker and labour hire company include:
- An obligation on the host employer to comply with workplace health and safety legislation and applicable codes or guidelines and provide all appropriate induction and on-going supervision and training.
 - A requirement that the host employer and worker immediately inform the labour hire company of any:
 - Injuries to on-hired workers.
 - Relevant changes to the workplace, agreed tasks, systems of work, plant/equipment or materials/substances that could affect the WHS risks faced by on hired workers.
 - Dangerous occurrences and serious accidents at the workplace or notices issued by Division of Workplace Health and Safety inspectors against the host employer.
 - A right of the labour hire company to inspect the workplace.
 - A commitment from the host employer to participate in and resolve risk management issues raised by the labour hire company, and if considered necessary, the right to remove any on hired workers.
4. Select and educate appropriate employees by:
- Determining the skills, qualifications, experience and physical capabilities of applicants.
 - Verifying any information provided by the applicant (eg obtain copies of licences and contact previous employers).
 - Ensuring that employees have appropriate experience and qualifications to do the specific tasks required by the host employer.
 - Providing instruction to employees concerning the agreed tasks they are likely to perform for the host employer, their rights and responsibilities and the labour hire company's workplace health and safety, rehabilitation and compensation policies and procedures.

What is a Workplace Health and Safety Assessment?

When a labour hire company places a casual worker at a host employer's workplace, the labour hire company and the host employer must ensure their workers' workplace health and safety.

The Workplace Health and Safety Assessment will help Labour hire companies identify the level of safety systems afforded to their workers at the host employer workplace, identify the types of hazards exposed to the worker, and the available control measures required to manage the workplace hazards. This can be performed by utilising a *workplace health and safety assessment checklist* on a site visit to the host employers' workplace to record the safety issues. This function allows the identification of safety issues, facilitating discussion and resolution of the relevant issues between the host employer and the labour hire company.

The Workplace Health and Safety Assessment can be applied to many industries and therefore must address the common elements of most workplace health and safety Management Systems. Industry specific safety issues must also be checked to ensure workplace health and safety standards are observed.

What does a *Workplace Health and Safety Assessment* involve for a Labour Hire Company?

A Workplace Health and Safety Assessment involves the following components –

Policy

A labour hire company must include the performance of Workplace Health and Safety Assessments into its Company Policy and Procedures. For example, it would be stated in your policy that "a Workplace Health and Safety Assessment is to be performed at the host employer workplace to determine the level of hazards to which the worker is exposed to, before the commencement of work at the workplace". This requirement may apply to each and every site. Where generic work tasks are performed across multiple sites, the assessment may be performed at an administrative level, and be applied to more than one workplace.

Procedure

The above policy requirements must be supported by a procedure. This involves the allocation of responsibility for the performance of the Workplace Health and Safety Assessment, issue resolution processes, and appointment determinations (is the appointment safe enough for your workers to perform their tasks?). Where technical safety issues arise, it is recommended that a risk assessment tool be used. A sample can be found at Appendix 1.

Administration

To complete the process of the Workplace Health and Safety Assessments, an administrative function is required. This allows the process to be acknowledged in your records and provides validation for future reference.

What Must I Do with this Information once Completed?

Once the Labour hire company has conducted the Workplace Health and Safety Assessment at the Host employers' workplace, the Host employer should validate the process by endorsing the record of the assessment. It is advisable to issue a copy of the Workplace Health and Safety Assessment to the host employer for their record. What the Labour hire company must now do is analyse the results of the Assessment. The question must be asked by the Labour hire company "Is the level of safety afforded to the worker at this workplace, adequate to ensure the safety of the workers?" Factors that can be taken into consideration include –

- The level of risk involved in the industry and the worker's activities.
- The safety issues and omissions recorded on the Workplace Health and Safety Assessment and how they will affect the workers safety and health. What is the likelihood of an incident occurring at this workplace?
- The general workplace health and safety management system and culture of the host employer workplace. Are they proactive or reactive?
- Can any agreed safety improvement issues on the Workplace Health and Safety Assessment be realistically achieved?
- Should a worker be placed at this workplace if there are pending safety issues that have the potential to cause workplace incidents?

If safety issues are identified through this process that require attention, try to obtain an undertaking from the Host employer that the issues will be addressed in a manner that will not unnecessarily expose workers to unacceptable risks. The outstanding health and safety issues should be discussed and recorded on the assessment (in the comments section) with a view to achieving resolution.

Where doubt may remain with particular health and safety issues, risk assessments and hazard analysis tools must be used to determine the risk levels. This will give a good indicator as to the appropriate actions that are required to manage the relevant issues. A person with the appropriate skills should conduct the risk assessment and/or hazard analysis (refer to qualification section, below).

Workplace Health and Safety Assessments should be filed for a minimum period of 5 years, and be made available for reference where required. These checklists are a record of part of the Labour hire company's efforts to discharge its statutory obligation in the workplace, and serves as evidence of the discharge of workplace health and safety obligations in common law claims.

What Qualifications / Training are required to perform Workplace Health and Safety Assessments

In Queensland, it would be advisable to have at least *Workplace Health and Safety Officer (Stage One)*. As no technical risk assessment functions are required for this task, it is seen initially as an information seeking exercise. The information should be passed onto a higher qualified person, such as a *Workplace Health and Safety Officer (Stage Two)*, for decision making purposes. Internal training programs that reflect an equivalent level of competency may also be used.

How Do I Approach A Host employer about Workplace Health and Safety Assessment?

The benefit of conducting an external Workplace Health and Safety Assessment at the host employers' workplace needs to be emphasized by the Labour hire company. Some host employers will welcome the opportunity to have their workplaces assessed by an external source to identify safety issues, or to provide validation of existing workplace health and safety management systems. If a host employer expresses reservations regarding the possible outcomes of an external assessment, the Labour hire company may offer a value added service involving an integrated approach to managing and resolving any issues raised. If a cooperative approach can be established for the conduct of the assessments, both the host employer and labour hire company will benefit. Inform the host employer of the safety issues, and offer proactive and cost-effective options or solutions.

Appendix 1a: Sample Workplace Health and Safety Assessment.

NOTE: THIS SAMPLE IS FOR USE IN MOST INDUSTRIES. A SAMPLE WORKPLACE HEALTH AND SAFETY ASSESSMENT FOR CONSTRUCTION WORK IS PROVIDED IN APPENDIX 1B.

The following example of a Workplace Health and Safety Assessment primarily addresses the common administrative and workplace health and safety issues that need to be observed in all industries. This should be followed by the secondary part, which addresses the industry specific safety issues where applicable. Labour hire companies are encouraged to develop a Workplace Health and Safety Assessment to fully encompass the issues relevant to the particular type of workplace.

Example: WORKPLACE HEALTH AND SAFETY ASSESSMENT CHECKLIST		
Host employer:		
Address:		
Host employer Activity:		
Host employer Contact:		
Workplace Locations:		
Recruitment Requirements:		
Person conducting:		
Workplace Assessment:		
Date Conducted:		
Next Assessment Due:		
PART 1 – General workplace health and safety issues		
1. WHS Policy and Procedures		<i>Further Action:</i>
a) Does the Host employer have a WHS Policy and Procedures Manual	Yes / No	
b) Are WHS responsibilities allocated to all persons in this workplace	Yes / No	
c) Does the WHS Manual contain a Hazard Management Policy	Yes / No	
d) Does the WHS Manual contain an Injury Management Policy	Yes / No	
e) Is there evidence of a current Safety Committee (if required)	Yes / No / NA	
f) Does the workplace have a WHSO (if required)	Yes / No / NA	
g) Does the workplace offer workplace health and safety induction	Yes / No	
h) Do contractors receive WHS information upon entering this workplace	Yes / No	
2. Training, Induction and Instruction		<i>Further Action:</i>
a) Are workers given a workplace specific induction before commencing work	Yes / No	
b) Are workers given emergency evacuation instructions	Yes / No	
c) Are workers given instruction in the use of equipment at this workplace	Yes / No	
<i>Specify:</i>		<i>Further Action:</i>
d) Will the labour hire company be notified if there is a change in agreed tasks	Yes / No	
e) Does the host employer monitor their own safety systems at all times	Yes / No	
f) Is supervision provided for the contract workers for the agreed tasks	Yes / No	

3. Competencies and Qualifications

What qualifications do you require for the contracted request

<i>Position:</i>	<i>Qualifications:</i>	<i>Job description provided?</i>
1)		Yes / No
2)		Yes / No
3)		Yes / No
4)		Yes / No

4. Hazard Management

a) What Personal Protective Equipment is required at the workplace for each of the above positions

<i>Position:</i>	<i>Specify required PPE:</i>	<i>Client to provide?</i>
1)		Yes / No
2)		Yes / No
3)		Yes / No
4)		Yes / No

		<i>Further action:</i>
b) Will the workers be exposed to airborne contaminants	Yes / No	
c) Will the workers be exposed to confined spaces	Yes / No	
d) Will the workers be exposed to work at heights	Yes / No	
e) Is there a regime of workplace health and safety inspections at the workplace	Yes / No	
<i>Specify:</i>		<i>Further action:</i>
f) Are there first aid facilities at the workplace	Yes / No	
g) Are there trained first aiders at the workplace	Yes / No	
h) Are there full amenities (toilets, washrooms, etc) for workers at the workplace	Yes / No	
<i>Specify:</i>		<i>Further action:</i>
i) Is all electrical equipment tested, tagged and used with RCDs, as required for the type of work to be done	Yes / No	
j) Are there plant hazards at the workplace	Yes / No	
<i>Specify:</i>		<i>Further action:</i>
k) Are incidents and near misses investigated and action taken to prevent recurrence	Yes / No	

PART 2 – Specific workplace health and safety issues

This part should be completed for workplaces having specific workplace health and safety requirements, based on hazard specific or industry specific workplace health and safety legislation, advisory standards, industry codes of practice or other guidance material (see *Appendix 2* for sources of information).

Issue:		Further Action:
	Yes / No	
	Yes / No	
	Yes / No	
	Yes / No	

PART 3 – Sign-off and Required Action

5. Required Action

a) Does the host employer require workplace health and safety (WHS) assistance? Yes / No

Specify:

b) Are WHS issues pending that will be addressed? Yes / No

Specify:

c) Has a commitment been given to improve outstanding WHS issues? Yes / No

Specify:

Who by:

When:

d) Has the host employer been issued with a copy of this assessment? Yes / No

Who by:

When:

6. Validation

Host employer Contact & Signature

Date

Labour Hire Contact & Signature

Date

7. Decision and Comments (Labour Hire Company – Office Use Only)

Is workplace health and safety at the site sufficient to allow worker to commence? Yes / No

Signature: Date: / /

Comments:

Appendix 1b: Sample Construction Health and Safety Assessment.

The following example of a Workplace Health and Safety Assessment primarily addresses the common administrative and workplace health and safety issues that need to be observed in construction sites. This may need to be followed by the secondary part, which addresses the workplace specific safety issues where applicable. Labour hire companies are encouraged to develop a Workplace Health and Safety Assessment to fully encompass the relevant issues.

Example: WORKPLACE HEALTH AND SAFETY ASSESSMENT CHECKLIST		
Host employer:		
Address:		
Host employer Activity:		
Host employer Contact:		
Workplace Locations:		
Recruitment Requirements:		
Person conducting:		
Workplace Assessment:		
Date Conducted:		
Next Assessment Due:		
PART 1 – General workplace health and safety issues		
1. WHS Policy and Procedures		<i>Further action:</i>
a) Does the Host employer have a WHS Policy and Procedures Manual	Yes / No	
b) Are WHS responsibilities allocated to all persons in this workplace	Yes / No	
c) Does the WHS Manual contain a Hazard Management Policy	Yes / No	
d) Does the WHS Manual contain an Injury Management Policy	Yes / No	
e) Is there evidence of a current Safety Committee	Yes / No	
f) Does the construction site have a WHSO	Yes / No	
g) Does the construction site have a safety plan	Yes / No	
h) Does the construction site offer health and safety inductions	Yes / No	
i) Do contractors receive WHS information upon entering this workplace	Yes / No	
2. Training, Induction and Instruction		<i>Further action:</i>
a) Are workers afforded a site specific induction before commencing work	Yes / No	
b) Are workers afforded emergency evacuation instructions	Yes / No	
c) Are workers afforded instructions for the use of equipment at this workplace	Yes / No	
<i>Specify:</i>		<i>Further action:</i>
d) Will the labour hire company be notified if there is a change in task different from that which was contracted before the change commences	Yes / No	
e) Does the host employer monitor their own safety systems at all times	Yes / No	
f) Is supervision provided for the contract workers for the agreed tasks	Yes / No	

3. Competencies and Qualifications

What qualifications do you require for the contracted request

<i>Position:</i>	<i>Qualifications:</i>	<i>Job Description Provided?</i>
1)		Yes / No
2)		Yes / No
3)		Yes / No
4)		Yes / No

4. Hazard Management (Construction Site)

a) What Personal Protective Equipment is required at the site for each of the above positions

<i>Position:</i>	<i>Specify required PPE:</i>	<i>Client to provide?</i>
1)		Yes / No
2)		Yes / No
3)		Yes / No
4)		Yes / No

Further action:

b) Is the workplace a construction site	Yes / No	
c) Is any demolition involved	Yes / No	
d) Will the workers be exposed to asbestos	Yes / No	
e) Will the workers be exposed to vibration	Yes / No	
f) Will the workers be exposed to airborne contaminants	Yes / No	
g) Will the workers be exposed to confined spaces	Yes / No	
h) Will the workers be exposed to work at heights	Yes / No	
i) Is there a regime of workplace health and safety inspections at this site	Yes / No	

Specify:

Further action:

j) Are there first aid facilities at this site	Yes / No	
k) Are there trained first aiders at this site	Yes / No	
l) Are there full amenities (toilets, washrooms, etc) for the workers at this site	Yes / No	

Specify:

Further action:

m) Is all electrical equipment tested, tagged and used with RCDs	Yes / No	
n) Are there plant hazards at this site	Yes / No	

Specify:

Further action:

o) Are incidents and near misses investigated and action taken to prevent recurrence	Yes / No	
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PART 2 – Specific workplace health and safety issues

This part should be completed for workplaces having specific workplace health and safety requirements, based on hazard specific or industry specific workplace health and safety legislation, advisory standards, industry codes of practice or other guidance material (see *Appendix 2* for sources of information).

Issue:		Further Action:
	Yes / No	
	Yes / No	
	Yes / No	
	Yes / No	

PART 3 – Sign-off and Required Action

5. Required Action

a) Does the host employer require workplace health and safety (WHS) assistance? Yes / No

Specify:

b) Are WHS issues pending that will be addressed? Yes / No

Specify:

c) Has a commitment been given to improve outstanding WHS issues? Yes / No

Specify:

Who by:

When:

d) Has the host employer been issued with a copy of this assessment? Yes / No

Who by:

When:

6. Validation

Host employer Contact & Signature

Date

Labour Hire Contact & Signature

Date

7. Decision and Comments (Labour Hire Company – Office Use Only)

Is workplace health and safety at the site sufficient to allow worker to commence? Yes / No




Signature: Date: / /

Comments:






Appendix 2: Sources of Information about Workplace Health and Safety Issues.

The following sources of information should be consulted, particularly in relation to specific identified risks, and the risks typical in particular industries. This information should be used to develop or customise a checklist in relation to those issues, if workers are being placed in those industries, or may face specific risks (Part 2 of the Workplace Health and Safety Assessment).

Information from the Division of Workplace Health and Safety (Queensland)

-  [Home Page](#)
-  [Index Page](#)
-  [Search](#) (type in your search terms, click on “Workplace Health and Safety” in the search category, then click “go”)

Labour Hire Industry information from OHS Authorities in Australia

-  [Managing health and safety in the Labour Hire Industry](#) (Qld)
-  [Guidelines for Return to Work Programs](#) (NSW)
-  [CCH OHS Law Articles](#) (prosecutions summaries) (SA)
-  [Labour Hire Industry Projects](#) (SA)
-  [Labour Hire Industry OHS Committee Home Page](#) (SA)

Links to OHS authority home pages in Australia

-  Australia - [NOHSC](#) (National Occupational Health and Safety Commission)
-  Australia - [Comcare](#)
-  Australian Capital Territory - [Workcover](#)
-  New South Wales - [Workcover Authority](#)
-  Northern Territory - [Work Health Authority](#)
-  Queensland - [Workplace Health & Safety](#)
-  South Australia - [Workcover Corporation](#)
-  Tasmania - [Workplace Standards Authority](#)
-  Victoria - [Workcover Authority](#)
-  Western Australia - [Worksafe](#)