

Labour hire agencies:

Managing the safety of on-hired workers



What is this guide about?

This publication is designed to assist labour hire agencies, group training organisations and other employers who provide workers or apprentices to client companies, to arrange placements that will not expose any worker to health and safety risks.

This publication outlines the workplace health and safety (WHS) duties of labour hire agencies. Please refer to the *Work Health and Safety Act 2011* for more specific information.

How can this information help you?

The following information provides an overview of your WHS responsibilities as a labour hire agency, including:

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

What are the WHS duties of labour hire agencies?

Labour hire agencies and group training organisations are usually the direct employers of on-hired workers and have duties under the *Work Health and Safety Act 2011*. Even though you will not always have direct control or management of the workplaces involved, your duty remains as an employer to your on-hired workers.

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

Your client, as the host employer, also has WHS duties to labour hire workers and contractors.

It is important to understand that labour hire agencies and host employers both have duties for the safety of on-hired workers. A labour hire agency can not 'pass on' its legal duty, even if the host employer agrees to this.

If you are not convinced the host workplace is safe, you should not provide a worker to that workplace.

Effective consultation between labour hire agencies, their workers and their clients is fundamental to securing safe work placements. The labour hire agency should consult with their workers on WHS matters and support workers' rights to be represented. This responsibility is ongoing. You should also be assured of the appropriateness of your clients' WHS consultative arrangements as they relate to your workers.

Establishing your WHS objectives

To effectively manage the workplace health and safety issues associated with labour hire, WHS must be an integral part of the way you do business. You should establish:

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

You can begin by assessing your organisation's safety systems by using the *Labour hire agency workplace health and safety health check*¹. This will help to identify any gaps or deficiencies you need to address.

Key steps to ensuring safe work placements

Achieving the safe placement of on-hired workers presents WHS situations that are distinctive to the labour hire industry. Along with the general WHS duties of an employer, labour hire agencies should also take the following steps for every placement:

1. provide an induction
2. assess the placement
3. monitor the workplace.

1. Provide an induction

Information must be provided to the worker about the host workplace and the work tasks, including workplace hazards and their controls. This should include both generic and site-specific WHS training and induction. Usually, you will provide the general induction before placement and the host employer will provide the site-specific induction. You need to consult with the host employer to ensure all appropriate induction and training is covered. If adequate induction and training is not provided (by both the agency and host employer), the worker may be exposed to unacceptable risks from the moment they start work.

¹ See attached — *Checklist 1. Labour hire agency workplace health and safety 'health check'*.

² See attached — *Checklist 2. First contact checklist – host employer.*

2. Assess the placement

The agency must adequately and competently assess the client's worksite and the worker's capacity to undertake the required work safely prior to the placement being made.

You should keep a 'training register' to demonstrate that agency staff (permanent and temporary) have the required knowledge, skills and capabilities to safely carry out the roles assigned to them.

3. Monitor the workplace

The agency must monitor the host workplace to ensure that health and safety requirements are being implemented as expected and that no new or potential risks to health and safety have arisen.

Taking effective action

To effectively assess and control the WHS risks to the on-hired worker, the labour hire agency should:

1. gather information
2. visit the worksite
3. implement hazard controls and assess their adequacy.

1. Gather information

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

- the client (the prospective host employer)
- the work
- the worker
- the work environment.

The client

You must know about the client's operations and hazards, their WHS performance and their approach to managing safety in the workplace. The *First contact checklist – host employer*² provides an overview to making this assessment. Host employers should be made aware of Workplace Health and Safety Queensland's publication *Host employers: Managing the safety of labour hire workers* which will assist host employers to prepare for and manage the safety of labour hire workers.

Remember, it is your decision to place an on-hired worker or apprentice in a workplace. If you are not satisfied that the workplace is safe and the hazards are well managed, you should not provide personnel.

The work

You must obtain details of the jobs to be carried out by the worker, including information about:

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

Workplace arrangements for consultation and supervision should be clear to both the labour hire agency and the client, and details of induction and other training should be documented. Your duties are to ensure that consultation, supervision and training of your workers is carried out and ongoing. Describe any personal protective equipment (PPE) that is required and clarify who will provide it.

The worker

You must be confident that the qualifications and experience of the worker 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 on-hired workers have the appropriate and current licences.

The work environment

You can use information about the work environment to determine whether an employer is operating within a high-risk industry or an industry that has risks requiring specific control measures and operating certificates.

Hazards within the work environment must be identified and details should be recorded. The worker should 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 worksite visits is to assess the WHS risks at the site and demonstrate commitment to carrying out your duty to your workers. 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 agency engages someone competent to make an informed WHS assessment of the worksite. This will require knowledge and understanding of the client's operations, workplace hazards and WHS management systems. Ongoing contracts should require that site visits are repeated at appropriate intervals to ensure no changes occur that could compromise safety.

The initial site assessment should be made before the worker is placed at another employer's workplace. The host employer's WHS documentation should reflect its safe operating procedures relevant to the work. The WHS policy manual, hazard-specific policies and procedures should be reviewed and a job safety assessment (JSA) carried out and documented.

¹ See attached — Checklist 3. Assessment of host employer's system for managing workplace health and safety.

The *Assessment of host employer's system for managing workplace health and safety*¹ provides a template for site visit observations. You can adapt this template to reflect the different circumstances of particular worksites.

3. Implement hazard controls and assess their adequacy

As part of the consultative process with the host employer, you should ensure action is taken to control WHS risks. Remember, the labour hire agency has control over whether or not a worker is placed with a client. Therefore, you must be satisfied that hazards will be managed effectively and your workers will not be at risk. Timeframes must also be agreed with the host employer to ensure that action is taken without undue delay.

Representatives of the labour hire agency and the host employer should document and sign off agreed risk control measures. Review the induction provided to workers to ensure it has taken place and that it was sufficient to address all WHS risks specific to the site and tasks.

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

For further information visit Workplace Health and Safety Queensland's website at www.worksafe.qld.gov.au or call **1300 362 128**.

Checklist 1.

Labour hire agency workplace health and safety ‘health check’

Who uses this form? Labour hire agency.

Purpose To assess how well a labour hire agency understands and manages workplace health and safety issues.

What should happen? The management representative of the labour hire agency uses this form to identify health and safety system shortcomings, and formulate plans to remedy these shortcomings. The assessment should be stored with the agency’s workplace health and safety records. Progress towards completing the remedial actions in the plans should be discussed at regular management meetings.

Please answer every question

Q.	Question If ‘no’, go to the action column and describe the steps necessary for your agency to conform to the question.	Yes	No	If ‘yes’, please answer these questions. If ‘no’, go to the action column and describe the steps necessary for your agency to conform to the question.	Action	
					Yes	No
1	Does one of your agency’s selection criteria for host employers include their systematic management of the hazards in the workplace that cause injuries?			Does your agency assess whether the host employer has a system for managing safety?		
				Does your agency assess the effectiveness of the host employer’s system for managing safety?		
				Does your agency have a documented process and tools for guiding this part of the client selection process?		
2	Does your agency assess the risk of injury to agency workers at host employer’s sites before each new placement?			Do the personnel carrying out these assessments possess trade or WHS skills that qualify them as competent to identify all features of the work environment that present a risk of injury?		
				Can personnel carrying out these assessments identify the specific control measures needed to reduce the risk of injury?		
				Is this process documented and does the document identify all risks of injury to which the worker may be exposed?		
				Has the person carrying out the assessment been trained and deemed competent in using the document?		

Continued

Checklist 1. Labour hire agency workplace health and safety ‘health check’ (continued)

Q.	Question If ‘no’, go to the action column and describe the steps necessary for your agency to conform to the question.	Yes	No	If ‘yes’, please answer these questions. If ‘no’, go to the action column and describe the steps necessary for your agency to conform to the question.	Yes	No	Action
3	Does the ‘assessor’ negotiate with the host employer to improve the management of safety issues?			Does the ‘assessor’: <ul style="list-style-type: none"> • ensure adequate risk control measures are in place before the agency provides workers • document the findings and agreed actions • follow up on agreed actions to verify completion? 			
4	Does the agency ensure workers are not supplied to a host employer before adequate measures to control the risk of injury are implemented?			Does the agency have a documented procedure for ensuring this always occurs?			
				If the agency has a bonus system that encourages salespersons/consultants to make placements, does the agency ensure that salespersons/consultants are not encouraged to make placements even though they know the workplace is unsafe?			
5	Does your agency obtain written information about the jobs, materials and substances, tools and equipment and the environment to which the worker will be exposed?			Do you gather written information about the work that is required of the agency worker?			
				Do you gather written details of the materials and substances to which the agency worker will be exposed?			
				Do you gather written information about the tools and equipment the agency worker will be using?			
				Do you gather written information regarding the environment in which the agency worker will be working (including supervision)?			

Continued

Checklist 1. Labour hire agency workplace health and safety ‘health check’ (continued)

Q.	Question If ‘no’, go to the action column and describe the steps necessary for your agency to conform to the question.	Yes	No	If ‘yes’, please answer these questions. If ‘no’, go to the action column and describe the steps necessary for your agency to conform to the question.	Yes	No	Action
6	Does your agency provide workers with induction training?			Does the induction training include: <ul style="list-style-type: none"> • information about the work and workplace in which the worker will be working • the risks of injury and how these are controlled by your client • what to do if asked to perform work different to that for which they are employed • the method for reporting safety concerns and any other issues to the agency? 			
				Is the induction training documented?			
7	Does the host employer provide agency workers with induction training?			Does the induction training include: <ul style="list-style-type: none"> • client specific information • how to report safety concerns/consultation procedures • information about the work and workplace in which the worker will be working • the risks of injury and how these are controlled by your client • job/site specific information? 			
				Is the induction training documented?			
				Does the agency verify that induction training has occurred?			

Continued

Checklist 1. Labour hire agency workplace health and safety 'health check' (continued)

Q.	Question	Yes	No	If 'yes', please answer these questions.	Yes	No	Action
	If 'no', go to the action column and describe the steps necessary for your agency to conform to the question.			If 'no', go to the action column and describe the steps necessary for your agency to conform to the question.			
8	Does your agency have a visitation schedule for monitoring the ongoing safety of workers by visiting the workplace?			Is there a documented system to validate workplace visits?			
				Does the monitoring visit seek to identify whether the risks of injury or illness continue to be adequately controlled for the agency worker?			
				Does the agency evaluate the performance of staff responsible for ensuring that agency workers are not placed at risk of injury or illness?			
9	Does your agency have a documented business plan?			Is workplace safety included in the business plan?			
				Are the safety goals clear and widely understood within the agency?			
				Are key and/or senior personnel responsible for achieving the safety goals?			
10	Does your agency ensure an avenue for consultation between the agency, the host employer and the agency workers?			Does the consultation: <ul style="list-style-type: none"> involve the WHSR committee if required take place when there are any changes to the working conditions or tasks involve the person in control of the workplace (usually the host employer)? 			

Checklist 2.

First contact checklist – host employer

Who uses this form? Labour hire agency.

Purpose To obtain preliminary information about the job, work environment and host employer.

What should happen? Keep the original at the labour hire agency in a file with the host employer's name on it.

Client company name: _____

Client address: _____

Client contact name: _____ Telephone: _____

Type of business: _____

1.	The client (host employer)	Client response	Comments
1.1	Structured approach to managing safety Is there a system for managing safety?		
1.2	Is there a documented system for managing safety?		
1.3	Historical WHS performance What is your WorkCover number?		
1.4	What is your industry premium rate?		
1.5	What is your premium rate?		
1.6	Is your premium rating greater than your industry premium? (This can indicate poor workplace health and safety management)		
1.7	Organisational size and structure of workforce Do you know how many full-time workers you have?		
1.8	Do you know how many casual and labour hire workers you have?		
1.9	Is there a much greater number of casual and labour hire workers to full-time workers?		
1.10	Historical claims performance Do you know how many injuries you have had in the past year?		
1.11	Will labour hire workers be working in these areas where injuries were mostly sustained?		

Conduct usual final checks (attach documents)

Continued

Checklist 2. First contact checklist – host employer (continued)

2. The work		Validated on workplace visit
2.1	Job title:	
2.2	Summary of tasks:	
2.3	Plant and equipment to be used:	
2.4	Substances and materials to be used:	
2.5	Hours of work:	
2.6	Intended duration of contract:	
2.7	Supervisor (name, position and contact details):	
2.8	Level of supervision to be provided (tick): <input type="checkbox"/> Continuous <input type="checkbox"/> Frequent <input type="checkbox"/> Occasional <input type="checkbox"/> Minimal <input type="checkbox"/> None	
2.9	Training provided before commencing work (tick): <input type="checkbox"/> Induction <input type="checkbox"/> On-the-job <input type="checkbox"/> Formal <input type="checkbox"/> None	
2.10	Is personal protective equipment required? (tick): <input type="checkbox"/> Yes <input type="checkbox"/> No	

3. The worker		Validated on workplace visit
3.1	Qualifications the worker should possess:	
3.2	Experience the worker should possess:	
3.3	Other selection criteria (medical/literacy/numeracy):	

4. The work environment		Validated on workplace visit
4.1	Physical location of work—address of workplace:	
4.2	Physical location of work (e.g. workshop, plant number etc.):	
4.3	To whom are safety issues to be reported? (name, role and contact details):	
4.4	How are safety issues to be reported? (tick): <input type="checkbox"/> verbally <input type="checkbox"/> in writing <input type="checkbox"/> other	
4.5	Is there a safety coordinator? (tick): <input type="checkbox"/> Yes <input type="checkbox"/> No	

Continued

Checklist 2. First contact checklist – host employer (continued)

4. The work environment		Validated on workplace visit
4.6	Is the safety coordinator? (tick): <input type="checkbox"/> full-time (safety only) <input type="checkbox"/> part-time (inc. other duties) <input type="checkbox"/> external consultant	

5.	Hazards in the workplace	Yes	No	Details	Validated on workplace visit
5.1	Loud noise				
5.2	Lifting				
5.3	Electrical				
5.4	Chemicals				
5.5	People and vehicles in same area				
5.6	Falling objects				
5.7	Dangerous machinery				
5.8	Vehicles/plant				
5.9	Unguarded equipment				
5.10	Heavy tools				
5.11	Stretching or reaching				
5.12	Slippery or cluttered floors				
5.13	Hazardous substances				
5.14	Manual tasks				
5.15	Other				

Who completed the workplace visit and validated the information provided by the client?

Name:

Signature:

Date:

Proceed to placement (tick): Yes No

Checklist 3.

Assessment of host employer's system for managing workplace health and safety

Who uses this form? Labour hire agency.

Purpose To identify the effectiveness of the host employer's health and safety management procedures.

What should happen? Give copies to the client's host employer. Keep the original copy at the labour hire agency in a file with the host employer's name on it. This tool should be used for evaluating the systematic approach to safety taken by potential host employers and used annually to evaluate progress made by the client in systematically managing safety. The more conditions to which a potential client can demonstrate that they conform, the greater confidence you can have of the client's ability to manage the safety of agency workers.

1. Host employer details	
Name:	Title:
Representative:	
Address:	
Completed by: <i>Full name (CAPITALS please)</i>	Title:

2.	Commitment and policy	Yes	No	If no, what could we do about this?
	Health and safety issue			
2.1	Has the host employer appointed a management representative (a senior manager who is responsible for making sure safety is managed properly)?			
2.2	Has the management representative undergone any workplace health and safety training?			
2.3	Does the host employer have a written workplace health and safety policy?			
2.4	Does the host employer have documented workplace health and safety responsibilities?			
2.5	Does the host employer have documented consultation procedures?			

Continued

Checklist 3. Assessment of host employer’s system for managing workplace health and safety (continued)

3. Planning Health and safety issue		Yes	No	If no, what could we do about this?
3.1	Does the host employer have a safety plan that clearly identifies objectives (e.g. eliminate injuries caused by grinders) relating to the client’s industry/business?			
3.2	If there is a safety plan is it more than a year old or out of date?			
3.3	If there is a safety plan, do the objectives have timeframes and are resources, personnel and responsibilities allocated?			
3.4	Does the host employer have hazard identification and risk assessment procedures?			
3.5	Does the host employer have in place a documented process to control major workplace hazards, such as plant, electricity and hazardous substances?			
3.6	Does the host employer manage risks consistent with the ‘hierarchy’ of control? (i.e. eliminating, substituting/isolating/engineering, and administrative/personal protective equipment).			
3.7	Has the host employer identified the most common causes of injury within their workplace?			
3.8	Does the host employer have a procedure for procurement in which safety is included?			
3.9	Does the host employer have written safe work procedures that reflect the way in which jobs should be done to ensure safety, or are they simply question/answer style work instructions?			
3.10	Does the host employer know which health and safety legislation applies to their business?			

4. Implementation Health and safety issue		Yes	No	If no, what could we do about this?
4.1	Does the host employer make people in their workplace aware of their health and safety responsibilities? If so, how?			
4.2	Does the host employer provide workers with information, training and supervision to ensure they perform the work safely?			
4.3	Does the host employer have a specific process in place for managing the safety of workers and contractors?			
4.4	Does the host employer have a formal induction process?			

Continued

Checklist 3. Assessment of host employer’s system for managing workplace health and safety (continued)

4.	Implementation Health and safety issue	Yes	No	If no, what could we do about this?
4.5	Does the host employer keep WHS and other training records?			
4.6	Does the host employer ensure incidents are reported, investigated and actions taken to prevent a recurrence, and are followed up? If so, how?			
4.7	Does the host employer provide workers with suitable personal protective equipment?			
4.8	Have the host employer’s workers been trained to correctly use, maintain and store personal protective equipment?			
4.9	Is there a process to involve workers in workplace health and safety issues (e.g. consultations/toolbox meetings with two-way flow of information/WHS committee meetings)?			
4.10	Does the host employer have a formal (documented and well-understood) process for workers reporting safety concerns?			
4.11	Does the host employer ensure workers adhere to the policies and procedures? If so how?			
4.12	Is there a documented process for identifying the hazards that can cause injury, harm or illness and for ensuring the risks are controlled?			
4.13	Are hazardous substances clearly labelled and safely stored?			
4.14	Is there a folder (or software system) that contains material safety data sheets for all substances used or stored at the workplace?			
4.15	Are residual current devices (safety switches) fitted to electrical equipment that is frequently moved?			
4.16	Are all circuits protected with earth leakage circuit breakers?			
4.17	Does the host employer have emergency procedures for the workplace that reflect the types of emergencies they could encounter?			
4.18	Have the host employer’s workers been trained in what to do in an emergency?			
4.19	Are periodic checks made to ensure emergency exits are well signposted, easily opened and clear of obstacles?			
4.20	Do workers have access to adequate first aid facilities, such as first aid kits and wash stations?			

Continued

Checklist 3. Assessment of host employer’s system for managing workplace health and safety (continued)

5.	Management and evaluation Health and safety issue	Yes	No	If no, what could we do about this?
5.1	Does the host employer review the policies and procedures to identify whether they are working and still suitable?			
5.2	Is there a process to evaluate the recorded workplace injuries and illnesses?			
5.3	Does the host employer have a process in place to monitor their compliance with legal duties?			
5.4	Does the host employer have a process to periodically monitor health and safety in the workplace (i.e. to make sure the safety standard doesn’t deteriorate)?			
5.5	Does the host employer have a process to report work-related injuries or illnesses to the labour hire agency?			
5.6	Does the host employer have a process to report and record any notifiable incidents to Workplace Health and Safety Queensland?			
5.7	Are managers and supervisors reviewed against their management of safety?			

6.	Management review Health and safety issue	Yes	No	If no, what could we do about this?
6.1	Does the host employer have a program of evaluating their approach to health and safety that identifies whether the approach is properly implemented and is effective in meeting their WHS objectives?			
6.2	Does the host employer have a process for using the audit information within their WHS planning for future years?			
6.3	Does senior management review the outcomes of audits?			

For further information visit Workplace Health and Safety Queensland’s website at worksafe.qld.gov.au or call **1300 362 128**.