

TITLE:	Contractor Management Policy (Work Health & Safety)		
DIRECTORATE:	Finance		
ADOPTED BY:	Council Resolution:		
DATE OF ADOPTION:	29 November 2024	DATE OF REVIEW:	29 November 2026
POLICY NUMBER:	149		
LEGISLATIVE REF:	<i>Work Health and Safety (National Uniform Legislation) Act 2011; Part 2</i> <i>Work Health and Safety (National Uniform Legislation) Regs 2011</i>		

1. INTRODUCTION

1.1. Purpose

This Policy aims to ensure that Barkly Regional Council (BRC)'s expectations and management of Contractors in relation to work health and safety obligations are addressed and managed.

1.2. Scope

This Policy applies to any and all work health and safety requirements relating to the use of all Contractors by Council. Contractors, for the purpose of this Policy, shall include Contractors and Subcontractors (and their workers), Consultants, Training Providers and Labour Hire.

This Policy applies to all Contractors irrespective of how they are engaged.

This Policy should be read in conjunction with the Work Health and Safety Act and Regulations.

This Policy does not address the commercial aspects relating to Contractors. Please refer to the *Contractor Management (Commercial) Policy* for further information.

1.3. Definitions

Under Work Health & Safety legislation, **PCBU** means 'Person conducting a business or undertaking'. For the purpose of the WHS Act, a PCBU conducts a business or undertaking alone or with others. Where there are multiple PCBU's, they have a responsibility under the WHS Act to consult with each other around work health and safety matters.

For the purpose of this Policy, a **worker** includes a contractor, subcontractor or employee of a contractor or subcontractor. It also includes an employee of a labour hire company who has been assigned to work at Council.

For the purpose of this Policy, the term '**Contractor**' will be used and is understood to apply to Contractors, Subcontractors and their workers, Consultants and Labour Hire provided by a licensed recruitment agency.

1.4. Responsibilities

All persons within scope of this Policy are required to adhere to this Policy and its associated procedures.

The Chief Finance Officer (CFO) is accountable for the overall management of this Policy. The CCO and other Directors have specific responsibilities under this Policy as it relates to their work areas.

The Manager (WHS) has a primary responsibility in the implementation of this Policy.

1.5. Policy Objectives

- 1) The objectives of this Policy are to ensure that Council meets its PCBU work health and safety obligations when engaging Contractors as workers and/or PCBU's (as defined).
- 2) This Policy aims to ensure that the work health and safety roles, responsibilities and liabilities of both Council and Contractors are clearly established and are appropriately managed.
- 3) Council expects that Contractors will be appropriately screened to ensure they meet BRC standards of work health and safety; such requirements which are not limited to:
 - a. Ensuring that the Contractor possesses the appropriate qualifications, licenses, skills and experience required to carry out the proposed work;
 - b. Ensuring that the Contractor has a satisfactory safety record, appropriate for the work being carried out, and that their actions or reputation will not negatively impact Council;
 - c. Ensuring that the Contractor has the necessary work health and safety experience, respect for safety, standards, documents and processes to meet legislative requirements;
 - d. Ensuring that the techniques, plant, vehicles and equipment used by Contractors have been determined by Council to be fit for purpose and to meet applicable safety requirements; and
 - e. That Contractors undergo all relevant safety and site inductions as required by Council, including any completion and submission of site WHS Plans, and safe operating procedures prescribed as necessary for the work being carried out.
 - f. Ensuring that any Contractor who engages employees has a current Workers Compensation Policy in place.
 - g. Appropriate arrangements must be made for the supervision of Contractors in terms of them meeting work health and safety obligations. This may include regular reporting requirements, inspections, audits or other compliance oversight.

2. POLICY STATEMENT

2.1 Policy

- 1) While Council may outsource certain works to Contractors, it must ensure the safety and wellbeing of those Contractors, Council personnel, ratepayers, visitors and members of the public arising out of, or in connection with the work carried out by Contractors.
- 2) Work Health & Safety requirements must be communicated to Contractors prior to their engagement; requiring provision of evidence of particular documentation, not limited to the sighting of relevant licenses, qualifications, certifications, public liability insurance, work permits, workers compensation insurance and professional indemnity.
- 3) Contractors engaged by Council are considered to be agents of Council and are therefore required to meet and/or comply with relevant Council policies and procedures.
- 4) PCBU responsibilities must be clearly determined and actioned accordingly with Contractors in accordance with relevant work health and safety legislation and requirements.
- 5) Managers are responsible for engaging the Work Health and Safety department to assist in the determination of specific WHS requirements applicable to Contractors, where these are not clearly established or understood.
- 6) Without exception, all Contractors that work on or from a Council site or managed area or infrastructure must participate in relevant induction processes, as specified by Council.
- 7) Council expects Directors and Managers to have procedures in place to ensure that Contractors meet their WHS obligations, and that any non-conformances are addressed.
- 8) Any Contractors working in the vicinity of children, must possess an Ochre Card as required by Council.
- 9) The Contractor Safety Induction may not be required in some select instances (i.e. offsite consultants). Managers must consult with the Manager (WHS) if unsure.

3. WORK HEALTH AND SAFETY DUTY HOLDERS

- 1) PCBU's (as defined) and others such as suppliers, manufacturers, designers and installers all have work health and safety obligations and are known as 'duty holders' under legislation.
- 2) Council expects there to be appropriate policies and procedures in place to ensure that duty holders meet their work health and safety requirements under the WHS Act, Regulations, Codes of Practice and other relevant legislation.
- 3) As a minimum, Contractors (and their workers) who represent Council in the community and who work at any facility, site, roads or public spaces managed by Council must be issued with (and must accept in writing) the safety documentation outlined in the *Contractor Management Procedures* and must undergo safety and site inductions as required.

4. RELEVANT POLICIES

Policies to be read in conjunction with this policy are:

- 1) Contractor Management Procedures
- 2) Work Health & Safety Policy
- 3) Organisational Risk Management Policy
- 4) Contractor Management (Commercial) Policy
- 5) Incident Reporting & Investigation Policy

5. IMPLEMENTATION AND REVIEW

5.1. Implementation

Relevant personnel will be made aware of this Policy. It is not a requirement of the Act for this Policy, or its Supplier Register to be published on the Barkly Regional Council website.

5.2. Review

This policy will be reviewed on or before 29 November 2026.

6. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

7. APPROVAL

This policy is approved.

Chris Kelly
Chief Executive Officer



Signature

29 Nov 2024

Dated

END